

Electric Ballroom 184 Camden High St, London NW1 8QP

Hearing Statement of Kate Fuller Camden Licensing Committee, 7th September 2023

Club Nights at the Electric Ballroom

The Electric Ballroom is an iconic music venue at the heart of Camden Town's bustling community and has been a key part of it since it was purchased by my father in 1938. I therefore believe it is one of, if not the oldest family owned music venue in the world. Operating for over eighty years, it is imperative that the Electric Ballroom has a sustainable future, and this application is to ensure that. This is undoubtedly one of (although not the first!) very difficult and challenging times that the Ballroom has faced; post COVID, and in the cost of living and energy crisis. When we submitted our application, we produced a detailed cover letter setting out why the application was being submitted and how we believed it wouldn't add to the Council's cumulative impact policy.

It is important to understand the type of the events the Electric Ballroom operates. We are primarily a live music venue, and the club nights are an ancillary business to this. As with most grass roots music venues, the live music element rarely makes a notable profit, and it is important to supplement that cultural activity with other streams of revenue. The venue is not a night club that occasionally hosts gigs. It is a significant live music venue and therefore the type of promoter that we want to attract is one that is providing a distinctive music offer.

We are very proud of our reputation and legacy. We would not take a club booking or promoter that would jeopardise the venue and the history we have built up since my father purchased the building in 1938.

This application is about three variations to the licence.

The original club capacity stemmed from the ventilation requirement for air flow before the Public Health Act 2005 and is based on the air flow changes required when persons were allowed to smoke inside venues, so is due a review and to be modernised. The Licensing Act does specify that conditions shouldn't duplicate other primary legislation so the capacity for all activities should be the one under the Fire Regulatory Reform Order, not a capacity set due number of air flow changes and ventilation when persons were permitted to smoke inside premises.

The second part of the application is updating the licence conditions. There are no objections or representations on this aspect of the application apart from additional conditions suggested by the Licensing Authority which have now been agreed.

Finally, we wish to reduce our hours on weeknights and move them to the weekend when there are more resources in the borough and patrons would be able get home safely using the night tube.

Prior to the COVID-19 pandemic, we did operate a few regular club nights that appealed to a wide range of communities such as indie, disco, goth, LGBT friendly cabaret, rock, geek, fantasy, burlesque, pop, hip hop and funk and salsa. This diversity had a wide appeal to different elements of the community, and did not attract just one particular demographic. We do not have a track record of attracting a troublesome crowd.

With the cost-of-living crisis it is expensive to put on the cultural music shows and people will only come on special occasions for large budget productions that offer value for money. These types of productions are expensive, and the club promoters that run these shows want to be able to sell tickets to the club's actual legal safe capacity of 1500 persons. There is also a desire to be able to run club events (such as the diversity of those described above) later in the evening, on occasions.

We have looked at all the other Clubs and Grassroots venues in the London with late night licences and we are the only one that has a restriction limiting our capacity for club nights to a number that is below our safe fire limit. The history of why we have a lower capacity is explained in our cover letter, but this seems unfair, and disproportionate. In respect of being able to prove that we would not add to the cumulative impact if granted an increase in capacity, I need to remind the Committee that we were granted a live music capacity increase on appeal in September 2017, and we have had no issues with these shows since that limit was increased. There is no appreciable difference in the extension of the live music capacity and the club night capacity. There is certainly no likelihood of causing any greater impact on cumulative impact, depending on what type of event it is.

Currently, if we want to sell alcohol for a club night, we must finish the club at 03:30 hours. The alternative club promoters who have been approaching the venue are simply unable to get the budgets and numbers to work on these capacities and hours, and so they go elsewhere.

