

Crown copyright and database rights 2023 OS 100019726

Application for full variations to a licensed premises - Ref no. 116177

Are you able to return the existing premises licence or club certificate?	Yes
What do you want to vary?	Premises licence : PREM-LIC\3988
Who is making the variation?	An authorised agent

Agent details

First name	Graham
Last name	Hopkins
Name of business (optional)	GT Licensing Consultants
Address	[REDACTED] [REDACTED] [REDACTED]
Email address	[REDACTED]
Telephone number	[REDACTED]

Correspondence details

Who should we correspond with in regards to this application?	Agent
What type of variation are you applying for?	Full variation
What is the non-domestic rateable value (NDRV) of the premises?	33250
Will the variations mean the premises is used exclusively or primarily to sell or supply alcohol?	No

Application for full variations to a licensed premises - Ref no. 116177

Will the variations change the expected attendance?

No

When do you want the variations to take effect?

As soon as possible

What changes do you want to make?

- Amend premises information and premises business hours
- Amend activities

Amend seasonal variations to business hours?

No

Amend times the premises open to the public at times other than those listed?

No

Make changes to your business hours below

Day	Start time	End time
Monday	08:00	02:30
Tuesday	08:00	02:30
Wednesday	08:00	02:30
Thursday	08:00	02:30
Friday	08:00	02:30
Saturday	08:00	02:30
Sunday	11:00	02:30

Activities on your licence

- i. Late night refreshments

Application for full variations to a licensed premises - Ref no. 116177

Late night refreshments

Day	Start time	End time
Monday	23:00	02:00
Tuesday	23:00	02:00
Wednesday	23:00	02:00
Thursday	23:00	02:00
Friday	23:00	02:00
Saturday	23:00	02:00
Sunday	23:00	02:00

Where will refreshments be provided?

Indoors

Tell us about the specifics of the activity

Provision of hot food & drink for dine in, customer collection & home deliveries.

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

No

Will any of the changes made give rise to concerns in respect of children?

No

The prevention of crime and disorder

Yes : CIZ Statement. The Applicants understand that Ecco is located within The Seven Dials CIZ, are aware of the issues arising in the immediate vicinity and wider area of the CIZ and of the measures to be offered as conditions to address the issues. A full list of robust conditions are already in place on the existing premises licence which will all remain in force. There is no request to extend the permitted hours for

Application for full variations to a licensed premises - Ref no. 116177

the sale of alcohol. The application is to add the provision of late-night refreshment until 02.00 the following day all week to meet customer demand. It will allow people heading home from a night out or staying at the hotel opposite to have or obtain a meal. (Alcohol will not be available at the restaurant during these hours.) Additional conditions are offered, if the variation is granted in full, re monitoring departing customers, prevent loitering and undertaking a daily risk assessment. This application has been discussed fully with Camden's Licensing Enforcement Service. The Applicants understand from the Officer that the level of ASB has been reduced in the vicinity of Ecco and that the LA are unlikely to object to this application. The Applicants submit that taking the existing and additional proposed conditions into force that the Licensing Objectives will be fully promoted, that there will be no increase in negative cumulative impact in the CIZ and that the variation of the premises licence can be safely granted. Conditions All existing conditions are to remain in force and additional conditions are offered as below. 1) 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

Application for full variations to a licensed premises - Ref no. 116177

restaurant and remind them to leave the vicinity quietly and quickly. 2) The Dispersal Policy shall be included in staff training and the staff shall be tasked to implement the requirements of the Dispersal Policy. 3) 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. 4) A phone number shall be clearly displayed in the restaurant window for residents to call with any concerns.

Public safety

No

The prevention of public nuisance

Yes : See prevention of crime and disorder.

The prevention of children from harm

No

About this form**Issued by**

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

Form reference

Ref. no. 116177

Data protection

London Borough of Camden, Town Hall, Judd Street, London WC1H 9JE

Premises Licence

London Borough of Camden Licensing Authority

Premises licence number

PREM-LIC\3988

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Ecco
186 DRURY LANE
LONDON
WC2B 5QD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail of Alcohol:	Yes
--------------------	-----

The times the licence authorises the carrying out of licensable activities

Retail of Alcohol:	
Monday to Saturday	11:00 - 22:30
Sunday	11:00 - 20:00

The opening hours of the premises

Monday to Saturday	08:00 - 23:00
Sunday	11:00 - 20:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

ON Premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Carlos Sanchez

[REDACTED]

Monica Sanchez Granda

[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Monica Sanchez Granda

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Westminster City Council - 16/12868/LIPER

Signed on behalf of the Director, Culture and Environment Directorate

Date Licence Granted: 20/04/2017 APP\PREMISES-NEW001782

Annex 1 - Mandatory conditions

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
5. But nothing in subsection (4) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies[and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
7. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the

purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
9.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark, or

(b) an ultraviolet feature.

10. The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: $\frac{1}{2}$ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

12. For the purposes of the condition set out in paragraph 11

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

where

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

13. Where the permitted price given by Paragraph (b) of 12 above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
14. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

15. Appropriate notices shall be displayed by the entry/exit door and servery advising customers that:
 - a. CCTV in operation
 - b. Challenge 25 is in operation as the proof of age policy
16. All staff shall be given full training on inductions and then refresher training every six months.

Annex 3 - Conditions attached after hearing by the licensing authority (Committee hearing date 20/04/2017)

17. The Premises Licence Holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Metropolitan Police Service.
18. The system shall be maintained in good working order and at all times the premises are open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.
19. The medium on which CCTV images are recorded shall be of evidential quality, stored securely, shall be retained for a period of 31 days and be made available for inspection by Police Officers or authorised officers upon request.
20. At all times when the premises are open for the purposes of providing licensable activities, a suitably trained member of staff shall be present to

assist police officers or authorised officers in obtaining the CCTV footage. Screenshots must be provided on demand to Police or authorised officers.

21. Hard copies of requested footage must be made available within 48 hours in an acceptable format ie, USB stick, CD ROM etc to Police or authorised Officers on request.
22. The sale of alcohol shall be ancillary to the consumption of food. Alcohol will only be served to customers seated at a table, taking or intending to take a table meal with all service by waiting staff and no vertical drinking shall be permitted, customers taking or intending to take a table meal shall be permitted to drink alcohol before during or after their meal.
23. The maximum number of covers shall not exceed 40.
24. Appropriate notices shall be displayed within the premises warning customers about theft and the need to be vigilant.
25. The venue shall supply and fit, suitable anti- theft devices such as table/counter clips in order that customers may secure their bags.
26. A comprehensive staff programme is to be put together which will cover the Licensing Act 2003 including the operation of challenge 25, identifying persons under 25, making a challenge, acceptable proof of age and checking it, recording a refusal, proxy sales and responsible alcohol retailing Fire evacuation procedures, Critical incident best practice, Crime Scene Best Practice and Conflict Management. This training for future staff must also be organised at the appropriate time. Training will be written into a programme and will be made available for inspection by the Police or other responsible authorities upon request, All staff shall receive this training on induction and be given refresher training at a minimum of 6 monthly intervals.
27. A written training record will be kept for each staff member.
28. No customer shall be allowed to leave the premises while in the possession of any drinking vessel or glass bottle whether empty or containing any alcoholic beverage. This includes customers smoking outside.
29. Management will ensure that no customers smoking outside take any alcohol outside the premises . A maximum of six smokers will be allowed out to smoke at any time.
30. Challenge 25 policy will be operated and enforced whereby any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Appropriate signs to this effect will be displayed at the entry door and server. The only acceptable forms of proof of age that shall be accepted will be photographic identification documents recognised in the Home Office Guidance. ie a valid passport, Driving Licence, **HM** armed forces identification card/Document or a proof of age card bearing the PASS hologram/logo.

