

LICENSING PANEL C

TUESDAY, 21 NOVEMBER 2023 AT 5.30 PM
REMOTE MEETING VIA MICROSOFT TEAMS. THIS MEETING CAN BE WATCHED
LIVE AT WWW.CAMDEN.GOV.UK/WEBCAST

Enquiries to: Rebecca Taylor, Committee Services
E-Mail: licensing.committee@camden.gov.uk
Telephone: 020 7974 8543 (Text phone prefix 18001)

MEMBERS

Councillor Jonathan Simpson MBE (Chair), King's Cross; (L)
Councillor Nina De Ayala Parker, South Hampstead; (L)
Councillor Matthew Kirk, Belsize; (LD)

SUBSTITUTE MEMBERS

Councillor Meric Apak, Kentish Town South; (L)
Councillor Patricia Callaghan, Camden Town; (L)
Councillor Eddie Hanson, Kilburn; (L)
Councillor Matt Cooper, Primrose Hill; (L)
Councillor Sabrina Francis, Bloomsbury; (L)
Councillor Lorna Greenwood, Fortune Green; (L)
Councillor Sharon Hardwick, West Hampstead; (L)
Councillor Jenny Headlam-Wells, Kentish Town South; (L)
Councillor Sylvia McNamara, Kentish Town North; (L)
Councillor Shah Miah, St Pancras and Somers Town; (L)
Councillor Richard Olszewski, Fortune Green; (L)
Councillor Gio Spinella, Frognal; (C)

L = Labour, C = Conservative, LD = Liberal Democrat

IMPORTANT: Please read the 'Guidance Notes on Procedures' that follow.

Issued on: Tuesday 21st November 2023

REMOTE MEETINGS IN CAMDEN

Everyone is welcome to come to watch public meetings in Camden. Agendas for these meetings are available in advance on the Council's website at www.camden.gov.uk/democracy. Parties to a licensing hearing may submit further late materials no later than 7pm, two working days before the meeting is due to start. These will be published online and circulated to the committee members. At the start of the relevant item, after the officer's presentation, the Chair will confirm which late papers have been circulated and invite each group of parties (responsible authorities, interested parties, applicant; or applicant, interested parties, licence holder) to set out in up to 2 minutes why the papers should be accepted or not. The committee members will then decide whether to admit the papers – taking advice as needed from officers – and take any adjournment necessary to ensure all voting members have read them.

Unlike most meetings in Camden, Licensing Panels and the Licensing (Sexual Entertainment Venues) Sub-Committee do not allow members of the public to speak at the meeting unless they have made a valid representation during the consultation period. The applicant, licence holder and parties who made representations will be sent a notice of the hearing and are required to return this by 7pm, two working days before the meeting. Where a party has not indicated their intention to speak by this time, they will be presumed to not be addressing the hearing. Reasonable attempts will be made to accommodate those submitting late notifications, but their participation will not be guaranteed.

The applicant, licence holder and parties making representations must identify a single speaker for whom the meeting will be adjourned for up to 15 minutes if their audio feed fails. This may be themselves or another nominated person. They may invite others to speak as part of their submissions, but the committee will not adjourn the meeting for a speaker who is not the identified single speaker for the party unless the Chair is persuaded that that the non-lead speaker has material information to impart to the committee.

The Council is allowed to discuss some items in private, although this does not happen often – any such items will be discussed, as far as possible, at the end of the meeting. The live meeting stream will be paused and members of the public, including the applicant, licence holder and parties making representations, will be asked to leave the remote meeting.

Members of the public have a right to take their own recordings of public meetings for reporting purposes. This does not apply to any of the Council's meetings which are private or not open to the public. Laws on public order offences and defamation still apply, and you should exercise your rights with responsibility. Please respect the views of others when reporting from a meeting.

You may be asked to stop filming, photographing or recording a meeting if this in some way becomes disruptive to the meeting.

This meeting will be broadcast live via www.camden.gov.uk/webcast

If you have any views or questions about meetings at Camden Council please call Committee Services on 020 7974 1915.

REMOTE MEETING ETIQUETTE

Participants¹ in remote meetings are asked to adhere to the following guidelines:

Preparing for the meeting

- If you are planning to attend, make sure you have informed the committee officer named on the agenda front sheet by 7pm, two working days before the meeting, so that a full list of those expected at the meeting can be prepared.
- Ensure you have read the report(s) before the meeting.
- Ensure that you are located in an area where you are unlikely to be disturbed.
- Ensure that your broadband connection is sufficiently stable to join the meeting. If your connection has low bandwidth, you might need to ask others using your broadband connection to disconnect their devices from the broadband for the duration of the meeting. If this does not help, you may wish to try connecting your device to your router using an Ethernet cable.
- Ensure that your background is neutral (a blank wall is best) and that you are dressed appropriately for a meeting held in public.
- Ensure that the camera on the device that you are using is positioned to provide a clear, front-on view of your face. This may involve thinking about lighting in the room you are in (for example, sitting in front of a window may plunge your face into shadow) or putting your webcam, laptop or tablet on top of a couple of books so that you can look into the camera face on.
- Ensure that you are familiar with the functions of the software you are using. The committee officer will be online 15 minutes before the meeting start time to give everyone time to join and deal with any technical challenges, so try to join the meeting at least 5 minutes before the meeting start time to make sure that everything is working.
- Ideally, you should use earphones or a headset to participate in meetings as it reduces the risk of feedback from using your device's external speaker and reduces background noise from your surroundings.

At the meeting

- Join the meeting promptly to avoid unnecessary interruptions.
- Mute your microphone when you are not talking. If you are an officer, applicant, licence holder or party making a representation, please turn off your video when not speaking in order to reduce bandwidth.
- Only speak when invited to do so by the Chair.
- When speaking for the first time, please state your name.
- While usual time limits apply during licensing hearings, do keep comments, questions and other contributions brief and to the point.

¹ Participants are defined as members of the committee; other councillors who seek to address the committee; officers advising the committee or presenting reports; any external partners / third-parties invited to address or advise the Committee; and deputies (including any member of the public with speaking rights).

- If referring to a specific page on the agenda, mention the page number.
- The 'chat' function must only be used by committee members to indicate a wish to speak, to indicate that they are having a connection issue or to make a request for a formal vote. It is not to be used for conversations and should be used in an appropriate and professional manner at all times.
- Once you no longer need to participate in the meeting, please leave the call; you can still watch via the public video stream if you wish. Once the Chair closes the meeting, all remaining participants should leave the call promptly.

Exempt or confidential items

Occasionally, the committee may need to go into closed session to consider information that is confidential or exempt from publication. If this happens, the committee will pass a resolution to that effect, the public feed will be cut and any participant who is not a member of the committee will be asked to leave the meeting. If you are asked to leave the meeting, please end your connection promptly. Any connections that are not ended promptly will be terminated by the committee officer.

Gender inclusive minutes: Camden seeks to write the minutes of its committees in a way that does not misgender individuals. If you are contributing to the meeting and you wish to let us know what your pronouns are, please contact the Committee Officer named on the front of this agenda. Otherwise, we will use job titles, full names or neutral terminology. We will not assume gender.

WEBCASTING NOTICE

This meeting will be broadcast live by the Council via www.camden.gov.uk/webcast. The whole of the meeting will be filmed and recorded, except where there are confidential or exempt items, and the footage will be on the Internet for at least a year. A copy of it will also be retained in accordance with the Council's data retention policy.

If you make a representation to the meeting you will be deemed by the Council to have consented to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

The Council is obliged by law to allow members of the public to take their own recordings and images of this remote meeting. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

The Council has a privacy notice and further details that you can see at www.camden.gov.uk/privacy. We also have a privacy notice that explains our use of webcasting data that you can see at www.camden.gov.uk/data-protection-privacy-and-cookies#webcasting

If you have any queries regarding webcasting or the recording of meetings by the public, please contact the webcasting co-ordinator on 020 7974 5653.

LICENSING PANEL C

21 NOVEMBER 2023

PLEASE NOTE THAT PART OF THIS MEETING MAY NOT BE OPEN 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.

AGENDA

Wards

Guidance on Procedures

1. **GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS** (Pages 43 - 48)

To agree the procedure rules for remote meetings.

2. **APOLOGIES**

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**

4. **ANNOUNCEMENTS**

Broadcast of the meeting

The Chair to announce the following: "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 at least six months after the meeting. After that time, webcasts are archived and can be made available on upon request.

If you have asked to address the meeting, you are deemed to be consenting to being filmed and to the use of those images and sound recordings for webcasting and/or training purposes. If you are addressing the Committee your contribution will be recorded and broadcast."

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

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

7. **KISS THE SKY: 11-13 CAMDEN HIGH STREET, LONDON, NW1 7JE (EXPEDITED REVIEW)**

**Regent's
Park**

Report of the Executive Director Supporting Communities

(Pages 49 -
74)

This report is to consider an application made by the Police for a Summary Review of the premises licence for premises known as Kiss The Sky: 11-13 Camden High Street, London, NW1 7JE under section 53A of the Licensing Act 2003.

