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**Application for full variations to a licensed premises - Ref no. 125517**

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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\1871

**Who is making the variation?** The licensee

**Correspondence details**

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

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

**What is the non-domestic rateable value (NDRV) of the premises?** 15250

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

**Will the variations change the expected attendance?** Yes

**Will the increase be more than 5,000 attendees at any one time?** No

**When do you want the variations to take effect?** As soon as possible

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

- Amend activities

**Activities on your licence**

**Application for full variations to a licensed premises - Ref no. 125517**

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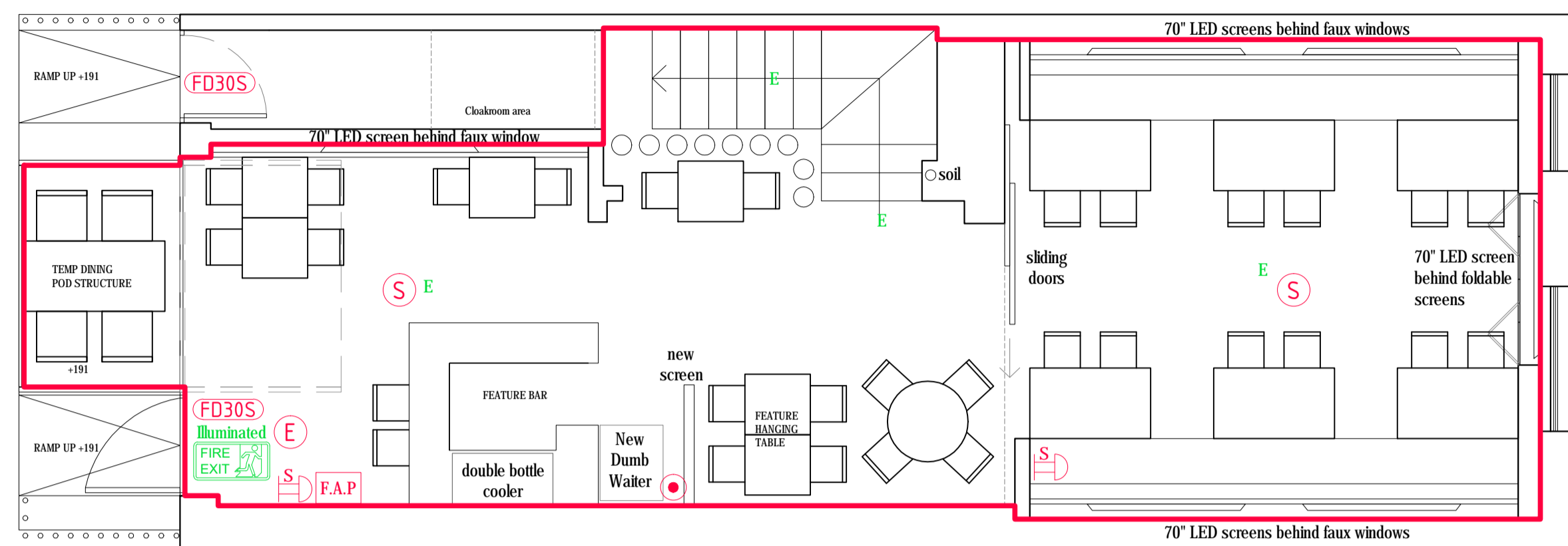
<b>Will any of the changes made give rise to concerns in respect of children?</b>	No
<b>The prevention of crime and disorder</b>	No
<b>Public safety</b>	Yes : I am writing to activate the Access and Use of the rear garden of the building with our current business hours. Our restaurant's business has suffered owing to COVID-19, which is still being transmitted. Our plan is to provide COVID-safe seating by using the property's rear garden. This has the added benefit of increasing the overall capacity of the restaurant and, during good weather, would allow all diners the choice to sit outside. We believe this will boost our business and help us as we continue to recover from the impact of the pandemic closures.
<b>The prevention of public nuisance</b>	No
<b>The prevention of children from harm</b>	No

**About this form**

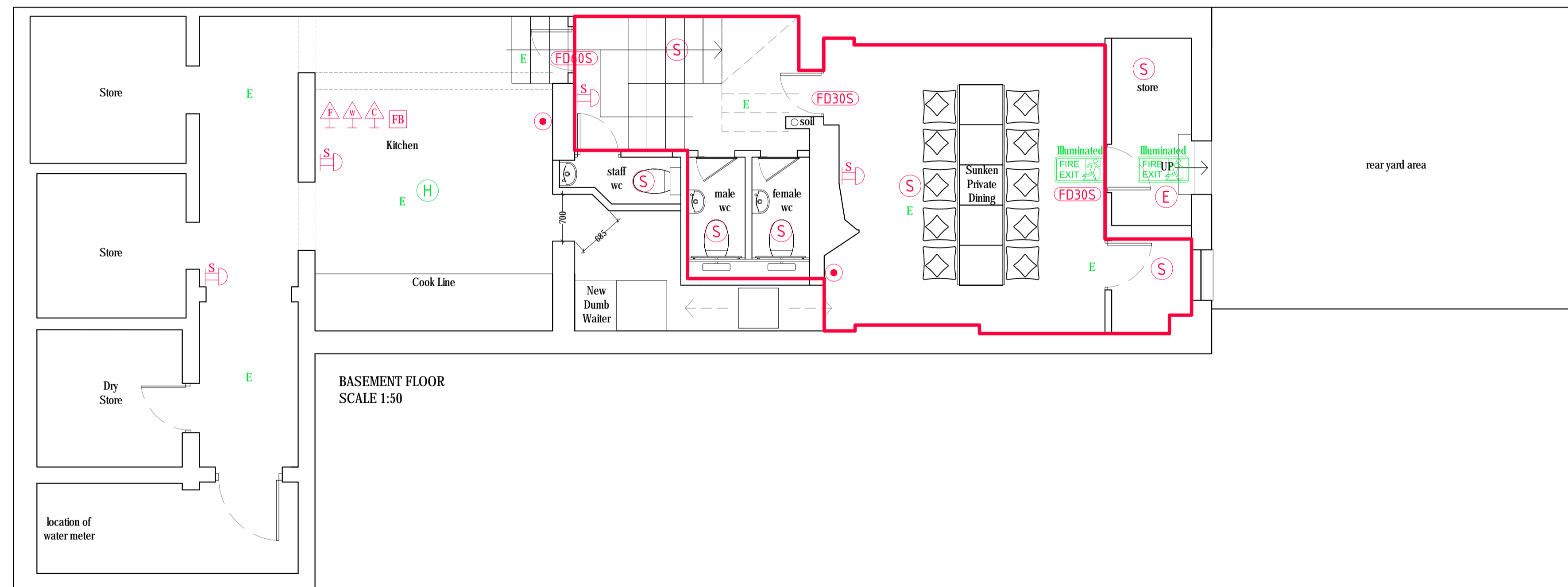
<b>Issued by</b>	Camden Town Hall Judd Street London WC1H 9JE
<b>Contact phone</b>	020 7974 4444
<b>Form reference</b>	Ref. no. 125517

