

Crown copyright and database rights 2024 OS 100019726

Five Guys - Unit 2 West Hampstead Central, 160 West End Lane, London NW6 1HU

Scale = 1:1447.740
27-March-2024



I want to apply for a

Premises licence

Are you an agent?

Yes - I am an agent

Agent Details

First name

Alex

Last name

Tomlinson

Name of business

Poppleston Allen Solicitors

Name and address

FIRST FLOOR 37 STONEY STREET
NG1 1LS
NOTTINGHAM

Email address

[REDACTED]

Telephone number

[REDACTED]

Does the premises have a name?

Yes

What is the name of the premises?

Five Guys

What is the address or location?

Unit 2 West Hampstead Central
160 West End Lane
NW6 1HU
London

What is the type of premises?

Five Guys

Describe the area it is situated in

The premises is situated at Unit 2, 160
West End Lane, West Hampstead, London.

Describe the layout of the premises

Ground floor only.

Copy of the premises plans

- FiveGuysWestHampstead-licensingplan.pdf

Tell us about the premises business hours

Day	Start time	End time
Monday	08:00	23:30
Tuesday	08:00	23:30
Wednesday	08:00	23:30
Thursday	08:00	00:30
Friday	08:00	00:30
Saturday	08:00	00:30
Sunday	08:00	23:30

Are there any seasonal variations for the premises opening times?

No

Is the premises open to the public at times other than those listed?

Yes

What are the other times?

To terminate at 02:30 on New Year's Eve.

Is the premises an open space?

No

Is the premises currently under construction?

No

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

34000

How many people are expected to attend the premises at any one time?

Less than 5000 people

Will the premises be exclusively or primarily used to sell alcohol?

No

How are you applying for a premises licence?

As a limited company

Business details**What is the company registration number**

08185191

Name of business

Five Guys

Name and addressUNIT 2-3 1 BARD ROAD
W10 6TP
LONDON**Email address**

[REDACTED]

Telephone number

[REDACTED]

How long do you want your premises licence for?

Permanently

When do you want your licence to start?

As soon as possible

Activity you wish to licence

b. Films

f. Recorded music

i. Late night refreshments - Hot food or hot drinks only between 11pm and 5am.
Refreshments outside of these times do not need to be licenced

j. Supply of alcohol

Films

Day	Start time	End time
Monday	08:00	23:30
Tuesday	08:00	23:30
Wednesday	08:00	23:30
Thursday	08:00	00:30
Friday	08:00	00:30
Saturday	08:00	00:30
Sunday	08:00	23:30

Where will exhibitions take place?

Both

Tell us about the specifics of the activity

-

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : To terminate at 02:30 on New Year's Eve.

Recorded Music

Day	Start time	End time
Monday	08:00	23:30
Tuesday	08:00	23:30
Wednesday	08:00	23:30
Thursday	08:00	00:30
Friday	08:00	00:30
Saturday	08:00	00:30
Sunday	08:00	23:30

Where will performances take place? Both

Tell us about the specifics of the activity -

Are there any seasonal variations for the activity? No

Will the activity take place at times other than those listed? Yes : To terminate at 02:30 on New Year's Eve.

Late refreshments

Day	Start time	End time
Monday	No late night refreshments	
Tuesday	No late night refreshments	
Wednesday	No late night refreshments	
Thursday	23:00	00:00
Friday	23:00	00:00
Saturday	23:00	00:00
Sunday	No late night refreshments	

Where will refreshments be provided? Both

Tell us about the specifics of the activity -

Are there any seasonal variations for the activity? No

Will the activity take place at times other than those listed? Yes : To terminate at 02:00 on New Year's Eve.

Alcohol supply

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

Where will the supplied alcohol be consumed?

Both

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : To terminate at 02:00 on New Year's Eve.

DPS details

Does your designated premises supervisor (DPS) currently hold a personal licence?

Yes

Was their personal licence issued by Camden?

No

Personal licence number

██████████

Issuing local authority

██████████

First name

Pali

Last name

Hangyal

Address

[REDACTED]
[REDACTED]
[REDACTED]

Signed Copy of the Designated Premises Supervisor (DPS) consent form

- SignedConsentform(3).pdf

Will there be any activities associated with the premises which may give rise to concern in respect of children?

