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**Application for full variations to a licensed premises - Ref no. 124921**


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**Are you able to return the existing premises licence or club certificate?** Yes

**What do you want to vary?** Premises licence : PREM-LIC\122518

**Who is making the variation?** An authorised agent

**Agent details**

**First name** Angela

**Last name** Lynch

**Name of business (optional)** Thomas and Thomas Partners

**Address**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Email address**

[REDACTED]

**Telephone number**

[REDACTED]

**Correspondence details**

**Who should we correspond with in regards to this application?** Agent

**What type of variation are you applying for?** Full variation

**Will the variations mean the premises is used exclusively or primarily to sell or supply alcohol?** No

**Will the variations change the expected** No

**Application for full variations to a licensed premises - Ref no. 124921**

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**attendance?**

**When do you want the variations to take effect?**

As soon as possible

**What changes do you want to make?**

- Amend conditions

**Amended conditions**

**Will any of the changes made give rise to concerns in respect of children?**

No

**The prevention of crime and disorder**

No

**Public safety**

No

**The prevention of public nuisance**

No

**The prevention of children from harm**

No

## **About this form**

**Issued by**

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

**Contact phone**

020 7974 4444

**Form reference**

Ref. no. 124921

**Application for full variations to a licensed premises - Ref no. 124921**

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**From:** [licensing inbox](#)  
**To:** [Steven Dormer](#)  
**Subject:** FW: Police Representations 1 Monmouth Street, London, WC2H 9DA [OYS.2.4]  
**Date:** 20 December 2024 11:18:08  
**Attachments:** [Reps Letter - Police.pdf](#)

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Paru Bhudia  
Licensing Officer

Telephone: [REDACTED]

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**From:** [REDACTED]  
**Sent:** 20 December 2024 11:13  
**To:** licensing inbox <[REDACTED]>  
[REDACTED]  
**Subject:** Police Representations 1 Monmouth Street, London, WC2H 9DA [OYS.2.4]

**[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 my concern,

The applicant has accepted the following conditions, as you can see from the email below and therefore the MPS would like to withdraw their representations.

- 1.) *The sale of alcohol for consumption on the premises shall be to seated customers taking a table meal, except for a maximum of 25 seated customers until 9pm.*
- 2.) *The sale of alcohol shall only be legitimate whilst the permitted use of the premises for planning purposes remains that of a restaurant **and/or retail shop.***

Kind Regards  
Chris

---

**From:** Jack Spiegler <[REDACTED]>  
**Sent:** 18 December 2024 12:26  
**To:** Malone Christopher - CN-CU <[REDACTED]>  
**Cc:** Angela Lynch <[REDACTED]>  
**Subject:** 1 Monmouth Street, London, WC2H 9DA [OYS.2.4]

Hi Chris

Hope all is well with you. Long time!

Thanks for sending through your rep on this one.

I think the applicant is OK with your conditions, although please may we suggest a slight amendment to your second condition highlighted in red below? The reason we ask is because there is a strong shop/retail element to the business as well. Shops are also now with the same planning use class as restaurant (E Class) so hopefully this is fine? Importantly this does not include bars.

*1.) The sale of alcohol for consumption on the premises shall be to seated customers taking a table meal, except for a maximum of 25 seated customers until 9pm.*

*2.) The sale of alcohol shall only be legitimate whilst the permitted use of the premises for planning purposes remains that of a restaurant **and/or retail shop**.*

Please let me know if you'd like to discuss

Thank you

Kind regards

Jack

**Jack Spiegler**  
**Partner**

Thomas & Thomas Partners LLP

[REDACTED]  
[REDACTED]

M: [REDACTED]

D: [REDACTED]

T: [REDACTED]

E: [REDACTED]

W: <https://www.tandtp.com/home.html>

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London Borough of Camden, 5 Pancras Square, London N1C 4AG

