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**I want to apply for a** Premises licence

**Are you an agent?** No - I'm applying for myself

**Does the premises have a name?** Yes

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

**What is the address or location?** 88 A Cleveland Street  
W1T 6NJ  
London

**What is the type of premises?** Restaurant

**Describe the area it is situated in** Residential

**Describe the layout of the premises** 2 Floors - Ground floor with the kitchen and dining, basement floor for storage and an outdoor space.

**Copy of the premises plans**

- PremisesPlans.pdf

**Tell us about the premises business hours**

| Day       | Start time | End time |
|-----------|------------|----------|
| Monday    | 09:00      | 23:00    |
| Tuesday   | 09:00      | 23:00    |
| Wednesday | 09:00      | 23:00    |
| Thursday  | 09:00      | 23:00    |
| Friday    | 09:00      | 23:00    |
| Saturday  | 09:00      | 23:00    |
| Sunday    | 09:00      | 23:00    |

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

**premises opening times?**

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

**What are the other times?** Open on all bank holidays except 25 Dec and 01 Jan.

**Is the premises an open space?** No

**Is the premises currently under construction?** Yes

**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** [REDACTED]

**Name of business** xGround Holdings Limited

**Name and address** [REDACTED]  
[REDACTED]  
[REDACTED]

**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    | 11:30      | 23:00    |
| Tuesday   | 11:30      | 23:00    |
| Wednesday | 11:30      | 23:00    |
| Thursday  | 11:30      | 23:00    |
| Friday    | 11:30      | 23:00    |
| Saturday  | 11:30      | 23:00    |
| Sunday    | 11:30      | 23:00    |

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

Both

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

No

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

Yes : Open on all bank holidays except 25 Dec and 01 Jan.

**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**

██████████

**Issuing local authority**

████████████████████

|   |  |
|---|--|
| <b>First name</b>   | Jae Hyeok  |
| <b>Last name</b>  | Lee  |
| <b>Address</b>  | [REDACTED]<br>[REDACTED]<br>[REDACTED]   |
| <b>Signed Copy of the Designated Premises Supervisor (DPS) consent form</b>   | <ul style="list-style-type: none"><li>• DPSConsentJaeLondon.pdf</li></ul>  |
| <b>Will there be any activities associated with the premises which may give rise to concern in respect of children?</b> | No   |
| <b>The prevention of crime and disorder</b>   | Our staff will be trained to remain vigilant of any potential incidents relating to alcohol related offences, anitisoical behaviour and other general crimes. They will receive instructions on identifying such behaviours, communicate and report any concerns to the authorities. |
| <b>Public safety</b>  | Our customers will be consuming alcohol in the premise and we will carefully monitor their alcohol consumption to ensure they remain in control, in order to ensure they pose no safety risks to other customers, staff, and the general public.                                     |
| <b>The prevention of public nuisance</b>  | We will make sure all customers are consuming alcohol in designated areas. We will display signs at the restuarant to remind customers to be respectful and considerate of the local residents as they leave the restaurant.   |
| <b>The prevention of children from harm</b>   | We will ensure age checks are carried out to ensure no underage children are permitted to consume alcohol. We will also  |

take proactive measures to prevent young children from being exposed to inappropriate languages or unwanted behaviour from other customers.

