

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL E** held on **THURSDAY, 6TH JUNE, 2024** at 10.00 am in Remote meeting via Microsoft Teams. This meeting can be watched live at www.camden.gov.uk/webcast

MEMBERS OF THE PANEL PRESENT

Councillors Meric Apak and Sylvia McNamara

MEMBERS OF THE PANEL ABSENT

Councillors Richard Olszewski

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. ELECTION OF CHAIR

Councillor Sylvia McNamara was nominated as Chair of the Panel. There were no other nominations.

RESOLVED –

THAT Councillor Sylvia McNamara be elected Chair of Licensing Panel E for the 2024-25 municipal year.

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

RESOLVED –

THAT the guidance on remote meetings be agreed.

3. APOLOGIES

Apologies were received from Councillor Richard Olszewski. It was noted that the Panel was quorate with two Members present.

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 declarations of interest.

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

Since the publication of the agenda, there had been a supplementary agenda issued. The supplementary agenda contained additional submissions from the Applicant and from the Charlotte Street Association.

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

There were no notifications of urgent business.

7. MINUTES

Consideration was given to the minutes of the meeting held on 18th January 2024.

RESOLVED –

THAT the minutes of the meeting held on 18th January 2024 be approved and signed as a correct record.

8. TERMS OF REFERENCE

The terms of reference of licensing panels were noted.

9. 7M, 22 HANWAY STREET, LONDON, W1T 1UQ

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 summarised the report and informed Members that the Police representation had been withdrawn after agreement was reached with the Applicant.

The Applicant's Representative confirmed that amended hours had been agreed with the Police and that they had agreed that private hire events would not take place after 21.00 on Wednesdays to Saturdays.

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There was one remaining Responsible Authority representation, received from the Licensing Authority. The Licensing Authority representative, Steven Dormer, addressed the Panel and highlighted that the Licensing Authority had concerns about whether the licensing objectives of the prevention of public nuisance and prevention of crime and disorder would be upheld by this application. He said this was a concern as the hours applied for were beyond framework hours.

The Panel heard from two Interested Parties, Ben de Vries and Clive Henderson (of the Charlotte Street Association). The key points made in their submissions were:

- There had been noise ingress to Mr de Vries' flat from the venue under its previous operator on a number of occasions, such as when they had flamenco guitarists.
- Noise from the premises had interrupted his sleep.
- There was also public nuisance caused by people leaving the premises and congregating on the street outside.
- Mr de Vries noted that the current application was for the premises to be operated as a members' lounge and he preferred this to the premises being regularly open to the general public. However, he would still prefer shorter hours than those which had been negotiated between the Applicant and Responsible Authorities.
- Mr Henderson emphasised that Hanway Street was a narrow residential street close to the premises.
- He also disagreed with the proposal that the premises open late on days preceding bank holidays, as he was of the view bank holidays were quiet days in Fitzrovia and he wished them to remain so.
- He added that the Charlotte Street Association was concerned about places remaining open beyond framework hours.
- It was requested that there be a condition that the rear door onto Hanway Place be closed other than for emergency exit.
- Mr Henderson added that noise egress would be reduced if the rear windows could be closed in the evening.

In response to questions from Members about how residential the area was, the Interested Parties said that 4 and 5 Hanway Street were the residential buildings closest to the premises and there were also restaurants in the area which had residential flats above.

The Applicant's Representative, Peter Conisbee, presented the case for the Application. The key points were:

- 7M would be a private members' lounge, and members would pay a subscription fee and be encouraged to pre-book their visit to the premises.
- There would normally be 2 guests per member or fewer.
- He had tried to make contact with residents but did not initially receive responses.
- A noise consultant had been engaged and his report was in the agenda pack.
- The operating schedule had been drawn up with sensitivity to residents of the area.

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- They had negotiated conditions with the Police to help uphold the licensing objectives.
- The venue would not be open for private hire to non-members after 2100 on Wednesdays to Sundays.

Mr Coinsbee called the Applicant, Nikhil Patel, and the noise consultant, Richard Vivian, as witnesses to speak to the Panel.