We have recently applied for a succession of temporary event notices for the premises. These events extended the hours for the main bar area for on and off sales and have been endorsed by the Police until 04:30 on five occasions. The Police have also indicated that they would be minded to continue to endorse such TENS in the future as well. There have been no issues with these events, nor any complaints received. The nature of these club nights has been "destination" specialist music styles, meaning that people into that type of music people have travelled into Camden specifically to dance to and listen to a specific music genre. We have had, for example, a Brazilian Funk Club; an Electronic Show, and a Nepalese Night. These are the types of events we want to attract if the application is granted. We have also been approached by number of LGBTQ+ promoters who would be interested in running events if the application is successful.

We are not drawing in a clientele from the street, and the people that attend then typically get their transport and go home afterwards. Supporting evidence to this effect is our Nepalese Club night, which sold over 1000 tickets, but only half of the persons attended on the night as it fell on the weekend of a train strike, and attendees were coming into London from great distances. The customers were simply unable to travel to the venue.

The Electric Ballroom has long history of supporting harder to reach communities, and this is the direction we wish to take if given the flexibility to operate under this application. We would be very happy to have this commitment monitored by the Authorities, to confirm that this is our ongoing intention.

The Camden New Journal published an article in 2022 about the venue and our history with the LGBTQ+ community. This is a Public Sector Equality issue, and needs to be considered in that light:

<https://www.camdennewjournal.co.uk/article/lgbt-camden-the-true-story-behind-the-movie-and-that-pits-gig-at-the-electric-ballroom>

These club nights would be attended by persons coming into Camden on public transport and people would likely then to leave the area primarily by the tube, as we are only 20 metres from the entrance of it. See picture below.

Responsible Authority Representations.

Reading the representation submitted by the three responsible authorities on policy grounds, I don't believe that the position set out in our initial statement has changed.

I therefore wish to remind the Committee that this application does not seek to extend the overall hours for the sale of alcohol for the premises or extend the hours that the premises can trade.

The application wishes to move the hours away from the week day nights, which the Police agree are less resourced, into the weekend when the resources are also bolstered by the teams funded by the late night levy and Camden Town Centre team, both of which we pay into as a venue situated in Camden Town Centre.

In addition we understand that we have the highest or one of the highest rateable values in Camden, which also is used to fund the available resources in the borough.

This application is subject to three representations about the application on policy grounds and five letters in support of the application being granted.

The Licensing Authority

The Licensing Authority has submitted a representation reminding the Committee of the Council's licensing policy and also requesting that if the application is granted we agree an amendment of wording on our existing conditions and also that we agree to an additional condition in respect signing up for the Ask for Angela scheme.

We have already signed up to this scheme and have recently refreshed all our posters in the venue, so we have written to the Officer to confirm that these amendments are accepted and could be added to the licence if granted. Our venue hosted the Police Wave training for the wider CILLA (Camden Inner London Licensing Association) at the venue when licensed premises

were permitted to open when the last COVID restrictions were lifted, and we are happy to offer the venue again for the wider Camden business community. We have contacted the Officer who gave the training to offer the space so hope this will be able to take place in the next few months.

It is very pleasing to us (although not a surprise) that the Licensing Authority confirmed that they haven't received any complaints about our venue in the last two years and considering the wider picture when complaints increased about licensed premises post- COVID, this shows how well our venue is managed.

It is also worth recognising that we received no representations against this Application from residents or the Council's Noise team.

Public Health

The Public Health representation is again a generic representation on policy grounds.

There is no suggestion or evidence that the Electric Ballroom is operating in a way that is contributing to the alcohol issues mentioned in the report. Indeed, the genre of the Ballroom as a live music venue means that it is very unlikely to do so.

The data provided isn't relevant to this application. The venue sits in the heart of Camden Town Centre. The data provided about hospital admissions is specific to residents of Camden. The club nights that this application is aimed at are not normally attended by persons residing in the immediate geographical location and there are no ambulance call outs in the representation concerning customers from the venue.

Police Representation

The initial Police representation is again a representation on the Council's licensing policy. The representation seems to have most concerns that patrons of our venue would become victims of crime because of existing issues in Camden Town Centre; not that they would be perpetrators of crime themselves. Although we are always concerned for the safety and wellbeing of our customers, we cannot agree that it is the correct approach to tackling crime in Camden by preventing people from going out in Camden in case they become targets of criminals. Surely, the correct approach has to be targeting and preventing criminals, not curtailing the lives of innocent people. If there is an existing issue with gangs targeting persons in the night economy, it seems unfair to then use this to penalise the night-time businesses.

