


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

LONDON BOROUGH OF CAMDEN	FOR SUBMISSION TO: Licensing Panel	DATE: 30 th November 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: Forge & Foundry/Caponata Restaurant 3-7 Delancey Street, London NW1 7NL		WARD: Regents Park
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) 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: 20 th October 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 – 01:00 Monday and Tuesday
10:00 – 02:00 Wednesday and Thursday
10:00 – 03:00 Friday and Saturday
10:00 – 23:00 Sunday

b) Plays, Films, Live Music, Recorded Music and Performance of Dance

10:00 – 01:00 Monday and Tuesday
10:00 – 02:00 Wednesday and Thursday
10:00 – 03:00 Friday and Saturday
10:00 – 23:00 Sunday

c) Facilities for Making Music and Facilities for Dancing

10:00 – 00:00 Monday to Thursday
10:00 – 01:00 Friday and Saturday
10:00 – 22:30 Sunday

d) Late night refreshment

23:00 – 01:00 Monday and Tuesday
23:00 – 02:00 Wednesday and Thursday
23:00 – 03:00 Friday and Saturday

e) Opening hours

08:00 – 01:00 Monday and Tuesday
08:00 – 02:00 Wednesday and Thursday
08:00 – 03:00 Friday and Saturday
08:00 – 23:00 Sunday

f) Seasonal Variations

Opening hours are extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- 1.3 There is a condition numbered 109 on the premises licence which states that the extended hours and additional conditions will not come into effect until the Premises Licence holder confirms in writing that all conditions imposed on the 19th January 2023 have been complied. The conditions have not been confirmed and the licence holder continues to operate under the hours and conditions of their previous licence.
The current premises licence can be found in **Appendix 3**,

- 1.4 The application is to:

a) Amend conditions on the premises licence

To remove Condition 12.

Condition 12 (numbered 46 on the premises licence) reads:

“There shall be no vertical drinking. Alcohol will only be sold by waiter/waitress service to customers seated at tables. Alcohol sales will be ancillary to a substantial table meal”.

2. Representations

- 2.1 Forty four 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, four ward councillors, three resident associations, and thirty five local residents.

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 is 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.