



**I want to apply for a**

Premises licence

**Are you an agent?**

No - I'm applying for myself

**Does the premises have a name?**

Yes

**What is the name of the premises?**

Humdingers Camden

**What is the address or location?**39 Brecknock Road  
N7 0BT  
London**What is the type of premises?**

Cafe

**Describe the area it is situated in**

Highstreet

**Describe the layout of the premises**

One floor premises with raised balcony

**Copy of the premises plans**

- BRxGF+MezzaninePlan.pdf

**Tell us about the premises business hours**

Day	Start time	End time
Monday	07:00	22:00
Tuesday	07:00	22:00
Wednesday	07:00	22:00
Thursday	07:00	22:00
Friday	07:00	22:00
Saturday	07:00	22:00
Sunday	07:00	20:00

**Are there any seasonal variations for the premises opening times?**

No

<b>Is the premises open to the public at times other than those listed?</b>	Yes
<b>What are the other times?</b>	Bank holidays
<b>Is the premises an open space?</b>	Yes
<b>How many people are expected to attend the premises at any one time?</b>	Less than 5000 people
<b>Will the premises be exclusively or primarily used to sell alcohol?</b>	No
<b>How are you applying for a premises licence?</b>	As a limited company

**Business details**

<b>What is the company registration number</b>	06805798
<b>Name of business</b>	Humdingers Catering Ltd
<b>Name and address</b>	234-236 HOXTON STREET N1 5LX LONDON
<b>Email address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]

<b>How long do you want your premises licence for?</b>	Permanently
<b>When do you want your licence to start?</b>	As soon as possible
<b>Activity you wish to licence</b>	e. Live music

f. Recorded music

j. Supply of alcohol

**Live Music**

Day	Start time	End time
Monday	12:00	22:00
Tuesday	12:00	22:00
Wednesday	12:00	22:00
Thursday	12:00	22:00
Friday	12:00	22:00
Saturday	12:00	22:00
Sunday	12:00	20:00

**Where will performances take place?**

Indoors

**Tell us about the specifics of the activity**

Open mic nights.

**Are there any seasonal variations for the activity?**

No

**Will the activity take place at times other than those listed?**

Yes : Bank Holidays

**Recorded Music**

Day	Start time	End time
Monday	07:00	22:00
Tuesday	07:00	22:00
Wednesday	07:00	22:00
Thursday	07:00	22:00
Friday	07:00	22:00
Saturday	07:00	22:00
Sunday	07:00	20:00

**Where will performances take place?**

Indoors

**Tell us about the specifics of the activity**

Music played through speakers for a background music.

**Are there any seasonal variations for the activity?**

No

**Will the activity take place at times other than those listed?**

No

**Alcohol supply**

Day	Start time	End time
Monday	12:00	22:00
Tuesday	12:00	22:00
Wednesday	12:00	22:00
Thursday	12:00	22:00
Friday	12:00	22:00
Saturday	12:00	22:00
Sunday	12:00	20:00

**Where will the supplied alcohol be consumed?** Both

**Are there any seasonal variations for the activity?** No

**Will the activity take place at times other than those listed?** No

### **DPS details**

**Does your designated premises supervisor (DPS) currently hold a personal licence?** Yes

**Was their personal licence issued by Camden?** No

**Personal licence number** [REDACTED]

**Issuing local authority** [REDACTED]

**First name** Richard Samuel

**Last name** Watson

**Address** [REDACTED]  
[REDACTED]  
[REDACTED]

**Signed Copy of the Designated Premises Supervisor (DPS) consent form**

- RichardW.\_Consent.pdf

**Will there be any activities associated with the premises which may give rise to concern in respect of children?** No

**The prevention of crime and disorder** CCTV cameras, we will be working with the

**Public safety**

community, to help prevent antisocial behaviour, Proof of age schemes- no proof, no sale, Accident/ Incident book to report. CCTV, Manager in place

**The prevention of public nuisance**

Ambient music will be kept to a level that will not affect our neighbours or customers

**The prevention of children from harm**

Risk assessments and Health and Safety are already included in our Staff handbook, to help prevent accidents to young children.

