

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL A** held on **THURSDAY, 3RD AUGUST, 2023** at 7.00 pm in a Remote meeting via Microsoft Teams.

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

Councillors Shah Miah (Chair), Pat Callaghan and Sharon Hardwick

**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. ELECTION OF CHAIR**

Proposed by Councillor Patricia Callaghan and seconded by Councillor Sharon Hardwick, Councillor Shah Miah was elected Chair of Licensing Panel A for the 2023-24 municipal year.

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

#### **RESOLVED –**

THAT the guidance be agreed.

#### **3. APOLOGIES**

There were no apologies.

#### **4. 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.

#### **5. ANNOUNCEMENTS (IF ANY)**

#### **Broadcast of the Meeting**

The Chair made the following announcement: “In addition to the rights by law that the public and press have to record this meeting, I would like to remind everyone that this meeting is being broadcast live by the Council to the Internet and can be viewed on our website for six months after the meeting.

After that time, webcasts are archived and can be made available upon request. If you have asked to address the meeting, you are deemed to be consenting to having your contributions recorded and broadcast, including video when switched on, and to the use of those sound recordings and images for webcasting and/or training purposes.”

### **Supplementary Agenda**

A supplementary agenda was published which included a late paper submitted by an objecting interested party who made a representation on the Sainsbury's application.

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

There was no urgent business.

#### **7. TERMS OF REFERENCE**

##### **RESOLVED –**

THAT the terms of reference be noted.

#### **8. MINUTES**

##### **RESOLVED –**

THAT the minutes of the meeting held on 20 April 2023 be approved and signed as a correct record.

#### **9. SAINSBURY'S: SPECTRUM HOUSE, 32-34 GORDON HOUSE ROAD, LONDON, NW5 1LP**

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.

The Licensing Officer summarised the report. It was stated that the Police had withdrawn their representation after the application was amended to include their agreed conditions, therefore the only representations were from interested parties.

Ilona Hay, interested party objecting on behalf of Dartmouth Park Neighbourhood Forum, summarised their representation included within the main agenda (pages 100-101). In their summary, concerns were raised over the Sainsbury's being situated on a key road for busses and emergency vehicles and the risk of congestion would increase leading to traffic safety risks from deliveries; the residents valued local businesses in the area and a Sainsbury's local would not fit the neighbourhoods character; disorderly behaviour and gatherings would result from alcohol being sold during the applied for hours and there would be an increased risk of noise disturbance; children would be at risk from the negative effects of the shop

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as there were a number of local schools; the proximity of the premises to Hampstead Heath would attract people to the area to specifically buy alcohol.

Ilona Hay called two witnesses to address the Panel: Peter Wickenden, Dartmouth Park Neighbourhood Forum, and Nathaniel Copsey, local resident. Peter Wickenden addressed the Panel and elaborated on the issues raised by Ilona Hay's representation in relation to the detriment of public safety due to deliveries. During a delivery, trolleys, bins and litter may obstruct the pavements. Nathaniel Copsey addressed the Panel and elaborated on the issues raised in Ilona Hay's representation in relation to the affect on children due to the increased traffic in the area when people would visit the Sainsbury's, making the road less safe and more polluted. Additionally, the road was a key route to the local hospital.

Jonathan Lombardo, interested party objecting resident, summarised their representation included within the main agenda (page 103). In their summary, concerns were raised over the premises being closely situated to a half-way house and that the area was well served for late night alcohol sales. The introduction of an additional shop selling alcohol in the area would; increase the risk of antisocial behaviour, whilst considering the proximity to Gospel Oak underground station; antisocial groups may be attracted to the premises and disturb residents; and increased congestion to the bus routes.

Nancy Wolstenholme, interested party objecting resident, summarised their representation included within the main agenda (pages 105-107). In their summary, concerns were raised over the effect of sale alcohol hours resulting in behaviour that did not promote the licensing objectives. Additionally, they stated that many local residents who were concerned about the application were not aware of the application within the deadline to submit a representation.

