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Atlanta Supermarket, 519 Finchley Road, London, NW3 7BB

Scale = 1:721.980

4-September-2024



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**METROPOLITAN
POLICE**
TOTAL POLICING

Form 691

Application for the Review of a Premises Licence or Club Premises Certificate 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 PC Rachel Aldis
**apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below**

Part 1 – Premises or club premises details

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

Atlanta Supermarket, 519 Finchley Road

Post town:

London

Post code:
(if known)

NW3 7BB

Name of premises licence holder or club holding club premises certificate (if known):

Mr Velautham Prabakaran

Number of premises licence or club premises certificate (if known):

PREM-LIC\1891

Part 2 – Applicant details

I am:

Please tick Yes

1	an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:						First Names:			
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:				Post code:					
Daytime Tel. No.:				Email: (optional)					

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
Commissioner of Police for the Metropolis, Licensing Unit, Room 1.22, Kentish Town Police Station, 12A Holmes Road, NW5 3AE	
Telephone Number (if any):	
Email address: (optional)	

This application to review relates to the following licensing objective(s)

Please tick one or more boxes		
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

This Licence Review is being requested as the Metropolitan Police Service (MPS) believe that the Prevention of Crime & Disorder, Public Safety, Public Nuisance and Protecting Children from Harm Licensing Objectives are not being upheld. There is currently an on-going criminal investigation in relation to multiple alleged underage sales of alcohol, which has resulted in two children being taken to hospital and alleged assaults within the premises from January 2024 - April 2024. There is currently an on-going criminal investigation in relation to the multiple alleged underage sales of alcohol and the alleged assaults. The Metropolitan Police Service have concerns that the public and in particular children are at risk if these Premises continue to hold a premises licence. The Police, Local Authority, and the public have a right to expect a Licensee to operate in such a way as to uphold the Licensing Objectives. The MPS respectfully propose that the Licensing Sub-Committee considers revoking the premises licence in its entirety. A statement has been provided with further information, however this statement is not for public circulation due to the on-going criminal investigations.

On 17th May 2024, PC Aldis held a meeting with the Premises Licence Holder at Kentish Town Police Station. The allegations were not mentioned to the Premises Licence Holder as this matter is an on-going criminal investigation, however Police asked that he add CCTV conditions and calling Police to all incidents of serious crime / disorder to the premises licence. The Premises

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Licence Holder agreed to this and confirmed that within one month from 17th May 2024 he would apply for a variation to the licence to add CCTV to all areas where the public have access and calling Police to serious crime / disorder to the premises licence. The Metropolitan Police have not received an application for a variation to the premises licence to add conditions as agreed by the Premises Licence Holder. A DPS transfer has not been received either.

Please provide as much information as possible to support the application: (please read guidance note 3)

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[Empty rectangular box for protective marking]

Have you made an application for review relating to this premises before? (Please tick yes)

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	Day		Month		Year			
If yes, please state the date of that application:								
If you have made representations before relating to this premises please state what they were and when you made them:								

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Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:

Date:

02.08.2024

Capacity:

Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Licensing Unit, Room 1.22, Kentish Town Police Station, 12A Holmes Road, Camden

Post town:

London

Post code:

NW5 3AE

Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Date: 30/08/2024
Application Reference: APP\PREM-REV/122818
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 51

RE: Atlanta Supermarket, 519 Finchley Road NW3 7BB

LICENSING AUTHORITY REPRESENTATION

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

Prevention of Crime and Disorder
Protection of Children from Harm

The Premises and Summary of Application

The application by Metropolitan Police Service is to Review the Premises Licence PREM-LIC\1891

The operational times being applied for are as follows: -

Sale of Alcohol

Monday - Saturday (excluding Christmas Day and Good Friday) : 08.00 - 23.00 Sunday (excluding Christmas Day) 10.00 - 22.30 Christmas Day : 12.00-15.00 and 19.00 - 22.30 Good Friday: 08.00 - 22.30

The opening hours of the premises

N/A

Framework Hours – Pages 36 of The Licensing Policy

The premises does not operate outside the Framework Hours.

