

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL D** held on **THURSDAY, 15TH JUNE, 2023** at 7.00 pm in a remote meeting via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Eddie Hanson and Sabrina Francis, Jonathan Simpson (Substitute)

MEMBERS OF THE PANEL ABSENT

Councillors Matt Cooper

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 D and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

1. ELECTION OF CHAIR

The Principal Committee Officer opened the meeting and invited nominations for the election of Chair of the Licensing Panel.

RESOLVED –

THAT Councillor Eddie Hanson be elected Chair of the Panel for the 2023/24 municipal year.

2. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS

RESOLVED

THAT the Guidance on Remote meetings be noted.

3. APOLOGIES

An apology for absence was received from Councillor Matt Cooper.

Councillor Jonathan Simpson was in attendance as substitute.

4. 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 such declarations.

5. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those participating in the meeting were deemed to be consenting to being filmed.

Supplementary Agenda

The Chair also announced that since the publication of the agenda 2 Supplementary Agendas had been published.

Supplementary Agenda 1 contained additional information from the interested parties, while Supplementary 2 contained additional conditions offered by the applicant.

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

There was no such notification.

7. TERMS OF REFERENCE

RESOLVED –

THAT the Terms of Reference of the Licensing Panel be noted.

8. MINUTES

Consideration was given to the Minutes of the meeting that took place on 11th May 2023.

RESOLVED –

THAT the minutes be approved and signed as a correct record.

9. 57 WARREN STREET, LONDON W1T 5NR

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 took the Panel through the report and stated that five relevant representations opposing the applicant had been received from local residents and a local resident association. One representation in support of the application had been received from a local resident.

The licensing objectives engaged by the application were for the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. The premises was not situated in the cumulative impact policy area and the hours policy was not engaged by the application in relation to the proposed times for licensable activities.

The application was for:

Supply of Alcohol (For consumption on and off the premises)

10:00 – 21:00 Monday to Thursday

10:00 – 22:00 Friday to Saturday

12:00 – 18:00 Sunday

Opening hours

10:00 – 21:00 Monday to Thursday

10:00 – 22:00 Friday to Saturday

12:00 – 18:00 Sunday

The applicant informed the Panel that apart from the additional conditions offered which were detailed in the second Supplementary Agenda, there were no amendments to the application.

Linus Rees also speaking on behalf of Clive Henderson (Charlotte Street Association) Barbara Romito and Victoria outlined their objections to the application, as in the written submissions. The main objection was to the wine bar operating on the premises with up to 27 people seated indoors and on the outside forecourt and the impact this would have on residents living nearby. He requested that the Panel reject the on sales part of the application relating to the wine bar aspect and to set the terminal hours of the premises to 7pm Monday to Saturday, with no trading on Sunday or public holidays.

In response to questions Linus Rees provided the following information:

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- He was pleased to see the additional conditions offered by the applicant, and was not concerned with the protection of children from harm or crime and disorder issues, he was more concerned with public nuisance which the conditions had not addressed.
- The conditions did not address the issues of running a wine bar beneath social housing.
- He was surprised that Environmental Health and the Council's Licensing Authority responsible authorities had not objected to the application.
- Social housing tenants were often vulnerable with young children, they were owed a duty of care, private tenants might not be as vulnerable as social housing tenants.

In response to a Panel member's question the Council's Licensing Officer confirmed that all responsible authorities had been sent a copy of the premises Licencing application and had not made representations.

Chris Cassell, the applicant outlined his application explaining that the business intended to operate as a wine school, educating students and interested members of the public, selling alcohol on the premises and off sales for enjoyment at home creating different revenue streams. He had a similar business operating as a wine merchant in a residential area in Barnsbury which worked well.

He informed the Panel that the premises was not situated in a cumulative impact area, the proposed hours of operation of the business were well within the Council's policy framework hours and additional conditions had been offered including a much earlier closing times for the outside area. There were 2 pubs on the street and multiple restaurants in the area with outdoor seating with later closing times. There had been no objections to the application from the Responsible Authorities and the additional conditions had been offered with a view to alleviate the concerns of residents with regards to the prevention of public nuisance and protection of children from harm.