Jessica Jacobs, interested party speaking on behalf of the Gordon House Road Residents Association, summarised their representation included within the main agenda (page 102). In their summary, concerns were raised over the impact the premises would have on the strategic road for ambulances; the light and noise pollution produced from the shop and disturbing local residents; potential disturbances to local children; and the health risks to inebriated people in the area.

Robert Botkai, legal representative of the Applicant, summarised the Applicant's case. Also in attendance was Joanne Surguy, Licensing Manager Sainsbury's, and Tom Holland, Acquisition Surveyor Sainsbury's. The following points were made:

- There were already three convenience stores in the area, however the premises was not situated in a Cumulative Impact Area (CIA). Demonstrating the commercial need for the store was not a relevant licensing consideration.
- The store would create 20-25 jobs in the area and Sainsbury's as a company tried to recruit local people.
- The application was for the sale of alcohol within framework hours and was for less than the opening hours.

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- Alcohol sales would be strictly monitored, applying the biannually staff 'Think 25' training. There were also till prompts for cashiers to check the age of any person buying alcohol.
- Robust conditions had been agreed with the Police and there were no other responsible authority representations.
- The following alcohol products would not be sold in order to influence and limit the type of customer visiting the shop: single cans, small bottles or large bottles, miniature spirits, high strength beers or ciders. Additional measures were spirits not being sold self-service and would be served behind the counter and the only spirits on display would be spirits mixer drinks.
- Many issues raised by interested parties were not licensing considerations. The Applicant had made attempts to engage with local residents, which had been made harder due to the holiday season.
- deliveries would be scheduled mid-morning to not clash with school rush hours.
- Refuse would be stored at the back of the store and collected once per week.
- It was not expected the store would attract much traffic as it would be serving the local community travelling on foot and was not a 'destination' store. There was not a car park at the store.
- The store would not change the character of the area.
- Disorderly behaviour was not generally experienced inside or outside their other stores, therefore was not expected at this store.
- The other local stores with alcohol licences had less restrictive conditions to what was being applied for.
- The display notices and newspaper advert was managed by professional agents and complied with the requirements. The application was compliant with the Licensing Act and the Camden licensing policy.
- Sainsbury's would be happy to contribute to local community events and would like to communicate with local residents and provide a benefit to the community.

In response to questions, the Applicant clarified and outlined the following points:

- Robert Botkai confirmed he had visited the area and premises several times ahead of the hearing.
- It was confirmed Sainsbury's were aware of the parking restrictions in the area.
- Deliveries would not be made at the busiest traffic times, which was the same for other Sainsbury's stores.
- The standard delivery vehicle size for local Sainsbury's shop were 18 tons and were more truck like than lorry sized. It was confirmed that delivery vehicles would park on the road during deliveries because there was no access to the rear of the building.
- The vast majority of Sainsbury's stores sold alcohol to their trading hours, often 11pm, which was standard for all convenience stores in London. This application was for an earlier time than their opening hours.
- Due to the layout of the shop, there were no opportunities to swiftly thief alcohol.
- Sainsbury's was experienced in conversing with the Police and licensing officers nationwide and had done so on this application.
- They would not expect antisocial behaviour outside a store, however if it was experienced then the appropriate measures would be followed.

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It was stated that responsible authorities would have made a representation on the application if there were concerns over the premises causing a risk to hospital transport access.

- The licensing officer confirmed that the application was properly advertised on the premises and in the local newspaper.

In their closing remarks, Jessica Jacobs spoke on behalf of the interested parties and summarised concerns raised by local residents and resident associations that granting the premises licence would negatively impact the local community.

In their closing remarks, Robert Botkai stated on behalf of the Applicant that they had consulted on the application in accordance and beyond the requirements of the Licensing Act. Sainsbury's had listened to resident concerns and many of their fears were not specifically related to the granting a licence to sell alcohol within framework hours. There was no evidence that crime and disorder would be more likely to be caused if the licence was granted and the Police had withdrawn their representation having been satisfied by the agreed conditions. Deliveries could be made between 10:00-16:00pm to avoid peak traffic times. Sainsbury's would like to build a relationship with local residents.

