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Fresh Food and News, 13 Chalk Farm Road, London, NW1 8AG.

Scale = 1:362.880

3-July-2024



I want to apply for a

Premises licence

Are you an agent?

Yes - I am an agent

Agent Details

First name

Graham

Last name

Hopkins

Name of business

GT Licensing Consultants

Name and address

[REDACTED]
[REDACTED]
[REDACTED]

Email address

[REDACTED]

Telephone number

[REDACTED]

Does the premises have a name?

Yes

What is the name of the premises?

Fresh Food & News

What is the address or location?

13 Chalk Farm Road
NW1 8AG
London

What is the type of premises?

Convenience Store

Describe the area it is situated in

Commercial

Describe the layout of the premises

A terraced ground floor retail unit. The business operates as a convenience store.

Copy of the premises plans

- LayoutPlan-WhatsAppImage2024-04-15at7.40.49AM(1).jpeg

Tell us about the premises business hours

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

Are there any seasonal variations for the premises opening times?

No

Is the premises open to the public at times other than those listed?

No

Is the premises an open space?

No

Is the premises currently under construction?

No

What is the non-domestic rateable value (NDRV) of the premises?

36250

How many people are expected to attend the premises at any one time?

Less than 5000 people

Will the premises be exclusively or primarily used to sell alcohol?

No

How are you applying for a premises licence?

As a limited company

Business details

What is the company registration number 14983652

Name of business Inventure Camden Ltd

Name and address 150A CHRISTCHURCH AVENUE
HA3 8NN
HARROW

Email address [REDACTED]

Telephone number [REDACTED]

How long do you want your premises licence for? Permanently

When do you want your licence to start? As soon as possible

Activity you wish to licence j. Supply of alcohol

Alcohol supply

Day	Start time	End time
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Sunday	11:00	22:30

Where will the supplied alcohol be consumed? Off the premises

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 Rohit

Last name Amipara

Address [REDACTED]
[REDACTED]
[REDACTED]

Signed Copy of the Designated Premises Supervisor (DPS) consent form • CopysgdDPSconsentform-Camden-consenttoactasDPS.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 The Applicant will operate his business in a

responsible manner and actively promote the Licensing Objectives at all times. CIZ Statement The premises is located in the Camden Town Cumulative Impact Zone. The Applicant understands what that means and is aware of the issues arising in the CIZ together with the measures necessary to address them and prevent any increase in negative cumulative impact. The Applicant is an experienced operator and personal licence holder with many years experience in the retail industry and who successfully operates a chain of six convenience shops selling alcohol in various areas of London already with no issues arising. Fresh Food and News is a convenience store and the Applicant wishes to add off sales of alcohol to enhance their business offer. The applicant has only requested Camden`s framework hours for off sales of alcohol although the shop will be open 24/7. The Applicant has proposed a full list of robust conditions based on the Council`s Statement of Licensing Policy to ensure that the Licensing Objectives are fully promoted and that there is no increase in negative cumulative impact within the vicinity or wider CIZ. The Applicant submits that the Licensing Authority could safely regard this application as an exemption and grant the premises licence. Prevention of Crime & Disorder 1) 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 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 shall not be obstructed. 4) At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises. 5) 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 Authorised Officers on request. 6) 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 Authorised Officers in obtaining the CCTV footage. 7) Copies of any CCTV image shall be made available within 48 hours of the request to the Police or Local Authority. 8) The facility to transfer the images to a compatible, removable format shall be held on the premises. 9) Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this. 10) If the CCTV is inoperative or not installed and working to the satisfaction of the Police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police. 11) On a minimum daily basis the premises licence holder / DPS shall check that the CCTV system is operational and the date and time stamp are correctly set and on a minimum of a weekly basis check that the CCTV system is also

correctly recording images for a minimum of 31 days and that screenshots and footage can be correctly downloaded. Details of these checks are to be recorded in the appropriate section of the Incident Book.

