


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

LONDON BOROUGH OF CAMDEN	FOR SUBMISSION TO: Licensing Panel	DATE: 9 January 2025
REPORT OF: Executive Director Supporting Communities		CONTACT OFFICER: Paru Bhudia, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 2347/ paru.bhudia@camden.gov.uk
PREMISES: Thirteen 1 - 3 Denmark Street London WC2H 8LP		WARD: Holborn and Covent Garden
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: 19 December 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 and off)

Monday to Thursday	08:00 - 23.30
Friday to Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

*Monday to Sunday 00:00 - 23:59

Residents and bonafide guests only of the hotel bedrooms and serviced apartments operated by the premises licence holder within the Hotel on Denmark Street, and Serviced Apartments on Denmark Street; Flitcroft Street; St Giles High Street and Sheldon Mansions.

b) Recorded Music

Monday to Thursday	08:00 - 23:00
Friday to Saturday	08:00 - 00:00
Sunday	10:00 - 22:30

c) Live Music

Monday to Thursday	15:00 - 23:30
Friday to Saturday	15:00 - 00:00
Sunday	10:00 - 22:30

d) Late Night Refreshments

Monday to Thursday	23:00 - 23:30
Friday to Saturday	23:00 - 00:00
Monday to Sunday	23:00 - 05:00

Residents, public and bonafide guests only of the hotel bedrooms and serviced apartments operated by the premises licence holder within the Hotel on Denmark Street, and Serviced Apartments on Denmark Street; Flitcroft Street; St Giles High Street and Sheldon Mansions.

e) Opening hours

Monday to Sunday	00:00 - 23.59
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Regulated entertainment applies to Guests and Residents. Alcohol is permitted 24 hours; with LNR permitted until 05:00 for residents and guests. If the variation is granted as applied for then residents and guests (as well as the public) would be able to enjoy live music and/or recorded music during the extended hours. Currently, regulated entertainment ceases at the hours stated in the licence both for the public and residents and guests.

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 and off)

Monday to Wednesday	08:00 - 02:00
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Thursday to Saturday 08:00 - 03:00
Sunday 10:00 - 00:00

(No change to 24-hour permission for residents and guests)

b) Recorded Music

Monday to Wednesday 08:00 - 02:00
Thursday to Saturday 08:00 - 03:00
Sunday 10:00 - 00:00

c) Live Music

Monday to Wednesday 15:00 - 02:00
Thursday to Saturday 15:00 - 03:00
Sunday 10:00 - 00:00

d) Late Night Refreshments

Monday to Wednesday 23:00 - 02:00
Thursday to Saturday 23:00 - 03:00
Sunday 23:00 - 00:00

(No change to 24-hour permission for residents and guests)

Add Seasonal Variations to all:

On the morning of the commencement of British Summertime to extend all licensable activities by one hour to preserve the permitted trading hours when the clocks go forward at 01:00 hours. 03:00 on Sundays immediately before the Bank Holiday Mondays. On Christmas Eve and New Year's Eve to extend permitted hours for all activities until 04:00 hours.

Removal of the Following Conditions:

19. There shall be no sale or supply of alcohol to persons seated at tables outside the premises after 21:00.
22. Licensable activities shall be ancillary to the primary use of the building as a café, delicatessen and restaurant.
24. After 23:00 customers shall be encouraged to exit the premises onto and along Demark Street and away from Flitcroft Street.
32. The facility to transfer the images to a compatible, removal format, shall be held on the premises.

33. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
42. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
43. The premises will adopt the "Challenge 21" scheme and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification (photographic UK driving licence, PASS accredited and/or armed forces card).
48. Where the premises are open for licensable activities Thursdays, Fridays, Saturdays, and Bank Holiday Sundays from 21:00 hours, a minimum of two (2) SIA- registered door supervisors shall be employed at the premises.
56. The smoking area to be constantly supervised by an SIA-registered door supervisor when on duty or by other members of staff who will monitor the capacity and restrict access when necessary.

The applicant has removed the above conditions and added amended versions to some of the above conditions and proposed further conditions which can be found in **Appendix 5**

Please be advised that conditions 50, 51 and 52 duplicate what is stated in condition 46, which is a new proposed condition. The applicant will need to ask the committee to remove conditions 50 to 52 to avoid duplication.

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, resident association and a resident. **Appendix 4.**

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
 - b) The Prevention of 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 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

Off Sales

Monday to Saturday	08:00 am until 11:00 pm
Sunday	10:00 am until 10:30 pm

- 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) Public Houses and Bars
- b) Premises providing music, dance and similar entertainment
- c) Hotels
- d) Premises supplying hot food and drink between 11:00 pm and 05:00 am

Secretary of State's Guidance

3.7. 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

4. Recommendations

4.1. To determine the application to vary a premises licence under section 35 the Licensing Act 2003.

4.2. 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.

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

4.4. 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.

5. Conclusion

5.1. 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.