### **Decision and Reasons**

During their deliberations, the Panel Members noted that there were no representations made by the responsible authorities and that Police concerns had been satisfied with additional accepted conditions.

Panel Members noted that there were some concerns raised by the interested parties that were not related to the Licensing Act and what Members were allowed to consider in their decision making, however there were other points made where the sale of alcohol on the premises would cause risk to maintain the licensing objectives.

Members agreed that the traffic conditions on the road would worsen from deliveries to the premises, on what was already a busy core and critical road to the area. Additional congestion on the road had the potential to endanger children and local residents. Members said that the delivery slot should not overlap with the school rush in the afternoon, which was a possibility suggested by the Applicant, and should be reduced to be limited to a three-hour window from mid-morning.

Members acknowledged that the application was for the sale of alcohol within framework hours and was not within a CIA and with appropriate conditions could be granted so as to promote the licensing objectives.

### **RESOLVED –**

- i) THAT a licence be granted for:
  - a) **Supply of Alcohol (For consumption off the premises)**  
08:00 – 23:00 Monday to Saturday

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10:00 – 22:30 Sunday

**b) Opening hours**

00:00 – 00:00 Monday to Sunday

ii) THAT the following conditions be added to the licence:

**Summary of conditions consistent with the operating schedule**

- 1) The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
- 2) The system will incorporate a camera covering each of the entrance doors 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, with the police from time to time.
- 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 of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- 4) The system must be able to export recorded images to a removable means e.g., CD/DVD and have its own software enabled 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 that the premises are open to the public.
- 6) The system will display, on any recording, the correct time and date of the recording.
- 7) The applicant will at all times maintain adequate levels of staff and security. Such staff and security 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 years (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 or method of identification that complies with any mandatory condition that may apply to this licence.

**Conditions agreed with the Police responsible authority**

- 1) The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.

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- 2) The system will incorporate a camera covering each of the entrance doors 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, with the police from time to time. Appendix 4 Page 108
- 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 of 31 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- 4) The system must be able to export recorded images to a removable means e.g., CD/DVD and have its own software enabled 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 that the premises are open to the public.
- 6) The system will display, on any recording, the correct time and date of the recording.
- 7) The applicant will at all times maintain adequate levels of staff and security. Such staff and security 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 years (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.
- 10) All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
  - a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
  - b) 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.
- 11) All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
  - a) details of the time and date the refusal was made;
  - b) the identity of the staff member refusing the sale;
  - c) 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.
- 12) An incidents register shall be maintained at the premises recording:
  - a) all incidents of crime and disorder occurring at the premises

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- b) 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.
- 13) All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
- 14) Signage will be displayed in prominent positions within the store informing customers of the age verification policy adopted by the licence holder.
- 15) There shall be no sale of single cans of beer, lager, or cider from the premises.
- 16) There shall be no sale of single bottles of beer, lager, or cider in vessels of less than 500ml or more than 1500ml.
- 17) There shall be no sale of beer, lager, or cider with an ABV content of 5.5% ABV or above save for craft and premium beers.
- 18) 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 shutters/screens/grills.
- 19) There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV. 20. There shall be no sales of spirits in vessels smaller than of 20CL.

**Condition agreed by Licensing Panel A on 3 August 2023**

- 20) With the exception of small deliveries (i.e. newspapers or items delivered in vans/small lorries), all main deliveries to the store should be made between 10:00-13:00.

**ACTION BY: Executive Director Supporting Communities**

**10. PLAYFUL PINT: 29-33 CHALK FARM ROAD, LONDON NW1 8AJ**

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.

The Licensing Officer summarised the report. In addition to the report, it was clarified that the post code for the premises should be corrected to NW1 8AJ. The premises previously operated as a Korean restaurant and the Applicant was willing to surrender the current licensing if a new licence was granted.

