

THE LONDON BOROUGH OF CAMDEN

At a meeting of **LICENSING PANEL B** held on **THURSDAY, 9TH AUGUST, 2018** at 7.00 pm in Committee Room 4 - Camden Town Hall, Judd Street, London, WC1H 9JE

MEMBERS OF THE PANEL PRESENT

Councillors Abi Wood (Chair) and Lorna Russell

MEMBERS OF THE PANEL ABSENT

Councillor Peter Taheri

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 Licensing Panel B and any corrections approved at that meeting will be recorded in those minutes.

MINUTES

1. APOLOGIES

Apologies for absence had been received from Councillor Taheri and the Chair confirmed that the meeting was quorate with two members present.

2. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations made.

3. ANNOUNCEMENTS

There were no announcements made.

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

Notification was given that an urgent item would be considered for the following application, Sainsburys, Unit H Maiden Lane Estate, York Way. London NW1 9UJ

5. MINUTES

Consideration was given to the minutes of the last meeting and it was

RESOLVED

THAT the minutes of the meeting held on 5th July 2018 be approved as a correct record.

To Note: All

6. ANDY'S TAVERNA, 21 PRATT STREET, NW1 0BG

Consideration was given to a report of the Executive Director, Supporting Communities for an application for a new premises licence under section 17 of the Licensing Act 2003. The Licensing Officer summarised the agenda report as set out in the agenda report.

Toby Daynes, of the Licensing Responsible Authority referred the Panel to and summarised the key points in his written representations. This included that the premises was food led with no history of complaints or enforcement issues, which indicated that it was managed well. The policy presumption to refuse new applications in a Cumulative Impact Policy Area (CIPA) may be rebutted if the original licence for the premises was surrendered. Additionally if the Panel was minded to grant the application they were asked to include the conditions numbered 1-6 in the written submission from the Licensing Responsible Authority to prevent public nuisance.

The applicant, Petros Ochtaras, represented by Peter Sparham, informed the Panel about how experienced the operator was, that they had been established at this premises for 2 years and this application was an expansion of the space into the next door office building to provide more space for dining and additional covers. The applicant was thinking of operating a sandwich bar from the premises but the details of this had not been confirmed as yet. The applicant had looked at the representations and had agreed to reduce the terminal hours for the sale of alcohol to 22:30 on Sundays. There were no plans to expand the bar area, there would be no vertical drinking and there would be a waiter/waitress service to tables. Periodically there might be private/special events where there would be a limited period of vertical drinking taking place. There was no intention for it to be a vertical drinking establishment. Smokers would be kept within the curtilage of the building.

There had been no representations from the Police Responsible Authority or local residents. The existing premises was well run and would continue to be under the new licence.

In response to questions the applicant informed the Panel that:

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- This new application was to streamline the extended restaurant use into the adjacent premises. The new overflow area would mainly be used at weekends
- There would only be background music at the premises
- Limiting the number of people smoking outside the premises to 5 was acceptable to the applicant
- It would be made clear to customers that alcohol was only available with food
- There was no room to stand around the bar area
- Only 3 or 4 private functions took place each year and the overflow area would be mostly used on Thursdays, Fridays and Saturdays. It would not be needed or used for most of the week
- Would agree to a condition that delivery services could only deliver alcohol with an order for food

The Responsible Authority and the applicant had no further comments to add to the points they had already been made.

Discussion and reasons

During the Panel's deliberation they noted that the premises was well run with no complaints and no representations from residents about this application. The Panel welcomed the reduction in hours for the sale of alcohol and noted the conditions that had been agreed with the Police Responsible Authority. Taking these points into account and that the applicant had agreed to surrender the existing licence, the Panel was satisfied that the application would not add any cumulative impact to the area. And the conditions added to the premises licence would uphold the prevention of public nuisance licensing objective

RESOLVED

THAT the application as amended be approved and that the following conditions should apply.

