



**Application for full variations to a licensed premises - Ref no. 113834**

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<b>Are you able to return the existing premises licence or club certificate?</b>	Yes
<b>What do you want to vary?</b>	Premises licence : PREM-LIC\1392
<b>Who is making the variation?</b>	The licensee
<b>Correspondence details</b>	
<b>Who should we correspond with in regards to this application?</b>	Primary Licensee
<b>What type of variation are you applying for?</b>	Full variation
<b>Will the variations mean the premises is used exclusively or primarily to sell or supply alcohol?</b>	No
<b>Will the variations change the expected attendance?</b>	No
<b>When do you want the variations to take effect?</b>	As soon as possible
<b>What changes do you want to make?</b>	<ul style="list-style-type: none"><li>• Amend premises information and premises business hours</li></ul>
<b>Amend seasonal variations to business hours?</b>	No
<b>Amend times the premises open to the public at times other than those listed?</b>	Yes

**Application for full variations to a licensed premises - Ref no. 113834**

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**What are the other times?**

Bank holidays and other national holidays

**Make changes to your business hours below**

<b>Day</b>	<b>Start time</b>	<b>End time</b>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	11:00	04:00

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

No

**The prevention of crime and disorder**

No

**Public safety**

No

**The prevention of public nuisance**

No

**The prevention of children from harm**

No

**About this form****Issued by**Camden Town Hall  
Judd Street  
London  
WC1H 9JE**Contact phone**

020 7974 4444

**Form reference**

Ref. no. 113834

**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.

Seto International Ltd PREM-LIC\1392

5-6 Plender street London NW1 0JT, would like to apply for the change of business hours as follows

Current hours

10:00 – 23:00 Monday to Saturday (excluding Christmas Day and Good Friday)

12:00-22:30 Sunday (excluding Christmas Day)

12:00 – 22:30 Good Friday

12:00-15:00 & 19:00 – 22:30 Christmas Day

Applying hours late night refreshment only

23:00 – 04:00 (following morning) Monday to Sunday 7 days a week

Closed on Christmas Day

The reason for application is the prospective buyer of the premises wishes to extend their trading hour.

They will not sell any alcohol beverage once they take over and the restaurant will be takeaway/eat in Chicken dish place.



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

### Premises licence summary

<b>Premises licence number</b>	<b>PREM-LIC\1392</b>
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#### Premises details

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

JAPANESE RESTAURANT SETO  
5 - 6 PLENDER STREET  
LONDON  
NW1 0JT

Telephone Number: [REDACTED]

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

##### Licensable Activities authorised by the licence

Sale by Retail of Alcohol  
Recorded Music

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

1. 10.00-23.00 Monday to Saturday (excluding Christmas Day & Good Friday)  
12.00-22.30 Sunday (excluding Christmas Day)  
12.00-22.30 Good Friday  
12.00-15.00 and 19.00-22.30 Christmas Day  
These hours are extended from the end of permitted hours on New Year's Eve (i.e. 23.00 or 22.30) to the start of permitted hours on New Year's Day (i.e. 10.00 or 12.00).
2. Public entertainment by way of music and singing only provided solely by the reproduction of recorded sound can only be provided during the hours that the sale of alcohol takes place.

**The opening hours of the premises**

Not Known

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

Sale by retail of alcohol is permitted for consumption ON the premises only.

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

Miho Kaneyasu  
Seto International Ltd  
52 Wentworth Avenue  
London  
N3 1YL

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

2739494

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

Miho Kaneyasu

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

N/A



**METROPOLITAN  
POLICE**

**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

Your ref: **NEW113834**

Dear Sir/Madam

**RE: Application VARY113834**

**Japanese Restaurant Seto, 5 – 6 Plender Street NW1 0JT**

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

#### **Case Law**

##### **Daniel Thwaites PLC v Wirral Magistrates' Court and Others**

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them. This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

The Honourable Mrs Justice Black said:

*'Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.'*

**Source:** [Alcohol licensing: using case law - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

#### **UNIQUE APPLICATION ISSUES:**

This application, at first glance, appears to be for a Japanese Restaurant to extend its hours until 4am. This is quite a drastic extension to the hours and will certainly add to the cumulative impact areas footfall by increasing the amount of people who are in the area over the course of its 5 hour increase.

After making contact with the applicant, it has become clear that the extension is not for the Japanese Restaurant. The applicant is selling the property and has been approached by Pepe's Piri Piri Chicken shop, this was discussed over the phone and then confirmed by email.