No

The prevention of crime and disorder

1. A CCTV system with recording equipment shall be installed, operated and maintained at the premises(unforeseen faults excepted). Images will be retained for a minimum of 28 days and supplied to a police officer upon reasonable request subject to the Data Protection Act 1998. 2. Members of staff authorised to sell alcohol shall receive training on the law with regard to alcohol sales (including the prohibition of sale of alcohol to those who are under age and those who are drunk). 3. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.

Public safety	Please see box a)
The prevention of public nuisance	Please see box a)
The prevention of children from harm	Please see box a)

About this form

Issued by	Camden Town Hall Judd Street London WC1H 9JE
Contact phone	020 7974 4444
Form reference	Ref. no. 119636

Data protection

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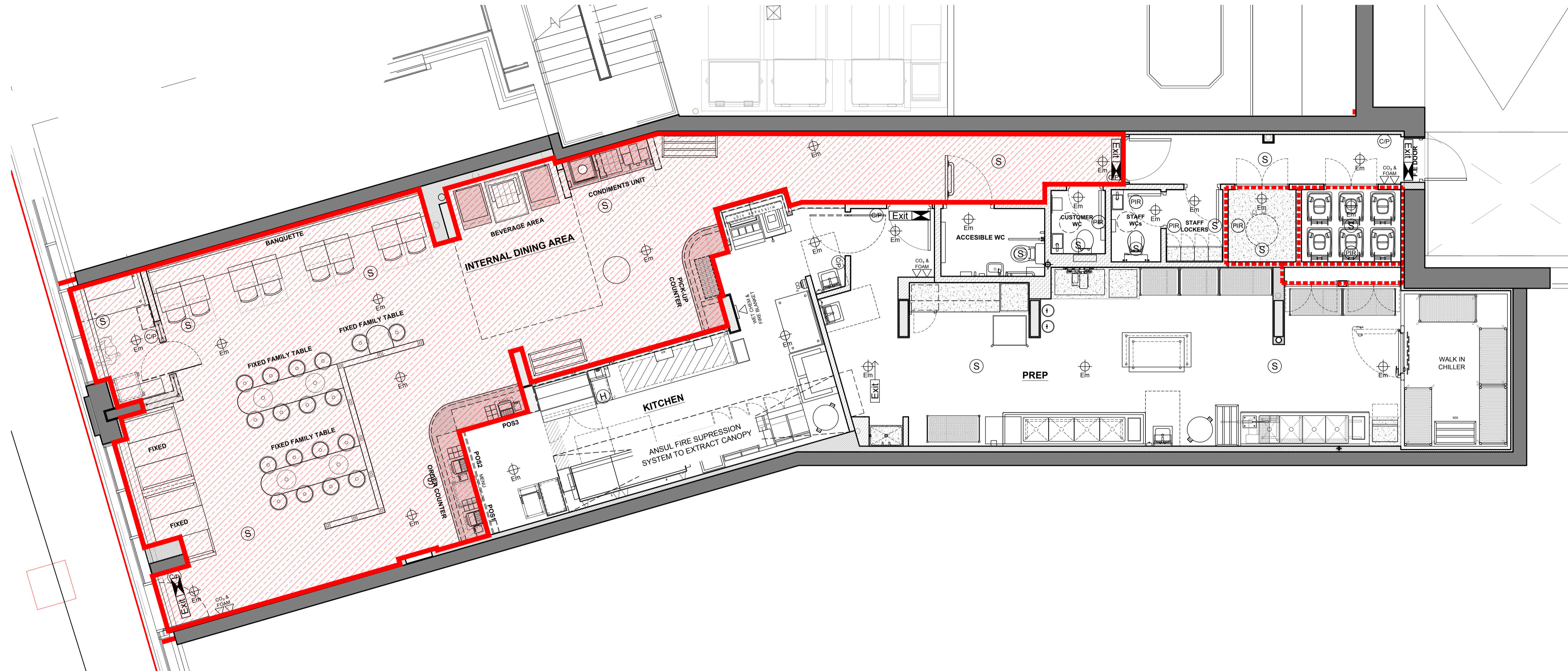
FLOOR PLAN GENERAL NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, SCHEDULES & DRAWINGS BY BLACKSHEEP.
2. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO MANUFACTURE.
3. SAMPLE OF ALL FINISHES TO BE SUBMITTED TO BLACKSHEEP FOR APPROVAL.
4. ALL DISCREPANCIES AND OMISSIONS ON SITE MUST BE REPORTED TO DESIGNER COMMENTS OR APPROVAL PRIOR TO COMMENCING WORK.
5. ALL ELECTRICAL, LIGHTING, HVAC AND PLUMBING ISSUES TO BE REFERRED TO ENGINEERS DRAWINGS PRIOR TO COMMENCEMENT OF WORKS.
6. THE DESIGNS ARE SUBJECT TO APPROVAL BY STATUTORY AUTHORITIES AND ANY NECESSARY ALTERATIONS SHOULD BE MADE IF REQUIRED TO COMPLY WITH STATUTORY REQUIREMENTS.
7. EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.
8. ALL FIRE RATED DOORS TO BE SELF-CLOSING.
9. ALL INTERIOR FINISHES TO BE MINIMUM CLASS 1 FLAME SPREAD RATING.
10. SEE REFLECTED CEILING PLAN FOR LIGHTING AND DUCTWORK LAYOUT.
11. DO NOT FASTEN STUDS OR PLASTERBOARD TO TOP RUNNER OF NON-BEARING PLASTERBOARD PARTITIONS. CUT STUDS AND PLASTERBOARD 10mm MAX. SHORT TO ALLOW FOR VERTICAL SLAB DEFLECTION.
12. ALL DIMENSIONS TO BE FINISHED SURFACE UNLESS NOTED OTHERWISE.
13. CONTRACTOR TO COORDINATE ALL CEILING HEIGHTS WITH BUILDING SYSTEMS. OWNER TO APPROVE ALL CEILING HEIGHTS BEFORE INSTALLATION.

