

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL E** held on **THURSDAY, 18TH JANUARY, 2024** at 10.00 am in Remote meeting via Microsoft Teams. This meeting can be watched live at [www.camden.gov.uk/webcast](http://www.camden.gov.uk/webcast)

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

Councillors Sylvia McNamara and Richard Olszewski

### **MEMBERS OF THE PANEL ABSENT**

Councillors Meric Apak

**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 E 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**

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

#### **RESOLVED –**

THAT:

- Councillor Sylvia McNamara be elected Chair of the Panel for this hearing; and
- the guidance on remote meetings be agreed.

#### **2. APOLOGIES**

An apology for absence was received from Councillor Meric Apak.

The Panel was quorate with two Members present.

**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.

**4. ANNOUNCEMENTS (IF ANY)**

**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 consent to having their contributions recorded and broadcast.

**Supplementary Agenda**

Since the publication of the agenda, there had been 2 supplementary agendas published:

Supplementary Agenda 1 – in relation to item 8, Swains, 15 Highgate contained additional information submitted by;

- The applicant's representative

Supplementary Agenda 2 – related to items 7 and 8 on the main agenda – Lord Southampton, 2 Southampton Road and Swains, 15 Highgate Road, London NW5 1QX.

Lord Southampton – the information related to conditions the applicant had agreed with the Police and Environmental Health Responsible Authorities – as a result both responsible authorities had withdrawn their objections to the application.

Swains - contained the new and old plans for the premises which had been omitted from the report on the main agenda.

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

There was none.

**6. MINUTES**

**RESOLVED –**

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THAT the minutes of the meetings held on 5 October 2023 and 9 November 2023 be approved and signed as a correct record.

**7. LORD SOUTHAMPTON, 2 SOUTHAMPTON ROAD, LONDON NW5 4HX**

Consideration was given to the 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, Paru Bhudia, summarised the report. Highlighting that since publication of the main agenda, additional proposed conditions had been agreed with the Police and Environmental Health Responsible Authorities, these had been published included within the second supplementary agenda. As a result, the Responsible Authorities had withdrawn their representations.

The Licensing Officer informed the panel that the application was for the supply of alcohol for consumption on and off the premises. The hours for on licence were Monday to Thursday 11.00am to 11.30pm, Friday and Saturday 11.00am to midnight, and Sunday 11.00am to 10.30pm with 30 minutes drinking up time. For the Off Sale hours, they were Monday to Saturday 8.00am to 11.00pm and Sunday 10.00am to 10.30pm. Recorded music was 11.00am to midnight – Monday to Thursday, 11.00am to 1.00am Friday and Saturday and 11.00am to 10.30pm on Sunday. Opening hours 11.00am to 12.30 Monday to Thursday, 11.00am to 1.30AM Friday and Saturday and 11.00am to 11.00pm on Sundays.

13 representations objecting to the application had been received from residents and 1 representation had been received supporting the application.

In response to questions of clarification from the interested parties the Licensing Officer advised that:

- The proposed premises openings hours were different from the proposed licensable activity hours which had been shortened. The applicant's representative also reiterated the opening hours that had been highlighted in the Licensing officer's summary of the report, clarifying that an opening time of 11.00am was being sought from Monday to Sunday and that recorded music should reflect the same closing hours for alcohol with the closing time being 30 minutes after the hours for licensed activities. The applicant was no longer seeking later hours for regulated entertainment.
- In relation to whether the opening hours were similar to other pubs in the area, the officer did not have this information, the application was however required to be considered on its own merits.
- Any problems that would have occurred at the premises in the past would have been noted by the Licensing Authority and included in a representation objecting to

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the application. However, in this case no objection or representation had been made by the Licensing Authority Responsible Authority which would indicate that no issues had been reported.

The Panel heard from 4 Interested Parties: Eilidh Nielsen, Stephanie Austere, Heather Roberts and Paul Reynolds.

They summarised their representations contained in appendix 3 of the main agenda.

