

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL A** held on **THURSDAY, 9TH JANUARY, 2025** at 7.00 pm in a remote meeting via Microsoft Teams.

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

Councillors Pat Callaghan and Sharon Hardwick, and Matthew Kirk

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

Councillors Shah Miah

**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 A 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 be agreed.

#### **2. APOLOGIES**

Apologies had been received from Councillor Miah; Councillor 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 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 additional information submitted by the applicant in respect of Thirteen.

##### **Application Resolved**

The application for Agenda Item 6, in respect of Monmouth Wines, had been resolved ahead of the meeting and would therefore not be considered by the Panel. The Chair noted that the Panel had seen communication had taken place between the applicant, interested parties and Responsible Authorities, which had addressed concerns and resulted in the withdrawal of representations objecting to the application.

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

There was no urgent business.

#### **6. MONMOUTH STREET WINES, 1 MONMOUTH STREET, LONDON, WC2H 9DA**

This application was resolved prior to the hearing and was, therefore, not considered by the panel.

#### **7. THIRTEEN 1 - 3 DENMARK STREET LONDON WC2H 8LP**

Consideration was given to the reports of the Executive Director Supporting Communities detailing applications to vary a premises licence under Section 34 of the Licensing Act 2003.

Paru Budhia, Licensing Officer, summarised both reports and confirmed that the applications were for premises in the Seven Dials Cumulative Impact Policy Area (CIA). Three relevant representations had been received in relation to the

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application. The representations opposed the application and were from the Licensing Responsible Authority, a resident association and a resident.

Lisa Sharkey, representing the applicant, confirmed that there were no amendments to the application.

Esther Jones (Licensing Team Leader), representing the Licensing Responsible Authority, explained that that as additional conditions had been offered and the premises appeared to be well run, the representation objecting to the application, as set out in the agenda pack, would usually have been withdrawn. However, this was not the case as two relevant representations from local residents remained, and the hours policy was engaged.

Sarah Harriot, interested party, summarised their representation in objection to the application, as set out in the agenda.

Responding to a question the Sarah Harriot advised that when music events were hosted by the premises, noise could be heard by neighbouring residents if the sound lobby was not used. In response to a follow up question, the Sarah Harriot clarified that on the occasion the sound lobby was not used, she had complained to the premises who had addressed the issue immediately.

Sarah Harriot confirmed that there were never queues outside the premises, however the queues outside the other premises in the area could be noisy and rowdy, so did not want the premises to add to this disruption.

Lisa Sharkey (legal representative), Tom Lish (Group Director of Security, Consolidated Developments), Emilie Russel (General Manager), Richard Metcalf (Consolidated Developments) appeared on behalf of the applicant.

Those appearing on behalf of the applicant summarised the application and responded to questions, as follows:

- Thirteen was a high-end cocktail bar operating on the ground floor and the basement of the hotel premises.
- The premises, provided a variety of entertainment to their customers, including DJs, cabaret events, and live music.
- When the licence was first granted, there was a requirement to put in place a full measure of sound attenuation, which was dealt with at conditions 56 to 61 on the current application.
- There had been several late events hosted at the premises using Temporary Events Notices, no complaints had been received following any of these events.
- Due to the venue being small and customers using the online booking system, people did not tend to queue outside the premises. However, the applicant would be agreeable to a queuing condition should the panel consider it necessary.

