

I want to apply for a	Premises licence
Are you an agent?	No - I'm applying for myself
Does the premises have a name?	Yes
What is the name of the premises?	15 Highgate Road
What is the address or location?	Carob Tree Highgate Road NW5 1QX London
What is the type of premises?	Restaurant
Describe the area it is situated in	Commercial
Describe the layout of the premises	There is one main floor where guests would be, and an ancillary storage floor below. There is a front external seating area able to seat approximately 6 people.
Copy of the premises plans	<ul style="list-style-type: none">• BasementandGroundFloordrawing15Highgate1 PDF

Tell us about the premises business hours

Day	Start time	End time
Monday	08:00	23:30
Tuesday	08:00	23:30
Wednesday	08:00	23:30
Thursday	08:00	23:30
Friday	08:00	00:30
Saturday	08:00	00:30
Sunday	08:00	23:30

Are there any seasonal variations for the premises opening times?

No

Is the premises open to the public at times other than those listed?

No

Is the premises an open space?

No

Is the premises currently under construction?

No

What is the non-domestic rateable value (NDRV) of the premises?

35500

How many people are expected to attend the premises at any one time?

Less than 5000 people

Will the premises be exclusively or primarily used to sell alcohol?

Yes

How are you applying for a premises licence?

As a limited company

Business details

What is the company registration number	08471348
Name of business	Fruition Assets Ltd
Name and address	FLAT 4 12 LADBROKE CRESCENT W11 1PS LONDON
Email address	[REDACTED]
Telephone number	[REDACTED]
How long do you want your premises licence for?	Permanently
When do you want your licence to start?	As soon as possible
Activity you wish to licence	i. Late night refreshments - Hot food or hot drinks only between 11pm and 5am. Refreshments outside of these times do not need to be licenced j. Supply of alcohol

Late refreshments

Day	Start time	End time
Monday	23:00	23:30
Tuesday	23:00	23:30
Wednesday	23:00	23:30
Thursday	23:00	23:30
Friday	23:00	00:30
Saturday	23:00	00:30
Sunday	23:00	23:30

Where will refreshments be provided?

Indoors

Tell us about the specifics of the activity

Food and hot drinks will be served using the normal equipment necessary to produce and serve the items, such as cutlery, crockery and cooking equipment and utensils.

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

No

Alcohol supply

Day	Start time	End time
Monday	08:00	23:30
Tuesday	08:00	23:30
Wednesday	08:00	23:30
Thursday	08:00	23:30
Friday	08:00	00:30
Saturday	08:00	00:30
Sunday	08:00	23:30

Where will the supplied alcohol be consumed?

Both

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

No

DPS details**Does your designated premises supervisor (DPS) currently hold a personal licence?**

No

First name

This is an application for a shadow license so there is no requirement for a DPS

Last name

N/A

Address**Email address****Telephone number**

Signed Copy of the Designated Premises Supervisor (DPS) consent form

- Consentformnotrequiredasweareapplyingforas docx

Will there be any activities associated with the premises which may give rise to concern in respect of children?

