

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 16TH FEBRUARY, 2023** at 7.00 pm in

MEMBERS OF THE PANEL PRESENT

Councillors Gio Spinella (Chair), Jenny Headlam-Wells and Lorna Greenwood

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

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

RESOLVED –

THAT the guidance be agreed.

2. APOLOGIES

There were none.

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 none.

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.

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

There was no urgent business.

7. SIMMONS, 7 CAMDEN HIGH STREET. LONDON NW1 7JE

Consideration was given to a report of the Executive Director Supporting Communities detailing an application to vary a premises licence under section 34 of the Licensing Act 2003. Consideration was also given to the information included in the Supplementary Agenda.

The Licensing Officer took the Panel through the report and advised that three representations had been received opposing the application, including representation from the Police Responsible Authority and the Licensing Responsible Authority.

The premises was located within the Camden Town Culminative Impact Policy Area (CIA), so there was a rebuttable presumption to refuse the application for a variation.

The licensing objectives engaged by this application were the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The hours policy was also engaged by this application in relation to the proposed terminal times for licensable activities.

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

Police Constable Dominic Hallam, representing the Police Responsible Authority, made submissions to the panel by summarising his objections as set out in his written statement.

Responding to a question PC Hallam advised that the violent robberies that had caused problems in the area always occurred after midnight, with the most recent intelligence report identifying the peak time for these incidents as between 1:00hrs and 4:00hrs.

Dennis Viechweg, representing the Licensing Responsible Authority, made submissions to the panel, and summarised his objections as set out in his written representation. He advised that the representation was being made on policy grounds, as the premises was in a CIA.

Kate Gemmel representing Tenants and Residents Association Camden Town (TRACT), summarised TRACT's objections to the application, as outlined in their written submission.

The applicant, Nick Campbell, and the applicant's legal representative, Niall McCann, summarised the application.

Licensing Panel B - Thursday, 16th February, 2023

Responding to questions, Nick Campbell, Niall McCann, and Kelsey Brennan (Operations Manager, Simmons) provided the following information:

- The application for a variation sought an additional hour of licensable activities on Friday and Saturday only.
- The applicant did not seek to change the time for last entry, which will remain at 00:30hrs, meaning that patrons leaving other establishments that close earlier would not be able to migrate to the premises.
- The venue was small with a capacity of 100 patrons only.
- If the additional hours were to be granted, the applicant would agree to a condition that made the additional hours unique to Simmons and could not be transferred to a different operator in the future.
- The applicant was also agreeable to accepting a condition related to women's safety and the Ask for Angela scheme and suggested wording as follows: *'the premises will support the 'Ask Angela' campaign or any successor to it.* This will include displaying appropriate signage in the premises and regular staff training to ensure that any incidents of harassment to women are quickly identified, reported, and tackled
- As part of the venues dispersal policy, patrons were directed to Mornington Crescent tube station on the Northern Line, which operated 24 hours a day at the weekend as part of the night tube service. Furthermore, the security team was onsite for half an hour after closing time to ensure that patrons were directed away from the venue to local transport links.
- To address safety concerns, the applicant would be agreeable to adding additional CCTV which covered the area immediately outside of the premises and would consider upgrading the CCTV, if necessary.
- Furthermore, if the variation was granted there would be additional door supervisors working, which could be a deterrent for criminals operating in the area.

The Responsible Authorities, the interested party and the applicant then 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 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 whilst the premises was situated in a CIA, the applicant had proven that they were a well operated premises and would therefore promote the licensing objectives. The Panel also noted that the applicant had been cooperative and had agreed to additional conditions and that both the Licensing and

Licensing Panel B - Thursday, 16th February, 2023

Police responsible Authority had commented that the premises was operated to a high standard.

The Panel also noted that last entry would remain the same, therefore the venue would not attract revellers coming in from venues that closed earlier. Furthermore, the panel were impressed with the way the premises was operated and the robustness of policies it had in place and in considered that the presumption to refuse had been rebutted.

However, Panel Members expressed grave concern about the increase in violent robberies in the area, as referenced in the Police Responsible Authority's submission, and had some concern that granting the variation could contravene upholding the licensing policy of the prevention of crime and disorder.

Panel Members considered granting the application to vary the premises licence, and some Members agreed that, on balance, granting the application with additional conditions would mitigate the concerns raised by the Responsible Authorities and were reassured by the applicant's representation that the premises would continue to be well operated. The Panel discussed adding conditions, as follows:

1. The applicant will commit to installing additional CCTV cameras, or other or other video recording devices, and will ensure that they cover the street and pavement in front of the premises.
2. Notices shall be prominently displayed at all exits requesting that patrons respect the needs of local residents and businesses, leave the area quietly, keep their valuables safe and deter thieves by not using mobile phones openly on the streets
3. The premises will support the 'Ask Angela' campaign or any successor to it. This will include displaying appropriate signage in the premises and regular staff training to ensure that any incidents of harassment to women are quickly identified, reported and tackled.

Some Panel Members believed that the addition of these conditions would ensure that the licensing objectives were upheld so were minded to grant the variation.

