

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Mr Umit

Guyen

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Green Supermarket, 167/169 Kentish Town Road, Camden, London NW1 8PD			
Post town	London	Postcode	NW1 8PD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£44,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | X | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	X	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev)	
Surname Guven					First names Umit				
Date of birth				I am 18 years old or over		X		Please tick yes	
		<input type="checkbox"/>							
Nationality Turkish									
Current residential address if different from premises address									
Post town		Ilford				Postcode		IG7 4FJ	
Daytime contact telephone number									
E-mail address (optional)									
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)									

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	1	08
2	0	23

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The business is located in a terraced ground floor retail unit with a residential flat above. Green Supermarket is located on a busy main road. It will operate as a convenience store and if the premises licence is granted, will include an off licence. The layout is as per the plan submitted.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |

- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	X
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) None		
Mon	08.00	01.00			
Tue	08.00	01.00			
Wed	08.00	01.00			
Thur	08.00	01.00			
Fri	08.00	01.00			
Sat	08.00	01.00			
Sun	08.00	01.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) None		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Umit Guven	
Date of birth	[REDACTED]
[REDACTED]	
Postcode	IG7 4FJ
[REDACTED]	
Issuing licensing authority (if known) London Borough of Barnet	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) None
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) None
Mon	08.00		
		01.00	
Tue	08.00		
		01.00	
Wed	08.00		
		01.00	
Thur	08.00		
		01.00	
Fri	08.00		
		01.00	
Sat	08.00		
		01.00	
Sun	08.00		
		01.00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We shall operate our business in a responsible manner and actively promote the Licensing Objectives at all times. The premises is not located in a cumulative impact zone.

b) The prevention of crime and disorder

- 1) The premises licence holder shall ensure that fully functioning CCTV cameras and recorder(s) are installed at the premises and that they are of good evidential quality acceptable to the Metropolitan Police and shall be kept operational at all times the premises are open to members of the public.
- 2) The premises licence holder shall ensure that the CCTV system will cover the interior and exterior of the premises and that it shall be capable of capturing clear facial and body images of persons entering and exiting the premises. The CCTV cameras shall be placed no more than 7 feet above floor level in order to capture clear facial images of persons entering or leaving the premises.
- 3) The premises licence holder shall ensure that the CCTV is not obstructed in any way and that recordings shall be saved for a minimum of 31 days, are stored securely and made available for inspection by Police or Authorised Officers.
- 4) Staff working at the premises shall be trained and be competent in using the CCTV and recording of images, ensuring that at least one member of such trained staff shall be on duty at all times the premises is open to the public who is able to assist the Police / Authorised Officers in viewing the CCTV footage and downloading images.
- 5) The premises licence holder shall be responsible for ensuring that CCTV cameras, recorder(s) / hard drives and electrical equipment relating to it are maintained in good working order.
- 6) CCTV recordings in a recordable format shall be supplied by the premises to the Police or Authorised Officers on a USB stick or CD disk and are to be made available to Police or Authorised Officers for collection within 24 hours of any request. All requests shall be compliant with data protection law / GDPR and required for the prevention or detection of crime.
- 7) If the CCTV system is broken the premises licence holder shall notify the Licensing Authority and Police Licensing Unit as soon as possible and get the fault rectified as soon as practicable.
- 8) Alcohol shall not be sold at any time when the CCTV system is faulty.
- 9) The premises licence holder shall ensure that a log is kept with the details of the dates of all work / repairs carried out on the CCTV system including the name & phone number of the Engineer.
- 10) The premises licence holder or DPS shall check on a daily basis that the CCTV system is operating correctly & that the date and time are correctly set and also check on a minimum of a weekly basis that it is correctly recording and storing images for the minimum 31 day period. Details of the checks and results shall be recorded in the CCTV section of the Incident Book.
- 11) Notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate) advising customers:
 - a) That CCTV & Challenge 25 are in operation;
 - b) Advising customers of the provisions of the Licensing Act 2003 regarding underage & proxy sales;
 - c) Of the permitted hours for the sale of alcohol & the opening times of the premises;
 - d) To respect residents, leave quietly & quickly and not to loiter outside the shop;

