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Diverse Dining, 287 Camden High Street, London  
NW1 7BX

Scale = 1:1447.740  
12-April-2023

**I want to apply for a**

Premises licence

**Are you an agent?**

Yes - I am an agent

**Agent Details**

**First name**

████

**Last name**

██████

**Name of business**

Thomas & Thomas Partners LLP

**Name and address**

Offices And Premises At 1st-3rd Floor  
38 Monmouth Street  
WC2H 9EP  
London

**Email address**

████████████████████

**Telephone number**

████████████████

**Does the premises have a name?**

No

**What is the address or location?**

287 Camden High Street  
NW1 7BX  
London

**What is the type of premises?**

Conditioned restaurant providing the sale of alcohol and Late Night Refreshment during Framework Hours.

**Describe the area it is situated in**

high street

**Describe the layout of the premises**

basement, ground and first floor

**Copy of the premises plans**

- Operatingschedule.pdf

- 36094-003\_LP\_RevB\_SHAKESHACK\_287CAMDENUK[49][6].pdf
- 36094\_002\_LP\_RevC\_SHAKESHACK\_287CAUK.dwg.pdf

**Tell us about the premises business hours**

Day	Start time	End time
Monday	08:00	00:00
Tuesday	08:00	00:00
Wednesday	08:00	00:00
Thursday	08:00	00:00
Friday	08:00	00:30
Saturday	08:00	00:30
Sunday	08:00	23:00

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

No

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

No

**Is the premises an open space?**

No

**Is the premises currently under construction?**

No

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

235000

**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** 08282915

**Name of business** Diverse Dining Ltd

**Name and address** FLAT 64 88 PRINCES COURT  
BROMPTON ROAD  
SW3 1ET  
LONDON

**Email address** [REDACTED]

**Telephone number** [REDACTED]

**How long do you want your premises licence for?** Permanently

**When do you want your licence to start?** As soon as possible

**Activity you wish to licence** 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

### 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?**

Indoors

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

the provision of hot food and drinks to customers

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

No

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

No

**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?** No

**Will the activity take place at times other than those listed?** No

#### DPS details

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

**Was their personal licence issued by Camden?** No

**Personal licence number** [REDACTED]

**Issuing local authority** [REDACTED]

**First name** Klaudia

**Last name** Razniewska

**Address** Offices And Premises At 1st-3rd Floor  
38 Monmouth Street  
London  
WC2H 9EP

**Signed Copy of the Designated Premises Supervisor (DPS) consent form** • DPSconsentCamdenHighStreet[DIV.4.17]-signed.pdf

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

**The prevention of crime and disorder**

Please see the attached schedule of conditions which address the licensing objectives and policy.

**Public safety**

Please see the attached schedule of conditions which address the licensing objectives and policy.

**The prevention of public nuisance**

Please see the attached schedule of conditions which address the licensing objectives and policy.

**The prevention of children from harm**

Please see the attached schedule of conditions which address the licensing objectives and policy.

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

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

**Contact phone**

020 7974 4444

**Form reference**

Ref. no. 113842

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January 2023

**Diverse Dining 287 Camden High Street London NW1 7BX****APPLICATION FOR A PREMISES LICENCE****PREMISES DESCRIPTION**

Conditioned restaurant providing the sale of alcohol and Late Night Refreshment during Framework Hours.

**Applicant:** Diverse Dining Ltd

**DPS:** Klaudia Razniewska

**PROPOSED HOURS:**

<b>Day</b>	<b>Sale of Alcohol (on &amp; off) Late Night Refreshment</b>	<b>Opening Hours</b>
Sunday	11:00 – 22:30	08:00 – 23:00
Monday – Thursday	10:00 – 23:30	08:00 – 00:00
Friday – Saturday	10:00 – 00:00	08:00 – 00:30

**PROPOSED CONDITIONS:**

1. The supply of alcohol for consumption on the premises shall only be to persons consuming a table meal at the premises.
2. The supply of alcohol for consumption off the premises shall be in sealed containers and ancillary to a take away meal only.
3. The supply of alcohol for consumption off the premises shall cease at 23:00 Monday to Saturday.
4. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram. Police must be called to incidents of violence and/or disorder where appropriate.
5. A sign shall be displayed at the point of sale stating “No Proof of Age - No Sale”.
6. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
7. The licensee will ensure that staff are trained, as appropriate, in respect of relevant Licensing Law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage.



January 2023

Training shall be written into a programme, on-going review and will be made available for inspection by Police or other responsible authority, upon request.

8. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises covering licensed areas and are of a standard acceptable to and approved by the Police.
9. The system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.
10. The CCTV camera views are not to be obstructed.
11. 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.
12. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the Police or Local Authority upon request.
13. 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.
14. Copies shall be made available within 48 hours to the Police or Local Authority, upon request.
15. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
16. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
17. Signs must be displayed in the customer areas to advise that CCTV is in operation.
18. If the CCTV is inoperative or not installed and working to the satisfaction of the Police, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
19. Police must be called to incidents of violence and/or disorder where appropriate.
20. An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
  - a) All crimes reported to the venue.
  - b) Any complaints received.
  - c) Lost property.
  - d) Any incidents of violence or serious disorder.
  - e) Any drug or offensive weapon seizures.
  - f) Refusals of alcohol sales, including any underage attempts

January 2023

21. A notice shall be prominently displayed at the premises reminding staff and patrons to leave quietly.
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. The premises licence holder will implement procedures with third party delivery companies to ensure that any food delivery process does not cause a nuisance to local residents.



**1**  
003 SCALE 1:50  
**BASEMENT LEVEL LICENSING PLAN**

**KEY TO PLAN SYMBOLS**

- FIRE ALARM CALL POINT WITH FIRE ACTION SIGN ADJACENT
- CONTROL PANEL SQUANDER
- SELF-CLOSING DOOR INCORPORATING AN AUTOMATIC RELEASE
- DOORS WHICH ARE TO BE PROVIDED WITH A PANIC BOLT
- DOORS THAT HAVE ONLY A SIMPLE FASTENING WHICH IS EASILY AND IMMEDIATELY OPENABLE
- FIRE ALARM TELEPHONE POINT
- WATER FIRE EXTINGUISHER
- CARBON DIOXIDE FIRE EXTINGUISHER
- AREA COVERED BY FIXED FIRE EXTINGUISHER INSTALLATION
- AREA COVERED BY FIXED FIRE EXTINGUISHER INSTALLATION
- AREA COVERED WITH A SYSTEM OF ESCAPE LIGHTING THAT WILL ILLUMINATE THE AREA UPON FAILURE OF THE NORMAL LIGHTING POWER SUPPLY
- REFUGE AREA TEMPORARY ASSEMBLY POINT FOR THOSE PERSONS OF IMPAIRED MOBILITY
- AREA COVERED BY AUTOMATIC HEAT DETECTORS
- AREA COVERED BY AUTOMATIC SMOKE DETECTORS
- AREA COVERED BY PRESSURIZATION SYSTEM
- PRESSURIZATION OVERRIDE CONTROL
- FIRE EXIT NOTICE SYMBOL
- AREAS OF LICENSABLE ACTIVITIES

**GENERAL NOTES**  
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**MAINTENANCE NOTES**

REVISION	NO.	DATE	BY	DATE
0	REVISED TO SUIT CA	2023-02-08	NSI	2023-02-08
1	REVISED AS PER COMMENTS	2023-02-13	NSI	2023-02-13
2	REVISED AS PER COMMENTS	2023-02-13	NSI	2023-02-13
3	FINAL ISSUE	2023-02-13	PC	2023-02-13
4	INT	2023-02-13	PC	2023-02-13