12) Strong beer and cider above 5.5% ABV shall not be sold. 13) No single cans or bottles of beer, cider, alcopops or mixed alcoholic drinks shall be sold. 14) A minimum of two members of staff shall be present at all times whilst the premises remain open for the sale of alcohol 15) At least one person holding a personal licence shall be on duty at the premises when alcohol is being sold. 16) All staff shall be trained for their role on induction and be given refresher training at minimum intervals of six months thereafter. Training shall include the operation of the CCTV system including ensuring it is correctly recording and downloading images and the Challenge 25 proof of age scheme. Challenge 25 training shall include identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children, women and girls and vulnerable people. A written training record shall be kept for each member of staff and produced to Police or Authorised Officers on request. 17) All alcohol kept in the public part of the premises shall be kept in display units. All display units for alcohol will have lockable shutters 18) Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol. They shall remain locked until the start of the permitted hours

on the following day. 19) All spirits shall be stored and displayed behind the service counter and not in aisles or other areas accessible to the public. 20) All alcoholic drinks shall be clearly labelled or marked with the name of the premises, premises licence number or other unique identifier. 21) The premises shall use cash till prompts to remind staff to ask for proof of age. 22) Notices shall be displayed in prominent positions on the premises near to where alcohol is kept and sold advising customers that the whole of the London Borough of Camden is subject to a Public Spaces Protection Order. 23) Where the supply of alcohol includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near the premises. 24) A personal licence holder shall be present at the premises at all times when it is open during licensed hours. 25) The licence holder shall ensure that alcohol is not sold in an open container, opened on the premises, or consumed on the premises. 26) At all times that alcohol is permitted to be sold, a minimum of 2 members of staff must be present and on duty. 27) An Incident Book shall be kept at the premises and made available to the Police or Authorised Officers, which will record the following: All crimes reported; Lost property; All ejections of customers; Any complaints received and the outcome; Any incidents of disorder; Any faults in the CCTV; Any refusal in the sale of alcohol; Any visit by a relevant authority or emergency service. Whenever Police are called a CAD shall be obtained and

recorded in the Incident Book. 28)
Appropriate notices shall be clearly displayed by the entry / exit door and behind the counter advising customers: That CCTV and the Challenge 25 proof of age policy are in operation; Of the provisions of the Licensing Act 2003 regarding underage or proxy sales; That no single cans or bottles of beer, lager or cider may be sold at the shop; Of the permitted (licensed) hours for the sale of alcohol and the opening hours of the shop; Asking customers to respect residents, to leave the shop and area quietly, not to loiter or drink outside the shop (due to the Public Spaces protection Order) and to dispose of litter legally; That customers may not drink alcohol in the premises; That the shop does not buy alcohol or tobacco goods from unsolicited (cold) callers to the premises at any time and that details of any such unsolicited (cold) callers including CCTV images will be passed to the Police. 29)
Invoices or copies of all invoices relating to all alcohol, tobacco goods and vapes shall be kept on the premises for at least a year after the date of purchase. Alcohol, tobacco and vapes shall never be purchased from a cold caller to the shop.

Public safety

A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training.

The prevention of public nuisance

1) The shop front shall be kept tidy at all times and shall be swept at close. 2) No deliveries shall be received or removal of rubbish especially glass take place between 20.00 and 08.00 daily. 3) Management and staff shall proactively discourage persons

The prevention of children from harm

from drinking or loitering outside the shop both by monitoring the CCTV system & physical checks, politely asking persons drinking or loitering outside the shop to leave the area quietly and quickly.

1) The Challenge 25 proof of age policy shall be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer`s photograph on it or Home Office approved proof of age card with the bearer`s photograph and the PASS hologram on it shall be accepted as proof of age. 2) A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer and what they were trying to buy; the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to Police and Authorised Officers on request. 3) The designated premises supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. 4) No unaccompanied children under 16 shall be permitted to be on the premises after 21.00

