

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL A** held on **THURSDAY, 7TH SEPTEMBER, 2023** at 7.00 pm in a remote hearing via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Shah Miah (Chair), Pat Callaghan and Sharon Hardwick

The minutes should be read in conjunction with the agenda for the hearing. They are subject to approval and signature at the next hearing of Licensing Panel A and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

1. GUIDANCE ON REMOTE HEARINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS

RESOLVED –

THAT the guidance be agreed.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

Councillor Callaghan declared that she was a Ward Councillor for Camden Town, the ward where Electric Ballroom premises was located. She informed the hearing that she had not discussed the application with anybody and maintained an open mind.

4. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made

available to those that requested them. Those participating in the meeting were deemed to consent to having their contributions recorded and broadcast.

Supplementary Agenda

Since the publication of the agenda, a supplementary agenda had been published in relation to item 7, it contained additional information submitted by;

- The Police (Responsible Authority); and
- The applicant.

5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was no urgent business.

6. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 3 August 2023 be approved and signed as a correct record.

7. ELECTRIC BALLROOM 184 CAMDEN HIGH STREET, LONDON NW1 8QP

Consideration was given to a report of the Executive Director Supporting Communities detailing an application to vary a premises licence under Section 34 of the Licensing Act 2003.

The Licensing Officer summarised the report. He highlighted that the variation was

- a) to reduce the alcohol hours for consumption off and on the premises on Mondays to Wednesdays from 11.00 -0.3.00 to 11.00 – 0.2.00,
- b) to extend the alcohol hours on Fridays and Saturdays from 11.00 – 0.3.00 to 11.00 – 4.30 and on Sunday 12.00 – 0.2.00.
- c) The application also sought to amend condition 17 on the premises licence which was on page 86 of the agenda relating to the number of people at any one time on the premises when public entertainment was being provided from 1100 to 1500.

He further highlighted that the premises already had permission for a 1500 capacity for live music and were requesting the same capacity for public entertainment.

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In addition, it was clarified that the reference to restaurants, cafes and coffee houses being engaged in relation to the Premises Policy was an error in the report and should not have been included.

PC Dominic Hallam, Police responsible authority, summarised their representation included within the main agenda (pages 172-179) and supplementary agenda (pages 3-9). In summary, it was highlighted that the premises was situated within the Council's cumulative impact policy area (CIPA). The purpose of the CIPA being to control the amount of crime that occurred within a small area due to the number of licensed venues. It was highlighted that from the statistics provided Camden Town was already a high-risk area for many offences and the application did not fall under any of the exceptions listed in Camden's statement of licensing policy.

He pointed out that the venue was proposing to increase its opening hours on the busiest nights of the week, increasing the levels of toxication as alcohol would be available for longer attracting more people to the area thereby increasing cumulative impact and potential for more victims of crime. Particularly, as the Electric Ballroom was situated in one of the riskier areas for sexual offences and violent robberies, this would create more demand on police resources.

He noted that the premises was considered to be a well-run venue, police requests were dealt with effectively, staff were always helpful, however this could not be considered as an exception to the CIPA. Due to the increased impact the extended opening hours of the premises would have in the area, the Panel was asked to reject the variation application in its entirety.

Piers Simey Public Health responsible authority summarised their representation included within the main agenda (pages 192-193) in summary it was highlighted that harmful and hazardous drinking was an increasing public health issue with major costs to individuals, communities and societies, resulting in a major impact on services across London and nationally driven by availability of alcohol. Further the variation application did not appear to fall within any of the exceptional circumstances required for a CIPA.

Esther Jones, Licensing Authority responsible authority, summarised their representation included within the main agenda (pages 180-191). It was stated that the applicant had agreed to all the conditions proposed by the Licensing Authority and they would normally have withdrawn their representation but for the fact that the premises was situated within the CIPA.

In response to questions, the responsible authorities clarified and outlined the following points:

- The Licensing Authority responsible authority would not have objected to the variation application had it not been located in the CIPA, because all their conditions had been agreed by the applicant.

