

# Public Document Pack

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL A** held on **THURSDAY, 13TH FEBRUARY, 2025** at 7.00 pm, which was held remotely via Microsoft Teams.

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

Councillors Shah Miah (Chair) Sharon Hardwick and Matthew Kirk (as substitute)

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

Councillors Pat Callaghan

**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**

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

#### **RESOLVED -**

THAT the guidance be agreed.

#### **2. APOLOGIES**

Apologies were received from Councillor Callaghan. 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.

##### **Application Resolved**

The Chair announced that the Atto application, 88a Cleveland Street, agenda Item 8 had been resolved and would not be considered.

##### **Additional Documentation**

A supplementary agenda had been published in relation to Agenda Item 7 (London Kiosk), and included additional information provided from the Police and Trading Standards Responsible Authorities.

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

There was none.

#### **6. MINUTES**

##### **RESOLVED –**

THAT the minutes of the meetings held on 5<sup>th</sup> December 2024 and 9<sup>th</sup> January 2025 be approved and signed as correct records.

#### **7. LONDON KIOSK, 111 KINGSWAY LONDON, WC2B 6PP**

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.

Samina Khan, Licensing Officer presented the report for the application highlighting that it was for the supply of alcohol for consumption off the premises Monday to Saturday, 8.00am until 11pm and Sundays 10am until 10.30pm. The opening hours

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were 7:00 am to 2:00 am Monday to Saturday 10:00 am to 2:00 am Sunday. The premises was located in the Seven Dials Cumulative Impact Policy Area (CIA) where there was a presumption to refuse all new and variation applications.

The applicant had agreed to accept five additional conditions including a CCTV condition requested by the Police. Despite the agreed condition the Police had indicated that their representation objecting to the application remained.

Three relevant representations had been received in relation to the application from the following Responsible Authorities: - the Police, the Licensing Authority and Trading Standards. The licensing objectives engaged by the application were the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. The hours policy was not engaged by the application. However, the Off- Licence premises policy was engaged and the application did not include the women safety principles.

The applicant's representatives Mr Surendra Panchal and Ms Melinda Singh were in attendance with the applicant Mr Krish Virani and confirmed that there were no amendments to the application.

Steven Dormer, representing the Licensing Authority Responsible Authority, outlined his objection to the application which could be found on pages 96-99 of the main agenda. He stated that the main reason for the objection was that the premises was located within the CIA area and was in support of the other Responsible Authorities objecting to the application on the grounds that the applicant could not meet the standards of compliance having allowed the premises to be used to store illegal vapes, tobacco and alcohol.

Police Constable Christopher Malone representing the Police Responsible Authority outlined his objection to the application which could be found on pages 93-95 of the main agenda and pages 3-5 of the Supplementary agenda.

His objection was mainly on the grounds of the prevention of crime and disorder licensing objective stating that the proposed licence holder was the same person as the Designated Premises Supervisor. The Police had no confidence in this person as there was evidence that the venue had sold illicit tobacco as well as having alcohol in their fridge for sale when the premises did not have a licence.

He noted that even after several warnings from Trading Standards Officers to remove the alcohol, on a subsequent visit after the Trading Standards warnings alcohol was still found on the premises. The venue was also situated in the Seven Dials CIA which was known to have numerous off licence venues and would further add to the cumulative impact in the area.

Christopher Allen representing Trading Standards, Responsible Authority outlined his objection to the application which could be found on pages 102-103 of the main agenda and pages 7-10 of the Supplementary agenda. Supporting the statement of the Police Responsible Authority he reiterated that the applicant could not be trusted

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to manage a premises licence responsibly having found to have stored large amounts of illicit tobacco, alcohol and illicit vapes on the premises. Despite being interviewed by Trading Standards Officers the applicant had not appeared to have taken these incidents seriously. Also of concern was the amount of alcohol stored on the premises which was a small venue.

The Responsible Authorities responding to questions provided the following information:

- The cigarettes found on the premises were illegal, some were clearly labelled duty free only, not for sale and the other batch of cigarettes found were written in foreign languages.
- Vapes were sold to a 16-year-old, the age limit for vaping was 18 years old.
- The alcohol in the basement on 10<sup>th</sup> October 2024 had been on the premises on 9<sup>th</sup> October 2024, the only reason it had not been removed by Trading Standards was because there was no space in the vehicle to put the alcohol.
- The Licensing Authority Responsible Authority was unable to confirm whether the premises had sold alcohol outside of any of the Temporary Event Notice granted.
- The concerns raised by the Police and Trading Standards was that alcohol, tobacco and illicit vapes had been stored on the premises.
- There were little bottles of magnum, cans of cider and strongbow on the counter next to confectionary items which indicated that it was available for sale.
- There were 9 separate occasions when breaches were discovered on the premises. The applicant apologised for the test purchase breach and informed the Responsible Authorities that the alcohol would be removed.
- There was alcohol found in the basement 10 months after the TEN had expired.
- With regards to the last TEN that was granted the Police Responsible Authority would have objected had it been seen, unfortunately it was missed.
- Alcohol was displayed on the counter and was in the fridge when Trading Standards Officers visited which was 10 months after the expiry of the TENs.