31. The Police must be called to all incidents of violence or disorder
32. Appropriate notices will be displayed by the entry door and servery.
33. An incident book shall be kept at the premises and be made available on request to a Police Officer or an authorised officer who will record the following information.
 - a) All crimes reported to the venue.
 - b) All ejections of patrons
 - c) Any complaints received and the outcome of the investigation,
 - d) Any incidents of violence or disorder,
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system equipment
 - g) Any refusal of the sale of alcohol which must include the date, time, brief description of the offender, what they tried to buy, reason for refusal and the staff embers initials. The record must be inspected and initialled by the Premises Licence Holder or DPS on a fortnightly basis.
 - h) Any visit by a responsible or relevant authority or emergency service.
 - i) Cad reference numbers where the Police are called.
34. A Fire risk assessment and emergency plan will be prepared and regularly reviewed, staff will be given appropriate Fire safety Training.
35. Appropriate notices shall be displayed by the entry/exit door and servery advising customers of the following: No unaccompanied children under 16 are permitted in the premises after 19:00; The permitted (Licensing) hours and opening hours of the premises; that no alcohol, bottles or glasses may be removed from the premises at any time; to respect local residents and to leave quietly, not to loiter outside , to dispose of litter legally and not to drink in the street; that only six smokers are permitted outside at any time.
36. Doors and windows shall be kept closed after 20:00 except for the entry and exit of customers.
37. Deliveries of goods to and the removal of rubbish especially glassware shall only take place between 08:00 and 20:00 on any day.
38. Rubbish shall only be placed on the footpath in a position where it does not obstruct the footpath.
39. No unaccompanied children under 16 will be permitted on the premises after 19:00
40. The CCTV camera views are not to be obstructed.
41. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.

42. If the CCTV is inoperative or not installed and working to the satisfaction of the Police, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
43. The licensee will ensure that staff are trained, as appropriate, in respect of relevant Licensing Law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage. Training shall be written into a programme of going review and will be made available for inspection by Police or other responsible authority, upon request.
44. There will be no 'Off Sales' of alcoholic beverages.
45. Alcohol retailed on site shall be restricted to beer and wine only.

Annex 4 - Plans

London Borough of Camden, Town Hall, Judd Street, London WC1H 9JE

Premises Licence Summary
London Borough of Camden Licensing Authority

Premises licence number

PREM-LIC\3988

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Ecco
186 DRURY LANE
LONDON
WC2B 5QD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail of Alcohol:	Yes
--------------------	-----

The times the licence authorises the carrying out of licensable activities

Retail of Alcohol:	
Monday to Saturday	11:00 - 22:30
Sunday	11:00 - 20:00

The opening hours of the premises

Monday to Saturday	08:00 - 23:00
Sunday	11:00 - 20:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

ON Premises

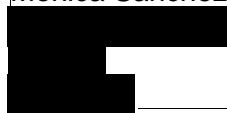
Part 2

Name, (registered) address of holder of premises licence

Carlos Sanchez



Monica Sanchez Granda



Registered number of holder, for example company number, charity number (where applicable)

N/A











Name of designated premises supervisor where the premises licence authorises the supply of alcohol

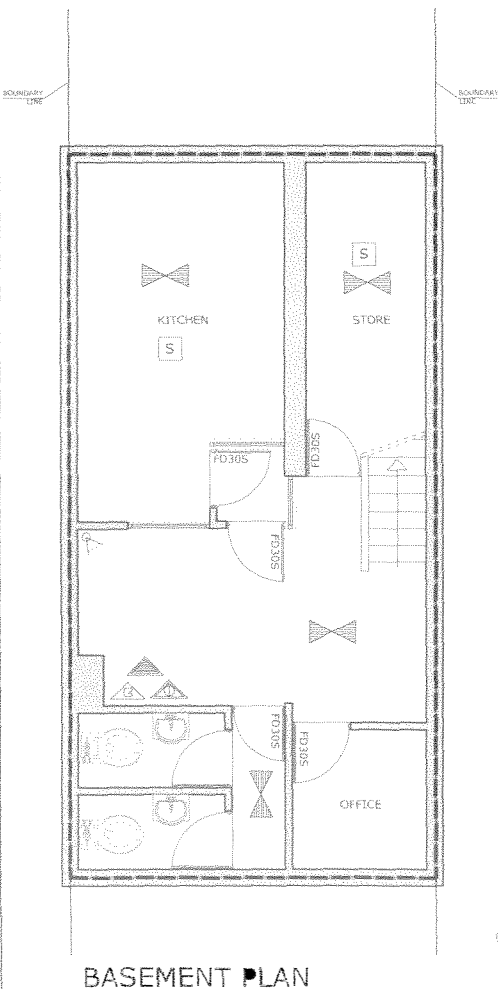
Monica Sanchez Granda

State whether access to the premises by children is restricted or prohibited

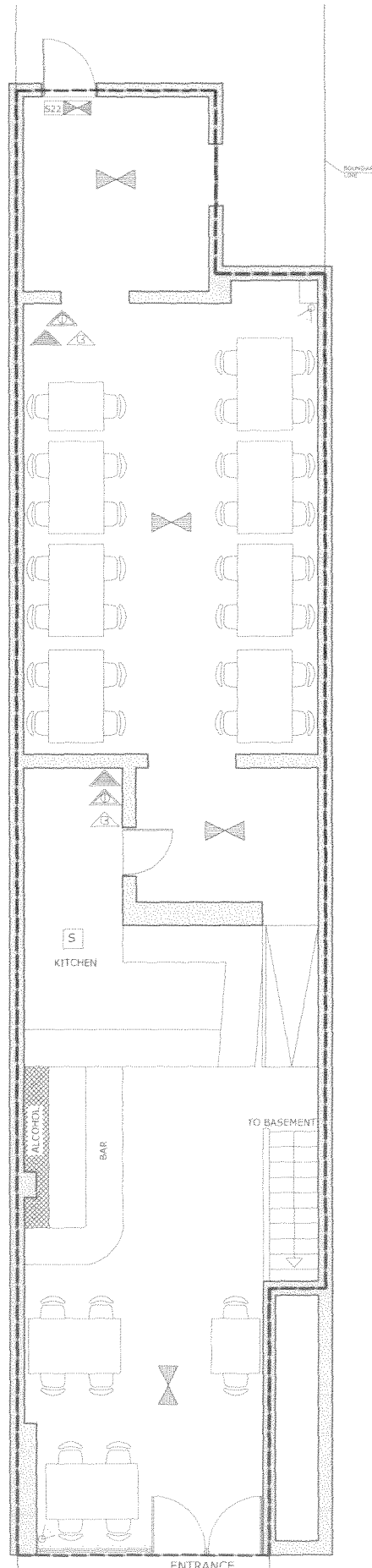
No unaccompanied children under 16 shall be permitted on the premises after 19:00

