

Date: 21 May 2015
Our Reference: APP\PREMISES-VARY\000886
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Dear Sir/Madam,

Licensing Act 2003
Variation Application
Re: Aquila Club (formerly Secrets), 309 FINCHLEY ROAD, LONDON NW3 6EH

I refer to the public hearing held on 21/04/2015 to determine the application to vary the existing licence for the above premises.

The Licensing Panel resolved to grant the licence at the hearing subject to additional conditions and/or restrictions. The licence can now be issued and will follow under a separate cover.

The panel's full decision was as follows:

RESOLVED -

THAT the application, as amended, to vary the premises licence be granted as follows:

1.The licence be revised so that the licensable activities in relation to the following take place during the hours indicated below:

- a) Supply of alcohol (for consumption on and off the premises)
- b) Live Music
- c) Recorded Music
- d) Performance of Dance
- e) Anything similar to live music, recorded music or performances of dance

10:00 - 00:30 - Monday - Wednesday
10:00 - 01:30 - Thursday
10:00 - 02:30 - Friday - Saturday
10:00 - 22:30 - Sunday

All the above times subject to a 30 minutes drinking up time.

2. Condition 18 be removed from the licence and a new capacity limit for premises be determined by the Fire Authority in agreement with the Council's Environmental Health (Health and Safety) Team.

3. Conditions 19 - 23 be removed from the licence.

4. The proposed capacity levels identified in part D be not approved.

Noise Conditions

5. Conditions 24 - 26 be revised as follows:

Condition 24:

Up to 23hrs applicable to entertainment premises which adjoin or are adjacent to noise sensitive properties:

The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any façade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

The unweighted equivalent noise level (Leq) in the 33Hz, 50Hz, 63Hz, 125Hz Octave band range, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.

Condition 25:

Up to 2300hrs applicable to entertainment premises which do not adjoin and are not immediately adjacent to noise sensitive properties:

The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any façade of any noise level sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

The unweighted equivalent noise level (Leq) in the 33Hz, 50Hz, 63Hz, 125Hz Octave range, similarly measured, should not increase by more than 5dB as compared the same measure, from the same position, and over a comparable period, with no entertainment taking place.

Condition 26:

After 2300hrs applicable to all entertainment premises:

The noise climate of the surrounding area shall be protected such that the A - weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any façade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

The unweighted equivalent noise level (leq) in the 33Hz, 50Hz, 63Hz, 125Hz Octave range measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.

Internal noise levels within the adjoining noise sensitive premises should not exceed British Standard 8233: 2014

CCTV

6. 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.
7. 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 including ingress points.
8. The CCTV camera views are not to be obstructed.
9. 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.
10. 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.
11. 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.
12. Copies shall be made available within 48 hours to the Police or Local Authority, upon request together with facilities for viewing where requested.
13. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
14. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.

15. Signs must be displayed in the customer areas to advise that CCTV is in operation.

16. If the CCTV equipment is inoperable, or otherwise not installed and working to the satisfaction of the Police and the Licensing Authority, then within 48 hours the Police and the Licensing Authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the Police and/or a duly authorised officer of the Licensing Authority, which may include the suspension of licensable activities if necessary.

THEFT PREVENTION

17. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.

18. The venue shall either offer a cloakroom facility; or supply and fit, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags.

DRUGS MISUSE PREVENTION

19. All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out' in order to prevent drugs misuse.

20. When the venue is open for licensable activities, the toilets are to be checked by staff at least every hour and these checks are to be documented on each visit.

21. An attendant for each toilet is to be employed on a Thursday, Friday and Saturday and any other night that the premises hold's promoted events, from 2100hrs until closing time.

LICENSING LAW & INCIDENT MANAGEMENT

22. At least one member of the management team on duty whilst the premises remain open for licensable activities, is to hold a personal license under the Licensing Act 2003.

23. A management document is to be drawn up, maintained and amended as required which will deal with the following:

- a) Definition of promotions, events and bookings
- b) Procedure for the management of each category.
- c) Security procedures including the reporting of incidents.
- d) Procedure for ensuring promoters are informed of and are managed in such a way as to promote the Licensing Objectives and ensure compliance with the conditions on the premises License.
- e) Response plan and management structure in the event of an emergency.

24. For any event involving a promoter, their associates, DJ or artist (e), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit; the licensee shall complete a risk assessment Form 696 and email it to:

SCD9ProactiveLicensingIntelligence@met.pnn.police.uk , and copied to EK-Licensing@met.police.uk at least 14 days prior to the event. The Licensee shall notify the Metropolitan Police using the same emails if there are any short-notice bookings of events or any unusual or large scale event as soon as reasonable practicable. The police will have the right of absolute refusal of any such events for reason of late notification.