The Interested Parties made the following points in their submissions:

- The proposed later closing time for the business compared to other establishments in the area would attract crowds looking for the last open pub. This would increase anti-social behaviour, crime and nuisance late at night in the area.
- Since the last time the premises was used as a pub, the residential nature of the area has changed with an increase in new apartments with many more residential homes closer to the premises.
- The hours proposed for the licensable activities and the 30 minutes drinking up time went beyond what was necessary and appropriate for the area.
- The later opening hours compared to other establishments in the area combined with playing of recorded music late into the night raised public safety and noise nuisance concerns.
- Tables and chairs outside with people drinking late into the evening would change the character of the area causing large scale disruption and nuisance to the residential neighbourhood.
- The noise nuisance and the type of language used by those patrons drinking outside would particularly affect children and would make it feel very unsafe for women to walk home at night with large groups of people outside blocking the pavement.
- The premises had been a problem in the past, it was surprising that the Licensing team appeared to not know this. The Licence needed to be looked at again to determine how it would not cause noise nuisance problems for residents.
- There was no information or contact number of the person that would be running the premises.
- In dispersing from the premises late at night, drunk patrons were unlikely to pay any mind to notices saying leave the area quietly.
- An idea was to allow the pub to open until 10.30pm and last drinks up till 11pm. To allow these hours until the premises had proved itself, they could then apply for a minor variation to extend the opening hours.

There were no questions for the interested parties.

The Applicant's Representative, Mr Piers Warne, presented his client's case and called Panayiotis Themistocli property agent for the applicant as a witness.

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The key points Mr Warne made in his submission were:

- The application for the new premises licence was put in on the same terms as for the previous licence which was then amended after further discussion with the Responsible Authorities.
- The hours for licensing activity, operating schedule were reduced significantly based on suggestions from the Police and Environmental Health as a result of which they withdrew their objections to the application. The application was now for framework hours.
- The previous owners used the premises as a backpacker hostel which led to noise and nuisance late at night even after closing hours. That operator surrendered their licence in 2021.
- The applicant had no link with the previous landlord or operators and had no intention to operate a similar backpacker hostel or similar premises.
- The intention was to operate a local community pub which was supported by some local residents.
- The applicant had experience in the industry as they owned and operated other pubs in London. They intended to put an experienced operator into running this pub under a management agreement. This would provide for close management and supervision of the premises.
- With regards to the opening hours, the applicant has brought them in line with the Council's framework hours because those were the relevant hours and in the applicant's view no one would be looking to come to this premises later on from anywhere else.
- It was not an unusual location for a pub. Many pubs in Camden were in residential locations a majority of which did not cause any problems. Where there were concerns these were dealt with.
- In terms of this application, there were a significant number of conditions which can be found in the Supplementary Agenda which address the concerns raised with the outside area such as having flat surfaces built out of the toilets, tables and chairs brought in by 11.00pm, after 10pm no more than 10 customers to be permitted to smoke only outside the premises at any one time and the requirement for an external area management plan and dispersal policy.
- There had been discussions with the Responsible Authorities particularly with Environmental Health about the incidents and issues that had occurred in the past, the applicant would welcome direct engagement with residents to further resolve any issues that might occur. Details of the applicant could be provided in any way that the residents felt was easier for them.

The applicant answered questions as follows:

- With regards to the number of people expected to be outside, during the general hours of operation the intention was to try not to put arbitrary numbers on people standing outside. It was more about the management of people outside which was the reason for the external management plan to include a dispersal policy which would be suitably managed.