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- One of the reasons that the extension of hours had been applied for was because the premises was often at capacity at closing time and customers would have to leave and move on to one of the neighbouring premises to continue their evening.
- A condition had been proposed that stated last entry to the premises to be 60 minutes before closing time.
- Condition 19 specified that tables and chairs outside could be used until 21:00hrs in line with the hours specified in the Tables and Chairs licence.
- The application sought removal of this condition, so that in future the hours of the tables and chairs licence could be extended.
- There were 19 chairs and 9 tables in the outdoor seating area on Flitcroft street, there was no outdoor seating on Denmark street. The photo in the supplementary agenda showed this location in relation to the surrounding area.
- There was no specific condition requiring use of the sound lobby however it was used as a matter of a routine and condition 64, which related to sound attenuation covered this.
- The applicant agreed that they would encourage patrons to use the Hank's Alley Route to disperse, but did not want to stop customers using alternative routes if they were more suitable for their journeys home.
- The smoking area was outside the premises on Flitcroft Street, customers were directed over to the gates of St Giles to ensure the walkway was cleared.
- There was no proposed change to the business operation or scale of entertainment, it was just to enable the applicant to continuing running the current offer later.
- A condition ensured that people were directed to Flitcroft Street to smoke, customers would not be directed to Denmark Street.
- It was not the intention of the applicant to have a queue outside, and there were no big tables or spaces for large groups, which meant that smaller groups would attend the premises, and their leaving times would be staggered.
- There was an online table booking system and use of this was encouraged.
- Due to the venues offering as a cocktail bar, if a person could not be accommodated in the premises, they would generally move on to another venue rather than wait for a table to become available therefore queues did not form outside.
- Conditions required that staff undertook WAVE training, challenge 25 training, and child protection training. As part of the WAVE training staff were informed of the 'Ask for Angela' scheme.
- The conditions that were proposed to be removed have been enhanced by new and improved conditions and were therefore duplicates.
- The applicant was agreeable to a condition which required use of the sound lobby if music was louder than ambient, and a live music event was taking place.

Sarah Harriot, interested party, made closing remarks.

The applicant's representative made closing remarks.

### **Decisions and Reasons**

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

In deliberation, the Panel noted the representations by the interested parties and Responsible Authorities, and the information provided by the applicant and the applicant's representative.

The Panel considered that the premises was located in the Seven Dial Cumulative Impact Policy Area and discussed whether they believed the applicant had convincingly rebutted the presumption to refuse the application.

Panel Members agreed that the venue appeared to be well run, had the benefit of 24/7 surveillance and security patrols in the area, had a well-managed dispersal plan, and was a small venue relative to other venues in the area. There had been no formal complaints reported and the sound issue that the interested party mentioned was quickly resolved. Therefore, the Panel were minded to rebut the presumption to refuse.

The Panel agreed to extend the hours of the application but stated that additional conditions that would uphold the licensing objectives should be applied. The Panel agreed that it would be appropriate to add conditions relating to

- Use of the sound lobby when music was above ambient levels, including performances of live and recorded music;
- Encouraging the use of Hank's Alley for dispersal, as suggested by Covent Garden Community Association (replacing proposed condition 1); and
- A commitment to working with other premises in the area to manage queuing, as suggested by Covent Garden Community Association (replacing proposed condition 5).

To minimise disruption to neighbouring residents the Panel agreed that condition 19, relating to the outside tables and chairs should not be removed.

Due to the application requesting the extension of hours for licensable activities being across the whole week, the Panel did not agree with the proposed Christmas Eve seasonal variation, as the premises would be able to operate until the terminal hour on whichever day Christmas Eve fell. Furthermore, public transport was less frequent which could have an impact on dispersal from the premises.

The Panel agreed that all other seasonal variations should be granted as applied for.

Therefore, it was

**RESOLVED –**

- i) THAT a variation to the premises licence be granted as follows:

**Extension of hours for Licensable Activities:**

**a) Sale by Retail of Alcohol (on and off)**

Monday to Wednesday 08:00 - 02:00  
Thursday to Saturday 08:00 - 03:00  
Sunday 10:00 - 00:00

**(No change to 24-hour permission for residents and guests)**

**b) Recorded Music**

Monday to Wednesday 08:00 - 02:00  
Thursday to Saturday 08:00 - 03:00  
Sunday 10:00 - 00:00

**c) Live Music**

Monday to Wednesday 15:00 - 02:00  
Thursday to Saturday 15:00 - 03:00  
Sunday 10:00 - 00:00

**d) Late Night Refreshments**

Monday to Wednesday 23:00 - 02:00  
Thursday to Saturday 23:00 - 03:00  
Sunday 23:00 - 00:00

**(No change to 24-hour permission for residents and guests)**

With the following Seasonal Variation:

On the morning of the commencement of British Summertime all licensable activities to be extended by one hour to preserve the permitted trading hours when the clocks go forward at 01:00hrs; hours to be extended to 03:00hrs on Sundays immediately before Bank Holiday Mondays; and on New Year's Eve permitted hours for all activities to be extended until 04:00hrs.

