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Kinkally 43 - 45 CHARLOTTE STREET LONDON W1T 1RS

Scale = 1:721.980
25-February-2025





Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MID HOSPITALITY LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number: PREM-LIC/3672

Part 1 – Premises Details

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

Kinkally, 43 – 45 Charlotte Street

Post town	LONDON	Postcode	W1T 1RS
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Telephone number at premises (if any)

Non-domestic rateable value of premises	£45,500
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Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation

'Kinkally' comprises the ground floor and basement of 43 Charlotte Street, with the ground floor and half of the basement operating as Kinkally restaurant, and third of the basement area operating as 'Bar Kinky', an intimate and relaxing lounge known as a 'Speakeasy' – a place to chat, socialise, relax, and enjoy after-dinner drinks.

The restaurant hours end at 23:30hrs, after which food remains available only to customers of Bar Kinky.

The overwhelming majority of Bar Kinky patrons are restaurant customers wishing to extend their evening relaxing away from the dinner table. However, with a loyal and established clientele, and no similar premises in the vicinity, Bar Kinky has patrons who would like to visit after dining at other eateries to extend their evening in a safe, friendly, and relaxed environment.

With an evening dining experience often ending on or around 23:00hrs, travel times combined with the current closing time of midnight doesn't provide sufficient time to make a visit feasible.

Having identified in 2024 the ways the business is negatively impacted by the current early closing times the licence-holder has explored the possibility of extending the hours on a temporary basis by way of a series of Temporary Event Notices (TENs).

The hours were extended under TENs during December 2024 and January 2025 and the premises has operated to the extended hours smoothly and successfully, without incident or complaint.

Having tested the new arrangement and found it to accommodate the business and customer needs this modest application is to extend the licensed hours for the sale of alcohol, thereby making visits possible for patrons wishing to arrive later into their evening.

The current premises licence has a robust and comprehensive Operating Schedule but the applicant has reviewed the requirements and considers this application an opportunity to enhance the conditions to include an additional requirement already met as part of their normal operation, but not specified on the licence.

This application is written having had regard to the provisions of the Licensing Act 2003, the Government Guidance issued by the Secretary of State under Section

182 of the Licensing Act 2003 and the London Borough of Camden Statement of Licensing and Cumulative Impact Policies.

The nature of the premises will not change as a result of this variation, with all other aspects of the operation remaining unchanged.

The additional condition proposed within the Operating Schedule is intended to ensure the Licensing Objectives continue to be robustly promoted. However, through the Licensing Guys Ltd, the applicant wishes to engage fully with all responsible authorities and other interested parties.

Should any person wish to discuss any aspect of the application or proposed activities, early contact and dialogue would be welcomed.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the <u>premises for the exhibition of films at different times to</u> <u>those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	01:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	01:30			
Fri	23:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	23:00	02:00			
Sun	-	-			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	11:00	23:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue	11:00	23:30			
Wed	11:00	01:00			
Thur	11:00	01:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	01:30			
Sat	11:00	01:30			
Sun	11:00	22:30			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	08:00	00:00	
Wed	08:00	01:30	
Thur	08:00	01:30	
Fri	08:00	02:00	
Sat	08:00	02:00	
Sun	08:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence

Not applicable

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

In the event that this application is successful, the applicant proposes strengthening the Operating Schedule with the addition of the condition below:

The premises shall adopt and implement Camden's Women's Safety principles into their day-to-day operation, which are:

- a) Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
- b) Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
- c) Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable and make them aware of your internal policies.

b) The prevention of crime and disorder

As per existing conditions.

c) Public safety

As per existing conditions.

d) The prevention of public nuisance

As per existing conditions.

e) The protection of children from harm

As per existing conditions.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.



Part 5 – Signatures (please read guidance note 12)


Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	21 January 2025
Capacity	Reba Danson for The Licensing Guys, Licensing Consultant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

**The Licensing Guys
PO Box 303**

Post town		Postcode	
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Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Police Licensing - Kinkally Application UPDATE
Date: 13 February 2025 13:03:03
Attachments: [image008.png](#)
[image010.png](#)
Importance: High

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

RE. Kinkally, 43-45 Charlotte Street, W1T 1RS
Application VARY/126206

Dear Steve,

As per below email chain, Kinkally have agreed to an additional condition for the Operating Schedule as follows:

- **On-sales of alcohol beyond Camden Council's Framework Hours will be permitted for up to 20 customers using the basement bar area only**

The Police view is a Representation will not be necessary as long as this additional condition is appended to any variation granted.

