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**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Fruition Assets Limited

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> PREM-LIC\105059
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description 15 Highgate Road
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Post town	London	Postcode	NW5 1QX
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Telephone number at premises (if any)	C/O Marcus Lavell [REDACTED]
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Non-domestic rateable value of premises	£35,500
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**Part 2 – Applicant details**

Daytime contact telephone number	C/O Marcus Lavell [REDACTED]
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E-mail address (optional)	[REDACTED]
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Current postal address if different from premises address	Flat 4 12 Ladbrooke Crescent
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Post town	London	Postcode	W11 1PS
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**Part 3 – Variation**

Please tick as appropriate
Do you want the proposed variation to have effect as soon as possible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

This application for variation seeks to update the plans of the premises in line with the plans attached, and remove Conditions 16, 17 and 19 of the Premises Licence, so as to allow the Premises to operate as a traditional public house. Conditions 16, 17 and 19 read as follows:

“16. The supply of alcohol shall be by Waiter / Waitress service only.”

“17. The supply of alcohol shall only be to customers seated at tables with the exception of a maximum of 10 customers permitted to stand whilst waiting for a table.”

“19. Between the hours of 08:00 and 11:00 daily sales of alcohol (On sales) shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.”

And this application seeks to correct a typographical error in Condition 22, where the word “or” has been omitted. The correct wording of Condition 22 is as follows:

“22. Any alcohol sold via a delivery service shall be a) Ancillary to a food order or of at least 6 bottles (half a case) of wine /a value of £100 or more.”

The applicant will consider such other conditions as may be recommended by any interested party.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |
| <b>Provision of late night refreshment</b> (if ticking yes, fill in box I)                                  | <input type="checkbox"/>          |
| <b>Supply of alcohol</b> (if ticking yes, fill in box J)  | <input type="checkbox"/>          |

**In all cases complete boxes K, L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 6)		
Wed			<b>Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 8)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 6)		
Wed			<b>Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<b>Please give further details</b> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 6)
Wed			
Thur			<b>Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 7)
Fri			
Sat			
Sun			

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 8)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					



## E

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 6)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 6)		
Wed			<b>Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Fri					
Sat			<b>Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 10).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon			<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please see amended conditions as set out above in this application form. The applicant will consider such other conditions as may be recommended by any interested party.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.



**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

The premises licence has been conditioned to promote the four licensing objectives.

**b) The prevention of crime and disorder**

The premises licence has been conditioned to promote the four licensing objectives.

**c) Public safety**

The premises licence has been conditioned to promote the four licensing objectives.

**d) The prevention of public nuisance**

The premises licence has been conditioned to promote the four licensing objectives.

**e) The protection of children from harm**

The premises licence has been conditioned to promote the four licensing objectives.

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	RLS Law
Date	08/11/2023
Capacity	Solicitors on Behalf of Applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
Marcus Lavell 4th Floor, The Pavilion, 118 Southwark Street			
<b>Post town</b>	London	<b>Post code</b>	SE1 0SW
<b>Telephone number (if any)</b>	[REDACTED]		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			
[REDACTED]			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
  15. This is the address which we shall use to correspond with you about this application.



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

### Premises Licence

London Borough of Camden Licensing Authority

**Premises licence number** PREM-LIC\105059

#### Part 1 – Premises details

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

SWAINS  
15 Highgate Road  
London  
NW5 1QX

**Telephone number** Not known

##### Where the licence is time limited the dates

N/A

##### Licensable activities authorised by the licence

Supply of Alcohol  
Late Night Refreshments

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

###### Supply of Alcohol ON premises

08.00-23.30 Monday to Thursday  
08.00-00.30 Friday to Saturday  
08:00-23:30 Sunday

###### Supply of Alcohol OFF premises

08:00-23:00 Monday to Sunday

###### Late Night Refreshments

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

##### The Opening hours of the premises

08:00-23:30 Monday to Thursday  
08.00-00.30 Friday to Saturday  
08:00-23:30 Sunday





## Annex 1 - Mandatory conditions

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





- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
  
- 8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  
- 9.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
- 10. The responsible person must ensure that
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and



- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
12. For the purposes of the condition set out in paragraph 11
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula
- $$P = D + (D \times V)$$
- where
- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
13. Where the permitted price given by Paragraph (b) of 12 above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
14. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