LEGEND

-  AMBIT OF PREMISES
-  LIQUOR SALES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
-  30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
-  CCTV OPERATING SYSTEM
-  FIRE BLANKET IN CONTAINER



BASEMENT PLAN



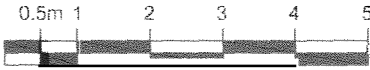
GROUND FLOOR PLAN



ARCHITECTURE / PLANNING / LICENSING
Unit 17, Ashley House, Ashley Road
London N17 9LZ
020 8801 6601 / 0 7879 999 178
www.advancepl.co.uk
info@advancepl.co.uk

PLEASE NOTE

1. All dimensions to be verified on site.
2. All dimensions are in millimeters.
3. No work shall commence until all approvals and agreements have been obtained. These include, Planning, Building Regulations, Thames Water and party Wall.
4. The Copyright of this drawing belong to Advance Planning and Licensing Limited.

Date	13/02/17
Scale (@ A4)	1 : 100
	
Drawn by	SG
Checked by	KK

PROJECT STATUS	PLANNING	
	EXISTING	
PROJECT	186 Drury Lane London WC2B 5QD	
SHEET	SITE	
JOB No.	17.004	
DRAWING NUMBER	P 100	
		REV



**METROPOLITAN
POLICE**

TOTAL POLICING

Camden Licensing Authority

Town Hall Extension
Argyle St
London

WC1H 8EQ

EK - Camden Borough

Licensing Unit
Room 1.22
Kentish Town Police Station
12a Holmes Rd
London
NW5 3AE

Your ref: **VARY\116177**

Thursday 17th August 2023

Dear Sir/Madam,

RE: Application VARY\116177
Ecco, 186 Drury Lane WC2B 5QD

With reference to the above Application, the Metropolitan Police Service (MPS) wishes to make a Representation.

Within the Licensing Act 2003, and contained in the notes for guidance for the Licensing Act 2003, it is the responsibility of the Police and Local Authority to promote the Prevention of Crime and Disorder, Promote Public Safety, Prevent Public Nuisance and Protect Children from Harm.

I certify that I have considered the application above on its own merit, and my Representation is based on the likely effect of the grant of the application being detrimental to Camden Council's Licensing Objectives.

Looking at Case law, during the case of Daniel Thwaites PLC v Wirral Magistrates' Court and Others, The Honourable Mrs Justice Black said:

"Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police."

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

Source: www.gov.uk/government/publications/alcohol-licensing-using-case-law

Unique Application Issues:

Metcall (999 Despatch) will primarily be tasking Police Officers parading out of Kentish Town Police Station to this location. Kentish Town Police Station is 3 miles away or a 23 minute car journey on Google Maps.

Of concern to the MPS is the venue's wish to apply for its late night refreshment licence into the early hours of the morning. Police licensing are recommending additional Conditions to limit customer collection.

The current licensable hours for Ecco are lower than many of the neighbouring food led licensed venues so Police Licensing appreciate why there might be a business case for extending hours.

The real terms increase of footfall this Variation would cause during the early hours – and I note the relatively low level of covers for Ecco – can still frustrate the egress of intoxicated visitors from the area and therefore prolong the negative impact of the late night economy

These venues attract people from different pubs and clubs and sometimes during their brief encounters in the fast food venues it ignites something between them and causes an altercation or fight when outside or further down the road. The MPS have noted over the years that the majority of alcohol related crime, especially in the early hours of the morning does not occur inside venues but on the streets, therefore these type of venues keep people on the streets for longer causing incidents in the general vicinity.

Contrary to popular belief, food does not assist with soaking up the alcohol consumed and/or lower intoxication levels until much later, perhaps even a few hours later. At the time the person is intoxicated it simply keeps them on the street for longer where there is more chance they will be taken advantage of and/or subjected to crime. The heavier footfall longer into the night can also encourage anti-social activities such as street touting, street thefts or persons offering to supply drugs - something which has blighted other parts of Seven Dials in recent years. Common issues just outside late night refreshment venues include vomiting, noisy disturbance, urinating, littering, people needing medical attention due to intoxication and general drunken behaviour.

This venue is situated in close proximity to residents that with these later hours will endure noise from drunk and rowdy people in the early hours of the morning, either coming or going from the venue.

The alcohol related crime statistics in the Cumulative Impact Areas are significantly higher than in other parts of Camden Borough.

Police licensing are hopeful the Applicant can agree to a limited number of extra Conditions to ensure their operation has a minimal impact on the current crime and disorder in this part of Camden.

Mediation & Discussion

The Applicant and Police licensing will be in discussion to find a compromise on Conditions with a view to finding an agreement where possible.

Research and Intelligence

There have been a total of 15 crimes at licensed premises on Drury Lane so far in 2023 with six of them occurring after midnight. Crimes included thefts, two assaults and a robbery.

Shaftesbury Avenue and Tottenham Court Road suffer from higher crime rates, but have many more late night licenced premises.

Any Licensing Hearing held as a result of this Representation may be supplied with further, specific, crime figures and intelligence reports relating to the venue or the area in which it is located.

Conditions Proposed By Police Licensing

We ask that the Applicant consider adding the following Conditions onto the Schedule of Conditions:

1. There will be no customer collection at the premises from 1am daily
2. Deliveries of late night refreshments will only be delivered to a verified residential or hotel address only
3. No deliveries will be made to an open space

Times Proposed By Applicant:

Police licensing note the applicant wishes to offer customers Late Night Refreshments from 11pm to 2am daily, during key times of stress for Police.

The MPS would strongly recommend the Panel consider imposing delivery only service from 1am daily to cut down on the impact customers would have visiting the premises.

Days	Current Application	Police Proposal
Monday-Saturday	2300-0200	2300-0200 <i>Delivery only from 0100</i>
Sunday	2300-0200	2300-0200 <i>Delivery only from 0100</i>

Conclusion

The Applicant wishes to provide Late Night Refreshments up to 2am each day. Police licensing propose to compromise with the Applicant to reduce the risk of cumulative related crime and disorder in this part of Camden.