About this form**Issued by**

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

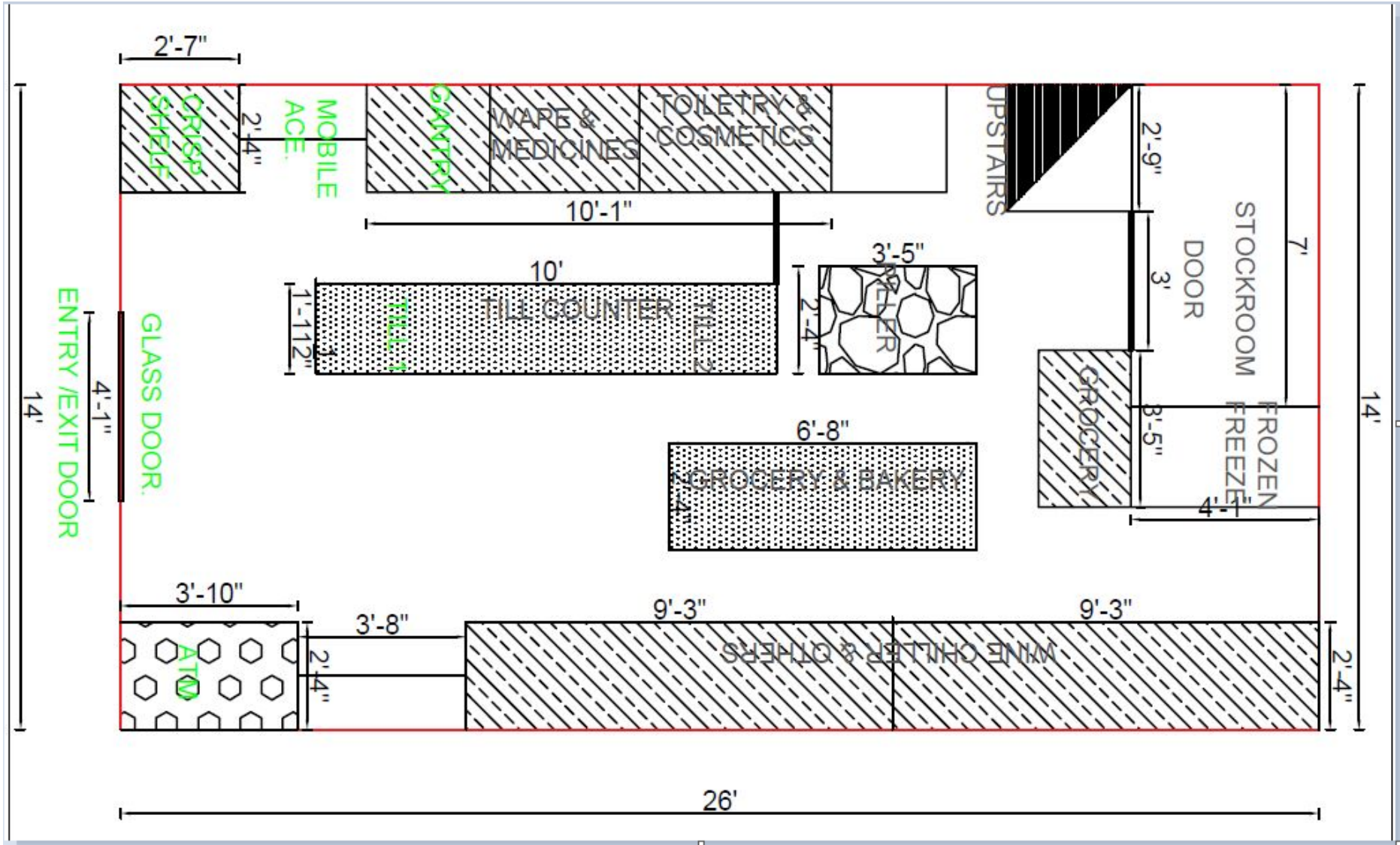
020 7974 4444

Form reference

Ref. no. 121014

Data protection

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Date: 28/05/2024
Application Reference: APP\PREM-NEW/121014
Direct Phone Number:
Contact: Steven Dormer
E-mail: [REDACTED]



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

Tel: 020 7974 4444 (switchboard)

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

DX: 2106 Euston

www.camden.gov.uk

Please quote our reference in any correspondence

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

Licensing Act 2003 – SECTION 17

RE: Fresh Food & News, 13 Chalk Farm Road, London, NW1 8AG

LICENSING AUTHORITY REPRESENTATION

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

Council Policy on Cumulative Impact Areas

The Premises and Summary of Application

The application by GT Licensing Consultants on the behalf of Inventure Camden Ltd. A limited company that was registered with Companies House in 2023. The plan is to operate an off licence and convenience store along Chalf Farm Road. The application is for the Sale of alcohol.

The operational times being applied for are as follows: -

Sale of Alcohol

Monday to Saturday	08:00 – 23:00
Sunday	11:00 – 22:30

The opening hours of the premises

Monday to Sunday	00:01 – 00:00
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Volunteered conditions in the operating schedule.

Prevention of Crime and Disorder

The Applicant will operate his business in a responsible manner and actively promote the Licensing Objectives at all times.

CIZ Statement The premises is located in the Camden Town Cumulative Impact Zone. The Applicant understands what that means and is aware of the issues arising in the CIZ together with the measures necessary to address them and prevent any increase in negative cumulative impact.

The Applicant is an experienced operator and personal licence holder with many years experience in the retail industry and who successfully operates a chain of six convenience shops selling alcohol in various areas of London already with no issues arising.

