

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 29TH AUGUST, 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 PANEL PRESENT

Councillors Steve Adams and Matthew Kirk

MEMBERS OF THE PANEL ABSENT

Councillors Lorna Greenwood and Jenny Headlam-Wells

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 B and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

10. ELECTION OF CHAIR FOR THIS MEETING ONLY

RESOLVED –

THAT Councillor Matthew Kirk be elected Chair of Licensing Panel B for this meeting only.

1. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS

RESOLVED –

THAT the guidance on remote meetings be noted.

2. APOLOGIES

Apologies for absence were received from Councillors Lorna Greenwood (Chair) and Jenny Headlam-Wells.

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.

Tabled Paper

A supplementary agenda was published which included which included a floor plan of the premises in respect of Cell Phone Vape City.

Application Resolved

The application for Agenda Item 6, in respect of Boxpark Camden, was resolved ahead of the meeting and would therefore not be considered by the Panel. The Chair commended the applicant for working with the interested parties and Responsible Authorities to address their concerns and resolve outstanding issues.

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

There was none.

6. BOXPARK CAMDEN, 192-198 CAMDEN HIGH STREET, NW1 8QP

This application was resolved ahead of the meeting and was therefore not considered by the Panel.

7. CELL PHONE VAPE CITY, GROUND FLOOR 258 KILBURN HIGH ROAD, NW6 2BY

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

Sarah Williams, Licensing Officer, summarised the report and confirmed that the application was not in a Cumulative Impact Policy Area.

The Licensing Officer also reported that five relevant representations had been submitted by local residents. The applicant had engaged with the Police Responsible

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Authority and agreed to amend the application in line with framework hours and agreed additional conditions.

It was noted that the interested parties' who had made a submission in objection to the application were not in attendance. The panel agreed to proceed in their absence, as per Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, and took the submissions as read.

The applicant's representative, Diana Lupulesc, confirmed that there were no amendments to the application.

In making their submission the applicant's representative, reported that:

- The conditions detailed in the agenda, as agreed with the Police Responsible Authority promote the licencing objective relating to the prevention of crime and disorder.
- No objections have been received in respect of the application from any of the responsible authorities.
- Robust measures were in place by way of enforceable conditions, to ensure the premises is not detrimental to residents living in the close proximity and members of the public.
- Some of the objections received were deemed to be speculative and make reference to external issues which were not connected to the operation of the premises.
- No internal or external drinking was to be permitted at the premises. Alcohol sales will be firmly restricted to off sale of alcohol and must be taken away from the premises.
- There was an awareness that the applicant faced the potential of being prosecuted or could be subject to a licence review, should any breaches occur.

Responding to questions the applicant's representative, explained that:

- The decision to sell alcohol was economically driven and the applicant wished to diversify their business. The intention was to focus more on higher end spirits, such as whiskey, rather than beers, cider and lager.
- The shop had been trading for roughly one year.
- It was difficult to control what happened outside of premises, such as the reported issues with people congregating in the street. However, there was a barber shop next door, and it was suspected that many of the people congregating in the street were customers of that premises, rather than the shop, as generally a customer would make their purchase and leave, rather than hang around outside.
- Alcohol would be handed to the customer upon purchase, rather than the customer be able to pick it up off the shelf. There was space behind the counter to store alcohol, so that it was not accessible prior to purchase.

The applicant's representative made some closing remarks.

Deliberation and Reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to the application in respect of Cell Phone Vape City.

In deliberation, the Panel noted that the applicant had worked with the police to agree amendments and new conditions, which should be taken into consideration. The conditions requested by the Police and agreed by the applicant were entirely appropriate for the premises, so should be applied.

Panel Members considered that having another shop in the area that offered alcohol for sale could be a risk, however noted that it was sensible that there would be no miniatures for sale nor single cans of cider and beer. The applicant had explained that there was to be a focus on bottles of high-end spirits.

The Panel were also reassured that the applicant had confirmed they were aware of their responsibilities and that a licence review could be called if they were not operating to the standard expected of them.

As such, the Panel were in agreement that there was no reason to refuse the application.

