

Crown copyright and database rights 2023 OS 100019726

Application for full variations to a licensed premises - Ref no. 117192

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

What do you want to vary? Premises licence : PREM-LIC\108528

Who is making the variation? An authorised agent

Agent details

First name [REDACTED]

Last name [REDACTED]

Name of business (optional) Abbott Law

Address
[REDACTED]
[REDACTED]
[REDACTED]

Email address [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

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

Will the variations change the expected attendance? No

Application for full variations to a licensed premises - Ref no. 117192

When do you want the variations to take effect?

As soon as possible

What changes do you want to make?

- Amend activities

Activities on your licence

- j. Supply of alcohol

Supply of alcohol

Day	Start time	End time
Monday	12:00	22:00
Tuesday	12:00	22:00
Wednesday	12:00	22:00
Thursday	12:00	22:00
Friday	12:00	22:00
Saturday	11:30	23:00
Sunday	11:30	22:00

Revise the location (optional)

On the premises

Are there changes to seasonal variations of the activity?

No

Are there changes to the activity taking place at other times?

No

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

No

The prevention of crime and disorder

No

Application for full variations to a licensed premises - Ref no. 117192

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. 117192

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.

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) “value 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. Alcoholic beverages shall only be sold to customers seated at tables and only when taking a table meal.
16. Orders for food and beverages shall be taken and dispensed by waiter or waitress service only.
17. No alcoholic beverages or glass containers shall be taken outside the premises by customers at any time.
18. Means of escape shall be maintained unobstructed, immediately available, and clearly identifiable.
19. Exit doors shall be checked before opening each day to ensure they function satisfactorily.
20. Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
21. 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.
22. The CCTV system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.
23. The CCTV camera views shall not be obstructed.
24. At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises.
25. 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 authorised officers on request.
26. When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or authorised officers in obtaining the CCTV footage.

27. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.
28. The facility to transfer the images to a compatible, removable format shall be held on the premises.
29. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this.
30. Signs must be displayed in the customer areas to advise that CCTV is in operation.
31. If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police.
32. An incident logbook will be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The logbook shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.
33. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
34. The premises shall operate a challenge 25 policy.
35. Deliveries to the premises shall not take place between 08:00 and 20:00 Monday to Saturday and 10:00 until 20:00.
36. Collections of waste from the premises shall not take place between 08:00 and 20:00 Monday to Saturday and 10:00 until 20:00.
37. Collections of waste from the premises which include glass shall not take place between 08:00 and 20:00 Monday to Saturday and 10:00 until 20:00.

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

Conditions agreed with the Police Responsible Authority

38. There shall be no vertical drinking.
39. Police must be called to incidents of violence and disorder.

Conditions agreed with the Charlotte Street Association Interested Party

40. There shall be no tables and chairs for customer use on Chitty Street.

41. To avoid noise and disruption to residents, and congestion in the street, for takeaway food orders that are being collected by delivery companies using couriers, there shall be the following arrangements:
 - a. to encourage the use of cycle couriers (instead of scooters) to cut down on noise disturbance
 - b. If a scooter courier is used, the delivery/collection company will only be called when the order has been prepared and is ready for collection;
 - c. Generally, there will be one collection at a time whenever possible; and
 - d. Scooter couriers must turn off their engines and there shall be no prolonged waiting or idling.
42. There will not be more than 6 smokers at any one time outside, and they must not smoke on Chitty Street or bring their alcoholic drinks outside.
43. The sliding doors that lead from the restaurant to the outdoor space referred to as the 'Undercroft' must be closed, save for entry and egress to the premises.
44. The premises shall always adhere to the three "Women's Safety principles", which are:
 - a. Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
 - b. Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
 - c. Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable, make them aware of your internal policies.

