

Crown copyright and database rights 2023 OS 100019726

I want to apply for a	Premises licence
Are you an agent?	No - I'm applying for myself
Does the premises have a name?	No
What is the address or location?	57 Warren Street W1T 5NR London
What is the type of premises?	Hybrid wine shop
Describe the area it is situated in	The premises is located next to the pedestrianised and lively end of Warren Street. There are a large number of local amenities including restaurants, cafes, pubs and shops. The premises is located very close to Warren Street Underground Station.
Describe the layout of the premises	This application relates to 57 Warren St for use as a premium fine wine merchant and wine education school. Must & Lees intends to use the space for the retail of fine wines and to offer accredited Wine & Spirit Education Trust (WSET) courses and specialist wine tasting courses to small groups. 57 Warren St is currently unoccupied. The premises can be split into three areas: Area One is a ground floor retail space accessed from the street via the main entrance. Area Two, reached via the steps in the middle of Area One, is a lower-ground space. Area Three is a small outside patio situated at the entrance to the building on Warren St itself. The intended use for Area One is a specialist fine wine merchant offering a range of premium wines from around the world and a small

selection of premium spirits for retail off the premises. Area One will also feature some seating to allow consumers to enjoy wine on the premises. Area Two (downstairs) is intended to be used as a wine school and tasting room where accredited Wine & Spirit Education Trust (WSET) courses will be offered. These courses involve sampling wines in accordance with the WSET's requirements and will initially be held monthly. When not being used as a school it is intended that the space be used to offer consumers the option to taste a selection of the wines available for sale in Area One, purchasing by the glass to enjoy on the premises. Area Three (small patio) will offer limited outside seating. It is proposed that the hours outside seating will be available will be shorter than the general licensed hours of the premises: Monday - Thursday close at 8pm. Friday - Sat close at 8:30pm and Sunday close at 5:30pm. Tables and chairs are not to encroach in any way upon the public pavement.

Copy of the premises plans

- 57WarrenStFloorplans.pdf

Tell us about the premises business hours

Day	Start time	End time
Monday	10:00	21:00
Tuesday	10:00	21:00
Wednesday	10:00	21:00
Thursday	10:00	21:00
Friday	10:00	22:00
Saturday	10:00	22:00
Sunday	12:00	18:00

Are there any seasonal variations for the premises opening times?

No

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

No

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?

22750

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?

Yes

How are you applying for a premises licence?

As a limited company

Business details

What is the company registration number 13390975

Name of business Must & Lees Ltd

Name and address BARRACKS HOUSE HILLSBOROUGH
BARRACKS LANGSETT ROAD
S6 2LR
SHEFFIELD

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 j. Supply of alcohol

Alcohol supply

Day	Start time	End time
Monday	10:00	21:00
Tuesday	10:00	21:00
Wednesday	10:00	21:00
Thursday	10:00	21:00
Friday	10:00	22:00
Saturday	10:00	22:00
Sunday	12:00	18:00

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? No

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 [REDACTED]

Issuing local authority Islington

First name Christopher

Last name Cassell

Address [REDACTED]
[REDACTED]
[REDACTED]

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

- Schedule_15_-_6_3_17_Consent_of_individual_to_being_spec(2).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

CCTV CCTV will be installed, operated and maintained. The system will allow frontal identification of every person entering the store, will record in real time and operate 24 hours a day 365 days of the year. All recordings will be saved for at least 31 days and will be made available to authorised officers and/or Police Officers (subject to the Data Protection Act 1998) within 24 hours of any request. These recordings are available to the police upon request. The following will be put into place to ensure the CCTV system is in full working order: (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. (b) (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request; (c) (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason; (d) (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering; (e) (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public; (f) (f) The system will record in real time and recordings will be date and time stamped; (g) (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request. (h) (h) Recordings will be kept for a minimum of 31 days and

downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act 2018) within 24 hours of any request . (i) (i) Signage stating that CCTV is in operation will be clearly and prominently displayed at the premises. General procedures relating to crime and disorder In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that: (a) The police and, where appropriate, the London Ambulance Service, are called immediately; (b) (b) As far as is safe and reasonable practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police; (c) (c) As far as is safe and reasonable practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police; (d) (d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours. Crime and disorder logging book All incidents of crime and disorder will be logged in a digital log book with relevant evidence (CCTV, witness statements etc) attached. To include: (a) Any and all allegations of crime or disorder reported at the venue (b) (b) Any and all complaints received by any party (c) (c) Any faults in the CCTV system (d) (d) Any visit by a relevant authority or emergency service (e) (e) Any and all ejections of patrons Refusal Log Book Any refused sales of alcohol products will be recorded in a digital log book with time references. Trading Standards The

premium nature of the business and the high-end wines and spirits on offer mean the risk of issues relating to the sale of illicit goods are inherently reduced. However, the following policies will be adopted: No alcoholic goods will ever be purchased or taken from persons calling at the shop. No spirits will be purchased in a resealed box. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC on request. A stock control system will be in place, so that the licensee can quickly identify where and when alcoholic goods have been purchased. An ultra violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible. Challenge 25 The licensee will adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters. The licensee will ensure that staff are trained on age restricted products and ensure that they sign to confirm that they have understood this training. The training shall include assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of

Public safety

training and instruction given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards. The licensee will put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer. The licensee will require staff to note any refusals to sell to young people in a refusals log. The refusals log will be checked and signed monthly by the designated premises supervisor. The refusals log will be made available for inspection upon request by the licensing team, police or trading standards.