**Premises Licence**  
London Borough of Camden Licensing Authority

**Premises licence number**  
PREM-LIC\122309

**Part 1 – Premises details**

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

No Name  
1 Monmouth Street  
London  
WC2H 9DA

**Telephone number** | N/A

**Where the licence is time limited the dates**  
N/A

**Licensable activities authorised by the licence**

Retail of Alcohol: | Yes

**The times the licence authorises the carrying out of licensable activities**

Retail of Alcohol:	
Monday to Saturday	10:00 – 23:00
Sunday	11:00 – 22:30

**The opening hours of the premises**

Monday to Saturday 08:00 – 23:00  
Sunday 10:00 – 22:30

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

ON and OFF the Premises



**Part 2**

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

Shaftesbury Covent Garden Limited



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

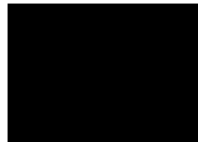


**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

NO DPS STATED

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

NO DPS STATED



**For Corporate Services Directorate on behalf of the Licensing Authority**  
**Date Licence Granted: 4/08/2034 APP\PREMISES-NEW122310**

## 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.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
5. But nothing in subsection (4) requires such a condition to be imposed -
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to -
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies[ and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
7.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of

the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
9.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

10. The responsible person must ensure that
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
12. For the purposes of the condition set out in paragraph 11
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula
- $$P = D + (D \times V)$$
- where
- (i) P is the permitted price,
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

13. Where the permitted price given by Paragraph (b) of 12 above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
14. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating schedule**

15. 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.

16. 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.

17. The CCTV camera views are not to be obstructed.

18. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all personal leaving the premises.

19. The medium on which CCTV images are recorded shall be of evidential quality; Stored securely; shall be retained for a period of 31 days; and be available for inspection by the Police or Local Authority upon request.

20. At all times when the premises are open for the purpose of licensable activities, a suitable trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage.

21. Copies shall be made available within 48 hours to the Police or Local Authority upon request.

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

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

24. Signs must be displayed in the customer areas to advise that CCTV is in operation.
25. Police must be called to incidents of violence and/or disorder where appropriate.
26. The venue shall not engage the service of street promoters to encourage clientele to attend the venue.
27. An incident log shall be kept at the premises, and made available on request to an authorized 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 refusals 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.
28. Substantial food and non- alcoholic beverages shall be available at all times the premises remain open for licensable activities.
29. The sale of alcohol shall be limited to beer and wine only.
30. There shall be no sale of alcohol in the external seating area.
31. Orders for food and beverages to be consumed on the premises shall be taken and dispensed by counter staff, waiter or waitress service only.
32. Notices shall be prominently displayed at the premises reminding staff and guests to leave quietly.
33. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
34. Customers smoking on the public footway shall not be permitted to cause obstruction to the highway to passers by.
35. Regular litter and glass collections shall be carried out in all areas where customers are congregated.
36. Bottles shall not be put out to collect except between 08:00 and 23:00 Monday to Sunday. 25. Collections of refuse shall only take place between 09:00 and 01:00 Monday to Sunday.
37. Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.

38. The Licensee will ensure that staff are trained, as appropriate, in respect relevant Licensing Law, crime scene best practice and upon the sale of alcohol to drunks and underage persons.
39. A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
40. The Removal of Glass waste from the premises shall only take place between 0700 and 2000 hrs Monday to Saturday and between 1000 and 2000 hours on a Sunday and Bank Holidays.
41. The collection of waste from the premises which included glass shall take place between 0700 and 2000hours Monday to Saturday and between 1000 and 2000 hours on a Sunday and Bank Holidays.
42. Deliveries to the premises shall take place between 0700 and 2000hours Monday to Saturday and between 1000 and 2000 hours on a Sunday and Bank Holidays.
43. With the exception of alcohol sold for consumption away from the premises alcoholic beverages shall only be sold in open containers to seated customers taking a table meal in the areas edged in red on the approved plans.
44. Orders for food and beverages to be consumed on the premises shall be taken and dispensed by counter staff, waiter waitress service only. There will be no self-service of food or alcohol.
45. Alcohol will only be sold for consumption away from the premises when ancillary to a substantial takeaway meal.