Cumulative Impact Areas

The venue is not situated in a Cumulative Impact Area.

Recommendation

The London Borough of Camden supports the Metropolitan Police in their action to review the Premises Licence on the grounds of Crime and Disorder.

The Licensing Sub Committee are minded taking the appropriate action necessary to ensure the protection of the public. They may also wish to impose the necessary sanctions or measures to uphold the Licensing Objectives.

Should the committee be minded imposing conditions on the licence may I suggest the following conditions.

1. 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 incidents of disorder and violence
 - d) all seizures of drugs or offensive weapons
 - e) any faults in the CCTV system or searching equipment or scanning equipment.
 - f) any refusal of the sale of alcohol to include date, time, and staff member.
 - g) any visit by a relevant authority or emergency service.
2. CAD reference numbers where Police are called.
3. The licensee will ensure that staff are trained, as appropriate, in respect of relevant Licensing Law; crime scene best practice. Training shall be written into a programme of going review and will be made available for inspection by Police or other responsible authority, upon request.
4. 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.
5. 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.
6. The CCTV camera views shall not be obstructed.
7. 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.
8. 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.

9. 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.

10. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.

11. The facility to transfer the images to a compatible, removable format shall be held on the premises.

12. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this.

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

14. 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.

15. Our establishment uses CCTV surveillance systems placed strategically to cover key areas of our premises.

16. This monitoring helps prevent and detect incidents, ensuring the safety and security of our customers and staff.

17. CCTV is placed to capture patrons head and shoulders as they enter the building, and throughout.

18. There are security personnel present at the restaurant from 8pm on Fridays and Saturdays until close.

19. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.

20. The premises shall ensure their staff are trained in WAVE, details of this are available on our website or they could contact my colleague Ms Sarah Williams for further details on licensing@camden.gov.uk mark the email for the attention of Ms Sarah Williams.

21. All stock for the premises must be purchased from bona fide cash and carry's

22. All invoices of stock purchased must be made available upon request from authorised officers of the council or police.

23 Challenge 25: The Licensee shall adopt a "Challenge 25" policy, where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products, shall be asked for proof of their age.

24. The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.

The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport
- Military ID

25 Staff Competence and Training: The Licensee shall keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised.

26 The staff record shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police, on request.

27. The Licensee shall ensure that each member of staff authorised to sell alcohol has received appropriate training on the law with regard to age-restricted products, proxy sales, and the licensable hours and conditions attached to the licence, including refresher training every six months, and that this is properly documented, and training records kept.

28 The training record (either written or electronic) shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police, on request.

29. The Licensee shall ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.

30 The Licensee shall ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under 25's attempting to purchase alcohol.

31 Refusals Book: The licensee shall keep a register of refused sales of all age-restricted products.

32. The refusals book shall contain details of time and date, description of the attempting purchaser, description of the age-restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.

33. The Refusals Book shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police, on request.

34. Controls of alcohol: a) A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

35. There shall be no supply of alcohol for consumption off the premises except in sealed containers.

36. Beers, lagers, stout and ciders sold at the premises shall not exceed 6% alcohol by volume.
37. There shall be no sales of single cans of beers, lagers and ciders from the premises.
38. Spirits shall not be sold in bottles of less than 20cl.
39. The Premises Licence holder, the DPS or a nominated person shall be present at the premises at all times during licensing hours.
40. Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or the Police.
41. Spirits shall be located behind the counter. All other alcohol exposed for sale shall be displayed in a position that is not obscured from the constant view of the cashier / staff or CCTV by fixtures.
42. There shall be no self-service of spirits.
43. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
44. Incident Book: a) The Premises Licence Holder shall ensure that an "Incident report register" is kept in a bound book or electronic format, in which full details of all incidents are recorded.