The intention of this application is not to run high energy dance events every Friday and Saturday that would have the potential to attract gang members. This has never happened before, and the Electric Ballroom is simply not a venue, given its style and events that would be remotely attractive to such people. The club nights that we would host would necessarily be every weekend and mostly would attract an older crowd.

In respect of the additional submissions provided, this does highlight that our venue is not a crime hot spot or generator of crime.

Of the six crimes that are listed since 1 January 2023, one was an incident where the victim had actually left their phone in an Uber taxi, and it was returned. Another one was where it was investigated the venue was found to have not done anything wrong, and the case was closed. It does not seem fair to continue to hold such matters against the Ballroom.

There is a crime report relating to someone who was prevented from entering the venue with drugs without a prescription. The venue has a clear accessibility policy on the website for shows which requires that persons wanting to bring prescription drugs or medication into the venue should notify our venue managers in advance so that can be pre – approved to prevent this exact scenario. As this procedure wasn't followed our staff operated a safety first policy and refused the person entry.

The other three crimes are all linked by a common denominator where the person reporting the crime was actually the person who instigated the initial incident.

Unfortunately, the incident on 16 July 2023 was not reported to Police and this has led to our security team up dating all our procedures. A copy of these procedures is produced at EB01.

The victim on this occasion apparently bites another person whilst in the process of leaving the venue. The person who was bitten then reacted, and the original person who instigated the whole incident unfortunately broke their ankle in the process.

The Security personnel on the night did ask the customers if they wanted to call the Police at the time and they declined. It is acknowledged that the venue should have called the Police directly anyway, and this has been addressed in the new policy and procedures presented.

The Police officer making the representation did thank the us for being so receptive and states that "it's refreshing to see such a quick response from Harj (Security team's company director) regarding the retraining and solution for the security team", in his e-mail forwarding the minutes for this meeting.

The incident on 5th March 2023 concerned an alleged victim who was ejected, and when being ejected, racially abused our head door man. The Police did ask him if he wanted to press charges. We believe the person only reported the matter after the event in case he was reported for an offence. It should be noted no further action was taken for this event.

The final incident was at a meet and greet after a live music show where the victim said something unpleasant to the singer of the band in his native language. The singer then slapped him once on the face. I understand again that this has not been taken any further.

The case officer for our application had acknowledged that 4 crimes at a venue our size since the 1st January 2023 is extremely low.

Supporting representations

We have received five supporting representations to our application. It is specifically pleasing to get support from the Music Venue Trust who were invited to be on the panel for Camden Evening and Night Expert Advisory Group earlier this year to advise Camden Council on their new night economy policy.

It is also good to have support from the GLA culture team, this team recently provided Camden Council with funds via their business friendly licensing scheme.

So we would hope the Committee give more weight to their comments given that these are two expert teams supporting grassroots venues in London and Camden especially given its great musical history.

Conclusion

Our venue itself stands as a case study of how a venue can be granted a licence in a cumulative impact policy area without having an impact as we increased our live music capacity without causing any impact.

The effect of post- COVID world has affected some of the longer running club nights at the venue. The newer club promoters want a greater flexibility, so to have slightly longer hours and the actual fire capacity for the premises would help stabilise the business model for the venue.

Again, I stress that these would be one off style events of bi-monthly or even quarterly booked club nights. These wouldn't be the type of high energy dance events that have the potential to attract a more problematic demographic. We have no history of that.

We would be happy to agree a condition with the Police that whenever the following condition is triggered that we would share this risk assessment with the Police for information before confirming each booking by a new club or production team.

For any event involving a promoter, their associates, DJ or artist (e), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit, the licensee shall complete a risk assessment. This risk assessment shall be available to the police on request.

