



**I want to apply for a**

Premises licence

**Are you an agent?**

Yes - I am an agent

**Agent Details**

**First name**

Felicity

**Last name**

Tulloch

**Name of business**

Kuit Steinart Levy LLP

**Name and address**

3 ST MARY'S PARSONAGE  
M3 2RD  
MANCHESTER

**Email address**

**Telephone number**

**Does the premises have a name?**

Yes

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

The Alchemist (formerly Pescatori)

**What is the address or location?**

55 57 Charlotte Street  
W1T 4PD  
London

**What is the type of premises?**

Restaurant & Bar

**Describe the area it is situated in**

Commercial

**Describe the layout of the premises**

Ground floor and basement. Small area on the pavement for tables and chairs.

**Copy of the premises plans**

- ALC006-  
A321\_BASEMENT\_LICENSINGPLAN--.  
pdf

- ALC006-A221\_GF\_LICENSINGPLAN--.pdf

**Tell us about the premises business hours**

Day	Start time	End time
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:30
Saturday	10:00	00:30
Sunday	11:00	23:00

**Are there any seasonal variations for the premises opening times?**

Yes

**Tell us the variations and exactly when they occur**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

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

Yes

**What are the other times?**

An additional hour on the day immediately preceding a Bank Holiday

**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?**

182000

**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** 06957833

**Name of business** The Alchemist Bar & Restaurant Limited

**Name and address** CHADSWORTH HOUSE WILMSLOW  
ROAD  
SK9 3HP  
HANDFORTH

**Email address**

**Telephone number**

**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**

- e. Live music
- f. Recorded music
- i. Late night refreshments - Hot food or hot drinks only between 11pm and 5am.  
Refreshments outside of these times do not need to be licenced
- j. Supply of alcohol

**Live Music**

Day	Start time	End time
Monday	10:00	23:30
Tuesday	10:00	23:30
Wednesday	10:00	23:30
Thursday	10:00	23:30
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	11:00	22:30

**Where will performances take place?**

Indoors

**Tell us about the specifics of the activity**

The live music will be infrequent and include singers, duos and small groups to create atmosphere at the premises.

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

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

Yes : An additional hour on the day preceding a Bank Holiday

**Recorded Music**

Day	Start time	End time
Monday	10:00	23:30
Tuesday	10:00	23:30
Wednesday	10:00	23:30
Thursday	10:00	23:30
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	11:00	22:30

**Where will performances take place?**

Indoors

**Tell us about the specifics of the activity**

Infrequent provision of DJs to create atmosphere at the premises

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

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

Yes : An additional hour on the day preceding a Bank Holiday.

**Late refreshments**

Day	Start time	End time
Monday	23:00	23:30
Tuesday	23:00	23:30
Wednesday	23:00	23:30
Thursday	23:00	23:30
Friday	23:00	00:00
Saturday	23:00	00:00
Sunday	No late night refreshments	

**Where will refreshments be provided?**

Both

**Tell us about the specifics of the activity**

To allow for hot food and hot drink to be sold post 11pm from the premises.

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

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

Yes : An additional hour on the day preceding a Bank Holiday

**Alcohol supply**

Day	Start time	End time
Monday	10:00	23:30
Tuesday	10:00	23:30
Wednesday	10:00	23:30
Thursday	10:00	23:30
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	11:00	22:30

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

Both

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

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

Yes : An additional hour on the day preceding a Bank Holiday

**DPS details**

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

Yes

**Was their personal licence issued by Camden?**

No

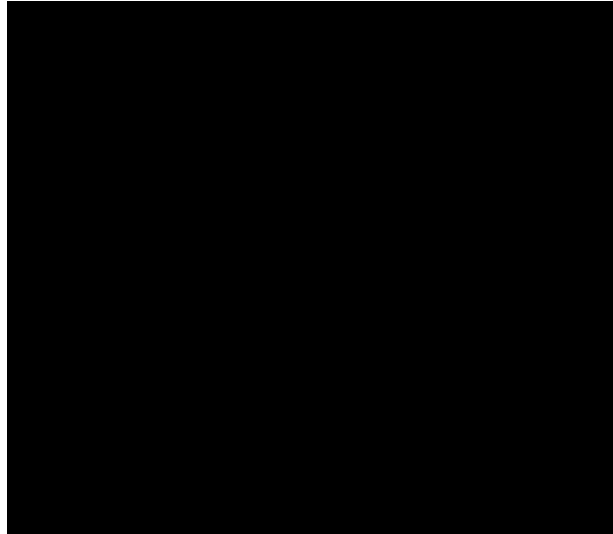
**Personal licence number**

**Issuing local authority**

**First name**

**Last name**

**Address**



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

- ConsentofindividualtobeingspecifiedasDesigna 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 refer to the Operating Schedule and Policies attached to this application.