- e) To dispose of litter legally;
- f) Not to drink alcohol in the street at any time as they are in an area subject to a PSPO.
- g) That the management do not buy any alcohol or tobacco goods from cold callers to the shop. This shall be displayed at every entrance).
- 12) An Incident Book shall be kept at the premises and made available to the Police or Authorised Officers which will record the following.
 - a) All crimes reported at the shop;
 - b) All ejections of customers;
 - c) Any complaints received;
 - d) Any incidents of disorder and violence;
 - e) Any faults in or work undertaken on the CCTV system;
 - f) Any refusal in the sale of alcohol or tobacco products to include date, time, product involved, brief description of customer and initials of staff member refusing the sale;
 - g) Any visit by a relevant authority or emergency service; Where Police are called to the premises a CAD number shall be obtained and recorded in the incident Book.
- 13) All staff shall be trained for their role on induction and be given refresher training at regular intervals of six months thereafter. Training shall include operating the CCTV system and downloading images and operating the Challenge 25 proof of age scheme, identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, proxy sales, preventing sales to drunken persons, avoiding conflict, responsible alcohol retailing. and caring for vulnerable people, children, girls & women.
- 14) Written training records shall be kept for all staff members and made available to Police or Authorised Officers on request.
- 15) The Challenge 25 proof of age policy shall be operated and only a photographic driving licence, a valid passport, HM Armed Forces photographic identity document or proof of age card with the bearer's photograph & the PASS hologram on it will be accepted as proof of age.
- 16) A written refusals record shall be kept as part of the Incident Book and made available to Police or Authorised Officers on request
- 17) A personal licence holder shall be on duty at the premises during all times that alcohol is permitted to be sold.
- 18) A minimum of 2 members of staff shall be on duty in the premises at all times that the premises is open to the public.
- 19) All alcohol products shall be clearly marked with the name of the store.
- 20) Alcohol shall not be sold in an open container, opened in the premises, or be consumed in the premises.
- 21) No beers, lagers or ciders above 6.5% ABV shall be sold at the premises.
- 22) No single cans or bottles of beers, lagers, or ciders shall be sold at the premises.
- 23) All spirits shall be displayed behind the counter & all other alcohol must be displayed in line of sight of the counter.
- 24) All displays of alcohol shall be specifically covered by CCTV at all times.
- 25) All alcohol not on display shall be stored in a lockable store room.
- 26) The alcohol display shall not exceed a maximum of 20% of the retail display area in the shop at any one time.
- 27) The premises shall actively engage with and work with the local Police Team and Police & Council Licensing Teams.
- 28) Management shall issue written instructions to the staff in relation to their actions at the daily cessation of licensable activities, in order to ensure that no sales occur after the permitted (licensed) hours. An accurate record of staff receiving such instructions will be kept and made available to Police & Authorised Officers immediately upon request.
- 29) All alcohol is to be covered and locked behind secure, fully enclosed, metal shutters / rollers when the premises remain open outside the permitted hours for the sale of alcohol. No alcohol should be visible outside of permitted hours.
- 30) No alcohol or tobacco shall be stored beneath or behind the serving counter(s) at any time.
- 31) All alcoholic products shall be paid for in full at the point of sale. No "credit" is to be offered to any customers.
- 32) The premises licence holder & or DPS shall not purchase any alcohol or tobacco goods from cold callers to the shop.

- 33) The premises licence holder / DPS shall ensure alcohol goods are only ever purchased from an authorised wholesaler registered with HM Revenue & Customs and shall produce receipts for these goods upon request for inspection by Police or Authorised Officers. Tobacco products shall only be purchased from reputable wholesalers.
- 34) The premises licence holder and DPS shall ensure persons responsible for purchasing alcohol or tobacco do not take part in any stock swaps or lend or borrow any alcohol or tobacco from any other source unless the source is another premises owned and operated by the same company / management who also purchase their stock from an authorised wholesaler.
- 35) The premises licence holder shall ensure all receipts for alcohol and tobacco goods purchased include the following details:
- a) Seller's name & address,
 - b) Seller's company details, if applicable,
 - c) Seller's VAT details, if applicable,
 - d) Vehicle registration detail, if applicable.
- 36) Legible copies of the documents referred to in condition (33) above shall be retained on the premises for a minimum period of at least a year from the date of the relevant purchase and made available for inspection by Police or Authorised Officers on request.
- 37) An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears an HM Revenue and Customs duty paid stamp.
- 38) Where the trader becomes aware that any alcohol or tobacco goods may not be duty paid they shall inform the Police immediately.

