

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL C** held on **THURSDAY, 21ST SEPTEMBER, 2023** at 7.00 pm in Remote meeting via Microsoft Teams. This meeting can be watched live at www.camden.gov.uk/webcast

MEMBERS OF THE PANEL PRESENT

Councillors Jonathan Simpson (Chair), Meric Apak and Matthew Kirk

MEMBERS OF THE PANEL ABSENT

Councillors Nina De Ayala Parker

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 C 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

An apology for absence had been received from Councillor Nina de Ayala Parker. Councillor Meric Apak 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

Councillor Simpson announced for transparency that he had been on a tour of the premises to be discussed at Items 7 & 8 and he had met Paul Broadhurst, who was in attendance supporting the application in January 2023, and attended a music event, which he had paid for. He had not had any discussions with anyone regarding the applications.

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 and recorded.

Supplementary Agenda and Tabled Paper

A Supplementary Agenda and Tabled Paper were published, which included an amendment to the report in respect of Lower Third and additional documentation submitted by the Applicant and Covent Garden Community Association, in respect of Lower Third and HERE.

Amended Procedures

As both premises were part of the same development members decided to amend the procedures to hear submissions on both applications together but they would deliberate on them separately.

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

There was no such notification.

6. MINUTES

Consideration was given to the Minutes from the previous meeting.

RESOLVED –

THAT Members agree the Minutes from the meeting that took place on 17 August 2023 be approved and signed as a correct record.

7. LOWER THIRD, 26 DENMARK STREET, LONDON, WC2H 8NN

8. HERE, ST GILES CIRCUS SITE, DENMARK PLACE, LONDON WC2H 8LH

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

The Chair briefly summarised the procedure that would be followed during the hearing of the licence applications, in respect of Lower Third and HERE.

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Sarah Williams, Licensing Officer, summarised both reports and confirmed that the applications were for premises in the Seven Dials Cumulative Impact Policy Area (CIA). The Licensing Officer reported that prior to the meeting, the Police Responsible Authority had withdrawn their representation regarding HERE after agreeing conditions with the applicant, these conditions were set out in the Tabled Paper.

In response to a question the Licensing Officer confirmed that there was a detailed site plan at page 39 of supplementary agenda.

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

Esther Jones, Licensing Team Leader, representing the Licensing Responsible Authority summarised their representation, objecting to both applications, as set out in the agenda pack.

Responding to a question, the Licensing Team Leader explained that their representation had been submitted due to the premises being located in the Seven Dials CIA. They had not withdrawn their representation due to the number of outstanding representations received in objection but stated they were satisfied that, due to the proposed conditions, the licensing objectives would be upheld by both applications.

Clarity was sought as to whether any complaints had been received by the Council regarding Lower Third and HERE. The Licensing Team leader reported that no complaints regarding neither premises had been received by the Licensing Service. However, other Council services or responsible authorities could have received complaints.

Responding to a following question, the Licensing Team Leader noted that the Environmental Health Responsible Authority had been consulted on the application and did not submit representations notwithstanding any complaints they may have received.

David Kaner, Covent Garden Community Association, summarised their representation in objection to the application, and referred to the additional submission outlined in the supplementary agenda. The following concerns about the applications were expressed:

- The number of patrons arriving and leaving added to the cumulative impact of an already busy area.
- The venues were believed to attract illegal activity to the area, including the sale and use of drugs.
- Some of the patrons using the venues parked their cars illegally on the pavements and seemed to have no regard for enforcement and had continued to park illegally despite parking tickets being issued.

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- Residents had observed noisy, busy queues despite the existing conditions on the HERE Licence indicating that the NOW Building and NOW Trending could be used as a ticket hall for maximum attendance events.
- All of these factors had a negative impact on residents, who found having these premises close by detrimental to their quality of life.

Sarah Herriot, local resident, summarised their representation in objection to the applications, drawing particular attention to the noise generated by people queuing for the venues and illegal parking in the area by those thought to be using the premises.

John Wallace, Soho Housing Association, summarised their representation in objection to the applications, emphasising the detrimental effects that granting the variation applications would have on local residents.

Ali Negal, local resident, also representing Ines Catto, summarised their representation in objection to the applications and raised concerns about an increase in anti-social behaviour and noise nuisance in the area.

Richard Cohen, local resident, summarised their representation in objection to the applications, noting in particular the noise generated by people leaving the venues along St Giles High Street.

Niall Forde, Music Venues Trust, summarised their representation in support of the Lower Third application as set out in the main agenda, commenting that they believed the applicant was comprehensive in their management of the premises and would uphold the licensing objectives.

Dan Beaumont summarised their representation in support of the applications as set out in the main agenda, adding that the management team did exemplary work and would uphold the licensing objectives.

