


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

LONDON BOROUGH OF CAMDEN	FOR SUBMISSION TO: Licensing Panel	DATE: 21 September 2023
REPORT OF: Executive Director Supporting Communities		CONTACT OFFICER: Dennis Viechweg, Licensing Officer Licensing Team, 5 Pancras Square, London, N1C 4AG Tel: 020 7974 2152 Email: dennis.viechweg@camden.gov.uk :
PREMISES: Lower Third, 26, Denmark Street, London, WC2H 8NN		WARD: Holborn and Covent Garden
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	
Signed by: Jamie Akinola, Director of Public Safety  Date: 18 th August 2023		

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 and off the premises)

Monday to Saturday: 10:00 – 02:00
Sunday: 12:00 – 00:30

b) Live Music

Monday to Saturday: 10:00 – 02:00
Sunday: 12:00 – 00:30

c) Recorded Music

Monday to Saturday: 10:00 – 02:00
Sunday: 12:00 – 00:30

d) Performances of Dance

Monday to Saturday: 10:00 – 02:00
Sunday: 12:00 – 00:30

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

Monday to Saturday: 10:00 – 02:00
Sunday: 12:00 – 00:30

f) Late night refreshment

Monday to Saturday: 23:00 – 02:00

g) Opening hours

Monday to Saturday: 10:00 – 02:30
Sunday: 12:00 – 01:00

h) Seasonal Variations

On the morning that British Summertime begins, Licensable Activities shall be extended by one hour.

- 1.3 Following representation from the Police responsible authority the application was amended to include conditions agreed with the Police.
- 1.4 On the basis that the agreed conditions are included in the application the Police withdrew their representation. The agreed conditions can be found in Appendix 5.
- 1.5 The applicant has provided additional supporting evidence, these documents can be found in Appendix 2.
- 1.6 The application is for:

a) Variation to amend the following conditions 26 (b), 40, 41, and 44, from Annex 2. 49, 54, 55, 57, 58, and 60 from Annex 3

“Condition 26(b): In relation to any event involving a promoter, their associates, DJ(s) or artist(s), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for a profit then:

a. The licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 7 days before the event occurs on email EK-Licensing@met.police.uk.

The licensee shall notify Camden Police Licensing Team via the same email if there are any short notice booking events or any unusual or large scale events (due to occur within less than 7 days) as soon as reasonably practicable. The police will have the right of absolute refusal of any such events for reason of late notification.

c. Where the venue runs a promoted event using a DJ or MC who performs to background music then they should risk assess the need to search every customer upon entry taking cognizance of Police advice. If the risk assessment determines that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.

to read as follows;

In relation to any event involving a promoter, their associates, DJ(s) or artist(s), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for a profit then:

a. The licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 7 days before the event occurs on email EK-Licensing@met.police.uk.

b. The licensee shall notify Camden Police Licensing Team via the same email if there are any high risk events or any unusual or large scale events (due to occur within less than 7 days) as soon as reasonably practicable. The Police will have the right of absolute refusal of any such events for reason of late notification.

c. Where the venue runs a promoted event using a DJ or MC who performs to background music then they should risk assess the need to search every customer upon entry taking cognizance of Police advice. If the risk assessment determines that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.

“Condition 40: The licensee shall ensure that staff are trained as appropriate, in respect of relevant licensing law, crime scene best practice and upon the sale of alcohol to drunks and persons underage. This training is to be clearly documented and any training for future staff must also be organised at the appropriate time. Details of training are to be made available for inspection by Police or other Responsible Authorities, upon request.

To read as follows;

The licensee shall ensure that staff are trained as appropriate, in respect of relevant licensing law, crime scene best practice and upon the sale of alcohol to drunks and persons underage. This training is to be clearly documented and signed and any training for future staff must also be organised at the appropriate time. Refresher training shall be carried out every 6 months and details of training are to be made available for inspection by Police or other Responsible Authorities, upon request.

“Condition 41: Where any illegal substance is found within the premises then a record shall be made in the incident book. Any illegal substance shall be stored securely pending collection by the Police unless they are present on site and this is handed to them. Any seizure of drugs and weapons shall be recorded in the incident book.

To read as follows;

Where any illegal substance is found within the premises then a record shall be made in the incident book by **a duty manager**. Any illegal substance shall be stored securely pending collection by the Police unless they are present on site and this is handed to them. Any seizure of drugs and weapons shall be recorded in the incident book **by a duty manager**.

“Condition 44: Staff shall be fully trained on safety issues, including fire safety and management shall carry out regular inspections of the premises.

