

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 14TH SEPTEMBER, 2023** at 7.00 pm in Remote meeting via Microsoft Teams.

### **MEMBERS OF THE PANEL PRESENT**

Councillors Gio Spinella (Chair), Jenny Headlam-Wells and Lorna Greenwood

**The minutes should be read in conjunction with the agenda for the hearing. They are subject to approval and signature at the next hearing of Licensing Panel B and any corrections approved at that hearing will be recorded in those minutes.**

### **MINUTES**

#### **1. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS**

##### **RESOLVED –**

THAT the guidance on remote meetings be noted.

#### **2. APOLOGIES**

There were no apologies.

#### **3. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA**

There were no declarations of interest.

#### **4. ANNOUNCEMENTS (IF ANY)**

##### **Broadcast of the meeting**

The Chair made the following announcement: “In addition to the rights by law that the public and press have to record this meeting, this meeting is being recorded and broadcast live by the Council to the Internet and can be viewed on our website for six months after the meeting. After that time, recordings are archived and can be made available upon request.

If you address the meeting, you are deemed to consent to having your contributions recorded and broadcast, including video when switched on, and to the use of those sound recordings and images for webcasting and/or training purposes.”

**5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT**

There were no notifications of urgent business.

**6. MINUTES**

**RESOLVED –**

THAT the minutes of the meeting held on 6<sup>th</sup> July 2023 be approved and signed as a correct record.

**7. 256 KILBURN HIGH ROAD, LONDON, NW6 2BY**

Consideration was given to a report of the Executive Director, Supporting Communities detailing an application for a new premises licence under Section 17 of the Licensing Act 2003.

The Licensing Officer introduced the report and highlighted that it was an application for late night refreshment and not for alcohol. Conditions had been agreed with the Police, which were included at Appendix 4 of the agenda, and the Police had withdrawn their representation.

The Panel noted the written representations made by Interested Parties in relation to this application, and also listened to a verbal submission from Maria Cristina Regalado Peynetti who spoke further to her written submission.

The key points in Ms Regalado Peynetti's submission were:

- She wanted to ensure that customers would not be arriving at the premises.
- She was of the view that delivery drivers congregating outside on motorbikes would cause public nuisance due to noise and would block the entrance to residential buildings in the vicinity.
- Noise late at night would particularly disturb families with children and pets.

Members asked questions of Ms Regalado Peynetti to ascertain the layout of the area.

The Applicant, Pietromasso Lisi, addressed the Panel and the key points in his submission were:

- The premises would not be open to the public. All orders would be collected by delivery drivers and delivered to customers.
- Orders would be ready for the drivers to collect promptly, and thus there would be no need for drivers to loiter outside.
- Drivers would park on Buckley Road and so not be obstructing the entrance to residential properties on Espalier Gardens.

### ***Licensing Panel B - Thursday, 14th September, 2023***

- Most delivery drivers had electric bikes and would not be generating much engine noise.
- There would not be a significant number of drivers waiting outside at the same time, as the business had averaged one order every 35 minutes.
- The firm operating the premises was an experienced operator, which had about 40 similar kitchens throughout the country.

Members queried whether the business would be viable with one order every 35 minutes and Mr Lisi said that the orders tended to be high value.

Mr Lisi was asked about his approach to drivers who were behaving inconsiderately. He acknowledged that he did not have direct control over the drivers, who worked via apps such as Deliveroo, but said he would not want to work with drivers who were 'repeat offenders' in terms of bad behaviour. He wanted to keep his neighbours happy as they themselves were potential customers.

Following the questioning of Mr Lisi, concluding remarks were made by both Parties and the Panel commenced deliberation in public.

#### **Panel Decision and Reasons**

Members commented that they had been reassured by what had been said during the hearing, and that they were minded to grant the application subject to suitable conditions.

Members noted that there were some duplicate conditions in the two lists of conditions at Appendix 4. The Chair commented that the Police conditions were more comprehensive but that Condition 2 in the 'Officer's summary of conditions consistent with the operating schedule' should be added to the CCTV condition the Police had requested.

The Panel agreed to add Condition 5 in the 'Officer's summary of conditions consistent with the operating schedule' to the Police conditions to ensure that signage was clear to drivers that if they caused a nuisance they would not be able to collect food from the premises. They also agreed that signage should ask drivers not to park in front of residential buildings.

The Panel agreed to grant the licence subject to conditions as detailed above and in the 'Conditions agreed with the Police Responsible Authority' list at Appendix 4 to the report.