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- With regards to the number of people allowed in the outside area to smoke after 10pm, 10 was the number agreed with the police and the licensing Officer, if however, the Panel were minded to think that was too many, 7 had been used for neighbouring pubs. It was more a case of being able to manage the area. The Panel had the right to consider other measures or options it felt appropriate.
- In accordance with the condition, after 10pm patrons were only allowed outside to smoke, Nobody would be allowed to take drinks outside after 10pm.
- The pub had been purchased with the intention to put in an operator used at other pubs to manage under a management contract.
- Even if it ended up with a tenant to manage the pub, the tenancy agreement would include conditions that needed to be complied with, including not doing anything that puts the licence in jeopardy.
- The way the applicant ran their pubs was very different from the way other pubs were managed but residents did have the power to review the license if it was breaching its conditions.
- The applicant had been unable to attend the hearing today due to unforeseen circumstances and had given their apologies, the applicant's property agent had attended instead.
- The applicant was happy to engage with residents directly.
- The number of people on the pavement would be limited by the size of the space in addition there was a law against blocking the highway.
- The premises management had an obligation under a management plan and external area management plan to try and curb to curb any bad behaviour as much as possible, however the use of bad language and or behaviour could happen when passing any other pub or walking down the street and was not something that could be conditioned on a premises licence.
- At the moment there was no evidence to suggest that security guards would be needed in a local small residential pub such as this. If there were however issues with people outside the premises and a complaint was made and the police made it known then the applicant would have to look at whether there was a need to use security to manage people.
- Most pubs operate very well, customers were well behaved and where there were one or more issues good proper management could deal with these issues. In this case there was an external management plan which included a dispersal policy. The plan sets out what was expected of staff in the event of any issues that might occur.
- The pub would not be able to open until there was an operator in place and ready to go.
- The milestones that needed to happen were the granting of the licence that could be operated at the pub and not be so restrictive as to make it commercial suicide.
- The applicant was happy to meet with residents at the time the premises was due to open to explain what the plan was and how the premises would operate. Residents could have their input then.
- The applicant in discussion with the Responsible Authorities had given consideration to the hours for licensable activity which it thought were

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appropriate for tables and chairs outside the pub. The Panel did have the power to restrict those hours if there was an issue. The applicant however felt that the hours agreed were fair and proportionate for this type of premises in this area. The application could have stuck to the hours of the previous licence, however residents' objections had been taken into account and the hours had been adjusted to the framework hours which the Council had considered to be an appropriate set of hours.

The interested parties and the applicant's representative then made closing remarks.

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

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

The Panel considered the comments from the interested parties and the information provided by the applicant's representative.

In their deliberations, the Panel stated that they were minded to approve the application for a new licence with additional conditions.

The Panel considered the verbal and written representations recognising the genuine and serious concerns of residents, on balance it felt that the application could be approved.

The Panel discussed the issue of the tables and chairs outside the premises noting that it was a separate application process but also recognising that the applicant's representative had explained that there would be no alcohol consumed outside after 10pm but tables and chairs would be kept for smokers. The Panel discussed and agreed to include a condition that there should be no smoking outside the premises at any time.

The Panel also noted that the applicant had not appeared to consider women's safety in the application highlighting that the Council had adopted a set of principles that committed licensed premises in the borough to act in a responsible manner, taking all forms of female harassment seriously and which set out practical steps licensed premises could take to support this. Panel members asked that the applicant took into consideration the Council's policy on Women's safety and acted in line with the Council's policy.

The Panel was reassured that all the responsible authorities withdrew their representations, deciding the licence objectives would be promoted, and having added a number of robust conditions.

The Panel

**RESOLVED –**

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i) THAT a licence be granted for:

***Hours for licensable activities***

***[On-Licence]***

*Mon - Thu 1100-2330 hrs;*

*Fri- Sat 1100-0000hrs;*

*Sun 1100-2230hrs (with 30 minutes drinking up time thereafter)*

***[Off-Licence]***

*Mon-Sat 0800-2300hrs;*

*Sun 1000-2230hrs*

**Recorded Music**

11:00 - 23:30 Monday to Thursday

11:00 - 00:00 Friday and Saturday

11:00 - 22:30 Sunday

**Conditions offered within the operating schedule**

1. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police.
  - The CCTV system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.
  - The CCTV camera views shall not be obstructed.
  - At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises.
  - 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 authorised officers on request. • When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or authorised officers in obtaining the CCTV footage.
  - Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.
  - The facility to transfer the images to a compatible, removable format shall be held on the premises.
  - Signs must be displayed in the customer areas to advise that CCTV is in operation.



