



© Crown copyright and database rights 2025 OS AC0000849991

I want to apply for a	Premises licence
Are you an agent?	Yes - I am an agent
Agent Details	
First name	Keystone Law Limited
Last name	Lavell
Name of business	Marcus
Name and address	48-49 CHANCERY LANE WC2A 1JF LONDON
Email address	[REDACTED]
Telephone number	[REDACTED]
Does the premises have a name?	Yes
What is the name of the premises?	Gopuff
What is the address or location?	Arch 43 Castle Mews NW1 8SX London
What is the type of premises?	Grocery delivery company
Describe the area it is situated in	Arches
Describe the layout of the premises	Unit
Copy of the premises plans	<ul style="list-style-type: none">• CastleMewsLicensingPlan.pdf

Tell us about the premises business hours

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

Are there any seasonal variations for the premises opening times?

No

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

No

Is the premises an open space?

No

Is the premises currently under construction?

No

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

12000

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**

12793914

Name of business

Gobrand's UK Holdings Limited

Name and address48 HOXTON SQUARE
N1 6PB
LONDON**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	00:00	00:00
Tuesday	00:00	00:00
Wednesday	00:00	00:00
Thursday	00:00	00:00
Friday	00:00	00:00
Saturday	00:00	00:00
Sunday	00:00	00:00

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? No

DPS details

Does your designated premises supervisor (DPS) currently hold a personal licence? Yes

Was their personal licence issued by Camden? No

Personal licence number NCCOOCJ3679

Issuing local authority Newcastle-upon-Tyne City Council

First name Jack

Last name Wilson

Address

████████████████████
██
██████████

Signed Copy of the Designated Premises Supervisor (DPS) consent form

- DPSCONSENT.pdf
- DraftProposedConditions.pdf

Will there be any activities associated with the premises which may give rise to concern in respect of children? No

The prevention of crime and disorder

Please see presentation and conditions attached.

Public safety

Please see presentation and conditions attached.

The prevention of public nuisance

Please see presentation and conditions attached. Further, the business is also one of remote (app/internet) sales of groceries, including to some degree alcohol. The business is to be operated from an appropriate industrial/business premises. The attached presentation includes the operator's "Delivery and Servicing Protocol", identifying the steps taken to prevent noise nuisance.

The prevention of children from harm

Please see presentation and conditions attached.

About this form**Issued by**

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

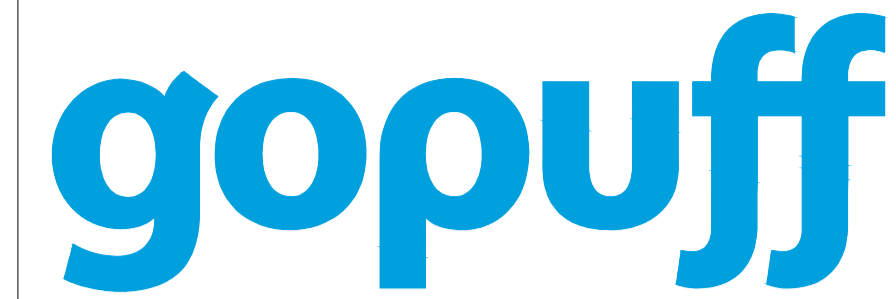
020 7974 4444

Form reference

Ref. no. 126106

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.