## About this form

### Issued by

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

### Contact phone

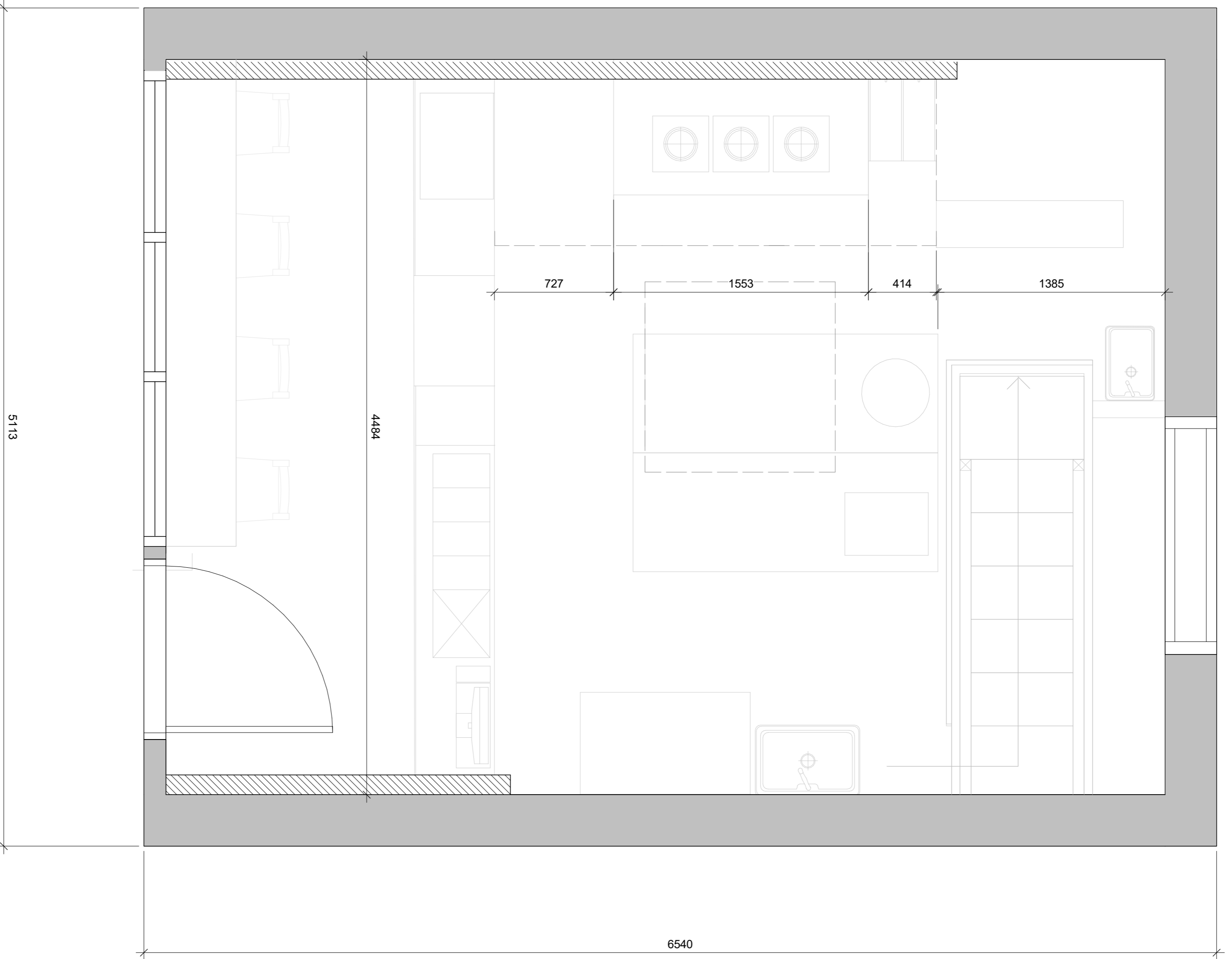
020 7974 4444

### Form reference

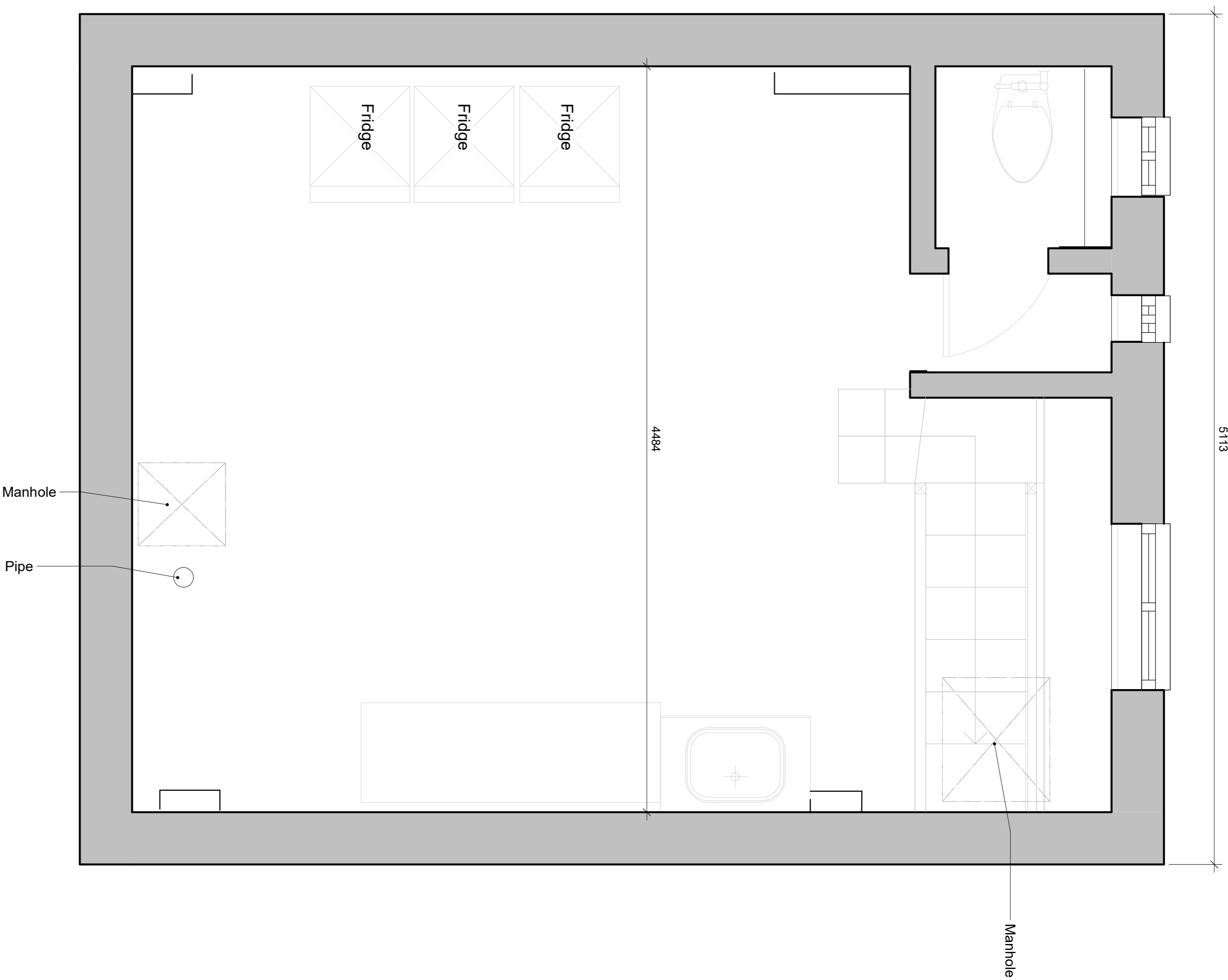
Ref. no. 125429

## Data protection

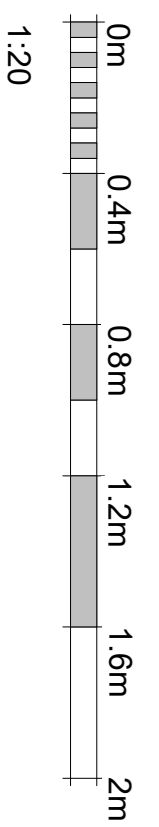
No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop 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.



**1** Ground Floor Plan  
1 : 20



**2** Basement Plan  
1 : 20



| REV# | DATE       | REVISION       |
|------|------------|----------------|
| 1    | 31/07/2024 | N/A and Client |
|      |            |                |
|      |            |                |
|      |            |                |
|      |            |                |
|      |            |                |
|      |            |                |
|      |            |                |
|      |            |                |

**88A Cleveland Street**  
 London W1T 6NJ, United Kingdom

Ground and Basement Floor Plans

**RIBA # COHANIM ARCHITECTURE**  
 Chartered Practice  
 3rd Fl, 207 Regent Street,  
 London, W1B 3HH  
 info@cohanimarchitecture.com

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|             |                           |   |
|-------------|---------------------------|---|
| CLIENT:     | <b>XHoldings Ltd</b>      | TRUE NORTH                              |
| DRAWN BY:   | <b>VP</b>                 |   |
| CHECKED BY: | <b>JH</b>                 | DRAWING NUMBER:<br><b>405-01-A005-1</b> |
| DATE:       | <b>31/07/2024</b>         | SCALE:<br><b>1 : 20</b>                 |
| FILE:       | 405-CA-03-DR-0000-R01.rvt | SHEET SIZE:<br><b>A1L</b>               |

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Application for NEW \125429, ATTO, 88 A Cleveland Street, W1T 6NJ  
**Date:** 16 December 2024 11:09:27  
**Attachments:** [image002.png](#)  
[image002.png](#)

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**[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.