**CLIENT**  
CAMDEN 287, HIGH STREET,  
LONDON UK

**PROJECT TITLE**  
LICENSING PLAN  
(BASEMENT LEVEL)

**DRAWING TITLE**  
LICENSING PLAN  
(BASEMENT LEVEL)

**SCALE**  
1:50@A1

**DATE**  
2023-02-13

**PROJECT NO.**  
361004

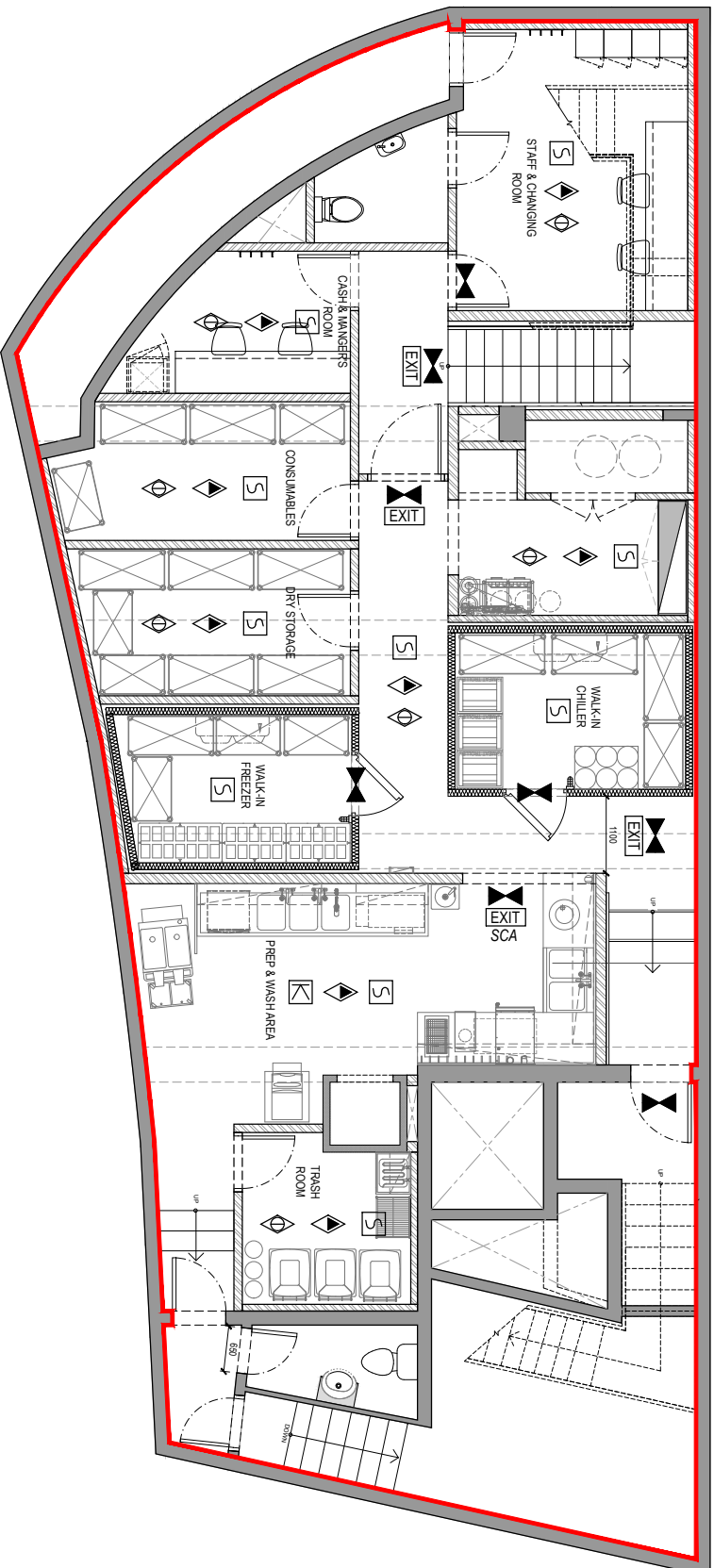
**DRAWN BY**  
RBB

**REVISION**  
D

**Zaboro**  
PROJECTS FZE

PO BOX 120789  
SAIF  
SHARJAH  
UAE

Tel: +971 6 567 5229  
Fax: +971 65 575 889  
Zabor Projects FZE Licence No: 0201-04625



**1**  
003 SCALE 1:50  
**BASEMENT LEVEL LICENSING PLAN**

**KEY TO PLAN SYMBOLS**

	FIRE ALARM CALL POINT WITH FIRE ACTION SIGN ADJACENT
	CONTROL PANEL SOUNDER
	SELF-CLOSING DOOR INCORPORATING AN AUTOMATIC RELEASE
	DOORS WHICH ARE TO BE PROVIDED WITH A PANIC BOLT
	DOORS THAT HAVE ONLY A SIMPLE FASTENING WHICH IS EASILY AND IMMEDIATELY OPENABLE
	FIRE ALARM TELEPHONE POINT
	WATER FIRE EXTINGUISHER
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	AREA COVERED BY AUTOMATIC HEAT DETECTORS
	AREA COVERED BY AUTOMATIC SMOKE DETECTORS
	AREA COVERED BY PRESSURIZATION SYSTEM
	PRESSURIZATION OVERRIDE CONTROL
	FIRE EXIT NOTICE SYMBOL
	AREAS OF LICENSABLE ACTIVITIES

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**MAINTENANCE NOTES**

**CLIENT**  
CAMDEN 287, HIGH STREET,  
LONDON UK

**PROJECT TITLE**  
LICENSING PLAN  
(BASEMENT LEVEL)

**DRAWING TITLE**  
1:50@A1  
SCALE 2022-11-29  
DATE

**PROJECT NO.** 361004  
**PROJECT NO.** PC  
**DRAWN BY** SHARJAH

**DRAWING NO.** 003  
**DRAWING NO.** B  
**REVISION**

**REVISION**

NO.	REVISION	DATE
1	ISSUED AS PER COMMENTS	2022-10-19
2	FIRST ISSUE	2022-10-07
3	INT	DATE

**CAO REFERENCE**  
W:\03\CAMDEN\HIGH STREET\287 CAMDEN HIGH ST.LICENSING

-  
**Date:** 02/03/2023  
**Application Reference:** APP\PREMISES-NEW\113842  
**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)

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:** Diverse Dining/SHAKESHACK, 287 Camden High Street, London NW1 7BX

### 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 with ancillary licensable activities during framework hours, located in the basement, ground and first floor on Camden High Street.