**About this form****Issued by**

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

**Contact phone**

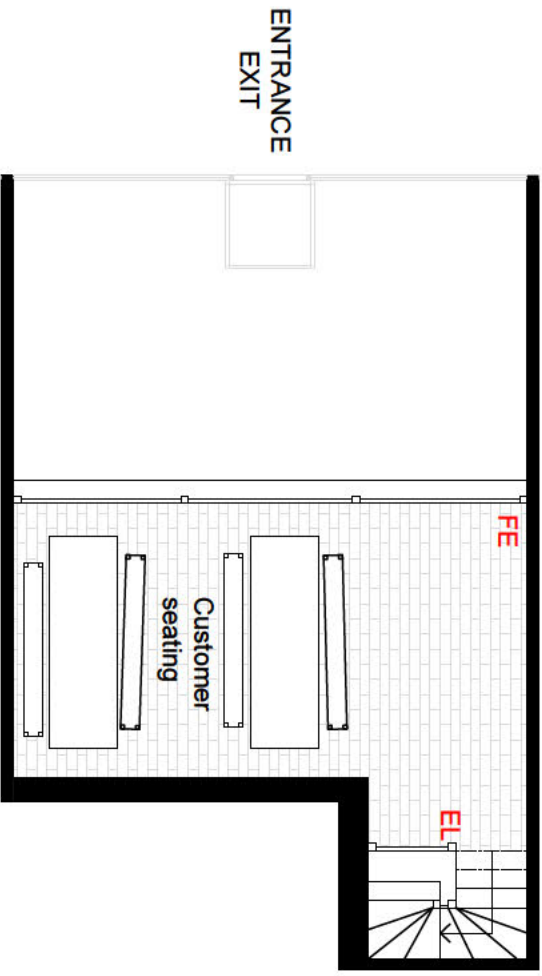
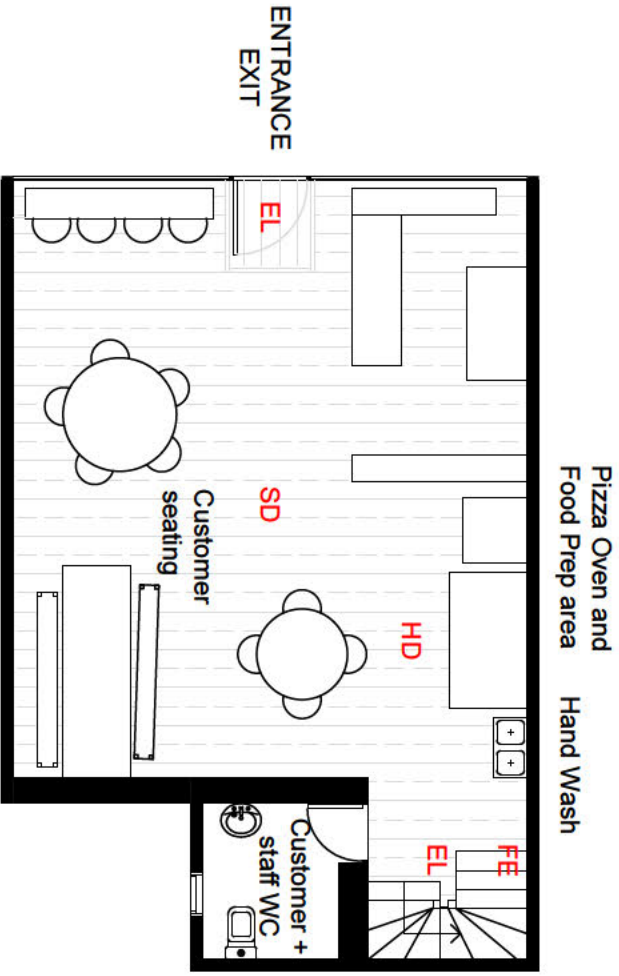
020 7974 4444

**Form reference**

Ref. no. 119252

**Data protection**

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.