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GROUND FLOOR SCALE 1:50



BASEMENT FLOOR SCALE 1:50

KEY TO FIRE REFERENCES 1:50

- (FD30S)** 30 MINUTE INTEGRITY/30 MINUTE INSULATION FIRE DOOR WITH SMOKE SEALS AND FITTED WITH A SELF CLOSING DEVICE.
- (FD60S)** 60 MINUTE INTEGRITY/60 MINUTE INSULATION FIRE DOOR WITH SMOKE SEALS AND FITTED WITH A SELF CLOSING DEVICE.
- (FE)** FIRE EXIT WITH PUSH BAR OPENING DEVICE
- (E)** ENTRY/EXIT DOOR
- (S)** AREA TO BE COVERED BY A SMOKE DETECTOR (LOCATION TO BE CONFIRMED BY ALARM CONSULTANT)
- (H)** AREA TO BE COVERED BY A HEAT DETECTOR
- (A)** PULL CORD ALARM SYSTEM, LOCATED IN DISABLED WC, SOUNDER LOCATED DISABLED WC ENTRANCE
- (D.A)** ALARM LED LIGHT TO SIGNAL ALARM ACTIVATION, POSITIONED ABOVE DISABLED SUITE DOOR
- (F.A.P)** FIRE ALARM PANEL AND SOUNDER

KEY TO MANDATORY SIGN REFERENCES - TO BS 5499: Part 1 2002

- (B.3.3)** FIRE DOOR KEEP SHUT
- (B.4.4)** 'PUSH BAR TO OPEN'

Licensable Activities may take place anywhere within this line

KEY TO FIRE FIGHTING EQUIPMENT

- Equipment to be subject to annual testing and fixed to a red coloured backboard
- △** 6ltr AQUEOUS FILM FORMING FOAM EXTINGUISHER
- △** 9ltr WATER EXTINGUISHER
- △** 2kg CO<sub>2</sub> EXTINGUISHER
- FB** FIRE BLANKET
- CALL POINT
- S** SOUNDER
- AP** ALARM PANEL

**F** FIRE EXTINGUISHER IDENTIFICATION SIGNS INCORPORATING FIRE CLASSES A, B AND C FOR THE FOLLOWING EXTINGUISHER TYPES  
 CO<sub>2</sub>  
 FOAM  
 POWDER  
 FIRE BLANKET

An automatic fire warning system is to be implemented into the alarm system

The main walkway has separate premises either side, in the event of a fire the automatic fire warning system should be extended to these sites

NOTE:  
 Loose furniture is shown for diagrammatic purposes only

- ILLUMINATED FIRE EXIT** ILLUMINATED SIGN INDICATING FIRE EXIT
- ILLUMINATED FIRE EXIT** INTERNALLY ILLUMINATED HANGING SIGN INDICATING DIRECTION OF FIRE EXIT
- Push Bar To Open** SIGN TO BE LOCATED ON THE DOOR ABOVE THE PUSH BAR
- Fire Exit Only** SIGN TO BE LOCATED ON THE DOOR ABOVE THE PUSH BAR SIGN
- Sign Listing Procedure in Case of Fire** SIGN LISTING PROCEDURE IN CASE OF FIRE
- LED Angled Downlighter fitting, emergency fitting** LED Angled Downlighter fitting, emergency fitting
- E** Emergency Light fitting
- E** Emergency Lighting - Exterior
- Fluorescent Tube Fitting with Emergency Backup** FLUORESCENT TUBE FITTING WITH EMERGENCY BACK UP
- NO SMOKING** NO SMOKING
- 600 x 600 Recessed fluorescent luminaire with emergency backup** 600 x 600 Recessed fluorescent luminaire with emergency backup

NOTES:  
 These drawings are to be read in conjunction with Consultants Fire Risk Assessment

**MEANS OF ESCAPE**  
 Fire doors to be half hour fire resisting and self closing. Doors to satisfy BS476 Part 22: 1987 and be FD30/30 standard. Doors protecting means of escape should be fitted with intumescent strips and cold smoke seals

**FIRE ALARM**  
 Building to be fitted with a fire alarm system conforming to part 15 of BS 5839-1:2002 Fire detection and fire alarm systems for buildings. Alarm should be interphased with the entertainment system to silence music when in use. Symbols on plan indicate rooms to be covered, and actual location of detector heads are to be advised by a specialist fire alarm consultant

**FIRE FIGHTING EQUIPMENT**  
 All fire fighting equipment to be set so that the carry handles are located 1.5m above floor level.

All equipment to be subject to annual testing by a competent person

**EMERGENCY LIGHTING**  
 Premises to be covered with emergency lighting to standard set out in BS 5266: Part 1:2002 The code of practice for the emergency lighting of premises other than cinemas.

All exits to be indicated by the use of maintained illuminated exit signs. All other areas to be illuminated by general emergency lighting