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\108528

Part 1 – Premises details

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

67 Whitfield Street
London
W1T 4DE

Telephone number N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Retail of Alcohol: Yes

The times the licence authorises the carrying out of licensable activities

Retail of Alcohol:	
Monday - Friday	12:00 - 15:00 & 17:00 - 22:00
Saturday	12:00 - 15:00 & 17:00 - 23:00
Sunday	11:00 - 17.00

The Opening Hours of the Premises

Monday - Friday	12:00 - 23:00
Saturday	11:30 - 23:00
Sunday	11:30 - 22.00

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

ON the premises only

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

Culinary Lab Limited
156 Old Street
London
EC1V 9BW

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

11401889

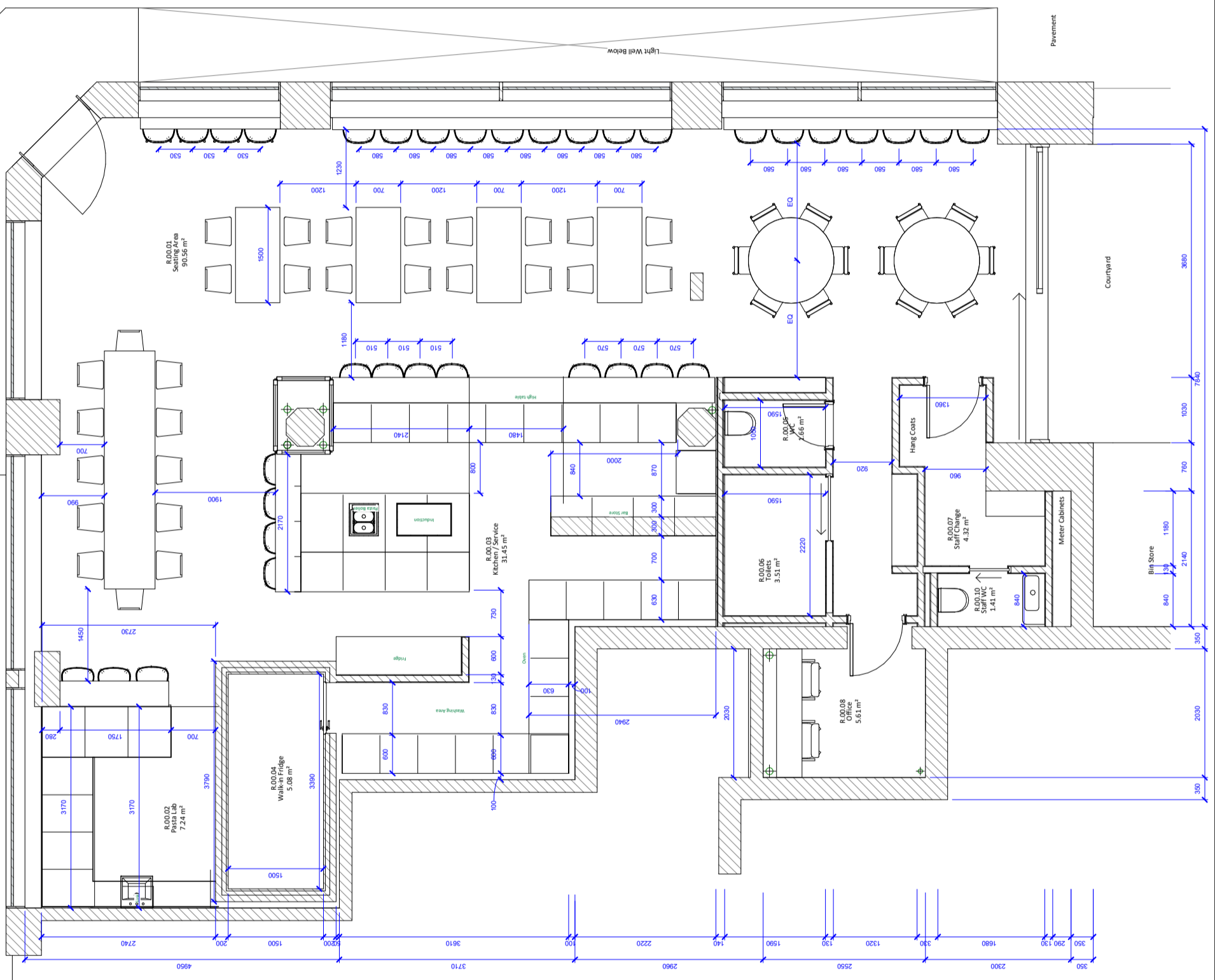
Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Crescenzo Mirto

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

Unknown

Road



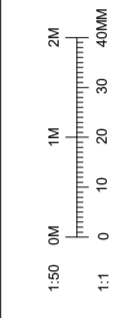
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Project Name
 Officina Fitzrovia

Drawing Title
 Proposed Layout

A-20-001

Status	Stage 2
Date	15/09/2020 Job No. 145
Rev.	1 13/01/2022
SCALE	1:50 @ A2



Charlotte Street Association

email: [REDACTED]

Licensing Authority,
London Borough of Camden,
5 Pancras Square,
London N1G 4AG.