PC Kevin Nicholls, Police responsible authority, summarised their representation included within the main agenda (pages 162-165). In their summary, it was noted on the present restaurant licence customers were required to have a substantial meal ancillary to drinking alcohol and were prohibited from vertical drinking. The premises was located in a Cumulative Impact Area and Camden Town was already particularly saturated with bars and experienced higher than average crime levels compared to other parts of the borough. The premises was applying to become a sports bar instead of a restaurant, which was part of the reason the Applicant were unable to



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accept the Police restaurant conditions. The Police understood the interactive nature of the sports bar, however, could not support another alcohol-led venue in the CIA which would contribute to the cumulative impact of antisocial behaviour and crime. The Applicant had accepted all of the Police conditions apart from attaching restaurant conditions to the part of the venue away from the bar hatched areas. The Police could offer to the Applicant that 30% of patrons (30 people) could be allowed to vertical drink, and 70% of patrons (70 people) were required to be seated and abide with conditions that were more in keeping of a restaurant.

Esther Jones, Licensing Authority responsible authority, summarised their representation on included within the main agenda (pages 166-169). It was stated that the Licensing Authority representation was lodged primarily as the premises was within the CIA.

Kate Gimmel spoke on behalf of three interested parties: firstly the Tenants and Residents Associations Camden Town (Kate Gimmel's representation on pages 172-173 of the main agenda), secondly the Castlehaven Community Association (Brenda Gardner's representation on pages 170-171 of the main agenda), and lastly an objecting resident (Patricia Thomas' representation on pages 174-175 of the main agenda). In their summary, concerns were raised over there not being sufficient evidence explaining why the application should be an exception to Camden's licensing policy regarding CIAs; another drink-led venue in Camden Town would not promote the licensing objectives; and the restaurant conditions attached to the premises current licence were not included in the application making the venue alcohol-led.

Luke Elford, legal representative of the Applicant, accompanied by Jonathan Callister, Applicant, summarised the application. The following points were made:

- The application was for a competitive socialising sports venue.
- The hours and licensable activities applied for were the same as the venue's current licence and operated to framework hours.
- The venue had previously operated as Korean Cowgirl, an award winning Asian themed BBQ restaurant, which was a successful concept operating on two other sites in Kent.
- The Camden venue had previously operated as two failed restaurants and it was clear the site did not work as a restaurant, Camden's Korean Cowgirl traded well initially, highly invested in with a high-cost renovation, however, did not perform as well as the sister restaurants. The premises experienced setbacks from the pandemic and inflation and therefore was closed by the Applicant.
- The Applicant stated that he was a responsible employer, employing over 300 people across their businesses, and paid the living wage. The staff employed at Korean Cowgirl were still on the payroll and ready to work at the proposed new premises. The Applicant invested £1 million into their Camden business to ensure it was a high-end venue, and before closing it was losing £70,000 per month.
- The Applicant, who had 30 years' experience in the hospitality industry, was exploring a new concept to see success in Camden.

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- The proposed venue was an upmarket interactive competitive socialising sports bar, which would offer a range of gaming activities to customers. There would be 15 TV screens playing sports at the venue allowing customers to watch different sports simultaneously, and there would be a real emphasis on showing women's sports.
- The Applicant was willing to offer a condition that there would always be leisure/sports activities for the layout to have tables and chairs and for customers to be seated except for the bar area hatched blue on the premises layout plan. The Applicant was willing to offer conditions to offer table service throughout the venue allowing customers to order food and drinks to their tables and activity areas, which formed the majority of the area in the venue.
- The Applicant was willing to offer conditions to make alcohol ancillary to an activity and the showing of live sports, to allay fears of the venue becoming drinking-led.
- The venue would operate a system for booking tables at the premises at busy times and position hosts at the entrance to meet customers at the door and seat them at tables.
- Parts of the menu would continue to be Korean inspired prepared by a team of chefs. Substantial food would be provided throughout the trading day and all customers would be provided with a copy of the food menu.
- The proposed venue was not a high-volume vertical drinking venue.
- The Applicant had tried to engage with all objectors and tried hard to come to an agreement with the Police. The Applicant was not able to reach a full agreement with the Police because the restaurant conditions was at odds with the character and offer at Playful Pint.
- Playful Pint's business case and unique characteristics considered together should be an exception to the CIA policy presumption to reject new premises.