No

The prevention of crime and disorder

N/a as this is a shadow license

Public safety

N/a as this is a shadow license

The prevention of public nuisance

N/a as this is a shadow license

The prevention of children from harm

N/a as this is a shadow license

About this form

Issued by

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

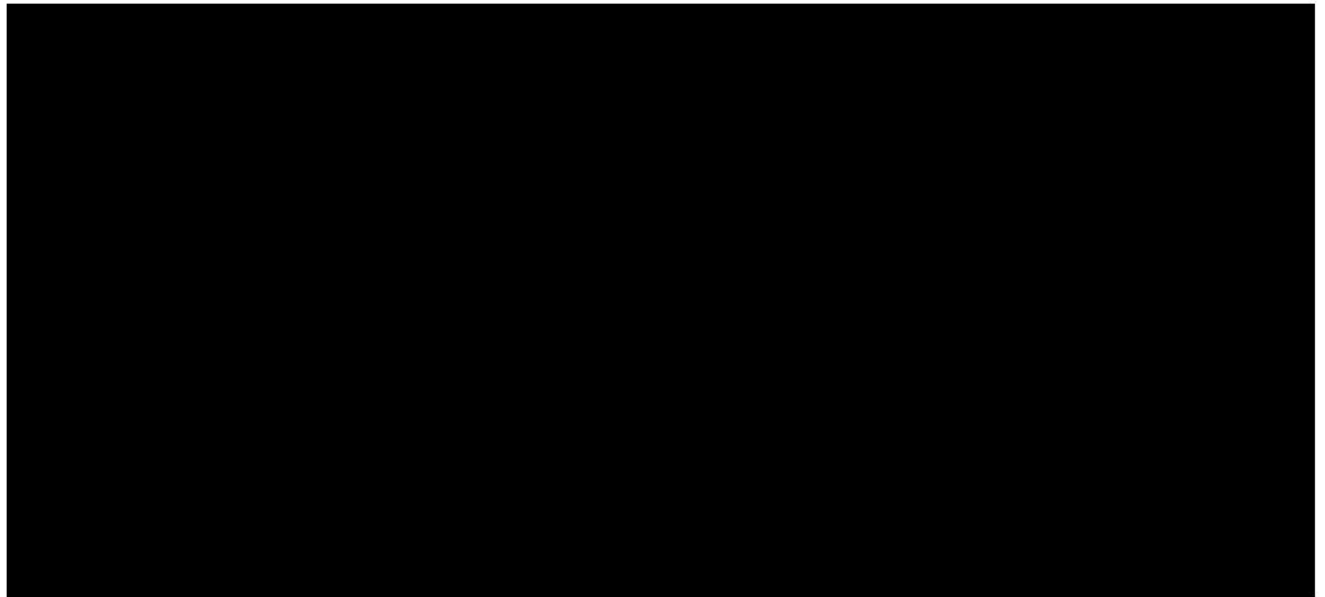
Form reference

Ref. no. 116271

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other

agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.



Following our conversation on the phone here are the details needed to progress to the next stage of the license application.

The address of the premises we are applying for the shadow license for, is:

SWAINS

15 Highgate Road

London

NW5 1QX

Premises licence number:

PREM-LIC\105059

Our relation to the premises is that we are the landlord looking to have a shadow license put in place, to be able to retain alcohol and late-night refreshment serving hours.

[Redacted]

[Redacted]





Representation	
Premises name	Swains
Application reference number	APP\PREMISES-NEW\116271
Last date for representation	05/09/2023

Making a representation as

As an organisation

Your details

Organisation name

Swains Lane Residents and Neighbourhood
Watch Association

First name

John

Last name

Slater

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

28 Swain's Lane
London
N6 6QR

Remain anonymous

No

Grounds of representation

- ensuring public safety
- prevention of public nuisance
- protection of children from harm

Details of representation

See document

Supporting documents (optional)

- LicenceObjectionSwains,
15StAlbansVillas.docx

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Licence Objection

A consultation of Swains Lane residents resulted in a very significant majority opposed to this application for a Shadow Licence with only 2 residents not objecting to the application.

Residents wish to see a successful business occupying the Swains site. However, they are concerned at a Shadow Licence being granted to Fruition Properties under the current terms. The particular objections relate to:

1. The late night opening for alcohol consumption and late refreshments until 00.30 hrs on Fridays and Saturdays on the grounds of potential disturbance.

Without a client to occupy these premises and the unwillingness to compromise on the hours, the Swains Lane Residents and Neighbourhood Watch Association objects to the granting of a Shadow Licence to Fruition Properties. Others residents in proximity to the premises and some businesses are also opposed.

The plan of the ground floor indicates that the premises could accommodate nearly 100 seated customers, including the area under the skylight which was designated as a dining room extension under a previous planning application. Clearly, the area could accommodate even more customers if it were a pub with standing at the bar.

