

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of **LICENSING PANEL B** held on **THURSDAY, 5TH JULY, 2018** at 7.00 pm in Committee Room 2, Town Hall, Judd Street, London WC1H 9JE

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

Councillors Lorna Russell, Peter Taheri and Abi Wood

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

None.

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

### **MINUTES**

#### **1. ELECTION OF CHAIR**

Councillor Abi Wood was nominated to be Chair. There were no other nominations.

#### **RESOLVED –**

THAT Councillor Abi Wood be elected Chair of Licensing Panel B for the municipal year 2018-19.

#### **2. APOLOGIES**

There were no apologies for absence.

#### **3. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA**

There were no declarations of interest.

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

There were no announcements.

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

There were no notifications of any items of urgent business.

**6. TERMS OF REFERENCE**

The terms of reference of Licensing Panels were noted.

**7. MINUTES**

Consideration was given to the minutes of the meeting held on 26<sup>th</sup> April 2018.

**RESOLVED –**

THAT the minutes of the meeting held on 26<sup>th</sup> April 2018 be approved and signed as a correct record.

**8. CHICKEN COTTAGE, 211A KENTISH TOWN ROAD, LONDON NW5 2JU**

Consideration was given to a report of the Executive Director, Supporting Communities.

The Licensing Officer introduced the report. It was a variation application which had been submitted to vary the time and the conditions of the licence. There had been subsequent amendments to the application, which was now for deliveries after midnight Sundays to Thursdays and after 0200 on Fridays and Saturdays.

In light of discussions with the Application and the amendment to the variation applied for, the Police Responsible Authority had withdrawn their objection.

The Licensing Officer explained that the hours policy was engaged by this application but it was not in a cumulative impact area.

The Applicant's Representative, Graham Hopkins, confirmed that the application had been amended to restrict deliveries to customers' home or business addresses after midnight Sundays to Thursdays and after 0200 on Fridays and Saturdays. The proposed terminal hours for late night refreshment remained as specified in the application (0200 Sundays to Thursdays and 0300 on Fridays and Saturdays). People could not order over the internet or phone and then come to the premises to collect their food; the orders would have to be for delivery to their home or business addresses.

Two Interested Parties, Caroline Hill and Frederick Chiles, addressed the Panel. Ms Hill spoke on behalf of Kentish Town Road Action. She added that a local councillor, Councillor Headlam-Wells, had written in to support the residents' association.

Ms Hill highlighted concerns about the lateness of the hours of operation and said it was later than that of other fast food establishments. She feared this would set a precedent for other premises asking for later operating hours. She added that she was concerned that there would be noise which would affect people living in the area, which would be caused by delivery vehicles traveling to and fro and revving their engines.

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Ms Hill highlighted that she disagreed with the Applicant's requests regarding conditions and said she wanted the conditions outlined in her email to be kept on the licence.

Mr Chiles echoed the concerns raised by Ms Hill. He said that the premises was located in a residential area with many residents of working age. He did not feel premises that generated noise and traffic beyond framework hours were appropriate in such an area.

He added that public nuisance was caused by litter from fast food outlets, whose customers often left food and packaging strewn around the area. Additionally, customers of late night refreshment premises might be talking loudly while waiting and eating their food, and so be disrupting the sleep of nearby residents.

Members asked whether the 'deliveries only' condition would allay the Interested Parties concerned. They said they were still worried about the noise caused by vehicles travelling to and from the premises. Ms Hill said that delivery motorcycles from another premises did cause a significant amount of noise.

Mr Hopkins, the Applicant's Representative, spoke in favour of his client's application. He emphasised that:

- There had been negotiations with the Police which had resulted in the home delivery condition being agreed.
- There were no representations from other Responsible Authorities.
- Staff would be instructed not to make undue noise and to be considerate of neighbours.
- Some of the conditions referred to by Ms Hill were in primary legislation and so did not need to be duplicated.
- The premises were not located in a Cumulative Impact Area.
- The proprietor was himself a local resident and so wanted to be considerate to neighbours.
- Litter would be cleared by the Applicant sweeping the area 20 meters outside the shop.

Mr Hopkins added that there were conditions (A to E on a supplementary sheet he circulated) which the Applicant was prepared to offer relating to home deliveries.