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

**N/A**







London Borough of Camden, 5 Pancras Square, London N1C 4AG

**Premises Licence Summary**  
London Borough of Camden Licensing Authority

**Premises licence number**  
PREM-LIC\122309

**Part 1 – Premises details**

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

No Name  
1 Monmouth Street  
London  
WC2H 9DA

**Telephone number** N/A

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Retail of Alcohol: Yes

**The times the licence authorises the carrying out of licensable activities**

Retail of Alcohol:	
Monday to Saturday	10:00 – 23:00
Sunday	11:00 – 22:30

**The opening hours of the premises**

Monday to Saturday 08:00 – 23:00  
Sunday 10:00 – 22:30

**Part 2**

**Name, (registered) address of holder of premises licence**

Shaftesbury Covent Garden Limited



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

██████████

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

NO DPS STATED

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

Restricted

<b>Representation</b>	
Premises name	No Name
Application reference number	APP\PREMISES-VARY\124921
Last date for representation	11/12/2024

**Making a representation as**

As an individual

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

Eric

**Last name**

Stuart

**Telephone number (optional)**
**Email address**

**Address**
 Neal Street

London

WC2H 9PA

**Remain anonymous**

No

**Grounds of representation**

- prevention of public nuisance

**Details of representation**

The current operator and operations of the premises have not caused any problems. I am concerned that a change of operator or operations could cause a public nuisance in terms of noise and/or disorderly behaviour. Currently alcohol is served together with meals. Alcohol served without food is a different proposition and premises that do so create more problems for neighbouring residents. The premises is located directly under and also surrounded by flats on all sides. Permitting the service of alcohol without meals brings a risk of public nuisance, absent other restrictions



preventing the premises from becoming an alcohol-led business.

## About this form

### Issued by

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

### Contact phone

020 7974 4444

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**Date:** 26/11/2024  
**Application Reference:** APP\PREM-VARY/124921  
**Direct Phone Number:**  
**Contact:** Esther Jones  
**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](http://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 NO NAME, PREM-LIC122518 1 MONMOUTH STREET, LONDON WC2AH 9DA**

**LICENSING AUTHORITY REPRESENTATION**

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

- Prevention of public nuisance

**The Premises and Summary of Application**

The application is for the full variation of a premises licence that was granted in the summer of this year with conditions that now form the basis of this variation application.

The application proposes to replace condition 41 of the premises licence only as set out below. The application does not propose any changes to the permitted hours, licensable activities or other conditions.

**Replace condition 43**

With the exception of alcohol sold for consumption off the premises in sealed containers alcoholic beverages shall only be sold to seated customers taking a table meal.

With:

The sale of alcohol for consumption on the premises shall be to seated customers taking a table meal on the premises only, except for a maximum of 25 seated customers until 9pm. The sale of alcohol for consumption on the premises without a table meal before 9pm shall remain ancillary to the retail and/or restaurant use of the premises.

The sale of alcohol for consumption off the premises shall be in sealed containers only, except for any designated external seating area.

**The current premises licence permits the following entertainment and activities: -**

- Alcohol (On and Off)

**The times the licence authorises the carrying out of licensable activities**

Monday to Saturday	10:00 to 23:00
Sunday	11:00 to 22:30

**The opening hours of the premises**

Monday to Saturday 08:00 – 23:00  
Sunday 10:00 – 22:30

The variation does not include a change to the times for the provision of regulated activity.

**Cumulative Impact Areas**

The premises is situated in the Camden Town Cumulative Impact Area, where there is a presumption to refuse all new and variation applications in its entirety, as set out in Chapter 6 of the Licensing Policy (Cumulative Impact Policies). While this presumption is rebuttable, this is only in exceptional circumstances where the applicant has successfully demonstrated that the granting of their application would not contribute or exacerbate the existing impact of licensed premises in that area.

**Complaint History**

I have checked the Council's records for premises and can confirm that no noise complaint has been received against the premises.


**Conclusion**

The application was granted on 4<sup>th</sup> August this year which means the licence has only been in place for under especially as the application was received in November, this means that its only been granted for 16 weeks as at today's date. This is far too short a period for variation of conditions to be considered, bearing in mind that they may not have even started trading yet as they are yet to nominate a designated premises supervisor nor provide a name for the premises.

I would recommend that the premises is managed as it is for at least a further few months, approximately 6 months (not just having a licence for the venue) and then come back with a request for a variation.

Applying for a pre-app advice would have provided the necessary advice to the applicant to consider delaying the variation application.