#### **RESOLVED –**

(i) THAT a licence be granted for:

**a) Late Night Refreshment**

23:00 – 02:00 Monday to Sunday

**b) Opening hours**

10:00 – 02:00 Monday to Sunday

(ii) THAT the following conditions be attached to the licence:

1. There will be no customer collection and the premises will only be used for the dispatch of meal orders only.
2. CCTV system shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities and are of a standard acceptable to and approved by the Police. Said CCTV will comply with the following criteria:
  - a. The system will record in real time and recordings will be date and time stamped;
  - b. The CCTV camera views are not to be obstructed.
  - c. The facility to transfer the images to a compatible, removable format, shall be held on the premises
  - d. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the Police or Local Authority upon request.
  - e. Copies shall be made available within 24 hours to the Police or an authorised officer of the Licensing Authority, upon request;
  - f. A staff member working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
  - g. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises and of such quality to enable identification of the recorded person in any light.
3. An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
  - a. All refused sales
  - b. Any complaints received
  - c. Any faults in the CCTV system
  - d. Any visit by a relevant authority or emergency service
  - e. CAD reference numbers where Police are called.
4. All incidents of violence and/or disorder will be reported to the police by the venue.

5. All delivery drivers and riders must allow any Police Constable or Local Authority Officer to inspect any alcohol or order details on request.
6. The premises will encourage all riders involved in deliveries to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally gather outside the premises; (where vehicles have engines) not to leave engines running when the vehicles are parked; and not to obstruct the highway.
7. The business will arrange for the telephone number for the premises and/or a member of the management team to be provided to residents upon request in order that any complaints can be made direct.
8. Prominent, clear, and legible notices must be displayed at all exits requesting staff and delivery drivers to respect the needs of local residents to leave the premises quietly and not to park outside residential buildings.
9. Signage to be displayed stating that all riders who do not behave or cause any nuisance will not be entitled to collect food

**8. HONEY & CO DAILY, 19-21 STORE STREET, LONDON, WC1E 7BL**

Consideration was given to a report of the Executive Director, Supporting Communities detailing an application for a new premises licence under Section 17 of the Licensing Act 2003.

The Licensing Officer introduced the report and added that conditions had been agreed between the Police, an Interested Party (the Charlotte Street Association) and the Applicant. These agreed conditions were at Appendix 4 of the report.

Members noted the one remaining objection from an Interested Party.

The Applicant, Itamar Srulovich, spoke to his application and emphasised that it was a family-run business and that there had been no anti-social behaviour in premises that he had operated. He said that the business had a good track record of operation in Westminster.

Members noted that Paragraph 3.5 of the report said that the premises did not include the Council's women's safety principles. They asked Mr Srulovich why this was.

Mr Srulovich said that he ran the business together with his wife and they were committed to ensuring a safe environment for their female patrons and staff. However, he was of the view that some of these principles, such as "Ask Angela" were not practical to apply in a restaurant setting as compared to a bar. He said that

***Licensing Panel B - Thursday, 14th September, 2023***

this had been discussed in their meeting with the Charlotte Street Association and the Association had taken on board his comments given the nature of the business.

Following closing remarks from Mr Srulovich, the Panel commenced deliberation in public.

**Panel Decision and Reasons**

Members were of the view that all licenced premises should have regard to the women's safety principles, although they noted that the way they might apply would be different in a restaurant from a bar.

A Member proposed that the proposed condition (k) in the Charlotte Street Association submission at Appendix 3 was a condition that be added to the licence to require that Licence Holders and staff were trained and supportive in relation to issues around women's safety. This was agreed by the Panel.

The Panel decided to grant the licence subject to the conditions at Appendix 4 and to the additional condition regarding women's safety.

**RESOLVED –**

THAT a licence be granted for:

**a) Supply of Alcohol (For consumption on the premises)**

10:30 – 22:30 Monday to Saturday

**b) Opening hours**

08:00 – 22:30 Monday to Saturday

THAT the following conditions be added to the licence:

**Applicant's Proposed Conditions**

1. protecting people from alcohol relates crimes and antisocial behaviour by refusing to provide alcohol to intoxicated patrons on the premises.
2. effective and responsible management of premises and training and supervision of staff. -installation of CCTV
3. alcohol will be kept behind the bar
4. premises will be mend by minimum 3 member of staff at all times

