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Application for full variations to a licensed premises - Ref no. 122714

Are you able to return the existing premises licence or club certificate?

Yes

What do you want to vary?

Premises licence : PREM-LIC\2379

Who is making the variation?

The licensee

Correspondence details

Who should we correspond with in regards to this application?

Provide an alternative contact information

First name

Matthew

Last name

Appleton

Name of business (optional)

Praeclara Limited

Address

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Email address

[REDACTED]

Telephone number

[REDACTED]

What type of variation are you applying for?

Full variation

Will the variations mean the premises is used exclusively or primarily to sell or supply alcohol?

Yes

Will the variations change the expected attendance?

No

Application for full variations to a licensed premises - Ref no. 122714

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 conditions

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	11:00	01:00
Tuesday	11:00	01:00
Wednesday	11:00	01:00
Thursday	11:00	01:00
Friday	11:00	02:00
Saturday	11:00	02:00
Sunday	11:00	01:00

Activities on your licence

- e. Live music
- f. Recorded music
- i. Late night refreshments
- j. Supply of alcohol

Application for full variations to a licensed premises - Ref no. 122714

Live music

Day	Start time	End time
Monday	11:00	23:59
Tuesday	11:00	23:59
Wednesday	11:00	23:59
Thursday	11:00	23:50
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	00:30

Are there changes to seasonal variations of the activity?

No

Are there changes to the activity taking place at other times?

No

Recorded music

Day	Start time	End time
Monday	11:00	00:45
Tuesday	11:00	00:45
Wednesday	11:00	00:45
Thursday	11:00	00:45
Friday	11:00	01:45
Saturday	11:00	01:45
Sunday	11:00	00:45

Application for full variations to a licensed premises - Ref no. 122714

Revise the location (optional) Indoors

Are there changes to seasonal variations of the activity? No

Are there changes to the activity taking place at other times? No

Late night refreshments

Day	Start time	End time
Monday	23:00	01:00
Tuesday	23:00	01:00
Wednesday	23:00	01:00
Thursday	23:00	01:00
Friday	23:00	02:00
Saturday	23:00	02:00
Sunday	23:00	01:00

Revise the location (optional) Indoors

Amend the specifics of the activity changed (optional) Indoor on and off sale licence with last orders T-30 minutes before end of trading period, music off and main lights on T-15 minutes before end.

Are there changes to seasonal variations of the activity? No

Are there changes to the activity taking place at other times? No

Application for full variations to a licensed premises - Ref no. 122714

Supply of alcohol

Day	Start time	End time
Monday	11:00	01:00
Tuesday	11:00	01:00
Wednesday	11:00	01:00
Thursday	11:00	01:00
Friday	11:00	02:00
Saturday	11:00	02:00
Sunday	11:00	01:00

Revise the location (optional)

Both

Are there changes to seasonal variations of the activity?

No

Are there changes to the activity taking place at other times?

No

Amended conditions
Amendment type : Revise

Condition Number : 37

"An incident log shall be kept at the premises..." to "An incident log shall be kept at the premises and/or the information to which this condition relates, in a suitable software system designed for this purpose, that is held in the cloud..."

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

No

The prevention of crime and disorder

No

Application for full variations to a licensed premises - Ref no. 122714

Public safety	No
The prevention of public nuisance	No
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. 122714

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.



London Borough of Camden, 5 Pancras Square. London N1C 4AG

Premises Licence
London Borough of Camden Licensing Authority

Premises licence number PREM-LIC\2379

Part 1 – Premises details

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

Sir Colin Campbell
264/266 Kilburn High Road
London
NW6 2BY

Telephone number 020 3021 1831

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale by Retail of Alcohol
Live Music
Recorded Music
Late Nigh Refreshment

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol:

Monday-Sunday; 11:00 – 23:59

Live Music:

Monday-Sunday; 11:00 – 23:59

Recorded Music:

Monday-Sunday; 11:00 – 23:59

Late Night Refreshment:

