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Spiritual Caipirinha Bar, 4 Ferdinand Street,
London NW1 8ER

Scale = 1:721.980
27-April-2023

Application for full variations to a licensed premises - Ref no. 114268

Are you able to return the existing premises licence or club certificate?	No
What do you want to vary?	Premises licence : PREM-LIC\3025
Who is making the variation?	The licensee
Correspondence details	
Who should we correspond with in regards to this application?	Premises
What type of variation are you applying for?	Full variation
What is the non-domestic rateable value (NDRV) of the premises?	10800
Will the variations mean the premises is used exclusively or primarily to sell or supply alcohol?	No
Will the variations change the expected attendance?	No
When do you want the variations to take effect?	As soon as possible
What changes do you want to make?	<ul style="list-style-type: none">• Amend premises information and premises business hours
Amend seasonal variations to business hours?	No

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Amend times the premises open to the public at times other than those listed? No

Make changes to your business hours below

Day	Start time	End time
Monday	07:00	01:00
Tuesday	07:00	01:00
Wednesday	07:00	01:00
Thursday	07:00	01:00
Friday	07:00	02:00
Saturday	07:00	02:00
Sunday	07:00	01:00

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

Application for full variations to a licensed premises - Ref no. 114268

Contact phone 020 7974 4444

Form reference Ref. no. 114268

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.

Thank you for your email. We just want to change the times of activities. We want to sell alcohol and play music from Sunday to Thursday until 12:30 and close at 1am. On Fridays and Saturdays we want to play music and sell alcohol until 1:30 and close at 2am.

We think that extending our license 1 more hour would help us a lot to run our business a bit better as you may be aware that it is been very difficult for bars and restaurants as we had all prices increased etc.

Many thanks

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

Premises Licence

London Borough of Camden Licensing Authority

Premises licence number
PREM-LIC\3025

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
SPIRITUAL CAIPIRINHA BAR 4 FERDINAND STREET LONDON NW1 8ET	
Telephone number	N/A

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence

(a) Plays	Yes
(b) Films	Yes
(e) Live Music	Yes
(f) Recorded Music	Yes
(j) Facilities for Dancing	Yes
Retail of Alcohol:	Yes

The times the licence authorises the carrying out of licensable activities

(a) Plays	
Sunday to Thursday	16:00 -00:00
Friday to Saturday	16:00 -01:00
(b) Films (Indoors):	
Sunday to Thursday	16:00 -00:00
Friday to Saturday	16:00 -01:00
(e) Live Music (Indoors):	
Sunday to Thursday	10:00 -23:00
Friday to Saturday	10:00 -00:00
(f) Recorded Music (Indoors):	
Sunday to Thursday	10:00 -23:00
Friday to Saturday	10:00- 00:30
(j) Facilities for Dancing	
Sunday to Thursday	10:00 - 23:30
Friday to Saturday	10:00 - 00:30
Retail of Alcohol:	
Sunday to Thursday	10:00 -23:30
Friday to Saturday	10:00 -00:30

The Opening Hours of the Premises	
Sunday to Thursday	10:00 -00:00
Friday to Saturday	10:00 -01:00

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

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

SPIRITUAL BAR & RESTAURANT LTD
4 FERDINAND STREET
LONDON
NW1 8ER

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

7065394

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Rafael Flosi Pesce

██████████
██████
██████-

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

██████████

Signed on behalf of the Director, Culture and Environment Directorate
Date Licence Amended: 5th July 2012 APP\PREMISES-VARYDPS\002469
Date Licence Amended: 10th June 2010 APP\PREMISES-VARY\000542
Date Licence Amended: 20th April 2010 APP\PREMISES-TRANS\000635
Date Licence Amended: 20th April 2010 APP\PREMISES-VARYDPS\001680
Date Licence Granted: 27th August 2008 APP\PREMISES-NEW\000691

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

8. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
9. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
10. (a) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(b) 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 a holographic mark.

11. The responsible person shall 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: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
12. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
13. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children is must be restricted in accordance with any recommendation made by that body.
14. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
15. In this section -

"children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 - Conditions consistent with the Operating Schedule

16. All plays within the premises shall be redistricted to small acts with either one or two actors.
17. Live music in the premises will be restricted to a maximum of 3 performers only.
18. Facilities for dancing will be permitted on the first floor of the premises only.
19. There will be zero tolerance to drug misuse.
20. Children will only be permitted at tables away from the bar area until 23:00 when accompanied by an adult.

