


**APPLICATION TO REVIEW A PREMISES LICENCE UNDER SECTION 51  
OF THE LICENSING ACT 2003**

<b>LONDON BOROUGH OF CAMDEN</b>	<b>FOR SUBMISSION TO:</b> Licensing Panel	<b>DATE:</b> 23 <sup>rd</sup> January 2025
<b>REPORT OF:</b> Executive Director Supporting Communities	<b>CONTACT OFFICER:</b> Samina Khan, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 4504 / <a href="mailto:samina.khan@camden.gov.uk">samina.khan@camden.gov.uk</a>	
<b>PREMISES:</b> Sican 26 - 28 Whitfield Street, London, W1T 2RG	<b>WARD:</b> Bloomsbury	
<b>Licence Holder:</b>	<b>Sican Limited</b>	
<b>Applicant:</b>	<b>Gary Sollof</b>	
<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 2023) (“the Guidance”)	
<b>Appendices</b>	Appendix 1) Map of Premises Appendix 2) Application Appendix 3) Relevant representations Appendix 4) Current Premises Licence Appendix 5) Legal and Finance Comments	
<b>Signed by:</b> Jamie Akinola, Director of Public Safety		
		
<b>Date:</b> 10 <sup>th</sup> January 2025		

## 1. Application

1.1 This is an application to review a premises licence under section 51 of the Licensing Act 2003.

1.2 Any determination of the Licensing Panel shall not have effect until:

- a) The end of the period given for appealing against the decision; or
- b) If the decision is appealed against, until the appeal is disposed of.

1.3 The premises is licensed for:

### a) Supply of Alcohol (For consumption On/Off the premises)

10.00 - 00.00 Monday - Wednesday (excluding Christmas Day and Good Friday)  
10.00 - 01.00 Thursday - Saturday (excluding Christmas Day and Good Friday)  
12.00 - 23.30 Sunday (excluding Christmas Day) and Good Friday  
12.00 - 22.30 Christmas Day

### b) Late Night Refreshment

23.00 - 00.30 Monday - Wednesday (excluding Christmas Day and Good Friday)  
23.00 - 01.30 Thursday - Saturday (excluding Christmas Day and Good Friday)  
23.00 - 00.00 Sunday (excluding Christmas Day) and Good Friday

### c) Recorded Music

Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.

### d) Opening hours

10.00 - 00.30 Monday - Wednesday (excluding Christmas Day)  
10.00 - 01.30 Thursday - Saturday (excluding Christmas Day and Good Friday)  
12.00 - 00.00 Sunday (excluding Christmas Day) and Good Friday

## 2. Reason for the review

2.1 The review has been submitted by the Applicant and thirty-eight local residents, who believe the licensing objectives, the prevention of public nuisance, the prevention of crime and disorder and public safety are not being upheld.

2.2 The applicant has submitted a comprehensive grounds for review which are set out in the Review Statement which, includes links to videos of noise and disturbances caused by the premises. Four key issues of concern are highlighted in the review statement, the operation of the premises, the closing time, the dispersal of patrons, and the attitude of the Licence Holder.

The review statement is attached **Appendix 2**

2.3 The Applicant and local residents propose that the conditions on the premises licence are amended to include the following conditions:

1. Reducing the opening hours to framework hours.
2. The off sale of alcohol to cease at 23:00, and the on sale of alcohol to cease half an hour before closing to allow for 'drinking up' time. These hours are extended from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
3. Removal of Recorded Music as a licensable activity from the licence.
4. That existing conditions 15 – 17, 18, 20 and 21 on the premises license be removed. Details of these proposals are on the attached schedule.
5. That 16 additional conditions are added to the licence. Details of these proposals are on the attached schedule.

## **Appendix 2**

### **3. Background**

- 3.1 One hundred and fifty one relevant representations have been received in relation to the review application.
- 3.2 Fifty-nine representations are in support of the application to review the premises licence and these are from the Licensing Authority responsible authority, Police responsible authority, Environmental Health responsible authority, the Home Office, a Resident Association and fifty three local residents and a business.
- 3.3 Ninety-one representations object to the application to review the premises licence and these are from members of the general public.
- 3.4 One representation has been received from the landlord of the premises, Hammersmith Estates Limited who are aware of the review and investigating the concerns raised.

