


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

LONDON BOROUGH OF CAMDEN	FOR SUBMISSION TO: Licensing Panel	DATE: 18 January 2024
REPORT OF: Executive Director Supporting Communities	CONTACT OFFICER: Peter Agleby, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 5507/ Peter.agbley@camden.gov.uk	
PREMISES: Swains 15 Highgate Road, London, NW5 1QX	WARD: Highgate	
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 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) Conditions consistent with the operating schedule Appendix 6) Legal and Finance comments	
Signed by: Jamie Akinola, Director of Public Safety		
		
Date: 9 th January 2024		

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 (On Premises)

08:00 to 23:30 Monday to Thursday

08:00 to 00:30 Friday and Saturday

08:00 to 23:30 Sunday

b) Supply of Alcohol (Off Premises)

08:00 to 23:00 Monday to Sunday

c) Late Night Refreshment:

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

d) Opening hours

08:00 to 23:30 Monday to Thursday:
23:00 to 00:30 Friday and Saturday
23:00 to 23:30 Sunday

The current premises licence can be found in **Appendix 3**

1.3 The application to vary seeks to

- a) update the plans of the premises in line with the plans attached to the application,
- b) to remove Conditions 16, 17 and 19 on the premises licence, to allow the premises to operate as a traditional public house.

Conditions 16, 17 and 19 read as follows:

“16. The supply of alcohol shall be by Waiter / Waitress service only.”

“17. The supply of alcohol shall only be to customers seated at tables with the exception of a maximum of 10 customers permitted to stand whilst waiting for a table.”

“19. Between the hours of 08:00 and 11:00 daily sales of alcohol (On sales) shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.”

- c) The application seeks to correct a typographical error in Condition 22, where the word “or” has been omitted.
The correct wording of Condition 22 is as follows:
“22. Any alcohol sold via a delivery service shall be a) Ancillary to a food order or of at least 6 bottles (half a case) of wine /a value of£100 or more.”

2 Representation

2.1 Three relevant representations have been received in relation to the application.

2.2 Two representations oppose the application and are from local resident.

2.3 One representation supports the application and is from a community group.

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 Public Nuisance

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

3.2. The premises is not situated in the cumulative impact policy area

Hours Policy (Chapter Five – Pages 36 - 38 of the Policy):

3.4. 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

3.5. 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) Premises supplying hot food and drink between 11:00 pm and 05:00 am

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

2.4 To determine the application to vary a premises licence under section 35 the Licensing Act 2003.

2.5 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.

2.6 Members may attach additional conditions if they consider it appropriate for the promotion of the licensing objectives raised in the representations.

2.7 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.

Conclusion

- 3.1 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.