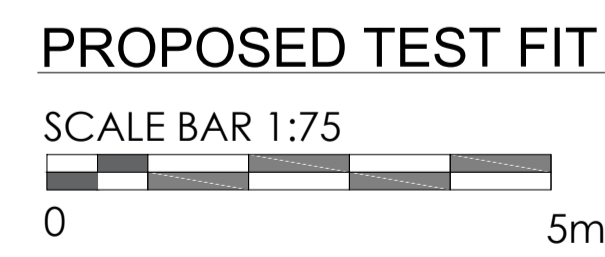
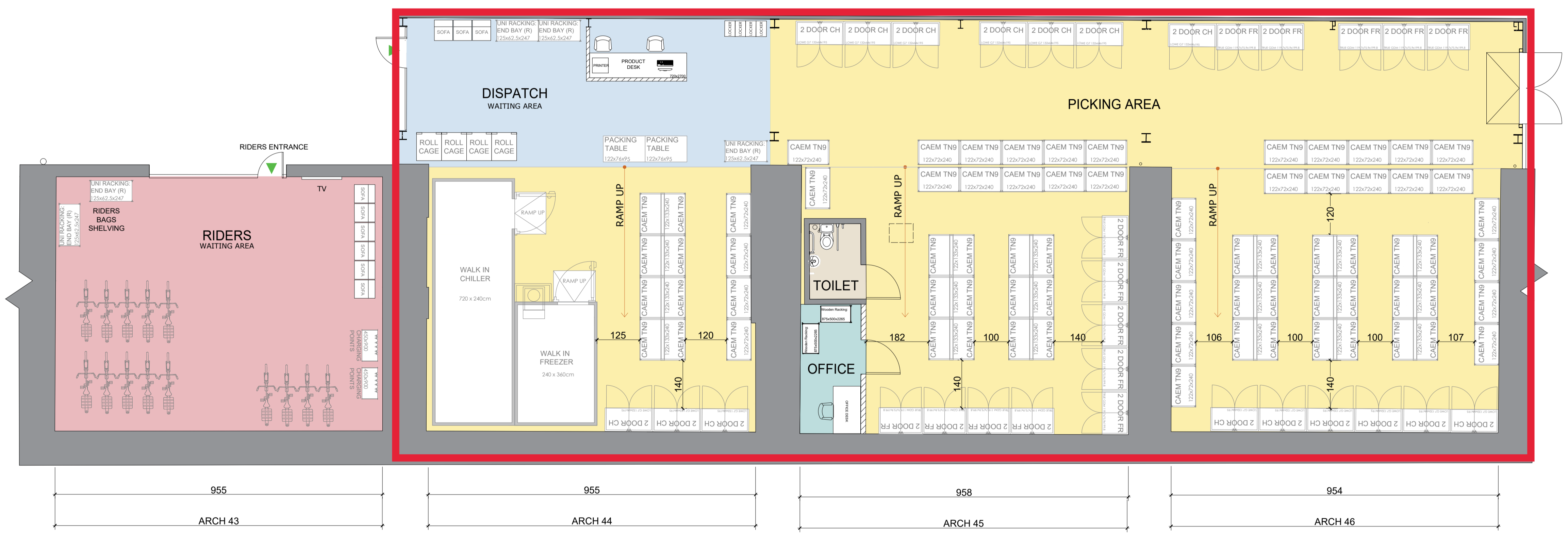
537 N 3rd St, Philadelphia, PA 19123
www.gopuff.com

LEGEND

BAY TYPE	QUANTITY
CAEM TN9 RACKING (122 X 72) DOUBLE SIDED	19
CAEM TN9 RACKING (122 X 72) SINGLE SIDED	31
UNIZINC RACKING FOR DISPATCH/STORAGE	3 (2)
CHROME RACKING (90 X 45)	1 (1)
LOWE G7 CHILLER (132X64)	16 (2)
TRUE GDM FREEZER (119.7X75.9)	11 (4)
WALK IN CHILLER (720 x 240)	1
WALK IN FREEZER (240x360)	1

Equipments from Paddington's project (*) new equipments

IMPORTANT: Licensable activities can take place anywhere within the red line. The position of loose furniture and equipment is shown for diagrammatic purposes only. Firefighting equipment is indicated but may be moved subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.



PROJECT
LHR_London_Castle Mews
ARCH 44-46, CASTLE MEWS
LONDON, UK

AREAS

ARCH 43 (70.00 M2)	
RIDERS	70.00 M2
ARCH 44-45-46 (349.00 M2)	
PICKING AREA	304.00 M2
DISPATCH	46.66 M2
OFFICE	6.80 M2
WC	3.45 M2

NAME FILE CAD : LHR_LONDON_CASTLE MEWS_TF 06 11 24	CREATED BY: CG
PLAN : PROPOSED TEST FIT	APPROVED BY: EG
LEVEL : GROUND FLOOR	TF01
SIZE: A1 DATE 11/6/24	



Camden Licensing Authority

Town Hall Extension
Argyle St
London

WC1H 8EQ

Joel Francis [REDACTED]
CN – Central North BCU

Licensing Unit
Room 1.22
Kentish Town Police Station
12a Holmes Rd
London
NW5 3AE

Telephone: [REDACTED]
[REDACTED]

Your ref: **NEW\126106**

Tuesday 21st January 2025

Dear Sir/Madam,

RE: Application NEW\126106
Gopuff, Arch 43, Castle Mews, NW1 8SX

With reference to the above Application, the Metropolitan Police Service (MPS) wishes to make a Representation.