Annex 3 - Conditions attached after a hearing by the licensing authority 10/06/2010

21. CCTV system shall be installed and working to the satisfaction of the Police and

Licensing Authority.

22. CCTV to operate at all times whilst the premises remains open to the public (including during any "private parties/events") and all images captured to be recorded and stored on site and to be accessible by at least one member of staff on duty at all times if required.
23. Recordings shall be of a sufficient quality to identify persons on the recordings.
24. Recordings shall be maintained for a minimum period of 31 days.
25. Copies of the recordings shall be made available to the Police and/or the Licensing Authority on request within 48 hours of the request being made.
26. If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the Police and Licensing Authority, then within 48 hours the Police to be notified and an estimate given of the repair time scale and the premises to comply with all reasonable requests from the Police which may include the suspension of licensable activities if necessary.
27. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the premises, advising that CCTV is in operation.
28. For the purpose of these CCTV conditions 'the Police' refers to the licensing/partnership office of Holborn Police Station, and 'the Licensing Authority' refers to the Licensing Authority of the London Borough of Camden.
29. The Police must be called to any incident of disorder within the premises or relating to customers from the venue.
30. Only valid photo ID shall be accepted, namely driving licence or passport and any refusals of entry should be recorded in the incident book as soon as practicable.
31. There shall be no admittance to the venue after 01:00 Hours on any night the venue is open to the public.
32. The venue shall increase lighting inside and play more chilled out music at least 30 minutes before time permitted to supply alcohol as shown on the premises licence.
33. An incident log book to be maintained on the premises at all times it remains open to the public and must be made available immediately on request of the Police or Licensing Authority.
34. All staff shall be trained and evidence of this documented in the following areas
 - Sales of alcohol to underage customers.
 - Identification of drunk or drug impaired customers.
35. The venue shall adopt a "Challenge 25" style policy for entry and serving people at the bars at all times the venue remains open to the public.
36. A suitable method of controlling the capacity of all areas of the venue, in line with the current fire risk assessment, to be employed at all times and clearly documented so that it can be shown to Police or Licensing Authority on request.
37. All training documents shall be made available at all times when requested by Police or Licensing Authority.

38. There shall be no alcohol allowed in to the smoking area at any time and the smoking area shall be restricted to 8 patrons at any time.
39. Notices shall be displayed in prominent positions and at the exits to remind customers to leave quietly and respect the residential neighbours.
40. The Venue shall offer a taxi service for patrons and an area for the patrons to wait which will not disrupt the local residents.
41. The venue must have a documented policy and procedures put in place to securely store any of the following items until the police are contacted within 24 hours to collect them:
 - (a) Any drugs found on customers or within the venue.
 - (b) Any weapons found on customers or within the venue.





**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

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: **VARY\114268**

Dear Sir/Madam

RE: Application VARY\114268

Spiritual Caipirhina Bar, 4 Ferdinand Street, NW1 8ER

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)

This Application is based within the Camden Town Cumulative Impact Zone (CIZ) and therefore there is a presumption, based on the Borough Council's own Licensing Policy, that any New or Variation Application will be refused; due to the effects of cumulative impact. The MPS supports the Policy, especially in respect of the impact to Alcohol Harm.

Camden Borough has the 4th largest Night Time Economy in the UK (*source: Night Mix Index, Make Associates*)

UNIQUE APPLICATION ISSUES:

This application refers to a variation for an amendment of operating hours and licensable activities for PREM-LIC\3025.

The applicant is requesting to extend the hours of operation by an hour each day. They have also applied to extend the retail of alcohol by 1 hour each day with a terminal time of 0030 hours Sunday – Thursday and until 0130 hours on a Friday and Saturday. They have applied to extend live music by an extra 1.5 hours each day.

This extension of hours would be in direct conflict of the prevention of crime and disorder and preventing a public nuisance licensing objectives.

It is crime and disorder on the street involving visitors who have been and left the late night venues, which causes the majority of the issues in this part of Camden.

This premises is situated just a few metres from Chalk Farm Road where there is a high volume of crime reported particularly in the early hours of the morning.

If necessary the Police can provide in depth statistics showing the crimes that occur within the immediate area of this venue.