Responding to a question, an interested party advised that it was not possible to definitively attribute the nuisance in the area to HERE and Lower Third, but there were incidents that suggested that people had attended the venues that evening. For example, people were being noisy leaving the area at the terminal hour on those nights that events were being ran from the venues. The interested party added they believed the applicant was not actively solving problems but was instead moving them on from outside the immediate area of the premises.

The Panel sought clarification on illegally parked vehicles in Denmark Street. The interested parties stated that cars were frequently parked illegally on pavement and the applicant had acknowledged this was an ongoing issue. It seemed that whilst parking tickets had been issued this had not been effective in managing the problem as some vehicle owners were not deterred by the prospect of a parking fine. The interested parties added that cars dropping customers off at the venues were also blocking the street and had caused delays for buses serving the area.

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The Panel discussed some of the complaints the interested parties had mentioned and sought further information. The interested parties explained they had submitted written complaints to Environmental Health, the applicant, and most recently to the Licensing Authority. The Interested Parties stated that they had also complained verbally to the door staff about some of the issues outlined in their representations, however it was unclear if these complaints were logged, despite there being a condition on the existing licence that required the applicant to do so. Interested Parties expressed frustration that their complaints were often not responded to or acted upon.

The Licensing Team Leader clarified that their representation concerned complaints made to the Licensing Authority only and conceded that it was quite possible that complaints had been received by other responsible authorities. The Licensing Team Leader then acknowledged a complaint was received two days ago but had not been mentioned in the Licensing Authority representations regarding the two applications, as these had yet to be investigated.

Responding to a question the interested parties explained that, historically, when other late-night venues, such as Astoria and Astoria 2, were in operation, the area was very different, there was no large piazza as now existed, so the impact of these premises on the local area was not comparable. The creation of St Giles Square had meant that people were now able to congregate in the area, whereas this used to be a road which meant people moved on quickly and did not loiter.

Lisa Sharkey (Solicitor), Tristan Hoffman (Chief Operating Officer, Outernet), Karrie Goldberg (Partner, Outernet), Robbie Naish (Security Director, Outernet), Michael Watson (Licensing Consultant), Brian Hunter (Licensing Consultant), and Paul Broadhurst (24 Hour London Manager, Greater London Authority) appeared on behalf of the applicant and summarised the application whilst highlighting several key points, as follows:

- Due to both premises being in a CIA, pre-consultation with all responsible authorities was undertaken before the applications were submitted, so that a collaborative and informed approach could be taken to ensure the applicant had sight of any issues and how to address them and so they could continue to promote the licensing objectives.
- The representative noted that the previous applications submitted in respect of both premises had been objected to by the Environmental Health Responsible Authority, however due to the robust management of the premises Environmental Health had not raised any concerns about the variations nor had they submitted representations in objection.
- Some of the challenges and issues raised were characteristic of the venues central London location and where outside the applicant's control, such as buskers in the area and people loitering, and these problems persisted even when venues were closed. However, the applicant had worked hard to minimise the impact and address these challenges on nights when the venues were in operation.

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- The Outernet district had various security measures in place, including CCTV, a 24-hour on-site security team and medics were present for all events. The presence of security had notably reduced some of the drug activity that had been present in the area previously.
- There were high quality venue management policies and procedures in place that aligned with the licensing objectives, which the applicant's representative had described as being 'gold standard'.
- Every effort was made to control queuing, ingress and egress and comprehensive policies and procedures were in place. Egress from the venue was managed with barrier systems and staff who directed people to the Tube station, which was about two minutes on foot, or to Charing Cross. Typically, it had taken less than 30 minutes for customers to disperse after an event had ended.
- Efforts were made to discourage street parking, and the applicant had secured parking schemes that offered 20% off parking in nearby car parks, traffic marshals had also been employed to manage parking and drop offs during events.
- Variation applications to extend hours had been submitted in respect of both venues so that more events could be hosted, and the venues could be more financially sustainable and secure, which would also mean that free live music events could continue.

In response to questions, the applicant's representatives stated that:

- The Outernet district team would direct complaints to the venue that they believed they were responsible for whilst it was accepted that some of the venues within the development had received complaints, none were thought to be related to Lower Third or HERE.
- A condition was agreed in respect of HERE for a direct telephone number to be provided so that residents could report issues and the applicant was open to this condition also being applied to the Lower Third licence also.
- The applicant was willing to arrange quarterly meetings for residents to voice complaints and discuss issues. This was already an agreed condition for HERE and the applicant would be agreeable to also having a condition to this effect for Lower Third.
- With reference to the site plan set out at page 44 of the supplementary agenda pack, the applicant's representative provided a detailed description of the Outernet district and outlined the egress routes.
- It was acknowledged that a complaint was logged with regard to a fashion event that had taken place on the Outernet district, however neither HERE nor Lower Third hosted this event, so this was instead raised with the venue responsible for the event.
- *R on the application of A3D2 Limited (t/a Novus Leisure) v (1) Westminster Magistrates' Court (2) Westminster City Council [2011] EWHC 1045* suggested that, whilst the loss of a licence due to the demolition of a premises did not mean the presumption to refuse an application in a CIA should automatically be rebutted, it did not, however, prevent the loss of occupancy

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levels in those demolished premises being used as an exceptional circumstance to grant an application in a CIA.