REASON FOR URGENCY

An application for a summary review was received from the Metropolitan Police Responsible Authority (“the Police”) at 16:48 on 20th November 2023. Under Section 53A of the Licensing Act 2003 the Police can submit a summary review of a premises licence if they believe the premises is associated with serious crime or disorder or both. Within 48 hours of receiving the application, the Licensing Authority must consider whether to take interim steps on the premises licence, pending a full review hearing. Due to these short timescales this item has been put forward as urgent so as to comply with the Licensing Act 2003 and the regulations that accompany it.

8. **LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

Should the Panel wish to go into closed session, it will take the following resolution:

THAT the press and public be excluded from the proceedings of the Licensing Panel on **21st November 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 item X 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).

AGENDA ENDS

IMPORTANT

**Guidance Notes on
Procedures**

**GUIDANCE NOTES ON PROCEDURES FOR HEARINGS IN ACCORDANCE
WITH REGULATION 21 OF THE LICENSING ACT 2003 (HEARING)
REGULARIONS 2005 (AS AMENDED) ['THE REGULATIONS']**

1. Introduction

- 1.1. In this procedure “the Parties” include the Applicant, Responsible Authorities, the licence holder, or any other person as applicable. Any other person is any person that is or is likely to be affected by the operation of a licensed premises, they will be referred to as an ‘Interested Party’ in this procedure note, and Responsible Authorities are bodies like the police and fire brigade. Please check the Licensing Act 2003 (“the Act”) for the complete definition.
- 1.2. For the avoidance of doubt the Licensing Authority Responsible Authority will be represented by the Licensing Enforcement Officer. The Responsible Authority is a distinct and separate body from that of the Licensing Authority who will determine the application.
- 1.3. Except where the Regulations provide differently, the Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all hearings.
- 1.4. Except where the Regulations provide differently, the Panel may, in exceptional circumstance vary this procedure. In such circumstances the Panel must give reasons for the variation.

2. Making representations to Camden

- 2.1. The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and relevant representations including the licensing objectives and mandatory time limits referred to in this procedure. They are available from the, Licensing Team, London Borough of Camden, 5 Pancras Square, London, N1C 4AG. Tel: 020 7974 4444 or www.camden.gov.uk/licensing.
- 2.2. Interested Parties and Responsible Authorities should note that representations must be made within 28 days of the date when the application was given to the Authority except where in the case of a review of a premises licence following a closure order, within 7 days (including the 7th day) of the date when the Authority received the notice in relation to the closure order and any extension to it.
- 2.3. Failure to make a relevant representation means a party has no rights to be heard and/or give evidence at a hearing.
- 2.4. Representations can be made for as well as against an application.

3. Holding a hearing

- 3.1. If relevant representations are made there will be a hearing by a Licensing Panel to consider them.
- 3.2. Where a valid application has been made and no representations are made, the application **must** be granted, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions in the Act. No hearing will take place.

Right to dispense with hearing if all parties agree [where allowed]

- 3.3. The need for a hearing can only be dispensed with if all the parties give notice in writing to the Licensing Authority that they agree that such a hearing is unnecessary. If the officers agree a hearing is unnecessary all the parties will be notified and the Panel will make a decision on the application within 10 working days of that notification. All the parties will be informed of this decision.

Notice of hearing

- 3.4. Where a hearing is necessary, officers will arrange the date, time and place of the hearing and will give a notice of it in accordance with the mandatory time limit.
- 3.5. The notice of hearing will be accompanied by the following information
 - a) the rights of a party provided for in the regulations;
 - b) the consequences if a party does not attend or is not represented at the hearing;
 - c) the procedure to be followed at the hearing;
 - d) any particular points on which the Licensing Panel considers that it will want clarification at the hearing from a party.

Action following receipt of notice of hearing

- 3.6. An Applicant, Interested Party or Responsible Authority who receives a notice of hearing **must** give to the authority a notice in writing stating:
 - a) whether they intend to attend or be represented at the hearing;
 - b) whether they consider a hearing to be unnecessary.
- 3.7. The notice must be given within the prescribed time limit.
- 3.8. If a Party wishes to call someone to appear as a witness at the hearing and address the Licensing Panel the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Committee. Failure to comply with this requirement will mean that person cannot be called as a witness.
- 3.9. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 Email:

licensing.committee@camden.gov.uk. Please note that the Committee Clerk will accept this notice by letter, email or fax.

- 3.10. Any Party attending the hearing can be assisted or represented by any person whether or not that person is legally qualified, provided that they have given notice as set out above.
- 3.11. A decision on whether the person can appear will be made by the Licensing Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.

Agenda

- 3.12. In addition to the notice of hearing detailed in paragraphs 3.4 and 3.5, an agenda for the hearing containing a copy of the officers' report to the Licensing Panel will be published before the hearing. You may view this on the Council's website (www.camden.gov.uk/democracy) or request a copy from the Clerk before the hearing.

Failure to attend

- 3.13. If a party has informed the authority that he will not be coming to the hearing, it may go ahead in his absence. If someone has said that they will be attending but does not do so the Licensing Panel may:
 - a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - b) hold the hearing in the party's absence.
- 3.14. If a hearing is adjourned the parties will be notified as soon as possible of the date, time and place to which it has been adjourned. If the Licensing Panel holds the hearing in the absence of a party, it will consider the application, representations or notice made by that party.
- 3.15. Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the Applicant and other parties to leave the room. Once the Licensing Panel has received the advice the meeting will resume in public.

Power to extend time etc.

- 3.16. The Licensing Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest, but cannot extend the time limit past the prescribed time after which the application will be treated as granted or rejected.
- 3.17. Where the authority has extended a time limit it will as soon as possible notify all parties of the period of the extension and the reasons for it.
- 3.18. The Licensing Panel or the officers of the Authority can:
- a) adjourn a hearing to a specified date;
 - b) arrange for a hearing to be held on specified additional dates, if it considers this to be necessary in order for it to consider any representations or notice made by a party.
- 3.19. Where the authority has adjourned a hearing to a specified date it must as soon as possible notify all parties of the date, time and place.
- 3.20. Where the authority has arranged for a hearing to be held on a specified additional date it must as soon as possible notify all parties of the additional date, time and place.

Quorum

- 3.21. Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

Panel Time Limits

- 3.22. Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of 4 hours and will finish no later than 22.30. Any business not transacted by the end of the meeting is deferred to another meeting and heard afresh. The Parties will be told which meeting it is being deferred to.

Minutes

- 3.23. The minutes record that consideration was given to a report, and any relevant discussion leading to a reason for the decision that is not in the report, or the reason for departing from an officer's recommendation. Matters which are irrelevant or which are dealt with in the report, or do not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Licensing Panel that document (which incorporates the report and written submissions) is the record of the meeting, as required by Regulation 30 of the Regulations.
- 3.24. The minutes of the meeting are made public when they are ready, and are posted on the Council's website at www.camden.gov.uk/democracy.

Withdrawal of representations

- 3.25. An Interested Party or Responsible Authority who wishes to withdraw any representations that they have made must give notice of this no later than 24 hours before the day on which the hearing is to be held, or it can be done orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 Email: licensing.committee@camden.gov.uk. Please note that the Committee Clerk will accept this notice by letter, email or fax.

Exclusion of disruptive persons

- 3.26. The Licensing Panel can require anyone attending the hearing who is behaving in a disruptive manner to leave the hearing and may:
- a) refuse to let that person return, or
 - b) let him return subject to whatever conditions the Panel specifies.
- 3.27. Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information that they would have been entitled to give orally if they had they not been required to leave.
- 3.28. Parties and members of the public are not permitted to bring any banner or placard into a meeting. Filming, photography and other forms of recording are permitted unless the Chair rules they are being disruptive. If the meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Amending the Application

- 3.29. If the Applicant wishes to amend their application this must be in writing, signed by the applicant or their representative. This can be done before the hearing or at the hearing before the Panel begin deliberation. No amendment will be accepted which in the opinion of the Panel would extend the activities in relation to the original application.

Additional Documentary and Other Evidence

- 3.30. The Parties should make every effort to ensure all documentary and other evidence is included in their application or representation. Additional documentary or other evidence submitted prior to the hearing may only be produced at the hearing with the consent of the Panel. In making its decision the Panel will consider each request on its merit and will bear in mind whether the other parties have seen the material. Please note that the officers of the authority will not distribute additional material received after the original application or representation.
- 3.31. In all other cases, the Panel will consider each request on its merits and will bear in mind whether the other Parties have seen the material, whether there

are exceptional reasons for not producing the material before, whether a failure to admit the evidence would prejudice the Council's ability to reach a decision, and whether prejudice would be caused to the applicant any party if the evidence were to be admitted at this stage.

4. Procedure at Hearings

- 4.1. The Licensing Panel is not a court, and every effort is made to keep the proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2. It is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard.
- 4.3. Any Applicant, Interested Party or Responsible Authority, or their representative who has given notice should make themselves known to the Clerk before the meeting.