FIRE ALARM & EMERGENCY LIGHTING LAYOUT

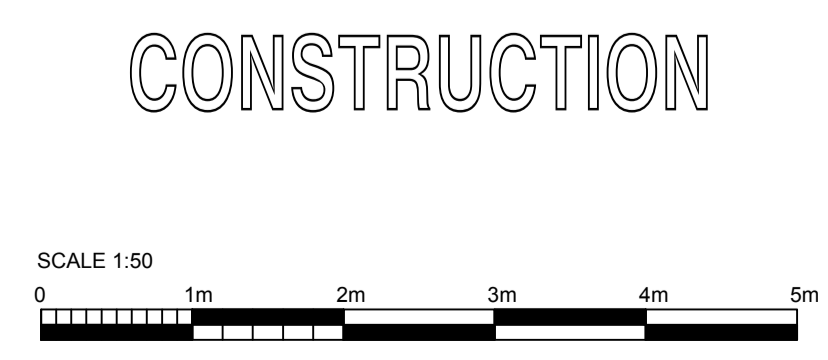
- (S) SD/ SDR (SMOKE DETECTOR WITH SOUNDER)
- (H) HD/ SDR (HEAT DETECTOR WITH SOUNDER)
- (C/P) C/P (CALL POINT)
- (Em) EMERGENCY DOWN LIGHTS (LOW VOLTAGE)
- (PIR) PASSIVE INFRARED SENSOR
- [Exit] SIGN: "FIRE EXIT" OR GRAPHIC EQUIVALENT. 75mm LETTERS (BS5499)
- [Exit] → DIRECTIONAL ARROW TO BE PROVIDED WITH S22 NOTICE (BS5499)
- [Exit] ILLUMINATED SIGN: "FIRE EXIT" OR GRAPHIC EQUIVALENT. 75mm LETTERS (BS5499)
- [FSP] FIRE SUPPRESSION SYSTEM
- ZONE TO BE SPRINKLERED
- FIRE BOUNDARY INDICATING PARTITION TO HAVE 60MINS FIRE RATINGS IN ADDITION TO WALL CONSTRUCTION REFERENCE. ANY DOORS WITHIN INDICATED PARTITION TO HAVE 30 MINUTES FIRE RATING. BUILDING CONTROL TO CONFIRM
- △ FIRE EXTINGUISHER - CO₂, FOAM OR WET CHEMICAL
- WET CHEM & FIRE BLANKET
- CO₂ REPEATER BEACON
- [ANSUL] ANSUL TANK POSITION
- [FAP] FIRE ALARM PANEL POSITION

INTERNAL GROUND FLOOR
LICENSABLE AREA : 100.95 sq.m / 1086.6 sq.ft
TOTAL LICENSABLE AREA : 100.95 sq.m / 1086.6 sq.ft



01 PLAN
 SCALE 1:50 @ A1

Do not scale from this drawing. All drawings to be checked on site. Copyright protected.
 This drawing is to be read in conjunction with specifications, schedules and drawings issued by Blacksheep.
 All dimensions to be checked on site prior to the commencement of manufacture.
 RCD drawings to be issued for Blacksheep comment.
 Samples of all finishes are to be sent to Blacksheep for approval.
 All discrepancies and omissions on site must be reported to designer for their comment or approval prior to the commencement of work.
 All electrical, lighting, HVAC and plumbing issues to be referred to engineer's drawings prior to the commencement of work.
 The designs are subject to approval by statutory authorities and any necessary alterations should be made if required to comply with statutory requirements.