**Public safety**

Please refer to the Operating Schedule and Policies attached to this application.

**The prevention of public nuisance**

Please refer to the Operating Schedule and Policies attached to this application.

**The prevention of children from harm**

Please refer to the Operating Schedule and Policies attached to this application.

## About this form

**Issued by**

Camden Town Hall  
Judd Street



London  
WC1H 9JE

**Contact phone**

020 7974 4444

**Form reference**

Ref. no. 110432

**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.





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**THE ALCHEMIST, CHARLOTTE STREET****DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises or in the case of alcohol sold for the purpose of consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

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**THE ALCHEMIST, CHARLOTTE STREET**  
**SMOKING & AL FRESCO DINING POLICY**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

## **OPERATING SCHEDULE**

### **A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening.
6. SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under age sales, and the laws relating to the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

### **B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an incident log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. External doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

**D) The Protection of Children From Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.



**TOTAL POLICING**

Camden Licensing Authority

Town Hall Extension  
Argyle St  
London

WC1H 8EQ

**EK - Camden Borough**

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

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: **NEW110432**

Dear Sir/Madam

**RE: Application NEW110432**

**The Alchemist, 55 – 57 Charlotte Street W1T 4PD**

With reference to the above Application, the **Metropolitan Police Service (MPS) wishes to make 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, and my representation is based on the likely effect of the grant of the application being detrimental to Camden Council's Licensing Objectives for the reasons contained within the content of this document. I am of the opinion that the risk to Camden Council's objectives can be mitigated by the recommended conditions being appended onto any granted amendments to the premises licence.

**Health, Crime and Social Impacts**

The Institute of Alcohol Studies brings together evidence and policy to promote an informed debate on alcohol's impact on society.

- **According to the World Health Organisation (WHO), the harmful use of alcohol results in 3.3 million deaths every year. Overall, 5.1% of the global burden of disease and injury is attributable to alcohol.**
- **Alcohol consumption causes death and disability relatively early in life. In the age groups of 20-39 year olds, approximately 25% of deaths are alcohol attributable. (Updated February 2018)**
- **Alcohol related crime makes up a substantial portion of violent offences across the UK (39% in England and Wales in 2017/18)**
- **An IAS study found 75% of Police Officers and 50% of Paramedics have been injured in alcohol related incidents. Furthermore, 43% of service personnel have suffered sexual harassment or abuse at the hands of intoxicated members of the public. Research has also highlighted the role of alcohol in domestic violence, sexual assault, child abuse, and violent crime including murder.**

*(Source: Institute of Alcohol Studies, Economic Impacts of Alcohol Factsheet, October 2015)*



## UNIQUE APPLICATION ISSUES:

This application is for an alcohol lead restaurant and bar on Charlotte Street W1T in the London Borough of Camden. The Street runs parallel to Tottenham Court Road, a busy arterial route with busy transport links including several tube stations, taxi's and bus routes, and this naturally attracts a lot of footfall and is only a stone 's throw away from one of the CIZ's. The road itself is relatively quiet in comparison, it has a mix of businesses, residential properties, restaurants, bars and pubs.

Brief research of the area shows that theft offences are the most common, a good portion of these thefts will be attributed to licenced venues. At present there has been a rise in the increase of distraction thefts and "table surfers" who target phones and bags/laptop bags.

Anti-social behaviour calls are also high in this area meaning that Police are having to dedicate resources to tackle this issue. The venue can assist Police greatly by having a dispersal policy in place for the busier nights, with SIA employed to help enforce this, efforts must be made to reduce the impact of noise nuisance to the surrounding residents.

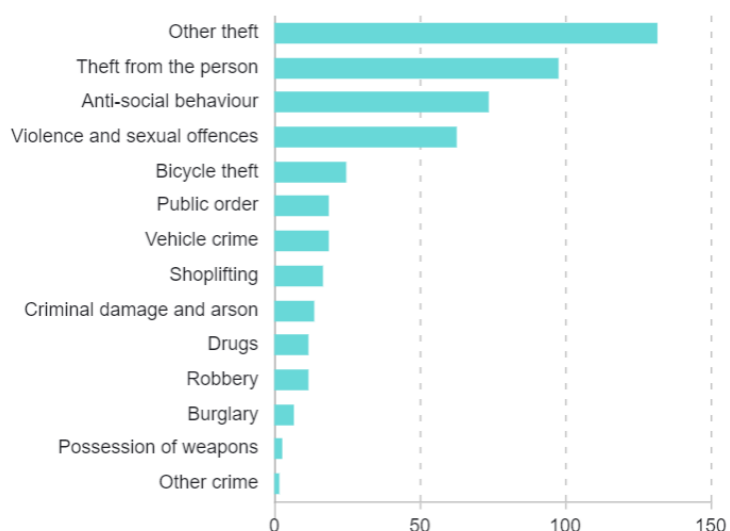
Sexual offences are also high in this area, since the ease of lockdown restrictions there has been a frightening increase in the amount of spiking allegations attributed to the night time economy, more so than before. Many of this spiking allegations are made alongside allegations of sexual assault.