- a) Supply of Alcohol (for consumption on and off the premises)**
11:00 - 22:30 Monday to Sunday
- b) Recorded Music**
08:00 – 22:30 Monday to Sunday
- c) Opening hours**
08:00 – 23:00 Monday to Sunday
- d) Seasonal Variations**
Licensable activities to be permitted until 01:00 on New Year's Day

Summary of Conditions consistent with the operating schedule

1. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption in the premises.
2. A proof of age scheme, such as Challenge 25 shall be operated at the premises.
3. Notices shall be displayed advising that Challenge 25 is in place.
4. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, this will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of Patrons
 - c) Any complaints received
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system
 - g) Any refusal of the sale of alcohol
 - h) Any visit by relevant authority or emergency service
5. All members of staff shall be given regular training to include each of the four Licensing objectives and related responsibilities including Challenge 25 and age related sales. This training shall be documented and made available to an authorised member if the Licensing Authority and/or Police on request.
6. All sales of alcohol for consumption off the premises shall be sold in sealed containers, except that to be consumed at the seating outside the premises or within the curtilage of the premises.
7. Any use of Tables and chairs outside the premises will cease at 2300.
8. All take away deliveries which include alcohol shall be made by Deliveroo service and shall be delivered to a verified address occupied by the customer. All Deliveroo orders to include food and should not be for alcohol only.

Further conditions

1. Orders for food and beverages shall be taken and dispensed by waiter or waitress service only.

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2. No vertical drinking at the bar
3. No alcoholic beverages or glass containers shall be taken outside the premises my customers at any time, other than within the curtilage of the building
4. No more than 5 smokers outside the premises at any one time
5. Customers smoking on the public footway shall not cause an obstruction
6. The applicant will ensure that deliveries, collections and operational servicing are carried out between 07:00 and 19:00 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance
7. Any music played will be background music only
8. The windows and doors must remain closed while the music is on
9. No dancing shall take place at the premises
10. Anyone appearing intoxicated should be refused service without causing any disorder

To Note: All

Action By: Executive Director Supporting Communities

7. WHITE KITCHEN, 79 CAMDEN HIGH STREET, NW1 7LJ

Consideration was given to a report of the Executive Director with regard to an application to vary a premises licence under section 34 of the Licensing Act 2003. The Panel was informed that the Police Responsible Authority had withdrawn their representations following agreement with the applicant.

Toby Daynes Licensing Authority Responsible Authority summarised his written representation about the premises being located in a cumulative impact policy area and the need to ensure that the prevention of public nuisance licensing objective was upheld. There had not been any complaints or enforcement matters relating to the premises in the past 2 years, which indicated that the premises was well run. It was not possible to accommodate more than 50 patrons, the premises would be food led but if granted some of the conditions would be problematic. The Responsible Authority said that if the Panel was minded to grant the application that the conditions 4,5, and 6 on page 99 of agenda, in addition to the conditions agreed with the Police Responsible Authority, would help to mitigate the concerns of the Licensing Responsible Authority.

The Interested Party, Harmood, Clarence, Hartland Association - Residents Association, represented by Stephanie Grant informed the Panel that granting this variation to the licence at this premises in the Camden Town Cumulative Policy Impact Area (CIPA) would add to the public nuisance, noise and litter in the area. The conditions proposed by the Police Responsible Authority was welcomed but the Residents Association was still opposed to the application because the area was a crime hot spot, with lots of alcohol led venues.

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It was the view of the Interested Parties that the applicant had not given enough evidence to rebut the presumption to refuse an application in a CIPA.

In response to questions the Panel was told that that specific issues in the Camden Town area could not be traced to the business at the premises.

The applicant described how the variation applied for would operate at the premises, this included that:

- There would not be any vertical drinking at the premises and alcohol would only be served with food. The alcohol to be served would be 2 types of bottled beer and wine by the glass/small bottles
- The opening hours would be within framework hours and there were only 22 seats in the restaurant
- The concerns of the Interested Parties were noted but there would be no additional impact on the area from the variation to this licence. There were lots of premises in Camden Town just selling alcohol. The intention was to serve alcohol with food
- Food was served and taken to tables but there was no other waiter/waitress service
- Conditions had been agreed with the Police Responsible Authority
- There would be extra security cameras at the property
- The applicant would be working with food delivery companies for a takeaway service
- The applicant said that they would be happy to lock the alcohol fridge at 10.30pm, not serve alcohol until after that time and still retain food/late night refreshment until 3am.

The Licensing Responsible Authority had no further comments.