Rev	Comment	Date	Drawn	Checked	Location Plan (NTS)
A	CONSTRUCTION ISSUE	16/06/23	FD	SC	

Blacksheep Client **FIVE GUYS** Project **WEST HAMPSTEAD**
 135 Curtain Road, 5th Floor, London EC2A 3BX WEST END LANE 156 LONDON, UK
 +44 (0) 20 7713 7413 -- blacksheep.uk.com Drawing **LICENSING PLAN**

Drawing No.	Date	Scale	Revision	Drawn By	Checked By
FIV297-A221	06/06/23	1/50 @ A1	A	FD	SC

Date: 19/03/2024
Application Reference: APP\PREM-NEW/119636
Direct Phone Number:
Contact: Steven Dormer
E-mail: [REDACTED]



Public Protection
Supporting Communities
London Borough of Camden
5 Pancras Square
LONDON
N1C 1AG

Please quote our reference in any correspondence

Licensing (Contact Camden)
Crowndale Centre
218 Eversholt Street
London
NW1 1BD

Tel: 020 7974 4444 (switchboard)

London Borough of Camden
Fax: 020 7974 6955 / 6940
Textphone: 020 7974 6866

DX: 2106 Euston

www.camden.gov.uk

Licensing Act 2003 – SECTION 17

RE: FIVE GUYS, UNIT WEST HAMPSTEAD CENTRAL, 160 WEST END LANE, NW6 1HU

LICENSING AUTHORITY REPRESENTATION

This representation is made by the Licensing Authority, and it relates to the following licensing objectives: -

- Prevention of public nuisance

The Premises and Summary of Application

The application is to permit the provision of the following:-

- Alcohol
- Films
- Recorded Music
- Late Night Refreshment

The operational times being applied for are as follows: -

Alcohol – Both (Indoors and Outdoors)

Monday to Wednesday	11:00 – 23:00
Friday to Saturday	11:00 – 00:00
Sunday	11:00 – 23:00

Recorded Music

Monday to Wednesday	08:00 – 23:30
Thursday to Saturday	08:00 – 00:30
Sunday	08:00 – 23:30

Films

Monday to Wednesday	08:00 – 23:30
Thursday to Saturday	08:00 – 00:30
Sunday	08:00 – 23:30

Late Night Refreshment

Thursday to Saturday	23:00 – 00:00
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The opening hours of the premises

Monday to Thursday	08:00 – 23:30
Friday to Saturday	08:00 – 00:30
Sunday	08:00 – 23:30

Volunteered conditions in the operating schedule.Prevention of crime and disorder

A CCTV system with recording equipment shall be installed, operated and maintained at the premises(unforeseen faults excepted).

Images will be retained for a minimum of 28 days and supplied to a police officer upon reasonable request subject to the Data Protection Act 1998.

Members of staff authorised to sell alcohol shall receive training on the law with regard to alcohol sales (including the prohibition of sale of alcohol to those who are under age and those who are drunk).

The premises will operate a “Challenge 25” proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.

Public safety

No condition offered.

The prevention of children from harm

No condition offered.

Complaint History

I have checked the Council’s records for the past 2 years and can confirm that no noise complaint has been received against the premises.

Background

This premises is situated along West End Lane. This is a busy road that runs through the main throughfare of West Hampstead. There are numerous types of eateries and take aways situated near to the premises.

Current Application

The applicant has applied to operate outside the framework hours as specified in the council's adopted policy.

5.3 Our framework hours are: For licences including the sale or supply of alcohol for consumption on the premises only:

Monday to Thursday 10:00 am until 11:30 pm
Friday and Saturday 10:00 am until midnight
Sunday 11:00 am until 10:30 pm

For licences authorising the sale of alcohol for consumption off the premises:

Monday to Saturday 08:00 am until 11:00 pm
Sunday 10:00 am until 10:30 pm

Conclusion

For the applicant to satisfy the councils adopted policy regards the framework hours. They will need to demonstrate that they have satisfied the following.