We visited the small venue yesterday afternoon, had engagement with staff and Reba (copied in) who has been assisting and satisfied this application poses no concerns. They have recently been operating temporary events reflecting their proposed style of operation without incident

If this assists, Reba provided some answers to some queries we asked last week, which I forwarded onto Lee from Noise Team,

Q&As

1. MPS – This variation seeks to extend alcohol and LNR only for customers using the BAR KINKY part of the premises only? – limited to fifteen customers? So other part of venue (restaurant) will close as it does currently?

Correct

2. MPS – During temporary event dates have staff been made aware of any issues at Dispersal? We are unaware of any issues having arisen or been caused by Kinkally customers departing the premises and, based on our clientele, would be surprised to find any had occurred.

3. MPS – The TENs that have been used – Was this to extend hours only or to cater for group bookings?

The Temporary Event Notices were to extend operating hours for the normal business in run up to Christmas and New Year and have been continued thereafter into 2025. The extended hours did not relate to group bookings or parties.

4. MPS – Are there going to be any changes made to any Dispersal policy? Could the staff provide a copy of any policy?
With a capacity of 15 and an exclusive clientele the requirement for a Dispersal Policy hasn't arisen in the past. Clients leave our premises quietly and considerately without fuss or issue. That said, we would be happy to formalise arrangements to ensure guests leave the premises safely, respectfully, and without causing disruption to the surrounding area or community with the introduction of a Dispersal Policy capturing those requirements.
5. Noise Team – Management of outside space of utmost importance and cause of most complaints with other venues. Patrons should be encouraged to arrange transport if needed whilst in premises before they leave at later hours.
This is already in place and forms part of the normal operation of the premises. Where onward transportation isn't booked we would always offer to make such arrangements as part of our normal 'customer service, for our clients comfort, safety and convenience.
6. Noise Team – To divert patrons away from taking a Colville Place (sensitive street for noise) route away unless of course the locals are visiting.
We have not noticed any of our guests taking that street, but we will bear this in mind in future and be glad to add that to advice given to patrons and the Dispersal Policy.
7. From Noise Team – Please take care if removing furniture from outside... bashing of metallic furniture was a local issue in that area.
Our Terrace Licence permits the use of three tables outside, however this facility is only utilised during the summer months. We use the area considerately at all times, taking care not to make unnecessary noise and all furniture is removed by 10:30pm.
8. From Noise Team – Could Management confirm proposed waste collection times?
This is already a priority for the premises in maintaining a clean, tidy, and aesthetically attractive frontage. Currently all refuse generated by the restaurant/bar is put outside at around 00:30am for a collection at 01:00am, with any waste generated thereafter being retained inside the premises and put out for the following collection.

Please let me know if you need anything else from myself,

Best regards,

Joel



Joel Francis PC 2601CN, Camden Police Licensing Team, Central North BCU

☰ Kentish Town [REDACTED]
[REDACTED]
☎ [REDACTED]
☎ [REDACTED]

From: [REDACTED]
Sent: 13 February 2025 12:20
To: Fr [REDACTED]
Subject: RE: Police Licensing Enquiry

From: [REDACTED]
To: [REDACTED]
Subject: RE: EH comments - Kinkally Application 43- 45 Charlotte Street
Date: 20 February 2025 18:31:34
Attachments: [image006.png](#)
[image007.png](#)
[image009.png](#)
[image011.png](#)

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Good evening Lee,

Thank you for your call and email.

The applicants offered this voluntarily in the email to PC Joel Francis so I can confirm they are very happy to include this in the Operating Schedule of the Premises Licence.

I have copied this to the Licensing Officer, Steven Dormer, so he can see this is agreed and no representation is necessary.

We always make clear on our applications that an early dialogue is welcomed as we place a high priority on mediating and reaching agreement without the need for objections and hearings, where possible.

Thank you again and have a good evening.



Reba Danson

Mobile [REDACTED]



THE LICENSING GUYS
KEEPING YOU LEGAL AND TRADING

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Please consider the environment before printing

From: [REDACTED]
Sent: 20 February 2025 18:04

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: EH comments - Kinkally Application 43- 45 Charlotte Street
Date: 20 February 2025 18:04:13
Attachments: [image002.png](#)
[image004.png](#)

Dear Reba, Licensing

EH Representation

Licence application Kinkally 43 – 45 Charlotte Street

Thank you for your feedback to Joel and myself.

Due to certain sensitivities in that location and undertakings recently, I would welcome you to formalise a condition on the licence relating to dispersal which it seems you are agreeable to already.