The Interested Parties summed up by saying that they welcomed that the applicant was willing to reduce the on sale of alcohol hours.

The applicant had no further comments.

Discussion and reasons

During their deliberation the Panel noted the applicant's willingness to reduce the end time for the sale of alcohol, that the premises was small, not alcohol led and the primary focus was food. It was agreed that granting the variation to the licence with the conditions below would uphold the prevention of crime and disorder and the prevention of public nuisance licensing objectives

RESOLVED

THAT the licence application as varied be granted and that the following conditions would apply:

a) Late night refreshment

23:00 - 03:00 Monday to Sunday

b) Supply of Alcohol (for consumption on the premises only)

11:00 - 22:30 Monday to Saturday

11:00 - 22:30 Sunday

Summary of Conditions consistent with the Operating schedule

1. The Licence holder will ensure that A CCTV system shall be in operation at all times when licensable activities are taking place.
2. The system shall incorporate a camera covering each of the entrance doors the and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed subject to compliance with Data Protection legislation
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum 30 days and will be made available subject to compliance with Data Protection legislation.
4. The system must be able to export recorded images to a removable means eg CD/DVD and have its own software enable to allow playback /review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public
6. The system will display on any recording the correct time and date of recording.
7. The licence holder will at all times maintain adequate levels of staff and security- such staff levels will be disclosed on request to the licensing authority and Police.

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8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
9. The Premises Licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold alcohol identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Conditions agreed with the Police responsible authority

- 1.) 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. Training shall be written into a programme, on-going review and will be made available for inspection by Police or other responsible authority, upon request.
- 2.) A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
- 3.) No lagers or ciders in cans or plastic bottles over 6.5% ABV to be sold or stored on the premises.
- 4.) All alcohol products sold to be clearly marked with the name of the store.
- 5.) Alcohol shall not be sold in an open container, be opened in the premises, or be consumed in the premises.
- 6.) An incident book/refusal book to be maintained and ready for immediate Police and Council inspection upon request.
- 7.) 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.
- 8.) No alcohol to be stored beneath the serving counters at any time.
- 9.) All alcohol products to be paid for in full at the point of sale. No 'credit' to be offered to any customers.
- 10.) Management shall issue written staff instructions in relation to their actions at the daily cessation of licensable activities, in order to ensure that no sales occur after the licensed hours. An accurate record of staff receiving such instructions will be made available to Police/Council authorities immediately upon request.

Conditions agreed with Police at later date.

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months. Training records will be kept at the premises available for inspection by a police officer on request.

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2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.This register will be available for inspection by a police officer or other authorised officer on request.
3. An incidents register shall be maintained at the premises recording:
 - all incidents of crime and disorder occurring at the premises;
 - details of occasions when the police are called to the premises.This register will be available for inspection by a police officer or other authorised officer on request.
4. Signage will be displayed in prominent positions within the store informing customers of the age verification policy adopted by the licence holder.
5. There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above save for premium products which have been agreed with the police (email authority will suffice).
6. Outside of permitted hours for the sale of alcohol, and when the premises are otherwise open to customers, all alcohol within the trading area (this does not apply to the display behind the cashier counter) is to be kept behind **locked** metal shutters//grills or locked fridges/cabinets. Alcohol behind the cashier counter must be out of reach from customers.

Further conditions

- The alcohol for sale should not include spirits and should only be bottle beer, lager and small bottles of wine 20cl or smaller
- There will be no vertical drinking at the premises
- Alcohol will be locked away at 10.30pm at the terminal sale of alcohol everyday
- Customers smoking on the public footpath shall not cause an obstruction
- No more than 5 smokers outside the premises at any one time
- The applicant will ensure that deliveries, collections and operational servicing are carried out between 07:00 and 19:00 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance

To Note: All

Action By: Executive Director Supporting Communities

8. ANY OTHER BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT - SAINSBURYS UNIT H MAIDEN LANE ESTATE, YORK WAY. LONDON NW1 9UJ

Sainsbury's, Unit H Maiden Lane Estate, York Way, London NW1 9UJ

The reason for the application to be considered urgently was because under the Licensing Act 2003 (Hearing) Regulations 2005, the period of time within which a hearing must be commenced to determine an application for a premises licence made under section 18 (3)(a) is 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c). This period had now passed and the Authority must hold a hearing. For this reason, this item has been put forward as urgent to comply with the Licensing Act 2003 and the Regulations that accompany it.