As contained within the notes of guidance for the Licensing Act 2003, it is the responsibility of the Police and Local Authority to promote the Prevention of Crime and Disorder, Promote Public Safety, Prevent Public Nuisance and Protect Children from Harm. I certify that I have considered this application on its own merit, and the Representation is based on the likely indirect impact the grant may have on the locality. I provide a basis for my concerns within this document.

The Metropolitan Police would respectfully ask that this Application is rejected in its entirety.

Policing Camden

Police in Camden value our diverse and vibrant night time economy and seek to provide a safer environment for our residents, workers and visitors. The London Borough of Camden attracts a high number of visitors and has a high concentration of valued licensed venues.

Key Policing Challenges

Gender violence

Women have told us they feel unsafe being alone in Camden's streets during later hours and that they suffer from verbal harassment, unwanted staring and some are even followed. These incidents are especially more prevalent where there are higher concentrations of late night venues.

Drink spiking

Defined as applying a noxious substance to a drink with intent to cause harm. Women are more likely to be targeted and these incidents are difficult for Police evidentially.



allow customer collection from the premises and wants to undertake a twenty four hour delivery service.

The consumption of alcohol off licensed premises presents risks around hidden addiction, unsupervised drinking and self-harm by vulnerable individuals. Mental illness and addiction to alcohol is a major contributor to domestic violence. Such domestic incidents have devastating impacts on young people and health implications for vulnerable groups suffering from mental illness and addiction. An increase in the availability of alcohol into the early hours of the day could increase demand on Police and London Ambulance Services who have to respond to incidents within the home. Alcohol is a major factor in the early hours of the morning for disturbances within the family. This issue becomes even more serious when one considers that the most serious assaults take place in the early hours when resources are most diminished. Domestic incidents take much longer to deal with than a fight in the street. Intoxicated victims and witnesses are less likely to assist in the early stages of a criminal investigation, which can have a frustrating impact on the outcome. Camden has a larger than normal population of people housed in semi-dependent hostels for those living with addictions. There will unfortunately be households living close by who live with problematic alcohol consumption.

The MPS would have concerns that an application to provide continuous alcohol supply by delivery would lead to further irresponsible drinking and ultimately give rise to further pressures on emergency services. It could not be expected that a delivery service would have the ample knowledge to determine which individuals are vulnerable to alcohol misuse and it is only by reducing the desired hours in the application that the MPS would feel safeguarding these individuals and these vulnerable families can be achieved.

The Institute of Alcohol Studies (2019) cites the impact of Domestic Abuse, Sexual Assault and Child Abuse with the following finding;

'Research typically finds that between 25% and 50% of those who perpetrate domestic abuse have been drinking at the time of the assault, although in some studies the figure is as high as 73%'

ias.org.uk

There has been a significant increase in delivery businesses in Camden. Within the Camden Council's Licensing Policy there is an emphasis on striking a balance between the needs of Camden's residents and the needs of the business community. Deliveries made to residential addresses in the early hours of the morning will expose the local population to the problems associated with excess and unsupervised alcohol consumption. The effect will be felt by the persons consuming the alcohol but will indirectly effect the other members of the household and their neighbours.

Police licensing are grateful to the Applicant for the Conditions being offered. However, the Applicant can better mitigate against crime and disorder concerns by reducing the amount of hours being proposed.

Med

The Applicant Representative and Police licensing are in discussions to find a compromise but no agreement has currently been reached.

**Times Proposed By Applicant:**

The Applicant wishes to conduct the licensable activities twenty four hours a day on each day of the week.

Police licensing wish to highlight the Camden Licensing Policy on Framework Hours. These reduced hours lower the likelihood of disorder and public nuisance. This is especially important where premises are situated within residential areas.

We consider that the possibility of residents being disturbed late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for us to consider when addressing the hours for licensable activities.'