That said, we would be happy to formalise arrangements to ensure guests leave the premises safely, respectfully, and without causing disruption to the surrounding area or community with the introduction of a Dispersal Policy capturing those requirements.

Condition

1. The premises shall operate a dispersal policy and all staff shall be trained in its implementation. The policy shall include staff remaining on the premises until the effective dispersal of patrons from the immediate vicinity of the premises.

Subject to the agreement of the above condition being placed onto the licence, Environmental Health have no objections.

Regards

Lee Perella
Noise and Pollution Officer

Telephone: [REDACTED]

From: [REDACTED]
Sent: 13 February 2025 13:03
To: [REDACTED]
Cc: [REDACTED]
Subject: Police Licensing - Kinkally Application UPDATE
Importance: High

03 March 2025

Dear Neighbour,

**Application to Vary Premises Licence
Kinkally, 43-35 Charlotte Street, LONDON, W1T 1RS**

Thank you for your representation setting out your concerns regarding the above application.

Like you, we greatly value and wish to protect the local amenity of our area and are alive to the concerns you raise in your representation.

In fact, when we acquired the premises in 2022, we were particularly drawn to the charm and character of the area and, as Central London residents ourselves, we always felt there was a lack of high-end, intimate spots where one could unwind with a well-crafted drink in a refined but welcoming atmosphere after dinner.

Most venues of this nature are either exclusive hotel bars, often inaccessible to non-guests and priced prohibitively, or large, bustling establishments that lack the sense of intimacy we envisioned.

Our goal was to create a discreet, thoughtfully operated venue – an elegant ‘gem’ that complements the sophisticated dining experiences already thriving in our neighbourhood. With its small size and intimate setting the bar is designed primarily for guests lingering after dinner or arriving from nearby restaurants, always ensuring it remains an understated and harmonious addition to the area.

We have carefully considered the matters you raise and hope the information provided below will allay your fears and provide some valuable reassurance about the application and planned operation of the business.

Background

In January 2022 we were attracted to this premises because of the charming locale, amazing community of restaurants, and the design and characteristics of the building.

‘Kinkally’ is the result of 2.5 years of team-building, concept planning, and menu-design and, to date, has received £1.1m investment.

This is a significant commitment so, like you, we are fiercely protective of the attractive prime location we all enjoy and are committed to continuing to operate the business as a high-class, exclusive restaurant welcoming an established, discerning, and respectful clientele.

Every customer is an advert for our business so customer behaviour and conduct are incredibly important to us. If unwelcome behaviour were to be tolerated it would have the effect of driving other customers away, so strict controls are in place with trained staff paying close attention to the behaviour of our guests to ensure it is always appropriate.

We take a zero-tolerance approach to any undesirable behaviour and address issues as soon as they come to light. We don't let them escalate and take action at the earliest stage to ensure our customers' enjoyable experience is not at the expense of anyone else – including staff, residents, neighbours, or the public.

The success of our internal controls and safeguards are evidenced by the premises receiving no complaints, either directly or through the Environmental Health Noise Department, since the restaurant opened, and these standards of operation will continue to be applied.

Bar Kinky

We love providing exceptional standards of hospitality and service and, just as you may enjoy a family dinner and then adjourn to the lounge afterwards, the experience we wish to provide for our guests includes relaxing and socialising – while dinner digests – over coffee or drinks after an exceptional culinary experience.

Bar Kinky is about providing a space where customers can simply relax in an exclusive and intimate setting to make the most of their visit.

With a capacity limit of 15 and no regulated entertainment therein, patrons may be welcomed to the bar to extend their evening after dining in the restaurant or, on occasion, we wish to welcome repeat clients who find we are fully booked in the restaurant but wish to make the trip to finish their evening with us.

Based on our first-hand experience we are happy to welcome them, even late into the evening, as we know they conduct themselves impeccably.

We hope this gives a glimpse into our ethos and reassures you as to why our business is not, and has not been, a cause of complaints or concern.

The Application

This application to vary the premises licence is to extend ONLY the bar hours to enable patrons to enjoy relaxing and chatting slightly later into the evening.

The extension of hours will not affect the behaviour of our guests or attract a different, noisier, crowd. This development to our business plan is to enhance the experience for our existing and loyal clientele.

To demonstrate the sincerity of our proposal, prior to submitting this application, in November and December 2023 and January 2024, we successfully tried and tested the proposed arrangement under the authorisation of temporary licences with no complaints or issues.