Mr Patel said that his vision for the premises was as an exclusive members' lounge which would give people a lounge bar experience. He clarified that there was no link between him and the previous operators of the premises.

Mr Patel assured the Panel that details of members would be available to the Police on request.

With regard to the capacity of the premises, it was 120 in the Fire Risk Assessment, but Mr Patel said that the number of people present would not be permitted to exceed 90 (excluding staff).

Mr Vivian explained to the Panel that a 'state of the art' sound limiter had been installed at the premises and so it should not affect the residential amenity of neighbouring buildings. He said that it was not possible for unauthorised change to be made to the level of the limiter as it was set in password-protected software.

Members questioned whether the exit of patrons at the end of the night would cause disturbance and nuisance. They were informed that most members left by pre-booked chauffer-driven cars or Ubers. These vehicles were normally electric and so would not be emitting as much noise as petrol engines.

Members asked about how many members the premises had and what the price point of drinks would be. Mr Coinsbee said that there would be a maximum of 200 members and a minimum drink order would be in the region of £20.

Closing remarks were made by all Parties.

Panel Decision and Reasons

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

In deliberation, Members said they had been re-assured by the sound consultant and his explanation of the sound limiting device but that they still had some concerns about the late hours the premises would stay open until.

They were of the view that a terminal hour for licensable activities of 00.00 on Sundays, and 01.00 on Mondays and Tuesdays was reasonable. As these were 'weekend nights' they also said they agreed with the negotiated 02.30 terminal hour

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for Fridays and Saturdays. However, they were of the view that 02.30 was too late on Wednesdays and Thursdays and agreed to reduce the hours on those evenings to a terminal hour of 01.30.

Members noted the concern from Interested Parties about noise emanating from the rear door to Hanway Place and the ingress and egress of persons from it, and agreed to condition that it be closed other than for emergency purposes.

The Panel noted that the were the application to be granted the two previous licences for the premises would be surrendered and there would just be one operator responsible for the control and management of the premises. The Panel therefore agreed to grant a licence to the premises. Having considered all the evidence and submissions made by the parties, they were of the view that granting the licence, subject to the agreed conditions with the Responsible Authorities and the reduced hours and additional condition above, would uphold the licensing objectives.

RESOLVED –

(i) THAT a licence be granted for:

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

11:00 – 00:00 Sunday
11:00 – 01:00 Monday and Tuesday
11:00 – 01:30 Wednesday and Thursday
11:00 – 02:30 Friday and Saturday

Seasonal Variations

1100-02:30 on all days preceding a bank holiday

b) Live Music

c) Recorded Music

d) Late night refreshment

23:00 – 00:00 Sunday
23:00 – 01:00 Monday and Tuesday
23:00 – 01:30 Wednesday and Thursday
23:00 – 02:30 Friday and Saturday

Seasonal Variations

On all days preceding a bank holiday 23:00-02:30

e) Opening hours

11:00 – 00:30 Sunday

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11:00 – 01:30 Monday and Tuesday
11:00 – 02:00 Wednesday and Thursday
11:00 – 03:00 Friday and Saturday

Seasonal Variations for Opening Hours

11:00-03:00 on all days preceding bank holidays

- (ii) THAT the following conditions be appended to the licence:
1. The premises shall operate as a member (and their guests) only lounge save for the venue being subject to a private hire.
 - The premises shall record the name, address, email and contact telephone number of each member.
 - membership details will be held of the premises and will be made available at all times to an officer of the local authority & Metropolitan Police on request.
 - No person shall be admitted to membership of the venue without an interval of 24 hours between application/nomination for membership and admission to membership. Names and address of persons applying for membership must be made available to an officer of the local authority & Metropolitan Police on request.
 - The licence holder will not permit private hire for the purposes of parties celebrating birthdays under the age of 21.
 - In the event of a private hire booking, the licensee will record the name, address, email and telephone number of the lead booker; such information shall be made available to an officer of the local authority & Metropolitan Police on request.
 2. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
 - a. all crimes reported to the venue.
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder.
 - d. any incidents of disorder
 - e. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.
 3. There shall be at least 1 personal licence holder on duty at all times the venue operating with licensable activities.
 4. A recognised member of the premises management must attend all police/council licensing forums/meetings when invited.