General Space The business aims to provide a premium service by offering expert advice relating to the purchase of premium wine and spirits. The space will therefore be immaculately presented and maintained ensuring all floor spaces are clear and tidy at all times. CCTV See "Prevention of crime and disorder" section for CCTV details. Smoke alarms Four smoke alarms will be fitted and maintained (with battery checks every six months and changes every twelve). Fire extinguisher One foam fire extinguisher (rating 13A) and one carbon dioxide fire extinguisher (rating 34B) will be provided. These extinguishers will be fixed on brackets and located in the corner of the room to ensure that they do not obstruct exits or cause any hazards (exact positioning TBC). Signage detailing use will be fixed adjacent to the

extinguishers and will indicate the type of fire fighting appliance and class of fire covered. Electrical, Fire and Safety Reports Copies of the inspection and test certificates specified below will be certified by an approved competent person and submitted to the responsible authority for health and public safety. Electrical Installation condition report Emergency lighting Fire fighting appliances (detailed above) An approved competent person for the testing and certification of electrical installations and emergency lighting refers to one of the following: A qualified member of the Institution of Engineering & Technology, or A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation. Inspection and service certificates for fire fighting appliances will be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation. Free Water Free still and sparkling water will be supplied to all customers during all times of operation. Public Convenience A toilet will be made available to all customers during all times of operation. This will be cleaned and checked hourly to maintain hygiene standards. Must & Lees will endeavour to eliminate or minimise any nuisance arising out of its licensable activities. In doing so the premises we will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained

The prevention of public nuisance

in order that local residents have a means of contact if necessary. A direct telephone number for the manager at the premises shall be publicly available at the times the premises is open. The telephone number will be made available to residents and businesses in the vicinity. Opening hours

Our proposed opening hours have been deliberately designed to reduce late night and early morning noise. These are:

Monday to Thursday, 10am to 9pm. Friday to Saturday, 10am to 10pm. Sunday, 12pm to 6pm. Please note that outside seating will be available during the following hours:

Monday to Thursday, 12am to 8pm. Friday to Saturday, 12am to 8:30pm. Sunday, 12pm to 5pm. It is of the utmost importance to me personally that the business operates in a way that is respectful its neighbours. I will review these opening times during proposed biannual public consultations as set out below - never increasing the hours stated. Noise reduction "Quiet when leaving" signage will be prominently displayed near the exit of the premises, requesting that customers respect local residents by leaving quietly. Staff training

We see signage as secondary to our management of the space. While signs will be in place, all staff will also be trained to ensure they have the confidence to explain these requirements to customers not adhering to the rules. Restricted deliveries

Deliveries will only be accepted Monday to Friday between 11am and 5pm, never on weekends and public holidays. This has been provisionally agreed with suppliers and a three-strike approach will be adopted for suppliers not adhering to these

restrictions. Delivery drivers will conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. Waste collection Waste will be minimal and will primarily consist of the recycling of cardboard boxes and small quantities of glass bottles. Waste collections are unlikely to be required daily, and when they do occur will take place on weekdays between 10:00 and 18:00 (as for deliveries). Waste management Storage of cardboard and glass bottles between collections will in the basement where a designated storage space will be created. Stock Our focus is on premium wine and spirits and artisan beers and ales. We will not stock irresponsibly priced beverages with high ABVs. The premises will not sell /supply or stock miniature bottles of spirits or wine of 55ml or less save for premium products which have been agreed with the Police and Council Licensing teams [confirmation via email] Consumption of alcohol on the premises No vertical drinking shall be allowed at any time in or outside the premises. Off Sales for Delivery Any off sales for delivery, made by way of telephone /internet orders, the following will be adhered to: (a) Couriers will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or a person who is drunk and delivering alcohol to someone under the age of 18. (b) (b) Any person taking an order for the supply of alcohol on behalf of the premises licence holder will inform all customers that proof of age by way of photographic driving

licence, passport or a form of identification with the PASS hologram will be required at point of delivery before alcohol is supplied. Delivery Service Must & Lees will ensure that any delivery service employed to facilitate the delivery of alcohol has an adequate proof of age scheme in place, such as Challenge 25, to be undertaken at the point of delivery to any customer. Must & Lees will practice best endeavours to ensure that no internal combustion engine vehicles are used for deliveries from the premises. If/when internal combustion engine vehicle are used for deliveries, the Must & Lees will ensure that drivers do not park or loiter in the vicinity of residential premises. The premises will operate a strict no idling policy. Public consultation I am committed to being responsive to the wishes and concerns of the community. I believe this will be best achieved by way of continuous dialogue with local stakeholders and as such I welcome feedback at all times. In addition I propose a annual consultation meeting where any issues can be formally raised. This will be advertised in advance on social media and via the company's newsletter. Smoking Smoking will not be allowed on any part of the premises - including the outside patio Cleaning The outside frontage shall be swept and cleared of any rubbish at the end of trade each evening. Bottling out from the premises shall be restricted to the hours between 10:00 and 18:00. Music Any music shall be restricted to ambient background levels of sound.

The prevention of children from harm

Prevention of sales to underage persons
The best prevention tool to ensure no sales

are made to underage persons is staff training and the adoption of the “Challenge 25” initiative. These policies are detailed in the “Prevention of crime and disorder” section of this application. Stock Choice The specific nature of the products on offer and their premium price point both act to reduce the attractiveness of Must & Lees to underage persons attempting to purchase alcohol. Furthermore, the shop will not stock any products which could be seen to appeal to children under the legal drinking age. We take a more extreme view on this than common law and therefore will not stock any of the following products as a matter of shop policy: Alcopops Commercial larger / beer Commercial (and especially flavoured) ciders Fruit wines