5. Hearings concerning applications for the grant and variation of Premises Licences and Club Premises Certificates and the grant of Provisional Statements

Chair's Introduction:

- 5.1. The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 5.2. The Chair will then briefly announce the application and what it is for.
- 5.3. The Panel will then consider any requests made in advance for permission for any person (other than a representative of any party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 5.4. The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

Report of Executive Director Supporting Communities:

- 5.5. The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.
- 5.6. Members and the Parties may seek clarification from officers of the Supporting Communities Directorate on matters raised in the report.

Negotiation and Compromise

- 5.7. Where the applicant has amended the application as tabled, the applicant will be permitted a 2 minute debrief to clarify any amendments to the application that have been made since the publication of the report.

Responsible Authority's Case [if applicable]

- 5.8. The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may:
- a) give further information in support of their representations, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above.
- 5.9. Fifteen minutes may be allowed for the Responsible Authority's Case, and this may only be extended with the consent of the Panel.
- 5.10. Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

Interested Parties' Case [if applicable]

- 5.11. The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may
- a) give further information in support of their representations, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above.
- 5.12. Fifteen minutes may be allowed for the Interested Parties' case in total for all interested parties, and this may only be extended with the consent of the Panel. The interested parties should preferably speak through a single spokesperson.
- 5.13. Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

Applicant's Case

- 5.14. The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may:
- a) give further information in support of their application, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above.
- 5.15. Fifteen minutes may be allowed for the Applicant's Case, and this may only be extended with the consent of the Panel.
- 5.16. Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes clarification purposes only.

Closing Remarks

- 5.17. Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, Interested Party and Applicant.

Deliberation

- 5.18. The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 5.19. The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- a) their application, representations or notice (as applicable) and/or
 - b) the promotion of the licensing objectives.

Decision

- 5.20. The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

6. Hearings concerning applications for reviews of Premises Licences and Club Premises Certificates

Chair's Introduction:

- 6.1. The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 6.2. The Chair will then briefly announce the application and what it is for.
- 6.3. The Panel will then consider any requests made in advance for permission for any person (other than a representative **of any party**) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 6.4. The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

Report of Executive Director Supporting Communities:

- 6.5. The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.
- 6.6. Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

Applicant's Case

- 6.7. The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
 - a) give further information in support of their application, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above.
- 6.8. Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. This is for the purposes of clarification only.

Responsible Authority's Case [if applicable]

- 6.9. The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may
 - a) give further information in support of their application, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and

- c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above.

6.10. Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

Interested Parties' Case [if applicable]

6.11. The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may

- a) give further information in support of their application, in response to any notice from the authority seeking clarification;
- b) address the Panel; and
- c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above.

6.12. The interested parties should preferably speak through a single spokesperson.

6.13. Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

Licence Holder's Case

6.14. The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may:

- a) give further information in support of their case, in response to any notice from the authority seeking clarification;
- b) address the Panel; and
- c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above.

6.15. Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

Closing Remarks

6.16. Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, interested Party and Licence Holder.

Deliberation

- 6.17. The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst the advice is taken. After receiving this advice the Panel will resume in public.
- 6.18. The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- a) their review application or representations (as applicable), and/or
 - b) the promotion of the licensing objectives.

Decision

- 6.19. The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

7. Hearings concerning applications for Personal Licences

Chair's Introduction

- 7.1. The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 7.2. The Chair will then briefly announce the application and what it is for.
- 7.3. The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 7.4. The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

Report of Executive Director, Supporting Communities Directorate

- 7.5. The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.
- 7.6. Members and the Parties may seek clarification from officers from the Supporting Communities Directorate on matters raised in the report.

Police Case

- 7.7. The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may
- a) give further information in support of their notice, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.
- 7.8. Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. This is for the purposes of clarification only.

Applicant's Case

- 7.9. The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- a) give further information in support of their application, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.
- 7.10. Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

Closing Remarks

- 7.11. Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

Deliberation

- 7.12. The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 7.13. The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- a) their application, representations or notice (as applicable), and/or
 - b) the promotion of the crime prevention objective.

Decision

- 7.14. The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

8. Hearings concerning applications for Temporary Events Notice

Chair's Introduction

- 8.1. The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 8.2. The Chair will then briefly announce the application and what it is for.
- 8.3. The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 8.4. The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

Report of Executive Director Supporting Communities

- 8.5. The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 8.6. Members and the Parties may seek clarification from officers of the Supporting Communities Directorate Department on matters raised in the report.

Responsible Authority Case

- 8.7. The Chair will ask the Police and/or Environmental Health Responsible Authority and their representative, if appropriate, to identify themselves. The Police and/or Environmental Health Responsible Authority or their representative may
 - a) give further information in support of their notice, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.8. Members of the Panel and then any other party if given permission by the Panel may ask the Police and/or Environmental Health Responsible Authority questions. Again, this is for the purposes of clarification only.

Applicant's Case

- 8.9. The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- a) give further information in support of their application, in response to any notice from the authority seeking clarification;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.10. Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

Closing Remarks

- 8.11. Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

Deliberation

- 8.12. The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 8.13. The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- a) their application, representations or notice (as applicable); and/or
 - b) the promotion of the licensing objectives.

Decision

- 8.14. The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

9. Hearings concerning applications for Summary Review or to consider representations against Interim Steps

Chair's Introduction:

- 9.1. The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.

- 9.2. The Chair will then briefly announce the application and what it is for.
- 9.3. The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 9.4. The Chair will indicate which officers of the Supporting Communities Directorates are present to deal with points of clarification on the report.

Report of Executive Director Supporting Communities:

- 9.5. The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 9.6. Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

Police Case

- 9.7. The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may
 - a) give further information in support of their application and certificate;
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 9.3 above.
- 9.8. Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. Again, is for the purposes of clarification only.

Licence Holder's Case [if applicable]

- 9.9. The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may
 - a) give further information in support of their representations,
 - b) address the Panel; and
 - c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 9.3 above.
- 9.10. Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

Closing Remarks

- 9.11. Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Licence Holder.

Deliberation

- 9.12. The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 9.13. The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- a) their application, certificate or representations (as applicable); and/or
 - b) the promotion of the licensing objectives.

Decision

- 9.14. The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

10. Procedure for Hearings under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in Respect of Sex Establishments

1. Introduction

- 1.1. This document sets out the procedure to be followed by the Licensing Sub-Committees (known as “Licensing Panels” or “Panels”) where functions have been delegated from the Licensing Committee.
- 1.2. In this procedure “the Parties” include the applicant or licence holder and any objectors as applicable.
- 1.3. The Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to Committees and Sub Committees) will be followed for all hearings.
- 1.4. The Licensing Panel may, in exceptional circumstance vary this procedure. In such circumstances the Licensing Panel must give reasons for the variation.

2. Making Objections to an Application

- 2.1. The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and objections and time limits referred to in this procedure. They are available from:

Contact Camden
London Borough of Camden

5 Pancras Square
London
N1C 4AGTel: 020 7974 4444
Email: LicensingRepresentation@camden.gov.uk
Web: www.camden.gov.uk/licensing

- 2.2. Objections should be made within 28 days of the date of the application.
- 2.3. The Licensing Authority shall not provide an objector's name and address to the applicant for the licence unless the objector has specifically agreed to this.
- 2.4. Failure to make an objection means a Party will have no right to be heard or to give evidence at the hearing.

3 Holding a Hearing

- 3.1 Whether or not relevant objections are made, there will be a hearing by a Licensing Panel to consider applications for the grant, renewal, variation or transfer of a Sex Establishment Licence.

Notice of Hearing

- 3.2 Officers will arrange the date, time and place of the hearing and will give notice of it.
- 3.3 The notice of hearing will be accompanied by the following information:
 - a) the consequences if a Party does not attend or is not represented at the hearing;
 - b) the procedure to be followed at the hearing.

Action Following Receipt of Notice of Hearing

- 3.4 An applicant or objector who receives a notice of hearing must give to the Licensing Authority a notice in writing stating whether they will attend the hearing, whether they will be represented at the hearing and whether they intend to call any witnesses at the hearing.
- 3.5 If a Party wishes to call someone to appear as a witness at the hearing and address the Panel, the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Licensing Panel. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.
- 3.6 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 or email to licensing.committee@camden.gov.uk. Please note that the Committee Clerk will accept this notice by letter, email or fax.

- 3.7 Any Party attending the hearing can be assisted or represented by any person, whether or not that person is legally qualified, provided that they have given notice as set out above. If one of your local Councillors is a Member of the Panel, you should not lobby them directly as this could prejudice their position.
- 3.8 A decision on whether the person can appear will be made by the Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.
- 3.9 Any Party intending to rely on any documentation at the hearing must submit that documentation to the Council at least seven days in advance of the hearing. Failure to do so may mean such supplementary evidence will not be admitted at the hearing.

Agenda

- 3.10 In addition to the notice of hearing detailed in paragraphs 3.2 and 3.3, an agenda for the hearing containing a copy of the Licensing Authority officer's report to the Licensing Panel will be published before the hearing. You may view the report on Camden's website at www.camden.gov.uk/democracy or request a copy by contacting the Committee Clerk before the hearing.