To read as follows;

Staff shall be fully trained on safety issues, including fire safety and management shall carry out regular **safety** inspections of the premises **before members of the public are allowed on to the premises and after close of business**.

“Condition 49: The premises will implement a dispersal policy and all relevant staff will be trained in its implementation. The policy shall contain measures intended to encourage patrons leaving the club after 23:00 to disperse West along Denmark St towards Charing Cross road and then to disperse North or South. It will contain measures actively to discourage patrons from dispersing into the Piazza areas to the North and East of the premises. The policy will be reviewed regularly and whenever the licensee becomes aware of issues associated with dispersal.

To read as follows;

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

“Condition 54: All staff working on said night or event shall stay 30 minutes after close to actively help with dispersal.

To read as follows;

***A duty manager, head door and core staff** working on said night or event shall stay 30 minutes after close to actively help with dispersal **and to ensure that the premises is completely devoid of members of the public.**

“Condition 55: When door supervisors are required, there will be a minimum of 1 (one) SIA registered door supervisor permanently working on the main entrance.

To read as follows;

*When door supervisors are required, there will be a minimum of 1 (one) SIA registered door supervisor permanently working on the main entrance. **There will be a minimum of 1 (one) female SIA registered door supervisor on duty when security are required.**

“Condition 57: At least 2 (two) SIA door supervisors (to include the door supervisor working on the main entrance) who are on duty as required by the licence conditions shall wear body worn cameras. Management of the venue to ensure these cameras are working before deployment. In the event of an incident, the footage must be made available to police upon request. The licence holder shall ensure that a suitable, expeditious playback/downloading system is in place to enable the police to obtain any evidential footage.

To read as follows;

At least 2 (two) SIA door supervisors (to include the door supervisor working on the main entrance) who are on duty as required by the licence conditions shall wear body worn cameras. Management of the venue to ensure these cameras are working before deployment. In the event of an incident, **body worn camera footage shall be stored for a minimum of 14 days** and must be made available to police upon request. The licence holder shall ensure that a suitable, expeditious playback/downloading system is in place to enable the police to obtain any evidential footage.

“Condition 58: All permanent staff working in the evening and security staff to undertake welfare of and vulnerability engagement (WAVE) training and a record to be kept of this.

To read as follows;

All permanent staff working in the evening and security staff to undertake welfare of and vulnerability engagement (WAVE) training and a record to be kept of this. **The premises to ensure this before operating under this new licence if granted.**

“Condition 60: There shall be no new admissions to the premises after 01:30 hours with the exception of VIP’s, guest list and/or pre-sold ticket holders. A record of such entries after 01:30 hours shall be maintained and made available for inspection by Responsible Authorities.

To read as follows;

There shall be no new admissions to the premises after **02:30** hours with the exception of **VIPs**, guest list and/or pre-sold ticket holders. A record of such entries after **02:30** hours shall be maintained and made available for inspection by Responsible Authorities.

b) Variation to Existing Licensable Activity and times:

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

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

j) Live Music

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

k) Recorded Music

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

l) Performances of Dance

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

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

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

n) Late night refreshment

Monday to Wednesday: 23:00 – 02:00 (No Change)
Thursday to Saturday: 23:00 – 04:00

o) Opening hours

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

p) Seasonal Variations

On the morning that British Summertime begins, Licensable Activities shall be extended by one hour. (No Change)

2. Representations

- 2.1 Thirty three relevant representations have been received in relation to the application.
 - 2.2 Twenty four representations oppose the application, and these are from a Licensing Authority responsible authority, Planning Authority responsible authority, a ward Councillor, resident's associations, local businesses and local residents.
 - 2.3 Nine representations support the application, and these are from London Mayor's Night Czar, Industry Associations, local residents and business.
- Appendix 4**

3. Policy

Licensing Objectives (Chapter Four - Pages 20-35 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
 - c) Public Safety
 - d) The Protection of Children from Harm

Cumulative Impact Policy Area (Chapter Six- Pages 39 - 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 – Pages 36 - 38 of the Policy):

- 3.3. The hours policy is engaged by this application in relation to the proposed end 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 include these principles.

Premises Policy (Chapter Seven- Pages 46 -67 of the Policy):

- 3.6 The following premises policies are engaged by the application:
- a) Public Houses and Bars
 - b) Premises Providing Music and Dance and Similar Entertainment
 - c) Nightclubs
 - d) Off Licences

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 - Application for Premises Licences
 - d) 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.