About this form

Issued by

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

Form reference

Ref. no. 114758

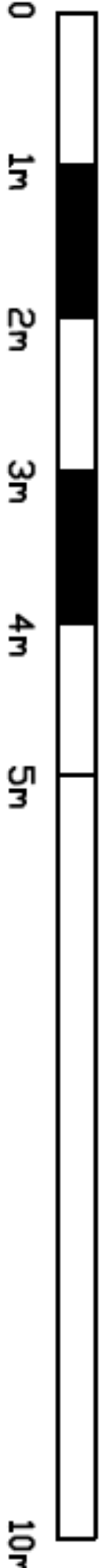
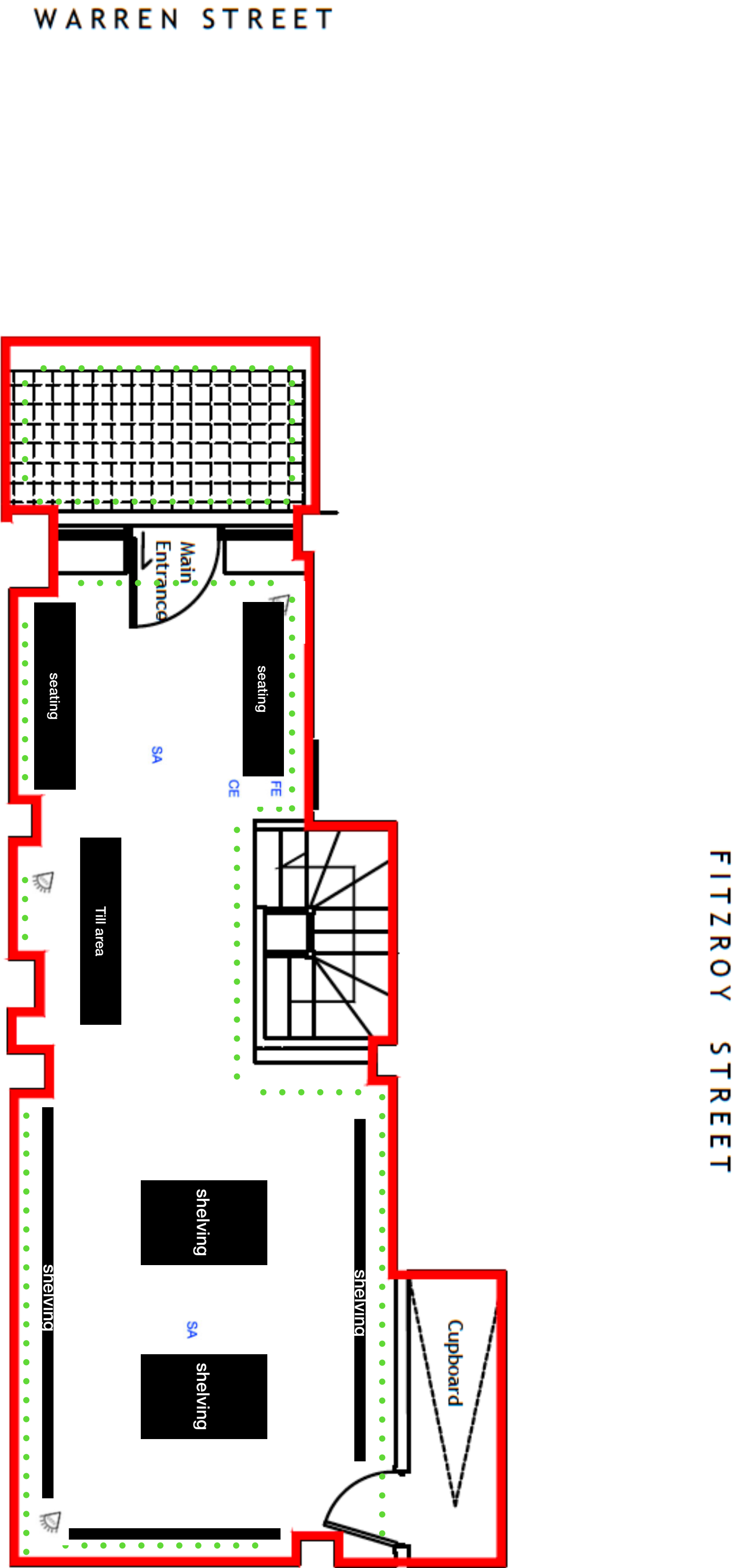
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agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.

