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Flight Club, 55-59 Albion House, New Oxford Street WC1A 1BS

Scale = 1:1447.740
22-June-2023

Application for full variations to a licensed premises - Ref no. 13113

Are you able to return the existing premises licence or club certificate? Yes

What do you want to vary? Premises licence : PREM-LIC\3884

Who is making the variation? An authorised agent

Agent details

First name [REDACTED]

Last name [REDACTED]

Name of business (optional) TLT

Address TLT PART FIRST FLOOR 1 REDCLIFF STREET
BS1 6NP
BRISTOL
[REDACTED]

Telephone number [REDACTED]

Correspondence details

Who should we correspond with in regards to this application? Agent

What type of variation are you applying for? Full variation

What is the non-domestic rateable value (NDRV) of the premises? 48500

Will the variations mean the premises is used exclusively or primarily to sell or supply No

Application for full variations to a licensed premises - Ref no. 13113

alcohol?

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?

- Amend activities
- Amend conditions

Activities on your licence

- j. Supply of alcohol

Supply of alcohol

Day	Start time	End time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	02:00
Saturday	10:00	02:00
Sunday	11:00	00:00

Revise the location (optional) Both

Are there changes to seasonal variations of the activity? No

Are there changes to the activity taking place at other times? No

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Amended conditions

Amendment type : Remove

Condition Number : 52

Condition description

The licence shall not become operational until the licence held by the landlord is rescinded

Amendment type : Revise

Condition Number : 19

Substantial food shall be available at the premises until 11:00pm

Amendment type : Revise

Condition Number : 39

The premises will adopt the "Challenge 25" scheme and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification (photographic UK driving licence, passport, PASS accredited and/or armed forces card)

Amendment type : Revise

Condition Number : 43

Any period of Social Distancing imposed due to a national pandemic the premises will risk assess the need for the number of SIA authorised door staff required by Condition 42 and adjust the number in accordance with this assessment. A copy of the Risk Assessment will be held at the premises and be made available for inspection by any Responsible Authority on request. Any Responsible Authority may

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ask for the Risk Assessment to be repeated or set aside and in this case the requirements of Condition 42 will apply.

Amendment type : Add

Suitable beverages other than alcohol (including drinking water) shall be available at all times when alcohol is supplied at the premises.

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. 13113

Data protection

Application for full variations to a licensed premises - Ref no. 13113

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.



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

Premises Licence
London Borough of Camden Licensing Authority

Premises licence number
PREM-LIC\3884

Part 1 – Premises details

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

Flight Club
55 59 ALBION HOUSE
NEW OXFORD STREET
LONDON
WC1A 1BS

Telephone number

Where the licence is time limited the dates

NA

Licensable activities authorised by the licence

(b) Films:	Yes
(c) Indoor Sports:	Yes
(f) Recorded Music:	Yes
Late Night Refreshments:	Yes
Retail of Alcohol:	Yes

The times the licence authorises the carrying out of licensable activities

(b) Films:	
Monday - Sunday	10:00 - 02:00
(c) Indoor Sports: (Darts Only)	
Monday - Sunday	10:00 - 02:00
(f) Recorded Music:	
Monday - Sunday	10:00 - 02:00
Late Night Refreshments:	
Monday - Sunday	23:00 - 02:00
Retail of Alcohol:	



Monday - Saturday	10:00 - 02:00
Sunday	11:00 - 22:30

The opening hours of the premises

Monday - Sunday 10:00 - 02:30

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

ON/OFF

Part 2

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

Flight Club Darts Limited
22 Great James Street
London
WC1N 3ES

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

08824987

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

Ingrida Jankauskiene

██████████

██████

██████



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

[REDACTED]

For Supporting Communities Directorate on behalf of the Licensing Authority

[REDACTED]

Date Licence Amended: 21/08/2020 – APP\PREMISES-MVARY\102525

Date Licence Amended: 09/11/2018 – APP\PREMISES-VARY\092558

Date Licence Amended: 03/09/2018 -APP\PREMISES-C-LIC\091731

Date Licence Amended: 03/07/2018 -APP\PREMISES-VARYDPS\090576

Date Licence Amended: 28/02/2017 -APP\PREMISES-VARYDPS\004456

Date Licence Granted: 26/07/2016 -APP\PREMISES-NEW\001681

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.
15. 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.
16. 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.
17. 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.
18. 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