- They acknowledged concerns raised about whether the extension of hours would attract more people and generate more noise but explained that longer opening hours would result in staggered arrivals and departures and dispersal would be managed effectively.
- The applicant, by way of venue management policies and agreeing conditions, had demonstrated how they would mitigate culminative impact.
- The Outernet district is well managed and tightly controlled, which had been proven to both Environmental Health and the Police, making it an ideal location for late night venues.
- Regarding the type of music events, it was mentioned that the venues had a diverse programme, which included DJ club nights and live performances as well as smaller music events that were offered free of charge.

David Kaner, representing the interested parties who objected to the applications made closing remarks.

Dan Beaumont, representing the interested parties who supported the applications made closing remarks.

The applicant's representative made closing remarks.

After considering the submissions the Panel sought legal advice before proceeding with deliberations, therefore the Panel passed the following resolution at 9:56pm:

RESOLVED –

THAT the press and public be excluded from the proceedings of the Licensing Panel on 21st September 2023 during consideration of the respective item on the agenda on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically –

Publicity in respect of Items 7 & 8 would be likely to lead to the disclosure of information **in respect of which a claim to legal professional privilege could be maintained in legal proceedings by virtue of Category 5 of Schedule 12A of the Local Government Act 1972 (as amended).**

PART II

During private session, the Panel received legal advice regarding the rebuttable presumption to refuse and the possible exceptions to a cumulative impact, and the options open to them when determining the applications and clarity was provided on

R on the application of A3D2 Limited (t/a Novus Leisure) v (1) Westminster Magistrates' Court (2) Westminster City Council [2011] EWHC 1045.

PART I

The meeting returned to public session at 10:05pm.

Decisions and Reasons – Lower Third, 26 Denmark Street, London, WC2H 8NN

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

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

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

Panel Members commented that the venue appeared to be very well ran, with comprehensive and robust policies and procedures in place and the conditions that had been agreed would ensure that the impact of the later terminal hour was minimal. The Panel also noted that the cultural benefit of the venues would be an asset to the borough.

The Panel were mindful that the intensification of the Outernet district could have a negative impact on residents and expressed serious concern that complaints were not being sufficiently dealt with and the security arrangements across the site did not seem coherent.

The Panel noted the variation application had sought to amend the terminal hour of licensable activities from 2:00hrs Thursday – Saturday to 4:00hrs. The Panel considered that extended hours on three days was not appropriate and were minded to vary the terminal hour to 4:00hrs Friday – Saturday only.

Panel Members then discussed applying additional conditions to the licence as they considered that doing so would mitigate some of issues and concerns raised and would uphold the licensing objectives. The Panel noted the applicant was agreeable to applying the conditions that had been agreed with the Police Responsible Authority in respect of HERE, with some slight amendments. As such, the Panel stated that the following conditions should be added to the licence:

- 1) The security team, working in conjunction with the Outernet security team, shall monitor parking along Denmark Street and shall discourage patrons from parking illegally. If cars have parked illegally then security shall inform Camden Council for the purposes of ticketing.

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- 2) The premises licence holder shall host monthly meeting inviting local residents and businesses to attend, which can be cancelled by mutual agreement if there is no business for discussion.
- 3) A direct dial telephone number shall be provided to residents that shall be manned during operating hours of the venue. Details of any calls received shall be logged and a note subsequently made of the action taken. Details to be made available upon request to responsible authorities.
- 4) From midnight, when the venue is trading, external sound checks shall be carried out every 30 minutes and logged.
- 5) Where the premises are operating until 4 am, then from 11 pm Club Scan shall be used as a condition of entry for any member of the public (excluding VIP, artists, or manager guest list) attending a public promoted event.

Overall, Panel Members determined that reducing the hours applied for with the addition of conditions would ensure that the licensing objectives were upheld and would not add to cumulative impact and so were minded to grant the variation.