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5. Contact details for the management will be placed in a prominent position so that interested parties can make contact at short notice to deal with any issues.
6. No licensable activities shall take place at the premises under this premises licence until premises licences 3654 and 1395 have been surrendered and incapable of resurrection.
7. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;
 - 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. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request.
 - The police must be informed if the system will not be operating for longer than one day of business for any reason.
 - One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering.
 - The system will provide coverage of any exterior part of the premises accessible to the public.
 - The system shall record in real time and recordings will be date and time stamped.
 - Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and
 - At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request.
8. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.
9. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO).
10. The licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 14 days before the event occurs on email CNMailbox.CamdenPoliceLicensingTeam@met.police.uk

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11. When the premises is subject to a private booking beyond 11pm they shall operate a last admittance policy whereby the last patron shall be admitted to the premises 60 minutes before closing time.
12. The venue will only be available for private hire during licensable hours on Sunday to Tuesday and between the hours of 1100 and 2100 Wednesday to Saturday.
13. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
14. Food will be available at all times the premises is open for licensable activity.
15. There shall be a minimum of 1 x SIA licensed door supervisor on duty at the Premises each day from 10pm to 15 minutes after close when the Premises is open for Licensable Activities. When the premises is subject to a private booking beyond 11pm there shall be a minimum of 2 x SIA licensed door supervisors on duty at the Premises when the Premises is open for Licensable Activities. The Premises Licence Holder shall risk assess the need for SIA licensed door supervisors at other times.
16. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months.
17. There shall be a fully written policy on searching by SIA approved staff.
18. The SIA written policy on conduct of door staff must be made available to Police and Council staff without delay.
19. The SIA policy for door staff must be reviewed annually.

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20. The capacity of the venue will not exceed 90 persons (not including staff) and that at all times there will be a minimum of 45 seats in the basement and 35 seats on the first floor.
21. An adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
22. A fire safety risk assessment will be completed as per government guidelines on an annual basis (**Regulatory Reform (Fire Safety) Order 2005**) And produced to authorised officers of the council, Police or the Fire Service upon request.
23. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
24. The premises will operate the 'Ask for Angela' scheme and will display relevant signage within the premises advertising the scheme.
25. Notices shall be prominently displayed at the exit from the premises asking customers to be considerate to neighbours when leaving.
26. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
27. Customers shall not be permitted to take drinks outside with them and signage shall be provided to this effect.
28. No more than 5 customers will be permitted to smoke outside the premises on Hanway Street at any one time.
29. A designated queuing area and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
30. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
31. The removal of rubbish to outside the premises including bottling out will not take place between the hours of 2100 hours and 0700 hours.
32. The premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.
33. A sound limiting device shall be installed, set and sealed at a level approved by the council.

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34. 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.
35. All windows and external doors shall be kept closed after 2100 hours, or any time when regulated entertainment takes place, except for the immediate access and egress of persons.
36. The rear door shall be kept closed at all times except in case of emergencies.
37. An acoustic lobby shall be installed to the entrance on Hanway Street to minimise sound escape from the premises.
38. Amplified music, song or speech shall not be broadcast in external areas at any time.
39. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
40. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
41. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter. A final check should be made at close of business.
42. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
43. A noise management plan for the entire venue will be in place at all times and reviewed annually.
44. The premises shall operate a dispersal policy and all staff shall be trained in its implementation.
45. No speakers shall be positioned to the outside of the premises.

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46. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
47. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
48. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request/ Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to;
- The premises age verification policy
 - dealing with refusal of sales
 - proxy purchasing
 - Identifying attempts by intoxicated persons to purchase alcohol.
 - Identifying signs of intoxication
49. Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council or the police upon request.
50. No person under 18 to be allowed on to the premises after 21:00 unless a risk assessment is carried out by staff when the venue is hired out for special events.
- iii) THAT premises licences PREM-LIC\3654 and PREM-LIC\1395 be surrendered on the grant of this licence.

ACTION: Executive Director, Supporting Communities

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no urgent business.

11. LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION

The hearing ended at 11.40 am.

CHAIR

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MINUTES END