NOTE: All existing emergency lighting points to be retained

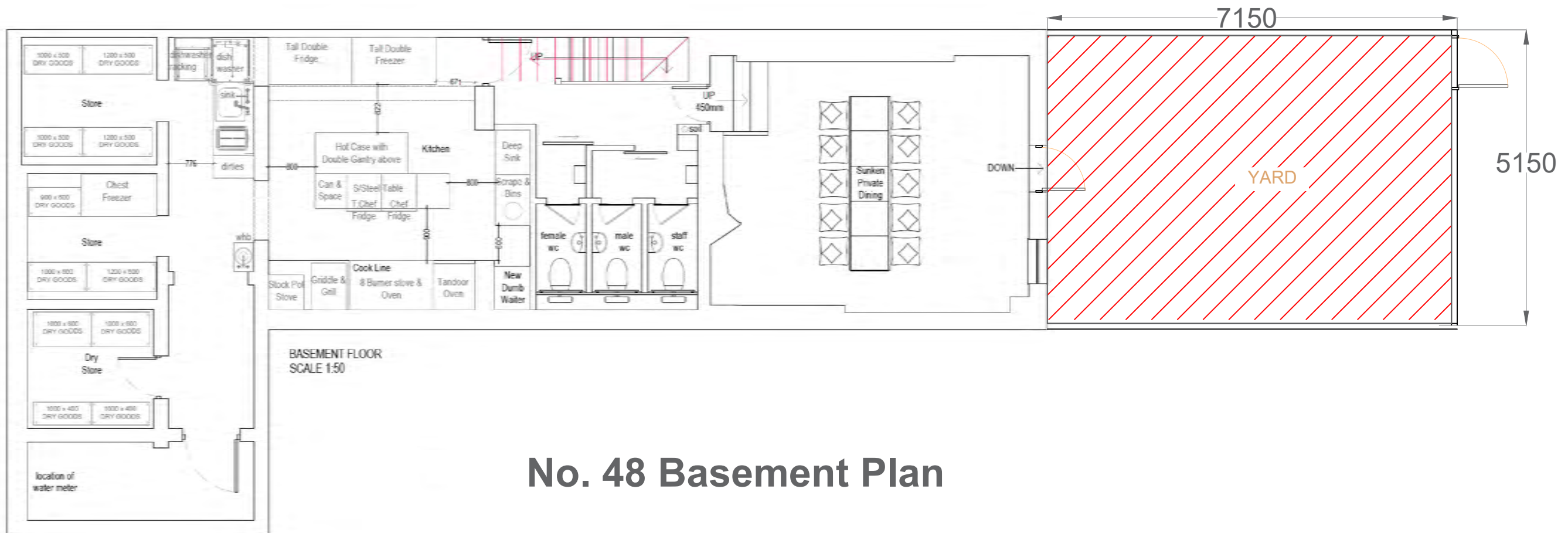
NOTE:  
 The position of the fire fighting equipment may be moved with the consent of the fire officer

REV	DATE	INFO	REV	DATE	INFO	REV	DATE	INFO
						A	23.01.17	Licensing plan updated following comments.

<b>PROJECT TITLE:</b> Nepelase Restaurant		<b>DRAWING NUMBER:</b> 7462-101A	
<b>DRAWING TITLE:</b> Licensing Plan		<b>DRAWN BY:</b> JB	
<b>CLIENT:</b> Birendra Manandhar		<b>APPROVED BY:</b>	
<b>SCALE:</b> 1:50 @ A1	<b>DATE:</b> 20.01.17		

<b>GMP LTD</b> D E S I G N	Unit D, The Winding House Cannock Chase Enterprise Centre Walkers Rise Hednesford Staffordshire WS12 0QU
	Tel: (+44) 01889 221347 Fax: (+44) 01889 580069

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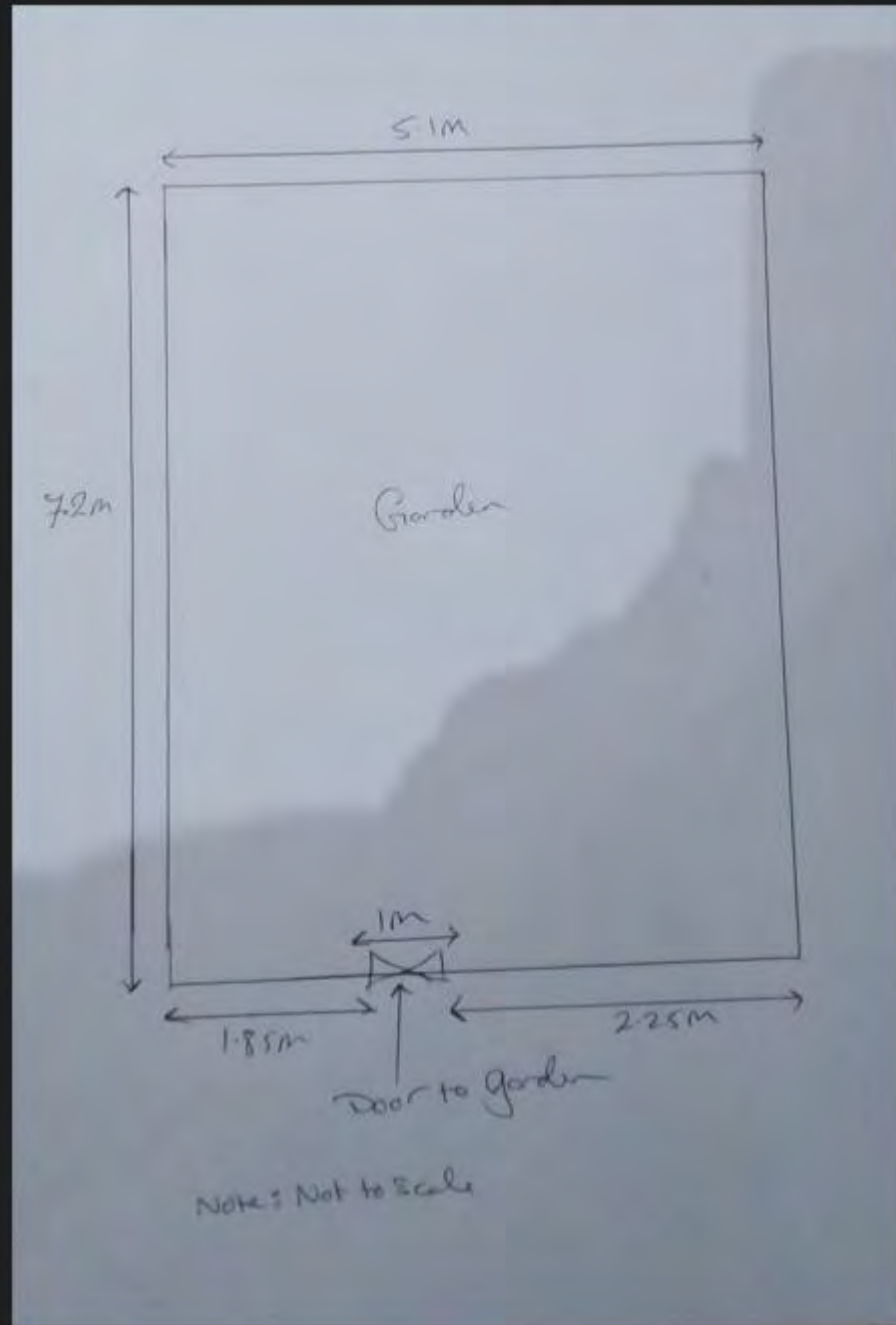