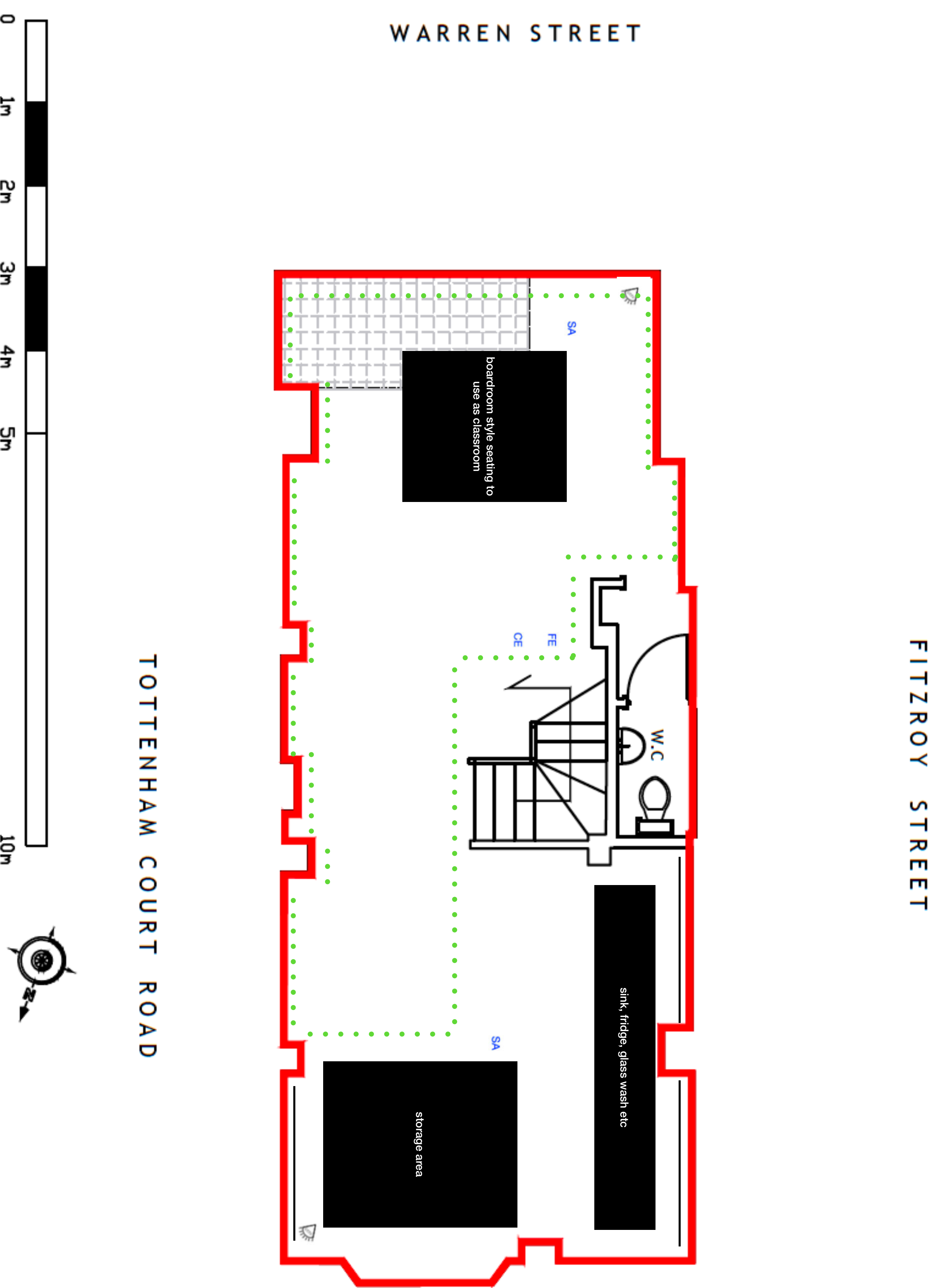
Ground Floor

- 239 Premises area
- Licensable area
- SA
- Smoke Alarm
- FE
- Foam Extinguisher
- CE
- Carbon Dioxide Extinguisher
- WHB
- Wash hand basin
- AF
- Alcohol Fridge
- CCTV



Lower Ground Floor Plan

- 239 Premises area
- Licensable area
- SA
- Smoke Alarm
- FE
- Foam Extinguisher
- CE
- Carbon Dioxide Extinguisher
- WHB
- Wash hand basin
- AF
- Alcohol Fridge
- CCTV



Representation	
Premises name	No Name
Application reference number	APP\PREMISES-NEW\114758
Last date for representation	09/05/2023

Making a representation as

As an individual

Your details**First name**

Linus

Last name

Rees

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

AddressFlat [REDACTED]
[REDACTED] Tottenham Street
London
W1T 2AN**Remain anonymous**

No

Grounds of representation

- prevention of public nuisance

Details of representation

See attached document

Supporting documents (optional)

- 57WarrenStreet-LRcomments.docx

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Judd Street
London
WC1H 9JE



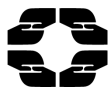
Contact phone

020 7974 4444

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This application should be refused as it would cause an unacceptable amount of public nuisance from noise to residents living above and next to the premises. I am very concerned that the freeholder of the property has even considered letting this ground floor and basement unit to a business seeking a premises licence for a wine shop and wine bar. In March, long before this application was submitted, I wrote to the freeholder, The Fitzrovia Trust, about their letting policy. I said I was very disappointed to see that businesses selling alcohol were included as acceptable activities within their letting policy. I expanded on these comments when I attended their annual general meeting in March. Licensed premises have the potential to undermine the quality of life of local residents particularly housing association tenants in Fitzrovia Trust properties and I am very concerned about the cumulative impact of yet more licensed premises has on the character and residential amenity of Warren Street. Although I do not live on Warren Street I spend a lot of time there and know many of the neighbours around number 57. This application, if allowed, would be particularly unfair on the people living closest to the premises, especially those with young children who would be disturbed by the operation of the business and its comings and goings. There are dozens of homes within 50 metres of the premises and around 160 homes on the street in total, according to ONS and Council Tax records. Warren Street has at least 10 licensed premises including off-licences, pubs, a late night food takeaway, restaurants and cafes. Another licensed premises would have a cumulative impact by adding to the inevitable public nuisance caused by a proliferation of such commercial activities. Camden's Statement of Licensing Policy states: "We must seek to ensure that our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive business investment and economic growth." The new policy also recognises "alcohol related harm and the detrimental effects alcohol can have". Residents in Warren Streets already have enough licensed premises in the street. Any more will have a detrimental effect on their quality of life and their right to peaceful enjoyment of their homes. For these reasons this application should be refused.



Representation	
Premises name	No Name
Application reference number	APP\PREMISES-NEW\114758
Last date for representation	09/05/2023

Making a representation as

As an individual

Your details

First name

BARBARA

Last name

ROMITO

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED] Conway Street
London
W1T 6BE

Remain anonymous

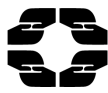
No

Grounds of representation

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

Details of representation

My representation AGAINST this application relates to reasons 1, 2, 3 and 4, above and especially to that of Public Nuisance. Warren Street is part of a long-existing area of listed buildings, flats and family homes, together with (a reduced number of) specialist shops, some offices, 2 large Public Houses, multiple food and drink outlets, a fairly recent semi-pedestrianised



area (2-way cycle route), a recent street pop-up food stall and now a permanent 'streeter' (pavement and road). The volume of people present/queuing often makes it impossible to remain on the pavement such that pedestrians are forced on to the road. The consumption of alcohol has been shown to increase NOISE, PUBLIC DISORDER and ANTISOCIAL BEHAVIOUR (vomiting, urination, bad language and vandalism). Furthermore, it encourages the sale and use of drugs in an already noted area for such transactions. Nobody - least of all CHILDREN - should be exposed visibly and audibly to such antisocial behaviour. This application is requesting opening hours similar to a Public House, over 7 days/week; the consumption - indoors and at the front on to the pavement - does not clarify how this would be regulated and monitored. The drawings do not give plans for fire evacuation from the basement. In summary, the above reasons covering points 1-4 are submitted AGAINST the application.