### Top reported crimes

Most commonly reported crimes during Apr 2022

<b>Other theft</b>	<b>132</b>
<b>Theft from the person</b>	<b>98</b>
<b>Anti-social behaviour</b>	<b>74</b>
<b>Violence and sexual offences</b>	<b>63</b>

Source: <https://www.police.uk/pu/your-area/metropolitan-police-service/bloomsbury/>



Source: <https://www.police.uk/pu/your-area/metropolitan-police-service/bloomsbury/>

Any Licensing Hearing held as a result of this Representation may be supplied with further, specific, crime figures and intelligence reports relating to the venue or the area in which it is located.

## **CONDITIONS PROPOSED BY APPLICANT:**

### **A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening.
6. SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under age sales, and the laws relating to the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an incident log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. External doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

**D) The Protection of Children From Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.

4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

#### **CONDITIONS PROPOSED BY POLICE:**

**Change:** Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

**To:**

At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage. Copies shall be made available within 48 hours to the Police or Local Authority, upon request.

Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening. (Remove)

**Change:** SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.

**To:**

Where the premises are open for licensable activities on Fridays and Saturday from 21:00 hours, a minimum of one (2) SIA-registered door supervisor shall be employed at the premises until all patrons are dispersed.

**Change:** A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

**To:**

An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder and violence
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol to include date, time, and staff member
- (h) any visit by a relevant authority or emergency service.
- (i) CAD reference numbers where Police are called.

Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months. Add the following line: **This will be written into a programme, a log will be kept including dates of the training and will be made available for inspection upon the request of relevant authorities.**

***Additional Conditions:***

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

The venue shall supply, and fit, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags

All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out'

The venue shall not engage the services of street promoters to encourage clientele to attend the venue.

Regular glass collection shall be undertaken by staff.

Management will ensure that patrons utilising the external area, remain within the curtilage of the venue when consuming alcohol.

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

**Conclusion**

This application should be granted on the basis that the changes requested to the applicants proposed conditions are made, but also the additional conditions proposed by Police. It is the belief of the MPS that if these conditions are added to the licence, it will help the venue promote the licensing objectives to the best of its ability.

Much obliged to all,

**PC Dominic Hallam 1908 CN – Camden Licensing Team**

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

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**RE: Application NEW\110432****The Alchemist, 55 – 57 Charlotte Street W1T 4PD**

Dear all,

Police and the Applicant seeking a new Premises Licence for **Licence Application NEW\110432**, The Alchemist, 55 – 57 Charlotte Street W1T 4PD have now agreed terms.

Please therefore take this email as notice of my **withdrawal of police representations** on the proviso the agreed terms are appended to any Licence granted.

For clarity both parties have agreed to the additional Conditions:

Change: Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

To:

At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage. Copies shall be made available within 48 hours to the Police or Local Authority, upon request.

Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening. (Remove)

Change: SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.

To:

Where the premises are open for licensable activities on Fridays and Saturday from 21:00 hours, a minimum of one (2) SIA-registered door supervisor shall be employed at the premises until all patrons are dispersed.

Change: A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

To:

An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:

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- (c) any complaints received
- (d) any incidents of disorder and violence
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol to include date, time, and staff member
- (h) any visit by a relevant authority or emergency service.
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The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months. Add the following line: **This will be written into a programme, a log will be kept including dates of the training and will be made available for inspection upon the request of relevant authorities.**

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The venue shall supply, and fit, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags

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The venue shall not engage the services of street promoters to encourage clientele to attend the venue.

Regular glass collection shall be undertaken by staff.

Management will ensure that patrons utilising the external area, remain within the curtilage of the venue when consuming alcohol.