Therefore, it was

RESOLVED –

THAT the application to vary a premises licence under Section 34 of the Licensing Act 2003 be granted with conditions, as follows:

Variation to Existing Licensable Activity and times:

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

Monday to Thursday: 10:00 – 02:00 (No Change)
Friday to Saturday: 10:00 – 04:00
Sunday: 12:00 – 00:30 (No Change)

j) Live Music

Monday to Thursday: 10:00 – 02:00 (No Change)
Friday to Saturday: 10:00 – 04:00
Sunday: 12:00 – 00:30 (No Change)

k) Recorded Music

Monday to Thursday: 10:00 – 02:00 (No Change)
Friday to Saturday: 10:00 – 04:00
Sunday: 12:00 – 00:30 (No Change)

l) Performances of Dance

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Monday to Thursday: 10:00 – 02:00 (No Change)

Friday to Saturday: 10:00 – 04:00

Sunday: 12:00 – 00:30 (No Change)

m) Anything similar to live music, recorded music or performances of dance

Monday to Thursday: 10:00 – 02:00 (No Change)

Friday to Saturday: 10:00 – 04:00

Sunday: 12:00 – 00:30 (No Change)

n) Late night refreshment

Monday to Thursday: 10:00 – 02:00 (No Change)

Friday to Saturday: 10:00 – 04:00

o) Opening hours

Monday to Thursday: 10:00 – 02:00 (No Change)

Friday to Saturday: 10:00 – 04:30

Sunday: 12:00 – 00:30 (No Change)

Conditions consistent with the operating schedule

- 15) 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. CCTV to cover all areas where the public have access to (except toilets and changing areas).
- 16) The CCTV 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.
- 17) The CCTV camera views are not to be obstructed.
- 18) At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exits to capture clear facial images of all persons leaving the premises.
- 19) 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 within 48 hours of request.
- 20) 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.

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- 21) The facility to transfer the images to a compatible, removable format shall be held on the premises.
- 22) Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
- 23) The venue shall supply and fit to every static table or counter, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags.
- 24) 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.
- 25) All flat surfaces in toilet cubicles, including any toilet roll holder eclipses, are to be 'designed out' in order to prevent drug misuse.
- 26) In relation to any event involving a promoter, their associates, DJ(s) or artist(s), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for a profit then:
 - a) The licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 7 days before the event occurs on email EK-licensing@met.police.uk;
 - b) The licensee shall notify Camden Police Licensing Team via the same email if there are any high-risk events or any unusual or large-scale events (due to occur within less than 7 days) as soon as reasonably practicable. The Police will have the right of absolute refusal of any such events for reason of late notification; and
 - c) Where the venue runs a promoted event using a DJ or MC who performs to background music then they should risk assess the need to search every customer upon entry taking cognizance of Police advice. If the risk assessment determines that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.
- 27) No persons carrying visibly open alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 28) A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. 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, military ID cards or proof of age card bearing the PASS hologram.

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- 29) A sign shall be displayed at the point of sale stating No Proof of Age - No Sale.
- 30) The venue shall not engage the service of street promoters to encourage clientele to attend the venue.
- 31) Regular glass collection shall be undertaken by staff where the sale of alcohol is occurring at the premises.
- 32) Police must be called to incidents of violence and /or disorder.
- 33) Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
- 34) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 35) The need for door supervisors shall be risk assessed taking cognizance of Police advice. Where door supervisors are employed then a register shall be maintained which shall be available for inspection by the Police and/or Licensing Authority. Details to show:
 - Full Name;
 - Date of Birth;
 - SIA Registration Number;
 - Date and Hours Worked; and
 - Contact telephone number and email address.

A colour photocopy of each door supervisors SIA badge shall be taken by the DPS and retained at the premises. Door supervisors will wear high visibility jackets or vests or high visibility arm bands whilst working at entry/exit points and around the exterior of the building.

- 36) Subject to any relevant consents which may be required from the Local Authority, the designated queuing area shall be enclosed within appropriate barriers to ensure that the public footway is kept clear.
- 37) The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
- 38) Details of instances of disorder, damage to property or personal injury shall be recorded in an incident book kept at the premises. Such details shall be made available for inspection by the Police and other responsible authorities upon request.

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- 39) The premises shall operate a system whereby a record is maintained of refusals to serve alcohol. Details to be produced for inspection to the Police and other responsible authorities upon request.
- 40) The licensee shall 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 persons underage. This training is to be clearly documented and signed and any training for future staff must also be organised at the appropriate time. Refresher training shall be carried out every 6 months and details of training are to be made available for inspection by Police or other Responsible Authorities, upon request.
- 41) Where any illegal substance is found within the premises then a record shall be made in the incident book by a duty manager. Any illegal substance shall be stored securely pending collection by the Police unless they are present on site, and this is handed to them. Any seizure of drugs and weapons shall be recorded in the incident book by a duty manager.
- 42) Where available, a responsible member of staff shall join the local pub watch or other such local crime reduction scheme approved by the Police.
- 43) All security staff and management will be connected by a secure-channel handheld radio system or similar communications device.
- 44) Staff shall be fully trained on safety issues, including fire safety and management shall carry out regular safety inspections of the premises before members of the public are allowed on to the premises and after close of business.
- 45) Amplified sound shall not be audible at 1 metre from the facade of any noise sensitive premises.
- 46) That if deemed appropriate by the Environmental Health Team prior to the premises trading under this licence then a noise limiter be installed, located in a separate and remote lockable cabinet from the volume column must be fitted to any musical amplification system and set at a level determined by and to the satisfaction of the Noise Team. The limiter shall not be altered without prior agreement.
- 47) A Notice shall be fixed in a prominent position near exits reminding customers that this is a residential area and requesting patrons to leave quickly and quietly.
- 48) The premises will use the central waste collection point provided as part of the development.
- 49) The premises will implement a dispersal policy and all relevant staff will be trained in its implementation. The policy shall contain measures intended to