Failure to Attend

- 3.11 If a Party has informed the Council that he will not be attending the hearing it may go ahead in his absence. If a Party has indicated they will attend but does not do so the Panel may:
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the Party's absence.
- 3.12 If a Panel adjourns the hearing, it must as soon as possible notify the Parties of the date, time and place to which it has been adjourned. If the Panel holds the hearing in the absence of a Party, it will consider the application or objection made by that Party.
- 3.13 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, the Panel will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the applicant and other Parties to leave the room. Once the Panel has received the advice the meeting will resume in public.

Power to Extend Time Limits

- 3.14 The Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest.

- 3.15 Where the Council has extended a time limit it will as soon as possible notify all Parties of the period of the extension and the reasons for it.
- 3.16 The Panel or the officers of the Council can—
- (a) adjourn the hearing to a specified date
 - (b) arrange for the hearing to be held on specified additional dates, if it considers this to be necessary in order for the Panel to consider any representations or notice made by a Party.
- 3.17 Where the Panel has adjourned a hearing to a specified date, the Council will, as soon as possible, notify all Parties of the date, time and place of the new hearing.
- 3.18 Where the Panel has arranged for a hearing to be held on a specified additional date, the Council will, as soon as possible, notify all Parties of the additional date, time and place of the additional hearing.

Quorum

- 3.19 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

Panel Time Limits

- 3.20 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of four hours and will finish no later than 22.30 hours. Any business not transacted by the end of the meeting will be deferred to another meeting. The Parties will be told which meeting it is being deferred to.

Minutes

- 3.21 The minutes record that consideration was given to a report, any discussion leading to a decision, and any reason for departing from an officer's recommendation. Irrelevant matters, matters dealt with in the report, or matters that did not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Panel, that document (incorporating the report and any written submissions) is the record of the meeting.
- 3.22 The minutes of the meeting are made public when they are ready and are posted on the Council's website at www.camden.gov.uk/democracy.

Withdrawal of Objections

- 3.23 A person who wishes to withdraw his objection may give notice of this no later than 24 hours before the day on which the hearing is to be held or orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 or

email licensing.committee@camden.gov.uk. The Committee Clerk will accept this notice by letter, email or fax.

Exclusion of Disruptive Persons

- 3.24 The Panel may require anyone person present at the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
 - (b) let him return subject to whatever conditions the Panel specifies.
- 3.25 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information they would have been entitled to give orally if they had they not been required to leave.
- 3.26 Parties and members of the public are not permitted to bring any banner or placard into a meeting, nor are they allowed to film, take photographs of, or make recordings of, the proceedings without the consent of the Chair.

Amending the Application

- 3.27 If an applicant wishes to amend their application, they must do so in writing and must sign the amendment. This can be prior to the hearing or at the hearing before the Panel begins deliberation. No amendment will be accepted which, in the opinion of the Panel, would extend the activities requested in the original application.

Additional Documentary and Other Evidence

- 3.28 The Parties should make every effort to ensure all documentary and other evidence is included in their application or objection. Additional documentary or other evidence submitted prior to the hearing may only be produced at the hearing where it has been provided to the Council at least seven days before the hearing and with the consent of the Panel and other Parties.
- 3.29 In all other cases, the Panel will consider each request on its merits and will bear in mind whether the other Parties have seen the material, whether there are exceptional reasons for not producing the material before, whether a failure to admit the evidence would prejudice the Council's ability to reach a decision, and whether prejudice would be caused to the applicant if the evidence were to be admitted at this stage.

4 Procedure at Hearings

- 4.1 The Licensing Panel is not a court. Every effort is made to keep proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2 It is important that the hearing follows a particular order to ensure all Parties have a chance to be heard.

4.3 Any applicant or objector or their representative who has given notice should make themselves known to the Committee Clerk before the hearing begins.

5 Hearings for Applications for the Grant, Renewal, Transfer or Variation of a Sex Establishment Licence or for Existing Sex Shops

Chair's Introduction:

5.1 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.

5.2 The Chair will then briefly announce the application and what it is for.

5.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.

5.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with the report.

Report of Executive Director Supporting Communities

5.5 The officer of the Supporting Communities Directorates will introduce their report to the Licensing Panel. The report will set out the nature of the activities to be provided at the sex establishment, give details of any objections, direct Members to relevant sections of the Council's Sex Establishments Policy, and provide an assessment of the locality where the application is for a new licence or a variation of an existing licence in relevant circumstances.

5.6 Members and the Parties may seek clarification from the officer on matters raised in the report.

Negotiation and Compromise

5.7 Where the applicant has amended the application tabled, the applicant will be permitted a two minute debrief to clarify any amendments to the application that have been made since the publication of the report

Objector's Case (where applicable)

5.8 The Chair will ask the objectors and their representative(s), if appropriate, to identify themselves. The objector or their representative may:

- (a) address the Panel, and
- (b) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 3.5 above

- 5.9 Fifteen minutes in total will be allowed for objectors to state their case. This may only be extended with the consent of the Panel. Objectors should preferably speak through a single spokesperson.
- 5.10 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 5.11 Members of the Panel and then any other Party (if given permission by the Panel) may ask objectors questions.

Applicant's Case

- 5.12 The Chair will ask the applicant and their representative, if appropriate, to identify themselves. The applicant or their representative may:
- (a) address the Panel, and
 - (b) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above
- 5.13 Fifteen minutes will be allowed for the applicant's case. This may only be extended with the consent of the Panel.
- 5.14 Members of the Panel and then any other Party (if given permission by the Panel) may ask the applicant questions.

Closing Remarks

- 5.15 Any Party will be permitted to make closing remarks not exceeding two minutes. Objectors will be required to summarise first, followed by the applicant.

Deliberation

- 5.16 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

Decision

- 5.17 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

- 5.18 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

6 Hearings for Applications for the Grant of a Sex Establishment Licence Pre Second Appointed Day

Chair's Introduction:

- 6.1 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing.
- 6.2 The Chair will then briefly give details of the reason for considering revocation of the licence.
- 6.3 The Panel will consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld, and if permission is refused, the Panel will give reasons for its refusal.

Licensing Authority's Case

- 6.4 The officer of the Supporting Communities Directorate shall outline the reason for considering revocation of the licence and briefly outline the evidence supporting the Licensing Authority's case. The officer shall introduce their report to the Licensing Panel. The report will set out any evidence supporting revocation of the licence and any response from the licence holder, and will direct Members to relevant sections of the Council's Sex Establishments Policy.
- 6.5 The officer will then call any witnesses to support the Licensing Authority's case.
- 6.6 Fifteen minutes in total will be allowed for witnesses to state their case. This may only be extended with the consent of the Panel. Witnesses should preferably speak through a single spokesperson.
- 6.7 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 6.8 Members of the Panel and then the licence holder may ask the officer and any witnesses questions.

Licence Holder's Case

- 6.9 The Chair will ask the licence holder and their representative, if appropriate, to identify themselves. The licence holder or their representative may:
- (a) give any information in support of their case

- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above.

6.10 Members of the Panel and then any other Party (if given permission by the Panel) may ask the licence holder questions.

Closing Remarks

6.11 Any Party shall be permitted to make closing remarks not exceeding two minutes. The order shall be the officer of the Supporting Communities Directorate, any witnesses, and then the licence holder.

Deliberation

6.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

Decision

6.13 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

6.14 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

11. Miscellaneous Licensing Matters

11.1. Communications on matters not yet on the agenda should be sent to the Licensing Team, Supporting Communities Directorate, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6919: email: licensingenquiry@camden.gov.uk.

Part 3: Advice to Members of the Licensing Committee on Members' Interests

1. Involvement in Licensing Matters prior to Meetings of the Committee or Licensing Panel

- 1.1. Members of the Committee are advised to take steps to minimise their involvement in any relevant matter prior to its consideration by the Committee or Licensing Panel so that they may be seen to take all decisions at the meeting with an open mind.
- 1.2. If a Member has already taken a view on an application before them (whether in their ward or not), for example by writing a letter of support or objection, or speaking publicly for or against an application, the Member should take particular care where they may be or may appear to be acting both as an advocate on behalf of one or more constituents and as an adjudicator on an application in respect of which the interests of the constituent are at variance with the interests of others. Members may make visits to premises in their capacity as ward councillors and may subsequently speak either for or against the relevant application. In these circumstances a Member may not be seen to be an impartial judge of the relative merits of both sides of the argument. The Member must always declare that they have visited the premises and, if in doubt, should refrain from voting.
- 1.3. The Committee has adopted a protocol governing official visits to premises.