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

Kind Regards,

**PC Dominic Hallam 1908 CN – Camden Licensing Team**  
Kentish Town Police Station, 12a Holmes Road, NW5 3AE



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





Re: Licensing Act 2003: Application for a New Premises Licence:

**Re: Licensing Act 2003: Application for New Premises Licence:  
The Alchemist Restaurant & Bar, 55-57 Charlotte Street, London W1T 4PH**

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**Reference: APP\PREMISES-NEW\110410:**

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## PROPOSED NEW PREMISES LICENCE

The proposal is for a New Premises Licence, as follows:

### For Monday to Thursday:

- (a). Supply of Alcohol (ON & OFF the Premises): 10.00am to 11.30pm
- (b). Live Music: 10.00am to 11.30pm
- (c). Recorded Music: 10.00am to 11.30pm
- (d). Late Refreshment: to 11.30pm  
and Open To The Public: 10.00am to Midnight

### For Friday to Saturday:

- (a). Supply of Alcohol (ON & OFF the Premises): 10.00am to Midnight
- (b). Live Music: 10.00am to Midnight
- (c). Recorded Music: 10.00am to Midnight
- (d). Late Refreshment: to Midnight  
and Open To The Public: 10.00am to Half-past Midnight

### For Sunday:

- (a). Supply of Alcohol (ON & OFF the Premises): 11.00am to 10.30pm
- (b). Live Music: 11.00am to 10.30pm
- (d). Recorded Music: 11.00am to 10.30pm  
and Open To The Public: 11.00am to 11.00pm

### Variations:

In addition, there is the proposal **for an additional hour on the day immediately preceding a Bank Holiday** for the Licensable Activities.

We assume that this additional hour will generally occur on a Sunday.

## THE MAIN ISSUES:

### **1. The Premises and its Location; and the Residential context:**

In the Application Form, the applicant describes the area as "Commercial". This is not so. Fitzrovia is recognised as a mixed use area with a long established residential community.

As can be seen from our **enclosed Map Showing Residential**, there is much residential in the immediate area, including above and next door to the premises, as well as in the immediate neighbouring side streets.

It also needs to be appreciated that this part of Charlotte Street is the part that is north of Goodge Street, and thus is relatively quiet, compared with that part of Charlotte which is south of Goodge Street and has many restaurants.

The premises consist of Ground Floor and Basement; and an external forecourt area.

The plan drawings show about 120 covers internally.

The Application describes The Alchemist as Restaurant and Bar. We are particularly concerned about the Bar aspects.

Continued ..... 3.

Re: Licensing Act 2003: Application for a New Premises Licence:

**Re: Licensing Act 2003: Application for New Premises Licence:  
The Alchemist Restaurant & Bar, 55-57 Charlotte Street, London W1T 4PH**

---

**Reference: APP\PREMISES-NEW\110410:**

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## **2. Hours:**

We wish to object to the proposed **additional hour on the day immediately preceding a Bank Holiday** for the Licensable Activities. We assume that this additional hour will generally occur on a Sunday.

In any case, Sundays and Bank/Public Holiday days tend to be quiet in Fitzrovia and one of the few opportunities for respite for residents.

## **3. Supply of Alcohol and Bar-type activity**

(a). In Camden's Statement of Licensing Policy 2017-2022, Restaurants and Cafes are treated differently from Bars. Camden's Licensing Policy states (para 7.10) that *"... premises are restaurant or cafe if the sale of alcohol is only made to seated customers who are taking a meal on premises. If alcohol is sold to any other person, we will regard the premises as a pub or bar."*

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

(b). Unfortunately, no such Condition has been volunteered by the Applicant and thus Camden will, in licensing terms, regard the premises as a Bar. We would strongly object to the premises being regarded as a Bar and to Bar-type activities, on the grounds of Public Nuisance due to the very likely detrimental affect on the residential amenity of people living nearby.

(c). Furthermore, the Plan layout drawings label various areas as "Mid drinking" area, "Bar-Mid area" and "Mid-high drinking" which would appear to emphasize the premises as a bar and drinking premises, and not as a restaurant-type activity only.

## **4. The Licensable activities:**

- (a). We are particularly concerned at the proposal to have Live Music, and thus the likely detrimental affect this will have on the residential amenity of those living nearby.
- (b). For the same reasons, we are also concerned about the proposal for Recorded Music involving DJs *"... to create atmosphere in the Premises"*.
- (c). We wish to object to the OFF Sales of Alcohol.

## **5. Outside Area – external forecourt area:**

The Plan drawing shows 4 tables and 12 seats. We would ask for a Condition that Confirms the number of Tables and Chairs.

We would also ask for a Condition whereby the external forecourt area is not used after 9.00pm, in order to protect residential amenity.