Mr Cassell responded to questions providing the following information:

- If the business were to operate as just a wine school without the other elements such as sale of alcohol for consumption on and off the premises, it would not be viable.
- The price of wine sold ranged from the cheapest bottle £12.00 to the most expensive £600.00 The average price of wine which was the most popular was between £20.00 to £30.00.
- The courses on offer involved teaching about the world of wine and included tasting of expensive wine and exam fees. A one-day course cost £190.
- Some of the courses take place on Tuesday evenings from 6.30pm to 9.00pm with people normally attending after work. These last for 6 weeks and cost about £480.00

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- The business also worked with charities run for people that were not traditionally associated with wine. There had been a lot of Ukrainians recently that have come through via this scheme.
- The business also did one off events lasting about one and a half hours with a price ranging between £20 and £80.
- At the moment the business was offering courses at levels 1 and 2, with the aim to go up to level 3 for people that wanted to work in the wine industry. A lot of the business custom came from owners of restaurants paying for their staff to attend, learn and get qualified.
- Those attending courses were given light snacks. There was no kitchen and there was no intention of having a proper kitchen.
- With the closing time of the premises and closing of the outside area at earlier times than other premises, it was not considered that any nuisance would be caused.
- The training of staff and customers would create an environment where nuisance was a lot less likely. The premises had a zero tolerance for drunkenness and would not serve people who were drunk. The training provided to staff was regular and had extensive focus on dealing with drunken behaviour.
- If the application were to be granted, the applicant's contact details would be made easily available to residents and appropriate signage would be displayed regarding loitering and smoking outside the premises.
- The business was created because the applicant loves wine and wanted to share this passion with other people. The business was different from other premises because of its premium nature, the quality of the wine sold, the premises having the feel of a wine shop and the focus on education. It was different to any kind of pub or traditional bar environment.
- The applicant clarified that the maximum people on the outside during opening hours would be 14 and approximately 15 people in the basement.

Linus Rees, the interested party, made some closing remarks.

Chris Cassell the applicant made some closing remarks.

Decision and reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to this application.

In deliberation, the Panel noted the comments from the interested party and the information provided by the applicant. They also noted the representations from the interested parties that were unable to attend the hearing and confirmed that these had been considered.

Panel Members highlighted that a matter of importance that had been taken into consideration was that there had been no objection from any of the responsible authorities who had all been served with details of the application.

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The Environmental Health Responsible Authority in particular normally worked very closely with residents when there were concerns with public nuisance and in this case, they had not made any objection.

The Panel also noted that there was no evidence and it was difficult to justify that the premises would have a greater nuisance impact because it was close to social housing tenants, than it would were it near to private housing tenants.

The Panel noted that the business hours of operation were well within the Council's framework hours and were of the view that the price of the alcohol sold at the premises would keep public nuisance to a minimum. Noting that the number of people allowed outside was quite small and the hours they would be outside for were not too late in this bustling area of central London the Panel also noted that the business was more about the appreciation of alcohol rather than the mass consumption of alcohol and therefore less likely to cause public nuisance and which would serve to promote the licensing objectives.

For the reasons given above the Panel were minded to grant the Licence to include all the conditions offered by the applicant and

Therefore,

RESOLVED –

THAT the application be granted for:

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

10:00 – 20:30 Monday to Thursday
10:00 – 21:30 Friday to Saturday
12:00 – 17:30 Sunday

b) Supply of Alcohol (For consumption off the premises)

10:00 – 21:00 Monday to Thursday
10:00 – 22:00 Friday to Saturday
12:00 – 18:00 Sunday

c) Opening hours

10:00 – 21:00 Monday to Thursday
10:00 – 22:00 Friday to Saturday
12:00 – 18:00 Sunday

Please note that outside seating will be available during the following hours:

Monday to Thursday, 12am to 8pm.
Friday to Saturday, 12am to 8:30pm.
Sunday, 12pm to 5pm.

Public holidays Further to the operating hours above the shop will be closed on all public holidays

With the following conditions:

The prevention of crime and disorder

1) CCTV Operation

CCTV will be installed, operated and maintained. The system will allow frontal identification of every person entering the store, will record in real time and operate 24 hours a day 365 days of the year. All recordings will be saved for at least 31 days and will be made available to authorised officers and/or Police Officers (subject to the Data Protection Act 1998) within 24 hours of any request. These recordings are available to the police upon request. The following will be put into place to ensure the CCTV system is in full working order:

- A. The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
- B. A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
- C. The Police will be informed if the system will not be operating for longer than one day of business for any reason;
- D. One camera will show a close-up of the entrance to the premises, to capture a clear, full-length image of anyone entering;
- E. The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
- F. The system will record in real time and recordings will be date and time stamped;
- G. At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.
- H. 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 2018) within 24 hours of any request.