25. The venue must employ and document a dispersal policy to the satisfaction of the Police and Licensing Authority, for the patrons leaving the venue at the end of an event. These documents must be made available on request to any responsible authority and be reviewed on a monthly basis.

26. A comprehensive staff training programme is to be put together which will cover the Licensing Act 2003; Fire evacuation procedures; premises dispersal policy; and Critical Incident best-practice. This training is to be clearly documented and any training for future staff must also be organised at the appropriate time. Details of training are to be available for inspection by Police or other responsible authority, upon request.

27. All Alcohol must be served in plastic, polycarbonate, or similar shatter-proof receptacles from 21.00hrs until close on Thursday - Saturday when the venue remains open for Licensable activities.

28. 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.

29. No patron shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage after 2100hrs. This includes patrons using the smoking area(s) and prominent signage shall be provided to this effect.

30. Management will ensure that patrons utilising the external area, remain within the curtilage of the venue when consuming alcohol.

31. A Challenge 21 policy will be enforced, where any person reasonably looking under the age of 21 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.

32. A sign shall be displayed at the point of sale stating No Proof of Age - No Sale.

33. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.

34. Venue is to start to increase lighting at least 30 minutes before the end time the venue is permitted to supply alcohol; with full lighting no later than 15 minutes before that point.

35. Venue is to start 'softening' the music style, in order to assist with a controlled dispersal policy at least 30 minutes before the end time the venue is permitted to supply alcohol.

36. An incident log shall be kept at the premises, which will be regularly checked by management to ensure that the book is being used by staff, 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.

37. Police must be called to incidents of violence and/or disorder where appropriate.

SECURITY

38. Where the premises are open for licensable activities, from 21:00 hours, a minimum of three (3) SIA-registered door supervisors shall be employed at the premises until close. At least one (1) of these must be female.

39. A door supervisor's register shall be updated on occasions when supervisors are employed. The register is to be made available for inspection by the Police and/or Licensing Authority. Details to show

- a) full name;
- b) date of birth;
- c) SIA Registration Number; and
- d) date and hours worked.
- e) Contact telephone number and email address

A coloured photocopy of each door supervisor's SIA badge shall be taken by the DPS and retained at the premises.

40. Where the venue runs promoted events and in any case, after 2100hrs on Thursday, Friday and Saturday; every customer is to be subjected to a search, including of the person, wallets, bags, purses, and any other items carried on or by the customer. All searches are to be conducted by authorised door staff and must be carried out within an area covered by the venue's CCTV system. Refusal to being searched will result in No Entry.

41. All door supervisors will wear high-visibility jackets or vests whilst working at entry/exit points and around the exterior of the building.

42. All SIA staff on duty are to remain on duty for half an hour after the close of the venue to ensure all patrons are dispersed peacefully from the area. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.

43. Door supervisors and appropriate staff shall be provided with "two-way" radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.

44. The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.

45. The smoking area to be constantly supervised by an SIA registered door supervisor who will monitor the capacity and restrict access when necessary.

46. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

47. The venue will use, to the satisfaction of Police Licensing, an electronic 'scanning' identification system in order that the identity of persons entering the venue can be confirmed. This will be used from 2100hrs on Thursday, Friday and Saturday and for any promoted events or when recommended by Police.

48. That no more than 20 smokers be allowed outside at any one time in the designated smoking area. The designated smoking area it to be supervised by door staff at all times and smokers shall not be able to take their drinks with them. Prominent signage to be provided to this effect.

49. Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.

SOUND INSULATION

50. A strategy for sound insulation shall be provided with details of existing building fabric and reference to the sound system to be used at the venue and audio lay out.

51. No licensable activities shall commence until the noise strategy has been approved by Camden's Environmental Health Authority.

52. No licensable activities shall commence until a follow up practical objective and subjective testing of the sound insulation and the nearest facades has been undertaken to demonstrate that noise conditions 24, 25 26 have been met.

53. The premises shall operate a noise limiter and shall be set by a competent acoustic consultant and a current member of the institute of Acoustic. The noise level is to be agreed be Noise Officers of LB Camden (Environmental Health).

54. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.

DISPERSAL POLICY

55. The premises shall operate a robust dispersal policy and all staff shall be trained in its implementation.

Reason

The Panel were satisfied that granting of the licence, with conditions, would not undermine the licensing objectives in relation to the prevention of crime and disorder, prevention of public nuisance, and public safety.

The full text of the minutes can be found on the Camden website via the Diary listing of Council meetings at: <http://democracy.camden.gov.uk>

As the applicant, you are entitled to appeal against the Authority's decision. Notice of the appeal must be given to Highbury Corner Magistrates Court within 21 days of being notified of this decision.

If you require any further information, please contact me on the above number.

Yours sincerely

Shelima Ahsan
Customer Service Officer