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

- Sale of Alcohol (For consumption both on and off the premises)

Monday to Thursday 10:00 to 23:30  
 Friday and Saturday 10:00 to 00:00  
 Sunday 11:00 to 22:30

- Late Night Refreshment

Monday to Thursday 23:00 to 23:30  
 Friday and Saturday 23:00 to 00:00  
 Sunday – NO LNR

The times being applied for the Operating Hours are as:

Monday to Thursday 08:00 to 00:00  
 Friday and Saturday 08:00 to 00:30  
 Sunday 08:00 to 23:00

### Framework Hours Policy

The hours being applied for are within framework hours, and therefore this policy is not

engaged by this application.

### **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. 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**

N/A New premises

### **Summary of Action Taken**

N/A

### **Conditions**

The applicant has offered conditions within their operating schedule, and there has been communication with a resident association and the applicant to agree on 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 (VAWGs) 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 the licensable activities within framework hours. However, 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 black rectangular redaction box covering the signature of Sarah Williams.

Sarah Williams  
Licensing Enforcement Officer

<b>Representation</b>	
Premises name	Shakeshack
Application reference number	APP\PREMISES-NEW\113842
Last date for representation	07/03/2023

**Making a representation as**

As an individual

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

rasu

**Last name**

gohil

**Telephone number (optional)**

[REDACTED]

**Email address**

[REDACTED]

**Address**

[REDACTED]

[REDACTED]

[REDACTED]

**Remain anonymous**

No

**Grounds of representation**

- prevention of crime and disorder
- ensuring public safety
- prevention of public nuisance
- protection of children from harm

**Details of representation**

Hi Conditions that have to be agreed and I will withdrew my representation Kate McLaren has been talking to the applicant on my behalf From: Kate McLaren [REDACTED] > Date: Tuesday, 28 February 2023 at 08:54 To: Jack Spiegler [REDACTED] > Cc: Dennis Viechweg [REDACTED] [REDACTED] >, Tilly Burton



[REDACTED], Rasu Gohil [REDACTED]  
[REDACTED], Brenda Gardner  
[REDACTED],  
[REDACTED]  
[REDACTED], Mark  
Neal Co [REDACTED] Subject: RE:  
APPPREMISES-NEW113842 - 287  
Camden High Street NW1 7BX [DIV.4.17]  
Hi Jack, Some additional conditions that  
maybe covered below but just to reinforce  
concerns: No outside speakers Collection of  
food by Deliveroo/other operative inc  
waiting by canal side doors Deliveroo/other  
operatives riders to comply with highway  
code Forecourt to be cleared of any seating  
by 9pm – I don't think you have applied for  
seating outside? If you have can you please  
confirm if this is part of your planning  
application? No queuing on high street –  
this is due to noise issues. Sent from Mail  
for Windows From: Kate McLaren Sent: 27  
February 2023 18:33 To: Jack Spiegler Cc:  
Dennis Viechweg; Tilly Burton; Rasu Gohil;  
Brenda Gardner; [REDACTED].  
com; Mark Neal Co Subject: RE:  
APP\PREMISES-NEW113842 - 287  
Camden High Street NW1 7BX [DIV.4.17]  
Hi Jack, If we can stick to email I can cc in  
those who may want to make additional  
comments. Additional conditions that we  
would like to see: On sales: All sale of  
alcohol should cease 30mins before closing  
to allow drinking up time. No open  
containers to be allowed off the premises  
because customer has not finished in time  
Off sales: Cease all off sales (take-away in  
person and via operatives such as Deliveroo  
/uber) by 10:00pm No open containers to  
be allowed off the premises at any time All

