

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL C** held on **THURSDAY, 10TH OCTOBER, 2024** at 7.00 pm in a Remote meeting via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Jonathan Simpson (Chair) and Councillor Steve Adams (present as substitute).

MEMBERS OF THE PANEL ABSENT

Councillors Nina De Ayala Parker and Matthew Kirk

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 C 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

Apologies for absence were received from Councillors Matthew Kirk and Nina de Alya Parker. Councillor Steve Adams attended the meeting as substitute.

It was noted that the meeting 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 none.

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 be consenting to being filmed.

Item 9 – Kazim Efe’s Restaurant

The Chair further announced that the above application had been resolved because the parties had agreed conditions.

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

There were none.

6. MINUTES

Consideration was given to the minutes of the meeting held on 5th September 2024.

RESOLVED –

THAT the minutes of the meeting held on 5th September 2024 be approved and signed as a correct record.

7. POPEYES, 'MERLIN HOUSE' 122-126 KILBURN HIGH ROAD, LONDON NW6 4HY

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

The Chair informed the hearing that following agreement of conditions both Responsible Authorities – the Police and Licensing Authority had withdrawn their

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representations. The Chair also confirmed that the Panel members had read all the papers in the agenda pack including all the representations made.

The Licensing Officer introduced the report and clarified that the Police had withdrawn their representation following three additional conditions being agreed and an amendment to condition 5 to include a requirement that a Security Industry Authority (SIA) licensed door supervisor must be employed at the premises on Fridays, Saturdays and Bank Holiday Sundays from 22:00 until closing. The Licensing Responsible Authority had also withdrawn their representation following eight additional conditions having been agreed with the applicant.

Six interested parties had made representations objecting to the application which could be found on pages 87-98 of the agenda. The licencing objectives engaged by the application were the prevention of crime and disorder and the prevention of public nuisance. The premises was not situated in a cumulative impact policy area, the hours policy was engaged by the application in relation to the proposed terminal hours for late night refreshments.

The applicant's representative, Mark Browning, confirmed that there were no further amendments to the application.

Interested Party, Ms Katie Manuel Butler supported by her mother Dr Rosie Butler Manuel and speaking on behalf of the residents of Quex Mews summarised her representation on page 89 of the agenda. She expressed concerns that the proposed amendment to the opening hours for the premises would cause further disturbance, noise and litter as well as possible threats to the security and safety of residents. This was because the access road and entrance to properties was used by Popeyes for deliveries and bin collection. The residents already had numerous issues with the premises primarily surrounding disposal of rubbish and despite contact with the applicant on a number of occasions the issues had not been resolved.

Ms Butler asked the Panel not to grant an extension to the premises opening hours but that if it were minded to grant the licence a condition should be included on the licence that the premises bins should be collected from Kilburn High Road instead of Quex Mews as was the case for other businesses in the area.

Members asked how often the gates to the residents gated area had been propped open by staff of Popeyes. Ms Butler said that it was a fairly regular occurrence, multiple times a week.

The Applicant's Representative, Mr Mark Browning accompanied by Gwion Iwan, Operations Director of the company, provided the following information in support of the application:

They acknowledged that the residents had raised concerns in the past about bins being collected from the rear of the premises, through the Mews late in the evening and a solution had been considered. In addition to the conditions agreed with the

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Responsible Authorities, they would agree to two further conditions to address the concerns of residents. These were:

- That bins would not be collected from the rear of the premises between 8pm at night to 7am in the morning. Any food or rubbish or anything that needed to leave the building between 8pm and 7am would leave from the front of the premises and would be carried by hand.
- Staff and customers would not be allowed to gather chat and smoke at the back of the premises between 8pm and 7am to prevent causing nuisance to residents.

With regard to the Safer Neighbourhood representation about anti-social behaviour in the area, Popeyes had been trading for over 12 months, during which time there had been no incidents in the restaurant.

The business had agreed despite this that if the licence were granted for later opening hours, properly badged SIA staff would be employed as well as the use of the Safe Staff System which gave the police complete access to the premises CCTV system at any time.