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Representation	
Premises name	No Name
Application reference number	APP\PREMISES-NEW\114758
Last date for representation	09/05/2023

Making a representation as

As an individual

Your details

First name

DAVID

Last name

MCALLISTER

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED] Richardson's Mews
London
W1T 6BS

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

There are already 10 licensed establishments on Warren Street. The noise and disorder created on the street is already highly disturbing to residents and passers by. Another licensed property on the street is not necessary nor desirable. Please for once take the interests of local residents in to account not just cafes and pubs.

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Representation	
Premises name	No Name
Application reference number	APP\PREMISES-NEW\114758
Last date for representation	09/05/2023

Making a representation as

As an individual

Your details

First name

Victoria

Last name

Swift

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

Flat [REDACTED]
[REDACTED] Warren Street
London
W1T 5NT

Remain anonymous

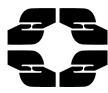
No

Grounds of representation

- prevention of public nuisance

Details of representation

I object to this license being granted. I live very close to the premises and am already prevented from the quiet enjoyment of my home by the proliferation of licensed premises in the vicinity. With the decline of shops, offices and other daytime only operations in the street residents are being increasingly disturbed at night by activities from licensed premises. I have lived here for 21 years, generally the street was relatively quiet outside of office hours and there has always been a community here but over the last ten years it has become



much more noisy and residents are subjected to increasing public nuisance from licensed premises, undermining our hitherto happy street. We are frequently subjected to loud and antisocial behaviour from customers and our pavements are teeming with an ever increasing amount of rubbish; both from the premises themselves and from the detritus of cans, bottles and fast food packaging left behind by drinkers every night. We are also disturbed in the day and often throughout the night by noise from deliveries, bottling up, extractor fans, air conditioning units, and the numerous rubbish collections associated with licensed premises. Deliveroo (et al.) mopeds are also a continual noise nuisance as are the presence of Uber (et al.) drivers congregating in the street after 10pm. Each new licensed premise brings an increase of these disturbances. Like many residents I need to ventilate my home during the warmer months of the year by having the windows open. Warren St has a characteristic best described as a 'canyon effect' where noise at ground level becomes amplified at the floors above. Even small numbers of people are able to make an impact due to the nature of the environment; those under the influence of alcohol are prone to become even noisier and inconsiderate. Local residents have had many difficulties with business owners unwilling to manage the poor behaviour of their customers and are often complicit by over-serving alcohol to customers. Some residents have been victims of abuse and threats from staff and owners of licensed premises and our rights and needs are

ignored for the entertainment of people from outside the neighbourhood. The premises at 57 Warren St are situated within a stretch of poorly insulated and densely populated buildings, some of which are homes to families. Having customers coming and going, leaving at night and drinking outside will only create further disturbance to the already embattled residents. The applicant is intending to serve alcohol for drinking on site on the ground floor, outside and in the basement when not hosting tasting sessions. This constitutes a wine bar and should be treated as such for licensing. I am particularly concerned about the outside drinking as this will cause the greatest disturbance. I am very disappointed that the freeholder (Fitzrovia Trust) has decided to go ahead with this letting, I made my feelings clear to them that it would be problematic for nearby residents. Camden Council should make every effort to protect the health and wellbeing of its residents, particularly those most vulnerable. I request that the council consider the cumulative negative impact of licensable activities on residents in Warren St and refuse this application.

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From: [REDACTED]
To: [REDACTED]
Subject: FW: Licensing Application: 57 Warren Street, W1 ref: APP\PREMISES-NEW\114758
Date: 05 June 2023 11:18:01
Attachments: [CSA_Licensing_57_Warren_Street_08.05.2023.doc](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)

Mohammed Rahman
 Licensing Support Officer

Telephone: [REDACTED]



From: Charlotte Street Assoc. <[REDACTED]>
Sent: 09 May 2023 23:09
To: Licensing Representation <licensing.representations@camden.gov.uk>; Licensing Representation <licensing.representations@camden.gov.uk>; [REDACTED]
Subject: Licensing Application: 57 Warren Street, W1 ref: APP\PREMISES-NEW\114758

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Licensing Authority,
 London Borough of Camden.

Dear Sir or Madam,

Re: Licensing Application: 57 Warren Street, London W1:
ref: APP\PREMISES-NEW\114758

Please find attached our Association's letter dated 8th May 2023, regarding our representations/objections concerning the above Licensing Application. We are not able to enclose our (a) Map Showing Buildings with Residential; and (b). our Photograph; which we refer to in our letter, but we will send them soon.

Kind regards,

Clive Henderson,

On behalf of Charlotte Street Association

mobile: [REDACTED]

Charlotte Street Association

■ Tottenham Street
London W1T 4RX
email: ■■■■■■■■■■

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

8th May 2023

By email to: licensing.representation@camden.gov.uk

■■■■■■■■■■ Samina Khan, Licensing Officer

Dear Sir/Madam,

**Re: Licensing Act 2003: Application for a New Premises Licence:
57 WARREN STREET, London W1T 5NR**

Reference: APP\PREMISES-NEW\114758

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.

Warren 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 commented 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 for a New 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 above, next door and nearby, for the reasons given below.

Continued 2.

Re: Licensing Act 2003: Application for a New Premises Licence:
57 WARREN STREET, London W1T 5NR - *continued*:

Reference: APP\PREMISES-NEW\114758

PROPOSED NEW PREMISES LICENCE:

The proposal is for a New Premises Licence, both for ON-Premises and OFF-Premises for the Supply/Sale of Alcohol:

- for a Retail premises: OFF-Premises;
- for a Wine School (to offer accredited Wine & Spirit Education Trust (WSET) courses; and general wine tasting: ON-Premises;
- for consumption of wine on the premises: ON-Premises.

with the following hours:

For Monday to Thursday:

(a). Supply of Alcohol (ON & OFF the Premises): 10.00am to 9.00pm
and Open To The Public: 10.00am to 9.00pm

For Friday & Saturday:

(a). Supply of Alcohol (ON & OFF the Premises): 10.00am to 10.00pm
and Open To The Public: 10.00am to 10.00pm

For Sunday:

(a). Supply of Alcohol (ON & OFF the Premises): 12.00 midday to 6.00pm
and Open To The Public: 12.00 midday to 6.00pm

In addition, the applicant is proposing the following Hours for Proposed Outside Seating:

Proposed Outside Seating (on the front Patio):

Monday to Thursday: 12.00 midday to 8.00pm
Friday & Saturday: 12.00 midday to 8.30pm
Sunday: 12.00 midday to 5.30pm

THE MAIN ISSUES:

1. The Premises and its Location:

The premises are in a terraced house and consist of:

- (a). Ground Floor; and
- (b). Basement, (labelled on Plan as “Lower Ground Floor”); and
- (c). an External Forecourt/Patio area at Ground Floor level.