Members asked a number of questions of the Applicant, Mr UI-Haq, and his Representative. The Applicant confirmed that he would keep an incident book and that he only had one car to make deliveries at the moment. He did not intend to use motorcycle delivery staff.

Members asked Mr UI-Haq if he would be willing to accept a condition that only one car be used to make home deliveries. He said he would be willing to do so.

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Closing remarks were made by the Applicant's Representative and the Interested Parties.

Members passed the following resolution at 7.48pm in order to receive legal advice which could be covered by legal professional privilege:

### **RESOLVED –**

THAT the press and public be excluded from the proceedings of the Licensing Panel on **5<sup>th</sup> July 2018** during consideration of the respective item on the agenda on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically -

Publicity in respect of item 8 would be likely to lead to the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings by virtue of Category 5 of Schedule 12A of the Local Government Act 1972 (as amended).

### Part II

Members sought advice from the Legal Adviser.

### Part I

Members resumed the Part I business of the meeting at 7.55pm.

### **Panel Decision and Reasons**

Members expressed the view that, in order to meet the licensing objectives, conditions could be added to the licence which would then make it suitable to grant.

Members wished to add conditions that there be no motorbikes and only one car for deliveries to the 5 offered conditions for home deliveries. They added that "will" should be altered to "shall" in the conditions.

They also wished to alter the hours requested for the day before Bank Holidays. Apart from on New Year's Eve, they wished to have the premises cease operation at the normal time. On New Year's Eve, it could stay open until 03:00.

They also agreed the licence should also be subject to the conditions consistent with the operating schedule laid out on pages 106-108 and the Conditions 1 and 7 laid out in Caroline Hill's correspondence.

Members were of the opinion that granting the licence subject to these conditions would meet the licensing objective of preventing public nuisance.

**RESOLVED -**

- (i) THAT the licence variation be granted for:

**Variation to Existing Licensable Activity and times:**

**83. Late night refreshment**

23:00 – 02:00 Sunday to Thursday

23:00 – 03:00 Friday to Saturday

**84. On New Year's Eve to extend the permitted (licensed) hours and opening hours until 03:00.**

- (ii) THAT the existing conditions on the licence at Annex 2 be removed and be replaced with:

**Home delivery conditions**

1. That after 00:00 (midnight) Sunday to Thursday and 02:00 Friday to Saturday the shop shall be closed to walk-in customers and all service will be by way of orders to the shop with home delivery to the customer's business or residential address only.
2. There is to be a limit of one car for deliveries and no motorcycles.
3. Drivers must wait inside the shop between deliveries.
4. Drivers shall switch off their engine, not rev up, not play loud music nor slam car doors outside the shop or residential premises.
5. Drivers shall be instructed to respect residents when making a delivery and to be quiet when delivering.
6. A notice will be displayed prominently for drivers to see and to remind them of the need to be quiet and comply with the three conditions above.
7. The four conditions above shall be included in drivers' training and refresher training.

**Officers' summary of conditions consistent with the operating schedule**

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8. 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.
9. The system shall be maintained in good working order and at all times the premises are open to the public be fully operational covering the internal areas of the premises to which the public have access.
10. The CCTV camera views are not to be obstructed.
11. At least one CCTV camera is to be placed no more than seven feet above floor level near to the exist in order to capture clear facial images of all persons leaving the premises.
12. 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.
13. At all times when the premises are open for the purpose 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.
14. Copies shall be made available within 48 hours to the Police or Licensing Authority upon request.
15. The facility to transfer the images to a compatible, removable format shall be held on the premises.
16. Staff working at the premises shall be trained in the use of CCTV and a log shall be kept to verify this.
17. Signs must be displayed in the customer areas to advise that CCTV is in operation.
18. If the CCTV is inoperative or not installed and working to the satisfaction of the Police, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
19. The Premises Licence Holder or DPS must check on a daily basis that the CCTV system is operating correctly, that the date and time are correctly set, and also to check on a minimum of a weekly basis that it is correctly recording and storing images for the minimum 31 day period. Details of the check and results are to be recorded in the CCTV section of the incident book.
20. Notices shall be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:

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- a. That CCTV is in operation;
  - b. Advising customers of any of the relevant provisions of the Licensing Act 2003;
  - c. Of the permitted times for the provision of late night refreshment, the last order times and the opening times of the premises;
  - d. To respect residents and leave quietly, not to loiter outside the shop and to dispose of their litter legally;
  - e. That customers must not bring alcohol into or consume alcohol in the premises.
21. An incident book shall be kept at the premises and made available to the Police or authorised officers which will record the following:
- a. All crimes reported at the shop;
  - b. All ejections of customers;
  - c. Any complaints received;
  - d. Any incidents of disorder and violence;
  - e. Any faults in or work undertaken on the CCTV system;
  - f. Any visit by a relevant authority or emergency service;
  - g. CAD numbers where Police are called.
22. All staff shall receive training for their role in induction and include relevant refresher training at a minimum of 6 monthly intervals. Training will include any relevant provisions of the Licensing Act and the Premises Licence; acknowledging customers on arrival; serving customers in turn; explaining cooking times and any delays; monitoring customer conduct when in the restaurant; avoiding conflict; asking customers not to bring alcohol into or drink it in the premises; refusing service to drunk or abusive customers; asking people not to loiter outside the premises and safeguarding children. A written training record shall be made available to the Police or authorised officers on request.
23. A telephone number shall be clearly displayed in the shop window and shall be provided to any local resident/residents' association requesting it so as to allow residents to contact management with any concerns. Details of all concerns raised by residents shall be recorded in the incident book together with details of the action taken to address them.
24. A minimum of 2 members of staff shall be on duty in the premises at all times that the premises are open for licensable activities.
25. Last orders shall be taken no later than 15 minutes before the terminal hour on any night.
26. The interior tables and chairs shall be taken out of use at 23:00.
27. A fire risk assessment and emergency plan shall be prepared and regularly reviewed. Staff shall receive appropriate fire safety training.

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28. Relevant notices shall be prominently displayed by the entry/exit door and point of sale as appropriate.
29. Management and staff shall proactively discourage customers from loitering outside the premises politely asking that any that do leave the frontage and vicinity quietly.
30. No deliveries shall be received nor shall removal of rubbish, especially glassware, take place between 20:00 and 08:00 daily.
31. A litter bin of adequate size shall be provided for customer use and be regularly emptied.
32. The shop front shall be kept tidy at all times and swept at close of business. All litter emanating from the business shall be cleared from an area within 20 metres either side of the shop.
33. A written training record shall be kept for each member of staff which shall be made available to Police or authorised officers on request.
34. No unaccompanied children under 16 shall be on the premises after 23:00.

**Other conditions**

35. The alarm must be maintained in good working order so as not to cause a nuisance.
36. All ventilation systems must be maintained in good working order.

**ACTION: Executive Director, Supporting Communities**

**9. WE WORK, 125 SHAFTESBURY AVENUE, LONDON WC2H 8AD**

Consideration was given to a report of the Executive Director, Supporting Communities.

The Licensing Officer introduced the report. She highlighted that the premises intended to serve alcohol to the users of the premises and their bona fide guests. They had also agreed to reduce their terminal hour for the service of alcohol to 21:00. The Police and the Covent Garden Community Association had withdrawn their representations.

Members noted that the Licensing Authority had made a submission in its role as a Responsible Authority as the premises was in the Seven Dials cumulative impact policy area.



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The Applicant's Representative, Craig Bayliss, addressed the Panel. He outlined that the premises was shared office space used by individual self-employed people and by start-ups. The premises had a beer tap and had space that could be used for functions at which alcohol could be served. He said that take up of the beer tap had been quite low at We Work premises.

Members asked how often events were held at the premises at which alcohol was being served. They were informed that these took place about once per week. Members also asked if, when organisations held their own private functions at the premises, they brought their own alcohol. Mr Bayliss confirmed that they did.

A Member asked how the 'Challenge 21' policy could be implemented if the premises was made up of office spaces in which people could come and go. Mr Bayliss said that there were reception and security staff who could ask people for ID as they entered. There were also staff from We Work on each floor. He added that the beer tap could be turned off at 9pm, and so the 'self-service' of alcohol from that tap would not be possible after that time. There was also a very limited quantity of beer available from that tap, as there was not much use of it and it would need staff to refill it.

Mr Bayliss was asked if he thought big crowds would attend a promotion or launch event at the premises. He said it was very unlikely given the relatively small size of areas that could be used for functions.