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- If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police.
- 2. Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.
- 3. The tables and chairs outside the premises shall be brought inside at 23.00.
- 4. An incident logbook shall be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The logbook shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.
- 5. The licence holder shall actively participate in any local Pubwatch or similar scheme.
- 6. Where alcohol is sold for consumption off the premises it must not be sold in an open container. The premises shall continue to be a member of the Camden Inner London Licensing Association.
- 7. Regulated entertainment for which there is no licence may not take place in any part of the licensed premises as detailed by the plan if members of the public are admitted.
- 8. No refuse such as glass waste will be placed into receptacles outside the premises between the hours of 23.00hrs and 07.00hrs.
- 9. A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

**Proposed added conditions following representations.**

1. All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out' - to the satisfaction of the Metropolitan Police.
2. When the premises is open for licensable activities, the toilets are to be checked by staff at least every two (2) hours and these checks are to be documented on each visit.

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3. Regular glass collection shall be undertaken by staff.
4. A policy shall be drawn up and implemented requiring the police to be called to incidents of violence and/or serious disorder.
5. The licensee /DPS will ensure that all staff that are customer facing/engaging at the premises are trained in respect of Welfare and Vulnerability Engagement as appropriate for their role (through safer sounds.org.uk or an equivalent organisation) and that all new staff sit through this presentation. Refresher training to be conducted every six months. A record will be kept of when the training took place and will be made available for inspection by Police or other responsible authority, upon request.
6. Signage shall be displayed in a prominent position at each entrance/exit to or from the premises requesting that customers leave quietly.
7. Notices shall be prominently displayed at any area requesting patrons to respect the needs of local residents and use the area quietly.
8. An external area management plan to include a dispersal policy will be drawn up and implemented to ensure that customers are suitably managed so as to avoid causing anti-social behaviour.
9. At the end of hours for licensable activities, staff will actively encourage the quick and quiet dispersal of patrons from directly outside the premises.
10. The premises Licence holder shall endeavour to eliminate or reduce any nuisance arising out of its licensable activities. In doing so the premises Licence holder will work with enforcement authorities where any issues are identified. 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 is to be made available to residents and businesses in the vicinity.

**Additional conditions agreed with Pollution EHT**

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Deliveries and waste Collections shall not take place between 21.00hrs and 07.00hrs.

**Panel Conditions agreed on the night.**

- There should be no smoking allowed in the outside premises area at any time.

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- No drinking after 10pm outside

Additional informative

- The applicant should bear in mind the Council's policy in Women's safety and act in line with these policies.

**ACTION BY: Executive Director, Supporting Communities**

**8. SWAINS, 15 HIGHGATE ROAD, LONDON NW5 1QX**

Consideration was given to a report of the Executive Director Supporting Communities detailing an application for a variation to a premises licence under section 34 of the Licensing Act 2003.

The Licensing Officer took the Panel through the report and stated that three relevant representations had been received from local residents, 2 opposing and 1 from a community group in support of the application.

The Licensing Officer informed the panel that the application to vary sought to update the plan of the premises in line with the plans attached to the application which could be found on the Supplementary Agenda 2 and to remove conditions 16,17 and 19 on the premises licence to allow the premises to operate as a traditional public house and to correct the wording of condition 22. The hours policy was engaged by the application in relation to the proposed end times for licensable activities, and the premises supplying hot food and drink between 11pm and 5am. The licensing objectives engaged by the application were the prevention of public nuisance and the premises was not situated within the cumulative impact policy area.

The applicant's legal representative, Marcus Lavell, confirmed that the application for a variation had been amended to a starting time of 11am daily.

There were no questions to the applicant on the amendment.

John Slater outlined their objections to the application, as in their written submission.

Dan Outram representing Swains Lane Retail Forum, outlined their reasons for supporting the application, as in their written submission.

The interested parties answered questions as follows:

In clarification the objectors to the application felt that alcohol should not be sold at the premises before 10am.