Page 36 Camden Licensing Policy 2022-2027

We ask that the Applicant make consideration for changing the proposed hours to align with the following Recommended Framework Hours:

Monday to Saturday: 8am to 11pm
Sunday: 10am to 10:30pm


Conclusion

- Proposed hours are beyond Camden Framework Hours
- Off sale premises
- Operation situated within residential area
- Disturbance to residents likely
- Operation as proposed likely to impact alcohol consumption during the later hours in Camden and off sales of alcohol still impacts on crime and disorder especially during later hours

In summary, the view of the MPS is that this Application should be rejected in its current form, unless significant reduction of times for licensable activities is made. This is suggested as the most effective way of allowing the venue to operate whilst minimising any indirect harm.

If you have any additional questions please contact me
Yours sincerely,

Joel Francis, Camden Police Licensing Team

 Kentish Town Police Station, 12A Holmes Road, NW5 3AE



Camden Licensing Authority

Town Hall Extension
Argyle St
London

WC1A 0AX

Joel Francis [REDACTED]
CN – Central North BCU
Licensing Unit
Room 1.22
Kentish Town Police Station
12a Holmes Rd
London
NW5 3AE

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: NEW126106

Friday 14th February 2025

Dear Sir/Madam,

RE: Application NEW126106
Gopuff, Arch 43, Castle Mews, NW1 8SX

With reference to the above Application, the Metropolitan Police Service (MPS) wishes to withdraw a Representation.

Within the Licensing Act 2003, and contained in the notes for guidance for the Licensing Act 2003, it is the responsibility of the Police and Local Authority to promote the Prevention of Crime and Disorder, Promote Public Safety, Prevent Public Nuisance and Protect Children from Harm.

I certify that I have considered the application above on its own merit, and my Representation was based on the likely effect of the grant of the application being detrimental to Camden Council's Licensing Objectives.

Conditions AGREED between Police Licensing and Applicant:

No changes or amendments to those proposed.

Times AGREED between Police and Applicant:

The Applicant and the MPS have agreed to the following:

Monday to Sunday: 8am to 1am

Conclusion

The MPS and applicant have agreed to reduce the daily hours for licensable activities and respectfully ask that the agreed terms are appended to any licence granted.

If you have any additional questions please contact me



MORE TRUST | LESS CRIME | HIGH STANDARDS

Yours sincerely,
Joel

[Redacted]

Joel Francis [Redacted], Camden Police Licensing Team
Kentish Town Police Station, 12A Holmes Road, NW5 3AE

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Date: 12/02/2025
Application Reference: APP\PREM-NEW/126106
Direct Phone Number: 0207 974 8016
Contact: Steven Dormer
E-mail: [REDACTED]



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

Tel: 020 7974 4444 (switchboard)

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

DX: 2106 Euston

www.camden.gov.uk

Please quote our reference in any correspondence

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

Licensing Act 2003 – SECTION 17

RE: Gopuff, Arch 43, Castle Mews, London, NW1 8SX

LICENSING AUTHORITY REPRESENTATION

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

Framework Hours

The Premises and Summary of Application

The application is to permit the provision of the following:-

- Supply of Alcohol

The operational times being applied for are as follows: -

Alcohol – Both (Indoors)

Monday to Sunday 00:00 – 00:00

The opening hours of the premises

Monday to Sunday 00:00 – 00:00

Volunteered conditions in the operating schedule.

1. All staff will be fully trained in their responsibilities and with regard to the promotion of the licensing objective in particular sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

2. Members of the public shall not be allowed on the premises at any time.

3. The licence and premises are to fulfil internet/app generated sales for delivery and no direct sales shall take place to the general public from the site.
4. A CCTV system is in operation for the warehouse, to provide security and identify any culprit who is intent in causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All current security measures will remain in operation. All staff will be fully trained in the operation of the CCTV to ensure it is operational all the hours of trade. Images will be made available to the police or authorised licensing officer from the council on request.
5. All potential customers must verify at the time of payment that they are at least 18 years of age.
6. No deliveries will be made to an open space.
7. All sales of alcohol for delivery must be paid for by credit card, debit card (pre- paid or otherwise) or electronic payment,
8. Details of the order (including the type, amount of alcohol, name and address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the electronic receipt provided to the customer,
9. All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol,
10. Deliveries only made to those over the age of 18.
11. A challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not look 25 years old. They will be required to prove by way of photographic ID, either a passport or driving licence that they are at least 18. The card used for purchase will also be checked against the ID provided. If the business is in any doubt, then the delivery of alcohol will not be made, and a full refund will be issued. Postal/ carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 or over when making the purchase.
12. No idling of vehicles that are awaiting access to the premises or waiting to pick up a delivery.
13. Delivery drivers waiting to collect customers' orders for delivery, shall not be allowed to congregate outside of the Premises (save in the event of a fire drill or fire evacuation) and shall be required by the Premises Licence Holder to wait inside the Premises.
14. Deliveries of goods inwards, to the Premises, shall only take place between the hours of 7am and 8pm daily.