As part of the process we also reviewed the legally binding conditions attached to the existing Premises Licence and considered how we might use this application to improve them further. We identified that in recent years 'Women's Safety' has been highlighted as an issue of concern so to ensure we operate to the highest standards of safety for our guests, staff, and any other vulnerable person who may need support or assistance, we have volunteered additional conditions to strengthen the licence.

The Consultation

Metropolitan Police

As part of the consultation, we received a visit from the Metropolitan Police Licensing Officer who is satisfied that the application is limited to Bar Kinky, with the restaurant hours remaining within the Camden Council Hours Framework.

Environmental Health

The application and all records relating to our business have also been scrutinised by the Environmental Health Officer who requested that we formalise our existing good practices with the addition of the condition below:

The premises shall operate a dispersal policy and all staff shall be trained in its implementation. The policy shall include staff remaining on the premises until the effective dispersal of all patrons from the immediate vicinity of the premises.

Our normal customer service includes arranging taxi or private hire onward travel for our guests and impressing upon them the importance of being quiet and considerate when leaving the premises so we immediately agreed to this addition.

Any person causing issues for our neighbours or complaints against the business will be politely asked not to return. This is not something we have ever had to do as our establishment attracts a considerate clientele - but we would not tolerate any behaviours that might attract negative attention.

Come and see us

We have appointed The Licensing Guys to undertake this application for us, but if you have any questions or would like further clarification, we would like to welcome you to the restaurant for a chat to meet you and introduce ourselves and our business.

Alternatively, please feel free to contact Reba Danson from The Licensing Guys on [REDACTED]
[REDACTED] or by email at [REDACTED]

We hope that the information above reassures you that our business cares as much for our local area and community as you do.

If you are reassured by the information, we would ask you to confirm this by email to the Licensing Authority at licensing@camden.gov.uk and consider withdrawing your objection to the application.

Yours sincerely,

Diana Khromova & Alex Militski
MID Hospitality Ltd

From: [licensing inbox](#)
To: [REDACTED]
Subject: FW: APP\PREMISES-VARY\126206, 43-45 Charlotte Street, London W1T 1RS
Date: 18 February 2025 12:47:14

FYA

Andrew Buck-Bourne
Licensing Support Officer

Telephone: [REDACTED]

From: [REDACTED]
Sent: 18 February 2025 12:41
To: licensing inbox <licensing@camden.gov.uk>
Subject: APP\PREMISES-VARY\126206, 43-45 Charlotte Street, London W1T 1RS

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Representation on Licensing Variation application 126206 . Kinkally Bar 43 to 45 Charlotte Street.

I strongly oppose the application to extend the operating hours of the bar on Charlotte Street to 2.00 am.

I live in a conversion block of four housing association flats on Goodge Street close to the junction with Charlotte Street. The bedrooms in all four flats are at the street frontage, so noise from outside is crucial to be kept to a minimum for sleeping at night. In my household one member rises at 6am to start work on weekdays. Flat A and B have elderly occupants.

The bar seeks permission to extend the closing hours so that alcohol can be sold to drink on the premises until 1am the following morning on Wednesday and Thursday, and until 1.30am the following morning on Friday and Saturday; with late night refreshment being served until 1.30am the following morning on Wednesday and Thursday, and until 2am the following morning on Saturday. With the proposed late hours people will be coming and going from the premises until up to 2.30 am or later on several nights of the week. These hours are not in accordance with the Council's framework hours and no other establishment in the neighbourhood has similar early morning bar hours.

The bar has been operating some weekends having successfully obtained late night or early morning Temporary Event Notices. During January and February we had several weekends of late night and early morning noise, resulting in a complaint having to be registered. We were surprised at this, as at this time of the year and generally, there is not late night early morning noise. The noise is people being

outside the premises for smoking and talking and people leaving the Kinkally bar and making their way outside the premises to the junction with Goodge Street to wait and obtain taxis to go home. The noise is high spirited taking and laughing as to be expected after a long evening.

Voices really carry in these streets and we have more than noticed the additional noise in recent weekends.

With operating hours to 2 am and leaving to 30 minutes beyond this we have a new problem in the neighbourhood as the bar is proposing to serve customers from anywhere and able to enter at any time and not have food on site. The problem of operating in this way is that the bar will be a magnet for many customers who have been out all evening already. There seems to be a problem with people using the outside space to smoke and or stay and chat as well as coming and going. Tables and chairs are usually taken in by the pubs in the neighbourhood.

We urge the Council to refuse this variation and continue protect our residential amenity for a good nights sleep and keep the hours within or very close to the licensing framework hours.