It was not in the interest of the business for the premises to be other than a safe space for people to visit. The business was not a low-price high-volume brand, the chicken produced was hand cooked and made to order. The business and applicants were experienced in trading in over 60 other cities and high streets very similar to Kilburn High Street, in high footfall areas and had not seen the high levels of anti-social behaviour mentioned in some of the representations.

Members asked about the use of the storage room at the back of the premises, Mr Iwan said that this was empty and would not be used after 8pm.

Members queried why the premises could not open later than 8am in the morning, the Applicant said that from a trading perspective they opened at 8am to serve breakfast which was a good source of income for the business. With regards to the bin collection, the Council collected the bins from around 8.30am and the business would want to get the empty bins back into the premises as quickly as possible for the residents' benefit.

Members asked if the premises would introduce the 'Ask for Angela' scheme to improve women's safety in the night-time economy. They agreed to this.

In response to the interested parties' questions, the applicants provided the following information:

- They could not comment on the rights of way of Popeye from the rear of their premises through the mews that was a matter for a property lawyer. This could be looked into and a response provided to residents.

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- The Council had designated the area the bins were collected from.

Following concluding remarks from both Parties, the Council's legal adviser clarified the additional conditions offered by the applicant. The Panel then commenced deliberation.

Panel Decision and Reasons

In their deliberations, Panel Members confirmed that they had been able to see and hear the submissions made by the parties. They stated that they had considered the submissions made by the interested parties and the applicant. The Panel discussed the application and commented that with the applicant's offer of additional conditions an extra level of protection had been provided that would protect the enjoyment and amenity of all the residents in the Mews. Therefore, a large amount of the concerns on certain aspects of the application had been removed and the Panel were minded to grant the application.

The Panel's remaining concern related to staff congregating in the outdoor area late in the evening and asked that a condition be added to the licence that staff should not congregate at the rear of the premises in Quex Mews between 8pm and 7am to ensure there was no disturbance to residents.

The Panel agreed to grant the new premises licence, subject to the conditions outlined in the agenda, additional conditions agreed with the Responsible Authorities and additional conditions agreed at the hearing by the applicant including the "Ask for Angela" scheme.

Panel Members considered that to grant the application with the additional conditions would promote the crime and disorder and prevention of public nuisance licensing objectives.

RESOLVED –

- (i) THAT a premises licence be granted for:

Late Night Refreshment

23.00 until 02.00 Monday to Sunday

Opening hours

08.00am until 02.30pm Monday to Saturday

- (ii) THAT the following conditions be appended to the licence:

Conditions already agreed;

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1. A CCTV system with recording equipment must be installed and maintained at the premises and operated with cameras in positions agreed with the Police.
All recordings used in conjunction with CCTV must: • Be of evidential quality in all lighting conditions; • Indicate the correct time and date; and • Be retained for a period of 31 consecutive days. A member of staff trained to use the system must be on duty at all times licensable activities are taking place, as the recorded images must be available for inspection immediately upon request to all officers of Responsible Authorities. A system must be in place to provide images for uploading upon request to the Police. There must also be adequate portable hardware (such as compact disks or USB storage devices) at the premises, as the recorded images must be available for downloading immediately upon request to officers of other Responsible Authorities.
2. All images downloaded from the CCTV system, must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
3. A bound and sequentially paginated incident/accident book or electronic record must be kept to record all instances of disorder, damage to property and personal injury at the premises. Such records are to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such records to be retained at the premises for at least 12 months.
4. Persons carrying any open vessel(s) that may contain alcohol must not be admitted to the premises.
5. A Security Industry Authority licensed door supervisor must be employed at the premises on Fridays & Saturdays and Bank Holiday Sundays from 22:00 until closing.
6. Security Industry Authority licensed door supervisors must be employed at the premises on occasions as deemed necessary by the Premises Licence Holder and/or premises management following a risk assessment and on occasions when requested by, and following consultation with the Police.
7. The Premises Management must ensure that any Security Industry Authority door supervisors employed at the premises wear, and clearly display, their Security Industry Authority licence badge at all times whilst on duty.
8. All areas of the premises, that the public have access to, must be 'glass free' at all times the premises are open to the public.
9. Clear notices must be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.