Complaint History

No complaints relating to this specific address have been located on the system

Background

The application is being made by Keystone Law Ltd on behalf of Gobrand's UK Holdings Limited. The application is to carry out off sales 24 hours a day from a warehouse within Castle Mews within the Haverstock Ward of the London Borough of Camden.

Current Application

The applicant has applied to operate outside the framework hours seven days a week. This is a breach of 5.3 of the adopted Licensing Act policy.

For licences authorising the sale of alcohol for consumption off the premises:

Monday to Saturday 08:00 am until 11:00 pm

Sunday 10:00 am until 10:30 pm

Cumulative Impact (Special Policy Areas)

The premises are not situated in a Cumulative Impact Area.

Conclusion

The application has hit one policy trigger within the London Borough of Camden regarding Framework Hours. Whilst the measures proposed are consistent with this type of venue. It would be down to the panel should they wish to depart from the Council's adopted policy on Framework Hours.

Yours sincerely



Steven Dormer
Licensing Officer

From: [Andrew Buck-Bourne](#)
To: [Paru Bhudia](#)
Subject: FW: EH Representation GO PUFF licence application 126106 Arch 43 Castle Mews NW1 8SX
Date: 13 February 2025 07:19:07
Attachments: [RedactedPdf.pdf](#)

FYA

Kind regards

Andrew Buck-Bourne
Licensing Support Officer
Supporting Communities
London Borough of Camden

Telephone: 020 7974 4444
Web: camden.gov.uk
8th Floor
5 Pancras Square
London N1C 4AG

Please consider the environment before printing this email.

From: Lee Perella [REDACTED]
Sent: 12 February 2025 12:17
To: Licensing Representation <licensing.representations@camden.gov.uk>
Cc: [REDACTED]
Subject: EH Representation GO PUFF licence application 126106 Arch 43 Castle Mews NW1 8SX

Dear Licensing, Marcus

ENVIRONMENTAL HEALTH REPRESENTATION
GO PUFF APPLICATION
ARCH 43 CASTLE MEWS NW1 8SX
Application 126106
Our Ref 331656

Prevention of Public Nuisance Licensing Objective

Application for 24 hours grocers retail of alcohol

Thank you for your proposed conditions

My comments below

History

I've looked at the history on the area – There have been complaints on vehicles,

movements, parking, reversing sirens, type in the past, hours of operations. The location within proximity to residential premises on the Mews and beyond.

Premises that drew previous complaints in that area, at the time operated daytime Monday to Friday and had local agreement for moving pallet delivery loads between 8am and 3pm.

Informative: Ensure that the client has the correct planning consent for the use of the arch 24 hours.

Retail of Alcohol.

The 24 hours application is likely to receive representations and is excessive.

There is likely to be a greater negative impact on the area if the premises creates increased activity in the Mews. Current restrictions on supply of alcohol in the Borough elsewhere, would make this premises attract more demand/ activity and therefore more potential for Public Nuisance issues.

Did you consider that the retail of alcohol was supposed to be more in line with the Camden framework hours for off sales.

For licences authorising the sale of alcohol for consumption off the premises: Monday to Saturday 08:00 am until 11:00 pm Sunday 10:00 am until 10:30 pm

Conditions offered

12,13,14.

12. No idling condition – agreed – and to add[clear signage shall be displayed to drivers to this effect “switch off engines when parked”](#).