No. 48 Basement Plan

garden1.jpg



Garden Plan.jpg





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

### **Premises Licence**

London Borough of Camden Licensing Authority

#### **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. Alcohol shall not be sold or supplied except during the permitted hours. In this condition, permitted hours means:
- a) On the following weekdays, namely Monday to Saturday, other than Christmas Day, or Good Friday, 10.00 to 00.00,
  - b) On Sundays, other than Christmas Day, 12.00 to 23:30
  - c) On Good Friday, 12.00 to 23:30
  - d) On Christmas Day, 12.00 to 23:30
  - e) On New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day
16. The above condition (15) does not prohibit:
- a. during the first twenty minutes after the terminal hour for the sale of alcohol, the consumption of alcohol on the premises;
  - b. during the first thirty minutes after the terminal hour for the sale of alcohol, the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;
  - c. during the first twenty minutes after the terminal hour for the sale of alcohol, the taking of alcohol from the premises unless the alcohol is

- taken in an open vessel;
  - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
  - e. the consumption of the alcohol on the premises by, or the taking of, sale or supply to, any person residing on the premises;
  - f. the sale or supply of alcohol to a trader or club for the purposes of the trade or club;
  - g. the taking of alcohol from the premises by a residing there;
  - h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
  - i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol, so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
  - j. 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.
17. The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
18. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
19. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
20. Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
21. Regulated entertainment, for which there is no licence, may not take place on the licensed premises, as detailed by the plan, if members of the public are admitted.

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

N/A

### **Annex 4 - Plans**



London Borough of Camden, Town Hall Extension, Judd Street,  
London, WC1H 8EQ

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

**Premises licence number**  
PREM-LIC\1871

**Part 1 – Premises details**

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

Great Nepalese Tandoori Restaurant  
48 EVERSOLT STREET  
LONDON  
NW1 1DA

**Telephone number** N/A

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

N/A

**Licensable activities authorised by the licence**

(f) Recorded Music:	Yes
Late Night Refreshments:	Yes
Retail of Alcohol:	Yes

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

(f) Recorded Music:	
Monday to Sunday	00:00 - 00:00
Late Night Refreshments:	
Monday to Saturday:	23:00 - 00:30
Sunday:	23:00 - 00:00
Retail of Alcohol:	
Monday to Saturday:	10:00 - 00:00
Sunday:	12:00 - 23:30

**The opening hours of the premises**

Monday to Saturday: 10:00 - 00:30  
Sunday: 12:00 - 00:00

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

**Part 2**

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

Manandhar Bros Ltd  
48 Eversholt Street  
London  
NW1 1DA

**Registered number of holder, for example company number, charity number (where applicable)**  
10269821

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**  
Mr Gopal Prasad Manandhar

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



**From:** [birendra manandhar](#)  
**To:** [licensing inbox](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Variation of Premise licence 125517 Great Nepalese Tandoori Restaurant 48 Eversholt Street  
**Date:** 17 December 2024 22:51:37

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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.

To whom this may concern,

This is a follow up email regarding Great Nepalese Restaurant License of activating the Access and Use of the rear garden.

After correspondence with Christopher from the Metropolitan Police. We would like the following Condition added to application that the garden will be used up to 10pm.

Thank you,

Great Nepalese

---

**From:** [REDACTED]  
**Sent:** 16 December 2024 16:09  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Variation of Premise licence 125517 Great Nepalese Tandoori Restaurant 48 Eversholt Street

Hi Birendra,

Thank you for getting back to me. Could you please email the council on [licensing@camden.gov.uk](mailto:licensing@camden.gov.uk) and say you would like this condition added to your licence variation application. I will then not submit any representations.

- The garden can only be used up to 10pm every day.

Kind Regards  
Chris

---

**From:** birendra manandhar [REDACTED]  
**Sent:** 14 December 2024 12:43  
**To:** [REDACTED]

[REDACTED]  
**Subject:** Variation of Premise licence 125517 Great Nepalese Tandoori Restaurant 48 Eversholt Street

Dear Chris,

Thank you for your email

Thank you for looking into this matter. I can confirm 10pm everyday is perfectly acceptable for our variation of license for the access and use of the garden.

If there is anything else please let me know.

Thank you.

Birendra

---

**From:** [REDACTED]  
**Sent:** 13 December 2024 14:30  
[REDACTED]  
[REDACTED]  
**Subject:** Variation of Premise licence 125517 Great Nepalese Tandoori Restaurant 48 Eversholt Street

To whom it may concern,

I sent you an email in the week. Could you please let me know what you think of the condition below?

If you would like to discuss, please send me your telephone number and I will call you.

If you do reply to my email, please take out either RE or FWD in the subject line as the police firewall will not accept it.

Kind Regards  
Pc Malone 2487CN

---

**From:** Malone Christopher - CN-CU  
**Sent:** 09 December 2024 16:04  
**To:** birendra manandhar [REDACTED]  
**Cc:** Paru Bhudia [REDACTED] >  
**Subject:** RE: Variation of Premise licence 125517 Great Nepalese Tandoori Restaurant 48 Eversholt Street

Hi Birendra,

We have received your application for a varied application. We don't have any concerns about the garden use, except for noise nuisance to your residents nearby.

Would you accept a condition as follows:

- The garden can only be used up to 10pm every day.

Please let me know if you will accept this this to be added to your licence. If you do we will not submit a representation.

Kind Regards

Chris

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**From:** [Lee Perella](#)  
**To:** [Paru Bhudia](#); [birendra manandhar](#)  
**Subject:** RE: EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street  
**Date:** 16 January 2025 16:26:41  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[image004.png](#)  
[image005.png](#)

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Dear Birendra

We both recognise the issue surrounding the use of the garden for customers and the proximity of residential premises that overlook your garden. Namely the EDITH NEVILLE cottages to the rear of your garden.

The rear area itself is extremely quiet, so any activity relating to persons socialising will more likely get noticed. This is the reason why I have made my earlier comments on the hours of use and conditions.

As might be expected for the above reason, I'm aware that 3 residents have objected to the use of the garden due to concerns on public nuisance arising from patron noise.

Video of July 2024 shows approximately 23 persons standing in garden.

Video of December 2024 shows approximately 7 persons standing in the garden and ability to decipher conversation.

Your initial application as submitted did not provide all your intentions at the time with regard to hours of use and measures as in conditions of use.

I would advise you to inform the locals of your intentions to aid your application. I did note there was concern for instance of the use of the garden till midnight. This is not your intention.

You might also consider placing signage in the garden

1. *Please be respectful to neighbours and keep noise down while using our garden.*

Did you make any progress in informing the locals of your intentions with the garden in terms of your conditions and timing of use.