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- Electric Ballroom was one amongst a number of venues in the area that were being targeted by organised crime.
- The Police responsible authority was objecting to the variation application in its entirety because the increased capacity would increase the footfall in the area and increase the number of victims targeted by the robbery gangs.
- The temporary event notice (TENs) applications were considered on their individual merits, it appeared that the Electric Ballroom TENs were applied for earlier in the year and the police officer could not recall specifically dealing with a TEN for this premises.
- The Licensing Authority responsible authority was not aware that there were any residential flats above the back exit.

Liam O'Hare interested party supporting the variation application summarised their representation included within the main agenda (page 205). In their representation it was highlighted that the application was thoughtful and considered, despite there being a strong residents' representative group in the area, no representations objecting to the application had been received from residents which was a testament to how the venue operated. Also, the CIPA in Camden Town had experienced the closure of many venues in the past 18 months and he was of the view that there did not appear to be an increase in the number of premises that contributed to the cumulative impact in the area, rather a decrease.

Ciara Cullen of the Music Venue Trust interested party speaking in support of the application summarised their representation included within the main agenda (pages 199-200). Highlighting that the venue was a safe place particularly for women and a well-run venue which would continue to work collaboratively with the local community. The variation application was vital to ensure the future of the venue.

In response to questions, the interested parties clarified and outlined the following points:

- The Police commended the venue for its response to issues raised and for providing workable solutions.
- In relation to the Police concerns about the variation application increasing risk of crime and cumulative impact in the area, it was an opportunity for the Police to work collaboratively with the venue to increase safety and security risks in the area.
- The Police could work collaboratively with all stakeholders in the area to provide a strategy to minimise the risk of crime in the area.

Sarah Clover, applicant's Solicitor, accompanied by Kate Fuller, applicant, Mags Gibson and Sarun - Operations Manager summarised the application and statement which could be found in the Supplementary agenda pages 10-20.

The following points were made:

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- The application was to vary in 3 elements, some of which were uncontroversial such as the change of the premises plan which was not currently accurate and required updating and the tidying up of conditions.
- The second element related to the capacity, the live music element was extended to the full safe fire capacity of 1500 in 2017 on appeal by way of a consent order approved by the Court. The application was to extend the capacity to 1500 to allow club nights, this mattered because promoters would only book venues of a certain capacity to provide them with flexibility for events.
- The extension of the capacity for live music had never caused any problems in the local area and this issue had not previously been raised by the Police in the last 6 years.
- The third element was for an overall increase of t hours for alcohol consumption. The extension of hours for consumption of alcohol enabled people to arrive later, although they did not necessarily arrive at opening time and drink until closing time.
- There were more police resources available at the weekend to monitor increased activity as well as late night transport to take people home. These resources were what the premises paid for and contributed towards by the late-night levy payment.
- The premises was already considered as an exception to the CIPA as confirmed in the appeal judgement in 2017.
- The premises had applied and operated a number of TENs to the early hours of the morning without any objections from the police or complaints from residents.
- The premises had always been a flagbearer for the protection and safeguarding of women, vulnerable people and a bastion of LGBTQ+ rights and diversity. They operated the Ask Angela policy and agreed with the Licensing officer to include this as a condition on the licence.
- The exit at the back of the premises was used as a fire exit and was not a public access or egress point which would affect residents.
- The Public Health representation was not a licensing objective in and of itself. The statistics produced were not very helpful as they had nothing to do with the premises or its operation. Electric Ballroom did not cause a proliferation of health impacts due to drinking rather it was an acknowledged fact that live music venues tended to reduce the rate of consumption at which people consume alcohol as they were more engaged with the cultural activity for which they attended.
- The Police had indicated there was no casual connection identified between the premises, patrons of the venue and the commission of crime in Camden Town. It was not Electric Ballrooms patrons that were doing anything wrong. The Police appeared to be indicating that if people were to attend the venue, they would be susceptible to crime from others, this was not accepted.

