

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **LICENSING PANEL A** held on **THURSDAY, 4TH APRIL, 2024** at 7.00 pm in Remote meeting via Microsoft Teams. This meeting can be watched live at www.camden.gov.uk/webcast

MEMBERS OF THE COMMITTEE PRESENT

Councillors Shah Miah (Chair), Pat Callaghan and Sharon Hardwick

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 the Licensing Panel A and any corrections approved at that meeting 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

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.

4. ANNOUNCEMENTS

Broadcast of the 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 broadcast live by the Council to the Internet and can be viewed on our website for six months after the meeting.

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After that time, webcasts 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.”

Supplementary Agenda

A supplementary agenda was published on 3 April 2024 which included late papers relating to item 8, Humdingers Camden.

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

There was no urgent business.

6. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 16 November 2023 be approved and signed as a correct record.

7. THE IMAGINARIUM GALLERY:185 DRURY LANE, LONDON, WC2B 5QD

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

Peter Agleby, Licensing Officer, summarised the report.

Steven Dormer, Licensing Authority responsible authority, addressed the Panel and spoke to their written representation. Steven Dormer stated that the Applicant had not engaged with the Licensing Authority since their representation had been submitted and their proposed conditions.

Mrs. Otoole, objector interested party, addressed the Panel and spoke to their written representation. The following points were made:

- Mrs. Otoole was a carer for a disabled resident and also was a resident living in Goldsmith Court, which was directly above the premises. There were eight Goldsmith Court residents living above the café next to the Imaginarium Gallery (Verona Café) on 184 Drury Lane which housed six disabled aging residents who were supported by carers.

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- Residents already suffered anti-social and criminal behaviour close to the premises. The premises was already surrounded by licenced establishments where drunken behaviour effected residents. Residents were also disturbed by people smoking, talking loudly and people congregating on the street by Goldsmith Court. The pedestrianised nature of the street attracted loitering.
- Residents also suffered drug dealing in the area which had attention of the MET Police Operation Yamata. On 26 March 2024 Goldsmith Court was broken into and suffered costly damage which the Police believe was caused by addicts.
- If a new alcohol licence was to be granted, Mrs. Otoole believed conditions would worsen for residents. Goldsmith Court had many floor to ceiling height windows which were double glazed and they already suffered noise nuisance from the street. Despite the Gallery being soundproofed, Goldsmith Court residents could hear people walking on the stairs in the premises if they were wearing hard soled shoes on the hard floor.
- Goldsmith Court residents were disturbed everyday by unsocial delivery times of neighbouring venues.
- Mrs. Otoole stated the premises application had the foundations to morph into an all day drinking venue.
- Mrs. Otoole said that if smoking was not permitted outside of the entrance of the premises, customers would instead move to the corner of Goldsmith Court and the smoke would still effect residents.
- Mrs. Otoole said that in her view an art gallery could operate without an alcohol licence.

Nick Semper, legal representative to the Applicant, accompanied by John Kissane, the Applicant, addressed the Panel and spoke the application. The following points were made:

- The application was for an intimate new basement venue which would host immersive digital art exhibitions where alcohol was ancillary to the customer experience. The premises would not be a late-night venue and would only provide on-site sale of alcohol. The nature of the venue was not an all day drinking establishment.
- The Applicant had accepted conditions from the Covent Garden Community Association (CGCA) and they withdrew their representation.
- No responsible authorities had made a representation.
- The premises was capable of promoting the licencing objectives.
- Many of the concerns from residents were relating to other venues in the area and not the Imaginarium Gallery. Additionally, he stated this venue would not cause street drinking and the purpose of the venue was not compatible with substance abuse. There was no history of complaints at the premises or evidence to support resident concerns about the venue.

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In response to questions, the following points were clarified:

- There had not previously been an alcohol licence at the venue.
- Nick Semper stated that the Applicant would accept conditions on women's safety training for staff.
- In response to Members stating that the Applicant should not dismiss the local resident objections, Nick Semper stated that the issues of other venues and individual street behaviour could not be attributed to the Applicant. The Imaginarium Gallery would not add to the existing problems.
- Members asked how the operators would monitor the outside area and customers smoking on the small pavement, noting the Applicant had rejected the need for door staff. In response, John Kissane stated that 'No Smoking' signs would be installed, staff would check the outside entrance, staff would dissuade customers from smoking outside the premises, and staff would be prepared to ask them to move. The venue had a small capacity and on a normal day they were unlikely to be busy or for clientele to linger outside the premises.
- John Kissane confirmed the gallery was intending to host exhibitions during all business hours and would be closed for brief periods of the year when changing exhibitions. Exhibitions would be ticketed and alcohol sales were restricted to people who had purchased tickets (conditions 12 and 29). Ticket prices would vary but on average would cost £16 and it was expected that 90% of the purchases would be made online as an e-ticket, therefore a queue was unlikely to form. There would also be timed tickets to stagger entry.
- John Kissane was happy to accept a condition for deliveries to the premises be limited to between 11:00am-18:00pm.
- Nick Semper stated the Applicant was happy to accept the Licensing Authorities' conditions 1 and 2, but not condition 3. The Applicant was not prepared to hire SIA door staff for all opening hours because that would be disproportionate to the need.

