

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL D** held on **THURSDAY, 11TH MAY, 2023** at 7.00 pm in a remote meeting via Microsoft Teams.

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

Councillors Eddie Hanson (Chair) and Matt Cooper

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

Councillors Pat Callaghan

### **ALSO PRESENT**

Councillors Matthew Kirk (present as substitute)

**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 D 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 be agreed.

#### **2. APOLOGIES**

An apology for absence was received from Councillor Pat Callaghan.

Councillor Matthew Kirk was in attendance as substitute.

#### **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 such declarations.

#### **4. 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**

The Chair also announced that since the publication of the main agenda, there had been two supplementary agendas published.

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

There was no such notification.

### **6. MINUTES**

Consideration was given to the Minutes of the meeting that took place on 2<sup>nd</sup> March 2023.

#### **RESOLVED –**

THAT the minutes be approved and signed as a correct record.

### **7. BARN JU, BASEMENT GROUND AND 1ST FLOOR, 10 GATE STREET, LONDON, WC2A 3HP**

The application to vary a premises licence under section 34 of the Licensing Act 2003 was withdrawn prior to the hearing, and therefore would not be considered.

### **8. SHU JIE HOT POT, 25 RED LION STREET, LONDON, WC1R 4PS**

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

The Licensing Officer took the Panel through the report and stated that four relevant representations opposing the applicant had been received from local residents.

The applicant's legal representative, Graham Hopkins, confirmed that the application for a variation had been amended and requested that the condition regarding refuse

***Licensing Panel D - Thursday, 11th May, 2023***

collection was extended from 20:00hrs to 23:00hrs, rather than 23:30hrs as previously stated.

Edward Troupe outlined their objections to the application, as in their written submission.

Tom Stewart outlined their objections to the application, as in their written submission.

The applicant, Xue Mei Zhang, and the applicant's legal representative outlined their application and responded to questions providing the following information:

- The application had been made because the current condition was deemed by the applicant to be overly restrictive.
- First Mile, the company contracted by the applicant for refuse collection, confirmed that they had occasionally experienced delays collecting waste due to traffic, staff shortages and other issues. However, despite occasional delays, First Mile has mostly complied with the contracted time and intends to stick to the agreed time of between 19:30hrs and 20:00hrs.
- The Licensing Authority suggested changing the condition to extend the time for waste collection to ensure compliance.
- The applicant was put on First Miles priority list after an incident occurred where rubbish was not collected for 48 hours.
- The issues with rubbish in the area were caused by people littering and dumping waste, and the applicant was not responsible for this.
- The applicant had made remedial efforts to address some of the issues that had been raised, such as putting bags of refuse on plastic trays so that oil and other liquid did not seep out onto the street.
- It was confirmed that staff were trained to know where waste needed to be placed and at which times.
- The applicant highlighted their contingency plan for occasions where First Mile were unable to make collections, which involved storing rubbish inside the premises until a different service could collect it. However, they expressed a need to have time to arrange this and had proposed extending the collection time to 23:00hrs to allow emergency collection service to be booked.
- The applicant clarified that extending the time to 21:00hrs was considered insufficient time to book an alternative service and for them to arrive.
- It was confirmed by the applicant that if the variation was granted, they would not change the current contracted time for waste collection, and it would remain the same.
- Responding to a question about morning waste collections, the applicant explained that a member of staff needed to be present when the collection occurs to ensure the rubbish was not left on the street for too long.

Edward Troup, an interested party, made some closing remarks.

The applicant's representative made some closing remarks.

## **Decision and reasons**

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

In deliberation, the Panel noted the comments from the interested parties and the information provided by the applicant and the applicant's representative. They also confirmed that any reference to previous complaints unrelated to the current application had not been considered.

Panel Members were concerned about the proposed amendment to the application, as it lacked merit. Members agreed that First Mile should be capable of collecting rubbish between 8:00hrs and 20:00hrs, as they were contracted to do. Members also emphasised the importance of ensuring compliance with current conditions instead of applicants trying to amend conditions to address issues and problems that arose.

The Panel also questioned whether the proposed amendment would prevent public nuisance and concluded that the original times were set for a reason and changing the condition would not effectively address the issues raised by the interested parties in their representations.

Panel Members acknowledged the progress made by the applicant and noted their contingency plan however they suggested that they continue efforts to work within the conditioned hours, rather than change the condition. As such, the Panel did not identify any reason why the condition should be amended.

Therefore, it was

### **RESOLVED –**

THAT the application for a variation to the premises licence be refused because it would not promote the licensing objective of the prevention of public nuisance.

## **9. LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

### **RESOLVED –**

THAT the press and public be excluded from the proceedings of Licensing Panel D on 11<sup>th</sup> May 2023 during consideration of the following items on Part II of the agenda, on the basis 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.

Specifically:

Exempt Information Category 1 – Information which relates to an individual: the reason why the public interest favours withholding the information is that the release of such information could constitute or facilitate an unwarranted interference with the individual's privacy.

## **10. APPLICATION FOR A PERSONAL LICENCE**

Consideration was given to the report of the Executive Director Supporting Communities, which outlined an application for a personal licence in accordance with Section 117 of the Licensing Act 2003.

PC Korbinian Cox, representing the Police, outlined their objection, as stated in the objection notice and answered questions.

The applicant highlighted the reasons that they felt that their application should be granted and answered questions.

PC Cox made some closing remarks.

The applicant also made some closing remarks.

### **Decision and reasons**

In deliberation, Members discussed whether there were exceptional or compelling circumstances for granting the personal licence application.

Considering the applicant's criminal history and the current status of their rehabilitation, the Panel believed that granting a Personal Licence in this case would not be in the interest of public safety and would not align with the Licensing Act 2003 objectives.

Therefore, it was

### **RESOLVED –**

THAT the personal licence application be rejected.

## **11. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was none.

The hearing ended at 9.16 pm.

## **CHAIR**

*Licensing Panel D - Thursday, 11th May, 2023*

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**MINUTES END**