Re: Licensing Act 2003: Application for a New Premises Licence:

**Re: Licensing Act 2003: Application for New Premises Licence:  
The Alchemist Restaurant & Bar, 55-57 Charlotte Street, London W1T 4PH**

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**Reference: APP\PREMISES-NEW\110410:**

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## **6. Conditions:**

We wish to ask for Conditions that would include:

- A "restaurant" condition;
- A condition relating to the forecourt area.
- A condition relating to smokers.
- A Condition re. courier collections for take away meals.
- A condition so that the operator of the premises adopts Camden's night-time safety for women protocol which includes the "Ask for Angela" initiative.

## **CUMULATIVE IMPACT:**

There are some 25 Public Houses within the Camden side of Fitzrovia and a further 20 in Westminster. In addition, there are many licensed restaurants and other licensed premises.

Fitzrovia is a relatively small area and urban village each side behind Tottenham Court Road in which there is a stable residential community including in Chitty Street – and Chitty Street is ideal due to its quiet nature.

Camden's Statement of Licensing Policy 2016 (ref. para. 39, Chapter 3) states that:

*"The absence of a special policy for an area does not prevent any responsible authority or interested party making representations on the grounds that the premises will give rise to negative cumulative impact on the area in question."*

Fitzrovia is a case in point, where it is essential to take account of this on-going and steadily increasing cumulative negative impact of such licensed activities, and thus to recognise the detrimental effect this will have on this residential community.

People live in the immediate vicinity, which accords with central Government policy to encourage people to live in central urban areas. Thus, it is very important that the amenity of the residential community here is protected.

Yours sincerely,

Clive Henderson,

**On behalf of Charlotte Street Association.**

Copy: CSA Committee.

**Attached:** Map Showing Buildings with Residential

<b>Representation</b>	
Premises name	The Alchemist
Application reference number	APP\PREMISES-NEW\110432
Last date for representation	29/06/2022

**Making a representation as**

As an individual

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

[REDACTED]

**Last name**

[REDACTED]

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

[REDACTED]

**Address**[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]**Remain anonymous**

Yes

**Detail the exceptional circumstances**

Prevention of possible conflict with the owner of the restaurant or the landlord of the building.

**Grounds of representation**

- prevention of public nuisance

**Details of representation**

Good morning, I would like to make a representation with regard to application APP\PREMISES-NEW\110432, The Alchemist, 55-57 Charlotte Street W1T 4PD to object to licensable activities later than 11pm due to the noise nuisance to nearby residents. The applicant incorrectly describes the area in which the premises is situated as “commercial” when in fact there are residents above the premises and in

neighbouring properties. I am a nearby resident and noise levels in the area have increased a lot recently (due to streateries amongst other and increase in anti-social behaviour/street drinking). Having a new business selling alcohol and playing live music after 11pm will attract more problematic behaviours and cause more noise disturbance and safety concerns to nearby residents including myself.

## About this form

### Issued by

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

### Contact phone

020 7974 4444

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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.

**Representation from:** Anne MacGregor, 55 Charlotte Street, London W1T4PB

**Application Reference:** APP\PREMISES-NEW\110432

**Licence Reference:** PREM-LIC\110431

**Premises name:** The Alchemist

**Premises address:** 55-57 Charlotte Street, London W1T 4PD

The premises that is the subject of this application is within a Conservation Area. Charlotte Street south of Goodge Street, it is a popular location for restaurants and one pub. In stark contrast, Charlotte Street north of Goodge Street has few restaurants, one pub and otherwise has residential properties many with families that have young, school-aged children. There are also student hostels/halls of residence, medical facilities, office buildings and the Muslim World League. The League's address is 46 Goodge Street but its Public entrance is on Charlotte Street, one shop front away from 55/57 Charlotte Street.

The restaurants that exist north of Goodge Street serve food. Alcohol is incidental to meals. To name two, there is *Mere* at 74 Charlotte Street – a small boutique, chef-run establishment; and The *Gauche Grill* at 58-62 Charlotte Street. Dining is in the basement of this office building and there are some tables on the ground floor but not for dining.

**Comments :** I have lived in 55 Charlotte Street for 31 years - since June 1991. I own Flats 3, 4 and 5. Two of these flats are currently occupied by young students. I have a vested interest in this licensing application as a property/home owner and a resident of this culturally-diverse community. I have serious concerns about this licensing application and its impact on me, my neighbours and the character of one of the few remaining neighbourhoods in Central London that is peaceful and compatible with the needs of local people.

**The Premises:** It spans 55 and 57 Charlotte Street, the ground floor and basement and external space onto the Public pavement. There are five residential flats above 55 Charlotte Street and several residential flats, currently unoccupied, above 57 Charlotte Street.

Street access, means and alternative means of escape to residential flats for 55 is between the two buildings.