***Licensing Panel B - Thursday, 14th September, 2023***

5. all front of house staff will be trained and briefed regarding sales of alcohol best practices by the DSP
6. premises will have CCTV, shown in the floor plan
7. suitable risk assessments will be put together -regular testing (and certification) of procedures and appliances
8. premises will be sound proof in order to cancel the noise and bring it to acceptable levels
9. capacity of the restaurant will stay at 40 seats indoors and 22 outdoors, according to the floor plan
10. signs will be displayed asking our patrons to leave the premises quietly - all litter will be stored indoors in its designated place and taken outside only in permissible hours
11. appropriate instruction, training and supervision to prevent incidents of public nuisance
12. control of operating hours, will be operating Monday - Saturday , 8 am to 10:30 pm
13. liaison with public transport providers: closest tube station is Goodge Street (Northern Line) at a distance of 300m. Second closest tube station is Tottenham Court Road (Central line, Northern line) at a distance of 600m. Other public transport links are buses number 55, 78, 98 and 390.
14. staff instruction regarding the restriction of serving alcohol for underage children
15. children will be allowed on the premises only accompanied by an adult
16. minimum 3 members of staff on the floor at all times to secure the protection of children from harm
17. appropriate instruction, training and supervision of staff in respect to determining the age of a customer
18. alcohol will be sold and served only to adults, and all staff will be instructed to ask for an acceptable proof of age when in doubt

**Conditions agreed with the Police**

19. There shall be no vertical drinking and alcohol sales will be ancillary to a table meal.

*Licensing Panel B - Thursday, 14th September, 2023*

20. Police must be called to incidents of violence and/or disorder where appropriate.
21. An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
  - (a) All crime reported to the venue
  - (b) Any complaints received
  - (c) Any faults in the CCTV system
  - (d) Any visit by a relevant authority or emergency service
  - (e) CAD reference numbers where Police are called.
22. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities.

CCTV will comply with the following:

- (a) The system will record in real time and recordings will be date and time stamped;
  - (b) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act requirements) within 48 hours of any request.
  - (c) CCTV to cover the licensable areas of the premises
  - (d) CCTV will be of good quality and of a standard approved by the police/council licensing officers
23. The licensee will ensure that staff are trained as appropriate in respect of relevant licensing law, crime scene best practice and upon the sale of alcohol to drunks and to persons underage. Training shall be written in to a programme, ongoing review and will be made available to the police and other responsible authority upon request.
  24. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
  25. Customers shall not be allowed to bring their own alcohol for consumption on the premises.
  26. The outside area shall be cleared of customers and not used for any licensable activity after 23:00 hours on any day of the week.



***Licensing Panel B - Thursday, 14th September, 2023***

27. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
28. A clear notice shall be displayed at every exit from the premises instructing customers to respect the needs of local residents and leave the premises and the area quietly.
29. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless dining within the confines of an authorised tables and chairs area
30. The sale of alcohol shall only be allowed while the primary use of the premises remains that of a restaurant.

**Conditions agreed with Charlotte Street Association**

31. The supply of alcohol on the premises shall only be to customers seated taking food there, and for consumption by such persons as ancillary to their food.
32. The supply of alcohol and food shall be by waiter and/or waitress service only.
33. Smokers from inside will not be allowed to take out to outside their alcoholic drinks and no more than five customers shall be permitted to smoke outside the premises at any one time. Non-smoking customers also will not be allowed to take outside their alcoholic drink. (Note: *this is in addition to any customers/smokers who may already be sitting at the tables on the external "private" forecourt areas.*)
34. Customers smoking on the public highway (public pavements) shall not be permitted to cause obstruction of the highway (pavements) to passers by/members of public.
35. Notices shall be prominently displayed stating that this is also a residential area, and asking patrons to respect to be quiet and considerate to neighbours and residents when leaving.
36. External "Private" Forecourt Areas on both frontages:  
The terminal hour for the use of Chairs and Tables on the forecourt areas by customers shall be 10.30pm Monday to Saturday.
37. There will no bottling-out outside at any time.
38. There will be no deliveries or collections:  
- between 10.00pm and 6.00am Monday to Sunday.

***Licensing Panel B - Thursday, 14th September, 2023***

39. If any Couriers are used: Courier collections from the premises for take away meal deliveries to customers:

To avoid noise and disruption to residents, and congestion in the street, for take away food orders that are being collected by delivery companies using couriers,

There shall be the following arrangements:

- to encourage the use of cycle couriers (instead of scooters) in order to cut down on noise disturbance
- If scooter courier, the delivery/collection company will only be called when the order has been prepared and is ready for collection;
- Generally, one collection at a time whenever possible;
- Scooter couriers to turn off their engines, and no prolonged hanging around/waiting.

**Condition added by Licensing Panel B on 14<sup>th</sup> September 2023**

40. The premises shall at all times adhere to the three "Women's Safety principles", which are:

- (a). Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
- (b). Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
- (c). Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable, make them aware of your internal policies.

**9. ANY OTHER BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT**

There was no other business.

**10. LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

The hearing ended at 8.40pm.

**CHAIR**

**Contact Officer: Vinothan Sangarapillai**

*Licensing Panel B - Thursday, 14th September, 2023*

**Telephone No:** 020 7974 4071

**E-Mail:** [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk)

**MINUTES END**