In summary, the view of the MPS is that this Application should be rejected in its current form, unless the proposals from Police are appended to any Licence granted. This is suggested as the most effective way of allowing the venue to operate whilst minimising any indirect harm.

If you have any additional questions please contact me

Yours sincerely,

PC Joel Francis

[Redacted]
Central North (CN)
Kentish Town Police Station
12A Holmes Road NW5 3AE



Strong objection from me, Paru. This establishment is currently causing serious disorder, operating outside its hours, with bikes arriving for late take-away and deliveries, smoking whilst waiting that wafts into the flats above, disturbing and making a noise nuisance to residents who live directly above and adjacent. This is not a place for a 2:30am license. Please let me know when this is at committee, as I wish to attend.

Best
Sue

Cllr Sue Vincent
Holborn & Covent Garden Ward

From: Paru Bhudia [REDACTED]
Sent: Thursday, July 27, 2023 11:36:35 AM
To: Julian Fulbrook (Cllr) [REDACTED]
[REDACTED]
[REDACTED]

Subject: Variation of Premises Licence 116177

Dear Councillors

Please find attached details of a variation of premises licence in your ward.

Kind regards

Licensing Representation from the Covent Garden Community Association

Application No.: APP\PREMISES-VARY\ 116177

Premises: Ecco Pizza

Address: 186 Drury Lane WC2B 5QD

This is an application for to permit Late Night Refreshment for Ecco Pizza situated at 186 Drury Lane until 02:00 every day with the premises closing 30 minutes later than this.

The premises are currently licensed (under PREM-LIC\3988) for the sale of alcohol to people taking a table meal at the premises 11:00-22:30 Monday to Saturday and 11:00-20:00 on Sunday. The premises close 30 minutes later than this. The sale of alcohol is for consumption on the premises only and there is no late-night refreshment because this is only licensable after 23:00. A maximum of 40 customers are allowed on the premises.

This variation application is to allow Late Night refreshment (only) until 02:00 with the premises closing at 02:30. It is stated that this is for customers dining inside, takeaway and customer deliveries.

The stated reason for requesting the extension is to *“allow people heading home from a night out or staying at the hotel opposite to have or obtain a meal.”*

The CGCA’s view is that allowing LNR at the premises will fail to support the Public Nuisance Licensing Objective both associated with the operation of the premises itself and from the impact on the Seven Dials Cumulative Impact Area in which it is located. The application should be **refused**.

Location

The premises are a ground floor café situated on the East side of Drury Lane between Stukeley Street and High Holborn. There are residential flats above other shop units in the same stretch of the street and also residential buildings, such as Goldsmiths Court, on Stukeley Street, only 15m South of the premises. A map showing the location of residential property within 100m of the premises is Attachment 1 to this Representation.

Impact on the Licensing Objectives

The premises are currently supposed to be closed from 23:00. This means that after this time there should be no customers arriving and leaving the premises. There should also be no noise or fumes from the extraction equipment, which has an impact on the immediate neighbours. Until 23:00 hot food is not regulated and so delivery services are permitted, but after this time they should not operate, and they would anyway not be permitted to sell alcohol for delivery. The premises and its customers should therefore not be a source of noise.

Operating after 23:00 will mean that this will no longer be the case. It will have the following impacts on neighbouring residents:

- Noise from customers arriving and leaving who are eating inside the premises.

- Noise from delivery riders/drivers who are collecting food and drink for takeaway.
- Noise from customers who choose to collect food and drink and consume this in the vicinity of the premises.
- Noise from the operation of the premises such as extraction systems, management of waste etc.
- Blockage of the pavement outside the premises by bikes and scooters being used by delivery riders.

All of these are likely to disturb people living in the vicinity and so give rise to public nuisance.

- The late operation of the premises will cause issues in other parts of the Seven Dials Cumulative Impact Policy area (CIP). Customers leaving other licensed premises as they close may choose to go to these premises to get something to eat. In fact this is the stated reason for the application. This is likely to be along quiet residential streets such as Shorts Gardens.
- Delivery riders moving to or from the premises will use the same quiet streets to reach the premises and may give rise to additional noise.
- People leaving other licensed premises will be retained in the area rather than choosing to leave it to go home, which will give rise to later, and so additional, nuisance across CIP area.

Premises offering late night refreshment, even without alcohol, frequently give rise to issues of noise and other nuisance. These are clearly outlined in Camden's Statement of Licensing Policy section 7.15 onwards. In addition they can also give rise to Crime and Disorder because people who have already been drinking tend to gather there and conflict can then lead to arguments and fights. This is why these types of premises are frequently required to employ SIA Door Supervisors to assist in managing customers in the vicinity of the premises.

Unlicensed Operation of the Premises

There have been numerous reports to the Licensing Authority that Ecco has been open beyond its licensed hours and been providing Late Night Refreshment without a Licence. This has given rise to noise issues and ASB in the vicinity of the premises on many occasions, including as recently as 14/7/23. The premises tried to regularise the situation by applying to extend its licensed hours in April 2022 (APP\PREMISES-VARY\109517) but withdrew the application shortly before the hearing. They have been continuing to operate in breach of their licence ever since then and, importantly, harming the Licensing Objectives as a direct result of this.

As evidence of this Attachment 2 includes the opening times for the premises on the Uber Eats website as at 1/8/23 and an order placed for delivery at 02:30 on 2/8/23. This order included wine despite the fact that the premises is not authorised to provide alcohol for off-sales at any time, and the sale of alcohol ends at 22:30 for consumption on the premises.

The CGCA's view is that rather than considering the grant of this Licence Variation the Licensing Authority should instead be prosecuting the applicant for unlicensed trading under LA2003. However we are aware that as an application has been made you must now consider this.

The fact that the premises have been operating during the proposed hours at least allows us the opportunity to show that the impacts on the Licensing Objectives listed above do actually occur.

Seven Dials CIP – Policy Context

Within the Seven Dials CIP there is a presumption to refuse all new or varied licences. There are some possible exceptions which are listed in the Policy. This application does not fall into any of the possible exceptions.

Paragraph 6.20 of the SoLP says that:

We expect applicants to demonstrate an understanding of how the policy affects their application and identify the measures they will take to mitigate any negative impact on any of the licensing objectives. Applicants should also state why they consider the application should be an exception to the policy.

The application states that:

The Applicants understand from the Officer that the level of ASB has been reduced in the vicinity of Ecco and that the LA are unlikely to object to this application. The Applicants submit that taking the existing and additional proposed conditions into force that the Licensing Objectives will be fully promoted, that there will be no increase in negative cumulative impact in the CIZ and that the variation of the premises licence can be safely granted.

Our observations on this are as follows:

The Licensing Act is concerned with impact of the operation on the Licensing Objectives, which includes ASB as one element of Public Nuisance. We do not agree that Public Nuisance or ASB have been reduced but even if they have been reduced the primary reason why they were high in the first place is the fact that Ecco has been operating without a Licence. Any comparison needs to be against the base level of ASB/Public Nuisance when Ecco is operating only within its permitted hours. It is not possible to use any perceived reduction against a level that is the result of an illegal activity.