For avoidance of doubt, I have coloured, in 'yellow', the access/means and alternative means of escape on the Ground Floor Plan for 55 now shown as a passage with diagonal lines. NB - the top floors of 55 Charlotte Street have an alternate means of escape over the roofs of both 55 and 57, through 57 to the street-level door now shown as 'demarcated escape route' (also coloured yellow by me) and shaded to indicate the apron of that building will be used for tables.

History of these premises is relevant in light of this Licensing application. The former leasehold tenants, Spaghetti House Ltd trading as 'Pescatori' restaurant occupied this commercial premises for more than 50 years, I believe. It was a restaurant that served alcohol with meals. It was a long-established, well-regarded, well-managed restaurant but after it extended dining tables outside the internal demise of the property there were problems for residents.

Diners frequently repositioned chairs and blocked access/means of escape to 55. Additionally, the cigarette/cigar smoke from some diners migrated through the front door of 55 and polluted the interior common parts. There is no way to prevent the ingress of smoke pollution into 55's common parts. To address the problem of obstruction of access/means of

escape, the management of Pescatori built wood decking but that created another problem. Food scraps dropped through the decking boards attracted vermin and roaches that found their way into 55 Charlotte Street. And after Pescatori vacated the premises the decking became ad hoc accommodation for homeless people. It is not clear from this application what physical structures, barriers if any, the applicants intend to erect to contain their guests.

Pescatori never had live music, DJs, performances by individual artists or acts. Pescatori was closed on Sundays and its hours never exceeded 2359 for any reason. And, after closing, there was no gathering, no spillage of guests onto the pavement which is less than 3 metres (approx. 9 feet) from the façade to the curb. Apart from the problems that resulted from external dining, Pescatori and residents of 55 co-existed in a mutually cooperative fashion.

**The Applicant – Alchemist bar and Restaurant Limited:** Alchemist cocktail bars/restaurants in London and other places in the UK are well appointed. They are large, attract a younger demographic and are situated in neighbourhoods which do not have residential properties above them, immediately adjacent, near religious, educational properties or are located in Conservation areas as does 55/57 Charlotte Street.

Alchemist's website states: *Discover cocktail bar and restaurants unlike any other...We have five magnificent venues in different locations across the city. Wherever you are, you can experience our 'theatre-served' world of molecular cocktail madness to revel in the allure and splendour of this vivacious city.* Alchemist serves food but in its own words promotes 'molecular cocktail madness' as its primary and likely most profitable source of income.

Licensing for a business that seeks to provide live music and sell take away drinks after 11pm to 5am sets a precedent by which all other local establishments would be entitled to follow.

Were this application approved in its current iteration, it would present serious health and safety problems and create nuisance not just for residents of 55 but also occupants of adjacent properties including the Muslim League where prayers are held on Fridays during the day but also on religious occasions some evenings, especially Sunday evenings.

**Hours. 'Late Night Refreshments – hot food or hot drinks only between 11pm and 5am'** cannot be permitted. Not even Fitzroy Tavern at 16 Charlotte Street is permitted to operate after 2359 or in the case of Gaucho immediately across the road and principally in that building's basement: the hours are 2330 during the week and 2230 on Sundays. The Fitzroy Tavern operates from 12noon on Sundays to 2230.

**Seasonal variation of hours.** The application calls for an extension to permitted hours on New Years Eve and an additional hour on the day immediately preceding a Bank Holiday. There is no reason for a variation of an additional hour preceding a Bank Holiday. Depending on the determined hour limit, there may not be a case to extend hours on New Years Eve either.

Extended hours will increase footfall, noise, rubbish, spillage or gathering of guests onto a pavement which is less than 3 metres (9 feet) from buildings' façade to curb) during the evening and on closure. There is the potential for disorder – criminal and otherwise – from Alchemist's guests and passers-by. Employees of Alchemist are not police and have no legal authority or police powers to deal with such disorder. It cannot be assumed that staff will be capable or able to manage less serious anti-social behaviour. Inevitably that will fall to already overworked police and paramedics who would be obliged to attend the location. It is a risk that cannot be ignored or minimized.

If the Licensing Authority agrees the hours set out in this application, it will play a key role in creating a blight in a Conservation area and negatively changing the character of Charlotte Street north of Goodge Street to the detriment of residential, religious, educational and business occupants. There is no reason why Alchemist Hours should differ from those of other licensed premises on Charlotte Street. There should be consistency including on Sundays which this application currently differs from.