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10. Deliveries must only be delivered to a residential or business address and not to an open public space such as a street corner, park etc.
11. Clear and legible notices must be prominently displayed at all entrances/exits requesting delivery drivers not to loiter unnecessarily in any area outside the premises and to leave in a quiet and orderly manner.

Conditions Agreed with the Police

12. A Security Industry Authority licensed door supervisor must be employed at the premises on Fridays, Saturdays and Bank Holiday Sundays from 22:00 until closing.
13. No late-night refreshments for customers who attend the venue after 0100 hours.
14. The venue must not have any customers in the venue after 0100 hours.
15. Police must be called to all incidents of violence.

Conditions Agreed with the Licensing Responsible Authority

16. A minimum of ONE registered door supervisors shall be on the premises when open to the public on a Friday and Saturday during the hours of 22:00 until closing.
17. Policy and procedures for door staff will be put into place detailing dispersal techniques for customers and procedures for dealing with incidents that occur near the premises.
18. Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
19. A maximum of 55 customers shall be permitted on the premises at any one time.
20. Patrols of the area outside the premises shall be undertaken every 5 hours during the use of the licence and any litter attributable to the premises cleared.
21. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.
22. A minimum of 3 litterbins shall be provided by the licence holder indoors for the use of customers.

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23. Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.

Condition added by Licensing Panel C on 10th October 2024

24. That the premises participate in the 'Ask for Angela' scheme.
25. Bins are not to be collected from the rear of the premises between 8pm at night to 7am in the morning. Any food or rubbish or anything that needed to leave the building between 8pm and 7am would leave from the front of the premises and would be carried by hand.
26. Staff and customers are not allowed to gather chat and smoke at the back of the premises between 8pm and 7am to prevent causing nuisance to residents.

ACTION: Executive Director, Supporting Communities

8. 47 LAMB'S CONDUIT STREET, LONDON WC1N 3NG

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

The Licensing Officer introduced the report and confirmed that the Police Responsible Authority and the applicant had agreed to include 15 additional conditions which could be found on page 129 of the agenda. It was highlighted that five relevant representations had been received objecting to the application.

The representations could be found on pages 119 to 128 of the agenda. The licensing objectives engaged by the application were the prevention of crime and disorder, the prevention of public nuisance and public safety. The premises was not located within a cumulative impact policy area.

The Applicant confirmed that there were no amendments to the application.

An Interested Party, Paul Golden, addressed the Panel stating that he was representing a number of residents that could not attend the hearing this evening. He summarised his representation which could be found on pages 119 to 120 of the agenda. He expressed concerns about the lack of sound proofing at the venue as he lived directly above the premises and was significantly impacted by noise emanating from the premises below. He also expressed concern with the number of night-time venues and congestion that already existed in the area as well as the excessive noise nuisance into the early hours of the morning coming from these venues.

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The Applicant, Mr Itamar Srulovich accompanied by Diana Ionasc made the following representation in support of the application.

The premises was not operating as a bar or a restaurant. There premises operated as a Takeaway Café and Bakery and wanted to sell hampers the intention to sell hampers with bottles of wine, which was high end wine.

It operated as a bookshop and event space at the back of the shop. The applicant had a track record of organising book events part of which included being able to offer alcohol. The nature of retail business these days was that people wanted to have a glass of wine at this type of event and similar premises such as Waterstones had an alcohol licence.

The business was a family business operated by husband and wife and very much engaged with the local community. They cared about the relationship with their neighbours and did a lot to ensure they were an asset to the community.

The existence of another licensed premises with additional CCTV would make the streets quieter and safer and reduce crime.

The conditions agreed with the Police including the operating hours provided residents with assurance that the premises would not operate as a bar and the applicant was prepared to accept further conditions to put the residents mind at ease.