45 This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register shall be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or the Police on request.
46. Deliveries: a) The Premises Licence holder shall carry out due diligence checks to ensure, as far as practicable, that a person ordering alcohol to be delivered to their registered address, or collecting preordered alcohol from the premises, is over 18 years of age.
- 47 A record of each order and the checks carried out by the staff at the premises shall be kept either in a book or electronically and made available to Police, Local Authority Licensing and Trading Standards officers on request.
48. Internet sales / deliveries shall only be permitted to a registered address, not parks, open spaces or vehicles.
49. If the sale contains alcohol, Challenge 25, Proof of age Photo ID must be validated by the person delivering the alcohol prior to it being handed to the customer. If the premises has a website there must be a clear warning advertised that no sales of alcohol shall be made to persons under 18 years of age.
50. Alcohol deliveries by staff from the premises shall only be carried out by persons who have undergone appropriate Challenge 25 training.

51. If deliveries are carried out by an external contractor a contract shall be in place ensuring that they train their delivery staff in line with current legislation relating to underage /drunkenness.

Conclusion

The Licensing Authority support the review in its entirety and any action taken from the Licensing Sub Committee.

Yours sincerely

A solid black rectangular box used to redact the signature of Steven Dormer.

Steven Dormer
Licensing Officer



Claire Mulligan-Ward
Commissioning Officer
Camden Health and Wellbeing
Department/Public Health

PHLicensing@camden.gov.uk

(Alternate contact [REDACTED])

27th August 2024

**Representation from Camden Health and Wellbeing Department/Public Health
Department on behalf of health bodies providing health services in Camden.**

Atlanta Supermarket, 519 Finchley Road, NW3 7BB

This representation is made on behalf of Camden Health and Wellbeing Department/Public Health as a responsible authority. It relates to the review of the license of Atlanta Supermarket, 519 Finchley Road, NW3 7BB.

The grounds for the representation are:

- public safety
- the prevention of crime and disorder
- protecting children from harm

We support the request for a review, made by our colleagues at the Metropolitan Police, for Atlanta Supermarket, 519 Finchley Road, NW3 7BB, for the following reasons:

The review states Atlanta Supermarket has made repeated underage sales.

Selling alcohol to underage drinkers

Drinking alcohol has a range of short and long-term physical and mental health effects; but for underage drinkers, there are additional consequences that can affect health, development and potentially getting into trouble with the law.

Young people's typically lower body weight and limited ability to metabolise alcohol means they can become dangerously intoxicated very quickly. This puts young people at an increased risk of alcohol poisoning.

Alcohol poisoning seriously affects the parts of the brain that control balance and speech, as well as the nerves that control breathing and heartbeat. It can stop the gag reflex from working, creating a serious risk of choking to death.

Drinking alcohol can put children and young people in vulnerable or dangerous situations. For example, among 10–17-year-olds who have ever had an alcoholic drink, 12% experienced serious harm because of their drinking¹.

¹ [Know the risks of underage drinking | Drinkaware](#)

Alcohol Data

Alcohol harms

The harms caused by alcohol in the UK are substantial. Alcohol harm costs England £27.4 billion a year²; £4.91 billion cost to the NHS and healthcare in England – such as hospital admissions and ambulance callouts, £14.58 billion cost to the criminal justice system, police, and wider crime and disorder, £5.06 billion cost to the wider economy due to lost productivity – such as people missing work or being less productive at work and £2.89 billion cost to social services.

Camden Alcohol Data

Camden far exceeds all London boroughs for the number of hospital admissions (for alcohol specific conditions) for under 18s in 2022-23 with 40.7 admissions per 100,000

Between 2022-2023 there were 45 Camden residents under the age of 18 who were admitted to hospital with an alcohol specific condition, a rise from 30 in 2020-21³.

The overall impact of alcohol is particularly great in Camden⁴.