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encourage patrons leaving the club after 23:00 to disperse West along Denmark St towards Charing Cross Road and / or towards Tottenham Court Road tube and Oxford Street and then to disperse North or South. It will contain measures actively to discourage patrons from dispersing into the Piazza areas to the North and East of the premises. The policy will be reviewed regularly and whenever the licensee becomes aware of issues associated with dispersal.

- 50) Servicing will take place between 08:00 and 20:00 hours Monday to Sunday and Public/Bank Holidays and will be from the Denmark Street loading bays. (This shall not apply to event equipment and refuse storage and collection which is dealt with by the Service Management Plan approved as part of the S106 agreement and developed to the satisfaction of the Environment Health Team).
- 51) That a 'Service Management Plan' be developed to the satisfaction of the Environmental Health Team and detail the management of deliveries and servicing which shall include arrangements for the collection and delivery of event equipment, refuse storage and collection; that the Service Management Plan be updated by the Premises Licence Holder from time to time as appropriate. The Premises Licence Holder shall be bound by the Service Management Plan. A copy of the plan shall be retained at the premises and made available for inspection by the relevant authorities.
- 52) Maximum capacity shall not exceed 350 persons (excluding staff).
- 53) A minimum of 2 SIA shall be on duty from 22:00 hours on all nights where both floors are open for licensable activities beyond midnight. SIA shall ensure all patrons are dispersed from the immediate area outside the venue at the end of operating hours and, to aid the swift and effective dispersal of customers away from the venue, the head of security will communicate and liaise with CCTV operatives within the Outernet central security control room.
- 54) A duty manager, head door and core staff working on said night or event shall stay 30 minutes after close to actively help with dispersal and to ensure that the premises is completely devoid of members of the public.
- 55) When door supervisors are required, there will be a minimum of 1 (one) SIA registered door supervisor permanently working on the main entrance. There will be a minimum of 1 (one) female SIA registered door supervisor on duty when security is required.
- 56) From 22:00 hours, no drinks shall be allowed in the smoking area and the area shall be monitored by premises staff and/or an SIA registered door supervisor to monitor capacity and restrict access when necessary.
- 57) At least 2 (two) SIA door supervisors (to include the door supervisor working on the main entrance) who are on duty as required by the licence conditions shall wear body worn cameras. Management of the venue to

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ensure these cameras are working before deployment. In the event of an incident, body worn camera footage shall be stored for a minimum of 31 days and must be made available to police upon request. The licence holder shall ensure that a suitable, expeditious playback/downloading system is in place to enable the police to obtain any evidential footage.

- 58) All permanent staff working in the evening and security staff to undertake welfare of and vulnerability engagement (WAVE) training and a record to be kept of this. The premises to ensure this before operating under this new licence if granted.
- 59) The premises will in the late evenings operate predominantly as an entertainment venue, providing a mix of musical entertainment; performances; events and screenings linked to music and/or artists; and entertainment of a similar nature, (which could include products launches; exhibitions; fashion shows; retail events, and the like kind).
- 60) There shall be no new admissions to the premises after 02:00 hours.
- 61) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 62) The premises shall maintain a complaints log detailing the nature of the complaint, complainant (if known) and any action taken. The log to be made available for inspection by Environmental Health upon reasonable request.
- 63) The premises shall ensure that an enhanced Risk Assessment shall be carried out to determine how many disabled customers they can safely accommodate and vacate in the event of an emergency.
- 64) Safety Inspection Certificates (which shall be maintained up to date) shall be available on site for inspection by Authorised Officers.

Conditions agreed by the Licensing Panel on 21 September 2023

- 65) The security team, working in conjunction with the Outernet security team, shall monitor parking along Denmark Street and shall discourage patrons from parking illegally. If cars have parked illegally then security shall inform Camden Council for the purposes of ticketing.
- 66) The premises licence holder shall host monthly meeting inviting local residents and businesses to attend, which can be cancelled by mutual agreement if there is no business for discussion.
- 67) A direct dial telephone number shall be provided to residents that shall be manned during operating hours of the venue. Details of any calls received shall be logged and a note subsequently made

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of the action taken. Details to be made available upon request to responsible authorities.