The soundproofing issue had been discussed with the interested party and taken up with the freeholder. The freeholder also owned the entire street and had indicated that the situation at the premises was no different from their other properties which were above much nosier premises. The applicant indicated that he had suggested a meeting take place with the freeholder and the interested party to discuss a way forward but it was not an issue the applicant could solve himself.

Members asked if the applicant had taken any professional advice on increasing the reduction of sound penetration between the applicant's premises and the flat above. Mr Itamar Srulovich said that the issue had been discussed with his solicitor and the freeholder at length but it was not something he could do on his own and needed the cooperation of the freeholder, it however did not appear to be a priority for the freeholder at the moment.

In response to the interested party's questions, the applicants provided the following information:

They had tried to arrange meetings with the freeholder and interested party and had sent several emails but no response had been received.

A licensed premises would make the area safer with the conditions attached to the licence and the availability of CCTV in the area.

Following concluding remarks from both Parties, the Panel commenced deliberation.

Panel Decision and Reasons

In their deliberations, Panel Members confirmed that they had been able to see and hear the submissions made by the parties. They stated that they had considered the submissions made by the interested parties and the applicant. The Panel discussed the application noting that the interested party's comment that the street already had a lot of premises was not relevant as it was not in a cumulative impact policy area. On the other hand, the Panel were of the view that the premises would not be out of character within the street given the description of how it intended to operate. It appeared to be a fairly gentle proposal.

The Panel noted that the main issue of concern, unfortunately was outside its control which was that there was no sound proofing between the premises and the flat above. The Panel encouraged the applicant, interested party and freeholder to exchange contact details and have a meeting to discuss the issue of noise reduction.

The Panel agreed to grant the premises licence, subject to the conditions outlined in the agenda which would promote the crime and disorder and prevention of public nuisance licensing objectives.

RESOLVED –

THAT a premises licence be granted for:

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

12.00 until 21.30 Monday to Saturday

Opening hours

09.00am until 22.00pm Monday to Saturday

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

Conditions already agreed;

Conditions consistent with the operating schedule

1. Effective and responsible management of premises and training and supervision of staff.
2. Alcohol will be kept behind the bar.
3. There shall be a minimum of 3 member of staff at all times. all front of house staff will be trained and briefed regarding sales of alcohol best practices by the Designated Premises Supervisor.
4. Suitable risk assessments will be put together. regular testing (and certification) of procedures and appliances.

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5. Premises will be soundproof in order to cancel the noise and bring it to acceptable levels.
6. Signs will be displayed asking our patrons to leave the premises quietly.
7. All litter will be stored indoors in its designated place and taken outside only in permissible hours.
8. Appropriate instruction, training and supervision to prevent incidents of public nuisance.
9. Staff instruction regarding the restriction of serving alcohol for underage children
10. Children will be allowed on the premises only accompanied by an adult.
11. Minimum 3 members of staff on the floor at all times to secure the protection of children from harm.
12. Appropriate instruction, training and supervision of staff in respect to determining the age of a customer.

Police Agreed conditions:

13. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises.
14. 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.
15. The CCTV camera views are not to be obstructed.
16. 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.
17. At all times 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 an authorised officer in obtaining the CCTV footage.
18. Copies of CCTV shall be made available within 48 hours to the Police or Local Authority, upon request.
19. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
20. Signs must be displayed in the customer areas to advise that CCTV is in operation.
21. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
22. 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.
23. Police must be called to incidents of violence and/or disorder.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received

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- (d) any incidents of disorder and violence
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol to include date, time, and staff member
 - (h) any visit by a relevant authority or emergency service.
 - (i) CAD reference numbers where Police are called.
25. All products over 5.5% ABV will be 'premium' products.
26. Alcohol shall not be sold in an open container.
27. Alcohol will only be consumed in the premises during events held by the venue. Those consuming the alcohol must be attending the event.

ACTION: Executive Director, Supporting Communities

9. KAZIM EFES RESTAURANT, 56-56A MAPLE STREET, W1T 6HW

This application had been resolved.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

11. LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION

The hearing ended at 8.10 pm.

CHAIR

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MINUTES END