The applicant's representative, Mr Marcus Lavell outlined their application and responded to questions providing the following information:

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- It was not expected that there would be a high demand from people wanting to have a drink of alcohol at 8am in the morning, however in the event of a very limited number of people wanting to have a quick drink in the morning this would have no impact on school children walking past.
- The application to vary and remove three conditions was because the premises had been used as a restaurant which had failed. The freeholder wanted to invest in a sustainable business that met local demand and was in the interest of customers.
- The intention was to have a traditional muddy boots pub somewhere where local residents could have a drink. The intention was to have gentle background music to enhance the atmosphere in the premises rather than have live based performances.
- The applicant operated 7 other pubs in and around northeast London, these were family friendly Sunday roast lead pubs, which were well run pubs without any issues. The pubs also had policies similar to Camden's 'Ask Angela' policy as well as efficient and effective dispersal policies.
- The applicant was an experienced operator, was well aware of the licensing objectives with well trained staff to manage the premises and promote the licensing objectives. The d been made because the current condition was deemed by the applicant to be overly restrictive.
- Condition 28 provides for ensuring supervision of the outside smoking area. There was ample room in the immediate vicinity outside the premises to deal with the limited number of smokers, the condition also required that they be managed to avoid nuisance as well as obstruction of the highway.
- The rules around smoking under the Health Act identified that effectively there can be no smoking in any work environment or commercial property.
- The application had been considered by all the responsible authorities who had not identified any issues with the application.

The interested parties made closing remarks.

The applicant's representative made 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.

The Panel considered the comments from the interested parties and the information provided by the applicant's representative.

In their deliberations, the Panel members stated that they were minded to approve the variation application which they felt was quite reasonable and potentially good from a business perspective to promote a sustainable business.

The Panel noted that the closing hours for the business were the same as they had been for the previous occupants of the premises so there did not appear to be any

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cause for concern, none of the responsible authorities had objected, neither were there any concerns about the early start for alcohol sales as there was not likely to be huge demand for this early in the morning. The training of staff appeared to be very strong and the applicant appeared to be an experienced operator with considerable experience of running similar operations with these training and dispersal policies elsewhere in London.

Members felt that there was an issue with smoking in the terraced area particularly with residential properties directly above, so wanted a condition added which prohibited smoking in the outside terraced area.

The Panel felt that with the added no smoking condition and all the other measures in place, the premises should run smoothly approving the variation application.

Therefore, it was

**RESOLVED –**

THAT the application for a variation to the premises licence be granted.

The premises are licensed for:

**a) Supply of Alcohol (On Premises)**

08:00 to 23:30 Monday to Thursday  
08:00 to 00:30 Friday and Saturday  
08:00 to 23:30 Sunday

**b) Supply of Alcohol (Off Premises)**

08:00 to 23:00 Monday to Sunday

**c) Late Night Refreshment:**

23:00 to 23:30 Monday to Thursday:  
23:00 to 00:30 Friday and Saturday  
23:00 to 23:30 Sunday

**d) Opening hours**

08:00 to 23:30 Monday to Thursday:  
23:00 to 00:30 Friday and Saturday  
23:00 to 23:30 Sunday

Approved the

- a) update of the plans of the premises in line with the plans attached to the application,

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- b) removal of Conditions 16, 17 and 19 on the premises licence, to allow the premises to operate as a traditional public house.
  
- c) Correction of a typographical error in Condition 22, where the word “or” has been omitted.  
The correct wording of Condition 22 is as follows:  
“22. Any alcohol sold via a delivery service shall be a) Ancillary to a food order or of at least 6 bottles (half a case) of wine /a value of£100 or more.”

Panel Condition agreed on the night.

- There should be no smoking allowed in the outside terraced area at any time.

**ACTION BY: Executive Director, Supporting Communities**

**9. NO NAME. 67 WHITEFIELD STREET, LONDON W1T 4DE**

Consideration was given to a report of the Executive Director Supporting Communities detailing an application for a variation to a premises licence under section 34 of the Licensing Act 2003.

The Licensing Officer took the Panel through the report and stated that one relevant representation had been received from a residents’ association opposing the application.

The Licensing Officer informed the panel that the application to vary sought additional hours for licensable activity:

Supply of Alcohol (For consumption on the premises)

Monday - Friday	12:00 – 22:00
Saturday	11:30 - 23:00
Sunday	11:30 - 22.00

The licensing objectives engaged by the application were the prevention of public nuisance, and the premises was not situated within the cumulative impact policy area. The hours policy was not engaged by the application. The premises policy engaged by the application were restaurants, cafes and coffee houses.