Regards

Lee Perella  
Noise and Pollution Officer

---

**From:** Paru Bhudia [REDACTED]  
**Sent:** 10 January 2025 12:02  
**To:** birendra manandhar [REDACTED]  
**Cc:** Lee Perella [REDACTED]  
**Subject:** RE: EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Thank you

Paru Bhudia  
Licensing Officer

Telephone: 020 7974 4444

---

**From:** birendra manandhar [REDACTED]  
**Sent:** 10 January 2025 11:20  
**To:** Paru Bhudia [REDACTED] >  
**Subject:** Re: EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

**[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.

Dear Paru,

Thank you for your email and sending the plans. We hope to contact a professional surveyor to map out and draw an accurate plan of the outdoor garden area. This will take some time. However, I will send this to you as soon as possible.

Thank you,

Best Regards,  
Birendra

---

**From:** Paru Bhudia [REDACTED]  
**Sent:** 08 January 2025 14:00  
**To:** birendra manandhar [REDACTED]  
**Subject:** RE: EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Hi Birendra

We haven't received a plan showing the garden as part of the licensable area that you wish to add.

I have attached the existing licence you must add on there the garden as part of the licensable area as you wish to extend it.

Kind regards

Paru Bhudia  
Licensing Officer

Telephone: 020 7974 4444

---

**From:** birendra manandhar [REDACTED]  
**Sent:** 29 December 2024 23:37  
**To:** Paru Bhudia [REDACTED]  
**Subject:** Fw: EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

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---

**From:** birendra manandhar [REDACTED]  
**Sent:** 26 December 2024 21:16  
**To:** Lee Perella <[REDACTED]>  
**Cc:** Licensing Representation [REDACTED]  
**Subject:** Re: EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Dear Lee,

Merry Christmas.

Thank you for your email and I appreciate you taking the time to visit our family restaurant.

I want to follow up your email regarding condition **2** to state **20.00hrs**.

2. The garden of the premises shall be closed to customers at 20.00hrs and will reopen from 10.00hrs the following day.

After, comms with *Christoper Malone from The Metropolitan Police*, they have no objections for rear garden to be closed **10.00pm**.

I want to provide some historical context about our family restaurant which was established in **1982**. Since, **1982** according to Camden Council records show there has been NO history of noise complaints from nearby resident or any other incidents. We have a strong policy on "*Polite Notice Please respect our neighbours You are requested to keep noise down to a minimum*". This is evident from our rapport, relationship and trustworthiness from our neighbours built from over the decades.

We have been serving the community since **1982**, and have a strong connection to the community. Being local residents too we have been serving generations of families, community members and passing footfall. Our intentions are to create a safe, intermate, private space and away from parties and nuisances.

To confirm, the rear garden space is an intervention method regarding "***our restaurant's business has suffered owing to COVID-19, which is still being transmitted. Our plan is to provide COVID-safe seating by using the property's rear garden. This has the added benefit of increasing the overall capacity of the restaurant and, during good weather, would allow all diners the choice to sit outside. We believe this will boost our business and help us as we continue to recover from the impact of the pandemic closures.***"

As mentioned unfortunately, due to the *COVID-19* pandemic we lost over **50%** of our table to accommodate our customers owing to covid measures, in order to create a *COVID* compliant space. We are still continuing to recover from the impacts of the pandemic closures and believe **10.00pm** is appropriate. On average, London has around 150 days with rain each year, or around 12–13 days every month. London, receives an average of about **1,460 hours** of sunshine per year This translates to approximately 4 hours of sunshine per day and average 60 days of sunshine.

This means the rear garden will be inaccessible at least **9 months** due to poor weather. And want to maximise the needs for our customers and business. Our cliental is mostly made up of evenings and dinner guests.

Can you please clarify the issues or/concerns raised from Environmental Health?

Thank you,

Best regards,

Birendra

---

**From:** Lee Perella [REDACTED]  
**Sent:** 24 December 2024 16:26  
**To:** birendra manandhar [REDACTED]  
**Cc:** Licensing Representation [REDACTED] <[REDACTED]>  
**Subject:** EH REPRESENTATION: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Dear Licensing, Birendra

**EH REPRESENTATION**

**125517**

**Great Nepalese Restaurant**

**48 Eversholt Street**

**Prevention of public nuisance**

I have contacted the applicant and carried out a visit on the Friday 20.12.24.

The applicant as agreed to offer 6 conditions.

I amend condition 2 from those 6 offered which relate to timing of use of the garden to 20.00hrs as follows

1. Staff shall regularly supervise the outside the premises to ensure customers are not causing noise nuisance to neighbouring premises.
2. The garden of the premises shall be closed to customers at 20.00hrs and will reopen from 10.00hrs the following day.
3. There will be no outside amplified speakers.
4. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
5. The licence holder shall ensure that the outside area of the premises is supervised by a waiter/waitress so as to ensure that there is no public nuisance to nearby residents.
6. CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external seating area

Should the applicant agree with the above I will withdraw my representation.

Birendra please respond by reply to all on agreement of the 6 conditions above. Note I have amended 21.00 to 20.00hrs

and reopen the use of the garden at 10.00hrs.

I will be away from the office and return on the 7 January 2025.

Regards

Lee Perella  
Noise and Pollution Officer

Telephone: 020 7974 2724

---

**From:** birendra manandhar <[REDACTED]>  
**Sent:** 19 December 2024 16:34  
**To:** Lee Perella <[REDACTED]>  
**Subject:** Fw: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

**[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.

Hi Lee,

Please call the restaurant before visiting the restaurant so that my nephew knows you're coming.

Thank you,

Baz

---

**From:** birendra manandhar [REDACTED]  
**Sent:** 19 December 2024 16:31  
**To:** Lee Perella [REDACTED]  
**Subject:** Fw: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Hi Lee,

Please call before restaurant the restaurant so that my nephew knows you're coming.

Thank you,

Baz



---

**From:** birendra manandhar [REDACTED]  
**Sent:** 19 December 2024 16:12  
**To:** Lee Perella [REDACTED]  
**Subject:** Re: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Hi Lee,

Yes, you can call on [REDACTED] and ask for Suraj.

Thank you,

Baz

---

**From:** Lee Perella [REDACTED]  
**Sent:** 19 December 2024 16:10  
**To:** birendra manandhar [REDACTED]  
**Subject:** RE: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Ok

Not around today – will message in the morning

I take it I can ring the restaurant if need be... from 11am

Lee Perella  
Noise and Pollution Officer

---

**From:** birendra manandhar [REDACTED]  
**Sent:** 19 December 2024 13:12  
**To:** Lee Perella [REDACTED]  
**Subject:** Re: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

**[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.

Hi Lee,

No, I am not available tomorrow but my nephew Suraj will be there from 11am to 2.30pm. However, I am available today anytime if you would like to visit today. Please let me know?