In response to questions, the Applicant clarified and outlined the following points:

- The venue was looking to have 40 club nights a year which included Fridays and Saturdays.
- For a 6.00am closing time the last entry would be between 1.30am and 2.00am

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- The view was that if longer hours were granted for consumption of alcohol, people would arrive later and might not have had their first drink until later. The statistics also showed that younger people were consuming less alcohol.
- The premises had always adopted the Ask Angela scheme, staff and security at the premises had been trained to pick up if a woman was vulnerable or in trouble and were available to provide assistance.
- The premises were already using the Ask Angela scheme, the Licensing Authority asked the premises to include this as a condition so that there was confirmation in writing that they had signed up for the scheme.
- There may be many Camden residents that chose to go to many Electric Ballroom events, however the club nights were very thematic, quite unique which attracted people from various parts of London and elsewhere, so the proportion of Camden residents attending these nights and suffering from alcohol related disturbance would be relatively very small.
- A reason for the swapping of the hours to the weekend was because of accessibility to the tube running 24 hours on Friday and Saturday.
- Other premises in the area such as Koko had an alcohol Licence until 4.30am on Friday and Saturdays.
- Ms Cullen (Interested Party) advised in terms of the statistics at the national level at music events, younger crowds were drinking less alcohol.
- The statistics provided by the police were based on a national assessment even if they related to July this year and did not provide any evidential basis about the premises.
- The venue was in the process of contacting the police about further wave training for staff and the reference to the Police already being contacted appeared to be an error.

The responsible authorities made some closing remarks reiterating their objection to the variation application.

Ciara Cullen (Music Venue Trust), the interested party, made some closing remarks in support of the application.

Sarah Clover (applicant's Solicitor) made some closing remarks in support of the application.

Decision and Reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to this application.

In deliberation, a Panel Member stated that while most of their concerns had been allayed by the applicant's submissions, they remained with the proposal to extend the time for the sale of alcohol to 4.30am in the morning, though Koko which was about a kilometre away was also open selling alcohol till 4.30am.

Another Panel member stated that Camden Town was a very volatile area and although Electric Ballroom was an iconic venue and well run extending the hours for

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the sale and consumption of alcohol would contribute to crime and disorder in the area and have a negative impact on the night-time economy. They had no issue with allowing the extra capacity to 1500 people on club nights.

A Panel member noted that the venue would still be open to 6.00 am even without the sale of alcohol, the main difference was the sale of alcohol to 4.30am, adding that the applicant had provided further reassurance that the last entry time was 2.00am. They also noted that there had been no representations or objections from local residents, the Koko premises was allowed to sell alcohol till 4.30am, the Police had not had any issues with the venue when TENs had taken place, the CCTV and body cameras used by the venue's security personal enhanced the police presence in the area. The venue was unique and enhanced the cultural life in the borough, the travel links to and from the venue were exemplary which aided with dispersal and the applicant was a responsible operator.

The Panel agreed to grant the variation application as applied for to include increasing the capacity to 1500 on club nights, updating the premises plan and to vary the hours for the sale of as applied for with additional conditions such as the last entry for patrons be 2.00 am on Friday and Saturdays and those agreed with the Licensing Authority responsible authority..

Panel Members having taken everything into account decided to grant the application with the additional condition offered and were of the view that with all the measures in place they would promote the licensing objections therefore to grant the variation would not add to cumulative impact in the area.

RESOLVED –

i) THAT the premises licence be varied as follows:

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

- a) 11:00 – 02:00 - Monday to Wednesday
- b) 11:00 – 03:00 - Thursday
- c) 12:00 – 04:30 - Friday and Saturday
- d) 12:00 – 02:00 - Sunday
- e) and until 05.00 on New Years Day

ii) To amend Condition 17 to read “The total number of people accommodated at any one time shall not exceed 1500 for club nights and live music”.

iii) To approve the revised premises plans No.5917.01 and 5917.02 to be annexed to the premises licence.

Condition agreed by Licensing Panel A on 7 September 2023

iv) That the that last entry for patrons on Friday and Saturday club nights be 2.00 am.

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To Add the following conditions agreed with the Licensing Authority responsible authority

1. The CCTV system shall be able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 31 days.
2. The premises to implement "Ask for Angela" Scheme and its staff members undergo the relevant training provided by the Council and the Police.

ACTION BY: Executive Director Supporting Communities

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The hearing ended at 9.00 pm.

CHAIR

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MINUTES END