These particular venues can have a detrimental impact on the night time economy. They can cause people to congregate outside and disrupt the natural dispersal from the area. The people that tend to congregate in the area are intoxicated and these meetings can often turn into violent confrontations.

The current PREM-LIC does not currently have a sufficient amount of conditions to promote the licensing objectives, particularly the prevention of crime and disorder.

The main issue with this application is that the current restaurant wishes to sell the premises providing that the extension of hours is granted, this means that we as the Police are unable to apply the correct conditions.

Any venue opening until 4 am can and will most likely cause an increase in the amount of crime and disorder in the CIZ having a negative impact on the promotion of the licensing objectives.

Any hearing held as a result of this representation letter may be provided with specific crime statistics for the area.

### **Conclusion**

This application should be rejected in its entirety, the current PREM-LIC is not suitable in its current form to promote the licensing objectives and would need looking at carefully. The current hours of operation end at the latest, 23:00. Over the last three years the current operator has successfully opened without crime reports being linked, any extension granted will increase the chance of disrupting this, especially when we cannot determine what kind of business will be taking on the PREM-LIC.

Kind regards,

**Camden Licensing Team**

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



**CENTRAL NORTH**  
Policing Camden & Islington



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-  
**Date:** 13/03/2023  
**Application Reference:** APP\PREMISES-VARY\113834  
**Direct Phone Number:** [REDACTED]  
**Contact:** Sarah Williams  
**E-mail:** [REDACTED]



Public Protection  
 Supporting Communities  
 London Borough of Camden  
 Town Hall  
 Judd Street  
 LONDON  
 WC1H 9JE  
 Tel: 020 7974 4444 (switchboard)

*Please quote our reference in any correspondence*

Licensing (Contact Camden)  
 Town Hall Extension  
 Argyle Street  
 London  
 WC1H 8EQ

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

Town Hall  
 DX: 2106 Euston

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

## - Licensing Act 2003

**Re:** Japanese Restaurant Seto, 5 -6 Plender Street, London NW1 0JT

### LICENSING AUTHORITY REPRESENTATION

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

- The Prevention of crime and disorder
- The prevention of public nuisance

### The Premises and Summary of Application

The premises is a restaurant within the Regent Park ward and Camden Town cumulative impact area.

The current Premises licence PREM-LIC\1392 permits

- Sale of Alcohol (For consumption on the premises only)
- Recorded Music  
 10:00 – 23:00 Monday to Saturday (excluding Christmas Day and Good Friday)  
 12:00 - 22:30 Sunday (excluding Christmas Day)  
 12:00 – 22:30 Good Friday  
 12:00 -15:00 & 19:00 – 22:30 Christmas Day

The application is to vary a premises licence to permit the following licensable activities:

- Late Night Refreshment  
 Monday to Sunday 23:00 to 04:00

The times being applied for the Operating Hours are as:

Monday to Sunday 11:00 to 04:00

The applicant has provided an additional document confirming the two points below;

- The reason for application is the prospective buyer of the premises wishes to extend their trading hour.
- They will not sell any alcohol beverage once they take over and the restaurant will be takeaway/eat in Chicken dish place.

However, this has not been offered as a condition that alcohol will be removed if this

variation is deemed granted.

### **Framework Hours Policy**

The hours policy is engaged by this application in relation to terminal hours for late night refreshment. The framework hours are given in the policy as :

#### **No sale or supply of alcohol**

Monday to Thursday 09:00 until 23:30

Friday and Saturday 09:00 until midnight

Sunday 09:00 until 22:30

### **Cumulative Impact Policy Areas**

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

The applicant has not provided any additional information to demonstrate that the proposed variation will not add to the cumulative impact of licensed premises in the area and I am not satisfied that any exceptional circumstances apply in this instance.

Camden Town is an intense area of crime and anti-social behaviour, particularly in relation to the Night Time Economy. The Licensing Authority are concerned with the amount of people hanging around outside so late into the night, this will encourage more customers to loiter around on the street and could potentially cause anti-social behaviour. Without robust conditions on the licence it will be very difficult for the premises to operate so late into the night.

If this application is granted as applied for, it may cause an increase to the existing high levels of public nuisance and crime and disorder in this area.

### **Complaint History**

There is no history of complaints at this premises within the past two years.