As previously indicated, there are a considerable number of residential flats in close proximity to this building and all other business in this small retail hub are closed by 23.00 hrs on every day of the week. This area is quiet from that hour until 06.30 every day of the week. For many, the week-end is a time for rest. The potential for disturbance is considerable if large numbers were to disburse at this late hour at week-ends as most would be leaving by car or taxi. Indeed the parking in the Lane is likely to be overwhelmed by such numbers with disturbance extending for some distance into the lane.

2. The early opening for alcohol consumption on the premises from 08.00 given the considerable number of school children traversing this area. This risks harm to children and potential public safety.

These hours were granted on the supposition that this would attract customers for breakfast with Bellini cocktails. This proved to be a total misjudgement of the market. Furthermore, it is understood that potential leaseholders could be those operating Pubs. It would be undesirable for such businesses to be serving alcohol so early in the morning given the proximity of so many school children passing through this area representing a threat to public safety and harm to children

3. It is clear that Fruition Properties cannot give this assurance at this stage.

4. It should also be noted that there are outstanding Enforcement Issues affecting this property owned by Fruition Properties. One relates to conditions covering the use of certain areas of the ground floor, which are contrary to the ground floor plan as presented. **However, an issue of public safety relating to the residents in the three floors of flats above this restaurant has recently been raised.**

5. As noted, residents wish to see a successful business to occupy these premises. They would be happy to meet with any potential leaseholder and to seek to gain their assurances on working conditions that protect the environment of this small shopping hub in a largely residential street.

6. Please note the correct address of this property which is as follows:

Swains, 15 St Albans Villas, Highgate Road, London NW5 1QU

From: Dan Outram [REDACTED]

Sent: 15 August 2023 22:58

To: Sarah Williams <Sarah.Williams@camden.gov.uk>

Cc: [REDACTED]
[REDACTED]

Subject: Re: APP/PREMISES-NEW/116271 Swains 15 Highgate Road, NW5 1QX LDR: 2023-09-05 Fwd to SW 14 Aug 2023

Dear Sarah,

As another representative of the community local to 15 Highgate road, I am writing to enthusiastically support this shadow licence application.

- a) I do not foresee permission of this licence creating any problems in terms of crime and disorder. The landlord is looking for a tenant that will not cause any disturbance for their residential tenants upstairs, and that means the a gastropub or restaurant of a suitable character.
- b) for similar reasons, I do not foresee permission of this licence creating any problems in terms of public safety, public nuisance, or risk of harm to children.
- c) I polled the community on my facebook group 'Swains Lane Community' which included 760 local members, and every single respondent supported the licence application.

If you could take this into account in your decision making process it would be appreciated.

Best wishes,

Dan Outram

Representative of Swains Lane Retail Forum, a community-led group that was established in 2015

Conditions consistent with the operating schedule

15. A direct telephone number for the manager at the premises shall be available at all times the premises is open.
16. The supply of alcohol shall be by Waiter / Waitress service only.
17. The supply of alcohol shall only be to customers seated at tables with the exception of a maximum of 10 customers permitted to stand whilst waiting for a table.
18. 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.
19. Between the hours of 08:00 and 11:00 daily sales of alcohol (On sales) shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
20. There shall be no sales of alcohol for consumption off the premises after 23:00.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on or immediately outside the premises.
22. Any alcohol sold via a delivery service shall be
 - a) Ancillary to a food order of at least 6 bottles (half a case) of wine /a value of £100 or more.
 - b) Delivered in accordance with the Premises Challenge 25 Policy
 - c) Delivered in packaging that is marked to show the delivery person that alcohol is part of the order.
 - d) Delivered only to registered residential or businesses addresses.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Camden Police Licensing Team. All entries and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Responsible Authority Officers throughout the entire 31 day period.
24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must also be able to provide Responsible Authority Officers copies of recent CCTV images or data with the absolute minimum of delay when requested.

25. An incident log shall be kept at the premises and made available on request to a Responsible Authority Officer. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
- f) Any refusal of the sale of alcohol
- g) Any visit by a relevant authority or emergency service.

26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

28. The premises licence holder shall ensure that any patrons smoking outside the patrons do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

29. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to use the area quietly.

30. Patrons permitted to temporarily leave and then re-enter the premises, eg. To smoke, shall not be permitted to take drinks or glasses with them.

