


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

LONDON BOROUGH OF CAMDEN		<u>FOR SUBMISSION TO:</u> Licensing Panel	<u>DATE:</u> 12 October 2023
<u>REPORT OF:</u> Executive Director Supporting Communities		<u>CONTACT OFFICER:</u> Paru Bhudia, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 2947 / Paru.Bhudia@camden.gov.uk	
<u>PREMISES:</u> ECCO, 186 Drury Lane, London WC2B 5QD		<u>WARD:</u> Holborn and Covent Garden	
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 (August 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) Legal and Finance comments		
Signed by: Jamie Akinola, Director of Public Safety  Date: 27 th September 2023			

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 (For consumption on the premises)

11:00 – 22:30 Monday to Saturday

11:00 – 20:00 Sunday

b) Opening hours

11:00 – 22:30 Monday to Saturday

11:00 – 20:30 Sunday

1.3 The application is for:

Additional Licensable Activity:

a) Late night refreshment

23:00-02:00 Monday to Sunday

b) Changes to the opening hours

08:00-02:30 Monday to Saturday

11:00-02:30 Sunday

Additional Conditions offered:

- a. After 23.00 and until all customers have left the premises at close, a member of staff tasked for the purpose shall take a proactive role monitoring the outside of the restaurant by CCTV and by physical checks to ensure that customers do not take glasses or bottles outside or loiter outside making a noise and that departing customers leave the restaurant and vicinity quickly and quietly. At closing time, the staff member shall ensure all customers leave the restaurant and remind them to leave the vicinity quietly and quickly.
- b. The Dispersal Policy shall be included in staff training and the staff shall be tasked to implement the requirements of the Dispersal Policy.
- c. The premises licence holder or DPS shall undertake an ongoing daily risk assessment, taking into account any local events taking place or advice received from the Metropolitan Police Service to identify adequate staffing levels or any need for SIA licensed Door Supervisors to be in attendance.

- d. A phone number shall be clearly displayed in the restaurant window for residents to call with any concerns.

2. Representations

- 2.1 Eight relevant representations have been received in relation to the application.
- 2.2 The representations oppose the application, and are from the Police responsible authority, a local Councillor, a resident association and five local residents.

Appendix 4

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 situated in the Seven Dials cumulative impact policy area where there is a presumption to refuse all new or variation applications. The presumption is rebuttable.

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 timings 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

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.

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 not include these principles.

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

- 3.6 The premises policies currently engaged by this application are:
- a) Premises supplying hot food and drink between 11:00 pm and 05:00 am (Late night refreshment venues)
 - b) Restaurants, cafes and coffee houses

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 10 - Conditions Attached to Premises Licences and Club Premises Certificates.

5. Recommendations

- 5.1 To determine the application to vary a premises licence under section 35 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.