Monday to Sunday: 23:00 - 23:59

The opening hours of the premises

Unrestricted



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

Sale by retail of alcohol is permitted for consumption ON & OFF the premises

Part 2

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

Praeclara Ltd

[Redacted]
[Redacted]
[Redacted]

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

[Redacted]

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

Gavin Andrew Kirk Strang

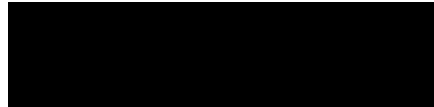
[Redacted]
[Redacted]
[Redacted]
[Redacted]



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

Personal Licence Number: [REDACTED]
Issued Authority: [REDACTED]

For Supporting Communities Directorate on behalf of the Licensing Authority



Date Licence Amended: 18/06/2024 - APP\PREMISE-VARYDPS\121501
Date Licence Amended: 10/10/2023 - APP\PREMISES-MVARY\116995
Date Licence Amended: 11/10/2023 - APP\PREMISES-VARYDPS\117012
Date Licence Amended: 02/09/2023 - APP\PREMISES-TRANS\116686
Date Licence Amended: 21/10/2017 - APP\PREMISES-VARY\085305
Date Licence Amended: 30/08/2017 - APP\PREMISES-VARYDPS\004684
Date Licence Amended: 30/08/2017 - APP\PREMISES-TRANS\001622
Date Licence Amended: 01/08/2008 - APP\PREMISES-TRANS\000377
Date Licence Granted: 22/06/2005



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: ½ 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. Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
16. Regulated entertainment for which there is no licence may not take place in any part of the licensed premises as detailed by the plan if members of the public are admitted.
17. Where alcohol is sold for consumption off the premises it must not be sold in an open container.
18. All windows will be kept closed after 2300
19. Drunken customers will not be served
20. Staff will be trained in drug awareness
21. Customers will be asked to leave as quietly as possible
22. 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 Police.
23. The system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.
24. The CCTV camera views are not to be obstructed.



25. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.
26. 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 available for inspection by the Police or Local Authority upon request.
27. At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage.
28. Copies shall be made available within 48 hours to the Police or Local Authority, upon request.
29. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
30. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
31. Signs must be displayed in the customer areas to advise that CCTV is in operation.
32. 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.
33. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
34. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram
36. Police must be called to incidents of violence and/or disorder.
37. An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received
 - (d) Any incidents of disorder and violence



- (e) All seizures of drugs or offensive weapons
- (f) Any faults in the CCTV system or searching equipment or scanning equipment
- (g) Any refusal of the sale of alcohol to include date, time, and staff member
- (h) Any visit by a relevant authority or emergency service.
- (i) CAD reference numbers where Police are called.

Annex 3 - Conditions attached after hearing by the licensing authority

N/A

Annex 4

Plans



London Borough of Camden, 5 Pancras Square, London N1C 4AG
Premises licence summary

Premises licence number **PREM-LIC\2379**

Part 1 – Premises details

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

Sir Colin Campbell
 264/266 Kilburn High Road
 London
 NW6 2BY

Telephone number [REDACTED]

Where the licence is time limited the dates

N/A

Licensable Activities authorised by the licence

Sale by Retail of Alcohol
 Live Music
 Recorded Music
 Anything of a similar description to live music, recorded music or performances of dance
 Provision of facilities for making music

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol:

Monday-Sunday; 11:00 – 23:59

Live Music:

Monday-Sunday; 11:00 – 23:59

Recorded Music:

Monday-Sunday; 11:00 – 23:59

Late Night Refreshment:

Monday to Sunday: 23:00 - 23:59

The opening hours of the premises

Unrestricted



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

Sale by retail of alcohol is permitted for consumption ON & OFF the premises.