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

15. A direct telephone number for the manager at the premises shall be available at all times the premises is open.
16. The supply of alcohol shall be by Waiter / Waitress service only.
17. The supply of alcohol shall only be to customers seated at tables with the exception of a maximum of 10 customers permitted to stand whilst waiting for a table.
18. Substantial food and non-intoxicating beverages including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. Between the hours of 08:00 and 11:00 daily sales of alcohol (On sales) shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
20. There shall be no sales of alcohol for consumption off the premises after 23:00.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on or immediately outside the premises.
22. Any alcohol sold via a delivery service shall be
  - a) Ancillary to a food order of at least 6 bottles (half a case) of wine /a value of£100 or more.
  - b) Delivered in accordance with the Premises Challenge 25 Policy
  - c) Delivered in packaging that is marked to show the delivery person that alcohol is part of the order.
  - d) Delivered only to registered residential or businesses addresses.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Camden Police Licensing Team. All entries and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Responsible Authority Officers throughout the entire 31 day period.



24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must also be able to provide Responsible Authority Officers copies of recent CCTV images or data with the absolute minimum of delay when requested.
25. An incident log shall be kept at the premises and made available on request to a Responsible Authority Officer. It must be completed within 24 hours of the incident and will record the following:
  - a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received concerning crime and disorder
  - d) Any incidents of disorder
  - e) Any faults in the CCTV system, searching equipment or scanning equipment
  - f) Any refusal of the sale of alcohol
  - g) Any visit by a relevant authority or emergency service.
26. 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 be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
28. The premises licence holder shall ensure that any patrons smoking outside the patrons do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
29. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to use the area quietly.
30. Patrons permitted to temporarily leave and then re-enter the premises, eg. To smoke, shall not be permitted to take drinks or glasses with them.
31. No noise generated on the premises, or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure if the premises which gives rise to a nuisance.
32. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
33. All outside Tables and Chairs shall be rendered unusable by 22:00 each day.



34. No waste or recyclable materials, including bottles shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
35. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
36. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours in the following day.
37. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, shall at all material times be maintained in good condition and full working order.
38. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards be immediately available and clearly identified in accordance with the plans provided.
39. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

40. The Premises Licence Holder will ensure that all staff are trained at least once annually, commensurate with their function within the business, in the following areas:
  - The Licensing Act 2003 and the four Licensing Objectives
  - The sale of alcohol to persons who are drunk
  - Underage sale and the Premises' Challenge 25 Policy
  - Crime Scene Best Practice
41. The Premises Licence Holder will ensure that records of the above-mentioned training are kept at the Premises and made available to Responsible Authority Officers upon request.
42. Police must be called to incidents of violence and/or serious disorder.
43. Regular glass collection from outside tables shall be undertaken by staff.



44. There shall be no customer entry or re-entry to (with the exception of customers who have left the Premises to smoke) the Premises after 23:30 on Friday and Saturday evenings.
45. The Premises Licence Holder shall devise, implement, and maintain a Dispersal Policy for the Premises. A copy of the Policy shall be kept at the Premises and made available to Responsible Authority officers on request.

#### **Annex 4 - Plans**



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

### Premises licence summary

<b>Premises licence number</b>	PREM-LIC\105059
--------------------------------	-----------------

#### Premises details

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

SWAINS  
15 Highgate Road  
London  
NW5 1QX

**Telephone number** Not known

##### Where the licence is time limited the dates

N/A

##### Licensable Activities authorised by the licence

Supply of Alcohol  
Late Night Refreshments

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

###### Supply of Alcohol ON premises

08.00-23.30 Monday to Thursday

08.00-00.30 Friday to Saturday

08:00-23:30 Sunday

###### Supply of Alcohol OFF premises

08:00-23:00 Monday to Sunday

###### Late Night Refreshments

23:00-23:30 Monday to Thursday

23:00-00:30 Friday and Saturday

23:00-23:30 Sunday

##### The Opening hours of the premises

08:00-23:30 Monday to Thursday

08.00-00.30 Friday to Saturday

08:00-23:30 Sunday



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

ON & OFF PREMISES

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

Fruition Assets Limited  
Flat 4  
12 Ladbroke Crescent  
London  
W11 1PS

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

08471348

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

Julie Campbell

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

N/A



<b>Representation</b>	
Premises name	Swains
Application reference number	APP\PREMISES-VARY\117871
Last date for representation	06/12/2023

