


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

<b>LONDON BOROUGH OF CAMDEN</b>	<b><u>FOR SUBMISSION TO:</u></b> Licensing Panel	<b><u>DATE:</u></b> 22 August 2024
<b><u>REPORT OF:</u></b> Executive Director Supporting Communities		<b><u>CONTACT OFFICER:</u></b> Sarah Williams, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 8227/ <a href="mailto:sarah.williams@camden.gov.uk">sarah.williams@camden.gov.uk</a>
<b><u>PREMISES:</u></b> Elysee Restaurant, 13 Percy Street, London W1T 1DP		<b><u>WARD:</u></b> Bloomsbury
<b>Local Government Act 1972 – Access to Information - Documents used in the preparation of this report</b>	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”)	
<b>Appendices</b>	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	
<b>Signed by:</b> Jamie Akinola, Director of Public Safety  		
<b>Date:</b> 4 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) Sale by Retail of Alcohol (on the premises only)**

10:00 to 01:30 Monday to Thursday  
10:00 to 02:00 Friday and Saturday  
12:00 to 00:00 Sunday

**b) Recorded Music, Live Music, Performances of Dance, and Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance**

09:00 to 01:30 Monday to Thursday  
10:00 to 02:00 Friday and Saturday  
09:00 – 00:00 Sunday

**c) Late Night Refreshment**

23:00 to 01:30 Monday to Thursday  
23:00 to 02:00 Friday and Saturday  
23:00 to 00:00 Sunday

**d) Opening hours**

09:00 to 02:00 Monday to Thursday  
09:00 to 02:30 Friday and Saturday  
09:00 to 00:30 Sunday

1.3 The current premises licence can be found in **Appendix 3**.

1.4 The application is for:

Extension of hours for Licensable Activities:

**a) Sale by Retail of Alcohol (on the premises only)**

10:00 to 02:00 Monday and Tuesday  
10:00 to 03:00 Wednesday to Saturday Sunday –  
no change

**b) Recorded Music, Live Music, Performances of Dance, and Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance**

09:00 to 02:30 Monday and Tuesday  
09:00 to 03:30 Wednesday to Saturday Sunday  
– no change

**c) Late night refreshment**

23:00 to 02:00 Monday and Tuesday  
23:00 to 03:00 Wednesday to Saturday Sunday –  
no change

**d) Opening hours**

09:00 to 03:00 Monday and Tuesday  
09:00 to 04:00 Wednesday to Saturday Sunday –  
no change

1.5 Following representation made by the Police responsible authority, the application has been amended to include a condition proposed by the Police.

1.6 On the basis that the agreed condition is included in the application, the Police responsible authority, have withdrawn their representation. The agreed condition can be found at **Appendix 5**.

## 2 Representations

- 2.1 Two 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 and a Resident association.

## 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 Public Nuisance

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

- 3.2 The premises are not situated in either cumulative impact policy area.

### 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 end times for licensable activities. The framework hours are given in the Policy as:

#### **On Sales**

Monday to Thursday	10:00 until 23:30
Friday and Saturday	10:00 until midnight
Sunday	11:00 until 22:30

#### **No sale or supply of alcohol**

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

- 3.4 The times for 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.
- 3.6 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):

3.7 The following premises policies are engaged by the application:

- Premises Providing Music and Dance and Similar Entertainment
- Public Houses and Bars Nightclubs
- Premises supplying hot food and drink between 11:00 pm and 05:00 am

#### **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.