- 68) From midnight, when the venue is trading, external sound checks shall be carried out every 30 minutes and logged.
- 69) Where the premises are operating until 4 am, then from 11 pm Club Scan shall be used as a condition of entry for any member of the public (excluding VIP, artists, or manager guest list) attending a public promoted event.

Decision and Reasons – HERE, St Giles Circus Site, Denmark Place, London WC2H 8LH

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

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 also noted that the Police Responsible Authority had withdrawn their representation after agreeing conditions and suggesting amended hours to the applicant.

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

Panel Members commented that this venue also appeared to be well ran, with comprehensive and robust policies and procedures in place and the applicant had agreed an extensive list of conditions, which would ensure that the impact of the variation was minimal.

The Panel noted the variation application was to amend the seasonal variations. This had been revised and amended, following negotiation with the police, as follows:

- 4:00hrs Friday – Saturday;
- 10 Occasions per year until 4 am upon the basis of the police being notified 14 days prior to the event (or such shorter period as agreed with the police); and
- 40 Occasions per year until 2am

The Panel stated that if the above was agreed there would be 114 occasions during the year where the terminal hour would be 4:00hrs. The Panel deemed this to be excessive so discussed granting the application with an amendment that there be a seasonal variation of 104 days in total on which the terminal hour was 4:00hrs.

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Panel Members noted the conditions that the applicant had already agreed, as set out at pages 13 – 19 of the Tabled Paper. It was suggested that condition 80 be amended as follows:

- 80) The premises licence holder shall host monthly meeting inviting local residents and businesses to attend, which can be cancelled by mutual agreement if there is no business for discussion.

Overall, Panel Members were satisfied that reducing the total number of days per year the premises could operate until 4:00hrs and amending the agreed condition, as set out above, would promote the licensing objectives and not add to cumulative impact.

Therefore, it was

RESOLVED –

THAT the application to vary a premises licence under Section 34 of the Licensing Act 2003 be granted with conditions, as follows:

Variation to Seasonal Variations

On 104 occasion per calendar year, the terminal hour shall be extended until 04:00hrs the following morning. Such occasions to be notified to the Police and the Licensing Authority 14 days prior (if the premises elect to trade beyond 01:00 hours on the commencement of British Summertime The permitted hours shall be permitted for a further 1 hour).

Conditions consistent with the operating schedule

- 19) The sale of alcohol at the premises shall be at all times ancillary to the use of the premises as a multi-purpose auditorium space. The sale shall be restricted to such occasions as exhibitions; retail events; live pre-recorded music; product launches; fashion shows; film screening; events and conferences, and the like kind.
- 20) Although the HERE and The Now Building and Now Trending are separate, they shall work in tandem in accordance with the Venue Management Plan and the Event Management Plan to maintain the operational integrity of the site.
- 21) An event management plan will be prepared for each event and shall be served upon the Police and Environmental Health a minimum of 14 working days ahead of an event for information.
- 22) The Event Management Plan will include the provision of a designated smoking area and management thereof; provision of a dispersal policy to ensure the safe and quiet movement of people from the area; the provision of additional pop-up toilets (when

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necessary); provision of a queue management strategy; public safety and security arrangements.

- 23) The Premises Licence Holder shall provide the Licensing Authority and Police with a list of upcoming events each quarter (or as otherwise agreed with the Licensing Authority and Police) and shall provide such information as is requested by the Licensing Authority and/or Police to assess the potential impact of specific events upon the Licensing Objectives.
- 24) There shall be no off-sales of alcohol, with the exception of alcohol sold during an exhibition event held at the premises, which is packaged to take home and which is not intended for immediate consumption off the premises.
- 25) 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.
- 26) 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 (except toilets and changing areas).
- 27) The CCTV camera views are not to be obstructed.
- 28) At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exits in order to capture clear facial images of all persons leaving the premises.
- 29) 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 within 48 hours of request.
- 30) 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.
- 31) The facility to transfer the images to a compatible, removable format shall be held on the premises.
- 32) Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
- 33) The venue shall supply and fit to every static table or counter, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags.