Yours sincerely,

Andrew Smith

On behalf of Radost Vatcheva flat A and Michael Farrier flat B
38 flat C, Goodge Street, W1T2QW

Charlotte Street Association

email: [REDACTED]

Licensing Team,
London Borough of Camden,
Town Hall Extension,
Argyle Street,
London WC1H 8EQ.

19th February 2025.

Sent by email to: licensing.representation@camden.gov.uk

Dear Sir/Madam,

**Re: Licensing Act 2003: Application for New Premises Licence:
KINKALLY RESTAURANT, 43-45 Charlotte Street, London W1T 1RS**

Reference: APP\PREMISES-VARY\126206

I am writing on behalf of the Charlotte Street Association.

The Charlotte Street Association was formed in 1970. Its area of interest is bounded by the Euston Road on the North, Gower Street on the East; Oxford Street on the South, and Wells Street/Cleveland Street on the West.

Charlotte Street comes within the Association's area of interest.

Among the objectives of the Association are to represent the interests of the residents of the area, with particular regard to its essential character, and scale; and to initiate and publicise positive proposals for the improvement and extension of the area's environment and amenity.

The Association is consulted by both Camden Borough Council and Westminster City Council on planning applications and other matters affecting the area, including licensing matters. It gives evidence in support of its objectives at planning and other inquiries. It took part in the consultation on, and commented upon, the original proposed Statements of Licensing Policy for both Camden and Westminster; and in later years commented on the subsequent Reviews to vary Camden's Statement of Licensing Policy.

The Association was also actively involved in the preparation of the Area Action Plan for Camden's part of Fitzrovia, as well as participating in the public consultation and the Public Examination last year. The Fitzrovia Area Action Plan was adopted by Camden Council recently in March 2014.

The Association wishes to strongly object to the proposals in this Variation Licence application, on the grounds of Public Nuisance, because of the likely detrimental affect this will have on the residential amenity of those living nearby, for the reasons given below.

Continued 2.

Re: Licensing Act 2003: Application for New Premises Licence:

KINKALLY RESTAURANT, 43-45 Charlotte Street, London W1T 1RS - *continued*

Reference: APP\PREMISES-VARY\126206

PROPOSED VARIATION TO THE LICENCE:

The proposal is to Vary the Premises Licence for the premises at no. 43 and no. 45 Charlotte Street, which includes extending the hours, as follows:

For Monday & Tuesday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 11.30pm;

(b). Late Night Refreshments: to midnight;

and Open to the Public: 8.00am to midnight.

For Wednesday & Thursday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 1.00AM;

(b). Late Night Refreshments: to 1.30AM;

and Open to the Public: 8.00am to 1.30AM.

For Friday & Saturday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 1.30AM;

(b). Late Night Refreshments: to 2.00AM;

and Open to the Public: 8.00am to 2.00AM.

For Sunday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 10.30pm;

and Open to the Public: 8.00am to 11.00pm.

This compares with the **EXISTING Licence**, as follows:

For Monday to Thursday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 11.30pm;

(b). Late Night Refreshments: to midnight;

and Open to the Public: 8.00am to midnight.

For Friday & Saturday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 11.30pm;

(b). Late Night Refreshments: 11.00pm to half-past midnight;

and Open to the Public: 8.00am to half-past midnight.

For Sunday:

(a). Sale of Alcohol (ON the Premises): 11.00am to 10.30pm;

and Open to the Public: 11.00am to 11.00pm.

Continued 3.

Re: Licensing Act 2003: Application for New Premises Licence:

KINKALLY RESTAURANT, 43-45 Charlotte Street, London W1T 1RS - *continued*

Reference: APP\PREMISES-VARY\126206

THE MAIN ISSUES:

In addition to extended hours, the applicant also says that they wish the bar in the Basement area to be used by people who have eaten elsewhere, not just their customers.

1. THE PREMISES; and RESIDENTIAL CONTEXT:

(a). The Premises:

The Premises consist of the Ground Floor at No. 43, together with Basements at No. 43 and No. 45. Thus, the Basement area, where the bar is located, is approximately twice the area of the Ground Floor restaurant premises.

(b). Residential Context:

As will be seen from our enclosed "**Map Showing Buildings With Residential**", there is a great deal of residential in Charlotte Street and in the immediate vicinity, including in Colville Place opposite the premises. There are residential flats above; as well as on the other side of the street, immediately opposite the premises.

2. Re. Proposed Extended Hours:

There is strong objection to the proposed extended hours for Wednesday to Saturday, which are well beyond Camden's Framework Hours.