Fresh Food and News is a convenience store and the Applicant wishes to add off sales of alcohol to enhance their business offer.

The applicant has only requested Camden`s framework hours for off sales of alcohol although the shop will be open 24/7.

The Applicant has proposed a full list of robust conditions based on the Council`s Statement of Licensing Policy to ensure that the Licensing Objectives are fully promoted and that there is no increase in negative cumulative impact within the vicinity or wider CIZ.

The Applicant submits that the Licensing Authority could safely regard this application as an exemption and grant the premises licence.

Prevention of Crime & Disorder

- 1) 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
- 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 shall not be obstructed.
- 4) At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises.
- 5) 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 Authorised Officers on request.
- 6) 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 Authorised Officers in obtaining the CCTV footage.

- 7) Copies of any CCTV image shall be made available within 48 hours of the request to the Police or Local Authority.
- 8) The facility to transfer the images to a compatible, removable format shall be held on the premises.
- 9) Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this.
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- 15) At least one person holding a personal licence shall be on duty at the premises when alcohol is being sold.
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- 17) All alcohol kept in the public part of the premises shall be kept in display units. All display units for alcohol will have lockable shutters.
- 18) Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol. They shall remain locked until the start of the permitted hours on the following day.
- 19) All spirits shall be stored and displayed behind the service counter and not in aisles or other areas accessible to the public.
- 20) All alcoholic drinks shall be clearly labelled or marked with the name of the premises, premises licence number or other unique identifier.

- 21) The premises shall use cash till prompts to remind staff to ask for proof of age.
- 22) Notices shall be displayed in prominent positions on the premises near to where alcohol is kept and sold advising customers that the whole of the London Borough of Camden is subject to a Public Spaces Protection Order.
- 23) Where the supply of alcohol includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near the premises.
- 24) A personal licence holder shall be present at the premises at all times when it is open during licensed hours.
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- 28) Appropriate notices shall be clearly displayed by the entry / exit door and behind the counter advising customers: That CCTV and the Challenge 25 proof of age policy are in operation; Of the provisions of the Licensing Act 2003 regarding underage or proxy sales; That no single cans or bottles of beer, lager or cider may be sold at the shop; Of the permitted (licensed) hours for the sale of alcohol and the opening hours of the shop; Asking customers to respect residents, to leave the shop and area quietly, not to loiter or drink outside the shop (due to the Public Spaces protection Order) and to dispose of litter legally; That customers may not drink alcohol in the premises; That the shop does not buy alcohol or tobacco goods from unsolicited (cold) callers to the premises at any time and that details of any such unsolicited (cold) callers including CCTV images will be passed to the Police.
- 29) Invoices or copies of all invoices relating to all alcohol, tobacco goods and vapes shall be kept on the premises for at least a year after the date of purchase. Alcohol, tobacco and vapes shall never be purchased from a cold caller to the shop.

Public Safety

- 30) A fire risk assessment and emergency plan will be prepared and regularly reviewed.
- 31) All staff will receive appropriate fire safety training.

Prevention of a Public Nuisance

- 32) The shop front shall be kept tidy at all times and shall be swept at close.
- 33) No deliveries shall be received or removal of rubbish especially glass take place between 20.00 and 08.00 daily.

34) Management and staff shall proactively discourage persons from drinking or loitering outside the shop both by monitoring the CCTV system & physical checks, politely asking persons drinking or loitering outside the shop to leave the area quietly and quickly.

The Prevention of children from harm

35) The Challenge 25 proof of age policy shall be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS hologram on it shall be accepted as proof of age.

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37) The designated premises supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.

38) No unaccompanied children under 16 shall be permitted to be on the premises after 21.00.

Framework Hours – Pages 36 of The Licensing Policy

The application does not breach Camden's adopted policy on Framework Hours.

Cumulative Impact Areas

The venue is situated in a Cumulative Impact Area of the London Borough of Camden. This as per chapter Six section 6.9 Camden Town of the London Borough of Camden's current Licensing Policy 2022-2027.

Conclusion

The applicant has applied for a Premises Licence within a Cumulative Impact Area of the London Borough of Camden. The proposed measures by the applicant uphold the licensing objectives. It would be a matter for elected members to depart from the adopted licensing policy.