**Live Music.** As per Alchemist's Operating Schedule C) *The Prevention of Public Nuisance, that 1. 'Noise from amplified music or voices shall not be such as to cause a nuisance to occupants of nearby premises and 2, No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.'* Alchemist cannot give this guarantee. The application does not state what measures will be undertaken to ensure these claims but the science of sound challenges those statements.

55 Charlotte Street is a brick-built, turn of the century structure. Brick doesn't absorb sound – sound waves bounce off brick and creates vibration which is transmitted throughout the structure. Flats 3, 4 and 5 have floor/ceiling insulation but that does not mitigate some sound emanating from the lower floors or the restaurant and more critically, it does absolutely nothing to mitigate vibration.

After 31 years living at 55 Charlotte Street I can assure the Licensing Board that whatever happens on the ground floor will be felt and heard on the fifth floor and the flats below and that includes sounds from the street. Given doors to the restaurant will be opened, closed and left open especially during warmer weather, music, live or recorded will be heard as will noise from patrons gathering on the pavement after closure.

**How many people are expected to attend the premises at any one time?** The application states this number would be less than 5000. The application's accompanying plans indicate a fraction of that number. There are 99 covers shown on the ground floor plan, including six chairs at a large bar and external tables which are likely fewer than there will be. The plan for the basement shows there are 36 covers of which 8 are marked as 'mid/high drinking' and 6 stools at another large bar. Together those numbers amount to 136 covers representing a maximum of 136 diners/drinkers – again, a fraction of 5000 maximum capacity stated unless there is an intention for additional guests to stand and drink at the bars and in between tables. Health and safety officers, including the Fire Department will, it is assumed, determine and hold to allowable numbers lest these numbers be exceeded on an ad hoc basis.

**Alchemist's Operating Schedule: Prevention of Crime and Disorder/Prevention of Public Nuisance/Smoking & Alfresco Dining Policy.** I object to the installation of a CCTV system on the exterior of my property. It is an invasion of my privacy, that of my family members, my guests and my young tenants and their families and guests. Other items on this list such as 'signs will be displayed in the area requesting 'customers keep noise to a minimum' are, practically and realistically meaningless. No glass containers of alcohol should be permitted outside the premises given the risk of breakage and consequent harm to passers by which includes children and disabled including partially-sighted people.



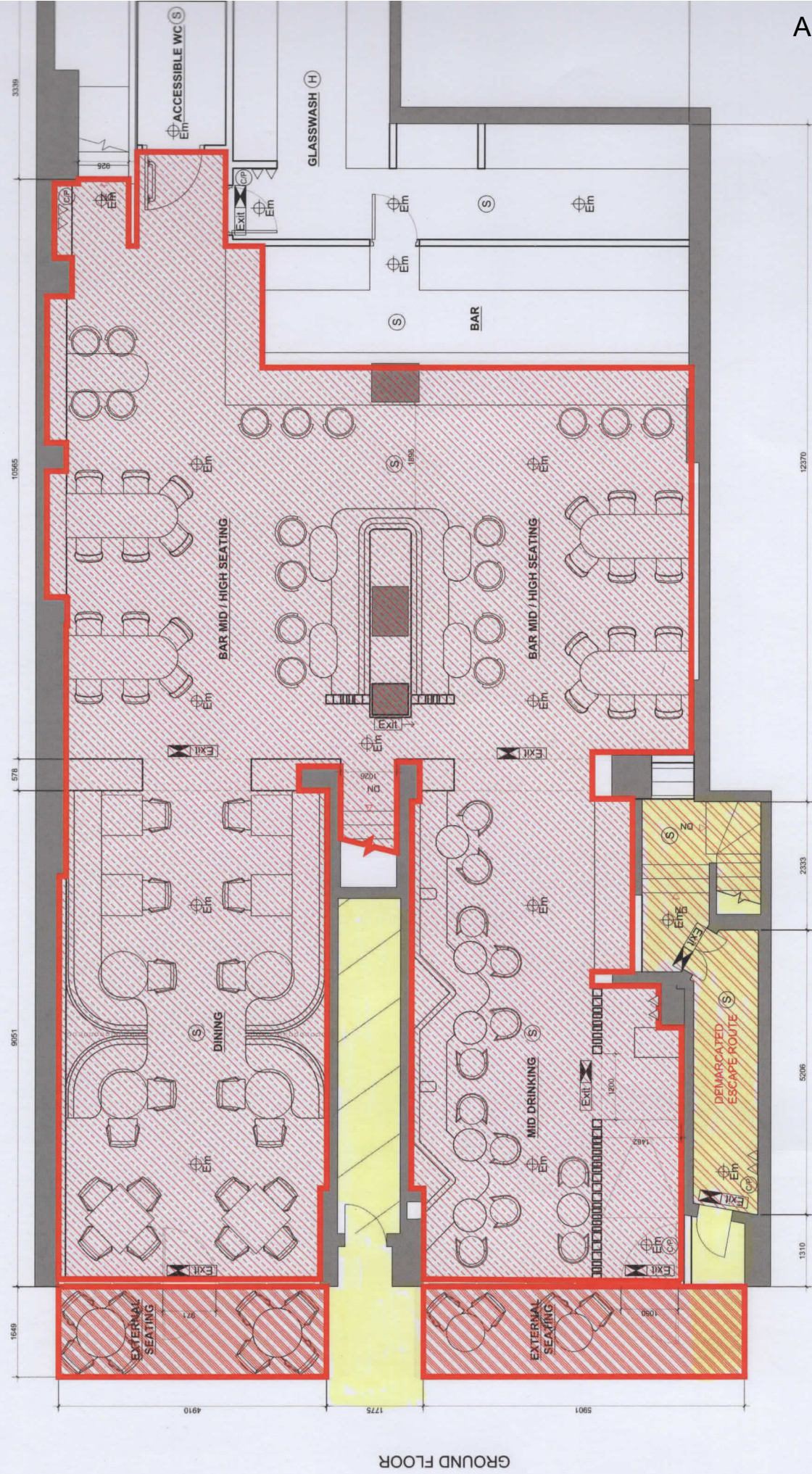
**Alchemist's Dispersal Policy.** This statement calls for more signage requesting customers to leave quietly. Are these the same signs requesting customers to keep the noise to a minimum as mentioned earlier or are these additional signs and if so, where will they be posted?