Name, (registered) address of holder of premises licence

Praeclara Ltd
[REDACTED]
[REDACTED]
[REDACTED]

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

14200020

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

Gavin Andrew Kirk Strang

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

N/A

Date: 20/08/2024
Application Reference: APP\PREM-VARY/122714
Direct Phone Number:
Contact: Esther Jones
E-mail: [REDACTED]



Public Protection
 Supporting Communities
 London Borough of Camden
 5 Pancras Square
 LONDON
 N1C 1AG

Tel: 020 7974 4444 (switchboard)

London Borough of Camden
 Fax: 020 7974 6955 / 6940
 Textphone: 020 7974 6866

DX: 2106 Euston

www.camden.gov.uk

Please quote our reference in any correspondence

Licensing (Contact Camden)
 Crowndale Centre
 218 Eversholt Street
 London
 NW1 1BD

Licensing Act 2003

Re: Sir Colin Cambell, 264 – 266 Kilburn High Road. London NW6 2BY

LICENSING AUTHORITY REPRESENTATION

This representation is made by the Licensing Authority, and it relates to the following licensing objective and policy statement: -

- Prevention of public nuisance
- Framework Hours

The Premises and Summary of Application

The application is for a full variation of the current premises licence PREM-LIC\2379 to: -

- Amend premises information and premises business hours
- Amend activities
- Amend conditions.

The current premises licence permits the following entertainment and activities: -

- Alcohol
- Recorded Music
- Live music
- Late night refreshment

The times the licence authorises the carrying out of licensable activities

The current opening hours of the premises**Sale by Retail of Alcohol:**

Monday-Sunday; 11:00 – 23:59

Live Music:

Monday-Sunday; 11:00 – 23:59

Recorded Music:

Monday-Sunday; 11:00 – 23:59

Late Night Refreshment:

Monday to Sunday: 23:00 - 23:59

The opening hours of the premises

Unrestricted

The variation times being applied for are as follows: -Alcohol (On and Off)

Sunday - Thursday 11.00-01.00

Friday - Saturday 11.00-02.00

Live Music

Sunday - Thursday 11.00-23.59

Friday - Saturday 11.00-01.00

Recorded Music

Sunday - Thursday 11.00-00.45

Friday - Saturday 11.00-01.45

Late Night Refreshments

Sunday – Thursday 23:00–01:00

Friday – Saturday 23:00 –02:00

The opening hours of the premises

Sunday to Thursday 11:00–01:00

Friday to Saturday 11:00- 02:00

Framework Hours – Pages 36 of The Licensing Policy

The hours being applied for are outside of the framework hours for all the days of the week, however, the premises have been operating under these hours as stipulated within the current premises licence.

The framework hours are: -

On- Licence:

- Monday to Thursday 1000 hours until 2330 hours
- Friday and Saturday 1000 hours until midnight
- Sunday 1100 hours until 2230 hours

Off- Licence:

- Monday to Saturday 0800 hours until 2300 hours
- Sunday 1000 hours until 2230 hours

The condition to be changed is as follows: -

The Applicant has requested to revise condition 37 to; An incident log shall be kept at the premises and/or the information to which this condition relates, in a suitable software system designed for this purpose, that is held in the cloud.

TENs

No record of submitting a temporary event notice in the past calendar year.

Cumulative Impact Areas

The premises is not within the cumulative impact area of Camden borough.

Complaint History

I have checked the Council's records for the past 2 years and can confirm that no noise complaint has been received against the premises with the complaints on record being historical and not relevant to the application.

Conclusion

The application engages with the licensing objective public nuisance and also with the licensing policy statement in that the new hours applied for are outside of the framework hours.

The applicant has not stipulated any condition(s) that would address the increase in hours, nor have they indicated what measures they intend to or have put in place to address the likely increase in footfall to the premises, increase in trade waste and refuse and how it intends to ensure that the activity from the premises will not be a source of noise disturbance to residents. It has outside seating area as well as A-Frames 2 in number advertising live music and at either end of the benches and seats outside. With the later closing hours, come the likely increase in noise from the live music and people singing along to the music.

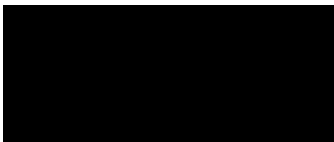
Given the fact that there are residential premises abutting this venue as it is in a mixed development of trades, businesses and domestic residences, I would ask that the application be refused.