2. Councillors as Objectors

- 2.1. If you are an objector or Interested Party you should obtain a copy of the report from the Clerk unless you have already been sent one by the Supporting Communities Directorate. You may get the report from the Clerk or on the Council's website (www.camden.gov.uk/democracy) after 4.00 p.m. six working days before the meeting. You must comply with the relevant requirements in Parts 1 and 2 to be able speak to the Committee or address the Panel.
- 2.2. However, a Councillor who is objecting on their own right should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 2.3. The Code of Conduct states that where a Member has such an interest s/he should not take part in any discussions about that interest unless a dispensation has been obtained from the authority's Standards Committee. They must declare what the interest is and withdraw from the meeting by leaving the room.
- 2.4. It does not apply where, for example, a Councillor is acting in an advocacy role for his or her constituents, and no new information is being introduced into the public domain. However, in the case of the Panel you should ensure that the

Interested Party complies with the requirements of paragraph 18 or you may be unable to.

3. Briefing for Licensing Committee (not Panels)

- 3.1. There will only be a briefing before a Committee meeting and this will only deal with the following matters:
 - a) Reading late papers, which the Clerk has received on the day of the meeting and seeking clarification on them;
 - b) Advice from the Clerk on procedure and in particular the application of these procedures.
- 3.2. The briefing should start 45 minutes before the start of the meeting and end 15 minutes before. This is to enable officers to be involved in advice to objectors and applicants before the meeting if required. Technical officers do not attend the briefing. There is an opportunity for clarification on matters covered in reports relating to applications during the meeting itself, when the technical officers are present.

4. Applications at Appeal

- 4.1. The Borough Solicitor will provide a report every six months on the progress of applications determined by the Committee and the Licensing Panels, which have gone to appeal.

5. Personal Interests/Prejudicial Interests

- 5.1. As with all other meetings, the provisions of the Camden Code of Conduct apply. The particular nature of the Licensing Committee and Panels means that issues of propriety are of particular concern. Members need to be particularly vigilant and should refamiliarise themselves with the provisions from time to time, seeking advice if in any doubt.

6. The Human Rights Act 1998

- 6.1. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in conformity with Convention rights. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently Members of the Committee must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

a) Article 6: Right to a fair trial

6(1) In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

b) Article 8: Right to respect for private and family life

Everyone has a right to respect for his or her private life, his home and correspondence.

c) Article 1 of the First Protocol: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

d) Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 6.2. Most Convention rights are not absolute and there are circumstances when an interference with a person's rights is permitted.
- 6.3. Article 8 states that "there shall be no interference by a public authority with the exercise of (rights under that Article) except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" and Article 1 of the First Protocol states that the provisions of the Article "shall not, however, in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."
- 6.4. However, any interference with any of the Rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate to the intended objective of the authority. The interference will not be justified if the means used to achieve the aim are excessive in the circumstances.
- 6.5. This point is relevant to all licensing decisions but particularly in the context of conditions and enforcement. Home Office guidance on this point states "any interference with a Convention right should be carefully designed to meet the objective in question and must not be arbitrary or unfair. You must not use a sledgehammer to crack a nut" to give effect to Convention rights in the licensing context, Members of the Licensing Committee will need to balance the rights of one individual (having regard to the personal circumstances of that person) against those of another and/or the interests of the community at large.

7. Councillors who are not Members of the Licensing Committee

- 7.1. A Councillor who is not a Member of the Licensing Committee may speak at a meeting of the Licensing Committee, with the agreement of the Chair, as an advocate for either the applicant or the objectors, and where no new information is being introduced into the public domain.
- 7.2. A Councillor who is not a Member of the Licensing Committee may speak at a hearing before a Panel as an advocate for either the applicant or the objectors.
- 7.3. However, a Councillor attending in a personal capacity to object to or support any application should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest.
- 7.4. The applicant automatically has the right to reply, and the right to see in advance the nature of the objection or representation. Members should disclose any interest they may have, including the fact that they have been in contact with objectors, the applicant, an Interested Party or a relevant Authority if this is the case and whether they are speaking on behalf of such persons or any particular interest.
- 7.5. Any Councillor who is not on the Licensing Committee but who is at one of its meetings should normally sit separately, to demonstrate that they are not taking part in the discussion, consideration or vote. They should not communicate with Members of the Committee or Panel or pass papers or documents to them before or during the meeting. They may not attend briefings or accompany the Committee if it retires to deliberate in private.
- 7.6. Councillors who are opposed in principle to any category of application or form of public entertainment, either in their own ward or borough-wide, should not seek nomination to the Licensing Committee.

8. Ward Members

- 8.1. Being the Member for the ward in which particular premises are situated is not per se declarable and as a general rule Members of the Committee may deliberate on matters affecting their wards, provided this is done with an open mind. To underline the openness of the proceedings, the agenda papers show which ward each Member sits for, and it is helpful for Members to maintain the practice of naming their ward when they introduce themselves at the start of the meeting.

9. Being Seen to Act Fairly

- 9.1. With regard to planning committees, the Local Government Ombudsman advises that not only must Members act fairly; they must be seen to act fairly. The same maxim should apply to licensing committees. Members are advised to maintain and demonstrate an open mind if contacted by applicants or

members of the public in the time leading up to the meeting. Members of the public, applicants and other parties may seek to lobby Members prior to meetings and this is a normal part of the democratic process. Members are however advised to share details of that lobbying with officers in advance of any hearing in the interests of transparency. Officers may comment on the content of that lobbying and may share it with other Members and parties if deemed appropriate.

10. Members should be Present throughout Consideration of an Item

- 10.1. Members making a decision on any particular item must ensure that they are present throughout its consideration. If they join the meeting or go out and return to it part way through a particular item they should refrain from participating in the discussion and not vote on that item. If a Member needs to leave the room, he or she may ask for a short adjournment.

11. Use of Political Whips

- 11.1. The Local Government Ombudsman considers that the "whipping" of group meetings for town and country planning matters in this way is maladministration, and it is good practice to apply the same maxim to licensing matters.

12. Relationship between Members and Officers

- 12.1. Good administration is dependent on a successful relationship between Councillors and officers, which can only be based upon mutual trust, and understanding of each other's roles and responsibilities. The Code governing this relationship is the Camden Code of Conduct. Periodically, Member/officer seminars will be arranged outside the formal committee setting at which general issues of licensing can be discussed more freely as part of the process of training and policy formulation.

13. Member Development and Training

- 13.1. Because the technical issues concerning licensing are complex, and matters of propriety are not always straightforward, appointment to the Licensing Committee creates a requirement for new Members to undertake training on appointment, and for all Members to have refresher training periodically thereafter. Seminars are also organised where Members may develop their specialist knowledge and where topical issues may be aired. Members are advised not to accept nomination to the Licensing Committee unless they are prepared to take on this responsibility. Members also need to familiarise themselves with the provisions of these procedures.

Part 4: Licensing Committee and Licensing Panels – Protocol for Visits to Premises

1. Exceptional Circumstances

- 1.1. Most premises are licensed under delegated powers. Others are referred to the Committee with a detailed report, containing all the background and technical information which officers, in their professional judgement, believe Members need to make a decision on an application. Therefore, visits to premises should be exceptional, and undertaken either to check a specific material consideration, or to assist the Committee with a matter that has hitherto been outside its experience or that of individual Members.
- 1.2. Members should also note the disruption that any visit will cause to the Schedule of meetings, to officers and interested parties attending the meetings.
- 1.3. If having read the officer's report a Member requires further information on an application, it would be appropriate for the Member to contact the report author to request the information to be included in the supplementary agenda which will be despatched the evening before the meeting.

2. Arrangement of Visit

- 2.1. The Executive Director Supporting Communities will notify the licensee that a visit is to be arranged, and a date will be fixed in consultation with the Chair and leaders of the opposition groups on the Committee, although this will not be communicated to the licensee. Members will then be notified of the visit.
- 2.2. In the interests of consistency and transparency, every effort should be made by Members considering the application to attend the visit.
- 2.3. Members will be accompanied on the visit by a licensing officer.

3. Briefing

- 3.1. Before a visit takes place there will be a briefing at a venue to be arranged, with a report setting out technical and background information regarding the premises. In particular, Members will be asked to note the reason for the visit and any specific aspects of the application they wish to focus on. The Borough Solicitor will remind Members of the relevant legislation, providing Counsel's opinion on specific advice as appropriate. Members will be reminded of Camden's Code of Corporate Governance and the rules governing expenditure.

4. Arrival at the Premises

- 4.1. Where appropriate, the accompanying officer should make clear the arrival of Members at the premises. If public admittance is an issue and where there is a door charge, this should be paid and the amount reimbursed by the Council. If some other aspect of the premises is an issue, Members should be admitted without charge. If entrance is refused, and gentle persuasion fails, then the

licensee's decision should be respected. Members should have their identity tags with them.