The proposed terminal hours for the Supply of Alcohol on these days are 1.00am and 1.30am respectively, with closing times of 1.30am and 2.00am respectively. This means that customers will be leaving and walking through the local streets after these times. They are likely, inevitably, to be talking loudly and in groups, causing noise and disturbance, which is likely to have a detrimental affect on the residential amenity of those living nearby, when the environment is expected to be quiet at this time of the night. For residents, the terminal hour and the time customers leave premises is one of the crucial issues. However well managed, groups of customers emerging into the quiet local streets in late evening, are inevitably noisy; chatting, often with unintentionally raised voices.

3. Re. Proposed use of the Bar in the Basement:

These premises were previously the Herman Ze German restaurant. We assume that their license has been passed on to Kinkally restaurant. Herman Ze German had a small bar area in the Basement which related to their restaurant customers. The licence has a "restaurant" condition (Condition No. 28) whereby alcohol can only be served to customers having a table meal; but in this instance, does allow for upto 15 persons being served alcohol within the immediately vicinity of the Basement bar. This allowed Herman Ze German customers to have a drink before or after their meal. Our great concern is that, under the current proposals, the Bar will not only operate to very late hours, but will in essence become an entity and bar, separate from the restaurant.

This is reflected by:

- (a). The Bar is advertised as "Bar Kinky" both on Kinkally's website; and on the street entrance door of the premises;
- (b). The Applicant in their application says that they wish the basement bar to be available to customers who have dined elsewhere, and to be able to visit the Basement bar in the late evening after dining at other restaurants.

Continued 4.

Re: Licensing Act 2003: Application for New Premises Licence:

KINKALLY RESTAURANT, 43-45 Charlotte Street, London W1T 1RS - *continued*

Reference: APP\PREMISES-VARY\126206

3. Re. Proposed use of the Bar in the Basement - continued:

This will create an intensification of bar-type use; and also upto 2.00am into the early hours of the morning.

We are strongly opposed to the Basement bar in effect becoming a separate entity; and being open to people who are not dining/taking a meal at the Kinkally restaurant; as well as the proposed later hours.

4. Re: Plan drawings of the premises:

The current plan drawings do not give any indication as to which part of the premises are restaurant and/or kitchen, etc.

(a). re. Basement Plan layout:

The Basement plan gives no indication as to the location or size of the bar and the bar area. It also gives no indication as to the uses or layout of the Basement area.

We wish to request that the Basement Plan drawing shows the bar and the bar area.

We would like to have the opportunity to comment further when the bar and the bar area are clarified.

(b). re. Ground Floor Plan layout:

The Ground Floor plan shows the entrance to the restaurant as being in the centre of the façade, and being recessed. But, within the last year, a new shop/front has been installed, with the entrance no longer recessed and also located on the far left-hand side.

We wish to request that an upto date Ground Floor Plan drawing is submitted.

Generally, the **title boxes of these Plan drawings** do not give the name or address of the premises/restaurant – we would request that they do show the name of the premises/restaurant and the address.

CUMULATIVE IMPACT:

There are many licensed premises within the Camden side of Fitzrovia, as well as in the Westminster side of Fitzrovia. Fitzrovia is a relatively small area in which there is a stable residential community.

Camden's Statement of Licensing Policy 2011 (ref. para. 39, Chapter 3) states that:

"The absence of a special policy for an area does not prevent any responsible authority or interested party making representations on the grounds that the premises will give rise to negative cumulative impact on the area in question."

Fitzrovia is a case in point, where it is essential to take account of this cumulative negative impact of such extended licensed activities and recognise the detrimental effect this would have on this residential community.

Many people live in Charlotte Street and in the immediate vicinity, which accords with central Government policy to encourage people to live in central urban areas. Thus, it is very important that the amenity of the residential community here is protected.

Yours sincerely,

Clive Henderson,

On behalf of Charlotte Street Association.

Copy: CSA Committee members

Enclosed: (1). Map Showing Buildings With Residential. (2). Photographs.

Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

Gareth

Last name

Hussey

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

Charlotte street is a lovely restaurant-centric area. This application is a slippery slope to making it feel more like a nightclub zone. As a resident, I appeal for you to maintain the really nice environment of Charlotte St. There are plenty of places for people to go out already in the wider local area.

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Camden Town Hall

Judd Street

London

WC1H 9JE

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020 7974 4444

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

Nicola

Last name

Michaelides

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- ensuring public safety
- prevention of public nuisance

Details of representation

As a resident a few yards away, I'm concerned for the noise disturbance this would bring to a peaceful neighbourhood at this time of night. It would also attract a late night crowd which could cause other disturbances such as crime. As a young women living here, I want to avoid that!