**Making a representation as**

As an organisation

**Your details**
**Organisation name**

 Swains Lane Reswidents and  
 Neighbourhood Watch Association

**First name**

John

**Last name**

Slater

**Telephone number (optional)**

[REDACTED]

**Email address**

[REDACTED]

**Address**

 28 Swain's Lane  
 London  
 N6 6QR

**Remain anonymous**

No

**Grounds of representation**

- ensuring public safety
- prevention of public nuisance
- protection of children from harm

**Details of representation**

1. First, it should be noted that the Residents Association would like to see a successful business on the site. There is no problem in a change of operation from a restaurant to a pub providing that it is operated in a way that recognises the residential nature of the location. 2. The proposal is to remove paras 16.17 and 19, which relate to the conditions set in para

2,3, and 4 of the Panel decision on 4 January 2022 for App/Premises-New\105060. This variation would result in enabling the Pub to open for the sale of alcohol, on and off the premises from 08.00 without the conditions relating to waitress service and customers sitting at tables. At this time in the morning, this is a busy thoroughfare for children going to the many primary and Secondary schools in the area. It is also a busy time for other pedestrian traffic to the Heath and to the bus stops. For the protection of children from harm and public safety, there should be a restriction on the sale of alcohol before 10.00hrs 3. There is no objection to the correction to Condition 22. 4. The location is very much a residential area and residents are concerned about the late opening at weekends for the sale of alcohol and late refreshments until 03.00. All the other businesses in this small shopping area close on or before 23.00 and the area is quiet by 23.00. It is argued that given the number of customers that can be accommodated within this establishment, there is a considerable risk of public nuisance/disturbance not only to residents in adjoining properties but also to those further down the Lane where cars may be parked. 5. Given the very busy thoroughfare, especially on the South side of Swains Lane, and the number of children in the area, it would be desirable for the protection of children for an agreement that customers would not be permitted to leave the premises to smoke in that area. 6. While questions relating to the drawings may be seen as a planning issue, there is a

planning condition that the area behind the gates on Swains Lane should be retained for waste. Camden Building Inspectors will be visiting the premises to ensure this condition is observed

## About this form

### Issued by

Camden Town Hall  
Judd Street  
London  
WC1H 9JE

### Contact phone

020 7974 4444

## 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.

**From:** [licensing inbox](#)  
**To:** [REDACTED]  
**Subject:** FW: New licensing App 105060  
**Date:** 11 December 2023 08:00:14

---

FYA

Kind Regards,  
Fabien Simms  
Licensing Officer  
Corporate Services  
London Borough of Camden

Telephone: 020 7974 4444

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

This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer. See our new Privacy Notice here which tells you how we store and process the data we hold about you and residents.

-----Original Message-----

From: Alan Cowell [REDACTED]  
Sent: 06 December 2023 12:53  
To: licensing inbox <[licensing@camden.gov.uk](mailto:licensing@camden.gov.uk)>  
Cc: Alan Cowell [REDACTED]  
Subject: New licensing App 105060

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

I am a resident of Brookfield Mansions diagonally opposite the Property known as Swains on Highgate. Road. I understand there is an application to modify its licensing hours. I would like to register my objections to this proposal on the following grounds:

1. A license for alcohol should not start at 0800 at a location frequented by pupils at several local schools. The demand for alcohol sales is questionable. One outlet —The Wine Bar — has already closed its doors.
2. There is no call for late night weekend opening. The neighbourhood is quiet and residential but is well-supplied with eateries that generally wind up service by 1030 or earlier at the weekend. Late opening would change the character of the neighbourhood and encourage disruptive behaviour. Since the council radically remodelled the area around the roundabout where Swains is located, parking is anyhow severely restricted.

Thankyou for your attention,

Alan Cowell  
11 Brookfield  
Highgate West Hill  
N66AS

**From:** Dan [REDACTED]  
**Sent:** 22 November 2023 13:39  
**To:** Peter Agbley [REDACTED]  
**Cc:** Sarah Williams [REDACTED]  
**Subject:** re: APP\PREMISES-VARY\117871 - 15 Highgate Rd NW5 1QX

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious. Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Thank you Sarah! And hello Peter!