5. During the Visit

- 5.1. If Members are visiting to see some particular aspect of the premises, or check something, then they should do so. Any specific observations should be passed to the officer, who will note them.
- 5.2. Interested parties will not be invited to site visits but should any attend this may be recorded by officers including a summary of any conversations they have held with Members if appropriate. Members may only ask questions or seek clarification from officers, the applicant or any third party as appropriate. Hospitality or gifts should not be accepted.
- 5.3. Where drinks are served, Members may partake at their own expense. Preferably drinks should be non-alcoholic. Any visit would not normally take longer than the average time taken to consume a drink. However, there may be circumstances (e.g. waiting for a performance to begin or ascertaining the actual closing time of premises) where Members may need to stay longer.
- 5.4. Once Members are satisfied that the purpose of their visit, (as determined and discussed at the briefing) has been fulfilled, the visit should end. It would not be proper to remain for social or entertainment reasons, since these are not the purpose of the visit and could be misinterpreted.

6. After the Visit

- 6.1. The fact that a visit took place will be recorded in the officer's report to the meeting of the Committee considering the application along with any relevant factors noted during the visit which may reasonably be taken into account. It would not be inappropriate for Members to ask questions of applicants and objectors, at the Committee, arising from their visit.

7. Unforeseen Circumstances

- 7.1. If events during a visit to premises take an unexpected turn, such that there is a danger to Members, or the potential to embarrass them in their public capacity, it is usually advisable to leave immediately.

EQUALITY ACT 2010

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing functions. Members of the Panel must be mindful of this duty inter alia when determining all licensing applications. In particular Members of the Panel must pay due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

ENDS

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Guidance on remote hearings held under the Licensing Act 2003 and associated regulations

The following procedure shall be adopted in relation to the conduct of all hearings of Licensing Sub-Committees (known as Licensing Panels) which are held to consider applications submitted under the Licensing Act 2003 and associated regulations. The Council's Standing Orders, while still applying, are for hearings held pursuant to the Licensing Act 2003 to be interpreted in light of this guidance note and the fact that the hearing is being held remotely adjusted accordingly.

A. System for conducting remote hearings

1. Camden will conduct remote hearings using Microsoft Teams ('Teams') using the calls functionality.
2. The remote hearing will be conducted via a Teams call, using both the audio and video functionality so all participants¹ in a remote hearing should be capable of being heard and seen. All decision-makers must maintain as a legal minimum an audio connection to the hearing, but may mute themselves when they are not speaking. It will not impact the lawfulness or otherwise of the hearing should a committee member not be able to see the other participants for any part of the hearing, nor if they be cannot be seen by other participants and / or the public. All participants will, as far as able, try to join the hearing using the Teams app or web browser and not via dialling into the hearing.
3. Unless a hearing is dealing with confidential items, it will be streamed to the public so that they may listen and watch (should video be available) but the public will not be able to participate unless section B6 below applies; these are hearings held in public via a digital connection, but are not public hearings.
4. The Chair will be provided with advice on procedure and hearing management by a committee officer, a lawyer and other relevant officers.
5. Hearings will be streamed live as well as recorded, stored and uploaded to the Council's website. The Council will aim to do this within 48 hours of the hearing finishing.
6. Minutes will be taken and published in the usual manner.
7. In line with existing standing orders, the ruling of the Chair on a point of order and on the construction or application of this guidance, procedure rules and standing orders shall not be challenged during any hearing, including any decision of the Chair to ask for contributors to be muted.

Prior to the hearing

1. Agendas will be published on the [website](#) and via the modern.gov app and, unless a matter is urgent, five clear working days will elapse from the publication of the agenda to the holding of the hearing. Panel members will, as usual, receive an automated email when the agenda is published online containing a link to the agenda. They will also be provided with contact details to use in the event that their connection to the hearing is cut.

¹ Participants are defined as members of the committee; other councillors who seek to address the hearing; officers advising the committee or presenting reports; any external partners / third-parties invited to address or advise the hearing; and any member of the public with speaking rights.

Late papers

2. Parties to a licensing hearing may submit further late materials no later than 7pm, two working days before the hearing is due to start. These will be published online and circulated to the panel members. At the start of the relevant item, after the officer's presentation, the Chair will confirm which late papers have been circulated and invite each group of parties (responsible authorities, interested parties, applicant; or applicant, interested parties, licence holder) to set out in up to 2 minutes why the papers should be accepted or not. The panel members will then decide whether to admit the papers – taking advice as needed from officers – and take any adjournment necessary to ensure all voting members have read them.

B. At the hearing

1. The committee officer will begin the remote hearing 15 minutes before the start time to allow participants to join promptly and check their audio / video feeds are working.
2. At the beginning of the formal hearing, the Chair will confirm attendance by calling the name of each of those expected to be in attendance and ask them to confirm that they are present, their role (voting member, guest member, advising officer or member of the public with speaking rights) and that they can hear proceedings. Any members who are acting as substitutes shall identify themselves as substitutes and say for whom they are substituting.
3. The usual rules as to numbers of members to create a quorum will apply, and presence in the hearing of a voting member or substitute will count towards the quorum.
4. The hearing will, as the first item of business on the agenda, note and agree the variations / interpretations of procedure rules as set out in this document. The hearing will then follow the published agenda as normal.
5. Any Member participating who declares an interest in any item of business which would normally require them to leave the room shall switch off their microphone and camera for the duration of the item so they cannot be heard or seen by the other participants. They should also refrain from sending any messages using the chat function during the item or do anything that may be reasonably perceived as trying to influence the debate. Any such action may be a breach of the Members' Code of Conduct. The relevant Member will still be able to see and hear the discussion and at the end of the item may switch their camera and microphone back on. The committee officer may use their ability to remotely switch microphones on and off to assist in this process.

Public participation

6. Licensing hearings do not take deputations. The applicant / licence holder / parties making representations instead declare their intention to address the Committee beforehand. They will be sent a notice of the hearing as normal and are required to return this by 7pm, 2 working days before the hearing. Where a party has not indicated their intention to speak by this time, they will be presumed to not be addressing the Committee. Reasonable attempts will be made to accommodate those submitting late notifications, but their participation will not be guaranteed.
7. It is stressed to applicants / licence holders/ parties making representations that they must identify a single speaker and this may be themselves or another nominated person. They may invite others to speak as part of their submissions, but the panel will not

adjourn the hearing for a speaker who is not the identified single speaker for the party unless the Chair is persuaded that that the non-lead speaker has material information to impart to the panel.

Debate

8. Panel members will indicate their desire to speak by submitting their name using the “chat” function on Teams. This “chat” will not be minuted nor be a formal part or contribution to the hearing. All participants should refrain from using the chat for any function other than indicating their wish to speak, indicating a loss of their audio feed (section C8) or to request a formal vote (section C21) and will be reminded about this at the outset of the hearing. Where a panel member has joined through dialling in, and therefore does not have access to the chat function, the Chair will at relevant points during items specifically invite those participants dialling-in to address the hearing or otherwise confirm they have no comments / questions.
9. When not speaking, participants will be asked to keep themselves muted. Officers may do this remotely to improve the audio quality of the hearing.

Interruptions to connections

10. If a Member’s audio feed cuts out during the hearing they will:
 11. If still connected to Teams, use the ‘chat’ function to advise immediately that they can no longer hear the other participants;
 12. If they are unable to use the Teams ‘chat’ function, use the emergency contact details provided to alert the relevant officer (usually the committee officer) who will advise the Chair.
13. Where the Chair is notified of a panel member’s audio feed failing they will immediately stop the hearing and call a short adjournment of up to 15 minutes to re-establish the connection. Where the connection is re-established, the Chair will ask relevant participants to repeat in summary any part of the discussion that is considered reasonably necessary to ensure panel members have been given the same information as each other.
14. If after the 15 minutes adjournment, the connection to the panel member cannot be re-established then the hearing will resume – so long as there is still a quorum – and the Member will be deemed as having left the hearing and will be unable to vote on the item. They may, if able, rejoin the hearing and participate on later items.
15. If the Chair is the member affected by the interrupted connection, the committee officer will adjourn the hearing in line with sections C9 – C10. Upon the resumption, if the Chair has been unable to rejoin the hearing, the Vice-Chair will assume the Chair. Where there is no Vice-Chair, the committee officer will conduct a vote for a panel member to temporarily assume the chair. The usual Chair may resume their role at the start of the next item if they have resumed their connection.
16. Where a loss of connection renders a hearing inquorate, the normal procedure rules on inquoracy will apply i.e. the hearing will stand adjourned for up to 15 minutes (or 30 minutes if the committee officer deems it likely that a quorum can be achieved in that time). If after this time, a quorum has not been found then the hearing will conclude and the business stand adjourned to the next hearing of the panel.

17. Where the Chair is advised that the public audio feed is not working to a satisfactory standard, then they shall adjourn the hearing as if it was inquorate under section C12 (unless the hearing is in private session).

Voting

18. The Chair may, at their discretion, consider that there is an accord amongst panel members, and shall announce this to the hearing and not call for a formal vote. Should a panel member wish a formal vote to take place they should indicate this by way of the 'chat' function.
19. When the Chair elects to put a matter to the vote, they will ask the voting members of the panel to confirm that they were able to hear the item in full and to cast their vote on the recommendation(s) / motion. The chair will conduct a roll call in alphabetical order for each panel member to respond in turn.
20. Given the quasi-judicial nature of the business, should the Chair be in any doubt as to whether a panel member was present for the whole of an item they will not allow that panel member to vote.

