


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

<b>LONDON BOROUGH OF CAMDEN</b>	<b>FOR SUBMISSION TO:</b> Licensing Panel	<b>DATE:</b> 21 September 2023
<b>REPORT OF:</b> Executive Director Supporting Communities		<b>CONTACT OFFICER:</b> Sarah Williams, Licensing Officer Licensing Team, 5 Pancras Square, London, N1C 4AG Tel: 020 7974 2152 Email: <a href="mailto:Sarah.Williams@camden.gov.uk">Sarah.Williams@camden.gov.uk</a>
<b>PREMISES:</b> HERE, St Giles Circus Site, Denmark Place, London WC2H 8LH		<b>WARD:</b> Holborn and Covent Garden
<b>Local Government Act 1972 – Access to Information - Documents used in the preparation of this report</b>	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”)	
<b>Appendices</b>	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	
<b>Signed by:</b> Jamie Akinola, Director of Public Safety		
		
<b>Date:</b> 18 <sup>th</sup> 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)**

10:00 – 23:30 Monday to Thursday

10:00 – 00:00 Friday to Saturday

11:00 – 22:30 Sunday

**b) Plays, Films, Indoor Sporting Events, Boxing or Wrestling Ent, Live Music, Recorded Music and Performance of Dance**

10:00 – 23:30 Monday to Thursday

10:00 – 00:00 Friday to Saturday  
11:00 – 22:30 Sunday

**c) Late night refreshment**

23:00 – 23:30 Monday to Thursday  
23:00 – 00:00 Friday to Saturday

**d) Opening hours**

00:00 – 00:00 Monday to Sunday

**e) Seasonal Variations**

On 104 occasion per calendar year, the terminal hour shall be extended Until 02:00 the following morning. Such occasions to be notified to the Police and the Licensing Authority 14 days prior. (if the premises elect to trade beyond 01:00 hours on the commencement of British Summertime The permitted hours shall be permitted for a further 1 hour.)

Pride Variation

The licence variation for Sunday 2nd July 2023 from 00.00 – 04.00 only.

In respect of the following licensable activities:

- Sale of alcohol (on only)
- Late night refreshments
- Films
- Live music
- Recorded music
- Performance of dance

1.3 The applicant has provided additional supporting evidence, these documents can be found in Appendix 2.

1.4 The application is for:

**a) Amend the current seasonal variations**

“On 104 occasion per calendar year, the terminal hour shall be extended Until 02:00 the following morning. Such occasions to be notified to the Police and the Licensing Authority 14 days prior. (if the premises elect to trade beyond 01:00 hours on the commencement of British Summertime The permitted hours shall be permitted for a further 1 hour.)”

to vary this to permit licensable activities until 04:00 on 154 occasions per year.

**b) Variation to amend conditions 19, 38, 42, 50, 51, 55, 56, 65, 69 & 70 at Annex 2 and 3 of the premises licence**

“Condition 19; The sale of alcohol at the premises shall be at all times ancillary to the use of the Gallery as a multi-purpose auditorium space. The sale shall be restricted to such occasions as exhibitions; retail events; live pre-recorded music; product launches; fashion shows; film screening; events and conferences, and the like kind.”

to read as follows;

The sale of alcohol at the premises shall be at all times ancillary to the use of the premises as a multi-purpose auditorium space. The sale shall be restricted to such occasions as exhibitions; retail events; live pre-recorded music; product launches; fashion shows; film screening; events and conferences, and the like kind.

“Condition 38; For any event involving:

- 1) a promoter, their associates, DJ or artiste, or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit, and
- 2) live amplified or recorded music is the main attraction, the licensee shall complete a full risk assessment via open source material, reference checks from previous venues and if there are concerns following all these checks, to inform [www.safersounds.org.uk](http://www.safersounds.org.uk) and Camden Police Licensing Team at least 14 days before the event occurs”

to read as follows;

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

- a) The licensee shall complete a full risk assessment via open source material reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 7 days before the event occurs on email [EK-Licensing@met.police.uk](mailto: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 determined that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.