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- I. Signage stating that CCTV is in operation will be clearly and prominently displayed at the premises.

2) General procedures relating to crime and disorder

In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:

- A. The police and, where appropriate, the London Ambulance Service, are called immediately;
- B. As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police;
- C. As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police;
- D. Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

3) Crime and disorder logging book

All incidents of crime and disorder will be logged in a digital logbook with relevant evidence (CCTV, witness statements etc) attached. To include:

- A. Any and all allegations of crime or disorder reported at the venue
- B. Any and all complaints received by any party
- C. Any faults in the CCTV system
- D. Any visit by a relevant authority or emergency service
- E. Any and all ejections of patrons Refusal Log Book Any refused sales of alcohol products will be recorded in a digital logbook with time references.

4) Trading Standards

The premium nature of the business and the high-end wines and spirits on offer mean the risk of issues relating to the sale of illicit goods are inherently reduced. However, the following policies will be adopted:

- A. No alcoholic goods will ever be purchased or taken from persons calling at the shop.
- B. No spirits will be purchased in a resealed box.
- C. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.

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- D. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC on request.
- E. A stock control system will be in place, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- F. An ultraviolet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultraviolet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.

5) Challenge 25

The licensee will adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters. The licensee will ensure that staff are trained on age restricted products and ensure that they sign to confirm that they have understood this training. The training shall include assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards. The licensee will put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer. The licensee will require staff to note any refusals to sell to young people in a refusals log. The refusals log will be checked and signed monthly by the designated premises supervisor. The refusals log will be made available for inspection upon request by the licensing team, police or trading standards.

Public safety

6) General Space

The business aims to provide a premium service by offering expert advice relating to the purchase of premium wine and spirits. The space will therefore be immaculately presented and maintained ensuring all floor spaces are clear and tidy at all times. CCTV See "Prevention of crime and disorder" section for CCTV details.

7) Smoke alarms

Four smoke alarms will be fitted and maintained (with battery checks every six months and changes every twelve).

8) Fire extinguisher

One foam fire extinguisher (rating 13A) and one carbon dioxide fire extinguisher (rating 34B) will be provided. These extinguishers will be fixed on brackets and located in the corner of the room to ensure that they do not obstruct exits or cause any hazards (exact positioning TBC). Signage detailing use will be fixed adjacent to the extinguishers and will indicate the type of firefighting appliance and class of fire covered.

9) Electrical, Fire and Safety Reports

Copies of the inspection and test certificates specified below will be certified by an approved competent person and submitted to the responsible authority for health and public safety. Electrical Installation condition report Emergency lighting Firefighting appliances (detailed above) An approved competent person for the testing and certification of electrical installations and emergency lighting refers to one of the following: A qualified member of the Institution of Engineering & Technology, or A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation. Inspection and service certificates for firefighting appliances will be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.

10) Reducing the harmful effects of alcohol

Must & Lees was set up (in part) to promote more mindful drinking. By making better choices we believe alcohol consumption can be reduced whilst preserving the history, positive cultural impact and conviviality of wine. In order to promote more mindful drinking, we offer the following services:

A. Spittoons are always available for those who want to learn about / try the wines we offer but would like to avoid consuming alcohol

B. A focus on education and customer consultation allows us to encourage better choices

C. A premium focus encourages the adoption of a “drinking less but better” culture

D. Drunkenness of any kind is not tolerated on site

E. All long-term staff to be trained to Wine & Spirit Education Trust Level 2

F. Free Water. Free still and sparkling water will be supplied to all customers during all times of operation.

11) Public Convenience

A toilet will be made available to all customers during all times of operation. This will be cleaned and checked hourly to maintain hygiene standards.

The prevention of public nuisance

12 Working with local authorities

Must & Lees will endeavour to eliminate or minimise any nuisance arising out of its licensable activities. In doing so the premises we will work with enforcement authorities where any issues are identified.

13) Complaints

A complaints procedure will be maintained in order that local residents have a means of contact if necessary. A direct telephone number for the manager at the premises shall be publicly available at the times the premises is open. The telephone number will be made available to residents and businesses in the vicinity.