Conditions Offered/Recommended

For clarity, the MPS supports Camden Council's Licensing Policy with regards to the presumption to refuse new or variation applications within a cumulative impact zone. The MPS would therefore recommend that this application be refused in its entirety.

Mindful however, that the Applicant may successfully rebut the policy; or the Panel decides of its own volition to grant the Application, the MPS would then strongly recommend the Panel consider imposing the below conditions on any granted application.

- 1) A minimum of two 2 SIA-registered door supervisors shall be employed at the premises until 30 minutes after close with a log sheet to be kept (and available immediately to the Police upon request) showing who was working on any given night that the Police visit the venue.
- 2) SIA to ensure that all patrons have dispersed from the immediate area outside the venue at the end of operating hours.

Conclusion

To conclude, this application should be rejected in its entirety. The venue sits within the Camden Town CIZ. This CIZ was brought into place following research by the council that identified this area as having a higher concentration of licensed premises that undermine the licensing objectives.

The MPS support the existence of the Camden Town CIZ and its recommended framework hours, it is our belief that if a further extension outside of these hours were to be granted, there would be a negative impact on the promotion of the licensing objectives.

PC [REDACTED] – Camden Licensing Team
Kentish Town Police Station, 12a Holmes Road, NW5 3AE



CENTRAL NORTH
Policing Camden & Islington

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

Conditions consistent with the operating schedule

No further conditions added to the original operating schedule.

Current Conditions consistent with the Operating Schedule

16. All plays within the premises shall be redistricted to small acts with either one or two actors.
17. Live music in the premises will be restricted to a maximum of 3 performers only.
18. Facilities for dancing will be permitted on the first floor of the premises only.
19. There will be zero tolerance to drug misuse.
20. Children will only be permitted at tables away from the bar area until 23:00 when accompanied by an adult.

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

10/06/2010

21. CCTV system shall be installed and working to the satisfaction of the Police and Licensing Authority.
22. CCTV to operate at all times whilst the premises remains open to the public (including during any "private parties/events") and all images captured to be recorded and stored on site and to be accessible by at least one member of staff on duty at all times if required.
23. Recordings shall be of a sufficient quality to identify persons on the recordings.
24. Recordings shall be maintained for a minimum period of 31 days.
25. Copies of the recordings shall be made available to the Police and/or the Licensing Authority on request within 48 hours of the request being made.
26. If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the Police and Licensing Authority, then within 48 hours the Police to be notified and an estimate given of the repair time scale and the premises to comply with all reasonable requests from the Police which may include the suspension of licensable activities if necessary.
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28. For the purpose of these CCTV conditions 'the Police' refers to the licensing/partnership office of Holborn Police Station, and 'the Licensing Authority' refers to the Licensing Authority of the London Borough of Camden.

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30. Only valid photo ID shall be accepted, namely driving licence or passport and any refusals of entry should be recorded in the incident book as soon as practicable.
31. There shall be no admittance to the venue after 01:00 Hours on any night the venue is open to the public.
32. The venue shall increase lighting inside and play more chilled out music at least 30 minutes before time permitted to supply alcohol as shown on the premises licence.
33. An incident log book to be maintained on the premises at all times it remains open to the public and must be made available immediately on request of the Police of Licensing Authority.
34. All staff shall be trained and evidence of this documented in the following areas
Sales of alcohol to underage customers.
Identification of drunk or drug impaired customers.
35. The venue shall adopt a "Challenge 25" style policy for entry and serving people at the bars at all times the venue remains open to the public.
36. A suitable method of controlling the capacity of all areas of the venue, in line with the current fire risk assessment, to be employed at all times and clearly documented do that it can be shown to Police or Licensing Authority on request.
37. All training documents shall be made available at all times when requested by Police or Licensing Authority.
38. There shall be no alcohol allowed in to the smoking area at any time and the smoking area shall be restricted to 8 patrons at any time.
39. Notices shall be displayed in prominent positions and at the exits to remind customers to leave quietly and respect the residential neighbours.
40. The Venue shall offer a taxi service for patrons and an area for the patrons to wait which will not disrupt the local residents.
41. The venue must have a documented policy and procedures put in place to securely store any of the following items until the police are contacted within 24 hours to collect them:
 - (a) Any drugs found on customers or within the venue.
 - (b) Any weapons found on customers or within the venue.

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.