

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL C** held on **THURSDAY, 4TH MAY, 2023** at 7.00 pm 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 Jonathan Simpson (Chair), Matthew Kirk and Sylvia McNamara

**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 held under the Licensing Act 2003 and associated regulations be noted.

#### **2. APOLOGIES**

There were no apologies.

#### **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 of interest.

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

##### **Broadcasting of meeting**

The Chair made the following announcement: "In addition to the rights by law that the public and press have to record this meeting, I would like to remind everyone that this meeting is being recorded and broadcast live by the Council to the Internet and can be viewed on our website for six months after the meeting. After that time, recordings are archived and can be made available upon request."

If you have asked to address the meeting, you are deemed to be consenting to having your contributions recorded and broadcast, including video when switched on, and to the use of those sound recordings and images for webcasting and/or training purposes.”

### **Resolved Application**

Members noted that Item 8 (Lebanese Grill) was resolved ahead of the meeting and was therefore withdrawn.

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

There were no notifications of urgent business.

### **6. MINUTES**

Consideration was given to minutes of the meetings held on 19<sup>th</sup> January 2023 and 23<sup>rd</sup> February 2023.

### **RESOLVED –**

- (i) THAT the minutes of the meeting held on 19<sup>th</sup> January 2023 be approved and signed as a correct record;
- (ii) THAT the minutes of the meeting held on 23<sup>rd</sup> February 2023 be approved and signed as a correct record.

### **7. 1947 LONDON RESTAURANT & BAR, 33 CHARLOTTE STREET, LONDON W1T 1RR**

Consideration was given to a report of the Executive Director, Supporting Communities detailing an application to vary a premises licence under Section 34 of the Licensing Act 2003.

The Licensing Officer introduced the report and the supplementary agenda. She explained that, subsequent to the dispatch of papers, negotiations had taken place between the Applicant and Responsible Authorities, and the Responsible Authorities had withdrawn their objections. Conditions had been agreed between the Applicant and the three Responsible Authorities (the Police, Environmental Health and the Licensing Authority) who had made representations, and a schedule of the list of conditions agreed had been circulated.

The hours the premises was now seeking to vary were:

- 1) to permit the sale of alcohol from 10.00 to 01.15 from Thursdays to Saturdays
- 2) late night refreshment from 23.00 to 02.00 Thursdays to Saturdays; and

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3) opening hours to be 10.00 to 02.00 from Thursdays to Saturdays.

Chris Rees-Gay, the Applicant's Representative, confirmed the amended hours sought and the conditions agreed with the Responsible Authorities. A Member asked Mr Rees-Gay to clarify why the Applicant was asking for condition 16 to be removed. He said that this was to remove a 1964 Licensing Act condition to 'tidy up' the licence as it was no longer relevant.

The Panel heard from three Interested Parties, Daniel Harris, Pasquale Pedata and Clive Henderson. Mr Harris was a director of Rathbone Hotel, Mr Pedata was a representative of Lancaster Court, and Mr Henderson was a representative of the Charlotte Street Association (CSA). The Interested Parties made the following points in their submissions:

- There had been instances of disturbances which had caused disruption to Rathbone Hotel guests;
- Two hundred customers could be vacating the premises at one time and this would cause noise and congestion as they left;
- A limit of 8 for smokers gathering outside was requested;
- Mr Harris suggested that there be an SIA door supervisor or a member of staff on duty from 11pm to enable the monitoring of the behaviour of patrons and to control ingress and egress;
- Mr Pedata said that public nuisance had been caused to Lancaster Court residents by the premises;
- He also said that there had been occasions where he believed they had operated beyond their permitted hours;
- Concern was voiced that the premises was too close to residential buildings for late operating hours;
- Mr Henderson voiced disappointment that the Responsible Authorities had withdrawn their representations and said that the Police representation had been phrased informally in an email rather than as a formal letter;
- He also said that it would be better for residents if the premises was limited to framework hours.

Members asked the Interested Parties whether complaints had been submitted about noise and disturbance from the premises. Mr Harris said two complaints had been made when the premises had held events under a Temporary Event Notice (TEN). He said that in addition to noise, there had been fighting and vomiting and some patrons had sat on the hotel's plants.

Mr Pedata said he had also attempted to lodge a complaint about public nuisance from the premises, but had lodged it with Westminster City Council by error.