- ii) THAT conditions 22, 24, 32, 33, 42, 43, 48, and 56 be removed from the licence; and
- iii) THAT the following additional conditions be applied to the licence:

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- 1) The sound lobby must be utilised when music volume is above ambient and during performances of live and recorded music at the premises.
- 2) The premises will implement a dispersal policy, and all relevant staff will be trained in its implementation. The policy shall contain measures intended to encourage customers leaving the premises after 23:00 to disperse away from the premises using Hanks Alley, going both West and North towards the tube station and New Oxford Street. If customers are being dropped off/collected by car then they shall be encouraged to use a designated drop off/pick up point. The policy will be reviewed regularly and whenever the licensee becomes aware of issues associated with dispersal. The premises shall consider the dispersal arrangements of premises operating at 4 Flitcroft Street, The Lower Third, 26 Denmark Street and HERE, Denmark Place to ensure that, insofar as possible, the policies support and work in tandem.
- 3) Maximum capacity shall not exceed 140 persons (excluding staff).
- 4) In relation to any event involving a promoter, their associates, DJ(s) or artist(s), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for a profit then:
  - a) The licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 7 days before the event occurs on email [CNMailbox.CamdenPoliceLicensingTeam@met.police.uk](mailto:CNMailbox.CamdenPoliceLicensingTeam@met.police.uk);
  - b) The licensee shall notify Camden Police Licensing Team via the same email if there are any short notice booking events or any unusual events (due to occur within less than 7 days) as soon as reasonably practicable. The police will have the right of absolute refusal of any such events for reason of late notification; and
  - c) Where the venue runs a promoted event using a DJ or MC who performs to background music then they should risk assess the need to search every customer upon entry taking cognizance of Police advice. If the risk assessment determines that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.
- 5) The premises shall not engage the service of street promoters to encourage clientele to attend the venue.
- 6) The licence holder shall consider the queuing arrangements of premises operating at 4 Flitcroft Street, The Lower Third, 26 Denmark Street and HERE, Denmark Place to ensure that, insofar as possible, the policies support and work in tandem to ensure that any queue to enter their premises

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which forms outside the premises is orderly and supervised to ensure that there is no public nuisance or obstruction to the public highway.

- 7) The premises shall operate a system whereby a record is maintained of refusals to serve alcohol. Details to be produced for inspection to the Police and other Responsible Authorities upon request
- 8) There shall be no new admissions of members of the public to the premises 60 minutes before the terminal hour for the sale of alcohol, namely 01:00 Monday to Wednesday, 02:00 Thursday to Saturday and 23:00 on Sunday. (This excludes hotel residents and guests).
- 9) The premises shall maintain a complaints log detailing the nature of the complaint, complainant (if known) and any action taken. The log to be made available for inspection by Environmental Health upon reasonable request.
- 10) The premises shall ensure that an enhanced Risk Assessment shall be carried out to determine how many disabled customers they can safely accommodate and vacate in the event of an emergency.
- 11) Safety Inspection Certificates (which shall be maintained up to date) shall be available on site for inspection by Authorised Officers.
- 12) The management and/or security team, working in conjunction with the Outernet security team, shall monitor parking along Denmark Street and shall discourage patrons from parking illegally. If cars have parked illegally then security shall inform Camden Council for the purposes of ticketing.
- 13) The premises licence holder shall attend a quarterly meeting with local residents and businesses, which it is understood may be cancelled if there is no business for discussion.
- 14) A direct dial telephone number shall be provided to residents that shall be manned during operating hours of the premises. Details of any calls received shall be logged and a note subsequently made of the action taken. Details to be made available upon request to responsible authorities.

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

There was none.

The hearing ended at 8.42 pm.

**CHAIR**



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**MINUTES END**