This statement, *'We will actively discourage our customers from assembling outside the premises at the end of the evening'* doesn't mean they will succeed in doing so and suggests that Alchemist is well aware there is a risk of nuisance, noise and potential disorder from the spillage/gathering of guests particularly at closure as there is for other bars in Britain. This might not be a major issue at Alchemist's other venues in London's commercial and entertainment neighbourhoods but there is a heightened risk in this, a residential, religious and educational community.

**Conclusion:** The above sets out my position as a long-established property/home owner of 55 Charlotte Street. Some of my comments are limited to the impact this application, if approved as currently set out, will have on my building. I cannot speak for 57 Charlotte Street apart from it being my alternative means of escape in the event of fire about which a licensed premises immediately outside that building's door, concerns me. Otherwise, comments on that building should be directed to its current owners.

It is hoped that the Licensing Board will consider the comments set out here and appreciate what's at stake for our community and the people who live, pray and work here.

Thank you  
Anne MacGregor



GROUND FLOOR

### Conditions consistent with the operating schedule

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening.
6. SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under age sales, and the laws relating to the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
11. A first aid box will be available at the premises at all times.
12. Regular safety checks shall be carried out by staff.

13. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
14. The premises shall maintain an incident log and public liability insurance.
15. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. The exterior of the building shall be cleared of litter at regular intervals.
18. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
19. External doors and windows at the premises are to remain closed after 11pm, save for access and egress.
20. A Dispersal and Smoking Policy will be implemented and adhered to.
21. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.
22. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
23. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
24. Notices advising what forms of ID are acceptable must be displayed.
25. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force
26. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.

27. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
28. The area will be cleaned regularly.
29. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
30. Signs will be displayed in the area requesting customers keep noise to a minimum.
31. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
32. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.
33. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
34. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
35. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
36. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises or in the case of alcohol sold for the purpose of consumption off the premises).
37. We will actively discourage our customers from assembling outside the premises at the end of the evening

### **Conditions Agreed with the Police:**

1.Change: Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

To:

At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage. Copies shall be made available within 48 hours to the Police or Local Authority, upon request.

2.Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening. (Remove)

3.Change: SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.

To:

Where the premises are open for licensable activities on Fridays and Saturday from 21:00 hours, a minimum of one (2) SIA-registered door supervisor shall be employed at the premises until all patrons are dispersed.

4.Change: A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

To:

An incident log shall be kept at the premises, and made available on request to an authorised officer or

the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder and violence
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol to include date, time, and staff member
- (h) any visit by a relevant authority or emergency service.
- (i) CAD reference numbers where Police are called.

5. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months. Add the following line: This will be written into a programme, a log will be kept including dates of the training and will be made available for inspection upon the request of relevant authorities.

***Additional Conditions:***

1. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.
2. The venue shall supply, and fit, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags
3. All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out'
4. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
5. Regular glass collection shall be undertaken by staff.
6. Management will ensure that patrons utilising the external area, remain within the curtilage of the venue when consuming alcohol.
7. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

## **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.