Hey  
Sorry, didn't have anyone from LBC on our spreadsheet.  
Thanks  
Rach

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**From:** [REDACTED]  
**Sent:** 15 December 2024 11:11  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Application for NEW \125429, ATTO, 88 A Cleveland Street, W1T 6NJ

**RE: Application for NEW \125429, ATTO, 88 A Cleveland Street, W1T 6NJ**

Dear Camden Council,

As per the email below, the Metropolitan Police have come to an agreement with the Applicant in regards to the application for ATTO, 88 A Cleveland Street. Please can the following conditions be added to any new licence that is granted.

1. The sale of alcohol shall only be legitimate whilst the permitted use of the premises remains that of a Restaurant.
2. There shall be no vertical drinking in the Premises.
3. Alcohol sales will be ancillary to a meal.
4. Police must be called to all incidents of crime and/or serious disorder.
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 are not to be obstructed.
7. CCTV recordings must be concurrent with accurate time.
8. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.



9. 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 with 48 hours.
10. At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer of the Licensing Authority in obtaining the CCTV footage.
11. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
12. At least one Staff working at the premises at any one time shall be trained in the use of CCTV and a log will 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, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
15. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
16. A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
17. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the Police.

Many thanks,

**PC Rachel Aldis 2184 CN – Camden Licensing Team**

[Redacted]

[Redacted]

[Redacted]



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

**From:** Atto UK <[Redacted]>

# Charlotte Street Associatio

Licensing Authority,  
London Borough of Camden,  
5 Pancras Square,  
London N1G 4AG.

30<sup>th</sup> December 2024

By email to: [REDACTED]

Dear Sir/Madam,

**Re: Licensing Act 2003: Application for a New Premises Licence:  
ATTO Restaurant, 88A CLEVELAND STREET, London W1T 6NJ**

Reference: APP\PREMISES-NEW\125429

I am writing on behalf of the Charlotte Street Association.

The Charlotte Street Association was formed in 1970. Its area of interest is bounded by the Euston Road on the North; Gower Street on the East; Oxford Street on the South; and Wells Street/Cleveland Street on the West.

Cleveland Street comes within the Association's area of interest.

Among the objectives of the Association are to represent the interests of the residents of the area, with particular regard to its essential character, and scale; and to initiate and publicise positive proposals for the improvement and extension of the area's environment and amenity.

The Association is consulted by both Camden Borough Council and Westminster City Council on planning applications and other matters affecting the area, including licensing matters. It gives evidence in support of its objectives at planning and other inquiries. It took part in the consultation on, and commented upon, the original proposed Statements of Licensing Policy for both Camden and Westminster; and in later years commented on the subsequent Reviews of Camden's Statement of Licensing Policy.

The Association was also actively involved in the preparation of the Area Action Plan for Camden's part of Fitzrovia, and participated in the public consultation & Public Examination in 2013. The Fitzrovia Area Action Plan was adopted by Camden Council in March 2014.

**Our Association wishes to object to aspects of the proposals for this New Premises Licence for this new restaurant premises, on the grounds of Public Nuisance, due to the likely detrimental affect they will have on the residential amenity of those living nearby, for the reasons given below.**

Continued ..... 2.

Re: Licensing Act 2003: Application for a New Premises Licence:  
 ATTO Restaurant, 88A CLEVELAND STREET, London W1T 6NJ - *continued*:  
 Reference: APP\PREMISES-NEW\125429

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## PROPOSED NEW PREMISES LICENCE

The proposal is for a New Premises Licence for these new restaurant premises, as follows:

### For Monday to Sunday:

**(a). Supply of Alcohol (ON and OFF the Premises): 11.30am to 11.00pm**  
**and Open To The Public: 9.00am to 11.00pm**

## THE MAIN ISSUES:

### 1. The Premises:

The premises consists of a Ground Floor and a Basement.