In response to questions, the Applicant clarified and outlined the following points:

- It was confirmed that the Applicant had conducted research on the concept of the business before making the application, having visited similar venues in London, Surrey and Kent and spending time in Camden. It was clear that the competitive socialising concept of a modern sports bar was attractive to a wide demographic, and not comparable to the old perception of sports bars.
- The Applicant confirmed they were not interested in running standard bars, and instead high-end venues which had something more to offer. The restaurant conditions would not provide the premises with the flexibility to start the new investment strategy and theme they were looking to create.
- It was confirmed the menu would continue the Korean Cowgirl concepts and include baskets, wings, burgers, chips and be prepared to a high standard with the venue having a strong emphasis on food. The menu was designed by executive chefs.
- The Applicant understood the concerns of the premises being situated in a CIA, however the concept was a high-end venue attracting families and friends to partake in activities venue booking online in advance. The venue did not want to be perceived as a late-night drinking venue.
- The Applicant confirmed that the Police condition offer of 30% vertical drinking could not be accepted because of customers taking part in activities where they

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may be required to stand, therefore practically that condition was not suitable for this type of venue and needed flexibility. The Applicant was able to agree a condition that limited vertical drinking around the bar to 15 people.

- The Applicant did not accept that the Playful Pint venue would lead to an increased consumption of alcohol compared to a restaurant venue, and they were not intending to sell more alcohol than they did at Korean Cowgirl.
- The venue would have an income stream from booking the pay-to-play high-end digital games.

In their closing remarks, PC Kevin Nicholls summarised that without the Applicant accepting the restaurant condition the venue would be alcohol-led and therefore would add to the cumulative impact of crime and disorder and drunken behaviour in a CIA. The Police objected to the application in the current form unless their proposed restaurant condition could be agreed to mitigate their concerns.

In their closing remarks, Kate Gimmel summarised that the application was not in-line with Camden's licensing policy and would not promote the licensing objectives and would negatively affect the local community.  
Were there any closing remarks from Esther?

In their closing remarks, Luke Elford stated that the proposed venue would bring a different concept to Camden Town on a site that had failed three times previously as a restaurant. The venue was offering a competitive socialising venue with both food and alcohol ancillary to the activities and games. The premises was applying for a licence within framework hours and identical licensable activities to the licence for the previous venue on the site, which would be surrendered if the application was granted.

### **Decision and Reasons**

In their deliberations, Panel Members stated that the Police had given a compelling case on how an additional venue in Camden Town would add to the cumulative impact on the area, and that they had offered reasonable conditions to make the venue more food-led which were not accepted by the Applicant. The potential for increased antisocial behaviour and crime and disorder was apparent in the absence of restaurant conditions, with two responsible authorities making objections to the application in its current form.

Panel Members were not convinced that the venue made a persuasive enough case to be exempt from the presumption of refusal in Camden's licensing policy for applications within a CIA or a case to refuse the restaurant condition.

The Panel Members agreed that positive characteristics of the venue proposal had been discussed, and it was clear that the Applicant and Police tried hard to make a success of their discussions. The Applicant had completed research of creating a new venue and was willing to invest money in the area. Panel Members stated they were impressed that the Applicant had demonstrated it would be 'women friendly' and the concept was not a traditional sports bar.

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A Panel Member stated they liked the business idea, and it stood out from other venues in Camden, however as it was situated in Camden Town's night-time scene, Playful Pints would contribute to the cumulative negative impact on crime and disorder.

**RESOLVED –**

THAT the application be rejected in its entirety.

Members of the Panel considered that it had not been demonstrated that the application was an exception to the CIA Policy which would enable them to grant the application and also that were it to be granted with suitable conditions to limit the number of vertical drinkers the premises would be alcohol-led which had the potential to add to cumulative impact in the area.

**11. BLACKLIST RESTAURANT: 9 CAMDEN HIGH STREET, LONDON NW1 7JE**

Agreed by Members due to there not being enough time within the prescribed time limits to consider the application, this item was deferred to a future meeting.

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

There was no urgent business.

The hearing ended at 10.20 pm.

**CHAIR**

**Contact Officer: Anoushka Clayton-Walshe**

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**MINUTES END**