SCALE 1:100 @ A3

REV.	DESCRIPTION	DATE	BY
01	HUMDINGERS Brecknock Road - GF + Mezzanine Plan	18/1/24	SY



# HUMDINGERS

Dear Residents,

We hope this message finds you well. We have taken note of your objections regarding the premises licence application for Humdingers Cafe. We understand your concerns and would like to address them directly.

First and foremost, we want to emphasise that Humdingers Cafe is not a bar, nor do we have any intention of transforming it into one. The sole purpose of the premises licence application is to offer our guests the option of alcoholic beverages while dining at our venue.

We are actively taking steps to minimise noise emanating from our business. However, being a bustling cafe, complete silence is unrealistic. Our proposed serving hours for alcohol are from 12 pm to 10 pm, aligning with the typical hours for dining. This means that we will not be engaging in vertical drinking or encouraging excessive consumption. It is important to note that our standard operating hours will not extend until 10 pm.

Regarding the issue of smoking in the alleyway, we have promptly taken action to address this concern. Moving forward, we will request our guests not to smoke in the alleyway and will designate a smoking area next to the benches in front of the cafe.

As a business with three successful cafes already, we have always prioritised collaboration and support with our neighbours. Since our opening, we have strived to work harmoniously with the community, and we aim to continue this positive relationship in Kentish Town.

Humdingers Cafe aims to be a valued member of the local community, offering a welcoming space for residents to enjoy quality food and drinks. We are committed to being responsible and considerate neighbours, ensuring that our activities do not cause any nuisance or inconvenience.

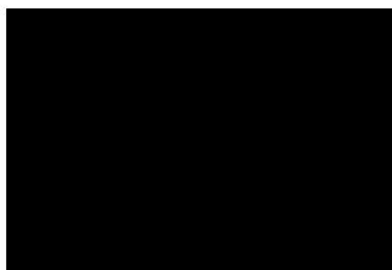
We greatly value and respect all representations made by all of you, and we take these matters very seriously. To foster open communication and address any lingering concerns, we cordially invite you to our Camden cafe on the 11th of March between 5-7 pm. This will be an opportunity for you to meet our management team and discuss any issues you may have in person.

We also want to highlight again that Humdingers is a cafe, not a pub or a bar. Our licence will strictly permit seated drinking to mitigate any disturbances in the vicinity.

If you have any further questions or concerns, we are more than willing to address them all. We value your feedback and hope to work together to create a positive and vibrant neighbourhood.

Yours sincerely,

Robert Hunningher, BEM



**From:** Humdingers Catering  
**Sent:** 16 February 2024 11:18  
**To:** Hallam Dom C - CN-CU  
**Subject:** Re: Licence application

Hi Dominic,

Thank you for your and your colleagues' time yesterday, it was nice meeting you both.

We accept all conditions outlined below.

Kindest,  
Richard

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**From:**  
**Sent:** 15 February 2024 3:15 PM  
**To:** Humdingers Catering  
**Subject:** RE: Licence application

Hello,

Thank you for taking the time to meet with my colleague and I earlier today. I have included a few conditions in this email for your consideration.

- The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises.
- The CCTV 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.
- The CCTV camera views are not to be obstructed.
- 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.
- Copies of CCTV shall be made available within 48 hours to the Police or Local Authority, upon request.
- Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
- A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
- Police must be called to incidents of violence and/or disorder.
- There shall be no vertical drinking in the Premises, with the exception of private, booked events.
- The capacity of the venue shall not exceed 50 people.
- An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons

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

Let me know how if you are happy with them, equally if you feel any need changing or removing let me know and I'll see what I can do.

Kind regards,

**PC Dominic Hallam – Camden Licensing Team**



[Click to see what we are doing for you on Twitter @MPSCamden](#)

[Click here to see what we are doing for you @MPSIslington](#)

**From:** Humdingers Catering  
**Sent:** 14 February 2024 10:45  
**To:** Hallam Dom C - CN-CU  
**Subject:** Re: Licence application

Hi Dominic,

Great. Richard will meet you tomorrow.