The Ground Floor and Basement are inter-connected by an open internal staircase.

The premises are in the relatively long terrace of houses on the northern side of Warren Street. The **applicant’s plan drawings** indicate “Tottenham Court Road” and “Fitzroy Street”.

To clarify, No. 57 is about three-quarters of the way down the terrace, being some 130 metres away from Tottenham Court Road (and Warren Street tube station). In the other direction, it is closer to quiet Fitzroy Street, some 35 metres away.

The Premises has been retail use. But the proposed use means that activities will now be taking place outside the usual shop daytime, weekend and bank holiday hours, when the immediate nearby residents would normally expect quietness.

Continued 3.

Re: Licensing Act 2003: Application for a New Premises Licence:
57 WARREN STREET, London W1T 5NR - *continued*:

Reference: APP\PREMISES-NEW\114758

2. The Residential Context:

As can be as seen in our **attached “Map Showing Buildings With Residential”**, there is much residential in Warren Street itself and in the vicinity including in Whitfield Street. Warren Street is one of the most residential streets in Fitzrovia, with a total of some 159 homes; and with a high proportion of flats being social housing/housing association flats, including for families with young children, and for elderly people.

In the stretch of the street where No. 57 is located, there are some 72 homes between Fitzroy Street and Whitfield Street.

There is residential immediately above the premises (2 homes), as well as residential flats next door, on both sides of the premises.

We are particularly concerned at yet another licensing application in this highly residential street, because Warren Street already has a concentration 10 licensed premises trading in this street. A further five licences are currently not in use because the premises are vacant or the occupant is currently not carrying out a licensable activity, but the potential is there for further intensification.

Re: ON-Premises Supply/Sale of Alcohol:

Although the application is for the OFF-Premises/Retail Supply of Alcohol, our particular concern is that the application is also for considerable ON-Premises Supply of Alcohol and bar-type activity, and the implications of possible noise and disturbance.

In the circumstances, Camden’s Statement of Licensing Policy (under paras. 7.10 and 7.14) will regard the later as Bar-type activity, which we think is quite inappropriate in these premises because of likely noise and disturbance to the housing association flats immediately above and next door.

As set out on the application, the applicant is proposing to use the various spaces in the Premises for the licensable activities, as follows:

(a). Area One: Ground Floor:

This Ground Floor space is to be the retail shop, with display shelving in the rear part. But the front part of the space includes “..... some seating to allow consumers to enjoy wine on the premises”.

- We are particularly concerned about this proposed bar-type On-Premises aspect of the application.
- From the Plan drawing, it would appear that the seating would cater for some 8 to 10 customers. We are concerned that even a small group of people drinking could be noisy and affect the residential amenity of the immediate residential flat above. It is generally recognised that the standard of sound insulation of floor/ceiling construction in converted terraced housing is not very high. Thus the standard of sound insulation of the ceiling/floor between this Ground Floor shop premises and the First Floor flat is not likely to be to a high/appropriate standard.

(b). Area Two: Basement (referred to in application as Lower Ground Floor):

This space is to be used as a wine school for accredited Wine & Spirit Education Trust (WSET) courses, with courses initially to be held monthly.

It is also to be used as a Tasting room “...to offer consumers the option to taste a selection of the wines available for sale in (the shop), purchasing by the glass to enjoy on the premises.”

Continued 4.

Re: Licensing Act 2003: Application for a New Premises Licence:
57 WARREN STREET, London W1T 5NR - *continued*:

Reference: APP\PREMISES-NEW\114758

(b). Area Two: Basement (referred to in application as Lower Ground Floor) - *continued*:

- Although the application says that the Wine School classes will initially be held monthly, we would be grateful for clarification of:
 - (a). how many people will attend these classes ?
 - (b). might these classes be held more frequently in future ?
- On the company's website, it appears that the Must & Lees also offers for signing up to Tasting Groups and Membership Events – would such events also take place here, and if so, how often and how many people ?
- We appreciate that the activities in the Basement are likely to be relatively isolated from the residential flats above. Nonetheless, It should be appreciated that the Basement space extends under the Ground Floor entrance corridor of the residential flats above; thus, noise from the basement activities might be transferred to the flat above via the corridor space, because the standard of sound insulation of the ceiling/floor construction (as explained above) between the Basement and the Ground Floor is not likely to be to a high standard.
- We are generally concerned about the possible frequency of groups of people arriving and leaving for these classes and other such events, in terms of disturbance to the immediate residents.

(c). Area Three: External Front Patio:

The application says that there will be limited seating and tables on the Patio.

- We would be grateful for clarification of the numbers of chairs and tables proposed for this outside space.
- We appreciate that the proposed hours for the use of this Patio are relatively restricted. Nonetheless, we are concerned about the likely noise from even small groups drinking on the external Patio for every day of the week throughout the year, including Sundays and Bank/Public Holiday days – there will be no respite for the immediate residents. Sundays and Bank/Public Holiday days tend to be one of the few “windows” of quietness for residents in Fitzrovia. This will affect the residential amenity of residents living in the immediate flats above and next door.
- Please see our **attached Photograph**, showing the close relationship of the Patio to the First Floor flat, as well as to the street entrance door to the flats.

