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Application for full variations to a licensed premises - Ref no. 117336

Are you able to return the existing premises licence or club certificate?	Yes
What do you want to vary?	Premises licence : PREM-LIC\2477
Who is making the variation?	An authorised agent
Agent details	
First name	Amy
Last name	Catlin
Name of business (optional)	Thomas & Thomas Partners
Address	[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
What is the non-domestic rateable value (NDRV) of the premises?	127000
Will the variations mean the premises is used exclusively or primarily to sell or supply	No

Application for full variations to a licensed premises - Ref no. 117336

alcohol?

Will the variations change the expected attendance? Yes

Will the increase be more than 5,000 attendees at any one time? No

When do you want the variations to take effect? As soon as possible

What changes do you want to make?

- Amend premises information and premises business hours

Amend seasonal variations to business hours? No

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

Upload revised premises plans (optional)

- HighGateSurvey-03licesninglayout.pdf

Make changes to your business hours below

Day	Start time	End time
Monday	07:00	23:59
Tuesday	07:00	23:59
Wednesday	07:00	23:59
Thursday	07:00	23:59
Friday	07:00	00:30
Saturday	07:00	00:30
Sunday	07:00	23:00

Application for full variations to a licensed premises - Ref no. 117336

Will any of the changes made give rise to concerns in respect of children? No

The prevention of crime and disorder Yes : The variation is to add a green room and bar on the first floor adjacent to the existing theatre, as shown on the attached plan. No changes to the permitted hours, activities or conditions are sought or implied.

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. 117336

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) “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. Alcohol shall not be sold or supplied except during the permitted hours. In this condition, permitted hours means:

Monday - Thursday 09.00-23.30
Friday - Saturday 09.00-00.00
Sunday 09.00-22.30

For the above finish times to be extended by one hour for the following days/dates:

Burns Night
St. Patrick's Day
St. George's Day

For the above finish times to be extended by 30 minutes for the following days/dates:

The Thursday preceding Good Friday
The Sunday preceding any Bank Holiday Monday

These hours are extended from the end of permitted hours on New Year's Eve (i.e. 23.00 or 22.30) to the start of permitted hours on New Year's Day (i.e. 10.00 or 12.00).

16. The above condition (15) does not prohibit:
- a. during the first thirty minutes after the terminal hour for the sale of alcohol, the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;
 - b. the consumption of the alcohol on the premises by, or the taking of, sale or supply to, any person residing on the premises;
 - c. the sale or supply of alcohol to a trader or club for the purposes of the trade or club;
 - d. the taking of alcohol from the premises by a residing there;
 - e. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - f. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol, so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;
 - g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
17. Unless otherwise specified on this licence, no regulated entertainment, other than by way of music and singing only which is provided solely by the reproduction of recorded sound, shall take place at the premises with the exception of pre-booked private events limited to the provision of music and

dancing for pre-invited guests.

18. Regulated entertainment, for which there is no licence, may not take place on the licensed premises, as detailed by the plan, if members of the public are admitted.
19. Children need to vacate the bar by 21.00, unless they are eating, in which case they will be required to vacate the bar by 21.30

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

20. The beer garden to close at 23.00 and be cleared of all patrons by 23.20 Monday - Saturday and to close at 22.30 and be cleared of all patrons by 22.50 on Sunday.

Annex 4 - Plans

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

Premises licence summary

Premises licence number	PREM-LIC\2477
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Premises details

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

Gatehouse
YE OLDE GATE HOUSE
HIGHGATE WEST HILL
LONDON
N6 6DB

Telephone number 0208 3408 054

Where the licence is time limited the dates

N/A

Licensable Activities authorised by the licence

Sale by Retail of Alcohol
Late Night Refreshment
Recorded Music

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol:

Monday - Thursday 09.00-23.30

Friday - Saturday 09.00-00.00

Sunday 09.00-22.30

Late Night Refreshment

Monday – Thursday 23.00-00.00

Friday - Saturday 23.00-00.30

Recorded Music:

Public entertainment by way of music and singing only provided solely by the reproduction of recorded sound can be provided on the premises

For the above finish times to be extended by one hour for the following days/dates:

Burns Night

St. Patrick's Day

St. George's Day

For the above finish times to be extended by 30 minutes for the following days/dates:

The Thursday preceding Good Friday

The Sunday preceding any Bank Holiday Monday

These hours are extended from the end of permitted hours on New Year's Eve (i.e. 23.00 or 22.30) to the start of permitted hours on New Year's Day (i.e. 10.00 or 12.00).

The opening hours of the premises

Monday - Thursday 07.00-00.00

Friday - Saturday 07.00-00.30

Sunday 07.00-23.00

These hours are extended from the end of permitted hours on New Year's Eve (i.e. 23.00 or 22.30) to the start of permitted hours on New Year's Day (i.e. 10.00 or 12.00).