The statement of an unnamed “officer” does not constitute a reason why the application should be able to overcome the presumption contained within the Policy.

The additional conditions offered are:

1. *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.*
2. *The Dispersal Policy shall be included in staff training and the staff shall be tasked to implement the requirements of the Dispersal Policy.*
3. *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.*
4. *A phone number shall be clearly displayed in the restaurant window for residents to call with any concerns.*

These conditions **do not address** issues arising from customers arriving at the premises or noise from kitchen extract and activities within the premises. The ability of a member of staff who is inside watching

CCTV to ensure that customers do not loiter outside making a noise is limited. The condition related to noise during dispersal is limited to reminding them to be quiet. This do not “fully promote” the Licensing Objectives. How customers behave at 02:30 after they leave the premises cannot be controlled by the applicant and so this does not ensure that “there will be no increase in negative cumulative impact in the CIIZ” which is the test required to show that the application is an exception to the Cumulative Impact Policy.

Planning Status of the Premises

We are fully aware that Planning and Licensing are separate regimes, and we are not mentioning the topic of Planning in order to claim that the Planning status is a reason to refuse the Licence. SoLP Paragraph 4.55 of the Policy makes clear this cannot be done. However, the SoLP in Paragraph 4.56 makes clear that the Licensing Authority *strongly advise[s] the applicant to obtain planning permission, listed building consent or building regulations approval where appropriate.*

In this case the premises received Planning Permission to become a restaurant through a Planning Appeal in 2011, permission having initially been refused by the Council. The Planning Permission which was granted by the Inspector explicitly limited the hours for the restaurant use to 07.00hrs to 20.00hrs, Mondays to Saturdays and 08.00hrs to 17.00 hrs on Sundays and Bank Holidays. The kitchen extract was required to operate only within these hours.

The Alcohol Licence for the premises which allowed the operation to continue until 23:00 was granted in 2017. The premises were at this time already operating in breach of the Planning Permission awarded some 7 years earlier and have continued to do so since.

We believe that the fact that they have been operating in breach of the Planning Permission for an extended period is evidence that needs to be considered by the Licensing Authority in this Licensing Application for the following reasons.

- It is evidence that the Licence Holder will not adhere to the conditions which appear on the licence if ignoring them suits him better.
- It is evidence that it is difficult even for Council Officers, let alone local residents, to know the restrictions which apply to specific premises and so report breaches of these conditions.

Summary

- The premises already gives rise to noise and disturbance in the immediate vicinity of the premises, which contains significant numbers of residents, but this ends (**if** they close at time on the licence) at 23:00. When they do not close at the time the noise and disturbance continues.
- Allowing the premises to trade to the hours and in the way applied for will add to the noise and disturbance being caused, and so does not support the Licensing Objectives.
- The later operation is intended to retain people in the Seven Dials Special Policy Area and so will add to Cumulative Impact. It cannot be considered as an exception.
- The premises has been operating in breach of its Licence for an extended period and harming the Licensing Objectives in the process. Regularising the situation will reward this behaviour.

The CGCA’s view is that the application should be **refused outright**. The application, if granted, will fail to support the Licensing Objectives.

If, despite this, the Licensing Authority is minded to grant a small extension then the CGCA's view is as follows:

- If an extension for LNR is to be granted it should not go beyond Framework Hours, at which point the premises should close.
- Off sales for LNR limited so that the last orders are taken 30 minutes before the end of Framework Hours, so that the operation ceases at the end of Framework Hours and the premises close.
- Customers placing orders for collection after 23:00 should be advised when placing the order that the premises will not provide food and drink to be consumed anywhere in the public realm but only if it is consumed in a place of work, a residence or a hotel.
- Customer collection orders after 23:00 must be placed by web or phone before the customer comes to the premises. The premises may not accept orders from customers in person after 23:00.
- A condition related to noise from the premises should added as follows:
 - *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.*
- Conditions to address fumes, odour and noise from the extraction system should be added as follows
 - *No fumes, steam, smoke or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.*
 - *The operation and maintenance of the odour and smoke abatement equipment and extract system will be at all times be in accordance with the manufacturers recommendation and comply with the requirements of the relevant legislation.*
- A policy for the management of the outside area in the vicinity of the premises is required with the condition below.
 - *The premises shall have an Operational Management Plan and all staff shall be trained in its implementation. This will cover the management of the outside area in the vicinity of the area and they way in which customers of the premises will be prevented from giving rise to noise or other nuisance in the vicinity of the premises including during dispersal. This Policy will be reviewed regularly and whenever the Licence Holder becomes aware of an issue associated with the management of the external area or from dispersal.*
- A condition regarding management of deliveries as follows:
 - *Where deliveries are made to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.*

To be clear: by proposing these conditions the CGCA is not saying they would make a small extension acceptable. We believe that even a small extension of the operation will fail to support the Licensing Objectives. However if the Licensing Authority was minded to grant then this will reduce (but not eliminate) the risk of harm to the Licensing Objectives.