Yours sincerely



Esther Jones  
Licensing Team Leader



Ian Sandford  
Public Health Strategist  
Camden Health and Wellbeing  
Department/Public Health



3<sup>rd</sup> December 2024

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

### **APP\PREMISES-VARY\124921: No Name, 1 Monmouth Street WC2H 9DA**

This representation is made on behalf of Camden Health and Wellbeing Department/Public Health as a responsible authority. It relates to the application for a variation to a license to serve alcohol at No Name, 1 Monmouth Street WC2H 9DA between the hours of 10:00 and 23:00 Monday to Sunday and 11:00 to 22:30 on Sundays. At present, alcohol for consumption on the premises shall only be sold to seated customers taking a table meal; the request for variation is to allow the sale of alcohol of alcohol to up to 25 seated customers before 21:00 without taking a table meal.

The grounds for the representation are:

- public safety,
- the prevention of crime and disorder, and
- the prevention of public nuisance

We are concerned that if this application is granted, it will increase the availability of alcohol for consumption and the number of people drinking, as it substantially changes the nature of the licence from a food-led offer to a drinks led offer. This could lead to an increase in public nuisance, crime and disorder, hospital admissions and callouts and impact adversely on the health of those buying and consuming the alcohol, as well as the health of others who encounter them.

### Alcohol harms

The harms caused by alcohol in the UK are substantial. Recent figures show that alcohol costs the NHS £3.5bn a year, and alcohol related crime costs the country £11.4bn annually. In 2020, 7423 deaths were directly attributable to alcohol in England and Wales<sup>1</sup>.

### Ambulance callouts

The data on alcohol-related ambulance callouts reflect where the ambulance attended, not where the individual resides. Alcohol-related ambulance callouts highlight the immediate harms of alcohol on health and thus the risk to physical safety that alcohol causes.

Between October 1<sup>st</sup> 2023 and September 30<sup>th</sup> 2024, there were 16 alcohol related ambulance callouts within 100m of the premises, and 115 within 250m.

<sup>1</sup> <https://www.bmj.com/content/375/bmj.n2678>

At the Lower Super Output Area (LSOA, a geographical area in which an average 1,500 residents live) that the premises is within, there were 113 alcohol related ambulance callouts between 1<sup>st</sup> October 2023 and 30<sup>th</sup> September 2024. This is a rate of 77.5 per 1,000 residents aged 18 and over, which is significantly higher than the rate for Camden as a whole (7.2 per 1,000 residents aged 18 and over). The proportion of ambulance callouts that were alcohol-related in the area was 15.4%, significantly higher than in Camden as a whole (4.9%).

Within 100 metres of the premises there are 33 premises licensed to sell alcohol on the premises and 3 premises licenced to sell alcohol off the premises. Within 250 metres of the premises there are 128 premises licensed to sell alcohol on the premises and 11 premises licenced to sell alcohol off the premises.

### Alcohol Data

The impact of alcohol is particularly great in Camden<sup>2</sup>.

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

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

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

Camden is the eight highest London borough for hospital admissions for cardiovascular disease caused by alcohol (2021/22).

### Summary

There is evidence that increased availability of alcohol results in an increase in alcohol-related harm and increases the impact on a number of frontline services and the community as a whole.

### Recommendation

No Name is in a Cumulative Impact area, where the number, type and density of premises selling alcohol for consumption together have a serious and negative health impact. A change in the nature of alcohol sales from food-led to alcohol-led may increase alcohol-related collective harm in the area.

Camden Health and Wellbeing Department/Public Health Department recommends that alcohol for consumption on the premises shall only be sold to seated customers taking a table meal remains a condition, i.e. that the variation is refused.

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<sup>2</sup> [Local Alcohol Profiles for England \(LAPE\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/local-alcohol-profiles-for-england-lape)



**Conditions consistent with the operating schedule**

- 1.) The sale of alcohol for consumption on the premises shall be to seated customers taking a table meal, except for a maximum of 25 seated customers until 9pm.
- 2.) The sale of alcohol shall only be legitimate whilst the permitted use of the premises for planning purposes remains that of a restaurant and/or retail shop.
- 3) The sale of alcohol for consumption off the premises shall be in sealed containers only, except for any designated external seating area.

## 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.