In conclusion we believe that our application can be granted in exception to the Council's licensing policy as there is no overall increase in alcohol hours and that although we are increasing our overall club capacity, this is not at the expense of any licensing objective. All our customers travel by the public transport which we are situated next to and in reality, club nights rarely sell all advance tickets so although it would enable us to attract bigger and more exclusive productions. They would not impact on the Camden Town centre night economy management but might just enable our venue to be sustainable venue for years to come and to passed down to the next generation of our families.

PROCEDURE FOLLOWING ANY INCIDENT AT ELECTRIC BALLROOM

It is imperative all door supervisors follow this procedure for any incident at Electric Ballroom. You must make sure you read and understand what to do if there is an incident and must follow the correct procedure as the police or any other emergency services could be involved.

If you have to use any form of Physical Intervention (any form of force) you **MUST** complete an incident report before you leave the venue and prior to the completion of your shift. All reports must be completed on the same night without fail.

By simply guiding someone out the venue by the arm, you never know if someone may make complaints retrospectively about being “miss-handled”. You just need to record what actions you took, note the amount of force used and the justifications for it.

What is an incident?

- Assault
- Trip or fall
- Sexual assault (this covers many different types i.e., groping, touching inappropriately, any unwanted sexual conduct)
- This may also include unwanted sexual comments that are reported to you by the complainant- you may speak to the suspect and give him a warning- this may not warrant an ejection.
- Aggression between customers.
- Aggression towards colleagues and venue staff
- Theft

Procedure to follow for an incident:

Once an incident has been reported to you or you have witnessed one, you must:

1. Keep the person who has reported the incident with you, this is vital for you to gather any information that you will need to identify the suspect (this will also be given to the police if needed.) Get first aid from venue or security staff (on site trained first aider) if needed until ambulance arrive.
2. Call the venue manager whilst the victim (person who reported the incident) is with you. **THIS IS A MUST- VENUE MANAGER MUST BE NOTIFIED. POLICE MUST BE CALLED DUE TO LICENSING CONDITION NO MATTER HOW SERIOUS THE ASSAULT IS. LIC/1979 - Condition 64 – ‘Police must be called to incidents of violence and/or disorder’.**
3. Ask the victim for a description of the suspect, ask if the suspect may still be inside the venue.
4. If the suspect is identified you must detain the suspect if they are still in the venue. Record the description in the incident book when you write the report of what happened if they have already left.
5. You must ask the victim if he or she would like for the police or any emergency service to be called, if the victim says no, explain to them that you are legally obliged to report the incident to the Police as this is a legal licensing requirement for the venue. **MUST STILL BE DONE-** explain to police operator that the victim does not want police or ambulance called but it is a license condition that the venue has to call emergency



services. **ASK FOR A CAD REF NUMBER AND RECORD THIS IN THE LOG BOOK & INCIDENT REPORT.**

6. Gather/Note as much information as possible: –

What happened?

Where it happened?

Who may have seen it?

7. If police is called you must detain the suspect using reasonable and necessary force until the police arrive. If any serious allegation of sexual assault or serious injury (head injury, stabbing, wounding, bleeding, broken bones or loss of consciousness) has been caused to the victim you must detain the suspect and call police **WITHOUT FAIL.**
8. You must record the suspects and victims (if detained) details in the incident book. If the venue uses ID scan please ban the suspect after discussing with the venue manager. Please **DO NOT** allow a victim to view the ID Scanner images as this will potentially compromise a Police investigation and hinder a formal ID parade, which is conducted by the Police. In addition to potential breaches of personal data of potential assailants and breach GDPR for the venue.