Therefore, on being put to the vote with two in favour and one against, it was

RESOLVED –

THAT the presumption to refuse the application had been rebutted and that granting the variation would not add to cumulative impact in the area. Therefore, the application to vary a premises licence under Section 34 of the Licensing Act 2003 be granted as follows:

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

Licensing Panel B - Thursday, 16th February, 2023

No change Sunday to Thursday
12:00 – 02:00 Friday to Saturday

b) Live Music

No change Sunday to Thursday
20:00 – 02:00 Friday to Saturday

c) Recorded Music

No change Sunday to Thursday
07:00 – 02:00 Friday and Saturday

d) Late night refreshment

No change Sunday to Thursday
23:00 – 02:00 Friday and Saturday

e) Opening hours

No change Sunday to Thursday
06:30 – 02:30 Friday to Saturday

With the following additional conditions:

- 1) All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out' - to the satisfaction of the MPS - in order to prevent drugs misuse.
- 2) When the venue is open for licensable activities, the toilets are to be checked by staff at least every two (2) hours and these checks are to be documented on each visit.
- 3) For any event involving a promoter, their associates, DJ or artist (e), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit; 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 www.saferounds.org.uk and Camden Police Licensing team at least 14 days before the event occurs.
- 4) Where the premises are open for licensable activities on Thursdays, Fridays and Saturday and Bank Holiday Sundays from 22:00 hours, a minimum of one SIA registered door supervisor shall be employed at the premises until 30 minutes after close to ensure all patrons are dispersed peacefully from the area.

Licensing Panel B - Thursday, 16th February, 2023

- 5) All SIA staff on duty are to remain on duty for half an hour after the close of the venue to ensure all patrons are dispersed peacefully from the area.
- 6) The licensee /DPS will ensure that all staff that are customer facing/engaging at the venue are trained, as appropriate, in respect of Welfare and Vulnerability Engagement (through www.safersounds.org.uk) and that all new staff sit through this presentation. Refresher training to be conducted every six months. A record will be kept of when the training took place and will be made available for inspection by Police or other responsible authority, upon request.

Additional Conditions agreed by the Licensing Panel on 16 February 2023

- 7) The applicant will commit to installing additional CCTV cameras, or other or other video recording devices, and will ensure that they cover the street and pavement in front of the premises.
- 8) Notices shall be prominently displayed at all exits requesting that patrons respect the needs of local residents and businesses, leave the area quietly, keep their valuables safe and deter thieves by not using mobile phones openly on the streets
- 9) The premises will support the 'Ask Angela' campaign or any successor to it. This will include displaying appropriate signage in the premises and regular staff training to ensure that any incidents of harassment to women are quickly identified, reported and tackled.

8. THE CONSTITUTION, 42-44 ST PANCRAS WAY, LONDON NW1 0QT

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. Consideration was also given to the information included in the Supplementary Agenda.

The Licensing Officer informed the panel that the Police Responsible Authority had agreed conditions with the applicant so had withdrawn their representation. Therefore, one relevant representation remained from a Residents Association.

The premises was not situated in a Culminative Impact Policy Area (CIA). The licensing objectives engaged by the application were prevention of crime and disorder and prevention of public nuisance.

It was confirmed by the applicant that there were no amendments to the application.

Kate Gemmel, representing TRACT, summarised her objections to the application, as outlined in her written submission.

Licensing Panel B - Thursday, 16th February, 2023

The applicants, represented by James Allen (Legal Representative), Trish Moody (Operations Director, Young's), and Nikki Byrne (Operations Manager, Young's) summarised the application and responded to questions as follows:

- The terrace had 54 seats, and the applicant would be willing to agree to a condition that limited the capacity to 80 patrons although it currently had no capacity restriction under planning permission.
- Off-sales would be served in polycarbonate cups, which would be reused and recycled at the premises or, as the cups were of a high-quality, it was unlikely that patrons would discard them and instead might take the cup home to reuse. The motivation for using polycarbonate cups was to avoid glass being used outside.
- During winter, mulled wine would be served in be in paper cups suited for hot beverages.
- The External Management Policy covered customers using the outside areas of the premises, and any customers who may have passed by on the towpath.
- It was not envisaged that there would be an increased risk from drinking alcohol near to the river as customers would primarily be using one of the outside areas of the premises or may wish to stop and get a drink if they were passing by on the towpath and it was not likely that stopping for a drink will change their behaviour in any way.
- The basement bar, which can be accessed from the towpath, will be open all year round.
- The premises would very much be a community pub, driven by the general manager being the landlord and the site being somewhat isolated meaning that local residents and businesses would be the main customer base.
- A full kitchen was fitted at the premises so the pub could offer a wider range of high-quality food and meals.
- To make the premises viable as a business it was important to have a licence as generous as policy would allow, however that did not mean that certain licensable activities would make up a significant part of the business.
- For example, being a pub, off-sales would be rare and negligible in terms of profit and was more about improving the customer experience by allowing patrons to take drinks home if they were walking along the towpath or to allow customers to have a bottle of wine or craft beers with a takeaway meal.
- The small outside area was leased to the premises by the Canal and River Trust, who had expressed no objection to the area being used for licensable activities so chairs and tables may be placed in this area for customer use.