Ms Melinda Singh the applicant's solicitor outlined the applicant's case for a new premises licence. She explained that the property had been in existence for 25 years and apart from a few problems highlighted there had been no issues with crime or violence. The premises had complied with the licensing objectives and had a good customer base as it was situated in the centre of London and the business was vital to support the Varani family.

The situation that occurred on 23<sup>rd</sup> January 2025 when the visit was made by the Responsible Authorities was more to do with left over stock from the TENs which was stored in the basement. They had previously applied for 4 TENs which had all been granted, there had been no issues with these which showed that the applicant had complied with the law.

The alcohol found on the premises was not for sale, it was stored on the premises away from the public view, it did not pose a risk to children or the public. With regards to the illicit tobacco found in the basement, it was unknown to the applicant that it was illicit as it had been delivered by DHL and he had not checked it properly when delivered.

The applicant was apologetic for these issues which had occurred in the past, and Mr Krish Varani would be taking over from his father Mr Aziz Varani and therefore the previous issues would no longer occur. These issues had now been resolved with the applicant purchasing products from registered suppliers, he understood and was prepared to ensure he promoted the licensing objectives, accepting additional conditions agreed with the responsible authorities as well as to undergo any further training required.

The applicant's legal representative and the applicant Mr Kris Varani provided the following information in response to questions:

- Alcohol was removed from the premises once a notice was received from the Police.
- There was no further alcohol brought into the premises after the Trading Standards Officer's visit on 8<sup>th</sup> October 2024.
- The alcohol was still on the premises on 9<sup>th</sup> October 2024 after the Trading Standards Officer's visit the day before, because the applicant had not had the chance to visit the premises to remove all the alcohol. He had to look for a friend who had a premise licence to take the alcohol.
- It was understood that it was breach to have alcohol on a premises without a licence, however as soon as the TENs expired the alcohol was stored in the basement and none was put on display, he did not understand at the time that the alcohol should have been removed from the premises.
- The alcohol was removed after the interview with Trading Standards in March 2024, the alcohol was brought back on to the premises in October 2024 in anticipation of a TEN event. Nothing that was brought back was new it was left over from a previous TEN event.
- The applicant only took over responsibility for the shop in mid - January 2025 from his father and could not answer for what had occurred before.
- The good customer base for the premise was not for alcohol as this was not sold on a regular basis, but for other goods the shop sold.
- The tobacco was ordered over the phone, the order was for vapes and nicotine pouches, it was not looked at when delivered. It was only when the Trading Standards Officer attended and pointed it out that it was realised that the tobacco was illicit.
- All the staff on the premises were trained.
- A lot of the alcohol had been removed by the time the Police visited on 10<sup>th</sup> October 2024.

All parties to the hearing made closing remarks.

### **Decision and reasons**

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

In deliberation, the Panel noted that there was a history of the premises not complying with a range of regulatory frameworks which were there to uphold the licensing objectives such as public safety and the protection of children from harm. The non-compliance occurred following clear warnings from the Responsible Authorities which the applicant and the premises had not responded to. The applicant's legal representative had admitted twice during the hearing that holding alcohol for sale on a premises without a licence was a contravention of the licensing laws.

The Panel also discussed whether it should consider granting a licence to a premises situated within the Seven Dials CIA that was under investigation and which could be prosecuted for selling vapes to underage children.

The Panel emphasised that the failure to adhere to the warnings given by the Responsible Authorities or to protect the public or children was a grave concern.

Panel Members determined that it was important to promote the licensing objectives and had no confidence that the applicant would uphold the objectives. Therefore, in order to promote the licensing objectives, of the prevention of crime and disorder, the protection of children from harm and public safety, it was necessary to refuse the application.

The Panel also encouraged the Responsible Authorities to consider with great care any future TENs applications made by the premises.

With all Panel Members in agreement, for the reasons given above it was

### **RESOLVED –**

To refuse the new premises licence application.

### **8. ATTO, 88A CLEVELAND STREET, LONDON W1T 6NJ**

This application had been resolved.

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

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There was none.

The hearing ended at 8.18 pm.

**CHAIR**

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**MINUTES END**

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