Re: Proposed courier collections:

The proposals include for OFF-Sales deliveries, presumably by scooter or similar couriers. Such collections (and deliveries) by couriers has become a recent problem in Fitzrovia, due to noise and disturbance to residents, due to couriers' scooters and couriers hanging around. There needs to be a comprehensive Condition regarding courier collections/deliveries.

Re: Proposed Hours:

In the application, the proposed terminal Hour for the **ON-Premises** Supply of Alcohol is the same as the proposed Closing time.

Camden expects the Terminal Hour for ON-Premises Alcohol to be half-an-hour earlier than the closing time to allow for drinking-up time.

Thus, the **proposed terminal Hour for the ON-Premises Supply of Alcohol** should be:

- 8.30pm for Monday to Thursday;
- 9.30pm for Friday and Saturday;
- 5.30pm for Sunday.

Continued 5.

Re: Licensing Act 2003: Application for a New Premises Licence:
57 WARREN STREET, London W1T 5NR - *continued*:

Reference: APP\PREMISES-NEW\114758

Re: Bottling-out:

The application says that bottling-out will be restricted to the hours between 10.00am and 6.00pm (presumable for all days of the week):

- As will be appreciated, bottling-out can be extremely noisy for residents living nearby
- Thus, we ask that bottling-out takes place **indoors** to minimise disturbance.

Re: Air-bourne noise and structural-bourne noise to the residential flats above:

It is generally recognised that the standard of sound insulation of floors/ceilings in converted terraced housing is not very high. Thus the standard of sound insulation of the ceiling/floor between the Ground Floor shop premises and the First Floor flat is not likely to be to a high standard.

Thus, we are particularly concerned about noise disturbance to the residential flat above, from the proposed activities – although we appreciate that some of these activities will take place in the Basement.

It should be appreciated that the Basement space extends under the Ground Floor entrance corridor of the residential flats above – thus, noise from the basement activities might be transferred to the flat above via the corridor space.

CUMULATIVE IMPACT:

There are some 25 Public Houses within the Camden side of Fitzrovia and a further 20 in Westminster. In addition, there are many licensed restaurants and other licensed premises.

Fitzrovia is a relatively small area and urban village each side behind Tottenham Court Road in which there is a stable residential community including in Warren Street>.

Camden's Statement of Licensing Policy 2016 (ref. para. 39, Chapter 3) states that:

"The absence of a special policy for an area does not prevent any responsible authority or interested party making representations on the grounds that the premises will give rise to negative cumulative impact on the area in question."

Fitzrovia is a case in point, where it is essential to take account of this on-going and steadily increasing cumulative negative impact of such licensed activities, and thus to recognise the detrimental effect this will have on this residential community.

People live in the immediate vicinity, which accords with central Government policy to encourage people to live in central urban areas. Thus, it is very important that the amenity of the residential community here in Warren Street is protected.

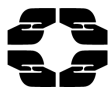
Yours sincerely,

Clive Henderson,
On behalf of Charlotte Street Association.

Copy: CSA Committee.

Attached:

- Map showing Buildings with Residential
- Photographs



Representation	
Premises name	No Name
Application reference number	APP\PREMISES-NEW\114758
Last date for representation	09/05/2023

Making a representation as

As an individual

Your details

First name

MARC

Last name

FINNEY

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

Flat [REDACTED]
[REDACTED] Warren Street
London
W1T 5NW

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

The applicants have proposed a suitable use that will add to the character of the improving area and by occupying the building with a suitable use it will prevent degradation from an empty building which might attract anti-social behaviour. Also the applicants seem to have given good regard to how the premises will be operated and have proposed good measures to ensure the premises will be well-run.

About this form

Issued by

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.

Officers' summary of conditions consistent with the operating schedule

1. CCTV will be installed, operated and maintained. The system will allow frontal identification of every person entering the store, will record in real time and operate 24 hours a day 365 days of the year.
2. All recordings will be saved for at least 31 days and will be made available to authorised officers and/or Police Officers (subject to the Data Protection Act 1998) within 24 hours of any request. These recordings are available to the police upon request.
3. The following will be put into place to ensure the CCTV system is in full working order:
 - (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
 - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
 - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;
 - (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
 - (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
 - (f) The system will record in real time and recordings will be date and time stamped;
 - (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.
 - (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act 2018) within 24 hours of any request .
 - (i) Signage stating that CCTV is in operation will be clearly and prominently displayed at the premises.
4. General procedures relating to crime and disorder. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
 - (a) The police and, where appropriate, the London Ambulance Service, are called immediately;
 - (b) As far as is safe and reasonable practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police.
 - (c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.
 - (d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

5. Crime and disorder logging book All incidents of crime and disorder will be logged in a digital log book with relevant evidence (CCTV, witness statements etc) attached. To include:
 - (a) Any and all allegations of crime or disorder reported at the venue
 - (b) Any and all complaints received by any party
 - (c) Any faults in the CCTV system
 - (d) Any visit by a relevant authority or emergency service
 - (e) Any and all ejections of patrons
6. Refusal Log Book - Any refused sales of alcohol products will be recorded in a digital log book with time references.
7. Trading Standards The premium nature of the business and the high-end wines and spirits on offer mean the risk of issues relating to the sale of illicit goods are inherently reduced. However, the following policies will be adopted: No alcoholic goods will ever be purchased or taken from persons calling at the shop. No spirits will be purchased in a resealed box.
8. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
9. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC on request. A stock control system will be in place, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
10. An ultra violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra violet light, or are otherwise suspicious, the licensee shall identify the supplier to Camden Trading Standards and HMRC as soon as possible.
11. Challenge 25. The licensee will adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters. The licensee will ensure that staff are trained on age restricted products and ensure that they sign to confirm that they have understood this training.
12. The training shall include assessment of age; making a challenge; acceptable proof of age; and recording refusals.
13. The licensee shall keep records of training and instruction given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards
14. The licensee will put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no