Members asked the Interested Parties if the conditions agreed between the Responsible Authorities and the Applicant were sufficient to allay their concerns, and they said they were not.

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Mr Rees-Gay presented the Applicant's case and made the following points:

- The team running the premises had 20 years of experience;
- It was a restaurant/bar not a nightclub;
- The restaurant would be pitched at a high price point – with the spend for one person having a meal and drinks being around £75;
- About 75% of alcohol sales were of wine;
- Customers would stay for about 1 ½ to 2 hours and would not all be leaving at the same time;
- He accepted that there had been noise and public nuisance issues flowing from the premises when they had held two private parties under TENs.
- He said that the background music from the premises would not be audible from outside;
- He said that they would have CCTV and staff training in order to uphold the licensing objectives;
- He emphasised that as an agreement had been reached with the Responsible Authorities, this showed that the relevant professionals were satisfied with how the Applicant planned to run the premises during the extended hours;
- He said that extending opening hours would enable a third sitting to take place at the restaurant.

Neil Saggat, the Applicant, addressed the Panel and highlighted that the premises was a high-end restaurant and he did not believe its patrons would cause public nuisance. He said they had held 24 events under TENs and only 2 had led to complaints. The lettings for private parties had been made during the post-covid period when the hospitality sector was in financial difficulties, and they did not intend to make any similar bookings in future. He said they were isolated incidents.

Members asked why the premises would not agree to the condition requested by Interested Parties that they have an SIA door supervisor on duty to supervise the outside area after 11pm each night. Mr Saggat said that there would be a hostess/receptionist at the front desk who could monitor the ingress and egress of customers and that it would be expensive to hire a SIA door supervisor for a whole shift. If a door supervisor was employed, they would have to work a whole shift as it was not possible to recruit people to work for just a couple of hours at the end of the day.

A Member raised concerns about bottle disposal and associated noise. Mr Rees-Gay said that he hoped that condition 4 that had been agreed with the Environmental Health Responsible Authority would address this, as it forbade the disposal of bottles between 2300 and 0800.

Members queried whether people would be visiting the premises only to use the bar rather than to have drinks with a substantial table meal. Mr Saggat said the bar was designed to serve customers having a drink with their meal and it was not aimed at casual drinkers as the primary use of the premises was a restaurant.

Following concluding remarks from all Parties, Members deliberated on the application.

### **Panel Decision and Reasons**

Members welcomed the liaison between the Licence Holder and the Responsible Authorities that had taken place. They were of the view that the agreed conditions would help to prevent public nuisance and crime and disorder. They noted that later opening hours would enable a third sitting to appeal to those who wanted to have dinner following a concert or theatre visit, and this would help stagger the ingress and egress of people from the premises if some were leaving earlier after the second sitting and others were leaving later after the third sitting.

Members noted the request from Interested Parties for an SIA door supervisor or other member of staff to monitor the outside area. They also noted the Applicant's explanation of why it would not be appropriate to employ a SIA door supervisor and that some monitoring of the outside could be done by the receptionist. They said that it would be desirable if a staff member could leave the building to monitor the outside area at regular intervals but agreed that this would be difficult to condition and enforce.

Members agreed to grant the application, and were of the view that granting the variation with the agreed conditions would upload the licencing objectives.

### **RESOLVED –**

THAT the following variation to PREM-LIC\1813 be granted:

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

10.00-00.00 Monday to Wednesday  
10.00-01.15 Thursday to Saturday  
12.00-23.30 Sunday

#### **b) Late night refreshment**

23:00 – 00:30 Monday to Wednesday  
23:00 – 02:00 Thursday to Saturday  
23:00 – 00:00 Sunday

#### **c) Opening hours**

10:00 – 01:30 Monday to Wednesday  
10:00 – 02:00 Thursday to Saturday  
12:00 – 00:00 Sunday

THAT the following conditions be appended to the licence:

## **Existing conditions**

### **Annex 1 - Mandatory conditions**

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
5. But nothing in subsection (4) requires such a condition to be imposed -
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to -
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies[ and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
7. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the

purpose of encouraging the sale or supply of alcohol for consumption on the premises

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

9. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark, or (b) an ultraviolet feature.

10. The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

12. For the purposes of the condition set out in paragraph 11

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

13. Where the permitted price given by Paragraph (b) of 12 above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

14. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph

(b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule**

15. Alcohol shall not be sold or supplied except during the permitted hours. In this condition, permitted hours means:

On New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.