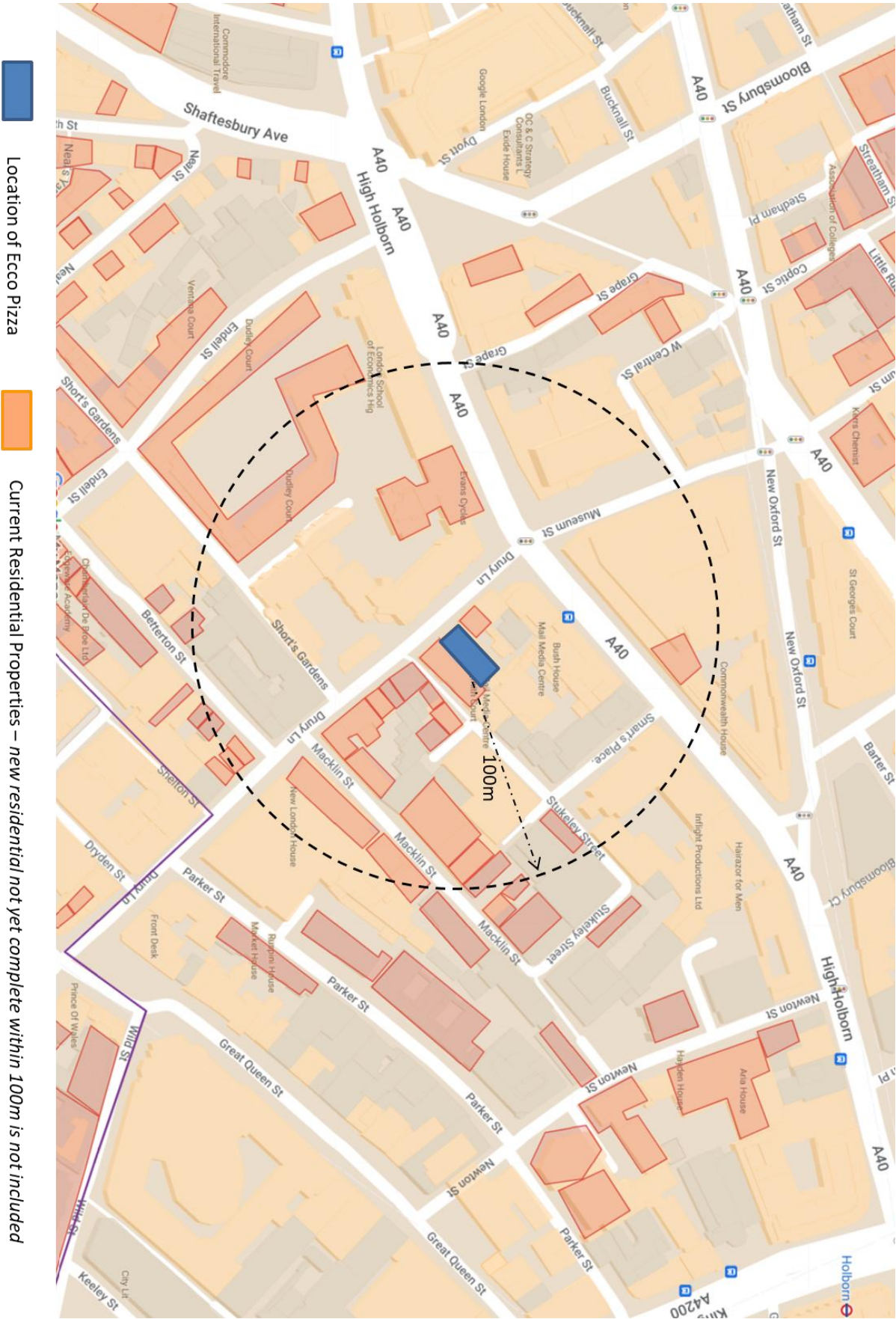
We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Yours faithfully,

David Kaner
CGCA Licensing Sub-Committee



Attachment 1 – Map of Residential Property in Vicinity of Ecco Pizza



<div> <p>Pizza • Italian • Allergy Friendly • Group Friendly • £</p> <h2>Ecco Pizza</h2> <p>186 Drury Ln, London, England WC2B 5</p> <p>Open 24 Hours</p> <ul style="list-style-type: none"> Sunday <ul style="list-style-type: none"> 12:00 AM - 11:58 PM • Pizza Menu 12:04 AM - 11:57 PM • Pizza Menu 7:00 AM - 10:30 AM • Breakfast Monday <ul style="list-style-type: none"> 12:00 AM - 11:58 PM • Pizza Menu 7:00 AM - 10:30 AM • Breakfast 12:00 PM - 3:30 PM • Mexican Burritos Tuesday <ul style="list-style-type: none"> 12:00 AM - 11:59 PM • Pizza Menu 12:04 AM - 11:57 PM • Pizza Menu 7:00 AM - 10:30 AM • Breakfast 12:00 PM - 3:30 PM • Mexican Burritos <p>Uber Eats Info Page 01/08/23 showing 24 hour operation</p> </div>	
<div> <div> <h3>Ecco Pizza</h3> </div> <div> <h4>Delivery details</h4> <p>Mercer Street & Mercer Walk London, London, England, W2JH</p> <p>Meet at door</p> <p>Add delivery note</p> </div> <div> <h4>Delivery estimate</h4> <p>Right now 10–20 min</p> <p>Wed Aug 2, 2:30 AM – 3:00 AM</p> </div> <div> <h4>Payment</h4> <p>Uber Cash: + American Express - 2004</p> <p>Promotions not available on alcohol or regulated items</p> </div> <div> <h4>Order summary</h4> <p>2 Items</p> <ul style="list-style-type: none"> Margherita Pizza VAT NO 290409013 Add Extra: Rocket (£2.00), Red and green Peppers (£2.00), Goat cheese (£2.00) £16.20 White wine & red any VAT NO 2904090 £7.50 <p>+ Add items</p> </div> </div> <div> <h4>Order total</h4> <p>Save £1.48 on this order with Uber One Try free for 7 days →</p> <ul style="list-style-type: none"> Subtotal £23.70 Fees £2.37 Service £0.29 Delivery £0.00 Add a tip Ⓢ They make delivery possible—no matter what time it is Not now 10% 15% 20% 25% Other Total £26.36 <p>ALLERGENS: If you or someone you're ordering for has an allergy, please contact the merchant directly to let them know. If you're not around when the delivery person arrives, they'll leave your order at the door. By placing your order, you agree to take full responsibility for it once it's delivered. Orders containing alcohol or other restricted items may not be eligible for leave at door and will be returned to the store if you are not available. Whilst we, and our restaurant partners, have safety measures to mitigate food safety risk, couriers may be delivering more than one order so we cannot eliminate the risk of cross-contamination from allergens.</p> </div>	Place order

From [REDACTED]

Sent: 22 August 2023 10:42

To: licensing inbox <licensing@camden.gov.uk>

Subject: Ecco Pizza Drury Lane: Application for full variations to a licensed premises - Ref no. 11617

To Camden Licensing

Dear Sirs,

ECCO Pizza: APP\PREMISES-VARY\116177; Major Variation of Licence

This is an objection to the above application for an extension of hours and activities.

I note that this is a renewed and revised attempt by ECCO to obtain an extension of its permitted hours of operation. A previous application was, I understand, withdrawn in the face of the level of local opposition, based on actual experience.

I stress the reference to “permitted” hours of operation because ECCO seems in fact to be seeking to legalise what it is currently doing, apparently without any enforcement action being taken by Camden. Camden should not be granting additional permissions to applicants who are already in breach of the terms of existing licences. To grant this application would be to condone the applicant’s failure to comply with existing limits on permissions granted by the Council.

The one “advantage” of the applicant’s conduct to date is that there is actual lived experience of the impact, in terms of anti social behaviour and residential amenity consequence of authorising what is now being sought. Camden must have regard to this in considering the application.

The application is acknowledged to be a **major** variation. In effect, it would substantially alter the terms of the existing permission, from the premises being licensed to be primarily an on site eat in cafe/ restaurant to one which is dedicated (at least or especially at night) to delivery and consumption off the premises, including, as currently happens, in the street. This would alter what should be the character of Drury Lane (although sadly the unauthorised activities already taking place have prejudiced residential amenity).

Background

I am a local resident who is already disturbed, particularly at weekends, by late night anti social behaviour, notably by people (some of whom may already be intoxicated) hanging around talking or making calls in loud voices outside licensed premises, even after closing hours.

This is a significantly residential neighbourhood. The residential component has increased in recent years and it is Camden’s ambition further to increase residential and hotel accommodation in the area. The proposal is completely inconsistent with that aspiration.