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- 34) 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.
- 35) All flat surfaces in toilet cubicles, including any toilet roll holder eclipses, are to be 'designed-out' in order to prevent drug misuse.
- 36) At least one member of the management team on duty whilst the premises remain open for the sale of alcohol is to hold a personal license under the Licensing Act 2003.
- 37) A management document is to be drawn up, maintained, and amended as required which will deal with the following:
 - a) Definition of promotions, events and bookings;
 - b) Procedure for the management of each category;
 - c) Security procedures including the reporting of incident;
 - d) Procedure for ensuring promoters are informed of and are managed in such a way as to promote the Licensing Objectives and ensure compliance with the conditions on the premises Licence; and
 - e) Response plan and management structure in the event of an emergency.
- 38) In relation to any event involving a promoter, their associates, DJ(s) or artists(s), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit then:
 - a) The licensee shall complete a full risk assessment via open source material reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 14 days before the event occurs on email EK-Licensing@met.police.uk;
 - b) The licensee shall notify Camden Police Licensing Team via the same email if there are any high risk events or any unusual or large scale events (due to occur within less than 14 days as soon as reasonably practicable. The Police will have the right of absolute refusal of any such events for reason of late notification; and
 - c) Where the venue runs a promoted event using a DJ or MC who performs to background music then they should risk assess the need to search every customer upon entry taking cognizance of Police advice. If the risk assessment determined that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.
- 39) In relation to all other musical events, the Local Camden Police Licensing Team shall be contacted no less than 14 days prior to the event to request if, a full Search Policy is required of all customers.
- 40) No persons carrying visibly open alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.

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- 41) No patron shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage, other than permitted off-sales.
- 42) A challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. 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, military ID cards or proof of age card bearing the PASS hologram.
- 43) A sign shall be displayed at the point of sale stating No Proof of Age - No Sale.
- 44) The venue shall not engage the service of street promoters to encourage clientele to attend the venue.
- 45) Regular glass collection shall be undertaken by staff where the sale of alcohol is occurring at the premises.
- 46) Police must be called to incidents of violence and /or disorder.
- 47) Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
- 48) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 49) Where the sale of alcohol is occurring after 20:00 hours then door staff shall be present at least 1 hour prior to the commencement of the event. The door staff shall be employed to a ratio of 1:100. The following additional requirements apply in relation to those door staff:
 - a) There will be a minimum of one (1) female SIA-registered door supervisor on duty when security are require;
 - b) A door supervisors register shall be updated on occasions when door supervisors are employed. The Register is to be made available for Inspection by the Police and/or Licensing Authority. Details to show:
 - Full Name;
 - Date of Birth;
 - SIA Registration Number;
 - Date and Hours Worked; and
 - Contact telephone number and email address.
 - c) A coloured photocopy of each door supervisors' SIA badge shall be

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- taken by the DPS and retained at the premises;
- d) They will wear high visibility jackets or vests or high visibility arm bands whilst working at entry/exit points and around the exterior of the building; and
 - e) They shall remain on duty for half an hour after the close of the venue to ensure all patrons are dispersed peacefully from the area.
- 50) Subject to any relevant consents which may be required from the Local Authority, the designated queuing area shall be enclosed within appropriate barriers to ensure that the public footway is kept and maintained clear.
- 51) Where the premises is in use after 8:00pm and the sale of alcohol is taking place, the smoking area shall be constantly supervised by an SIA registered door supervisor who will monitor the capacity and restrict access when necessary, and to ensure that customers do not bring drinks into the smoking area.
- 52) The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- 53) Details of instances of disorder, damage to property or personal injury shall be recorded in an incident book kept at the premises. Such details shall be made available for inspection by the Police and other Responsible Authorities upon request.
- 54) The premises shall operate a system whereby a record is maintained of refusals to serve alcohol. Details to be produced for inspection to the Police and other Responsible Authorities upon request.
- 55) The licensee shall 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 persons underage. This training is to be clearly documented and signed and any training for future staff must also be organised at the appropriate time. Refresher training shall be carried out every 6 months. Details of training are to be made available for inspection by Police or other Responsible Authorities, upon request.
- 56) Where any illegal substance is found within the premises then a record shall be made in the incident book by a duty manager. Any illegal substance shall be stored securely pending collection by the Police unless they are present on site and this is handed to them. Any seizure of drugs and weapons shall be recorded in the incident book by a duty manager.
- 57) Where available, a responsible member of staff shall join the local pubwatch or other such local crime reduction scheme approved by the Police.
- 58) All security staff, stewards and management will be connected by a secure channel hand-held radio system.

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- 59) Staff shall be fully trained on safety issues, including fire safety and management shall carry out regular inspections of the premises.

Informative: The below is for information purposes and is not intended to form a condition of the licence):

If a planned event in the here is likely to result in a maximum attendance event then (following risk assessment) The Now Building and Now Trending may be closed off in order that it may operate as a ticket hall and audience holding area.