Yours sincerely



Steven Dormer
Licensing Officer

Representation	
Premises name	Fresh Food and News
Application reference number	APP\PREMISES-NEW\121014
Last date for representation	08/06/2024

Making a representation as

As an organisation

Your details**Organisation name**

Castlehaven Community Association

First name

Brenda

Last name

Gardner

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

AddressFlat First And Second Floor
5 Castle Road
London
NW1 8PR**Remain anonymous**

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

This is a small grocery shop which although on Chalk Farm Road is very near residential streets, Castlehaven Open Space, two primary schools, and a secondary school. Residents are very concerned about more alcohol being sold and the request made for later hours. The shop was turned down 2 years ago and we would like it to be turned down again, There are so many outlets offering alcohol in this area and we do not

need any more with the amount of street drinking that is now visible in this area.

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	Fresh Food and News
Application reference number	APP\PREMISES-NEW\121014
Last date for representation	08/06/2024

Making a representation as

As an organisation

Your details**Organisation name**

TRACT

First name

Kathryn

Last name

Gemmell

Telephone number (optional)**Email address**

[REDACTED]

Address

3 Ivor Street
 London
 NW1 9PL

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

The premises is in the cumulative impact zone and intends to be open 24/7. Whilst they have only applied for framework hours regarding the sale of alcohol we know that this will increase drinking in local streets and green spaces. There are plenty of off sales available already in this area. The plan submitted shows that the offer is mainly alcohol and vapes/cigarettes. In other 'corner shops' the amount of alcohol has been limited to a maximum of 10% of the overall shelf space and must be locked behind shutters after 9pm. We would want

these to be conditions as a minimum if you want to consider this application. We ask that this application is refused as it will have a negative impact on residents.

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Representation	
Premises name	Fresh Food and News
Application reference number	APP\PREMISES-NEW\121014
Last date for representation	08/06/2024

Making a representation as

As an individual

Your details**First name**

Patricia

Last name

Thomas

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address7 Hartland Road
London
NW1 8DB**Remain anonymous**

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

This is an application from a Convenience Store in Chalk Farm Road. A similar application was rejected two years ago on the grounds of cumulative impact. Neighbours have no problems with the shop itself, but this is an area where the cumulative impact policy is especially relevant. Street drinking is rife and there are already supermarkets in the area selling alcohol. Because it is so close to Castlehaven Open Space and the canal towpath, this outlet would be especially

popular with street drinkers. The applicant has listed conditions but has not directly addressed the problem of cumulative impact, which is so central to this area. This is known to be a dangerous area in the late evening with a high incidence of low-level crime. In addition the ease with which drinkers can buy alcohol makes the area subject to public nuisance of all kinds, including drunkenness, public urination and litter. I hope that this application will be rejected in its entirety.

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Conditions consistent with the operating schedule

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 - All crimes reported;
 - Lost property;
 - All ejections of customers;
 - Any complaints received and the outcome;
 - Any incidents of disorder; Any faults in the CCTV;
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 - That CCTV and the Challenge 25 proof of age policy are in operation.
 - Of the provisions of the Licensing Act 2003 regarding underage or proxy sales;
 - That no single cans or bottles of beer, lager or cider may be sold at the shop;
 - Of the permitted(licensed) hours for the sale of alcohol and the opening hours of the shop;
 - Asking customers to respect residents, to leave the shop and area quietly, not to loiter or drink outside the shop (due to the Public Spaces protection Order) and to dispose of litter legally;
 - That customers may not drink alcohol in the premises;
 - That the shop does not buy alcohol or tobacco goods from unsolicited (cold) callers to the premises at any time and that details of any such unsolicited (cold) callers including CCTV images will be passed to the Police. 29)

29. Invoices or copies of all invoices relating to all alcohol, tobacco goods and vapes shall be kept on the premises for at least a year after the date of purchase. Alcohol, tobacco and vapes shall never be purchased from a cold caller to the shop.

30. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training.

31. The shop front shall be kept tidy at all times and shall be swept at close.

32. No deliveries shall be received or removal of rubbish especially glass take place between 20.00 and 08.00 daily.

33. Management and staff shall proactively discourage persons from drinking or loitering outside the shop both by monitoring the CCTV system & physical checks, politely asking persons drinking or loitering outside the shop to leave the area quietly and quickly.

34. The Challenge 25 proof of age policy shall be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer`s photograph on it or Home Office approved proof of age card with the bearer`s photograph and the PASS hologram on it shall be accepted as proof of age.
35. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer and what they were trying to buy; the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to Police and Authorised Officers on request.
36. The designated premises supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
37. No unaccompanied children under 16 shall be permitted to be on the premises after 21.00

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.