5th November 2023

By email to: [REDACTED]
[REDACTED]

Dear Sir/Madam,

Re: Licensing Act 2003: Application for a Variation to the Premises Licence:

“No Name” but assumed to be:

OFFICINA 00 RESTAURANT, 67 WHITFIELD STREET, London W1T 4DE.

Reference: APP\PREMISES-VARY\117192

I am writing on behalf of the Charlotte Street Association.

The Charlotte Street Association was formed in 1970. Its area of interest is bounded by the Euston Road on the North, Gower Street on the East; Oxford Street on the South, and Wells Street/Cleveland Street on the West.

Whitfield Street (and Chitty Street) comes within the Association's area of interest.

Among the objectives of the Association are to represent the interests of the residents of the area, with particular regard to its essential character, and scale; and to initiate and publicise positive proposals for the improvement and extension of the area's environment and amenity.

The Association is consulted by both Camden Borough Council and Westminster City Council on planning applications and other matters affecting the area, including licensing matters. It gives evidence in support of its objectives at planning and other inquiries. It took part in the consultation on, and commented upon, the original proposed Statements of Licensing Policy for both Camden and Westminster; and in later years commentated on the subsequent Reviews of Camden's Statement of Licensing Policy.

The Association was also actively involved in the preparation of the Area Action Plan for Camden's part of Fitzrovia, and participated in the public consultation & Public Examination in 2013. The Fitzrovia Area Action Plan was adopted by Camden Council in March 2014.

The Association wishes to object to the proposals to Vary the Premises Licence for these premises, on the grounds of Public Nuisance, due to the likely detrimental affect they will have on the residential amenity of those living nearby, for the reasons given below.

Continued 2.

Re: Licensing Act 2003: Application for a Variation to the Premises Licence:

“No Name” but assumed to be:

OFFICINA 00 RESTAURANT, 67 WHITFIELD STREET, W1T 4DE - *continued*:

Reference: APP\PREMISES-VARY\117192

PROPOSAL TO VARY THE PREMISES LICENCE:

Our understanding is that this full Variation application is to amend activities, namely the hours for the Supply of Alcohol.

On Camden’s licensing website, this application is shown as being for “No Name” at 67 Whitfield Street, but we assume that the application is, in fact, for the existing restaurant of “Officina 00 Restaurant” at 67 Whitfield Street. We would be grateful for clarification that this proposal is not for a new/different restaurant at these premises.

(It would appear that Camden’s Application Form for a Variation only allows for the reference number of the existing Premises Licence, but not for the actual Name and Address of the premises.)

The proposal is for a variation of the Hours, as set out below. We assume that the Hours of Open to the Public will remain the same as on the existing Licence:

The **PROPOSED NEW Hours** are:

For Monday to Friday:

(a). Supply of Alcohol (ON the Premises only): 12.00 Midday to 10.00pm

Assume existing hours Open To The Public: 12.00 Midday to 11.00pm

For Saturday:

(a). Supply of Alcohol (ON the Premises only): 11.30am to 11.00pm

Assume existing hours Open To The Public: 11.30am to 11.00pm

For Sunday:

(a). Supply of Alcohol (ON the Premises only): 11.30am to 10.00pm

Assume existing hours Open To The Public: 11.30am to 10.00pm

This compares with the **EXISTING Hours**, which are;

For Monday to Friday:

(a). Supply of Alcohol (ON the Premises only): 12.00 Midday to 3.00pm
and: 5.00pm to 10.00pm

and Open To The Public: 12.00 Midday to 11.00pm

For Saturday:

(a). Supply of Alcohol (ON the Premises only): 12.00 Midday to 3.00pm
and: 5.00pm to 11.00pm

and Open To The Public: 11.30am to 11.00pm

For Sunday:

(a). Supply of Alcohol (ON the Premises only): 11.00am to 5.00pm

and Open To The Public: 11.30am to 10.00pm

Continued 3.