5.2 We are satisfied that licensable activities are more likely to cause a disturbance to residents during the night and early morning. For this reason, we expect applicants to propose additional measures if they intend to operate beyond certain time periods, which we call 'framework hours'.

Yours sincerely



Steven Dormer
Licensing Officer

Representation	
Premises name	Flve Guys
Application reference number	APP\PREMISES-NEW\119636
Last date for representation	19/03/2024

Making a representation as As an individual

Your details

First name Linda

Last name Bick

Telephone number (optional)

Email address [REDACTED]

Address Flat 1
5 Lymington Road
London
NW6 1HX

Remain anonymous No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance
- protection of children from harm

Details of representation

No1 -Late night hang-outs attract undesirables, hanging around outside, drug dealing, drunkenness and threatening behaviour to passers by trying to walk home alone on a main road. Just look at the Alice House, further up the road. We do NOT need more retail outlets for alcohol which often lead to crime and disorder. No 3- public nuisance caused by customer parking anywhere nearby, waste chucked

over neighbours garden walls, but mostly NOISE emanating from premises- music, customers coming and going - food smells - early morning deliveries -lorries and vans, late night clearing up of kitchen waste. No 4 - most kids love such food and will be targets for the dealers and phone snatchers who will linger outside and menace younger or smaller kids.

About this form

Issued by

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

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Representation	
Premises name	Flve Guys
Application reference number	APP\PREMISES-NEW\119636
Last date for representation	19/03/2024

Making a representation as

As an individual

Your details**First name**

Marc

Last name

Chalhoub

Telephone number (optional)**Email address**

[REDACTED]

Address108 Cholmley Gardens
London
NW6 1UP**Remain anonymous**

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance
- protection of children from harm

Details of representation

There is a proliferation of fast food on West End Lane and it is not wise to open another burger joint on West End Lane for kids health safety. It gives them bad eating habits. Moreover I am very concerned about the street cleanliness. There is already a major issue in waste management on West End Lane with massive expansion in fly tipping. On top of this shops throws their litter on the pavement often without care particularly

Nandos. Fice Guys is known for their peanut oil for cooking their fries. Does this mean that oil cans will be thrown on pavement for most part of the day waiting for a bin truck to collect? I think before allowing new food shop on West End Lane there is a need for Camden Council to arrange the current waste management situation on West End Lane. The recent attempt with the black box on pavement is a failure. People living in Camden deserve better than smelly and unhealthy food consumed by people throwing litter in the surrounding

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Representation	
Premises name	Five Guys
Application reference number	APP\PERSONAL-NEW\119636
Last date for representation	19/03/2024

Making a representation as

As an individual

Your details**First name**

Marcia

Last name

MacLeod

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

AddressFlat 1
31 Dennington Park Road
London
NW6 1BB**Remain anonymous**

No

Grounds of representation

- prevention of public nuisance

Details of representation

Noise and litter likely from fast food premises

About this form**Issued by**Camden Town Hall
Judd Street
London
WC1H 9JE**Contact phone**

020 7974 4444

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Officers' summary of conditions consistent with the operating schedule

1. A CCTV system with recording equipment shall be installed, operated and maintained at the premises (unforeseen faults excepted). Images will be retained for a minimum of 28 days and supplied to a police officer upon reasonable request subject to the Data Protection Act 1998.
2. Members of staff authorised to sell alcohol shall receive training on the law with regard to alcohol sales (including the prohibition of sale of alcohol to those who are underage and those who are drunk).
3. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.

Conditions agreed with Police licensing team.

4. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises.
5. 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.
6. The CCTV camera views are not to be obstructed.
7. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.
8. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the Police or Local Authority upon request.
9. At all times 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 an authorised officer in obtaining the CCTV footage.
10. Copies of CCTV shall be made available within 48 hours to the Police or Local Authority, upon request.

11. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
12. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
13. Police must be called to incidents of violence and/or disorder.
14. There shall be no vertical drinking in the Premises.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder and violence
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol to include date, time, and staff member
 - (h) any visit by a relevant authority or emergency service.
 - (i) CAD reference numbers where Police are called.
16. Alcohol sales for consumption on the premises will be ancillary to a table meal.

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.