Noise reduction

14) Restricted outdoor seating

Along with the restricted hours of the patio outdoor seating will be strictly limited to two tables each with two chairs (therefore a maximum of four people outside at any one time). No loitering will be permitted.

15) Signage

“Quiet when leaving” signage will be prominently displayed near the exit of the premises, requesting that customers respect local residents by leaving quietly. We see signage as secondary to our management of the space. While signs will be in place, all staff will also be trained to ensure they have the confidence to explain these requirements to customers not adhering to the rules.

16) Restricted deliveries - inward stock

Inward stock deliveries to be scheduled between 10 - 4pm Tuesday - Thursday only and will not be accepted on weekends and public holidays. This has been provisionally agreed with suppliers and a three-strike approach will be adopted for suppliers not adhering to these restrictions. Delivery drivers will conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address.

17) Waste collection

Waste will be minimal and will primarily consist of the recycling of cardboard boxes and small quantities of glass bottles.

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A. All bottling out to be conducted inside the premises. All glass bottles to be sorted, stacked and stored in the basement area of the property until collection day. No sorting outside to avoid all unnecessary noise.

B. Collection of glass and cardboard restricted to a maximum of once per week All glass and cardboard waste to be stored on-site until collection is arranged. Maximum number of collections to be limited to one per week (fewer where possible) to reduce traffic and any unnecessary noise.

C. Collection of glass and cardboard restricted to Tuesday - Thursday 10am - 5pm All glass and cardboard waste to be stored on-site until collection is arranged. Maximum number of collections to be limited to one per week (fewer where possible) to reduce traffic and any unnecessary noise.

We believe these measures minimise the disturbance caused by waste collection to an extreme minimum.

18) Stock

Our focus is on premium wine and spirits and artisan beers and ales. We will not stock irresponsibly priced beverages with high ABVs. The premises will not sell/supply or stock miniature bottles of spirits or wine of 55ml or less save for premium products which have been agreed with the Police and Council Licensing teams [confirmation via email]

19) Inward stock deliveries

Inward stock deliveries will be restricted to take place between 11am - 4pm Tuesday - Thursday only

20) Consumption of alcohol on the premises

No vertical drinking shall be allowed at any time in or outside the premises.

21) Off Sales for Delivery

Our business model is largely based on customers leaving with their purchase. That said, we do offer consumers free local deliveries (this helps consumers manage the weight of larger purchases). In order to minimise any potential disturbances, we offer the following conditions:

A. All local deliveries are to be completed using non-combustion engines. We aim to deliver locally on foot but may use none combustion vehicles (such as bikes and electric bikes).

B. Staff will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or a person who is drunk and delivering alcohol to someone under the age of 18.

C. Any person taking an order for the supply of alcohol on behalf of the premises licence holder will inform all customers that proof of age by way of photographic driving licence, passport or a form of identification with the

PASS hologram will be required at the point of delivery before alcohol is supplied.

22) Cleaning

The outside frontage shall be swept and cleared of any rubbish at the end of trade each evening.

23) Public consultation

I am committed to being responsive to the wishes and concerns of the community. I believe this will be best achieved by way of continuous dialogue with local stakeholders and as such I welcome feedback at all times. In addition, I propose an annual consultation meeting where any issues can be formally raised. This will be advertised in advance on social media and via the company's newsletter.

24) Smoking

Smoking will not be allowed on any part of the premises - including the outside patio.

25) Music

Any music shall be restricted to ambient background levels of sound.

The prevention of children from harm

26) Prevention of sales to underage persons

The best prevention tool to ensure no sales are made to underage persons is staff training and the adoption of the "Challenge 25" initiative. These policies are detailed in the "Prevention of crime and disorder" section of this application.

27) Stock Choice

The specific nature of the products on offer and their premium price point both act to reduce the attractiveness of Must & Lees to underage persons attempting to purchase alcohol. Furthermore, the shop will not stock any products which could be seen to appeal to children under the legal drinking age. We take a more extreme view on this than common law and therefore will not stock any of the following products as a matter of shop policy: Alcopops Commercial larger / beer Commercial (and especially flavoured) ciders Fruit wines.

ACTION: Executive Director, Supporting Communities

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

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The hearing ended at 20.14.

CHAIR

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MINUTES END