In their closing remarks, Steven Dormer stated that the Licensing Authority condition 3 did not specify SIA registered door supervisors, but door staff, who could be appointed at the premises to undertake security tasks.

In their closing remarks, Mrs. Otoole asked the Panel to focus on the door policy and smokers congregating and making noise to the detriment of whole of Goldsmith Court.

In their closing remarks, Nick Semper responded to Steve Dormer's closing remark stating that individuals undertaking security tasks should be SIA registered door supervisors. Nick Semper stated that the Panel should consider if the establishment could operate the hours and conditions set out in the application and apply any additional measures that were appropriate and proportionate.

Decision and Reasons

In their deliberations, Panel Members stated there was a risk that the vulnerable residents living above the premises would be disturbed by smokers and people congregating and making noise outside of the venue, particular if there was an alcohol licence.

Panel Members were reassured by conditions 12 and 29 that the premises purpose would primarily be as a gallery and a drinking destination. The mid-priced ticketed entry would likely mean that the customers attracted to the gallery were unlikely to cause antisocial behaviour.

Panel Members said that by accepting additional conditions with the Police and a resident association, the Applicant demonstrated traits of a responsible operator. Additionally, it was positive that the Applicant was happy to accept Camden's women's safety principle as a condition, the time limited delivery times and two of the Licensing Authority's' conditions.

Panel Members stated that when there were busier periods, it should not be a normal staff member's responsibly to stop people smoking and congregating and this should be the role of a SIA registered door supervisor. Although there was no previous history of issues at the venue, there had not been an alcohol licence at the venue before. Members accepted that SIA registered door supervisors were not required during off-peak times at the small venue, however at busier periods during the evening there was a place for security staff to manage the entrance on a risk assessed basis.

RESOLVED –

i) THAT a licence be granted for:

a) Supply of Alcohol (For consumption on the premises)

12:00 - 21:30 Monday to Sunday

b) Opening Hours

10:00 - 22:00 - Monday to Sunday

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

1. Staff Training All staff responsible for selling alcohol shall receive induction and/or refresher training (at least annually) commensurate with their role and responsibilities in relation to the sale of alcohol and the times and conditions of the premises licence.

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2. Training shall include the requirement and process for completing both the incident log and refusal log (detailed below), will be documented, and training records will be kept at the premises.
3. Training records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
4. Alcohol Sales Customers temporarily leaving the premises (e.g. to smoke) will not be permitted to take drinks out of the premises.
5. Refusal Log - A record of refused sales, which may be written or electronic, shall be maintained and completed with the time and date of the refusal and the name of the member of staff refusing the sale.
6. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
7. Incident Log. An incident log must be kept at the premises and must be retained for a period of 12 months from the date an incident occurred. The log must be made immediately available on request to Police or an 'officer of a responsible authority', and must record the following:
 - a) all crimes reported to the premises (where relevant to the licensing objectives)
 - b) all ejections of patrons
 - c) any complaints received (where relevant to the licensing objectives)
 - d) any incidents of disorder any visit by a relevant authority or emergency services, noting time, date and purpose of the visit and the officer names.
8. All requirements and responsibilities pertaining to the lawful and responsible operation of the premises covered by primary legislation, will be complied with – e.g building regs, health and safety, fire prevention.
9. The premises licence holder will operate the business with general consideration in respect of the neighbouring properties. Clear and prominent notices will be displayed in any outdoor public area, and at the exit, requesting patrons be quiet and have consideration for neighbours in the vicinity.
10. Age Verification Scheme – Challenge 25 A challenge 25 age verification scheme will operate at the premises whereby any person who appears to be under 25 years of age, and unknown to the staff member serving as a person over 18 years of age, shall not be served alcohol unless they provide identification to prove they are over 18 years of age.
11. Acceptable forms of identification will be a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram. Appropriate signage advertising the operation of the Challenge 25 scheme must be displayed in the vicinity of all points of sale for alcohol.