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

Sale of alcohol is permitted for consumption ON AND OFF the premises.

Name, (registered) address of holder of premises licence

Urban Pubs and Bars Limited

40-42 Brendon Street

London

W1H 5HE

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

8872447

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

David Campbell

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

N/A

PLEASE NOTE -

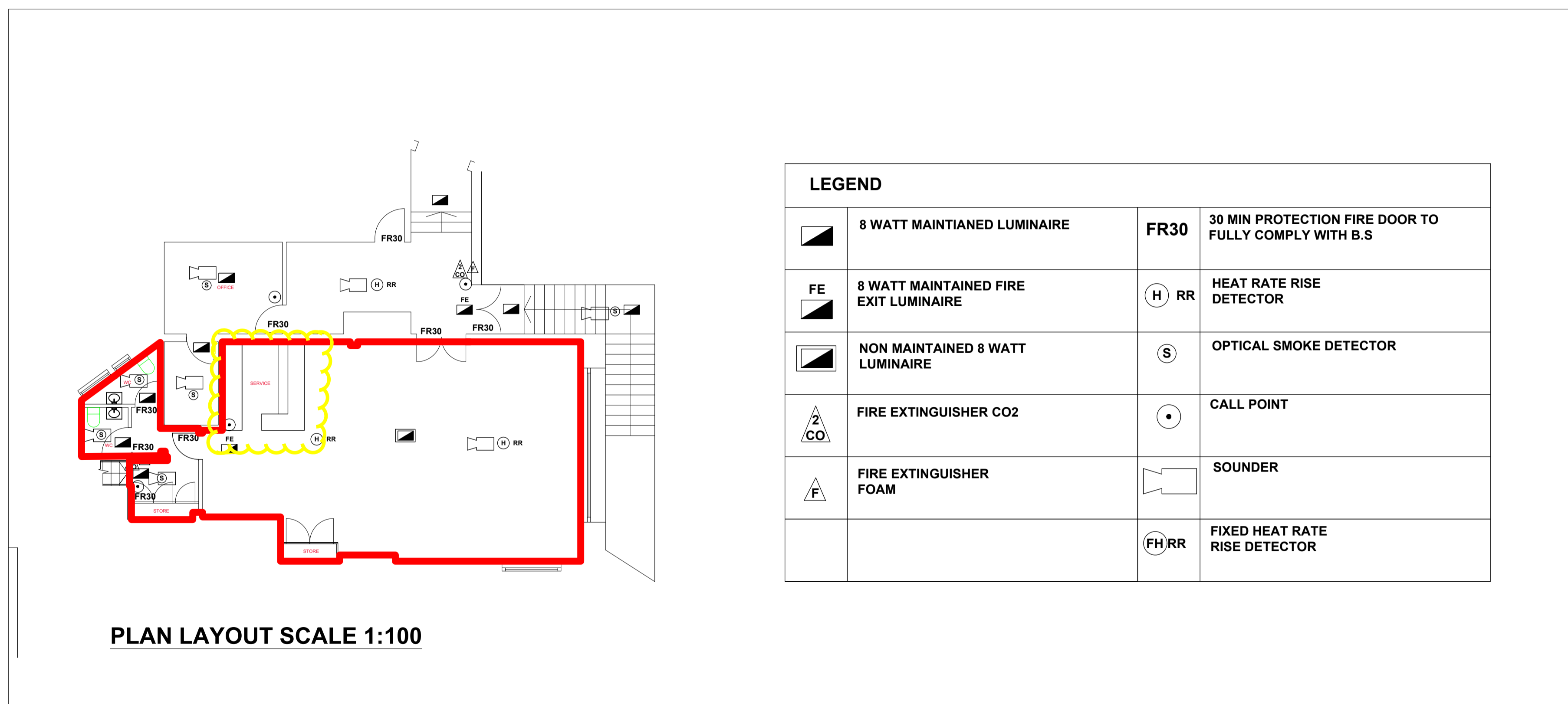
AUTOMATIC DETECTION SYSTEM L1+M AND SOUNDERS THROUGHOUT CONTRACTOR TO ENSURE APPLIED TO ALL VOIDS AND INTERNALS OF BULK HEADS

Emergency Lighting: emergency lighting is in compliance with BS5266 Part 1, Category M2 and will provide maintained emergency lighting for 3 hours duration.

Fire alarm to be installed as an L1 system by proposed contractor

Fire Alarm: the proposed fire alarm will be in accordance with BS5839 Part 1 and BS9999 and installations will be LPC approved and undertaken by an LPC approved installer to LPS 1014.

