


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

<b>LONDON BOROUGH OF CAMDEN</b>	<b><u>FOR SUBMISSION TO:</u></b> Licensing Panel	<b><u>DATE:</u></b> 6 July 2023
<b><u>REPORT OF:</u></b> Executive Director Supporting Communities		<b><u>CONTACT OFFICER:</u></b> Sarah Williams, Licensing Officer Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 8227 <a href="mailto:Sarah.Williams@camden.gov.uk">Sarah.Williams@camden.gov.uk</a>
<b><u>PREMISES:</u></b> Flight Club, 55-59 Albion House New Oxford Street London WC1A 1BS		<b><u>WARD:</u></b> Holborn and Covent Garden
<b>Local Government Act 1972 – Access to Information - Documents used in the preparation of this report</b>	<ol style="list-style-type: none"> <li>1) The Licensing Act 2003 (“the Act”)</li> <li>2) Camden Statement of Licensing Policy 2022-2027 (“the Policy”)</li> <li>3) Amended Guidance issued under section 182 of the Licensing Act 2003 (December 2022) (“the Guidance”)</li> </ol>	
<b>Appendices</b>	<ol style="list-style-type: none"> <li>Appendix 1) Location map of premises</li> <li>Appendix 2) Application form</li> <li>Appendix 3) Current premises licence</li> <li>Appendix 4) Relevant representations</li> <li>Appendix 5) Conditions consistent with the operating schedule</li> <li>Appendix 6) Legal and finance comments</li> </ol>	
<p><b>Signed by:</b> Jamie Akinola, Director of Public Safety</p>  <p><b>Date:</b> 22 June 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 both on and off the premises)**

**10:00 – 02:00 Monday to Saturday**

**11:00 – 22:30 Sunday**

**b) Films**

**10:00 – 02:00 Monday to Sunday**

**c) Indoor Sports**

**10:00 – 02:00 Monday to Sunday**

**d) Recorded Music**

**10:00 – 02:00 Monday to Sunday**

**e) Late night refreshment**

**23:00 – 02:00 Monday to Sunday**

**f) Opening hours**

**10:00 – 02:30 Monday to Sunday**

1.3 The application is to amend conditions:

a) Variation to remove condition 52 at Annex 3 of the premises licence:

“**Condition 52** states - The licence shall not become operational until the licence held by the landlord is rescinded.”

b) Variation to amend condition 19, 39 and 43 at Annex 3 of the premises licence:

“**Condition 19** - Substantial food and non-intoxicating beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.”

To read: “Substantial food shall be available at the premises until 11:00pm.”

**“Condition 39** - The premises will adopt the "Challenge 21" scheme and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification (photographic UK driving licence, passport, PASS accredited and/or armed forces card).”

To read: “The premises will adopt the "Challenge 25" scheme and any person wishing to purchase alcohol who appears to be under 25 shall be asked to produce an acceptable form of identification (photographic UK driving licence, passport, PASS accredited and/or armed forces card).”

**“Condition 43** – During the period of Social Distancing imposed due to COVID19 the premises will risk assess the need for the number of SIA authorised door staff required by Condition 42 and adjust the number in accordance with this assessment. A copy of the Risk Assessment will be held at the premises and be made available for inspection by any Responsible Authority on request. Any Responsible Authority may ask for the Risk Assessment to be repeated or set aside and in this case the requirements of Condition 42 will apply.”

To read “Any period of Social Distancing imposed due to a national pandemic the premises will risk assess the need for the number of SIA authorised door staff required by Condition 42 and adjust the number in accordance with this assessment. A copy of the Risk Assessment will be held at the premises and be made available for inspection by any Responsible Authority on request. Any Responsible Authority may ask for the Risk Assessment to be repeated or set aside and in this case the requirements of Condition 42 will apply.

c) Variation to add a new condition:

“Suitable beverages other than alcohol (including drinking water) shall be available at all times when alcohol is supplied at the premises.”

## **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 a Residents Association. **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

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

- 3.2 The premises are situated in the Seven Dials 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 terminal times for licensable activities. The framework hours are given in the Policy as:

**On Sales**

Monday to Thursday	10:00 until 23:30
Friday and Saturday	10:00 until midnight
Sunday	11:00 until 22:30

**Off Sales**

Monday to Saturday	08:00 until 23:00
Sunday	10:00 until 22:30

**No sale or supply of alcohol**

Monday to Thursday	09:00 until 23:30
Friday and Saturday	09:00 until midnight
Sunday	09:00 until 22:30

- 3.4. The times for framework hours on any given day are not (and should not be regarded as) the 'usual' or 'normal' 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) Public Houses and Bars
  - b) Restaurants, cafes and coffee houses
  - c) Premises Providing Music and Dance and Similar Entertainment

**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 for a new premises licence under section 35 of 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.