19. Substantial food and non-intoxicating beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.



20. A noise limiter shall be fitted to the musical amplification system in agreement and to the satisfaction of officers from the Environmental Health Department's noise section. The operational panel shall be secured and the system shall not be altered without prior agreement with the Environmental Health Department.
21. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised officer of the Camden Council Environmental Health Department.
22. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
23. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police.
24. The system shall be maintained in good working order and at all times the premises are open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.
25. CCTV camera views are not to be obstructed.
26. 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.
27. 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.
28. At all times when the premises are open for the purposes of licensable activities, a suitably trained member(s) of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage.
29. Copies shall be made available within 48 hours to the Police or Local Authority upon request.
30. The facility to transfer the images to a compatible, removable format shall be held on the premises.
31. Key staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
32. Signs must be displayed in the customer areas to advise that CCTV is in operation.
33. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.



34. All flat surfaces in toilet cubicles including any curved toilet roll holder ellipses are to be "designed out" in order to prevent drugs misuse,
35. When the venue is open for licensable activities, the toilets are to be checked by staff at least every hour and these checks are to be documented on each visit.
36. The premises licence holder 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.
37. 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.
38. No patrons shall be allowed to leave the premises while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. This includes patrons using the smoking area.
39. The premises will adopt the "Challenge 21" scheme and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification (photographic UK driving licence, passport, PASS accredited and/or armed forces card).
40. An incident log shall be kept at the premises, and made available on request to an authorised office or the Police, which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received
 - d) Any incidents of disorder and violence
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusal of the sale of alcohol to include date, time and staff member
 - h) Any visit made by a relevant authority or emergency service.
 - i) CAD reference numbers where Police are called.
41. There will be no entry or re-entry permitted to customers after 01 ;00 hours on any day until close (except for persons wishing to smoke);
42. The Premises Licence Holder will, if requested by the Police Licensing Officer in writing, employ a minimum of three (3) SIA authorised door supervisors from 20:00 hours until close on Friday and Saturday.



43. During the period of Social Distancing imposed due to COVID19 the premises will risk assess the need for the number of SIA authorised door staff required by Condition 42 and adjust the number in accordance with this assessment. A copy of the Risk Assessment will be held at the premises and be made available for inspection by any Responsible Authority on request. Any Responsible Authority may ask for the Risk Assessment to be repeated or set aside and in this case the requirements of Condition 42 will apply.

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

26/07/2016

44. The Premises Licence Holder will employ a minimum of two (2) SIA Authorised Supervisors from 20:00 hours until close on Friday and Saturday nights. The requirement for additional SIA Authorised Supervisors on Friday and Saturday nights and at other times will be monitored on a risk assessed basis
45. A door supervisor's register shall be updated on occasions when supervisors are employed. The register is to be made available for inspection to the Police and/or Licensing Authority. Details to show:
- a) Full name
 - b) Date of birth
 - c) SIA registration number; and
 - d) Date and hours worked
46. A coloured photocopy of each door supervisor's SIA badge shall be taken by taken by the DPS and retained at the premises
47. A dispersal policy shall be implemented which directs customers away from nearby residential premises as quickly and as swiftly as possible. Customers will be directed onto New Oxford Street to the nearest public transport
48. There shall be a minimum of 5 oches available at any time the premises is open to the public , Oche means the darts playing area, which consists of a designated area for the use of darts which includes a dartboard, throw line and a clearance area.
49. All deliveries and disposal/collections of refuse shall be prohibited between the hours of 20:00 - 08:00 Monday to Saturday and 20:00 -10:00 on Sundays
50. There shall be n bottling out between the hours of 2000 to 0800 Monday to Saturday and 2000 to 1000 Sundays
51. There shall be no dancefloor at the premises
52. The licence shall not become operational until the licence held by the landlord is rescinded.