Behaviour

21. The Chair will at their discretion be entitled to mute any contributors, including voting members, should they consider it appropriate. Should either a member or other participant become disruptive, the Chair will warn them and should that warning not result in a change of behaviour which is acceptable to the Chair then they shall, at their absolute discretion, be entitled to terminate the individual's participation in the hearing.

C. Confidential/Exempt Items

1. Should the hearing have confidential or exempt items on the agenda, the Chair will move the usual motion to move into private session. This can be agreed by a general consensus of the voting members to the satisfaction of the Chair or by carrying out a roll call vote.
2. The hearing shall then stand adjourned until the Chair is satisfied, upon the advisement of the clerk, that the public live feed has paused and all participants not eligible to remain as a part of the hearing have been removed as such. Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing), and/or recording the proceedings.
3. When resolving to move back into public session, the hearing shall again adjourn until the Chair is satisfied, upon the advisement of the clerk, that the public live feed has resumed and all eligible participants have had their audio / video feeds restored satisfactorily.

D. Equalities

1. It is recognised that that some persons who ordinarily would be able to participate in Council hearings in person will not be able to participate in remote hearings due to physical or other disability or because they lack the technological capability to do so. It is believed that this will only be a small minority of persons, but will likely disproportionately affect older persons and those of less financial means. We are aware that in terms of income those that fall within certain protected groups are statistically

more likely to lack the means to have access to that equipment or the ability to use it. There is therefore functionality to dial into a hearing instead of joining via the Internet, and the Council will support this as far as possible in line with the procedures set out above.


2. Teams has live captions functionality for remote hearings for the deaf / hard of hearing, which users can independently turn on; guidance on how to do so will be provided. The Council cannot accept any liability for the accuracy of these live captions.
3. The Council will consider any other requests for reasonable adjustments to be made in order to allow parties to be involved in remote Council hearings as far as circumstances at the time of the hearing allows.
4. In addition the Council will review and monitor the operation of its remote decision making and make adjustments when it considers it can further mitigate any adverse impact.

ENDS

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Agenda Item 7

REPORT IN RELATION TO A SUMMARY REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003

LONDON BOROUGH OF CAMDEN		FOR SUBMISSION TO: Licensing Panel	DATE: 21 st November 2023
REPORT OF: Executive Director Supporting Communities		CONTACT OFFICER: Peter Agleby 5 Pancras Square, London, N1C 4AG Tel: 020 7974 5507 Email: Peter.agbley@camden.gov.uk	
PREMISES: Kiss The Sky 11-13 Camden High Street, London, NW1 7JE		WARD: Regents Park	
Licence Holder:		St Georges Hotel Inn Limited	
Applicant:		Metropolitan Police	
Local Government Act 1972 – Access to Information - Documents used in the preparation of this report	1) The Licensing Act 2003 (“the Act”) 2) Camden Statement of Licensing Policy 2022 -2027 (“the Policy”) 3) Amended Guidance issued under section 182 of the Licensing Act 2003 (August 2023) (“the Guidance”)		
Appendices	Appendix 1) Map of premises Appendix 2) Current premises licence Appendix 3) Legal and Finance Comments Appendix 4) Application form and Certificate – RESTRICTED		
Signed by: Director of Public Safety  Date: 21 November 2023			

REASON FOR URGENCY

An application for a summary review was received from the Metropolitan Police Responsible Authority (“the Police”) at 16:48 on 20th November 2023. Under Section 53A of the Licensing Act 2003 the Police can submit a summary review of a premises licence if they believe the premises is associated with serious crime or disorder or both. Within 48 hours of receiving the application, the Licensing Authority must consider whether to take interim steps on the premises licence, pending a full review hearing. Due to these short timescales this item has been put forward as urgent so as to comply with the Licensing Act 2003 and the regulations that accompany it.

1. Application

1.1 This report is to consider an application made by the Police for a Summary Review of the premises licence for premises known as Kiss the Sky, situated at 11-13 Camden High Street, London, NW1 7JE under section 53A of the Licensing Act 2003.

1.2 The premises is licensed for:

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

09:00 – 01:00 Monday to Saturday

10:00 – 23:30 Sunday

b) Live Music and Recorded Music

23:00 – 01:30 Monday to Saturday

23:00 – 23:30 Sunday

c) Opening hours

07:00 – 01:45 Monday to Saturday

10:00 – 01:00 Sunday

2. The Request for Summary Review and Interim Steps.

2.1 The summary review application has been made by the Police because it is their opinion that the premises are associated with serious crime and serious disorder.

2.2 In the application the Police state the following:

There was a double stabbing (non-fatal) linked to Kiss The Sky (Premises Licence 113657), 11-13 Camden High Street NW1 7JE

The Police have no confidence in the operators being capable to act honestly, appropriately and responsibly to prevent serious crime and serious disorder following the involvement staff had in the commission of the offence.

The Police have identified a number of failings and concerns:

- Police were not called to an incident of violence.
- CCTV is defective and keeps jumping
- SIA were not effective in managing the disorder.
- One of the witnesses appears to be 16 years old

2.3 The Police have recommended that the following interim steps be taken pending a full review hearing:

- a) Suspend the premises licence until the review hearing.

- 2.4 A copy of the summary review application and a copy of the Certificate under section 53A (1) (b) of the Licensing Act 2003 is attached to this report as **Appendix 4**.

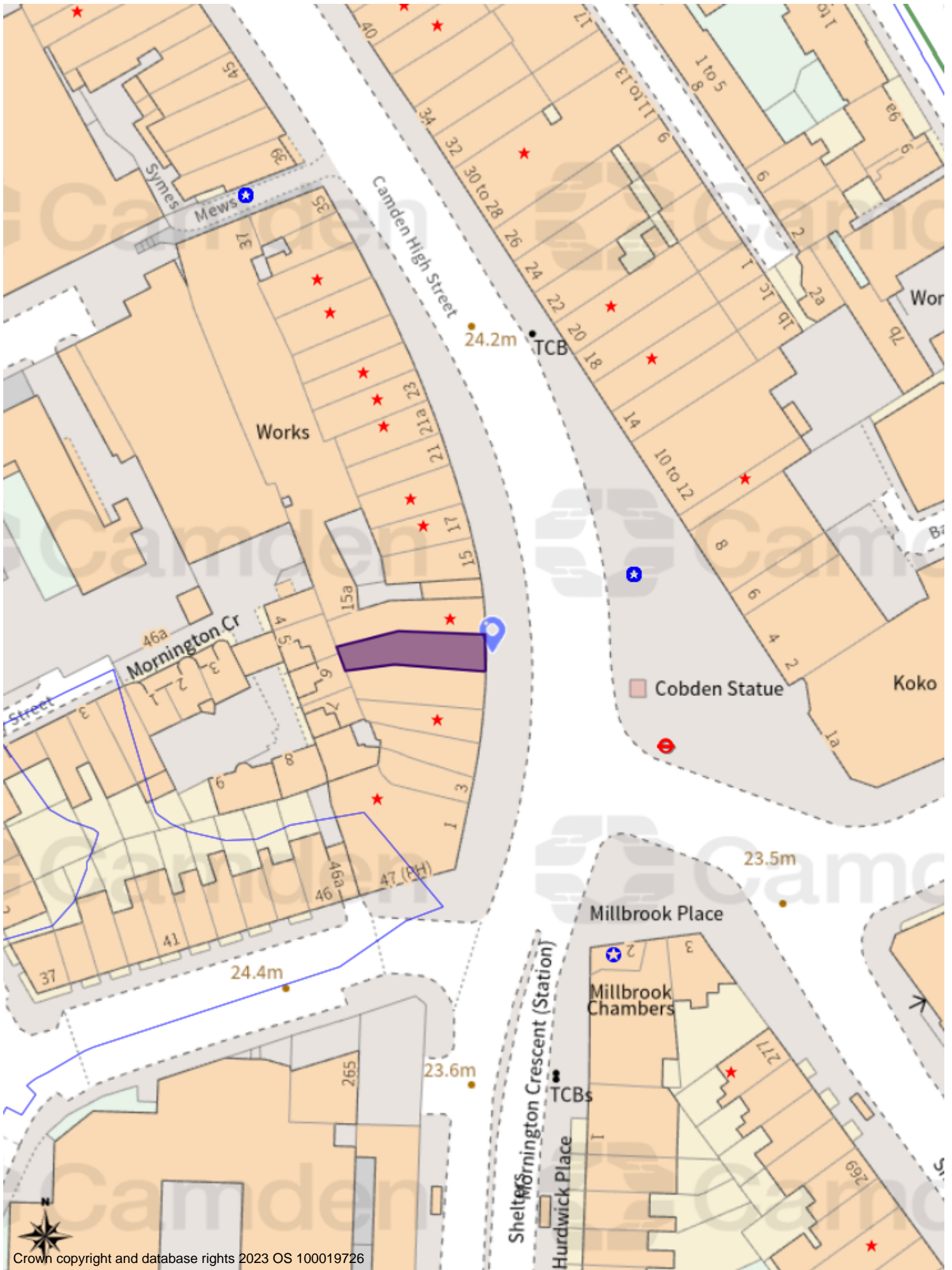
3. Recommendations

- 3.1 To determine whether interim steps are necessary pending a full review hearing of the premises licence under section 53B of the Licensing Act 2003.
- 3.2 Members are advised that when considering whether it is necessary to take any interim steps, they must consider one or more of the following:
- a) Modification of the conditions of the premises licence
 - b) the exclusion of the sale of alcohol by retail from the scope of the licence
 - c) removal of the designated premises supervisor from the licence
 - d) the suspension of the licence
- 3.3 As with all options members will need to consider what is necessary and proportionate to ensure the promotion of the licensing objectives.