The application also mentions “**an outdoor space**” in their application Form. But, the Ground Floor frontage is directly onto the public pavement of Cleveland Street, and the rear wall of the premises is directly onto the public space of Fitzroy Mews and with no direct access into the Mews.

Some Ground Floor premises in Fitzrovia have a narrow external “private” forecourt area; - this is often defined by slightly different paving slabs from the paving of the public pavement. In this case, there does not appear to be any such differentiation, and there does not appear to be an external “private” forecourt area. We would be grateful for clarification.

Unfortunately, the **Plan drawings** show little information and have not been labelled up.

The applicant (in the Form) describes the **Ground Floor** as Kitchen and Dining.

The Ground Floor plan layout drawing appears to show a kitchen area taking up most of the Ground Floor space, and with a very small front area for customers. There appears to be a front counter, behind which is the kitchen with a cooker, a sink and worktops. At the back, there is a staircase down to the Basement, but which appears to be only accessible for the staff.

The small front area for customers includes a counter along the shopfront window with 4 seats. The layout does not appear show tables and chairs as would be expected for a restaurant; but also the layout does not appear to allow space for a restaurant arrangement. This front area for customers appears to be small in size, being only some 4.5M x 1.5M.

For the **Basement**, the applicant (in the Form) describes it as Storage. The Basement floor plan layout shows ‘fridges, a sink and a worktop. It also shows a toilet; but this toilet would only be accessible to the staff (and not to customers) because the staircase from the Ground is at the back of the kitchen space.

### 2. The Residential Context:

These Ground Floor premises are part of the Cleveland Court block of flats, which consists of four storeys of flats above Ground Floor. Also, the premises are next to the main entrance to the flats. Cleveland Court has some 13 flats.

Please see **attached our Photograph**, which shows the Cleveland Court block of flats and the Ground Floor premises at no. 88A.

Re: Licensing Act 2003: Application for a New Premises Licence:  
 ATTO Restaurant, 88A CLEVELAND STREET, London W1T 6NJ - *continued*:  
 Reference: APP\PREMISES-NEW\125429

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### **3. Restaurant or Take Away ?**

These premises were previously a retail shop, being a well-known shoe repair shop for many years. Thus, it will be appreciated that the use as a restaurant, being open in the evenings and at weekends, is likely to be more disturbing to immediate residents. From our comments above about the Plan layout, we would be grateful for clarification if the premises will be a Take Away or a Restaurant.

It should be said that "take away" trade has become of great concern to residents in Fitzrovia due to the noise and disturbance of couriers (scooters etc) arriving and departing, and hanging around, throughout the day and evening, and including weekends and Bank/Public Holiday days - days which are one of the few opportunities for quietness and respite for local residents.

Even if there is a "take away" trade and/or meals delivered by couriers, we are concerned about such "take away" applying to alcoholic drinks supplied on their own.

### **4. Proposed Supply of Alcohol, and restaurant use:**

Although the Application Form describes the premises as restaurant use, it would appear that a "restaurant" condition has not been offered.

- (a). In Camden's Statement of Licensing Policy, Restaurants and Cafes are treated differently from Bars. Camden's Licensing Policy states that:  
*"... premises are restaurant or cafe if the sale of alcohol is only made to seated customers who are taking a meal on premises. If alcohol is sold to any other person, we will regard the premises as a pub or bar."*

The Policy (para 7.14) goes on to say that *"... We expect all restaurants to volunteer the condition that alcohol shall only be sold to persons seated and taking table meals at the premises"*.

- (b). Unfortunately, such a Condition has not been volunteered by the Applicant and thus Camden will, in licensing terms, regard the premises as a Bar.  
 This aspect particularly concerns us. Thus, we wish to strongly object to the premises being regarded as a Bar and to Bar-type activities, on the grounds of Public Nuisance, due to the likely detrimental affect they will have on the residential amenity of those living nearby.

### **5. Re: Outdoor space:**

As mentioned above, the application refers to an Outdoor Space. We assume that this might refer to the use of the public pavement in front of the premises for tables and chairs. If this is so, we would be grateful for clarification, and also the number of tables and chairs intended.

We would wish to ask for an hours restriction on the use of the outside area, so as to protect the residential amenity of the immediate residents living nearby.

