


**APPLICATION FOR A NEW PREMISES LICENCE UNDER SECTION 17  
OF THE LICENSING ACT 2003**

<b>LONDON BOROUGH OF CAMDEN</b>	<b>FOR SUBMISSION TO:</b> Licensing Panel	<b>DATE:</b> 9 <sup>th</sup> November 2021
<b>REPORT OF:</b> Executive Director Supporting Communities		<b>CONTACT OFFICER:</b> Sheridan O'Grady Tel: 020 7974 2777 Email: Sheridan.o'grady@camden.gov.uk
<b>PREMISES:</b> Cafe Brera 30 Hampstead High Street NW3 1QA		<b>WARD:</b> Hampstead Town
<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 2017-2022 (“the Policy”) 3) Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)	
<b>Appendices</b>	Appendix 1) Location map of premises Appendix 2) Application form Appendix 3) Relevant representations Appendix 4) Conditions consistent with the operating schedule Appendix 5) Legal and finance comments	
<p><b>Signed by Director of Community Services</b></p>  <p><b>Date: 25/10/2021</b></p>		

**1. Application**

1.1 This is an application for a new premises licence under section 17 of the Licensing Act 2003. **Appendix 2**

1.2 The application is for:

**a) Supply of Alcohol (For consumption on and off the premises)**

10:00 – 21:00 Sunday to Wednesday

10:00 – 22:00 Thursday to Saturday

**b) Recorded Music**

07:00 – 21:00 Monday to Wednesday

08:00 – 21:00 Sunday

07:00 – 22:00 Thursday to Saturday

**c) Opening hours**

07:00 – 21:00 Sunday to Wednesday

07:00 – 22:00 Thursday to Saturday

- 1.3** Following representation from the Licensing Authority responsible, authority the Application has been amended to include conditions agreed with the licensing Authority.

On the basis that the agreed conditions are included in the application The Licensing Authority responsible authority have withdrawn their Representation. The agreed conditions can be found in **Appendix 4**.

**2. Representations**

- 2.1** Six relevant representations opposing the application have been received. One from the Police responsible authority, one from a local ward councillor and four from local residents.

**Appendix 3**

**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

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

- 3.2** The premises are not situated in either cumulative impact policy area.

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 proposed Sunday start times for On Sales licensable activity. 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 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.

Premises Policy (Chapter Seven – Page 46 to 67 of the Policy)

- 3.5 The premises policies currently engaged by this application are:
- a) Restaurants, Cafes and Coffee Houses
  - b) 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 - Applications for Premises Licences
  - d) Chapter 9 - Determining Applications
  - e) Chapter 10 - Conditions Attached to Premises Licences and Club Premises Certificates.

**5. Recommendations**

- 5.1 To determine the application for a new premises licence under section 18 of 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.