


**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> 8 August 2024
<u>REPORT OF:</u> Executive Director Supporting Communities		<u>CONTACT OFFICER:</u> Sarah Williams, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 8227/ sarah.williams@camden.gov.uk
<u>PREMISES:</u> Electric Ballroom, 184 Camden High Street, London, NW1 8QP		<u>WARD:</u> Camden Town
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 (December 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) Conditions consistent with the operating schedule Appendix 6) Legal and Finance comments	
Signed by: Jamie Akinola, Director of Public Safety 		
Date: 26 th July 2024		

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 – 02:00 - Monday to Wednesday

11:00 – 03:00 - Thursday

12:00 – 04:30 - Friday and Saturday

12:00 – 02:00 - Sunday

b) Recorded Music and Performances of Dance:

18:00 to 03:00 Monday to Wednesday

18:00 to 04.00 Thursday
18:00 to 06.00 Friday and Saturday
12:00 to 04.00 Sunday

c) Live Music:

18:00 to 01:00 Monday to Thursday
19:00 to 01:00 Friday to Sunday

d) Non-Standard Timings

Supply of Alcohol: until 05.00 on New Years Day
Recorded Music: until 04.00 on the day following Bank Holiday Mondays and until 06.00 on the day following New Years Eve.
Performances of Dance: New Year's Eve/Day until 05:00, Bank Holidays Mondays until 04:00

e) Opening hours

11:00 to 03:00 Monday to Wednesday
11:00 to 04:00 Thursday
11:00 to 06:00 Friday and Saturday
12.00 to 04:00 Sunday
until 04:00 on the day following Bank Holiday Mondays and until 06.00 on the day following New Years Eve.

The current premises licence can be found in **Appendix 3**,

- 1.3 The application to vary the premises licence is in three parts 1. Extend the hours for licensable activities 2. Remove licence conditions 3. Vary licence conditions 4. Amend the layout of the yard area.

a) Extension of hours for Licensable Activities:

Live Music:

11:00 to 01:00 Monday to Thursday
11:00 to 03:00 Friday and Saturday
12:00 to 01:00 Sunday

Recorded Music:

11:00 to 03:00 Monday to Friday
11:00 to 06:00 Saturday
12:00 to 04:00 Sunday

Performances of Dance:

11:00 to 02:00 Monday to Wednesday
11:00 to 03:00 Thursday to Saturday
12:00 to 02:00 Sunday

b) Remove Licence Conditions

The application seeks to remove licence conditions found at Annex 2 and Annex 3 of the premises licence.

Annex 2 Operating Schedule.

16. (1) Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock in the morning following [three o'clock in the metropolis] [or, if an earlier hour is specified in the special hours certificate, that hour], except that—

- i. the permitted hours shall end at midnight . . . on any day on which music and dancing is not provided after midnight; and
- ii. on any day that gaming ends between midnight and two o'clock in the morning [three o'clock in the metropolis], the permitted hours shall end when the music and dancing end

(2) In relation to the morning on which summertime begins, paragraph (1) of this condition shall have effect with the substitution of references to three o'clock in the morning [four o'clock in the metropolis] for references to two o'clock in the morning [three o'clock in the metropolis] [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.]

(3) Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour], except that—

- (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
- (b) where music and dancing ends between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end

(4) On Sundays immediately before bank holidays, the permitted hours shall extend until 2 a.m. in the morning following [3 a.m. in the metropolis], except that—

- (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight.
- (b) where music and dancing ends between midnight on any Sunday and 2 a.m. [3 a.m. in the metropolis], the permitted hours on that Sunday shall end when the music and dancing end

(5) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

- iii. The “Metropolis” means the area designated in The Licensing (Metropolitan Special Hours Area) Order 1961

21. There shall be no new admissions of the public to the premises after

2.30am

22. Whilst the premises are in use under this licence there shall be no live music beyond 1.00am.
23. Smoke machines shall not be used with the exception of the following to provide short bursts
 - (a) Ground floor, DJ Booth J.E.M 20 Mark 3
 - (b) First floor, DJ Booth in Bar 3 J.E.M Fogger.
25. Attendants shall be on duty in the ladies and gentlemen's cloakroom, during the whole time they are in use.
26. The exit doors from the premises to Dewsbury Terrace shall be kept closed except when actually in use.
41. For 8 weekends per year, the licensable hours for live music may be extended to begin at midday and end at 23:00. The licence holder shall notify the Licensing authority and the Police 28 days prior to these weekends. The event shall not go ahead without the written approval of both the Licensing Authority and the Police.

Annex 3. Conditions attached by the Licensing Authority 26/01/2017

92. The sale of alcohol on the premises shall cease 30 minutes before the terminal hour of the live event.

Annex 3. Conditions agreed by Consent Order dated 11/09/2017.

94. To permit the terminal hour for live music until 22:00 on Friday, Saturday, and Sunday.
96. The sale of alcohol on the premises shall cease 30 minutes before the terminal hour for the provision of live music
97. Condition 51 as imposed by the Licensing sub-committee in relation to an ID scanner be deleted in full.

c) Vary Conditions in Annex 2 Operating Schedule.

64. Police must be called to incidents of violence and/or disorder.

Condition 64 to read:

64. Police must be called to incidents of violence, allegations of spiking, and / or disorder.

88. Legible copies of the documents referred to in condition 88 shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.

Condition 88 to read:

88. Legible copies of the documents referred to in condition 87 shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.

89. Copies of the documents referred to in Condition 88 above shall be retained on the premises for a period of not less than twelve months.

Condition 89 to read:

90. Copies of the documents referred to in Condition 87 above shall be retained on the premises for a period of not less than twelve months.

d) To amend the layout of the Yard Area.

The applicant proposes to add a small wooden outside bar as shown on the plans found at **Appendix 2**.

2. Representations

- 2.1 Three relevant representations have been received in relation to the application.
- 2.2 The representations oppose the application and are from the Licensing Authority, responsible authority, a Ward Councillor and local resident.
- 2.3 The Police responsible authority have not made a representation and have agreed with the applicant to include four additional conditions. The agreed conditions can be found at **Appendix 5**.

3. Policy

Licensing Objectives (Chapter Four - Pages 20-35 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
 - c) Public Safety

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

- 3.2 The premises are situated in the Camden Town cumulative impact policy area where there is a presumption to refuse all new or variation applications. The presumption is rebuttable.

Hours Policy (Chapter Five – Pages 36 - 38 of the Policy):

- 3.3 The hours policy is engaged by this application in relation to the proposed times for licensable activities. The framework hours are given in the Policy as:

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 framework hours on any given day are not (and should not be regarded as) the 'usual' or 'normal' 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 include these principles.

Premises Policy (Chapter Seven- Pages 46 -67 of the Policy):

- 3.6 The following premises policies are engaged by the application:
- a) Premises Providing Music and Dance and Similar Entertainment
 - b) Public Houses and Bars
 - c) Nightclubs

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 - Application 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.