Members passed the following resolution at 8.31pm in order to receive legal advice which could be covered by legal professional privilege:

**RESOLVED –**

THAT the press and public be excluded from the proceedings of the Licensing Panel on **5<sup>th</sup> July 2018** during consideration of the respective item on the agenda on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically -

Publicity in respect of item 9 would be likely to lead to the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings by virtue of Category 5 of Schedule 12A of the Local Government Act 1972 (as amended).

Part II

Members sought advice from the Legal Adviser.

Part I

Members resumed the Part I business of the meeting at 8.35pm.

**Panel Decision and Reasons**

Members noted that new and variation applications in a cumulative impact area had a rebuttable presumption to refuse. They considered that, with the imposition of suitable conditions, the presumption to refuse could be rebutted and the licence granted.

They agreed the conditions consistent with the operating schedule and those agreed with the Police and Covent Garden Community Association. They also wished to impose a condition requiring that the beer tap be turned off at 9pm and when private events were being hosted. They also wanted other alcohol on the premises to be locked away after 9pm.

Members were of the view that granting the licence subject to these conditions would rebut the presumption to refuse in a cumulative impact area. The premises was considered an exception to the policy, as it was not an alcohol-led premises, the hours of the application were within framework hours and the conditions imposed would prevent public nuisance.

**RESOLVED –**

(i) THAT the licence be granted for:

**a) Supply of Alcohol (For consumption on the premises)**  
12- 00 – 21:00 Monday to Sunday

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

**Officers' summary of conditions consistent with the operating schedule**

1. The supply of alcohol shall only be to members of the We Work group of companies or employees of member companies or their bona fide guests.
2. The site manager shall be trained in the sale and supply of alcohol and will be a personal licence holder.
3. CCTV shall be provided at the premises in accordance with the requirements of the Metropolitan Police.
4. Health and Safety risk assessments shall be undertaken and all staff shall be trained.
5. Signs shall be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
6. Signs shall be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
7. The company will operate a Challenge 21 policy at all times.

**Conditions agreed with the Police Responsible Authority**

8. 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.
9. The system shall be maintained in good working order and at all times the premises are open to the public be fully operational covering the internal areas of the premises to which the public have access.
10. The CCTV camera views are not to be obstructed.
11. At least one CCTV camera is to be placed no more than seven feet above floor level near to the exist in order to capture clear facial images of all persons leaving the premises.
12. 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.
13. At all times when the premises are open for the purpose 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.
14. Copies shall be made available within 48 hours to the Police or Licensing Authority upon request.
15. If the CCTV is inoperative or not installed and working to the satisfaction of the Police, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
16. The Premises Licence Holder shall ensure that staff are trained, as appropriate, in respect of relevant Licensing Law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage. Training shall be written into a programme of ongoing review and shall be made available for inspection by the Police or other responsible authority upon request.
17. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
18. Police must be called to incidents of violence and/or disorder.
19. An incident log shall be kept at the premises and made available to the Police or authorised officers which will record the following:

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- a. All crimes reported to the venue;
- b. All ejections of patrons;
- c. Any complaints received;
- d. Any incidents of disorder and violence;
- e. All seizures of drugs and 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 numbers where Police are called.

20. There shall be no vertical drinking.

21. No sound emanating from the premises to be audible between 2300 hours and 0800 hours.

22. Customers shall not be permitted to take drinks outside with them and prominent signage shall be provided to this effect.

23. Regular glass collection shall be undertaken by staff.

24. The sale of alcohol is only permitted to members of the We Work group of companies or employees of member companies or their bona fide guests, and only if this premises operates as an office. Any change of the business model will result in a new licence application.

**Conditions agreed with the Covent Garden Community Association**

25. Terminal hour for alcohol to be 21:00 each day.

26. No drinks to be taken outside the premises nor onto any of the building's terraces.

27. Supply of alcohol to be limited to beer, cider, lager and wine only.

**Conditions added at the Licensing Panel hearing on 5<sup>th</sup> July 2018**

28. That the beer tap be turned off after 21:00 and when private events are being held.

29. That other alcohol be locked away after 21:00.

**ACTION: Executive Director, Supporting Communities**

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

**URGENT**

There was no other business.

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

The meeting ended at 8.40pm.

**CHAIR**

**Contact Officer: Vinothan Sangarapillai**

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**MINUTES END**