If any serious incident has occurred you must also make sure the area where the incident took place is cordoned off and no one should enter this area. This may be used by police for forensics. It is vital that you refrain from contaminating the scene avoid touching anything that may have been used as a weapon. **USE BARRIERS OR TAPE TO CORDON THE AREA - PRESERVE THE CRIME SCENE**

You **MUST** read and follow the guidance as listed in Appendix (A) **CRIME SCENE MANAGEMENT**

Things to record in incident book:

1. Time of incident
2. Location of incident
3. Descriptions of victim and suspect
4. What you done i.e. called manager (put managers name), detained suspect, gave first aid to victim
5. Record details of victim and suspect (if detained) - name, address, description of clothing. If a bodycam is available film the victim and suspect. (List Body Cam Number in Incident report)
6. Record if emergency services were called **ASK FOR CAD REFERENCE NUMBER FROM POLICE OPERATOR AND RECORD IN INCIDENT BOOK.**
7. Final outcome- what happened to victim or suspect, did they leave on own accord, how they left and who they left with must be recorded.

I confirm have read and understood this procedure.

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|-------------------|--|
| Print Name: | |
| SIA Badge Number: | |

| | |
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| Date: | |
| Signature: | |

Appendix (A) Crime Scene Management

The following advice and guidance regarding the management of potential crime scenes following an incident of disorder is provided for your future use. The list is not exhaustive but covers the main points to be considered when or if persons behave violently in your venue and injuries to others result.

CALL 999 and report the incident to police.

The first point is that of area preservation, including items within it, anywhere an incident has occurred. This is critical to the promotion of the Prevention of Crime and Disorder licensing objective. It is also equally critical to the subsequent Police investigation, with the ultimate goal being that of a successful prosecution being brought against offenders from your venue.

The following points must be disseminated to all members of staff. These have been compiled following extensive consultation with the MPS Forensic Examiners. The key point to be considered first and foremost by all staff members is:

If an incident occurs where injuries have been received by a customer then the area must immediately be preserved from contamination awaiting the arrival of the Police, and Forensic Examiners

In addition to the above, the following matters need to be considered and acted upon as appropriate;

- If suspects have been sitting in one area all night this area must also be preserved, together with any glasses they may have left behind in this area.
- If bottles or glasses have been used in an incident, the rim of the glass, or the neck of the broken bottle are the primary areas for forensic retrieval. However all glass must be preserved and left for assessment by forensic officers.
- Any area of blood must be covered and protected from contamination to the best of your abilities. Items such as clean trays can be used for this purpose pending Police arrival.
- Any complete shoe marks left in blood on the floor must also be preserved in the same way as blood traces.
- At least 1 member of staff should be nominated to take responsibility for the immediate security and management of a crime scene, should an incident occur, with a nominated staff member responsible for each separate area of the venue.

Only if the preservation of a crime scene is judged to have a potentially seriously detrimental effect on the safety of your customers should the procedures as previously

listed be disregarded. The following actions are feasible options only in the event where no other options for preservation of a scene are possible. Please be aware that your opinion of “a seriously detrimental effect to the safety of your customers” could and will be questioned as to their appropriateness by any subsequent investigating officers.

- **In all of the options below gloves must be worn by staff dealing with items from the scene.**

- All glass and objects in an area to be preserved in a secure receptacle and kept separate in a secure area pending the arrival of the Police and Forensic Officers.
- Gloves used at scene that show traces of blood must also be secured and preserved with any other evidential items.
- The member of staff responsible for securing items from a scene must complete a basic continuity statement, which must include the following details:
 - 1.) Contact details of person
 - 2.) Date / Time items moved
 - 3.) Location of items - possibly include a map of the Venue with location marked
 - 4.) What items were secured?
 - 5.) Where they were stored and who they were handed to (if passed to anybody else)
 - 6.) Whether gloves were used or not.

It must be stressed that the secondary options listed above should only be considered if the primary options are deemed to have a potentially seriously detrimental effect on the safety of your customers.

In order that the Police can continue to support the effective and safe management of your venue we ask you to incorporate the advice contained herein. Please be aware that the Police take violent crime, and particularly alcohol fuelled violence, as a matter of grave concern and your co-operation in the initial aftermath of any incident in your venue is imperative. Your professional actions are shown to be critical in not only the successful prosecution of offenders, but also in making the vibrant late night economy in Camden a safer place.