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12. The sale of alcohol shall only be legitimate whilst the permitted use of the premises for planning purposes remains that of a museum / gallery.
13. Alcohol sales will be ancillary to the main purpose of the venue which is a museum / gallery.
14. The number of persons permitted in the premises at any one time, excluding staff shall not exceed 60 persons at any one time.
15. The consumption of alcohol on the premises shall cease at 2200 hours.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. Police must be called to all incidents of crime and/or serious disorder.
18. 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 all internal and external areas of the premises to which the public have access. The CCTV camera views are not to be obstructed.
19. CCTV recordings must be concurrent with accurate time.
20. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.
21. 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 with 48 hours.
22. 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 of the Licensing Authority in obtaining the CCTV footage.
23. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
24. At least one Staff working at the premises at any one time shall be trained in the use of CCTV and a log will be kept to verify this.
25. Signs must be displayed in the customer areas to advise that CCTV is in operation.
26. 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

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given of the repair timescale. The premises shall comply with all reasonable requests from the Police.

27. 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.
28. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the Police.
29. Alcohol sales are restricted to people who have purchased tickets for exhibitions in the space.
30. The licence holder will use his best endeavours to discourage customers smoking on the public footway immediately outside the premises and to ensure that the pavement is not obstructed.
31. The premises shall adopt and implement Camden's Women's Safety principles into their day-to-day operation, which are:
 - a) Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
 - b) Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
 - c) Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable, make them aware of your internal policies.
32. Deliveries to the premises should only be made between 11:00 and 18:00.
33. The premises shall conduct risk assessments to test whether SIA door supervisors should be implemented when required at busier periods. At busier periods, SIA door supervisors shall ensure that any queue to enter the premises is orderly and supervised to ensure that there is no public nuisance or obstruction to the public highway. All risk assessment records must be kept and made available to Council Licensing Officers for inspection upon request.
34. Customers smoking on the public footway shall not be permitted to cause obstruction of the highway to passers-by.

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

ACTION BY: Executive Director Supporting Communities

8. HUMDINGERS CAMDEN: 39 BRECKNOCK ROAD, LONDON, N7 0BT

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

Peter Agleby, Licensing Officer, summarised the report.

The Panel agreed to admit the late papers.

Sam Doran, representative of all objecting interested parties, addressed the Panel and spoke to the written representations. Also in attendance were objecting interest parties Caroline Lobsang, Gerald Doran, Paul Olliff and Eleanor Olliff. The following points were made:

- All objectors were owner-occupiers of the flats immediate to the premises and were directly affected by the operation because they shared a party wall that four bedrooms joined onto (including a 17 month old baby); there was a shared lightwell which the Humdingers toilet and window joined onto; and there was an alleyway which granted access to the three flats which was metres from the front door of the Humdingers entrance. There were historical issues with antisocial behaviour in the alley way. Since Humdingers were operating this alley way had been used for smoking.
- There had been no previous issues with premises operating on the site, however this application proposed a new and extended use for alcohol sales and live music.
- When residents met with Humdingers, the vertical drinking issue was addressed, however the primary concern of noise and live music was not addressed. Additionally, during the meeting there was no mention by Humdingers of the tables and chairs licence application, which would have been a considerate and appropriate time to raise in the spirit of the conversation.
- An email from Humdingers to residents stated that “without withdrawing our objections they would get intermittent late licences so they can have late night drum and bass parties until 02:00am”. This email was taken as a threatening message to residents and implied they were powerless.
- Humdingers had not offered any measures to mitigate the impact of noise from the venue on neighbouring residents, for example installing sound proofing.

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In response to questions, objectors confirmed the following points:

- Noise creation from customers congregating outside the venue was a concern, particularly when loudness was enhanced by alcohol late into the evening. On the small public highway in this residential area the sound of voices could travel down the road and through windows easily.
- If the licence were granted, there was no way to limit live music at the venue. The communication from the venue to residents initially was proposing cheese and fine wine evenings which had now turned into threats of a late night music licence premises. A granting of this licence would carry great risk in exposing residents to disturbance.
- After a request from residents, Humdingers said they would not agree to keeping the toilet window shut attach to the lightwell.
- There had been a statutory notice in the widow of Humdingers for the table and chairs licence, however it was not mentioned to residents as part of their conversations. The notice was only noticed by residents after their meeting and the licence was granted 48 hour later. The licence granted was for benches, however there was also a table currently outside of the premises. The Applicant confirmed their licence was for two single benches across the glass of the premises which occupied c.25% of the pavement width. Richard Watson was not aware of a table.
- Residents had been assured by Humdingers there would be a dedicated smoking area, however they had not yet been told where that would be.