13. no congregating condition – agreed

14. Deliveries – agreed in part to include waste collections from the premises

On condition 14 shall read

[Deliveries to the premises, and waste collections from the premises Monday to Saturday shall take place between 8am and 8pm, and on Sunday and Public holidays 10am to 8pm.](#)

–

Further condition

[Licence holder will keep a log of all premise servicing deliveries and collections to and from the premises.](#)

Queries on the application

1. What is the expected increase in traffic to the premises and area? Noting already no public access to premises.
2. Number of suppliers vehicles?
3. Number of customer delivery vehicles?
4. Parking for said vehicles?
5. Vehicle types – for customer deliveries. Are these low impact electrical or non-mechanised vehicles? Condition could be applied to this effect.

[Transit of food sales to customers shall be conducted by means of bicycle/ electric vehicles.](#)

6. Fork lift/ pallet truck movements? This was particularly problematic in this location. Suggestion - electric means to move pallet loads. White noise reversing sirens.
7. How is the applicant ensuring “quiet” deliveries to the premises.
8. Lighting of premises and outside area to prevent public nuisance.

Regards

Lee Perella
Noise and Pollution Officer

Public Safety
Supporting Communities
London Borough of Camden

Web: camden.gov.uk

5 Pancras Square
London N1C 4AG

Representation	
Premises name	Gopuff
Application reference number	APP\PREMISES-NEW\126106
Last date for representation	13/02/2025

Making a representation as

As an organisation

Your details**Organisation name**

TRACT

First name

Kathryn Anne

Last name

Gemmell

Telephone number (optional)**Email address****Address**3 Ivor Street
London
NW1 9PL**Remain anonymous**

No

Grounds of representation

- prevention of public nuisance

Details of representation

The proposal is for 24/7 operations. This is onto a residential street in a residential area and not an appropriate location for these hours. We would like a condition that all deliveries from the site must be via non-combustion motor vehicles ie electric bikes or cars. No operatives to be talking or on phones in the external area.

About this form

Issued by Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone 020 7974 4444

Data protection

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Representation	
Premises name	Gopuff
Application reference number	APP\PREMISES-NEW\126106
Last date for representation	13/02/2025

Making a representation as

As an individual

Your details**First name**

Patricia

Last name

Thomas

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

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

No

Grounds of representation

- prevention of public nuisance

Details of representation

This is an application to enable a grocery delivery business to include alcohol in its offer. It intends to operate 24 hours a day or at least to be allowed to do so. The application includes conditions which are intended to protect those who receive the products and their neighbours. There is less information about the protection of those in the vicinity of the enterprise, but the hours of operation are too early in the morning and late at night to enable them to be good neighbours. More attention needs to be given to this matter before the application is in acceptable form.

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WC1H 9JE

Contact phone 020 7974 4444

Data protection

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PROPOSED CONDITIONS

1. All staff will be fully trained in their responsibilities and with regard to the promotion of the licensing objective in particular sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
2. Members of the public shall not be allowed on the premises at any time.
3. The licence and premises are to fulfil internet/app generated sales for delivery and no direct sales shall take place to the general public from the site.
4. A CCTV system is in operation for the warehouse, to provide security and identify any culprit who is intent in causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All current security measures will remain in operation. All staff will be fully trained in the operation of the CCTV to ensure it is operational all the hours of trade. Images will be made available to the police or authorised licensing officer from the council on request.
5. All potential customers must verify at the time of payment that they are at least 18 years of age.
6. No deliveries will be made to an open space.
7. All sales of alcohol for delivery must be paid for by credit card, debit card (pre-paid or otherwise) or electronic payment,
8. Details of the order (including the type, amount of alcohol, name and address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the electronic receipt provided to the customer,
9. All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol,
10. Deliveries only made to those over the age of 18.
11. A challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not look 25 years old. They will be required to prove by way of photographic ID, either a passport or driving licence that they are at least 18. The card used for purchase will also be checked against the ID provided. If the business is in any doubt then the delivery of alcohol will not be made, and a full refund will be issued. Postal/ carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 or over when making the purchase.
12. No idling of vehicles that are awaiting access to the premises or waiting to pick up a delivery.
13. Delivery drivers waiting to collect customers' orders for delivery, shall not be allowed to congregate outside of the Premises (save in the event of a fire drill or fire evacuation) and shall be required by the Premises Licence Holder to wait inside the Premises.

14. Deliveries of goods inwards, to the Premises, shall only take place between the hours of 7am and 8pm daily.

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.