deliveries via operative to be by non-motorised vehicles Operatives are not to be allowed to gather in front of the premises to prevent noise disturbance – might also be a red route Deliveries and Waste Collections No deliveries or collections between 22:00-08:00hr mon-sat and 21:00-09:00hrs Sun No bottling out (if bottles used) between 22:00- 08:00hr mon-sat and 21:00-09:00hrs Sun All deliveries and waste collections to be via delivery bay off Jamestown Rd and not from Camden High Street Music No music to be played on the premises that is audible to nearby residential or noise sensitive properties Noise from external area Staff to prevent customer gathering outside the premises causing noise disturbance to nearby residential properties. Includes customers smoking. Litter Review of litter spread from this premises to be carried out 3 months after opening to ensure Shakeshack is not adding to the clear problem – see attached photos from local area. This might be rectified by increased clearing for rubbish but might also require a wider area of patrol for the rubbish. Grateful for your response. Note please that others might want to add comments too. Best Kate Sent from Mail for Windows From: Jack Spiegler Sent: 27 February 2023 17:14 Cc: Dennis Viechweg; Tilly Burton Subject: APP\PREMISES-NEW\11384

## About this form

Issued by

Camden Town Hall

Judd Street

London

WC1H 9JE

**Contact phone**

020 7974 4444

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## Diverse Dining 287 Camden High Street London NW1 7BX

## PROPOSED CONDITIONS:

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2. The supply of alcohol for consumption off the premises shall be in sealed containers and ancillary to a take away meal only.
3. The supply of alcohol for consumption off the premises shall cease at 23:00 Monday to Saturday.
4. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram. Police must be called to incidents of violence and/or disorder where appropriate.
5. A sign shall be displayed at the point of sale stating "No Proof of Age - No Sale".
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7. The licensee will ensure that staff are trained, as appropriate, in respect of relevant Licensing Law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage. Training shall be written into a programme, on-going review and will be made available for inspection by Police or other responsible authority, upon request.
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23. The premises licence holder will implement procedures with third party delivery companies to ensure that any food delivery process does not cause a nuisance to local residents.

**Additional conditions agreed with Resident's Association (TRACT)**

1. No outside speakers Agreed
2. Collection of food by Deliveroo/other operative inc waiting by canal side doors Agreed
3. The premises licence holder shall instruct Deliveroo/other operatives riders to comply with highway code Agreed as amended
4. Forecourt to be cleared of any seating by 9pm – I don't think you have applied for seating outside? If you have can you please confirm if this is part of your planning application?  
Confirmed - there is no outside seating

5. No queuing on high street – this is due to noise issues. The applicant has designed-in internal queuing space so doesn't anticipate queuing on the street. In the unlikely event a queue forms, for example during the launch period, the applicant could agree the following condition:

“The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised so as to ensure that there is no public nuisance or obstruction to the public highway”.

**On sales:**

1. All sale of alcohol should cease 30mins before closing to allow drinking up time. Agreed
2. No open containers to be allowed off the premises because customer has not finished in time Agreed

**Off sales:**

1. Cease all off sales (take-away in person and via operatives such as Deliveroo/uber) by 10:30pm 10:00pm The applicant would be grateful of your consideration of 10:30pm instead of 10pm.
2. No open containers of alcohol to be allowed off the premises at any time Agreed as amended
3. All deliveries via operative to be by non-motorised vehicles The applicant's delivery partners are working towards phasing out combustion engine vehicles but at this time unfortunately can't guarantee there won't be these type of vehicles in use and does not want to risk breaching a licence condition.
4. The premises licence shall instruct Operatives are not to be allowed to gather in front of the premises to prevent noise disturbance – might also be a red route Agreed as amended. There is an internal corridor specifically designed to hold delivery operatives as they wait.

**Deliveries and Waste Collections**

1. No deliveries to the premises or waste collections between 22:00- 08:00hr mon-sat and 21:00-09:00hrs Sun Agreed as amended
2. No bottling out (if bottles used) between 22:00- 08:00hr mon-sat and 21:00-09:00hrs Sun Agreed
3. All deliveries and waste collections to be via delivery bay off Jamestown Rd and not from Camden High Street The applicant is not sure they will have free access to Jamestown Road. As a result they will likely need to use Camden High Street, subject to the agreed timings above and instructions to suppliers to carry out their duties responsibly, which we hope helps.

**Music**

1. No music to be played on the premises that is audible at a level that causes a nuisance to nearby residential or noise sensitive properties Agreed as amended. It will be background music only.

**Noise from external area**

1. Staff to prevent customer gathering outside the premises causing noise disturbance to nearby residential properties. Includes customers smoking. Agreed. There will be plenty of space for customers to dine inside.

**Litter**

1. Review of litter spread from this premises to be carried out 3 months after opening to ensure Shakeshack is not adding to the clear problem – see attached photos from local area. This might be rectified by increased clearing for rubbish but might also require a wider area of patrol for the rubbish. Agreed

## 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.