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16. The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
17. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
18. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
19. Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
20. Regulated entertainment, for which there is no licence, may not take place on the licensed premises, as detailed by the plan, if members of the public are admitted.

### **Annex 3 - Conditions attached after hearing on 4<sup>th</sup> May 2023**

#### **Environmental Health conditions agreed**

1. Where the supply of alcohol or late night refreshment includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.
2. 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. (preferred wording to condition 9 below)
3. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
4. Bottling out from the premises is prohibited between 2300 hours and 0800 hours.
5. All premises deliveries and other non-glass waste collections to take place between 0700 – 2000 hours. Sundays 1000 – 2000 hours.
6. Licence holder to hold and implement an arrivals and dispersal policy.
7. Licence holder and staff to actively encourage patrons to book and wait for private transport whilst inside the premises after 2300 hours.
8. Licence Holder to ensure Staff and or SIA at the end of licensed hours, actively encourage and quiet dispersal of patrons directly from the venue and the close proximity of the venue. This will include street marshalling at the planned events. Staff will continue to do this until all patrons have left the area. (preferred wording to condition 8 in Licence Officers representation)
9. Licence conditions to be carried over to the temporary event notice events.

**Police conditions agreed**

1. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. CCTV will comply with the following:
  - (a) The system will record in real time and recordings will be date and time stamped;
  - (b) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act requirements) within 48 hours of any request.
  - (c) CCTV to cover the licensable areas of the premises
  - (d) CCTV will be of good quality and of a standard approved by the police/council licensing officers
2. The licensee will 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 in to a programme, ongoing review and will be made available to the police and other responsible authority upon request.
3. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
4. No patron shall be permitted to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage. This includes patrons using the smoking area(s).
5. SIA will be engaged at the premises on a risk assessed basis
6. A SIA registered security personnel register shall be updated on occasions when they are employed at the premises. The register to be made available for inspection by the police and or licensing authority. Details to show:
  - (a) Full name
  - (b) Date of birth
  - (c) SIA registration number
  - (d) Date and hours worked
  - (e) Contact telephone number and email
7. Consumption of alcohol on the premises shall cease 30mins after the permitted hours for the sale of alcohol.
8. At the end of your licensed hours, staff will actively encourage and disperse patrons directly from the venue and the close proximity of the venue. Staff will continue to do this until all patrons have left the area
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Police must be called to incidents of violence and/or disorder where appropriate.
11. An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
  - (a) All crime reported to the venue
  - (b) Any complaints received
  - (c) Any faults in the CCTV system
  - (d) Any visit by a relevant authority or emergency service
  - (e) CAD reference numbers where Police are called.

**Licensing Authority conditions agreed**

1. Regular glass and litter collections shall be carried out in all areas where customers are congregating.
2. No glass is to be taken outside the premises.
3. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
4. 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.
5. The premises licence holder shall implement a smoking policy to ensure customers smoking outside the premises do not cause a public nuisance to local residents.
6. Smoking related litter on the pavement outside the premises shall be cleared by the premises in all areas where customers are congregating.
7. A dedicated telephone number shall be maintained in order for local residents and local resident associations to raise concerns.
8. Customers shall not be permitted to take drinks in open vessels outside with them and prominent signage shall be provided to this effect.
9. Customers smoking on the public footway shall not be permitted to cause obstruction of the highway to passers-by.
10. Staff shall regularly supervise the pavement area outside the premises to ensure customers queuing to enter the premises are not blocking pavements or causing nuisance to neighbouring premises.
11. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area at the premises. The maximum number of patrons permitted within this area shall not exceed 8.
12. All tables and chairs to remain in-situ at all times whilst licensing activities are taking place.
13. Loudspeakers shall not be located in any entrance lobbies or outside the premises building entrances.
14. No alcoholic shots to be provided.
15. Management will ensure that the premises is signed up to the 'Ask Angela Scheme' as part of the Council's Violence against women and girls (VAWG) public realm action plan.

**8. LEBANESE GRILL, 58 CRICKLEWOOD BROADWAY, LONDON, NW2 3ET**

This item was withdrawn.

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

There was no other business.

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

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The hearing ended at 8.15pm.

**CHAIR**

**Contact Officer: Vinothan Sangarapillai**

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**MINUTES END**