I will submit my letter of support via the link you have provided, and take a look at the guidance, and the criteria by which you will make your decision. But please also reference this email in your decision making. (I will aim to submit a letter once I've read the guidance, but I'm writing this email now to ensure you have some kind of message of support, since I might not manage to get round to the submission online.

I represent Swains Lane Retail Forum, so a quick paragraph about what this is, and why its support is relevant in this instance...

Swain's Lane Retail Forum is a community group that was established (through a section 106 agreement) to represent the preferences of the local community in the selection of shops on our local parade. The parade is a small cluster of shops that stretches from 15 Highgate road to 23 Swain's lane. (15 Highgate road sits on the junction of Highgate road and Swain's Lane). I also run a Facebook group for our local community, and I use that group to gather a sense of local preferences. The group is called 'Swains Lane Community' and it consists of over 790 people local to this parade. You can find out more about Swains lane retail forum here:

<https://www.whatshophere.com/about-us>, especially in the Camden New Journal article at the bottom of the page. This website is part of a system I have been developing to help communities further afield achieve what we have on Swain's Lane. It's called 'WhatShopHere?' and it resulted in my being invited to join Camden's council's 'High Street Action Challenge' run by Principal Planner, Jane Debono, and my being given some funding by CamdenGiving to pilot the system further.

Points in support of the application to vary the licence....

- 15 Highgate Road is just opposite a key entrance onto Hampstead Heath, and on our Facebook group there has been broad vocal support and repeated calls for a 'muddy-boots pub' at this address, for people to get a drink (and maybe a bite to eat) after a walk on the heath.

- For at least 150-years the address was the Duke of St Alban's pub, until 2008. The following link shows it was in the census as far back as 1859, but a pub is likely to have been on this spot well before that: <https://pubshistory.com/LondonPubs/StPancras/DukeofStAlbans.shtml> It probably hosted the likes of Betjeman, Keats, and Coleridge in days gone by. You can see it on google street view if you roll the dates back to 2008. Click here or see the screengrab attached: <https://maps.app.goo.gl/6JEyfR5DGgEFePjR8>.) A pub makes total sense in this location opposite the heath, and at the centre of our community, and the vast majority of local people are very keen to get it back.

- The landlord has been looking for (and has found) a very civilised operator, particularly because they own the flats upstairs and they don't want to disturb the upstairs residents who are their

tenants too. Consequently the tone of a gastropub is deliberately unlikely to cause local residents disruption.

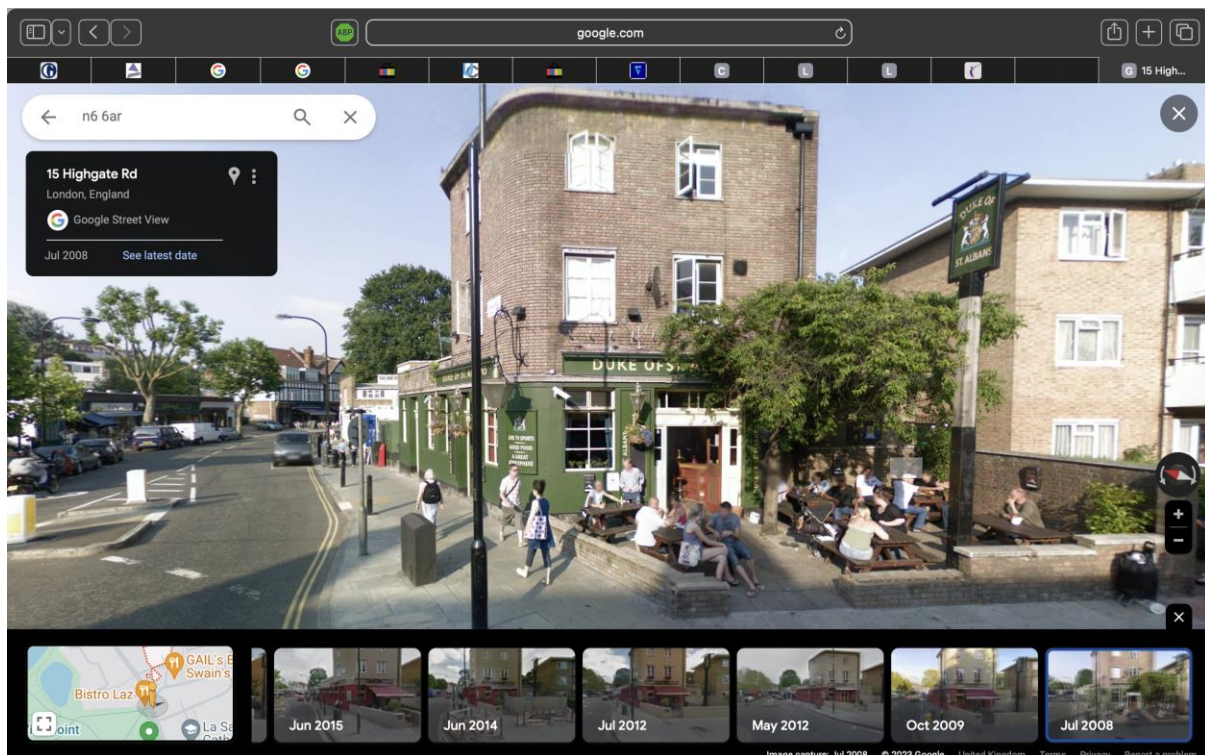
- The landlord (Fruition Properties) is very much on board with the mission of finding the type of tenant that the community wants. However, the site has been empty since last spring. The agent has struggled to persuade various potential tenants to sign on the dotted line due to a general nervousness to set up new businesses amid the current economic climate. So we, as a community, are keen to help them sign up the right tenant asap, to avoid stagnation on our high street, and to help provide local people get the pub they're hoping for. They now have exactly the right type of tenant waiting in the wings, waiting for the outcome of this application to vary the licence, so many people in our community are keenly awaiting the result, in the hope that their deal can be finalised.