REDLINE OUTLINE INDICATES AREAS OF LICENSED ACTIVITIES



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client
 URBAN PUBS & BARS

job title
 THE GATEHOUSE -
 FIRST FLOOR THEATRE

drawing title
 PROPOSED LICENSING

scale @ A1

date MAY 2023 drawn by

drg. no.
 HG/UB/340/03

PHONE 07766883798
 W: WWW.COLLECTIVE-DESIGN.CO.UK
 E: SIMON@COLLECTIVE-DESIGN.CO.UK
 A: BALTIC 39
 39 HIGH BRIDGE STREET
 NEWCASTLE UPON TYNE
 NE1 1EW



Appendix 4

Upstairs at the Gatehouse
First Floor
The Gatehouse
North Road
Highgate
London
N6 4BD

Free Extinguishers (13)



Representations by Highgate Society about the application of The Gatehouse to extend its licensed area to the first floor of the property, occupied by Upstairs at the Gatehouse Theatre

Background

1. There is currently no liquor licence for the first floor of the applicant's premises at The Gatehouse public house. The first floor is sub-leased by the Applicant and licensed for dramatic performances only. The area subject of this application is currently occupied by the Upstairs at the Gatehouse Theatre, which is a busy and active operation. LB Camden has listed the Theatre as an Asset of Community Value, inhibiting any change of use from a theatre. It was the Highgate Society which applied for the listing of the Theatre as an ACV and we are accordingly committed to it remaining a theatre and would be against any application which might conflict with that. The application is to extend the area licensed for the sale and consumption of alcoholic drinks to the area which is currently the green room and office of the Theatre.
2. We understand that the current proprietors of the Theatre do not object to the change of use of this part of the first floor, subject to certain conditions. Indeed they see an advantage in their patrons being able to obtain refreshments without having to go downstairs to the bar of the public house.

Representations

3. The Highgate Society made five representations about this application on 25.10.23. Since that time a revised plan has been submitted which resolves two of those representations. The Applicant has agreed that two of the remaining matters will be included in the sub-lease for the Theatre. One matter therefore remains which is agreed in principle and which we consider requires to be made a condition of the licence.
4. That is:

There should be a condition that the new upstairs licensed area will be exclusively for the use of patrons of the Theatre between one hour before the start of any performance, during the performance, including the interval, and one hour after the end of that performance.

This will have two benefits: first, it will prevent people without tickets moving from the bar area to the auditorium; second, it will ensure that there is no noise from people in the bar during the actual performance.

5. The Applicant has written to say that they agree that there should be such an arrangement, but that it should be included in the lease and not made a condition attached to the licence. We have asked why they take that view, but have not had a reply.

6. The grounds for making a representation are:
 - a. the prevention of crime and disorder.
 - b. public safety.
 - c. the prevention of public nuisance.
 - d. the protection of children from harm.

We submit that all four of those grounds are engaged in relation to this representation, as follow:

- a. For there to be direct access from the proposed new bar to the theatre itself during a performance would permit people who have not paid to see the performance, which would be a criminal offence (s 11 Fraud Act 2006).
 - b. The number of persons who can be accommodated in the theatre auditorium is limited and there would be a risk to public safety, for example the ability to evacuate people in the event of fire, if numbers in excess of those allowed were able to access the auditorium.
 - c. The supervision of and separation of patrons with tickets from those without tickets, from a bar adjacent to the theatre where both groups are present, would be very difficult to achieve so that it could easily lead to disorder. Also, the noise from people in the proposed new bar could disrupt performances if it were kept open during the performance, which could also result in disorder.
 - d. Some performances may not be suitable for children who might gain access via the bar if it were not restricted to patrons. Similarly, performances intended for and attended by children might be accessed by unsuitable adults.
7. We consider that the condition needs to be on the licence (rather than just in the lease) for the following reasons:
 - a. The Theatre is an Asset of Community Value which needs to be preserved and protected as such.
 - b. A condition included in the current lease might be removed by the landlord or their successors, who could negotiate a new lease.
 - c. A change to the lease could take place without LB Camden or local residents being aware of it. This would undermine the ACV status of the Theatre.
 - d. No draft lease has been provided containing the necessary condition in any event.

Recommendations

8. In summary, we ask for a condition that:

When the Bar in the former Green Room is in operation, except for theatre patrons there will be no access by the public to that bar between one hour before performances and one hour after performances, including the period of the performance and any interval or intervals.
9. We do not consider that such a condition would do more than ensure that the two licences – the liquor licence and the licence for public performances – work effectively and well together, while protecting the ACV status of the Theatre. It is not onerous and has been agreed in principle by The Gatehouse as a lease condition.

10. The proposed licence condition is commended to the Panel.
17.1.23

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.