In response to questions of clarification from a Panel member the Legal Officer advised that:

- The role of the Panel was to concern itself only with the licensing objectives, planning matters would be dealt with by the Planning Authority.

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In response to a question of clarification from the interested party (Mr Linus Rees on behalf of Charlotte Streets Residents Association) the Licensing officer advised that:

- They would check if the current licence included women safety protocols; if indeed this had been included in the current licence, it would be added to the variation application if granted.

The applicants legal representative Mr Jeremy Phillips clarified that the only variation that was being applied for was for Sunday evenings 5pm to 10pm.

The Panel heard from the Interested Party (Linus Rees on behalf of Charlotte Street Residents' Association).

They summarised their representations contained in appendix 4 pages 220 to 223 of the main agenda.

The Interested Parties made the following points in their submissions:

- The restaurant had an existing premises licence to allow 6 evenings a week to trade. There was the need for a balance between allowing a business to go ahead with increased commercial activity and also the right of residents to have the enjoyment of their homes and some peaceful downtime during an otherwise busy week.
- It was reasonable to ask the Panel to refuse the application to extend the licensable activity hours beyond 5pm on Sunday as the area was quiet on the weekends.
- There were more than 60 households immediately next to the premises, the intention was to maintain the area as attractive for residents.

There were no questions to the interested parties.

The applicant's legal representative, Mr Jeremy Phillips accompanied by Caroline Abbot outlined their application and responded to questions providing the following information:

- It was a very modest change to permit this restaurant to serve alcohol on Sunday evenings between 5pm and 10pm.
- The reason the 5pm terminal hours had previously been opposed was because of a restriction on the existing planning permission. A meeting had taken place between the applicant and residents in March 2022 before the original application was made that the applicant would not apply for it on that occasion. It was not pursued at that stage with an agreement to close at 5pm. The premises had now been open for a year.
- It had been extremely popular and successful with no complaints from anybody on any issue. Indeed the residents that had previously objected to

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the application and had no further complaints and had not objected to the variation application.

- Were the application to be granted, the applicant would go back to the Planning Committee to apply for a variation of the permission so that the premises could be open between 5pm and 10pm and until such time as that was determined and granted the premises would remain closed for that period.
- The premises was extremely contained, controlled limited operation with the current financial constraints and rising costs making it difficult for all licensed premises, closing on a Sunday evening did impose an extra financial constraint on the business.
- The cost of resources particularly as it was an Italian restaurant importing all its ingredients from Italy was expensive reducing the profit margin which was once 20 to 25% down to 8%.
- There were also 2 other pubs in the near vicinity of this premises which opened to 11pm every day.
- The under-croft area was not currently being used. Temporary planning permission had recently been granted, there was ongoing discussion with the landlord about having the area added. With regards to a prohibition on smoking for the area instructions would need to be taken from the client.

The interested party made closing remarks.

The applicant's representative made 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.

The Panel considered the comments from the interested party and the information provided by the applicant's legal representative.

In their deliberations, the Panel members stated that they were minded to approve the variation application which they felt was quite reasonable subject to the prohibition of smoking at any time in the under-croft area.

The Panel also noted that there had been no objection from the responsible authorities and it had been useful that the applicant's legal representative had clarified that the variation was only for the supply of alcohol on the premises on Sunday evening from 5pm to 10pm which was within the Council's framework hours.

The Panel felt that with the added no smoking condition and all the other measures in place, approved the variation application.

Therefore, it was,



**RESOLVED –**

THAT the application for a variation to the premises licence be granted.

The premises are licensed for:

**Supply of Alcohol (On Premises)**

e) Monday - Friday	12:00 – 22:00
Saturday	11:30 - 23:00
Sunday	11:30 - 22.00

Panel Condition agreed on the night.

- There should be no smoking allowed in the under-croft area at any time.

**ACTION BY: Executive Director, Supporting Communities**

**10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was none.

Having adjourned between 11.25am to 11.30am, the hearing ended at 12.39pm

**CHAIR**

**Contact Officer: Sola Odusina**

**Telephone No: 020 7974 8543**

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

**MINUTES END**