15 Highgate road is also on the edge of Dartmouth park, and in addition to my letter of support (on behalf of the Swains Lane Retail Forum), you should also receive a letter of support from Ben Castell of the Dartmouth Park neighbourhood forum, and of the Dartmouth Park Conservation Area Advisory Committee.

Best wishes,

Dan

PS - There is a chance that you'll receive an objection from John Slater. John is a local retiree who, sadly, objects to almost everything. He claims to represent the views of residents on Swains lane, but in fact he doesn't poll residents for their views, but rather uses a residents association as a vehicle for his anxieties, and his battles for control. He constantly causes angst for the shopkeepers, objecting to everything from fruit stalls on the pavement, to messy bins, to the arrangement of awnings, to licences. So if he does object, I hope you'll take his comments with a pinch of salt.



> On 22 Nov 2023, at 10:23, Sarah Williams [REDACTED] wrote:

>

> Hi Dan,

> Thank you for this email.

> Peter Agbley is the case officer for this application, I have copied him in to confirm the trading name.

> You will need to make our rep by the 6/12/23 and this can be made online via the link below, there is also guidance on making representations;

> Public Licensing Register - Camden Council

> Kind Regards

> Sarah Williams

> From: Dan [REDACTED]

> Sent: 22 November 2023 10:15

> To: Sarah Williams [REDACTED]

> Subject: Re: App Withdrawn - 116271 - Swains (Shadow)

> [EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

>

> Dear Sarah,

>

> Fruition properties have submitted an application to vary their licence at 15 Highgate road, so that people can be served at the bar, rather than just at tables, as per the details attached. Once again I have said that I would write a letter of support on behalf of Swains Lane Retail Forum. Could you tell me which email address I should send my letter of support to? Also, can you offer any advice as to the criteria by which the decision is made, so that I can make my letter as specific and relevant as possible?

>

> Best wishes,

>

> Dan

>

> PS - apparently the applicant name has been recorded wrongly. It should say Fruition Assets Ltd.

>

> <Swains licence by 5th Dec.jpeg>

>

>

>

>> On 6 Oct 2023, at 12:33, Sarah Williams [REDACTED] wrote:

>>

>> Dear all,

>> I have just received confirmation from the applicant for Swains (Shadow Licence), 15 Highgate Road NW5 1QX has withdrawn the shadow application. It has been confirmed that the previous tenant has transferred the premises licence to Fruition Assets Ltd.

>> This application will no longer be heard on the 12th October 2023.

>> Kind Regards

>> Sarah Williams

>> Licensing Officer

>> Supporting Communities

>> London Borough of Camden

>>

>> Web: [camden.gov.uk](http://camden.gov.uk)

>>

>> 5 Pancras Square

>> London N1C 4AG

>>

>>

>> Please consider the environment before printing this email.



## 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.