- 60) On completion of the works and before the public are admitted, the premises must comply with the requirements of the District Surveyors Association and the Association of British Theatre Technicians 'Technical standard for Places of Public Entertainment' (if applicable)
- 61) Patrons wishing to smoke will not be permitted to take drinks outside with them.
- 62) Amplified sound shall not be audible at 1 meter from the facade of any noise sensitive premises.
- 63) That an Events Noise Management Plan is developed to the satisfaction of the Noise Team to cover any occasion where there is potential for sound breakout beyond the premises boundary, and where sound equipment is added to the existing in-house equipment for a particular event or function. The Noise Management Plan required by virtue of planning shall be updated by the Premises Licence Holder from time to time as appropriate and the Premises Licence Holder shall be bound by the plan. A copy of the Events Noise Management Plan and the Noise Management Plan shall be retained at the premises and made available for inspection by the relevant authorities.
- 64) That if deemed appropriate by the Environmental Health Team prior to the premises trading under this licence then a noise limiter be installed, located in a separate and remote lockable cabinet from the volume column must be fitted to any musical amplification system and set at a level determined by and to the satisfaction of the Noise Team. The limiter shall not be altered without prior agreement.
- 65) A Notice shall be fixed in a prominent position near exits reminding customers that this is a residential area and requesting patrons to leave quickly and quietly.

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- 66) The Event Management Plan sets out measures to be taken to ensure effective communication with surrounding residents and businesses concerning planned events.
- 67) The premises will use the central waste collection point provided as part of the development.
- 68) There is a lost children's policy contained within the Event venue Management Plan.
- 69) A proof of age scheme shall operate at the premises and staff shall be trained in its use, e.g. Challenge 25.
- 70) The premises will implement a dispersal policy and all relevant staff will be trained in its implementation. The policy shall contain measures intended to encourage patrons leaving the venue after 23:30 to disperse towards Tottenham Court Road Station or by travelling North/South on Charing Cross Road or East/West on Oxford Street/New Oxford Street. It will contain measures actively to discourage patrons from dispersing into the Piazza areas to the North and East of the premises. The Policy will be reviewed regularly and whenever the Licensee becomes aware of issues associated with dispersal. To support effective and swift dispersal of customers away from the premises, the head of security and venue's CCTV operatives shall liaise and consult with the CCTV operatives within the Outernet central control room.
- 71) Servicing will take place between 08:00 and 20:00 hours Monday to Sunday and Public/Bank Holidays and will be from the Denmark Street loading bays. (This shall not apply to event equipment and refuse storage and collection which is dealt with by the Service Management Plan approved as part of the S106 agreement and developed to the satisfaction of the Environment Health Team).
- 72) That a 'Service Management Plan' be developed to the satisfaction of the Environmental Health Team, detailing the management of deliveries and servicing which shall include arrangements for the collection and delivery of event equipment, and refuse storage and collection; that the Service Management Plan be updated by the Premises Licence Holder from time to time as appropriate. The Premises Licence Holder shall be bound by the Service Management Plan. A copy of the plan shall be retained at the premises and made

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available for inspection by the relevant authorities.

- 73) At least 2 (two) SIA door supervisors (to include the door supervisor working on the main entrance) who are on duty as required by the licence conditions shall wear body worn cameras. Management of the venue to ensure these cameras are working before deployment. In the event of an incident, the footage must be made available to Police or Local Authority upon request. The licence holder shall ensure that a suitable, expeditious playback/downloading system is in place to enable the Police to obtain any evidential footage. In the event of an incident, body worn camera footage will be stored for a minimum of 31 days and must be made available to Police upon request.
- 74) All permanent staff working in the evening and security staff to undertake welfare of and vulnerability engagement (WAVE) training and a record to be kept of this.
- 75) There shall be no new admissions to the premises after 02:00 hours with the exception of VIPs. A record of such entries after 02:00 hours shall be maintained and made available for inspection by responsible authorities.
- 76) The premises shall maintain a complaints log detailing the nature of the complaint, complainant (if known), and any action taken. The log to be made available for inspection by Environmental Health upon reasonable request.
- 77) Safety Inspection Certificates (which shall be maintained up to date) shall be available on site for inspection by Authorised Officers.
- 78) The premises shall ensure that an enhanced Risk Assessment shall be carried out to determine how many disabled customers they can safely accommodate and vacate in the event of an emergency.
- 79) The security team, working in conjunction with the Outernet security team, shall monitor parking along Denmark Street and shall discourage patrons from parking illegally. If cars have parked illegally then security shall inform Camden Council for the purposes of ticketing.
- 80) The premises licence holder shall host monthly meeting inviting local residents and businesses to attend, which can be cancelled by mutual agreement if there is no business for discussion.

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- 81) A direct dial telephone number shall be provided to residents that shall be manned during operating hours of the venue. Details of any calls received shall be logged and a note subsequently made of the action taken. Details to be made available upon request to responsible authorities.
- 82) From midnight, when the venue is trading, external sound checks shall be carried out every 30 minutes and logged.
- 83) Where the premises are operating until 4 am, then from 11 pm Club Scan shall be used as a condition of entry for any member of the public (excluding VIP, artists, or manager guest list) attending a public promoted event.

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The hearing ended at 10.30 pm.

CHAIR

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MINUTES END