I hope that Camden does not need to be reminded of the history of problems connected with drunkenness, antisocial activities and drug dealing associated with late night venues in the area. Camden will be aware that drug dealing seems to be on the increase again.

It is hard to see how the grant of this application would be conducive to the Council’s licensing objectives of reduced levels of crime and a safe and attractive environment.

Nor would the grant of the application be conducive to preventing public harm.

The proposal would also run counter to the other, regenerative, initiatives in the area around the Premises.

Submissions

I consider that, if the application is granted, it is likely, in particular, to threaten the following licensing objectives:

- Prevention of crime and disorder
- Public safety

- Prevention of public nuisance.

I also question whether the application provides sufficient detail to enable an informed assessment to be carried out. Some of the proposed conditions and restrictions look like completely unenforceable window dressing. I am also troubled that the applicant seems to claim that they have already “cleared” the application with Camden, before there has been any opportunity for Camden to take proper account of local concerns.

The application contains some highly contentious assertions, notably that there has been a reduction in the amount of anti social behaviour around the premises. The applicant needs to be challenged on that. What is significant is the admission by the applicant that the premises already attract anti social behaviour. This can only be expected to increase if the permitted hours are extended, whether or not alcohol is being sold (which does not mean alcohol is not being consumed).

Although framed as a modification, this application, if granted, would in effect produce a radical transformation of the nature of the permitted activities of the premises. It would be wholly inimical to the character and amenity of the area.

It seems that the applicant is seeking to use a licence modification application to convert a business which, at present, primarily serves food and beverages to customers coming in person to the premises into a predominantly take away operation and a hub for Deliveroo or similar delivery services late into the night.

This may perhaps reveal the underlying weakness of the applicant’s business plan: there is no, or inadequate, demand in the locality for this proposed late night service; there is no reason why Drury Lane, generally a quiet street at night, should be transformed into one of central London’s sources of late night takeaway food supplies.

I acknowledge that the applicant claims that it would not serve alcohol during the extended hours requested. However the applicant gives the game away by acknowledging that the target market is or includes those who are already inebriated, and therefore likely to cause noisy or anti social behaviour.

The hours requested are still wholly exorbitant for a street and vicinity which has such a substantial residential (including hotel and hostel) component. The applicant seems, sadly, to misunderstand the character of the neighbourhood in which it has chosen to establish its premises.

The conditions proposed are wholly inadequate to protect the amenity of residents.

Nor is it clear from the application how in practice the applicant proposes to enforce some of the suggested restrictions, notably as to outside congregation and drinking. This is a particular problem given the proximity of outside steps on the opposite pavement where late night revellers could (and do) sit late into the night (including after the premises have closed), having made their purchases from the applicant.

The reference to delivery services is particularly troubling, as this would be likely to lead to various sources of noise nuisance, including from vehicle engines and from delivery drivers hanging around waiting for commissions and in the meanwhile talking among themselves or even playing music. The premises might even become a hub for pedicabs or rickshaws broadcasting music on their systems.

It is not clear whether the applicant is once again proposing to restrict delivery vehicles to electric bikes, even if that is a feasible limitation to enforce.

Other grounds for objection are:

- The nuisance and loss of amenity would continue beyond 2.30. As I read the application, the applicant would apparently stop serving food at 2.00 am, but would remain open for a further 30 minutes. It is therefore only at 2.30 am that the potentially noisy task of clearing up after customers, dealing with refuse, removing tables from the pavement and washing down the pavement could commence. So disturbance to residents and hotel occupants would continue long after the end of the licence hours.
- Quite apart from the noise nuisance this application would produce, there must be the separate problem of noise, vibration and smells from ventilation and air conditioning extracts continuing throughout the night, causing disturbance and loss of residential amenity.
- This would lead to an increase in public urination and possibly vomiting around Drury Lane.
- This would generate even more refuse in and around Drury Lane.
- There would be a risk of the premises generating queues in the street late into the night, causing additional noise nuisance to neighbours and patrons of the Travelodge. By definition, some of those queueing would already have spent the evening consuming alcohol.
- It might be difficult in practice to enforce the limitation of serving alcohol with food; refusals to serve alcohol (including application of the criminal prohibition on serving alcohol to those who are already intoxicated) might lead to arguments, creating more disturbances in the community.
- There appears to be no attempt to quantify how many people would be served, in person, by collection or through delivery services, or to indicate what sort of increase that would represent, compared to current numbers.
- The applicant is not proposing that delivery vehicles should be prohibited from waiting in the hope of delivery orders. Gatherings of waiting delivery riders can be very noisy.
- It is hard to see how granting this application would be consistent with the spirit of the Seven Dials and cumulative impact special policy area rules. The applicant acknowledges the existence of the policy but makes no attempt to explain how the application is consistent with that policy.
- As I hope the Council realises, the use of a particular site to provide a late night delivery service, potentially to a broad area of central London, raises wider policy issues than those typically applicable to a particular licence hours modification and potentially changes the use of the premises and threatens the character of the street.

Should the Council be minded to approve this application or some reduced variant, conditions should include, at the minimum:

- A significant reduction in the hours proposed.
- No sale of beverages in glass containers after 10 pm.
- Full noise insulation of the premises and inspection by an independent firm on behalf of the Council before any permission can be exercised.
- Toilet facilities to be available inside the premises for at least 30 minutes after the last service of food or beverages.
- The entrance doors to be kept closed at all times after 10 pm. This is particularly important given that almost half the frontage of the premises is taken up by large glazed double doors which the applicant seems to keep open at all times.
- An accredited door supervisor to be on duty at all times after 10 pm.

- No queueing outside the premises.
- A limit on numbers of customers, including collections and deliveries, after 10 pm.
- No waiting by delivery vehicles and drivers/ riders (of any sort) after 10 pm.
- Installation of cctv and access to recordings for the Council, police and local community associations. That CCtv should cover a sufficiently wide area to encompass a view of the steps up to the Travelodge.
- A prohibition on broadcast music.

Finally, the applicant sets store by the proposal of conditions designed to mitigate (but not eliminate) the problems caused by its activities. Even if those conditions were realistic, they serve little or no purpose when Camden seems unwilling or unable to monitor or enforce conditions of this nature. It is not fair to expect the police to pick up the pieces when these establishments lead to crime or antisocial behaviour

Please advise if there is to be a hearing on this application and also if the applicant changes the application at the last moment.

Please confirm receipt of this objection. Please let me know if you need any personal details.

