


**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> 2 nd November 2023
<u>REPORT OF:</u> Executive Director Supporting Communities	<u>CONTACT OFFICER:</u> Samina Khan, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 4504 / samina.khan@camden.gov.uk	
<u>PREMISES:</u> Simmons, 7-9 Kentish Town Road, London, NW1 8NH	<u>WARD:</u> Camden Town	
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) Location map of premises Appendix 2) Application form Appendix 3) Current premises licence Appendix 4) Relevant representations Appendix 5) Legal and Finance comments	
<p>Signed by: Jamie Akinola, Director of Public Safety</p>  <p>Date: 20th October 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 Monday to Thursday
10:00 – 00:00 Friday and Saturday
11:00 – 22:30 Sunday

b) Recorded music

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

c) Late night refreshment

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

d) Opening hours

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

1.3 The application is for:

Additional Licensable Activity:

a) Films

23:00-23:59 Monday only

Changes to hours of existing Licensable Activities:

a) Supply of alcohol (for consumption on the premises)

10:00 - 01:00 Thursday
10:00 - 02:00 Friday and Saturday

b) Recorded music

10:00 - 01:00 Thursday
10:00 - 02:00 Friday and Saturday

c) Late night refreshment

23:00 - 01:00 Thursday
23:00 - 02:00 Friday and Saturday

d) Changes to the opening hours

10:00 - 01:00 Thursday
10:00 - 02:00 Friday and Saturday

Additional Conditions offered:

1. There must be a minimum of 2 members of staff present whilst the premises remains open to the public.
2. Upgraded search and entry policies shall be implemented and agreed with the Police and Licensing Authority.
3. Refuse such as bottles shall be placed outside at a time that shall minimise disturbance to nearby properties
4. CCTV system shall be installed and working to the satisfaction of the Police and Licensing Authority within six months to include at least one camera to cover the entrance/exits to/from the venue.
5. The premises will support the 'Ask Angela' campaign or any successor to it. This will include displaying appropriate signage in the premises and regular staff training to ensure that any incidents of harassment to women are quickly identified, reported and tackled.

Revise Conditions:

1. Condition Number: 61

Existing:

A phone number for a local taxi firm or services shall be displayed at the premises.

Revised:

Both verbal and visual directions shall be given to customers advising them the closest licensed taxi/minicab service, which is less than 50 meters from the premises.

2. Condition Number: 62

Existing:

Notices shall be prominently displayed at the exits alerting patrons to the need to

be considerate to neighbors' when leaving.

Revised:

During the opening hours that security staff are present, a constant watch shall be kept on noise levels involving customers entering and exiting the premises.

3. Condition Number: 67

Existing:

The General Manger's number is to be made available to local residents.

Revised:

The license holder shall display the contact number of the premises license holder/DPS/Duty manager inside the premises in such a way that it is clearly visible from the outside without the need to enter the premises.

2. Representations

- 2.1 Six relevant representations have been received in relation to the application.
- 2.2 The representations oppose the application, and are from the Police responsible authority, Licensing Authority responsible authority, a Resident Association, A Community Association and two local residents.

Appendix 4

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
 - c) Public Safety

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 timings 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

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 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) Pubs and bars
- b) Restaurants, cafes and coffee houses
- c) Premises Providing Music and Dance and Similar Entertainment
- d) Premises supplying hot food and drink between 11:00 pm and 05:00 am
(Late night refreshment venues)

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 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 34 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.