The interested party and the applicant's representative then 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 this application.

Licensing Panel B - Thursday, 16th February, 2023

In deliberation, the Panel considered the comments from the interested party and the information provided by the applicant and the applicant's representative.

The Panel noted that the premises was not situated in a CIA, and that the Police Responsible Authority had withdrawn their representations upon the agreement of conditions.

Furthermore, the Panel expressed they were glad that the application had come forward, which would bring an old pub back to life and could potentially make the area safer in the evenings, as the premises would improve the area by increasing light coverage and would attract increased activity to the area.

Overall, Panel Members were minded to grant the application, with all the conditions proposed by the Police Responsible Authority and the interested party, including an amendment to proposed condition 8, as follows:

- 8) All external areas are not to be used by customers after 23:00hrs Monday to Saturday and on a Sunday preceding a Bank Holiday Monday and 22:00hrs all other Sundays.

The Panel also agreed to impose the following condition:

- The capacity of the outside terrace, facing the canal, shall be a maximum of 80 patrons.

With the addition of the proposed conditions, as amended, the Panel were satisfied that the application would uphold the licensing objectives, therefore, it was

RESOLVED –

THAT the application be granted for:

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

10:00 – 23:30 Monday to Wednesday

10:00 – 00:00 Thursday to Saturday

10:00 – 23:00 Sunday

b) Live Music

c) Recorded Music

10:00 – 23:30 Monday to Wednesday

10:00 – 00:00 Thursday to Saturday

d) Late night refreshment

23:00 – 00:00 Monday to Wednesday

Licensing Panel B - Thursday, 16th February, 2023

23:00 – 00:30 Thursday to Saturday

e) Opening hours

10:00 – 00:00 Monday to Wednesday

10:00 – 00:30 Thursday to Saturday

10:00 – 23:00 Sunday

With the following conditions:

Conditions Consistent with the Operating Schedule

- 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.
- 2) The 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) 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.
- 5) 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.
- 6) Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
- 7) Signs must be displayed in the customer areas to advise that CCTV is in operation.
- 8) 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 who is making the entry. The following must be recorded:
 - a) All crimes reported to the venue.
 - b) Any complaints received.
 - c) Lost property.
 - d) Any incidents of violence or serious disorder.
 - e) Any drug or offensive weapon seizures.
 - f) Refusals of alcohol sales, including any underage attempts
- 9) Notices will be displayed at the exits to the premises asking customers to leave quietly.

Licensing Panel B - Thursday, 16th February, 2023

- 10) A Challenge 21 policy will 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 will be displayed at the premises.
- 11) 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.
- 12) Regular litter and glass collections shall be carried out in all external areas and areas where customers may congregate.
- 13) A direct telephone number for the Licence Holder/DPS/manager of the premises shall be publicly available at all times that the premises is open.
- 14) Management will ensure that the premises is signed up to the 'Ask' Angela Scheme as part of the Council's Violence against women and girls (VAWGs) public realm action plan.
- 15) The premises will operate an External Management Policy in relation to the external areas used by customers and all customer-facing staff will receive training in the operation of the policy.
- 16) There will be no off-sales of alcohol in open containers after 22:00 hours.
- 17) Any off-sales of alcohol in open containers will be in plastic or polycarbonate receptacles only.

Conditions Agreed with the Police Responsible Authority

- 18) The licensee will 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.
- 19) Training shall be written into a programme, ongoing review and will be made available to the police and other responsible authority upon request.
- 20) Police must be called to incidents of violence and/or disorder.
- 21) SIA will be engaged at the premises on a risk assessed basis.
- 22) Regular litter and glass collections shall be carried out in all external areas and areas where customers may congregate.

Licensing Panel B - Thursday, 16th February, 2023

- 23) The premises will operate an External Management Policy in relation to the external areas used by customers and all customer-facing staff will receive training in the operation of the policy.
- 24) There will be no off-sales of alcohol in open containers after 22:00 hours.
- 25) Any off-sales of alcohol in open containers will be plastic or polycarbonate receptacles only.
- 26) No licensable activities shall take place at the premises until premises licence PREMLIC\1613 (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

Conditions agreed by the Licensing Panel on 16 February 2023

- 27) All external areas are not to be used by customers after 23:00hrs Monday to Saturday and on a Sunday preceding a Bank Holiday Monday and 22:00hrs all other Sundays.
- 28) No music shall be played in such a way it should be audible within any adjoining premises or on the adjoining highway.
- 29) The capacity of the outside terrace, facing the canal, shall be a maximum of 80 patrons.

6. MINUTES

Consideration was given to the Minutes of the meeting that took place on 12th January 2023.

RESOLVED –

THAT the minutes be approved and signed as a correct record.

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

There was none.

Having adjourned between 8.17pm and 8.20pm,

The hearing ended at 9.14 pm.

CHAIR

Licensing Panel B - Thursday, 16th February, 2023

Contact Officer: Rebecca Taylor

Telephone No: 020 7974 8543

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

MINUTES END