The applicant would have benefitted from a Pre-App advice which it did not undertake as the measures to address noise breakout from the premises would have been considered and offered via this service.

To this extent, I would ask that the application be refused. However, should the panel be minded to grant this application, I would ask that the impose the following conditions.

1. Reduce the permitted hours to framework hours for compliance with the framework hours in the policy statement.
2. The premises shall liaise with the licensing service to ensure that staff members are trained in WAVE. This is to be done within a week of the licence being granted, to ensure that their staff are trained to support women and vulnerable people borough. They can email licensing@camden.gov.uk for further details.
3. Working with the council's Pollution team, produce a noise management plan to ensure that noise from the live music being actively advertised and produced within the premises is not a source of disturbance to occupiers of neighbouring residential premises especially in the early hours of the morning.
4. Ensure that bottle clearing, cleaning and tidying up activities are not carried out at times when it is likely to cause disturbance to residents in neighbouring premises.
5. Provide suitable and sufficient refuse receptacles to contain all waste and refuse generated by the business such that there is no overflowing of refuse or smell emanating from the refuse.
6. Provide signs at exits to the premises requesting their guests to leave the premises quietly and for the duty manager to ensure this.
7. Ensure the contact details for the duty manager is available to bar staff so that residents who require his attention could contact him easily.

Yours sincerely



Esther Jones
Licensing Team Leader



**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

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: 122714

11th August 2024

Dear Sir/Madam

RE: Application NEW122714

Sir Colin Campbell, 264-266 Kilburn High Road NW6 2BY

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

I certify that I have considered the application above, and my representation is based on the likely effect of the grant of the application being detrimental to Camden Council's Licensing Objectives for the reasons contained within the content of this document.

Case Law

Daniel Thwaites PLC v Wirral Magistrates' Court and Others

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them. 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.

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.'

Source: [Alcohol licensing: using case law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/using-case-law)

Camden Borough has the 4th largest Night Time Economy in the UK (source: Night Mix Index, Make Associates)

UNIQUE APPLICATION ISSUES

The premises is a licensed public house situated on Kilburn High Road. This is a busy part of the North area of the Camden Borough. There are numerous commercial businesses in the vicinity as well as hundreds of residential properties. It is imperative that the applicant ensures that the venue does not have a negative impact on the local residents within the area.

Of concern to the MPS is the venue's wish to apply for extended hours of the sale of alcohol and regulated entertainment, in particular over the weekend when crime in the area is increased.

A venue staying open until 0200 hours on Kilburn High Road is very likely to have a negative impact on the applicant's ability to uphold the licensing objectives, in particular the prevention of crime and disorder and preventing public nuisance.

It would be of great concern to the MPS that a venue on Kilburn High Road is granted an extended licence until 1 or 2 am over the weekend. An extension to the hours for this premises will add to the footfall in the area and is likely to contribute to alcohol-related crime and disorder, whether by suspects or victims. It is very likely to have a negative effect on the local neighbourhood due to noise and nuisance.

In Camden Council's Statement of Licensing Policy 2022 – 2027, under section 5.4 it states Camden has a large number of licensed premises. Many of these premises sell alcohol late at night and into the early hours of the morning. Camden also borders other London boroughs that have high concentrations of licensed premises with late night/early morning hours. We have carried out research that confirms to us that late night alcohol related crime and antisocial behaviour remains a problem in large parts of the borough. Against this background, we consider that the possibility of residents being disturbed late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for us to consider when addressing the hours for licensable activities.

Section 5.5 of Camden Council's Statement of Licensing Policy 2022 – 2027 states, In considering suitable times for framework hours, we have had regard to concerns expressed by residents, the licensed trade and the police. We acknowledge that different risks are associated with selling alcohol for consumption on and off the premises or where alcohol is not provided and the premises only provide regulated entertainment.