### **6. Re: extract duct/fan re. kitchen/cooking:**

We see that there was a planning application, which has been approved, earlier this year for air-conditioning. The planning drawings show minimal information, but it would appear that an extract duct/fan for the kitchen/cooking are not part of this air-conditioning system. Thus, we are concerned about cooking smells affecting the residential flats above. We would be grateful for clarification.

Continued ..... 4.

Re: Licensing Act 2003: Application for a New Premises Licence:  
 ATTO Restaurant, 88A CLEVELAND STREET, London W1T 6NJ - *continued*:  
 Reference: APP\PREMISES-NEW\125429

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### **7. Re: OFF-Sales of Alcohol:**

We are concerned about the proposed Off-Sales of Alcohol, especially as there are issues in the nearby Tottenham Court Road area, with regard to existing drug and alcohol abuse in the local area.

In the circumstances, we wish to object to the OFF-Premises Supply/Sale of Alcohol, until we have a better understanding of the proposals for Off-Premises Sale of Alcohol.

Also, we are also not clear if the Sale of Alcohol OFF-Premises might be **via courier collections to customers**. If so, we would wish to ask for certain Conditions.

### **8. Conditions:**

We appreciate that one or two conditions have put forward within the Application, such as:

- *We will make sure all customers are consuming alcohol in designated areas.*
- *We will display signs at the restaurant to remind customers to be respectful and considerate of the local residents as they leave the restaurant.*

But, we wish to ask that the Conditions set out below are considered, regarding the issues raised above in our letter, and to protect residential amenity; especially to prevent noise and disturbance to residents.

The suggested Conditions below are generally based on model Conditions concerning restaurants in Camden's Statement of Licensing Policy:

- (a). The supply of alcohol on the premises shall only be to customers seated taking a table meal there, and for consumption by such persons as ancillary to their meal.
- (b). The supply of alcohol and food shall be by waiter and/or waitress service only.
- (c). Smokers from inside will not be allowed to take out to outside their alcoholic drink; and no more than two customers shall be permitted to smoke outside the premises at any one time; and the location for smokers to be agreed.
- (d). Customers smoking on the public highway (public pavements) shall not be permitted to cause obstruction of the highway (pavements) to passers by/members of public.
- (e). Notices shall be prominently displayed stating that this is also a residential area, and asking patrons to respect to be quiet and considerate to neighbours and residents when leaving.
- (f). The door(s) (and any windows) both on the street frontage and at the rear to be kept closed at all times, to prevent noise break-out to residents.
- (g). External "Private" Forecourt Area:
  - (1). Stated number of tables and chairs
  - (2). the terminal hour for the use of Chairs and Tables on the forecourt by customers shall be 9.00pm Monday to Sunday.

Continued ..... 5.

Re: Licensing Act 2003: Application for a New Premises Licence:  
 ATTO Restaurant, 88A CLEVELAND STREET, London W1T 6NJ - *continued*:  
 Reference: APP\PREMISES-NEW\125429

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## 8. Conditions - continued:

- (h). Courier collections from the premises for take away meal deliveries to customers: To avoid noise and disruption to residents, and congestion in the street, for take away food orders that are being collected by delivery companies using couriers, there shall be the following arrangements:
- to encourage the use of cycle couriers (instead of scooters) in order to cut down on noise disturbance
  - If scooter courier, the delivery/collection company will only be called when the order has been prepared and is ready for collection;
  - Generally, one collection at a time whenever possible;
  - Scooter couriers to turn off their engines, and no prolonged hanging around/waiting.
- (i). The supply of alcohol OFF the premises shall only be permitted alongside food orders. Deliveries of such sales of alcohol OFF the Premises shall only be to a business and/or private residence address; and not to any public/open spaces.
- (j). Disposal of rubbish, and especially noisy disposal of bottles (bottling out), outside the premises
- shall not take place between 10.00pm and 9.00am;
  - and not before midday on Sundays & Bank/Public Holidays.
- (k). Deliveries & Collections:  
 similarly, that there are no deliveries or collections
- between 8.00pm and 8.00am;
  - and not before midday on Sundays and Bank/Public Holidays.
- (l). Adopt Camden's "Ask for Angela" initiative:  
 The premises shall at all times adhere to the three "Women's Safety principles", which are:
- (a). Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
  - (b). Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
  - (c). Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable, make them aware of your internal policies.