## **Appendix 3**

### **4. Policy**

#### Licensing Objectives (Chapter Four – Pages 20-25 of the Policy):

- 4.1 The licensing objectives engaged by this application are:
  - 1) The Prevention of Crime and Disorder
  - 2) The Prevention of Public Nuisance
  - 3) Public Safety
  - 4) The Protection of Children from Harm

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

- 4.2. The hours policy is engaged by the existing premises licence in relation to the 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	10:00 until 22:30

#### **Off Sales**

Monday to Saturday	08:00 until 11:00 pm
Sunday	10:00 until 10:30 pm

#### **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

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.

## **5. Secretary of State's Guidance**

- 5.1 The relevant parts of the Secretary of State's Guidance ("the guidance) for this application are
- 1) Chapter 2 – The Licensing objectives
  - 2) Chapter 3 - Licensable Activities
  - 3) Chapter 10- Conditions attached to Premises Licences and Club premises Certificate
  - 4) Chapter 11- Reviews

## **6 Recommendations**

- 6.1 To determine the application for a review of the premises licence under section 52 of the Licensing Act 2003.
- 6.2 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 available to them by virtue of the Licensing Act 2003, Section 52:
- a) Allow the licence to continue operating as before
  - b) Modify the conditions of the licence
  - c) Exclude a licensable activity from the scope of the licence
  - d) To remove the designated premises supervisor

- e) To suspend the licence for a period not exceeding three months
- f) To revoke the licence

6.3 As with all options members will need to consider what is appropriate

## **7**

### **Conclusion**

7.1 Members are required to determine the review application in light of all the relevant information.

## SCHEDULE

### **Additional proposed conditions:**

- 1) There shall be no 'Bottomless Brunch' or any other drinks promotion where unlimited alcohol is provided.
- 2) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 3) The premises shall only operate as a restaurant,
  - i. in which customers are shown to their table or the customer will select a table themselves,
  - ii. where the supply of alcohol is by waiter or waitress service only,
  - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - iv. which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - v. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means- a meal as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Notwithstanding this condition, alcohol may be supplied and consumed prior to a meal in the bar area in the basement, by up to a maximum at any one time, of 18 persons dining at the premises.

- 4) No alcoholic beverages or glass containers shall be taken outside the premises by customers at any time.
- 5) Alcoholic beverages can only be sold to and consumed by customers outside the premises when sat at a table covered by a tables and chairs licence where required.
- 6) Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to four persons at any one time.
- 7) The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 8) The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- 9) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- 10) Notices shall be prominently displayed at each exit from the premises asking patrons smoking to be considerate to neighbours.
- 11) All outside tables and chairs shall be rendered unusable by 22:00 hours each day.
- 12) A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 13) The premises shall operate a dispersal policy which shall contain as a minimum information about dispersing customers away from Whitfield Street and towards Goodge Street, including waiting for taxis on Goodge Street rather than Whitfield Street. All staff shall be trained in the implementation of the dispersal policy, and a copy of the dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorized officer of

Camden Council.

- 14) During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 15) All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 16) A minimum of one door supervisor shall be on duty on the premises during the hours of 7pm until 30 minutes after close on Thursdays-Sundays to manage customers outside the premises and to assist with dispersal.

**Proposed Deletion of existing conditions:**

15. Alcohol shall not be sold or supplied except during the permitted hours. In this condition, permitted hours means:

Monday - Wednesday (excluding Christmas Day and Good Friday) : 10.00-00.00

Thursday - Saturday (excluding Christmas Day and Good Friday) : 10.00-01.00

Sunday (excluding Christmas Day) and Good Friday : 12.00-23.30

Christmas Day : 12.00-22.30

These hours are extended from the end of permitted hours on New Year's Eve (i.e. 23.00 or 22.30) to the start of permitted hours on New Year's Day (i.e. 10.00 or 12.00).

16. The above condition (15) does not prohibit:
  - a. during the first thirty minutes after the terminal hour for the sale of alcohol, the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;
  - b. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
  - c. the consumption of the alcohol on the premises by, or the taking of, sale or supply to, any person residing on the premises;
  - d. the sale or supply of alcohol to a trader or club for the purposes of the trade or club;
  - e. the taking of alcohol from the premises by a residing there;



- f. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
  - g. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol, so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
  - h. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
17. Alcohol may be sold or supplied for one hour following the hours set out above and between 15.00 and 19.00 on Christmas Day to persons taking a table meal in the premises, in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out in condition 7 above shall continue to apply.
18. Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
20. Alcohol and non-intoxicating beverages should only be supplied to and consumed by those customers seated either at tables or at the bar, after 11pm on Thursdays, Fridays and Saturdays.
21. No new customers should be admitted onto the premises after 11.30pm on Thursdays and after midnight on Fridays or Saturdays.