Research and Intelligence

A review of crime figures show that in the last 2 weeks (26th July – 9th August 2024) there have been 8 crimes recorded on Kilburn High Road alone, along the east side street (Camden Borough) between the hours of midnight – 0300 hours. These crimes include 1 serious sexual assault, 1 stabbing, an assault amounting to grievous bodily harm, a further assault, 2 allegations of criminal damage, possession of a bladed article, suspicious circumstances and theft. Crimes and calls to Police that have taken place on the opposite side of the road, which is situated in the London Borough of Brent have not been included.

A review of crime figures show that in the last 6 months (9th February – 9th August 2024) 12 calls to the Police / investigations of crime have taken place within the premises or directly linked to the premises. These reports / calls to Police include assaults, theft, suspicious circumstances and a number of burglaries.

Should this matter go to a hearing a more in depth breakdown of these crimes / calls to Police can be made available upon request.

Conditions Offered/Recommended

The Applicant has requested to revise condition 37 to; *An incident log shall be kept at the premises and/or the information to which this condition relates, in a suitable software system designed for this purpose, that is held in the cloud.* The MPS agree to the amendment to this condition.

For clarity, the Metropolitan Police supports Camden Council's policy for framework hours. The MPS would therefore recommend that the application for the extended hours of the sale of alcohol is rejected in its entirety.

Mindful however, that the applicant may successfully rebut the policy; or the panel decides of its own volition to grant the application, the MPS would then strongly recommend the panel consider imposing conditions on any variation of the license that is granted. A list of these conditions will be made available should this matter go to a hearing.

It is important to emphasise that conditions can help with ensuring the applicant upholds the licensing objectives, however it does not remove the risk, in particular that of late night venues. This is why the MPS recommends that licensable activities for the premises remain the same, which are just slightly out of Camden's Framework hours for the sale of alcohol.

Mediation and discussion.

On Monday 5th August, I contacted the Applicant to discuss the application. The purpose of the call was to advise the applicant of the Metropolitan Police's intention to submit a representation in regards to this application. The Applicant asked if Police would be attending the premises in person to discuss the application. In these circumstances it is not necessary, as this is a premises that has been operating for a long time and the application is for a variation of hours. As the Metropolitan Police believe that the premises operating for extended hours over the weekend would have a negative impact on the licensing objectives, it is not possible to discuss additional conditions that could be put in place to agree to the late night sale of alcohol. The Applicant emailed myself asking for a meeting in person after the telephone call, I provided 3 dates that I am available for a meeting in person at Kentish Police Station or online via Teams. I have emailed the Applicant 3 times, however the Applicant has not responded to any email in regards to the meeting they requested.

Conclusion

The MPS agree to the application to amend condition 37 as mentioned above.

In order to ensure the licensing objectives are upheld, the MPS strongly believe the application for the extended hours for the sale of alcohol should be rejected in its entirety. The venue is located within a close vicinity to a large number of residential properties and is in an area which has a high volume of violent crime and anti-social behaviour.

PC Rachel Aldis – Camden Licensing Team



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Sir Colin Campbell
264/266 Kilburn High Road,
London,
NW6 2BY
Premises Licence Conditions

1. Reduce the permitted hours to framework hours for compliance with the framework hours in the policy statement.
2. The premises shall liaise with the licensing service to ensure that staff members are trained in WAVE. This is to be done within a week of the licence being granted, to ensure that their staff are trained to support women and vulnerable people borough. They can email licensing@camden.gov.uk for further details.
3. Working with the council's Pollution team, produce a noise management plan to ensure that noise from the live music being actively advertised and produced within the premises is not a source of disturbance to occupiers of neighbouring residential premises especially in the early hours of the morning.
4. Ensure that bottle clearing, cleaning and tidying up activities are not carried out at times when it is likely to cause disturbance to residents in neighbouring premises.
5. Provide suitable and sufficient refuse receptacles to contain all waste and refuse generated by the business such that there is no overflowing of refuse or smell emanating from the refuse.
6. Provide signs at exits to the premises requesting their guests to leave the premises quietly and for the duty manager to ensure this.
7. Ensure the contact details for the duty manager is available to bar staff so that residents who require his attention could contact him easily.

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.