


**APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF
THE LICENSING ACT 2003**

LONDON BOROUGH OF CAMDEN	<u>FOR SUBMISSION TO:</u> Licensing Panel	<u>DATE:</u> 18 May 2023
<u>REPORT OF:</u> Executive Director Supporting Communities	<u>CONTACT OFFICER:</u> Dennis Viechweg, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. Tel: 020 7974 2152 Email: Dennis.Viechweg@camden.gov.uk	
<u>PREMISES:</u> Spiritual Caipirinha Bar, 4 Ferdinand Street, London NW1 8ER	<u>WARD:</u> Haverstock	
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 (December 2022) (“the Guidance”)	
Appendices	Appendix 1) Map of premises Appendix 2) Application form Appendix 3) Current premises licence Appendix 4) Relevant representations Appendix 5) Conditions consistent with the operating schedule Appendix 6) Legal and finance comments	
<p>Signed by Jamie Akinola, Director of Public Safety</p>  <p>Date: 5th May 2023</p>		

1. Application

1.1 This is an application to vary a premises licence under section 34 of the Licensing Act 2003. **Appendix 2**

1.2 The premises are licensed for:

- a) Supply of Alcohol (For consumption on the premises)
10.00-23.30 Sunday to Thursday
10.00-00.30 Friday and Saturday
- b) Plays
16.00-00.00 Sunday to Thursday
16.00-01.00 Friday and Saturday
- c) Films
16.00-00.00 Sunday to Thursday
16.00-01.00 Friday and Saturday
- d) Live Music
10.00-23.00 Sunday to Thursday
10.00-00.00 Friday and Saturday
- e) Recorded Music
10.00-23.00 Sunday to Thursday
10.00-00.00 Friday and Saturday
- f) Facilities for Dancing
10.00-23.00 Sunday to Thursday
10.00-03.00 Friday and Saturday
- g) Opening Hours
10.00-00.00 Sunday to Thursday
10.00-01.00 Friday and Saturday

1.3 The application is for:

Variation to Existing Licensable Activity and times:

- a) Supply of Alcohol (For consumption on the premises)
10.00-00.30 Sunday to Thursday
10.00-01.30 Friday and Saturday
- b) Live Music
10.00-00.30 Sunday to Thursday
10.00-01.30 Friday and Saturday
- c) Recorded Music
10.00-00.30 Sunday to Thursday
10.00-01.30 Friday and Saturday
- d) Opening Hours
07.00-01.00 Monday to Thursday
07.00-02.00 Friday and Saturday
07.00-01.00 Sunday

2. Representations

- 2.1 One relevant representation has been received in relation to the application.
- 2.2 The representation opposes the application and is from the Police, responsible authority.

Appendix 3

3. Policy

Licensing objectives (Chapter Four Page 20 to 35 of the Policy)

- 3.1 The licensing objectives engaged by this application are:
 - a) The Prevention of Crime and Disorder
 - b) The Prevention of Public Nuisance

Cumulative Impact Policy Area (Chapter Six- Page 39 to 44 of the Policy)

- 3.2 The premises are situated in the Camden Town cumulative impact policy area where there is a presumption to refuse all new or variation applications. The presumption is rebuttable.

Hours policy (Chapter Five- Page 36 to 38 of the Policy)

- 3.3 The hours policy is engaged by this application in relation to the proposed times for licensable activities. The framework hours are given in the policy as:

Alcohol On Sales

Monday to Thursday 10:00 am until 11:30 pm
Friday and Saturday 10:00 am until midnight
Sunday 11:00 am until 10:30 pm

- 3.4 The times for the framework hours on any given day are not (and should not be regarded as) the “usual” or “normal” working hours for licensable activities in the Borough. Instead, the framework hours serve to identify those cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities.

Women’s Safety (Appendix One – Page 88 to 89 of the Policy)

- 3.5 The council has adopted a set of principles that commit our licensed premises to act in a responsible manner, taking all forms of female harassment seriously and set out the practical steps licensed premises can take to support this.

The principles encourage all licensed premises to consider and implement them in the day to day operation of their premises and include:

- a. Let's Communicate
- b. Supporting Each Other
- c. Training for All

The application does not include these principles.

Premises Policy (Chapter Seven – Page 46 to 67 of the Policy)

- 3.6 The premises policies currently engaged by this application are:
- a) Restaurants, cafes and coffee houses
 - b) Premises supplying hot food and drink between 11:00 pm and 05:00 am

4. Secretary of State's Guidance

- 4.1 The relevant parts of the Secretary of State's Guidance ("the Guidance") for this application are:
- a) Chapter 2 - The Licensing Objectives
 - b) Chapter 3 - Licensable Activities
 - c) Chapter 8 - Applications for Premises Licences
 - d) Chapter 9 - Determining Applications
 - e) Chapter 10 - Conditions Attached to Premises Licences and Club Premises Certificates.

5. Recommendations

- 5.1 To determine the application to vary a premises licence under section 35 the Licensing Act 2003.
- 5.2 Having considered the application, the representation(s) submitted in relation to this application, the legislative provisions, the Statement of Licensing Policy, and the Guidance issued by the Secretary of State, Members have the following options:
- a) Grant the application in full with such conditions on the licence that are consistent with the operating schedule.
 - b) Grant the application subject to revised conditions that they consider appropriate to promote the licensing objectives.
 - c) Reject the whole or part of the application.

- 5.3 Members may attach additional conditions if they consider it appropriate for the promotion of the licensing objectives raised in the representations.
- 5.4 Members are reminded that all applications must be considered on their own merits, and that findings on any issues of fact should be on the balance of probability.

6. Conclusion

- 6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.