


**APPLICATION FOR A SHADOW PREMISES LICENCE UNDER SECTION
16 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> Sarah Williams, Licensing Officer Licensing Team, 5 Pancras Square, London, N1C 4AG Tel: 020 7974 2152 Email: Sarah.Williams@camden.gov.uk
<u>PREMISES:</u> Swains, 15 Highgate Road, London NW5 1QX		<u>WARD:</u> Highgate
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) Relevant representations Appendix 4) Conditions consistent with the operating schedule 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 for a Shadow premises licence under section 16 of the Licensing Act 2003. **Appendix 2**

1.2 The application is for:

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

On the premises

08.00-23.30 Monday to Thursday
 08.00-00.30 Friday to Saturday
 08:00-23:30 Sunday

Off the premises

08:00-23:00 Monday to Sunday

b) Late night refreshment

23:00-23:30 Monday to Thursday
23:00-00:30 Friday and Saturday
23:00-23:30 Sunday

c) Opening hours

08:00-23:30 Monday to Thursday
08:00-00:30 Friday to Saturday
08:00-23:30 Sunday

1.3 The application has been made by Fruition Assets Ltd the freeholder of the premises. The applicant seeks to duplicate the licensable activities mentioned in Paragraph 1.2. above and in their operating schedule have offered to duplicate on the shadow licence all existing conditions relevant to the premises known as: Swains PREM-LIC\105059.

1.4 The application has been made under section 16 of the Act which states that;

(1) The following persons may apply for a premises licence-

(2) A person who carries on, or proposes to carry on, a business which involves the use of premises for the licensable activities, the Application relates.

1.5 The Guidance also states that:

8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time limited period.

8.16 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.

2. Representations

2.1 Two relevant representations have been received in relation to the application.

2.2 One representation opposes the application, and this is from a Residents Association.

- 2.3 One representation supports the application, and this is from a Retail Forum.

Appendix 3

3. Policy

Licensing objectives (Chapter Four Page 20 to 35 of the Policy)

- 3.1 The licensing objectives engaged by this application are:

- a) The Prevention of Public Nuisance
- b) Public Safety
- c) The Protection of Children from Harm

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

- 3.2 The premises is not situated in either cumulative impact policy areas.

Hours policy (Chapter Five- Page 36 to 38 of the Policy)

- 3.3 The hours policy is engaged by this application in relation to the proposed 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

Off Sales

Monday to Saturday	08:00 until 23:00
Sunday	10:00 until 22:30

No sale or supply of alcohol

Monday to Thursday	09:00 until 23:30
Friday and Saturday	09:00 until midnight
Sunday	09:00 until 22:30

- 3.4 The times for the framework hours on any given day are not (and should not be regarded as) the “usual” or “normal” working hours for licensable activities in the Borough. Instead, the framework hours serve to identify those cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities.

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

3.5 The premises policies currently engaged by this application are:

- a) Public Houses and Bars
- b) Off Licences

4. Secretary of State's Guidance

4.1 The relevant parts of the Secretary of State's Guidance ("the Guidance") for this application are:

- a) Chapter 2 - The Licensing Objectives
- b) Chapter 3 - Licensable Activities
- c) Chapter 8 - Applications for Premises Licences
- d) Chapter 9 - Determining Applications
- e) Chapter 10 - Conditions Attached to Premises Licences and Club Premises Certificates.

5. Recommendations

5.1 To determine the application for a new premises licence under section 18 of the Licensing Act 2003.

5.2 Having considered the application, the representation(s) submitted in relation to this application, the legislative provisions, the Statement of Licensing Policy, and the Guidance issued by the Secretary of State, Members have the following options:

- a) Grant the application in full with such conditions on the licence that are consistent with the operating schedule.
- b) Grant the application subject to revised conditions that they consider appropriate to promote the licensing objectives.
- c) Reject the whole or part of the application.

5.3 Members may attach additional conditions if they consider it appropriate for the promotion of the licensing objectives raised in the representations.

5.4 Members are reminded that all applications must be considered on their own merits, and that findings on any issues of fact should be on the balance of probability.

6. Conclusion

6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.