Annex 4 – Plans



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

Premises Licence Summary
London Borough of Camden Licensing Authority

Premises licence number
PREM-LIC\3884

Part 1 – Premises details

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

Flight Club
55 59 ALBION HOUSE
NEW OXFORD STREET
LONDON
WC1A 1BS

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

(b) Films:	Yes
(c) Indoor Sports:	Yes
(f) Recorded Music:	Yes
Late Night Refreshments:	Yes
Retail of Alcohol:	Yes

The times the licence authorises the carrying out of licensable activities

(b) Films:	
Monday - Sunday	10:00 - 02:00
(c) Indoor Sports: (Darts Only)	
Monday - Sunday	10:00 - 02:00
(f) Recorded Music:	



Monday - Sunday	10:00 - 02:00
Late Night Refreshments:	
Monday - Sunday	23:00 - 02:00
Retail of Alcohol:	
Monday - Saturday	10:00 - 02:00
Sunday	11:00 - 22:30

The opening hours of the premises

Monday - Sunday 10:00 - 02:30

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

ON/OFF

Part 2
Name, (registered) address of holder of premises licence

Flight Club Darts Limited
22 Great James Street
London
WC1N 3ES

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

08824987

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

Ingrida Jankauskiene

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

N/A

Licensing Representation from the Covent Garden Community Association**Application No.:** APP\PREMISES-VARY\114964**Premises:** Flight Club**Address:** 55-59 New Oxford Street WC1A 1BS

This Representation is being made on behalf of the CGCA, which represents the interests of residents in the vicinity of the premises.

The premises operates as a darts venue and has an alcohol licence until 02:00. When the application was originally made the applicant made clear that it was intended to be a venue where people would be able to eat and drink whilst playing darts. They did not wish to require everyone to eat and so no ancillary condition was imposed. However the proposal from the applicant was that substantial food would be available at all times.

This application proposes to amend to condition 19 so that substantial food does not have to be available after 23:00. This means that between 23:00 and 02:00 customers at the venue can drink, but not eat anything substantial.

The premises are within the Seven Dials SPA, which already suffers from issues associated with licensed venues. The CGCA is concerned that by amending the condition there is the possibility that there will be an increase on nuisance and crime and disorder because customers are more likely to be drinking without eating and so more likely to leave under the influence of alcohol. We therefore ask that this condition remains on the Licence as it is currently.

We assume (but are not told) that the reason for the proposed amendment is because few people take advantage of the availability of food and so the cost of making it available after 23:00 is not, in the applicant's view, justified. The CGCA's view is in contrast that by removing this option will fail to support the Licensing Objectives and so the risk of amending the condition is not justified.

We have no objection to the other proposed changes to conditions. The added condition related to drinking water is not required if Condition 19 remains on the Licence.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Yours faithfully,

David Kaner
CGCA Licensing Sub-Committee

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████████████████████

The CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue,

Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 5th December 2017.

Conditions consistent with the operating schedule

a) Variation to remove condition 52 at Annex 3 of the premises licence:

“Condition 52 states - The licence shall not become operational until the licence held by the landlord is rescinded.”

b) Variation to amend condition 19, 39 and 43 at Annex 3 of the premises licence:

“Condition 19 - Substantial food and non-intoxicating beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.”

To read: “Substantial food shall be available at the premises until 11:00pm.”

“Condition 39 - The premises will adopt the "Challenge 21" scheme and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification photographic UK driving licence, passport, PASS accredited and/or armed forces card).”

To read: “The premises will adopt the "Challenge 25" scheme and any person wishing to purchase alcohol who appears to be under 25 shall be asked to produce an acceptable form of identification (photographic UK driving licence, passport, PASS accredited and/or armed forces card).”

“Condition 43 – During the period of Social Distancing imposed due to COVID19 the premises will risk assess the need for the number of SIA authorised door staff required by Condition 42 and adjust the number in accordance with this assessment. A copy of the Risk Assessment will be held at the premises and be made available for inspection by any Responsible Authority on request. Any Responsible Authority may ask for the Risk Assessment to be repeated or set aside and in this case the requirements of Condition 42 will apply.”

To read “Any period of Social Distancing imposed due to a national pandemic the premises will risk assess the need for the number of SIA authorised door staff required by Condition 42 and adjust the number in accordance with this assessment. A copy of the Risk Assessment will be held at the premises and be made available for inspection by any Responsible Authority on request. Any Responsible Authority may ask for the Risk Assessment to be repeated or set aside and in this case the requirements of Condition 42 will apply.

c) Variation to add a new condition;

“Suitable beverages other than alcohol (including drinking water) shall be available at all times when alcohol is supplied at the premises.”

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.