### **CUMULATIVE IMPACT:**

Camden's Statement of Licensing Policy states that *"The absence of a cumulative impact policy for an area does not prevent a responsible authority or any other persons making representations on the grounds that the premises may give rise to a negative cumulative impact on the area in question."*

Continued ..... 6.

Re: Licensing Act 2003: Application for a New Premises Licence:  
ATTO Restaurant, 88A CLEVELAND STREET, London W1T 6NJ - *continued*:  
Reference: APP\PREMISES-NEW\125429

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**CUMULATIVE IMPACT - *continued***

There are some 25 Public Houses within the Camden side of Fitzrovia and a further 20 in Westminster. In addition, there are many licensed Restaurants and other licensed premises. This is a relatively small area in which there is a stable residential community. Fitzrovia is a case in point, where it is essential to take account of this cumulative negative impact of such further licensed activities and recognise the detrimental effect this would have on this residential community.

Many people live in Cleveland Street and the immediate vicinity, which accords with central Government policy to encourage people to live in central urban areas. Thus, it is very important that the amenity of the residential community here is protected. There is already a concentration of licensed premises in the immediate area.

Yours sincerely,

*Clive Henderson,*  
*On behalf of Charlotte Street Association.*

Copy: CSA Committee.

**Attached: Map Showing Buildings with Residential**

**Photographs showing the Residential context**

|                              |                         |
|------------------------------|-------------------------|
| <b>Representation</b>        |                         |
| Premises name                | ATTO                    |
| Application reference number | APP\PREMISES-NEW\125429 |
| Last date for representation | 31/12/2024              |

**Making a representation as**

As an individual

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

Steve

**Last name**

Oram

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

[REDACTED]

**Address**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Remain anonymous**

No

**Grounds of representation**

- prevention of public nuisance

**Details of representation**

Prevention of public nuisance i.e. opening hours on Sunday beyond the standard 10:30pm. There is no particular reason to be open later than standard hours or later than other restaurants on the street. And having one earlier night closing per week gives residents one night with a slightly earlier quiet time. Also, selling alcohol off the premises after standard Camden hours does not seem reasonable to local residents.



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

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

**Contact phone**

020 7974 4444

**Data protection**

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**Agreed Police conditions**

1. The sale of alcohol shall only be legitimate whilst the permitted use of the premises remains that of a Restaurant.
2. There shall be no vertical drinking in the Premises.
3. Alcohol sales will be ancillary to a meal.
4. Police must be called to all incidents of crime and/or serious disorder.
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 are not to be obstructed.
7. CCTV recordings must be concurrent with accurate time.
8. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.
9. 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 with 48 hours.
10. At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer of the Licensing Authority in obtaining the CCTV footage.
11. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
12. At least one Staff working at the premises at any one time shall be trained in the use of CCTV and a log will 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, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
15. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photocard

driving licence or proof of age card bearing the PASS hologram.

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

17. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the Police.

#### **Conditions consistent with the operating schedule**

18. We will restrict to maximum two smoking customers outside the premises at a time. No alcohol is to be consumed outside the restaurant.

19. We will ensure smoking customers do not obstruct passageways. We propose across the road where the communal bin is but welcome suggestions.

20. Sign will be displayed at the restaurant to remind customers it is a residential area and they need to maintain considerate behaviour and keep their noise level down.

21. We will have our doors and windows shut at the frontage and at the rear to keep the noise level down.

22 Outdoor seating will be limited to bench stool without tables, accommodating up to three customers. They will not be able to consume alcohol. We will restrict outdoor seating usage at 9pm every day.

23 We will use established delivery companies with ample training, encourage the use of cycle couriers and request scooters to turn off their engines and come forward for collection only when they are ready.

24 Alcohol will only be sold in conjunction with a meal and deliveries will only be made through established mediums on registered addresses, avoiding public/open spaces.

25. We will avoid noisy disposal of bottles between 10pm-9am and before midday on Sundays/Bank holidays.

26. We will restrict supply deliveries from arriving between 8pm-8am and before midday on Sundays/Bank holidays. Please clarify what you mean by collections - we will have h) implemented for food collections.

27. We will adopt the "Ask for Angela" initiative, display the poster and will provide training to staff on how to support individuals and how to spot and report any concerns.

## 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.