Richard Watson, Humdingers Catering Ltd representing the Applicant, addressed the panel and presented the their case. The following points were made:

- The Applicant had got onto the wrong foot with residents and their intention was for local residents to become customers. Humdingers aim was to be a sustainable business in the local area for years to come.
- Humdingers had been running for 15 years and had four sites in London. Previously Humdingers were mainly an event catering business and the pandemic caused them to move into selling baked goods and coffee. Humdingers ran a soup kitchen and provided free meals from their cafes. Another Humdingers site on Brecknock Road had changed purpose from a neon lights shop into a bright airy space which had been received well by the community.
- Humdingers were tight on their profit margins and they would like to improve their profitability by introducing alcohol sales in a responsible way. In the daytime Humdingers sold simple hot food including fresh pizza and the intention was for customers to enjoy a beer or wine with good quality food, and they did not intend to be a drinking destination.
- The Applicant understood resident fears over live music. Their intention was to hold live music on rare occasions, in the form of an open mic night or local artist performances on a Saturday evening.
- In relation to resident concerns over potential noise from the shared lightwell, it was confirmed that the premises toilet which backed onto the lightwell was a separate room to the restaurant space therefore the noise would be reduced.

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- It was confirmed that the designated smoking space would be in front of the premises on the street. Humdingers staff would tell customers they were not allowed to smoke in the alley way.
- The Police had withdrawn their representation after agreeing conditions.

In response to questions, the following points were clarified:

- Members asked how the Applicant would mitigate the noise travelling through the shared party wall, stated that Humdingers had written in their letter to residents they were actively taking steps to minimise the noise. Members asked if the Applicant was considering soundproofing. In response, Richard Watson stated that in their view a normal café operation would not constitute detrimental noise levels and they did not think soundproofing was necessary and it was expensive. Humdingers would be happy to train staff to respect the neighbours. Members stated that when customers were drinking in a restaurant environment in the evening noise levels would rise and those increased noise levels should be taken seriously. Members stated that the Applicant should be taking sound measurements. Richard Watson responded that the Applicant would be happy to install soundproofing if necessary as a condition on the party wall and the toilet.
- Members asked the Applicant what the plans were for the outside seating area in the evening and if it was for socialising or serving food outside. Richard Watson confirmed that the outside seating was for customers to take a break outside and there would be no food or drinks.
- Richard Watson confirmed that the email quoted by residents had been sent by the founder of the business. Richard Watson said that the message of the email was probably said in jest and then misconstrued, there would have been no intention to undermine the licensing process.
- Richard Watson said that the Applicant would be happy to remove live music from their application.
- Richard Watson said that the Applicant would be happy to reduce the hours of alcohol sales to end from 22:00 to 21:30 between Monday and Saturday.
- The Applicant would like to keep the option of selling alcohol without food, but they did not expect alcohol being served without food to be a regular occurrence.
- Members raised that residents had mentioned that in their conversations with the Humdingers, after a request, the Applicant thought it was unreasonable to keep the toilet windows shut to reduce noise. Members stated that it was likely some customers would be loud in the toilets, perhaps emotional after drinking alcohol and having a phone conversation, and that the Applicant should consider completely sealing the window given a baby's bedroom window was in such close proximity. Richard Watson said that due to the restaurant being set forward to the toilet the noise would be reduced.

In their closing remarks, residents stated that they were given limited opportunity to discuss the application with the Applicant other than making an objection to the panel. At the hearing they had heard different offers than conversations outside of the meeting, where before their views had not been taken seriously. It was additionally noted by a resident, that even using soundproofing they hoped the noise would be

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an infrequent occurrence due to the proximity of the baby's bedroom to the premises.

In their closing remarks, Richard Watson stated that Humdingers would like to have a good relationship with the local residents and apologised if residents had felt like they were not open to suggestions. Humdingers wanted to implement measures that would help residents.

Decision and Reasons

In their deliberations, Panel Members stated that they were concerned about the potential noise disturbance from the premises to residents. The shared party wall between the premises and a number of residents meant a greater risk of noise disturbance which would be particularly intensified by alcohol consumption late into the evening and live music events.

Panel Members were concerned about the attitude of the operator due to Humdingers having written to residents reassuring them they were actively taking steps to minimise the noise, however in reality they had not given any serious consideration to remedial work. Panel Members stated that Humdingers were an experienced operator, but when applying for this licence it was clear from their responses at the hearing they had not performed due diligence ahead of the hearing in relation to noise reduction, for example using sound engineers. Until noise testing had been completed, the Panel could not support live music at the venue.

Panel Members stated the application was not ready and there were a number of issues that needed to be resolved before it should return for consideration by a Licensing Panel. As it currently stood, there were not sufficient measures in place to address potential noise and public nuisance created by the venue if the application for an alcohol and live music licence was to be granted and the Applicant needed to work closer with the local residents. A future application should include details of the noise mitigating measures. The Panel suggested that to test noise levels during live music events Humdingers could apply for Temporary Event Notices and build evidence they would not be creating public nuisance to residents.

RESOLVED –

THAT the application for a new premises licence be rejected in its entirety.

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no urgent business.

The meeting ended at 9.30 pm.

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CHAIR

Contact Officer: Anoushka Clayton-Walshe

Telephone No: 020 7974 8543

E-Mail: licensing.committee@camden.gov.uk

MINUTES END