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

[REDACTED]

Last name

[REDACTED]

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

I am part of a family of two adults and two children living on Colville Place and I do not support this application on the grounds of (i) prevention of crime and disorder and (ii) prevention of public nuisance. - Through experience, we know that later night trade on Charlotte St can cause a nuisance to us - we have been impacted previously by loud music and drunken behaviour facilitated by extended drinking hours. Specific impacts include significant sleep interruption and littering. - Late night licensing has caused

significant nuisance and crime on our street over the last 18 months from a nightclub at the other end of Colville Place (Whitfield St). This has caused great personal strain for several of my neighbours over a long period and we do not wish to repeat this process with another late night bar where customers will undoubtedly arrive and leave after the hours of 11pm each night of the week inebriated. Inebriated late night customers tend to believe that they can sit around on the street continuing conversations in loud voices or fighting or playing music - all of which has a huge impact on residents that can be unbearable.

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

MarieLouise

Last name

James

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- ensuring public safety
- prevention of public nuisance

Details of representation

I live very close to this restaurant, in a quiet residential street of houses, no flats, where many of the residents have for many decades. We have knowingly chosen to live in an area close to the centre of London with restaurants nearby. However, we did not choose to live near nightclubs, which is what a late drinking license will ostensibly be. We have recently been forced to make legal representation against another restaurant Sican, who used their late

license to allow customers to drink late and excessively, resulting in behaviour that was disorderly and a public nuisance, so much so that my daughter did not feel safe walking home from Goodge Street station. Hopefully this case, which has resulted in the revoking of Sican's license, will demonstrate that late licenses are not appropriate in this area.

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

Tristram

Last name

Penna

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- ensuring public safety
- prevention of public nuisance

Details of representation

Fitzrovia is not Soho, it is a highly residential area - and night times here need to be quiet so that residents can enjoy a good night's sleep. We know that even well-behaved 'merry' drunken customers have no idea that they are shouting, laughing and disturbing the peace and keeping us awake and causing real problems - this alone would be unbearable after midnight. And then we have the inevitable badly behaved drunken customers - who would be causing

extreme nuisance. Residents simply cannot live alongside premises serving alcohol with late licences in Fitzrovia as it ruins our lives and our neighbourhood

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

Henrietta

Last name

Fudakowski

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

2am license is too late for the local area

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an individual

Your details**First name**

Daniel

Last name

Barber

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

Dear Camden, I am very worried that late opening hours will bring disorder and crime to our local environs. Late night revellers drinking late into the evening already brings huge disruption and loud noise to our neighbourhood. We have also had a lot of very bad behaviour in our neighbourhood. I would like to be able to sleep at night without further noise and chaos in our street. Please note the horrendous behaviour of clients of Sican in Whitfield Street that has led to the revoking of their

license. Even if Kinkally are able to control their clients this late night license would enable whomever takes over the premises to cause noise, violence and chaos to our neighbourhood. Please help the community to live in decent conditions at night. Your Sincerely, Daniel Barber

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Representation	
Premises name	Kinkally
Application reference number	APP\PREMISES-VARY\126206
Last date for representation	20/02/2025

Making a representation as

As an organisation

Your details**Organisation name**

[REDACTED]

First name

[REDACTED]

Last name

[REDACTED]

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

Yes

Detail the exceptional circumstances

I personally would like to remain anonymous, as I have been threatened previously by another local premises when objecting. However the resident's association should not be anonymous. Please note if you have any questions, I can be contact by email or call [REDACTED]. Thanks

Grounds of representation

- prevention of public nuisance

Details of representation

representation from our association is attached

Supporting documents (optional)

- representationreKinkally19feb25.pdf



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Subject: Objection to Kinkally's Licensing Application

This representation is from the Colville & Crabtree Residents' Association, formed by the residents of Colville Place, Crabtree Place and surrounding buildings.

Our aim: To enhance the quality of life for our members and local residents.

Objectives:

- To actively participate in local planning, licensing, and other public consultations to safeguard residents' amenities.
- To liaise with Camden Council (and where necessary, Westminster Council), private and public companies on behalf of residents, so our voice is heard.

Our Association strongly objects to Kinkally's licence application on the grounds of public nuisance, in order to protect the residential amenity of our members and other residents living close by, for the following reasons:

Location: Kinkally is situated on Charlotte Street, opposite Colville Place- which is mostly residential and home to numerous families with children. The basement bar area occupies the basement below number 43 & 44 Charlotte St, so is double the size of the ground floor unit.