Best,

Baz

---

**From:** Lee Perella [REDACTED] >  
**Sent:** 19 December 2024 12:47  
**To:** birendra manandhar [REDACTED]  
**Subject:** RE: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Baz

Are you about tomorrow at the premises middle of the day for a visit...?

Lee Perella  
Noise and Pollution Officer

---

**From:** birendra manandhar [REDACTED] >  
**Sent:** 12 December 2024 12:55  
**To:** Lee Perella <[REDACTED]>  
**Subject:** Re: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

**[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.

Hi Lee,

Please see answers below:

**The considerations made covering points 1- 6, are these offered as conditions part of the variation?**

Yes, we are considerate neighbours.

**Are you limiting table and chair – number of picnic tables outside?**

No, we would like the garden static to accommodate our customers needs. Currently, we have placed 4 picnic tables and may need alter as well as understand what fits best within the gardens needs, as this is the first time we are doing something like this.

**What have you currently got in place in terms of furniture provision?**

Currently, we have placed 4 Picnic Tables and Artificial grass to make it practical and look nice.

Finally, please let me know dates and times regarding our visit?

Best wishes,

Baz

---

**From:** Lee Perella [REDACTED]  
**Sent:** 12 December 2024 11:54  
**To:** birendra manandhar [REDACTED]  
**Subject:** RE: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Birendra

Thank you for your response

I may have to come and inspect the garden.

The considerations made covering points 1- 6, are these offered as conditions part of the variation?

Are you limiting table and chair – number of picnic tables outside?

What have you currently got in place in terms of furniture provision?

Regards

Lee Perella  
Noise and Pollution Officer

---

**From:** birendra manandhar [REDACTED]  
**Sent:** 11 December 2024 20:26  
**To:** Lee Perella [REDACTED]  
**Subject:** Re: Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

**[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.

Dear Lee,

Please see below.

Thank you,

Kind regards,

Birendra (Baz) Manandhar

**What premises are surrounding your garden?**

The current surrounding areas of the garden is below as follows:

Right side of the premises garden area is also garden of Mail Boxes Etc. Euston, 46 Eversholt Street, NW1 1DA. Which is part of our rear Garden. We are the Landlords of 46 Eversholt Street.

Left side of the premises garden area is an extended building belonging to Finance & Currency 50 Eversholt Street, NW1 1DA.

Of the rear of the garden is small Avenue which acts as a boundary line separating our premisses from Origin housing.

**How do you currently use the garden?**

No Activities have ever taken place since the established of the business since 1982.

**What do you want to do differently?**

Public Safety: Yes : "I am writing to activate the Access and Use of the rear garden of the building with our current business hours. Our restaurant's business has suffered owing to COVID-19, which is still being transmitted. Our plan is to provide COVID-safe seating by using the property's rear garden. This has the added benefit of increasing the overall capacity of the restaurant and, during good weather, would allow all diners the choice to sit outside. We believe this will boost our business and help us as we continue to recover from the impact of the pandemic closures."

**What considerations have you given to not creating public nuisance from the use of the garden?**

1. Staff shall regularly supervise the outside the premises to ensure customers are not causing noise nuisance to neighbouring premises.
2. The garden of the premises shall be closed to customers at 21.00.
3. There will be no outside amplified speakers.
4. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
5. The licence holder shall ensure that the outside area of the premises is supervised by a waiter/waitress so as to ensure that there is no public nuisance to nearby residents.
6. CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external seating area

---

**From:** Lee Perella [REDACTED]  
**Sent:** 11 December 2024 18:15  
**To:** [REDACTED]  
**Subject:** Licence application 125517 Great Nepalese - garden use 48 Eversholt Street

Dear Baz

**Great Nepalese - garden use 48 Eversholt Street.**

Received your application.

What premises are surrounding your garden?

How do you currently use the garden?

What do you want to do differently?

What considerations have you given to not creating public nuisance from the use of the garden?

Regards

Lee Perella

Noise and Pollution Officer

Public Safety  
Supporting Communities  
London Borough of Camden

Web: [camden.gov.uk](http://camden.gov.uk)

5 Pancras Square  
London N1C 4AG



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<b>Representation</b>	
Premises name	Great Nepalese Tandoori Restaurant
Application reference number	APP\PREMISES-VARY\125517
Last date for representation	05/01/2025

**Making a representation as**

As an individual

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

Lisa

**Last name**

Moore

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

[REDACTED]

**Address**1 Edith Neville Cottages  
London  
NW1 1JY**Remain anonymous**

No

**Grounds of representation**

- prevention of public nuisance

**Details of representation**

I would like to oppose this application on the grounds of public nuisance. I am a resident of Edith Neville cottages. Because the gardens and backs rooms of the houses of Edith Neville cottages and backs of the shops and restaurants on Eversholt Street are in an enclosed space, any noise from these properties echoes loudly in our gardens, kitchens and bedrooms. This has already caused me a huge amount of difficulty with the restaurant I live opposite who do not have an outside ventilation, in that consistent noise (both from the

customers, kitchen fan and a burglar alarm which went off consistently throughout the night for a number of months) and light nuisance (the lights are turned on at 6am and stay on until late in the evening) caused me to have a mental health crisis two years ago. This can be testified to by local police who have acted as an advocate for me in this matter. Granting this license variation would mean more noise nuisance and I do not believe I would be able to tolerate living here with the noise of outside customers as well. When the restaurant has had people outside this summer I have struggled in these instances. I am very concerned about my mental health and those of the people on this street if this variation was granted.

## About this form

### Issued by

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

### Contact phone

020 7974 4444

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<b>Representation</b>	
Premises name	Great Nepalese Tandoori Restaurant
Application reference number	APP\PREMISES-VARY\125517
Last date for representation	05/01/2025

**Making a representation as**

As an individual

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

Marupa

**Last name**

Khan

**Telephone number (optional)****Email address****Address**3 Edith Neville Cottages  
London  
NW1 1JY**Remain anonymous**

No

**Grounds of representation**

- prevention of public nuisance
- protection of children from harm

**Details of representation**

The proposed garden is located on a strip of residential gardens near mine. It's an echo chamber for noise. I have 4 very young children. There are also other children and elderly residents. This could cause noise pollution particularly challenging for sleeping. Customers may want to smoke, this would be harmful to them. They're likely to hosting events out there in Summer in particular during school holidays during the Euros.