“Condition 42; A challenge 21 policy will be enforced, where any person reasonably looking under the age of 21 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence, military ID cards or proof of age card bearing the PASS hologram.

to read as follows;

A challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence, military ID cards or proof of age card bearing the PASS hologram.

“Condition 50; Subject to any relevant consents which may be required from the Local Authority, the designated queuing area shall be enclosed within appropriate barriers to ensure that the public footway is kept clear.”

to read as follows;

Subject to any relevant consents which may be required from the Local Authority, the designated queuing area shall be enclosed within appropriate barriers to ensure that the public footway is kept and maintained clear.

“Condition 51; The Gallery is in use after 8:00pm and the sale of alcohol is taking place, the smoking area shall be constantly supervised by an SIA registered door supervisor who will monitor the capacity and restrict access when necessary.”

to read as follows;

Where the premises is in use after 8:00pm and the sale of alcohol is taking place, the smoking area shall be constantly supervised by an SIA registered door supervisor who will monitor the capacity and restrict access when necessary.

“Condition 55; The licensee shall ensure that staff are trained as appropriate, in respect of relevant licensing law, crime scene best practice and upon the sale of alcohol to drunks and persons underage. This training is to be clearly documented and 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. Details of training are to be made available for inspection by Police or other Responsible Authorities, upon request.

“Condition 56; 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 65; A Notice shall be fixed in a prominent position near exits reminding customers that this is a residential area and requesting patrons to leave quickly and quietly.”

to read as follows;

A Notice shall be fixed in a prominent position near exits reminding customers that this is a residential area and requesting patrons to leave quickly and quietly.

“Condition 69; A proof of age scheme shall operate at the premises and staff shall be trained in its use, e.g. Challenge 21.

to read as follows;

A proof of age scheme shall operate at the premises and staff shall be trained in its use, e.g. Challenge 25.

“Condition 70; The premises will implement a dispersal policy and all relevant staff will be trained in its implementation. The policy shall contain measures intended to encourage patrons leaving the gallery after 23:30 to disperse towards Tottenham Court Road Station or by travelling North/South on Charing Cross Road or East/West on Oxford Street/New Oxford Street. It will contain measures actively to discourage patrons from dispersing into the Piazza areas to the North and East of the premises. The Policy will be reviewed regularly and whenever the Licensee becomes aware of issues associated with dispersal.”

to 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 gallery after 23:30 until close of business to disperse towards Tottenham Court Road Station or by travelling North/South on Charing Cross Road or East/West on Oxford Street/New Oxford Street. It will contain measures actively to discourage patrons from dispersing into the Piazza areas to the North and East of the premises. The Policy will be reviewed regularly and whenever the Licensee becomes aware of issues associated with dispersal.

**c) Variation for additional conditions be added to the licence**

1. 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. In the event of an incident, body worn camera footage will be stored for a minimum of 14 days and must be made available to Police upon request.
2. 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.
3. On any occasion the premises operate licensable activities beyond midnight relying upon the seasonal variations permitted then 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.
4. premises shall maintain a complaints log detailing the nature of the complaint, complainant (if known), and any action taken. The log to be made available for inspection by Environmental Health upon reasonable request.
5. Safety Inspection Certificates (which shall be maintained up to date) shall be available on site for inspection by Authorised Officers.
6. The premises shall ensure that an enhanced Risk Assessment shall be carried out to determine how many disabled customers

they can safely accommodate and vacate in the event of an emergency.

## 2. Representations

- 2.1 Thirty eight relevant representations have been received in relation to the application.
  - 2.2 Twenty seven representations oppose the application, and these are from the Police responsible authority, Licensing Authority responsible authority, Planning responsible authority, a ward Councillor, Resident Associations, local residents and businesses.
  - 2.3 Eleven representations support the application, and these are from London Mayor's Night Czar, Industry Associations, local residents and businesses.
- 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.