Therefore, it was

RESOLVED –

THAT the application for a new license under section under section 17 of the Licensing Act 2003 be granted, as follows:

a) Sale of Alcohol off the premises

Monday to Saturday 09:00 – 23:00
Sunday 10:00 – 22:30

b) Opening hours

Monday to Sunday 08:00 – 23:00

With the following conditions:

Conditions Agreed with the Police Responsible Authority

1. 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.

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2. 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 both internal and external areas of the premises to which the public have access.
3. The CCTV camera views are not to be obstructed.
4. At least one CCTV camera is to be placed no more than seven feet above floor level, near the exit, in order to capture clear facial images of all persons leaving the premises.
5. The medium on which CCTV images are recorded shall be of evidential quality, stored securely, retained for a period of 31 days, and be available for inspection by the Police or Local Authority upon request.
6. 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 in obtaining the CCTV footage.
 - a) Copies shall be made available within 48 hours to the Police or Local Authority, upon request.
 - b) The facility to transfer the images to a compatible, removable format, shall be held on the premises.
7. Staff working at the premises shall be trained in the use of CCTV and a log shall be kept to verify this.
8. 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) CCTV will be of good quality and of a standard approved by the police/council licensing officers
 - b) The system will record in real time and recordings will be date and time stamped;
 - c) 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.
 - d) 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 both internal and external areas of the premises to which the public have access.
 - e) The CCTV camera views are not to be obstructed.
 - f) 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 in obtaining the CCTV footage.

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- g) At least one CCTV camera is to be placed no more than seven feet above floor level, near the exit, in order to capture clear facial images of all persons leaving the premises.
9. A Challenge 25 policy shall be enforced, where any person reasonably looking under the age of 21 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect shall be displayed at the premises. The only acceptable forms of identity shall be those with photographic documents recognised in the Home Office guidance, including passports, photo card driving licences, or proof of age card bearing the PASS hologram.
 10. 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) All refused sales (including a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.)
 - c) Any complaints received
 - d) Any faults in the CCTV system
 - e) Any visit by a relevant authority or emergency service
 - f) CAD reference numbers where Police are called"
 11. All alcohol is to be covered and locked behind secure metal shutters when the premises remain open outside the permitted hours for the supply of alcohol.
 12. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content above 5.5% ABV or greater. This restriction shall not apply in respect of specialist branded premium priced products, for example Craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider with alcohol content of 5.5% ABV or greater.
 13. No miniature bottles of spirits of 20 cl or below shall be sold from the premises
 14. No alcohol to be stored beneath the serving counters at any time.
 15. All products to be paid for in full at the point of sale. No 'credit' to be offered to any customers.
 16. A minimum of two members of staff to be present at all times after 18:00 hours.
 17. All staff that sell or supply alcohol shall receive appropriate training in relation to undertaking appropriate age checks, before being allowed to sell or supply any

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alcohol. 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.

Conditions Consistent with the Operating Schedule

18. A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
19. The Licensee may authorise in writing a Duty Manager, who shall be at least 18 years old to deputise for him.
20. The licensee 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.
21. No persons carrying visibly open vessels shall be admitted to the premises at any time that the premises are open for licensable activities.
22. Police shall be called to incidents of violence and/or disorder where appropriate.
23. There shall be no vertical drinking at the premises at any time.
24. Highly intoxicated customers will be refused entry and service at the premises.
25. All display / sale on the shop floor which is accessible by members of the public / patrons will be in a lockable fridge cabinet.
26. Clearly legible notices shall be prominently displayed at all exits and doors leading to external areas of the premises requesting that customers behave and/or leave the premises in a quiet and orderly manner or a statement to that effect.
27. No drinking or smoking shall be permitted at any time at the front entrance of the premises.
28. No parts of the outside exterior area of the premises shall be used for the purpose of entertainment.
29. Delivery of goods and removal of waste shall not take place between the hours of 23:00 and 08:00hrs.

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30. The licensees shall ensure that a suitable person will be designated with the duty and responsibility to inspect the immediate vicinity of the premises and neighbourhood at regular periods for any Anti-Social Behaviour (ASB).
31. All escape routes and exits including external exits shall be maintained, unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.
32. The security lighting will be at a level which does not cause light pollution.
33. A duty manager's mobile telephone number shall be visible and on display to members of the public to raise any complaints in relation to the operation of the licence.

8. ANY OTHER BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was none.

The hearing ended at 7.26 pm.

CHAIR

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MINUTES END