## About this form

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<b>Representation</b>	
Premises name	Great Nepalese Tandoori Restaurant
Application reference number	APP\PREMISES-VARY\125517
Last date for representation	05/01/2025

**Making a representation as**

As an individual

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

Mary

**Last name**

Wood

**Telephone number (optional)****Email address****Address**6 Edith Neville Cottages  
London  
NW1 1JY**Remain anonymous**

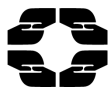
No

**Grounds of representation**

- ensuring public safety
- prevention of public nuisance
- protection of children from harm

**Details of representation**

I am the immediate neighbour of the Great Nepalese and I am making a representation against this premises variation on the grounds of ensuring public safety, preventing public nuisance and the protection of children from harm. I feel I can make this assertion with authority because the Great Nepalese has already been using this space for business (please see video evidence) which has caused public



nuisance and a great deal of distress to my family, particularly to my 7-month-old grandson who lives at the property full time. I am unable to say if the Great Nepalese had a temporary variation for these occasions as we tried to resolve the disturbance with the proprietors ourselves, but they refused to engage with us. Importantly, I also believe this variation would be in violation of licensing laws as it the proposed variation space is less than two meters from the curtilage of my property. My family home in Edith Neville Cottages (Origin Housing) is the immediate neighbour to the Great Nepalese restaurant, with the garden of my home backing onto the garden that the Great Nepalese is seeking a variation for. Our gardens are separated only by a brick wall and a very narrow alleyway making the curtilage of our properties less than a meter apart. Both gardens are very small open-air gardens surrounded by high buildings, with the bathroom and bedroom windows of my home overlooking both gardens. One of these two bedrooms is occupied by my daughter and my 7-month-old grandson, and I occupy the other bedroom. You can see our bedroom, bathroom, kitchen windows and garden in the photograph the applicants have provided in their application. The houses and gardens of Edith Neville Cottages are currently shielded from street noise by the buildings surrounding them. Many of the gardens that back onto the gardens of Edith Neville Cottages are owned by restaurant occupiers. If this variation were granted the gardens and bedrooms of Edith Neville

Cottages, particularly in my home, would no longer have that noise protection and be subject to the full force of restaurant level noise and secondary smoke pollution until midnight most evenings. This is true if any of the restaurants were to apply for a similar variation. Granting this variation would be public nuisance in that it would substantially interfere with both the use and enjoyment of the Edith Neville Cottages properties, making it impossible to use rooms within our home and gardens for their intended purposes and obstructing us from resting and relaxing. Residences would be subject to excessive noise pollution, light pollution, second hand smoke and general disturbance. Edith Neville Cottages are occupied by at least fifteen children, several elderly people (including myself) and many working people who deserve respite in their bedrooms and gardens. Customers smoking, drinking and eating at all hours of the day until midnight would not allow for this. I am at home looking after my grandson most days, even with limitations, granting this variation would mean we are subject to disturbance most days. Additionally, if approved we would be subject excessive light pollution in the evenings as well as the bright garden lights (50+ blubs) that hang across the garden of the Great Nepalese would be on near constantly. As previously mentioned I am confident that this variation would cause public nuisance because the Great Nepalese have been using the garden space already, having customers drinking and smoking in it at various times throughout 2024, about which my daughter



made complaints to them in person. On these occasions the noise and smoke pollution has been significant and distressing. I have video and photographic evidence that show occurrences of the Great Nepalese using the garden space on 4th July 2024 and 20th December 2024, although other instances have occurred which unfortunately we cannot evidence. On 4th July, up to 30 people were smoking and drinking in the garden of the great Nepalese and it made our bedrooms and garden unusable even with the bedroom windows closed. Because of the smoke I had to close the windows and garden door as I live with a heart condition which is affected by smoke. Even with the windows closed there was no protection from the noise and it was as though we ourselves were sitting in the restaurant garden with the customers. My grandson was notably disturbed by the noise and had to be moved from his room and put into our living room to sleep. To be clear: the noise was intolerably loud and got louder later into the evening. On 4th July 2024 neither I nor my grandson were able to sleep at a reasonable time that evening because of the noise and our neighbours report experiencing a similar disturbance. In our garden second-hand smoke was also present and I had to leave the garden because secondary smoke is ill advised due to my severe heart condition. My daughter was also unable to sit in our garden comfortably because of the noise and was also compelled to leave our garden. My daughter put in a verbal complaint to the Great Nepalese at the time, she left her



number to discuss the issue with the proprietor but was never contacted. She has been round to speak to a manager since but has never been contacted back. Me and my grandson have bedtimes of approximately 7pm and 8.30pm respectively because of our ages and the fatigue I experience because of my condition, so even granting this variation with limitations would cause a massive disturbance to our lives. As well as video evidence from the 4th July I have also attached a photograph of an advert outside the Great Nepalese which it used to advertise the garden to its customers during the Euros 2024. This was located outside the front of the restaurant and as you can see the same photograph of the garden has been used as was submitted in this application. The Great Nepalese have let customers smoke and drink in the garden at other times and this has woken up myself and my grandson. On one of these occasions, 20 December 2024, my daughter took video evidence which I have attached. Although there were only five or six people in the garden at this time, the noise was significant because of the proximity. I does not capture the full force of the noise in either video due to the quality of my phone however I trust these will give you an idea of the disturbance. How this relates to reason #3 - prevention of public nuisance: The noise and second-hand smoke pollution which would be caused by this variation would be public nuisance in that it would substantially interfere with both the use and enjoyment of our properties, making it impossible to use several rooms

within our home for their intended purpose and obstructing us from resting and relaxing. This would cause my family serious harm and endanger our physical health and mental health due to an unreasonable level of noise pollution inside our property and second-hand smoke on our property, which we have already experienced. It would also impinge on our privacy. In the photo they took you can see how very close our garden and bedrooms are to the restaurant garden, customers in the Great Nepalese garden would clearly be able to see into our bedroom and bathroom windows for the duration of their visit unless we had the blinds shut permanently. The garden space of the Great Nepalese would also cause light pollution as the 50 or more garden bulbs already installed in the great Nepalese garden would presumably be on most evenings and would shine into our bedrooms due to the proximity of the properties. How this relates to reason #4 - protection of children from harm: Granting this variation would endanger the wellbeing and quality of life of the children of Edith Neville Cottages. Numerous studies have shown that environmental noise pollution can have extremely harmful effects on children's learning, behaviour and sleep (<https://www.healthychildren.org/English/safety-prevention/all-around/Pages/how-noise-affects-your-child.aspx>). The increased noise levels would mean my grandson would not be to use his bedroom for its intended purpose and there is nowhere else he could viably sleep in his home. I also would not be comfortable opening the windows to the room or him