Camden has the seventh highest number of alcohol specific deaths across London (2021/22).

Camden is the London borough with the fifth highest number of deaths due to chronic liver disease (2021-2022).

Camden is the ninth highest London borough for hospital admissions due to alcohol specific conditions (2021/22).

There are an estimated 974 (per 100,000) male years of life lost, due to alcohol related conditions in Camden and 248 (per 100,000) female years of life lost, due to alcohol related conditions (2020).

Summary

The evidence that selling alcohol to underage individuals, increases alcohol related harms and increases the impact on frontline services and the community as a whole.

Recommendation

Camden Health and Wellbeing Department/Public Health Department recommends the license for **Atlanta Supermarket, 519 Finchley Road, NW3 7BB**, be revoked.

² [£27.4 billion cost of alcohol harm in England every year - Institute of Alcohol Studies \(ias.org.uk\)](https://www.ias.org.uk/2022/02/27/27-4-billion-cost-of-alcohol-harm-in-england-every-year/)

³ [Local Alcohol Profiles for England \(LAPE\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/local-alcohol-profiles-for-england-lape)

⁴ [Local Alcohol Profiles for England \(LAPE\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/local-alcohol-profiles-for-england-lape)



London Borough of Camden, Town Hall,
Judd Street, London, WC1H 9JE

Premises Licence
London Borough of Camden Licensing Authority

Premises licence number PREM-LIC\1891

Part 1 – Premises details

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

Atlanta Supermarket
519 Finchley Road
London
NW3 7BB

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Monday - Saturday (excluding Christmas Day and Good Friday) : 08.00 - 23.00
Sunday (excluding Christmas Day) 10.00 - 22.30
Christmas Day : 12.00-15.00 and 19.00 - 22.30
Good Friday: 08.00 - 22.30

The opening hours of the premises

N/A

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol is permitted for consumption OFF the premises only.

**Part 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Velautham Prabakaran
519 Finchley Road
Hampstead
NW3 7BB

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Velautham Prabakaran
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number: [REDACTED]
Issuing Authority: London [REDACTED]

Signed on behalf of the Director, Culture and Environment Department

Date Licence Amended: 13/06/2024 - APP\PREMISES-VARYDPS\122383

Date Licence Amended: 13/10/2016 - APP\PREMISES-TRANS\001515

Date Licence Amended: 20/07/2012 - APP\PREMISES-VARYDPS\002474

Date Licence Amended: 20/07/2012 - APP\PREMISES\TRANS\000937

Date Licence Granted: 29/12/2005



Annex 1 - Mandatory conditions

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

4. Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
 - a) On weekdays, other than Christmas Day, 08:00 to 23:00
 - b) On Sundays, other than Christmas Day, 10:00 to 22.30
 - c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
 - d) On Good Friday, 08:00 to 22:30
5. The above restrictions do not prohibit:
 - (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is or taken in an open vessel;
 - (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
6. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans



London Borough of Camden, Town Hall,
Judd Street, London, WC1H 9JE

Premises licence summary

Premises licence number	PREM-LIC\1891
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Premises details

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

Atlanta Supermarket
519 Finchley Road
London
NW3 7BB

Telephone number [REDACTED]

Where the licence is time limited the dates

N/A

Licensable Activities authorised by the licence

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Monday - Saturday (excluding Christmas Day and Good Friday) : 08.00-23.00
Sunday (excluding Christmas Day) 10.00 - 22.30
Christmas Day : 12.00-15.00 and 19.00-22.30
Good Friday: 08.00 - 22.30

The opening hours of the premises

N/A

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale of alcohol is permitted for consumption OFF the premises only.

Name, (registered) address of holder of premises licence

Velautham Prabakaran
519 Finchley Road
Hampstead
NW3 7BB

Registered number of holder, for example company number, charity number (where applicable)

N/A



Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Velautham Prabakaran

State whether access to the premises by children is restricted or prohibited

N/A

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.