Consideration was given to an application under Section 17 of the Licensing Act 2003 for a new premises licence. The application was summarised by the Licensing Officer and it was noted that the applicant had agreed conditions with the Police Responsible Authority.

The Interested Parties were not present but their written representations were noted by the Panel.

The applicant's representative, Andrew Sanders, Winckworth Sherwood LLP summarised the application as follows:

- That 7am to 11pm were the trading hours for many Sainsbury stores
- The comments from the Interested Parties were more Planning than Licensing related, e.g pollution
- The premises would be serving the local population and would not be a risk to the local community
- There were other Sainsbury stores located to parks and schools and staff were considerate of their store neighbours
- The store would not attract drug users to the area
- Need was not a consideration for licensing matters
- Only 14 people had signed the petition, including the objector
- The conditions on pages 23, 24 and 25 of the agenda had been agreed with the Police Responsible Authority and were standard conditions for a Sainsbury's store

In response to questions the Panel was informed that:

- The opening hours were efficiently operational for the business. The applicant had cooperated with Police Responsible Authority who had not requested a reduction in the hours applied for

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- The applicant's preference was to not have sections of the store where shelves and fridges were shuttered and locked outside of the hours permitted for selling alcohol (this did not apply to the display behind the cashier counter)

The Applicant's representative summed up by saying they hoped the Panel would approve the application as amended.

RESOLVED that this part of the meeting be closed to the public and press because it may involve the consideration of exempt information within the meaning of schedule 12A to the Local Government Act 1972, or confidential within the meaning of Section 100(A)(2) of the Act.

When the Panel reconvened the Chair informed those present that the adjournment was to get some legal advice on the evidence received and heard in relation to framework hours.

Discussion and reasons

During deliberation the Panel noted the written representations from the Interested Parties and that many of the points raised were Planning and not Licensing matters and therefore outside the remit of this Panel. The applicant had cooperated with the Police Responsible Authority in reaching agreement about conditions. It was the view of the Panel that the application as amended would uphold the prevention of public nuisance licensing objective. The Panel agreed that they were minded to grant the application as amended and that the agreed conditions with the police would apply:

RESOLVED

THAT the application as varied be granted and that the following conditions would apply:

a) Supply of Alcohol (for consumption off the premises)

07:00 - 23:00 Monday to Sunday

b) Opening hours

00:00 - 00:00 Monday to Sunday

1. The Licence holder will ensure that A CCTV system shall be in operation at all times when licensable activities are taking place.
2. The system shall incorporate a camera covering each of the entrance doors the and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The

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precise positions of the cameras may be agreed subject to compliance with Data Protection legislation

3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum 30 days and will be made available subject to compliance with Data Protection legislation.
 4. The system must be able to export recorded images to a removable means eg CD/DVD and have its own software enable to allow playback /review.
 5. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public
 6. The system will display on any recording the correct time and date of recording.
 7. The licence holder will at all times maintain adequate levels of staff and security- such staff levels will be disclosed on request to the licensing authority and Police.
 8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
 9. The Premises Licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold alcohol identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.Training records will be kept at the premises available for inspection by a police officer on request.
 2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;

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· details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer or other authorised officer on request.

3. An incidents register shall be maintained at the premises recording:

- all incidents of crime and disorder occurring at the premises;
- details of occasions when the police are called to the premises.

This register will be available for inspection by a police officer or other authorised officer on request.

4. Signage will be displayed in prominent positions within the store informing customers of the age verification policy adopted by the licence holder.

5. There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above save for premium products which have been agreed with the police (email authority will suffice).

6. Outside of permitted hours for the sale of alcohol, and when the premises are otherwise open to customers, all alcohol within the trading area (this does not apply to the display behind the cashier counter) is to be kept behind locked metal shutters//grills or locked fridges/cabinets. Alcohol behind the cashier counter must be out of reach from customers.

To Note: All

Action By: Executive Director Supporting Communities

The meeting ended at 8.55 pm.

CHAIR

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MINUTES END