His number - [REDACTED]

All best,

**HUMDINGERS EVENTS & CATERING**



***Business with a Heart:** Our Soup Kitchen provides hot meals for over 1000 people a week. The more events we do, the more families we can feed.*

**From:**  
**Sent:** 14 February 2024 10:40 AM  
**To:** Humdingers Catering  
**Subject:** RE: Licence application

Hi,

Yes I can do midday tomorrow

Kind regards,

**PC Dominic Hallam CN – Camden Licensing Team**



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[Click here to see what we are doing for you @MPSIslington](#)

**From:** Humdingers Catering  
**Sent:** 14 February 2024 08:26  
**To:** Hallam Dom C - CN-CU  
**Subject:** Re: Licence application

Hi Dominic,

Sorry for the late reply.

Would you be available tomorrow at midday?

All best,

**HUMDINGERS EVENTS & CATERING**



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**From:**  
**Sent:** 13 February 2024 12:54 PM  
**To:** Humdingers Catering  
**Subject:** RE: Licence application

Hello,

Thanks for getting back to me, it's to discuss the application that has been submitted for the alcohol licence. I just wanted to sit down and discuss the conditions that have been proposed and maybe make a few recommendations.

Kind regards,

**PC Dominic Hallam– Camden Licensing Team**



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[Click here to see what we are doing for you @MPSIslington](#)

**From:** Humdingers Catering  
**Sent:** 13 February 2024 12:52  
**To:** Hallam Dom C - CN-CU  
**Subject:** Re: Licence application

Hi Dominic,

Hope you're well. Could you advise what this would be about?

All best,

#### HUMDINGERS EVENTS & CATERING



***Business with a Heart:** Our Soup Kitchen provides hot meals for over 1000 people a week. The more events we do, the more families we can feed.*

**Sent:** 13 February 2024 11:33 AM  
**To:** Humdingers Catering  
**Subject:** Licence application

Hello,

I am the Officer who has been allocated this application to look at, is there any chance I could meet with Richard Watson at the Brecknock Road venue tomorrow to discuss a few bits?

Kind regards,

**PC Dominic Hallam – Camden Licensing Team**



[Click to see what we are doing for you on Twitter @MPSCamden](#)  
[Click here to see what we are doing for you @MPSIslington](#)

**From:** Eleanor Olliff  
**Sent:** Tuesday, February 27, 2024 12:00 PM  
**To:** licensing inbox; Planning  
**Subject:** Licence application - objection

**[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.

To whom it may concern,

I have been trying to fill in the objections form to object to Humdingers' (39 Brecknock Road) premises licence application on the website since Friday but the website keeps crashing / doesn't seem to be working. I spoke to your colleagues who said essential maintenance work was being carried out and to email today instead.

I live at 39b Brecknock Road, N7 0BT.

I would like to strongly object to the premises licence application of Humdingers for several reasons:

- 1) our residential block of 3 flats is directly behind the shop and has an adjoining wall at the rear - noise already travels straight through into our flat and this application will make it worse;
- 2) I have a 1 year old baby and her bedroom wall is directly next to the shop's rear wall and toilet - any noise after 7pm will keep her awake;
- 3) we already have social nuisance issues down the alleyway which homeless people tend to use and which people stand and smoke in when they are outside humdingers - this alleyway is next to the shop and leads directly to our flats: a premises and events licence will make this situation worse as people will invariably loiter in the alleyway. Plus noise carries straight down the alleyway into the residential block of flats; and
- 4) this is a residential neighbourhood (not just our building) and all we have spoken to oppose the application.

I will try to insert this in the website form but want to email this

Many thanks  
Ellie



Representation	
Premises name	Humdingers Camden
Application reference number	APP\PREMISES-NEW\119252
Last date for representation	26/02/2024

## Making a representation as

As an individual

## Your details

First name

Caroline

Last name

Lobsang

Telephone number (optional)

Email address

[REDACTED]

Address

Flat 3  
39 B Brecknock Road  
London  
N7 0BT

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

Brecknock Road is a lovely local road with a community which appreciates business and bustle during the day but as it also a residential road. A late night venue will be very disruptive to the residents at night. Drunk and loud people on the road in the night will change the atmosphere for locals residents at night. Please please consider this application, and how you would feel living right next to / on top of a late night bar. Thank you

## About this form

**Issued by**

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

**Contact phone**

020 7974 4444

## Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.