Re: Licensing Act 2003: Application for a Variation to the Premises Licence:

“No Name” but assumed to be:

OFFICINA 00 RESTAURANT, 67 WHITFIELD STREET, W1T 4DE - *continued*:

Reference: APP\PREMISES-VARY\117192

THE MAIN ISSUES:

1. The Hours:

The proposed Variation of hours will mean that:

(a). For Monday to Friday:

- the Terminal Hour for Alcohol will be later at 11.00pm instead of the existing at 10.00pm;
- the proposed hours for Alcohol will also be continuous, instead of the existing break between 3.00pm and 5.00pm, which helps to give relief to the nearby residents.

(b). For Saturday:

- the proposed hours for Alcohol will be continuous, instead of the existing break between 3.00pm and 5.00pm, which helps to give relief to the nearby residents.
- the proposed Start time for Alcohol will be earlier at 11.30am, instead of the existing Start time of 12.00 Midday; to which we wish to object.

(c). For Sunday:

- the proposed Terminal Hour for Alcohol will be much later at 10.00pm, instead of the existing Terminal Hour of 5.00pm. We wish to particularly object to this change, which is very likely to have a detrimental affect on the residential amenity of those living nearby

2. Existing Planning Condition re. the Hours:

We appreciate that Licensing and Planning are separate regimes.

Nonetheless, there is a Planning Condition (Camden planning ref. 2020/5930/P dated 27 May 2021) with regard to the hours for the use of this restaurant premises, whereby the terminal Hours for **the restaurant use** are:

- Terminal hour of 11.00pm for Monday to Saturday;
- Terminal hour of 5.00pm for Sunday.

There is an Informative which states that:

“You are advised that Condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.”

Thus, we think that, in order to enable the staff to clear up etc, this means that customers need to be off the premises half an hour before these stated times:

Thus, giving:

- Mon to Sat: closing time of 10.30pm,
with terminal hour of licensable activity/Alcohol of 10.00pm
- Sunday: closing time of 4.30pm,
with terminal hour of licensable activity/Alcohol of 4.00pm.

In any case, this means that the Sunday closing time should be 5.00pm.

Continued 4.

Re: Licensing Act 2003: Application for a Variation to the Premises Licence:

“No Name” but assumed to be:

OFFICINA 00 RESTAURANT, 67 WHITFIELD STREET, W1T 4DE - *continued*:

Reference: APP\PREMISES-VARY\117192

3. The Residential Context

As we have said in our previous representations for the existing Premises Licence, there is much a concentration of residential flats in the immediate vicinity in Chitty Street and above the premises, as can be seen in our **enclosed Map Showing Residential**.

There are some 65 flats in the immediate vicinity:

- with 20 flats (1st Floor to 5th Floor) **above the premises**;
- with 26 flats in Astra House on the **immediate opposite corner** (Chitty Street/Whitfield Street) to the premises;
- a further 17 flats (Elisa Court) in Chitty Street, **opposite** the premises;
- and a further 3 flats further down Chitty Street.

Furthermore, Chitty Street is a quiet street, especially in the evenings, at weekends and during Public Holiday days – the quietness of this street is ideal for residential. Some of the residents have lived here for 25 years, and have the expectation that this “quietness” should continue.

4. The Undercroft area:

Despite objections from our Association and from residents, there has been a recent planning approval which allows the adjoining Undercroft area to be used as outdoor seating in association with the restaurant use at 67 Whitfield, for a temporary period of 18 months.

We are not clear how the existing Premises Licence covers this Undercroft area, and/or if the Variation application covers this area – we would be grateful for clarification.

Yours sincerely,

Clive Henderson,
On behalf of Charlotte Street Association.

Copy: CSA Committee.

Attached: Map Showing Buildings with Residential

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.