### **Summary of Action Taken**

N/A

### **Conditions**

The applicant has not offered any additional conditions within their operating schedule, to address the extension of hours that will add late night refreshment to the licence, this will add to the cumulative impact areas footfall by increasing the amount of people who are in the area. The current licence PREM-LIC1392 permits framework hours and we would expect additional conditions to seek a more robust Operating Schedule to uphold the Licensing Objectives.

It is recommended that all applicants give due consideration to women's safety and address this issue when making applications. We would recommend that the premises sign up to the 'Ask Angela Scheme' as part of the Council's Violence against women and girls (VAWG's) public realm action plan.

Women's safety - Camden believes that all women have the right to feel safe at any time, in any part of the borough and in all premises, licensed or otherwise. In particular, Camden wants to ensure that women visiting Camden's licensed premises and the evening and night - time economy feel safe.

Camden requires that licensed premises' staff are aware of the various support campaigns available such as "Ask Angela" and encourage licensed premises to sign up to the campaign, ensuring that signs stating this are clearly displayed around their venue. That staff are trained on how to report any issues and what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable and are made aware of the premises' policy. Please refer to the Camden Statement of Licensing Policy, Appendix One (page 88).

Guidance notes available

<https://www.camden.gov.uk/documents/20142/1598116/Applicants+guidance+notes.pdf/17009d87-b620-72d5-41f6-fd8e3c92338a?t=1670591655538>

Condition example; Management will ensure that the premises is signed up to the 'Ask Angela Scheme' as part of the Council's Violence against women and girls (VAWGs) public realm action plan.

### **Conclusion**

The application is to provide an extension to the permitted hours and to add late night refreshment to the licence, this will add to the cumulative impact areas footfall by increasing the amount of people who are in the area. As the premises is in the Camden Town Cumulative Impact Area the presumption is that the application should be refused in its entirety.

Yours sincerely

A solid black rectangular box used to redact the signature of Sarah Williams.

Sarah Williams  
Licensing Enforcement Officer



## Annex 1 - Mandatory conditions

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
5. But nothing in subsection (4) requires such a condition to be imposed -
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to -
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section–
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies[ and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
7.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the



purpose of encouraging the sale or supply of alcohol for consumption on the premises

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

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

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

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

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

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

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

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



10. The responsible person must ensure that
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
12. For the purposes of the condition set out in paragraph 11
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula—  

$$P = D + (D \times V)$$
 where—
    - (i) P is the permitted price,
    - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; —
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and



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

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

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

15. Alcohol shall not be sold or supplied except during the permitted hours. In this condition, permitted hours means:
  - 10.00-23.00 Monday to Saturday (excluding Christmas Day and Good Friday)
  - 12.00-22.30 Sunday (excluding Christmas Day)
  - 12.00-22.30 Good Friday
  - 12.00-15.00 and 19.00-22.30 Christmas Day
 These hours are extended from the end of permitted hours on New Year's Eve (i.e. 23.00 or 22.30) to the start of permitted hours on New Year's Day (i.e. 10.00 or 12.00).  
 In the case of there being no permitted hours the following day, until 00.00 on New Year's Eve.
16. The above condition (15) does not prohibit:
  - a) during the first twenty minutes after the terminal hour for the sale of alcohol, the consumption of alcohol on the premises;
  - b) during the first twenty minutes after the terminal hour for the sale of alcohol, the taking of alcohol from the premises unless the alcohol is taken in an open vessel;
  - c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
  - d) the consumption of the alcohol on the premises by, or the taking of, sale or supply to, any person residing on the premises;
  - e) the sale or supply of alcohol to a trader or club for the purposes of the trade or club;
  - f) the taking of alcohol from the premises by a person residing there;
  - g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him





- at his own expense, or the consumption of alcohol by persons so supplied;
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol, so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
  - i) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
17. Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
18. Regulated entertainment for which there is no licence may not take place in any part of the licensed premises as detailed by the plan if members of the public are admitted.
19. Where alcohol is sold for consumption off the premises it must not be sold in an open container.

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

**N/a**

#### **Current hours**

10:00 – 23:00 Monday to Saturday (excluding Christmas Day and Good Friday)

12:00-22:30 Sunday (excluding Christmas Day)

12:00 – 22:30 Good Friday

12:00-15:00 & 19:00 – 22:30 Christmas Day

#### **Applying hours late night refreshment only**

23:00 – 04:00 (following morning) Monday to Sunday 7 days a week

Closed on Christmas Day

The reason for application is the prospective buyer of the premises wishes to extend their trading hour.

They will not sell any alcohol beverage once they take over and the restaurant will be takeaway/eat in Chicken dish place.

## 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.