Representation	
Premises name	Humdingers Camden
Application reference number	APP\PREMISES-NEW\119252
Last date for representation	26/02/2024

## Making a representation as

As an individual

## Your details

First name

Gerald

Last name

Doran

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

Flat 2  
39 B Brecknock Road  
London  
N7 0BT

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder

Details of representation

License for music and alcohol is socially unacceptable to us tenants who live above and have family

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Representation	
Premises name	Humdingers Camden
Application reference number	APP\PREMISES-NEW\119252
Last date for representation	26/02/2024

**Making a representation as**

As an individual

**Your details****First name**

Paul

**Last name**

Olliff

**Telephone number (optional)**

[REDACTED]

**Email address**

[REDACTED]

**Address**

Flat 1  
 39 B Brecknock Road  
 London  
 N7 0BT

**Remain anonymous**

No

**Grounds of representation**

- prevention of public nuisance

**Details of representation**

We would like to strenuously object to the premises licence application of Humdingers for several reasons: 1) our residential block of 3 flats is directly behind the shop and has an adjoining wall at the rear - noise already travels straight through into our flat and this application will make it worse; 2) we have a 1 year old baby and her bedroom wall is directly next to the shop's rear wall and toilet - any noise after 7pm will keep her awake; 3) we already have social nuisance issues down the alleyway which homeless people tend to use and which people stand



and smoke in when they are outside humdingers - this alleyway is next to the shop and leads directly to our flats: a premises and events licence will make this situation worse as people will invariably loiter in the alleyway. Plus noise carries straight down the alleyway into the residential block of flats; and 4) this is a residential neighbourhood (not just our building) and all we have spoken to oppose the application.

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From: Paul Olliff

Sent: Monday, March 18, 2024 12:44 PM

To: Sarah Williams

Cc: [REDACTED]

Subject: Re: 119252; Hearing date - Humdingers Camden, 39 Brecknock Road, London, N7 0BT

Dear Sarah

In the first instance, I am copying in the other owners at 39b Brecknock Road (we are the owners of flats 1, 2 and 3 39b Brecknock Road, which is the all occupier-owners of the building/there are no other occupiers). This email has been sent to the other two flats prior to sending and so please assume what follows is from all three of us.

Many thanks for your email.

There have been two of the objections withdrawn but not from our building - the two withdrawn objections were from residents across/on the opposite side of the street. The difference with 39b Brecknock Road is that we actually share a wall with Humdingers (our bedroom walls/Humdingers rear wall) and a lightwell. The toilet window of Humdingers is about a meter from the window of a bedroom in flat 1 and actually opens into the lightwell (the lightwell which of course conducts noise). You can even see straight from the Humdingers window into a flat bedroom of flat 1. So we are far more directly affected than any other residents on the street.

Also, the alley that leads to our flats is adjacent to Humdingers (Peace Passage) and the first main entrance to the flats is about 10 meters, so very close (and noise and smoke carry down the alley directly to the front doors of our flats, we know this from experience and having lived here for 10 years). There are already issues with social nuisance in the alley and we note that Humdingers have at times been storing their crates in the alley, and staff have been smoking at the entrance of the alley.

We three flats from 39b Brecknock Road did have a meeting with the owner of Humdingers.