31. 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 if the premises which gives rise to a nuisance.

32. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.

33. All outside Tables and Chairs shall be rendered unusable by 22:00 each day.

34. No waste or recyclable materials, including bottles shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.

35. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.

36. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours in the following day.
37. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, shall at all material times be maintained in good condition and full working order.
38. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards be immediately available and clearly identified in accordance with the plans provided.
39. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Annex 3 – Conditions attached after hearing by the licensing authority

40. The Premises Licence Holder will ensure that all staff are trained at least once annually, commensurate with their function within the business, in the following areas:
- The Licensing Act 2003 and the four Licensing Objectives
 - The sale of alcohol to persons who are drunk
 - Underage sale and the Premises' Challenge 25 Policy
 - Crime Scene Best Practice
41. The Premises Licence Holder will ensure that records of the above-mentioned training are kept at the Premises and made available to Responsible Authority Officers upon request.
42. Police must be called to incidents of violence and/or serious disorder.
43. Regular glass collection from outside tables shall be undertaken by staff.
44. There shall be no customer entry or re-entry to (with the exception of customers who have left the Premises to smoke) the Premises after 23:30 on Friday and Saturday evenings.
45. The Premises Licence Holder shall devise, implement, and maintain a Dispersal Policy for the Premises. A copy of the Policy shall be kept at the Premises and made available to Responsible Authority officers on request.

Section 1: Background comments of the Borough Solicitor

- 1.1 The purpose of Camden's Statement of Licensing Policy is to make it clear to applicants that wider considerations will be taken into account when determining applications. It is intended to guide the Licensing Panel when considering licence applications. However, the Licensing Panel must always consider each application on its own merits and allow exceptions to the normal policy where the circumstances of the application justify allowing an exception. The burden is on the applicant to show that they comply with the policy.
- 1.2 Members should only address those matters that have formed the subject matter of relevant representations. Matters that arise that are not the subject of relevant representations fall outside the function that the Panel is exercising when it holds a hearing
- 1.3 Members must determine, having regard for the evidence, whether granting the application for a premises licence will impact adversely on the policy criteria listed in paragraph 3 of this report.
- 1.4 In accordance with the provisions of Part 1 of Schedule 5 of the Act, where a Licensing Authority rejects in whole or in part, an application for a new premises licence, the applicant may appeal against the decision, to a magistrate's court within 21 days of being notified of the decision.
- 1.5 Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted, or that different or additional conditions should have been imposed on the licence, he may appeal against the decision to a magistrate's court within 21 days of being notified of the decision.
- 1.6 **The Human Rights Act 1998** incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently, Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

(a) **Article 6: Right to a fair trial**

In the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(b) **Article 8: Right to respect for private and family life**

Everyone has a right to respect for his or her private life, his home and correspondence.

(c) Article 1 of the First Protocol: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including a licence. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(d) Article 10: Freedom of Expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(e) Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 1.7 When formulating policy local authorities must have regard to the **Equality Act 2010**. The Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing powers. Members of the panel must be mindful of this duty when determining all licensing applications.

The section 149 Public Sector Equality Duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

1.8 In determining any application, the Council must comply with the public sector equality duty in s.149 of the 2010 Act. This is a duty to have regard to the need to achieve the statutory goals of s.149, rather than to achieve a particular result. The s149 duty sits alongside and does not override statutory requirements in relation to determining licensing applications, including the duty to consider all evidence on its merits and the legislative criteria listed at paragraphs 3 & 4.

1.9 When members have before them representations or other material on issues relevant to s149, even outside the scope of “standard” licensing considerations such material must still be specifically assessed in the context of s149. However, because s149 creates a requirement to “have regard” the fact a matter raised is relevant to s149 will not automatically translate into a reason for refusing an application that would be sustainable in any subsequent appeal, given the legal requirement to determine applications in compliance with licensing legislation.

Section 2: Financial Comments

- 2.1 Following consideration there are no financial implications concerning this application. The Executive Director Corporate Services has been consulted in the preparation of this report and has no further comments to add.