Impact on Residents: Many people live in flats above the ground floor commercial properties on Charlotte Street, immediately surrounding Kinkally, as well as on Colville Place.

Inadequate "Test Period":

The applicant claims to have tested extended hours by applying for TENs to extend their hours from Midnight to 2am on Fridays and Saturdays, to see if residents complain about the noise of their customers during and after the extended hours they applied for.

On Camden's licensing website, it shows they applied to extend their hours at the end of December, every weekend in January and also the second weekend in February, Friday 7th & Saturday 8th.

- However, January is the quietest month for the hospitality industry. This year the impact of extremely cold weather, rain, economic conditions, and "Dry January" made it even quieter. So, January is obviously not a realistic time to carry out these 'TESTS', as there is no one around to cause any disturbance to local residents in the first place.
- Furthermore, on Friday January 24th, one of the nights Kinkally carried out a "TEST", a resident observed that Kinkally was actually closed when they walked past at 00.20am and Charlotte Street was extremely quiet, as it normally is at this time of the night, whether it's Dry quiet January or not.

Intent to Operate as a Late-Night Venue:

Kinkally intends to allow people who have dined or been drinking elsewhere to continue drinking in their basement bar, once other venues have closed, effectively transforming it into a late-night drinking and entertainment destination, as according to their own publicity there will be DJs playing techno music in the bar.

Evidence of Disruption:

On Saturday February 8th, another TEST night, multiple residents reported being woken by loud conversations, and noise emanating from outside Kinkally after 1:00 am, from people who were obviously customers of Bar Kinky as they were sitting on Kinkally's fixed bench outside the premises without coats on and everywhere else was closed. The noise issues that night continued with significant disturbance from 2:15 am onwards when customers were leaving the premises

Long-Term Concerns:

Granting these extended hours would set a worrying precedent for local residents, but also as the licence goes with the premises, once Kinkally moves on or shuts down, there's no saying what sort of operator might be attracted to a late-night club type venue, in a large basement, where anyone came gain entry to drink until 2am.

Conditions for Consideration (if extended hours are granted):

Most restaurants and bars along this section of Charlotte Street close before or around midnight. It is a very mixed-use area with many families and other residents living in flats above premises and in the surrounding streets. The late-night entertainment and extended hours proposed by this applicant will inevitably cause a noise nuisance to residents, many who have lived here for decades.

If for some reason you think their extended hours test is realistic and residents will not be woken by intoxicated customers leaving this premises in the middle of the night, then please can we suggest some conditions on the licence:

1. **Door Staff:** A door person must be present for 30 minutes after closing time or until all patrons have left the area during extended hours.
 - Responsibilities: Ensure quiet behaviour of patrons outside, assist with orderly and quiet dispersal, and prevent entry to intoxicated and underage individuals.
2. **License Transfer Restriction:** Extended hours should be strictly limited to this licensee and not transferable to anyone else.
3. **Removal of Outdoor Seating:** The fixed bench outside Kinkally should be disabled after 10:00 pm and removed nightly per the terms of the existing Tables and Chairs license (which is being contravened, as the bench is left out 24/7).
4. **No Outdoor Drinking:** Consumption of drinks outside the premises prohibited.

5. **Limit Customers.** They mention that the bar area only takes up one third of the basement, as the rest is for restaurant use. However, these tables and chairs can easily be moved aside to make a dance floor or be used by those attending a late-night bar. So, restrict customers to 15 in the bar, who must be seated.

Conclusion:

This is not a suitable location for an after-hours bar/ entertainment venue and we urge the Licensing Committee to refuse this application.

Sincerely,

Colville & Crabtree Residents' Association

Consistent with the Operating Schedule

- 1) Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
- 2) Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
- 3) Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable and make them aware of your internal policies.

Conditions Agreed with the Metropolitan Police and Environmental Health

- 4) On-sales of alcohol beyond Camden Council's Framework Hours will be permitted for up to 20 customers using the basement bar area only.
- 5) The premises shall operate a dispersal policy and all staff shall be trained in its implementation. The policy shall include staff remaining on the premises until the effective dispersal of patrons from the immediate vicinity of the premises.

Additional Condition offered by the applicant.

- 6) The premises shall operate a dispersal policy and all staff shall be trained in its implementation. The policy shall include staff remaining on the premises until the effective dispersal of all patrons from the immediate vicinity of the premises.

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.