4 Conclusion

- 4.1 Members are required to consider the necessary interim steps in light of all the relevant information.

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London Borough of Camden, 5 Pancras Square, London N1C 4AG

Premises Licence

London Borough of Camden Licensing Authority

Premises licence number

PREM-LIC\113657

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

KISS THE SKY
11-13 Camden High Street
London
NW1 7JE

Telephone number N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail of Alcohol:	Yes
Recorded Music:	Yes
Live Music:	Yes

The times the licence authorises the carrying out of licensable activities

Retail of Alcohol:	
Monday to Saturday:	09:00 – 01:00
Sunday:	10:00 – 23:30
Recorded Music:	
Monday to Saturday:	23:00 – 01:30
Sunday:	23:00 – 23:30
Live Music:	
Monday to Saturday:	23:00 – 01:30
Sunday:	23:00 – 23:30



The opening hours of the premises

Monday to Saturday: 07:00 – 01:45

Sunday: 10:00 – 01:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

ON Premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

St Georges Hotel Inn Limited
10 SUSSEX GARDENS
LONDON
W2 1UL

Registered number of holder, for example company number, charity number (where applicable)

05313775

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

[REDACTED]

For Corporate Services Directorate on behalf of the Licensing Authority

[REDACTED]

Date Licence Granted: 20/04/2023 APP\PREMISES-NEW\113658



Annex 1 - Mandatory conditions

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
5. But nothing in subsection (4) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies[and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
7. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of



the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
9. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
- (a) a holographic mark, or
 - (b) an ultraviolet feature.



10. The responsible person must ensure that
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
12. For the purposes of the condition set out in paragraph 11
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula

$$P = D + (D \times V)$$
 where
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and



(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

13. Where the permitted price given by Paragraph (b) of 12 above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
14. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

N/A

Annex 3 - Conditions attached after a hearing by the licensing authority

15. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Camden Police Licensing Team and that:
 - a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition;
 - b) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance;
 - c) All recordings shall be stored for a minimum period of 31 days with date and time stamping;
 - d) Viewing of recordings shall be made available within 48 hours, where possible, upon the request of Police or authorised officer throughout the entire 31-day period; and
 - e) Signs must be displayed in the customer areas to advise that CCTV is in operation.
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.



18. The Premises Licence Holder shall employ a minimum of 1 x SIA Licensed Door Supervisors at the Premises on a Friday and Saturday night from 21:00hrs until 02:00hrs.
19. The Premises Licence Holder shall risk assess the need for SIA Licensed Door Supervisors at other times I additional SIA Licensed Door Supervisors on a Friday and Saturday night.
20. An incident log shall be kept at the premises and made available on request to an authorised Officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
21. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
22. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
23. The venue shall supply, and fit, suitable anti-theft devices such as table/counter clips, in order that customers must secure their bags.
24. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of the Council.
25. A comprehensive staff training programme is to be put together which will cover the Licensing Act 2003, fire evacuation procedures, critical incident best-practice, crime scene best practice and WAVE training. This training is to be clearly documented.



26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
27. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - a) the limiter must be set at a level determined by and to the satisfaction of an Acoustician who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses;
 - b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of an Acoustician who is a member of the Institute of Acoustics and access shall only be by persons authorised by the Premises Licence holder;
 - c) The limiter shall not be altered without prior written agreement from Licensing Authority;
 - d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Licensing Authority, and
 - e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
28. All windows and external doors shall be kept closed after 21:00 hours, or at any time when Regulated Entertainment takes place, except for the immediate access and egress of persons.
29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
30. 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.
31. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 10 persons at any one time.
32. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
33. Last entry to the premises shall be 00:00hrs.
34. The premises shall sign up to the 'Ask for Angela' scheme.
35. The capacity of the venue shall be 50 patrons.

Annex 4 - Plans



London Borough of Camden, 5 Pancras Square, London N1C 4AG

Premises Licence Summary
London Borough of Camden Licensing Authority

Premises licence number PREM-LIC\113657

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description KISS THE SKY 11-13 Camden High Street London NW1 7JE
Telephone number N/A

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
Retail of Alcohol:	Yes
Recorded Music:	Yes
Live Music:	Yes

The times the licence authorises the carrying out of licensable activities	
Retail of Alcohol:	
Monday to Saturday:	09:00 – 01:00
Sunday:	10:00 – 23:30
Recorded Music:	
Monday to Saturday:	23:00 – 01:30
Sunday:	23:00 – 23:30
Live Music:	
Monday to Saturday:	23:00 – 01:30
Sunday:	23:00 – 23:30

**The opening hours of the premises**

Monday to Saturday: 07:00 – 01:45

Sunday: 10:00 – 01:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

ON Premises

Part 2**Name, (registered) address of holder of premises licence**

St Georges Hotel Inn Limited
10 SUSSEX GARDENS
LONDON
W2 1UL

Registered number of holder, for example company number, charity number (where applicable)

05313775

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

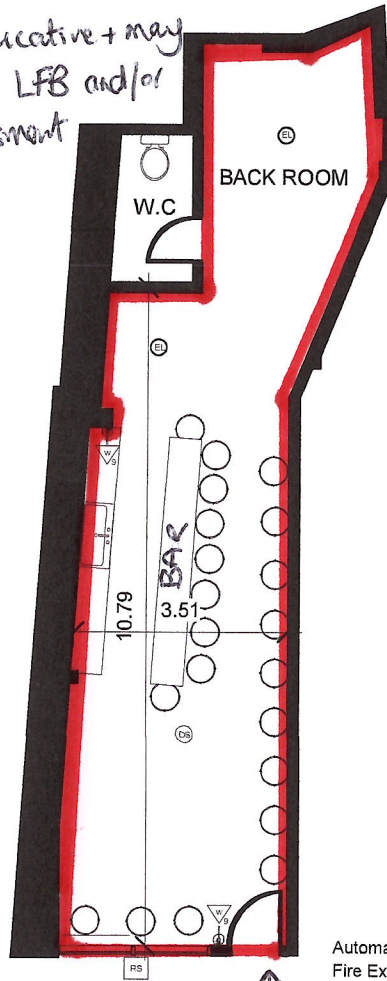
[REDACTED]

State whether access to the premises by children is restricted or prohibited

N/A

KISS THE SKY - LICENSING PLAN

1. licensable activities may take place anywhere within the red line
2. any detail not required by the regulations is indicative only and subject to change without notice
3. fire safety locations indicative + may change in consultation with LFB and/or following a fire risk assessment



= extent of licensed premises

Automatic fire alarm = DS
 Fire Extinguisher =
 Fire resisting door 30/30 door =
 EL =
 Seat =

1 FLOOR PLAN
 1 : 100
 entrance / exit

AUTODESK. <small>www.autodesk.com/revit</small>	Owner	Unnamed	
	Project Name	Project number	0001
Date		Issue Date	A101
Drawn by		Author	
Checked by	Checker	Scale	1 : 100

1/20/2023 4:26:20 PM

Section 1: Background comments of the Head of Legal Services

- 1.1 Members should only address those matters that have formed the subject matter of the objection notice. Matters that arise that are not the subject of the objection notice fall outside the function that the Panel is exercising when it holds a hearing
- 1.2 Members must determine, having regard for the evidence, whether not giving a counter notice will impact adversely on crime and disorder licensing objective.
- 1.3 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where a Licensing Authority gives a counter notice, the premises user may appeal against the decision, to a magistrate's court within 21 days of being notified of the decision.
- 1.4 Similarly, the Police may appeal against a decision not to give the premises user a counter notice. Any such appeal must be made to a magistrates court within 21 days of being notified of the decision.
- 1.5 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

(a) Article 6: Right to a fair trial

In the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(b) Article 8: Right to respect for private and family life

Everyone has a right to respect for his or her private life, his home and correspondence.

(c) Article 1 of the First Protocol: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including a licence. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(d) Article 10: Freedom of Expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(e) Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

Section 2: Financial Comments

- 2.1 Following consideration there are no financial implications concerning this application. The Director of Finance has been consulted in the preparation of this report and has no further comments to add.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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