others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

15. The licensee will require staff to note any refusals to sell to young people in a refusals log.
16. The refusals log will be checked and signed monthly by the designated premises supervisor. The refusals log will be made available for inspection upon request by the licensing team, police or trading standards.
17. General Space The business aims to provide a premium service by offering expert advice relating to the purchase of premium wine and spirits. The space will therefore be immaculately presented and maintained ensuring all floor spaces are clear and tidy at all times.
18. Smoke alarms Four smoke alarms will be fitted and maintained (with battery checks every six months and changes every twelve). Fire extinguisher One foam fire extinguisher (rating 13A) and one carbon dioxide fire extinguisher (rating 34B) will be provided. These extinguishers will be fixed on brackets and located in the corner of the room to ensure that they do not obstruct exits or cause any hazards (exact positioning TBC).
19. Signage detailing use will be fixed adjacent to the extinguishers and will indicate the type of fire fighting appliance and class of fire covered. Electrical, Fire and Safety Reports
20. Copies of the inspection and test certificates specified below will be certified by an approved competent person and submitted to the responsible authority for health and public safety. Electrical Installation condition report Emergency lighting Fire fighting appliances (detailed above) An approved competent person for the testing and certification of electrical installations and emergency lighting refers to one of the following: A qualified member of the Institution of Engineering & Technology, or A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.
21. Inspection and service certificates for fire fighting appliances will be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation. Free Water Free still and sparkling water will be supplied to all customers during all times of operation.
22. Public Convenience A toilet will be made available to all customers during all times of operation. This will be cleaned and checked hourly to maintain hygiene standards.

23. Must & Lees will endeavour to eliminate or minimise any nuisance arising out of its licensable activities. In doing so the premises we will work with enforcement authorities where any issues are identified.
24. A complaints procedure will be maintained in order that local residents have a means of contact if necessary.
25. A direct telephone number for the manager at the premises shall be publicly available at the times the premises is open. The telephone number will be made available to residents and businesses in the vicinity.
26. Opening hours Our proposed opening hours have been deliberately designed to reduce late night and early morning noise. These are: Monday to Thursday, 10am to 9pm. Friday to Saturday, 10am to 10pm. Sunday, 12pm to 6pm. Please note that outside seating will be available during the following hours: Monday to Thursday, 12am to 8pm. Friday to Saturday, 12am to 8:30pm. Sunday, 12pm to 5pm.
27. It is of the utmost importance to me personally that the business operates in a way that is respectful its neighbours. I will review these opening times during proposed biannual public consultations as set out below - never increasing the hours stated.
28. Noise reduction "Quiet when leaving" signage will be prominently displayed near the exit of the premises, requesting that customers respect local residents by leaving quietly.
29. Staff training We see signage as secondary to our management of the space. While signs will be in place, all staff will also be trained to ensure they have the confidence to explain these requirements to customers not adhering to the rules.
30. Restricted deliveries. Deliveries will only be accepted Monday to Friday between 11am and 5pm, never on weekends and public holidays. This has been provisionally agreed with suppliers and a three-strike approach will be adopted for suppliers not adhering to these restrictions.
31. Delivery drivers will conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address.
32. Waste collection Waste will be minimal and will primarily consist of the recycling of cardboard boxes and small quantities of glass bottles.
33. Waste collections are unlikely to be required daily, and when they do occur will take place on weekdays between 10:00 and 18:00 (as for deliveries).
34. Waste management Storage of cardboard and glass bottles between collections will in the basement where a designated storage space will be created.

35. Stock Our focus is on premium wine and spirits and artisan beers and ales. We will not stock irresponsibly priced beverages with high ABVs. The premises will not sell /supply or stock miniature bottles of spirits or wine of 55ml or less save for premium products which have been agreed with the Police and Council Licensing teams [confirmation via email] Consumption of alcohol on the premises
36. No vertical drinking shall be allowed at any time in or outside the premises.
37. Off Sales for Delivery Any off sales for delivery, made by way of telephone /internet orders, the following will be adhered to: (a) Couriers will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or a person who is drunk and delivering alcohol to someone under the age of 18. (b) Any person taking an order for the supply of alcohol on behalf of the premises licence holder will inform all customers that proof of age by way of photographic driving licence, passport or a form of identification with the PASS hologram will be required at point of delivery before alcohol is supplied.
38. Delivery Service Must & Lees will ensure that any delivery service employed to facilitate the delivery of alcohol has an adequate proof of age scheme in place, such as Challenge 25, to be undertaken at the point of delivery to any customer.
39. Must & Lees will practice best endeavours to ensure that no internal combustion engine vehicles are used for deliveries from the premises. If/when internal combustion engine vehicle are used for deliveries, the Must & Lees will ensure that drivers do not park or loiter in the vicinity of residential premises.
40. The premises will operate a strict no idling policy.
41. Public consultation I am committed to being responsive to the wishes and concerns of the community. I believe this will be best achieved by way of continuous dialogue with local stakeholders and as such I welcome feedback at all times. In addition I propose an annual consultation meeting where any issues can be formally raised. This will be advertised in advance on social media and via the company's newsletter.
42. Smoking will not be allowed on any part of the premises - including the outside patio
43. Cleaning. The outside frontage shall be swept and cleared of any rubbish at the end of trade each evening.
44. Bottling out from the premises shall be restricted to the hours between 10:00 and 18:00.
45. Music. Any music shall be restricted to ambient background levels of sound.

46. Prevention of sales to underage persons. The best prevention tool to ensure no sales are made to underage persons is staff training and the adoption of the "Challenge 25" initiative. These policies are detailed in the "Prevention of crime and disorder" section of this application.
47. Stock Choice. The specific nature of the products on offer and their premium price point both act to reduce the attractiveness of Must & Lees to underage persons attempting to purchase alcohol. Furthermore, the shop will not stock any products which could be seen to appeal to children under the legal drinking age. We take a more extreme view on this than common law and therefore will not stock any of the following products as a matter of shop policy: Alcopops Commercial larger / beer Commercial (and especially flavoured) ciders Fruit wines.

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.