using the garden when second hand smoke was present. He would also not be able to use the garden independently in future if a fire exit meant that the public had easy access to our garden for obvious safety reasons. How this relates to reason #2 - Insuring public safety: The restaurant has argued that use of the garden space would prevent the spread of Covid-19 within their establishment, however as there is no alternative way to access the garden except by walking through the interior of the restaurant or via a fire exit, granting this variation would not circumnavigate the spread of Covid-19 but may encourage those with Covid-19 to attend the restaurant under a false pretext of safety. This would put me, who is vulnerable due to my heart condition and unable to visit public houses, at risk of second-hand smoke inhalation on my own property. I would also not feel comfortable with my grandson or any of my other grandchildren who visit regularly playing in the garden if this variation was granted due to the risk of smoke and also the public access to my garden through any proposed fire escape. Living in central London you tolerate a certain level of noise, but it is unthinkable to expect us to have to put up with restaurant level noise in our gardens and under our bedroom windows into the night most days of the week. Fear that our restaurant neighbours might put this application in has already caused both me and my daughter a great deal of stress and impacted our health in that way. We are not unsympathetic to businesses having suffered the effects of Covid-19, however this is a thriving restaurant which is full most



evenings and already produces a significant amount of neighbourly noise which we tolerate in good grace already. It is unreasonable to expect paying customers to keep quiet in an establishment that they have paid to have a good time in, but it is more unreasonable to impinge on the quality of life of my infant grandson, and that of the other children and people who live in Edith Neville Cottages for profit. Being aware of the disturbance and the distress they have caused us already, I do not understand why the proprietors have applied for a variation to the back of the property opposed to a variation for the front, for tables outside or a street eatery, which other establishments on the same road have done. If this license were granted and the other restaurants on the street (of which there are many) were also to apply for variations, it would make Edith Neville Cottages unliveable. Please reject this license variation application. Nb. I have been unable to attach the supporting evidence but have emailed these to [licensing@camden.gov.uk](mailto:licensing@camden.gov.uk) – please could you confirm these have been received? Residents from Edith Neville Cottages and St Mary's Flats have signed a petition against this license variation which we would also like to submit for consideration. Many thanks for your time and consideration.

## About this form

Issued by

Camden Town Hall

Judd Street

London

WC1H 9JE

**Contact phone**

020 7974 4444

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
Add a Caption

Thursday • 4 Jul 2024 • 19:28

[Adjust](#)


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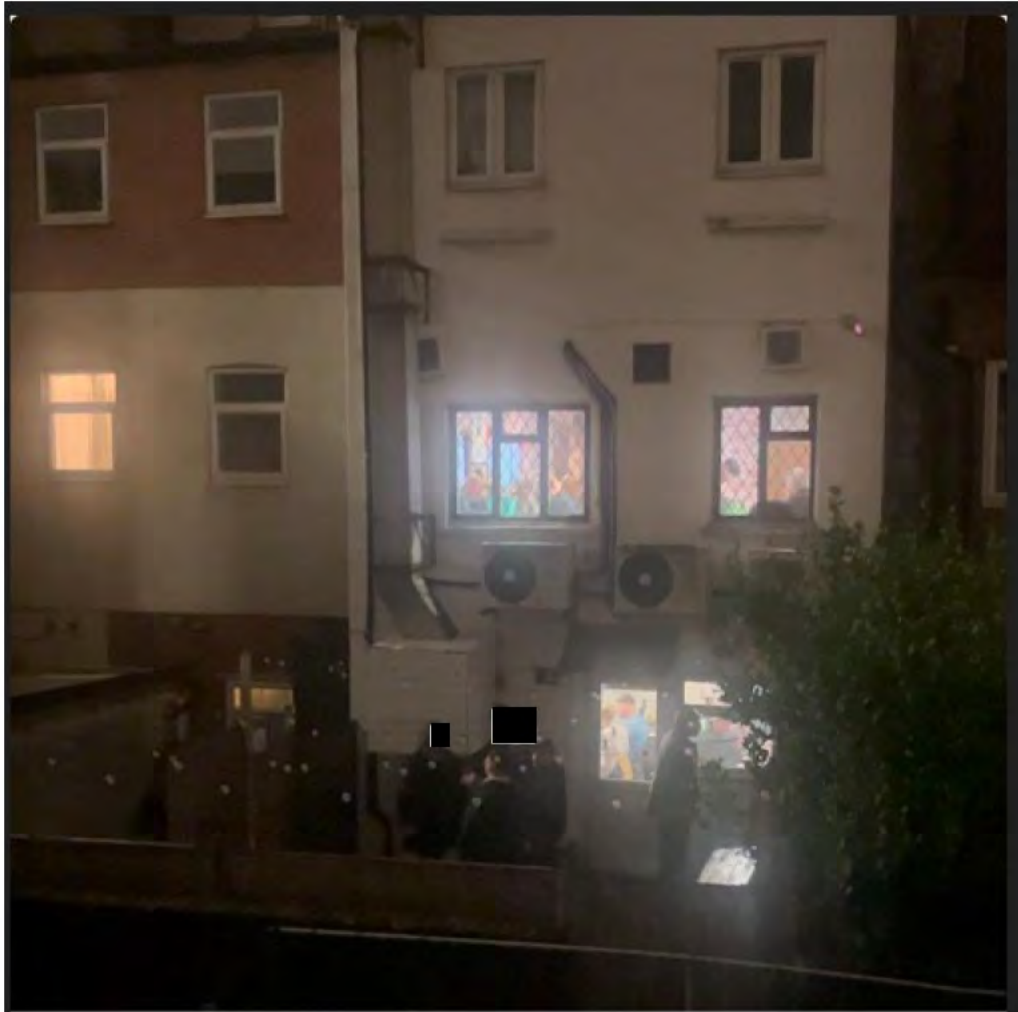
Apple iPhone 13

HEVC 

Wide Camera — 26 mm  $f1.6$

1080p • 1080 × 1920 • 11.8 MB

 Dolby Vision



Add a Caption

Friday • 20 Dec 2024 • 20:32

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## Operating Schedule

The applicant has agreed the following conditions with Environmental Health bar number 2 as they have agreed condition number 7 with the police.

1. Staff shall regularly supervise the outside the premises to ensure customers are not causing noise nuisance to neighbouring premises.
2. The garden of the premises shall be closed to customers at 20.00hrs and will reopen from 10.00hrs the following day.
3. There will be no outside amplified speakers.
4. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
5. The licence holder shall ensure that the outside area of the premises is supervised by a waiter/waitress so as to ensure that there is no public nuisance to nearby residents.
6. CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external seating area
7. The garden can only be used up to 10pm every day.

## 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.