Regards

Peter Bloxham

Peter Bloxham

■■■■■■■■■■
■■■■■■■■■■

Representation	
Premises name	Ecco
Application reference number	APP\PREMISES-VARY\116177
Last date for representation	24/08/2023

Making a representation as

As an individual

Your details**First name**

Paul

Last name

Smart

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

AddressFlat 2 Market House
12 16 Parker Street
London
WC2B 5PH**Remain anonymous**

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

Extending the hours of operation at Ecco Pizza will make it a magnet for late night drinkers leaving late licence pubs/ clubs, concentrating them on a quiet stretch of Drury lane. This will create the risk of crime and disorder (#1 reason) as congregations of late night drinkers risks unruly and potentially violent behaviour. Ecco pizza already fails to adhere to its licence, serving food way beyond its 2300 curfew and it is inconceivable that with such a lax attitude to

licensing that the proprietor would not (criminally) be persuaded to sell alcohol beyond 2300. The gathering of inebriate patrons late at night will inevitably create noise at an otherwise quiet (and sleep sensitive) time of night creating public nuisance (reason #3) to residents in the many residential properties above the shops in Drury Lane and in the side streets immediately adjacent thereto. For these two reasons and for the proprietor's historic disregard for its licensed activity hitherto the council must refuse this application to be consistent with its own licensing objectives.

About this form

Issued by

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.

Representation	
Premises name	Ecco
Application reference number	APP\PREMISES-VARY\116177
Last date for representation	24/08/2023

Making a representation as

As an individual

Your details**First name**

James

Last name

McWilliams

Telephone number (optional)**Email address****Address**

Flat 1st Floor
182 Drury Lane
London
WC2B 5QF

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

Public Nuisance The part of Drury Lane immediately in front of the Travelodge and including the west end of Stukeley street experiences frequent late-night public nuisance. Most of this nuisance activity is of a low level - mainly shouting and littering - but frequently enough it is more serious. My flat faces onto Drury Lane and I am regularly awoken by disturbances of these kinds. I am not blaming the business in any way for the worst we experience in this neighbourhood, but I believe the business encourages at least some of the noise and

littering we locally experience. Drury Lane is a thoroughfare for people coming and going to the West End. A business selling food and drink encourages people to stop and linger, many choosing to eat their meal on the steps of the Travelodge directly facing my flat and the flats of Goldsmith Court. It also encourages people in vehicles to park in Drury Lane and consume food in their cars, sometimes with the engine running and sometimes with loud music being played. There is also noise and disturbance from delivery services and people collecting food who are resident in the Travelodge. If this application is agreed it will set the bar for any other business wishing to trade late at night and the public nuisance will increase. I have little faith in the applicant's claim that it will ensure 'robust measures' to minimise antisocial behaviour as it cannot regulate people's behaviour once they have left the premises. I wish the business well, and am in full support of local enterprise, but I think I speak for many local people when I say that this application should be rejected.

About this form

Issued by

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

Data protection

Good evening,

I am a resident right at the corner of Drury Lane and Parker Street, and strongly object to the extended hours requested by Ecco Pizza which would turn them into a takeaway place throughout most of the night.

It is a very residential area, with some properties literally meters away from Ecco Pizza, and this will bring further disturbances throughout the night:

- It will bring more drunk people to the street as people will converge there once the pubs and clubs close. Drunken people, late in the night, are likely to gather there and conflict between them will then lead to arguments and fights.
- Several delivery drivers will come and go throughout the night, make noise and some will linger.
- Noise or fumes from the extraction equipment will have an impact on the immediate neighbours.

All this will lead to affecting the resident's quality of life, and particularly their sleep. We are all already impacted by all the disturbances in the area, and fellow residents are suffering because of Ecco Pizza behaviour.

It is well known within the community that the owners of this restaurant are operating in flagrant in breach of their existing licence, operating much later than their licence authorise.

I object strongly to this application and ask you to refuse, and to start monitoring the activity of this premises as they are breaking the law.

We are counting on our Council to make them abide to their existing licence terms and refuse any extension due to the severe impact on all the residents and wider community.

Thank you for your consideration.

Erwan

Flat 6, Market House

12 Parker Street, London WC2B 5PH

From: Christopher Morgan [REDACTED]
Sent: 21 August 2023 17:05
To: licensing inbox <licensing@camden.gov.uk>
Subject: Application reference APP\PREMISES-VARY\116177 - objection

I write to object to the application to license late opening of

Premises name Ecco
Premises address 186 Drury Lane WC2B 5QD
Licence reference PREM-LIC\3988

I live at Flat H 18 Betterton St, London WC2H 9BU. Although this is a mixed commercial, entertainment and residential district, it is a quieter part of the district and residents would have their rest disturbed if Drury Lane became a late night destination generating litter and noise.

Christopher Morgan

Section 1: Background comments of the Borough Solicitor

- 1.1 The purpose of Camden's Statement of Licensing Policy is to make it clear to applicants that wider considerations will be taken into account when determining applications. It is intended to guide the Licensing Panel when considering licence applications. However, the Licensing Panel must always consider each application on its own merits and allow exceptions to the normal policy where the circumstances of the application justify allowing an exception. The burden is on the applicant to show that they comply with the policy.
- 1.2 Members should only address those matters that have formed the subject matter of relevant representations. Matters that arise that are not the subject of relevant representations fall outside the function that the Panel is exercising when it holds a hearing
- 1.3 Members must determine, having regard for the evidence, whether granting the application for a premises licence will impact adversely on the policy criteria listed in paragraph 3 of this report.
- 1.4 In accordance with the provisions of Part 1 of Schedule 5 of the Act, where a Licensing Authority rejects in whole or in part, an application for a new premises licence, the applicant may appeal against the decision, to a magistrate's court within 21 days of being notified of the decision.
- 1.5 Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted, or that different or additional conditions should have been imposed on the licence, he may appeal against the decision to a magistrate's court within 21 days of being notified of the decision.
- 1.6 **The Human Rights Act 1998** incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently, Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.
 - (a) **Article 6: Right to a fair trial**
In the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - (b) **Article 8: Right to respect for private and family life**
Everyone has a right to respect for his or her private life, his home and correspondence.

(c) Article 1 of the First Protocol: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including a licence. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(d) Article 10: Freedom of Expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(e) Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 1.7 When formulating policy local authorities must have regard to the **Equality Act 2010**. The Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing powers. Members of the panel must be mindful of this duty when determining all licensing applications.

The section 149 Public Sector Equality Duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

1.8 In determining any application, the Council must comply with the public sector equality duty in s.149 of the 2010 Act. This is a duty to have regard to the need to achieve the statutory goals of s.149, rather than to achieve a particular result. The s149 duty sits alongside and does not override statutory requirements in relation to determining licensing applications, including the duty to consider all evidence on its merits and the legislative criteria listed at paragraphs 3 & 4.

1.9 When members have before them representations or other material on issues relevant to s149, even outside the scope of “standard” licensing considerations such material must still be specifically assessed in the context of s149. However, because s149 creates a requirement to “have regard” the fact a matter raised is relevant to s149 will not automatically translate into a reason for refusing an application that would be sustainable in any subsequent appeal, given the legal requirement to determine applications in compliance with licensing legislation.

Section 2: Financial Comments

- 2.1 Following consideration there are no financial implications concerning this application. The Executive Director Corporate Services has been consulted in the preparation of this report and has no further comments to add.