We are not familiar with the events / live music / alcohol licensing process. Our joint concerns as per our objections are as follows:

1. Noise and having a shared wall at the rear of Humdingers into our bedrooms and do not want the late or loud noise coming through – it already travels through sometimes and when the previous occupier (SKK) had live or late events we could hear all the noise through the walls and it makes it intolerable. For example, when Humdingers were doing works to the premises, we could hear everything;
2. A baby sharing a bedroom wall with them, whose bed time is 7pm. Noise past that time is not fair and not acceptable at all and as explained above the toilet window of Humdingers is a meter from the bedroom window of the baby. When the windows are closed it's less bad - but, irrespective of whether it's a baby or an adult sleeping there, in the summer / warm weather when windows need to be open there is no barrier and it's as though the bedroom is part of the Humdingers;
3. Any loud music / late night or live music and/or events are simply not tolerable to live next to and so for us are completely acceptable as it will travel straight through the rear wall into our bedrooms and the lightwell - we know this from past experience with the previous occupiers, SKK, doing it. It prevents any ability to relax in a bedroom at the building if there's loud noise/music etc coming from those premises;
4. General social nuisance around the shop and in our alleyway – we already have issues with smoking and noise travelling down the ally which is 10 meters from a front door - if there are

alcohol, pavement licence at the end of the alley smoke and noise will travel down to the front door which is already an issue and will be exacerbated; and

5. If Humdingers exit (which is more likely with a 15 year lease which they've told us that they have) we do not know who will be coming in and taking the benefit of the live event / music / alcohol licence and what they would use it for which could be far worse than Humdingers' stated intentions.

So those are our reasons for objecting which we very much hope would be taken on board and into consideration.

However, when we had our with Humdingers, they said that they will get the licence no matter what we say, but it will just take more time if we continue to object. They even mentioned if they didn't get this licence for whatever reason then they could get another one for one-off late night events instead which would be worse for us in terms of noise/nuisance. Further, they said that they had met with the Council licensing department (on the 14th March), that the licensing department liked what they were doing and, again, they said that they would be getting the premises license no matter what we said. And further still, they said that they'd recently had an acrimonious judgement at another site of theirs with local residents, had won it and that the same would happen here with us.

We owners of 39b Brecknock Road are not experienced in the process of licensing and how it works; whereas Humdingers have several stores and have done this multiple times.

We'd like to understand whether our objections are futile and they are right in that it doesn't matter what we say, they will be getting the licence?

Would you possibly be able to explain to us the process and what is and isn't taken into consideration at the hearing? Is the hearing final? Do we need to make any more representations before then?

They also said that they probably envisaged doing once a month type 'fine wine' evenings. That would potentially be less of an issue (ie no live music / late events/ cheap lager) if they were infrequent, the music was kept down and did not travel into our bedrooms / the lightwell and they were not selling lager / spirits - but there would need to be set limits on noise levels past 7pm and what type of alcohol is sold for it not to affect us.

In addition, we note that they've also now applied for a pavement licence although there are already tables and chairs out on the pavement in front of the shop. What is the process with this as well? Do we need to object to this or do we not have say in this? Again, our concerns about people at the end of the alley and coming into the alley are well founded from experience of the previous occupier and having lived here for 10 years. We would also like to highlight that any pavement licence that encroached into the peace passage alley would infringe on our means of escape and become an issue for HSE. They did mention installing a gate at the end of the alley - that could be an option to assist with these issues, as long as we have a say in what the gate is that is installed.

We look forward to hearing from you.

Kind regards,

Flats 1, 2 and 3 Brecknock Road

**Conditions consistent with the operating schedule**

1. Ambient music will be kept to a level that will not affect our neighbours or customers.
2. Risk assessments and Health and Safety are already included in our Staff handbook, to help prevent accidents to young children.

**Additional conditions agreed with Police**

1. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises.
2. The CCTV 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.
3. The CCTV camera views are not to be obstructed.
4. 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.
5. Copies of CCTV shall be made available within 48 hours to the Police or Local Authority, upon request.
6. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
7. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
8. Police must be called to incidents of violence and/or disorder.
9. There shall be no vertical drinking in the Premises, with the exception of private, booked events.
10. The capacity of the venue shall not exceed 50 people.

11. An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder and violence
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol to include date, time, and staff member
  - (h) any visit by a relevant authority or emergency service.
  - (i) CAD reference numbers where Police are called.



## 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.