c) Public safety

A fire risk assessment and emergency plan shall be prepared & regularly reviewed. All staff will be given appropriate fire safety training.

d) The prevention of public nuisance

- 1) Relevant notices shall be prominently displayed by the entry / exit door and point of sale as appropriate— See Section B Condition 11 for full details.
- 2) Management and staff shall proactively discourage persons from loitering or drinking outside the shop due to the Borough wide PSPO.
- 3) The shop front shall be kept tidy at all times and shall be swept at least every 6 hours.
- 4) No deliveries shall be received or removal of rubbish especially glassware take place between 20.00 and 08.00 daily.

e) The protection of children from harm

- 1)) Relevant notices shall be prominently displayed by the entry / exit door and point of sale as appropriate– See Section B Condition 11 for full details
- 2) An EPOS till system must be used with an integral age check function incorporated in it to remind staff to check proof of age for persons buying age restricted products and who appear to be under 25.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. x
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). x

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the
--------------------	---

	<p>entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	23/07/2023
Capacity	Authorised Licensing Consultant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



**METROPOLITAN
POLICE**

TOTAL POLICING

Camden Licensing Authority

Town Hall Extension
Argyle St
London

WC1H 8EQ

PC Joel Francis
EK - Camden Borough

Licensing Unit
Room 1.22
Kentish Town Police Station
12a Holmes Rd
London
NW5 3AE

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: **NEW116142**

Wednesday 16th August 2023

Dear Sir/Madam,

RE: Application NEW\116142
The Green Supermarket, 167-169 Kentish Town Road NW1 8PD

With reference to the above Application, the Metropolitan Police Service (MPS) wishes to make a Representation.

Within the Licensing Act 2003, and contained in the notes for guidance for the Licensing Act 2003, it is the responsibility of the Police and Local Authority to promote the Prevention of Crime and Disorder, Promote Public Safety, Prevent Public Nuisance and Protect Children from Harm.

I certify that I have considered the application above on its own merit, and my Representation is based on the likely effect of the grant of the application being detrimental to Camden Council's Licensing Objectives.

Looking at Case law, during the case of Daniel Thwaites PLC v Wirral Magistrates' Court and Others, The Honourable Mrs Justice Black said:

"Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police."

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

Source: www.gov.uk/government/publications/beer-licensing-using-case-law

Unique Application Issues:

This premises is based within the Kentish Town South policing ward, which is a significant residential district in Camden. There are residential estates near to this part of Kentish Town Road with a calmer and more localised neighbourhood compared with the nearby Camden Town Cumulative Impact Zone.

Metcall (999 Despatch) will primarily be tasking Police Officers parading out of Kentish Town Police Station to this location. Kentish Town Police Station is 0.5 miles away or a 3 minute car journey on Google Maps.

The consumption of alcohol off licensed premises presents risks around hidden addiction, unsupervised drinking and self-harm by vulnerable individuals. Mental illness and addiction to alcohol is a major contributor to domestic violence. Such domestic incidents have devastating impacts on young people and health implications for vulnerable groups suffering from mental illness and addiction.

The Institute of Alcohol Studies (2019) cites the impact of Domestic Abuse, Sexual Assault and Child Abuse with the following finding; 'Research typically finds that between 25% and 50% of those who perpetrate domestic abuse have been drinking at the time of the assault, although in some studies the figure is as high as 73%'. Domestic incidents take much longer to deal with than a fight in the street. Intoxicated victims and witnesses are less likely to assist in the early stages of a criminal investigation, which can have a frustrating impact on the outcome. There will unfortunately be households living close by who live with problematic alcohol consumption.

Though there are generally less crime and disorder incidents at venues conducting off sales, as outlined above they can be impact on policing. It will be residents and other workers within the neighbourhood who will have the burden of managing the extra customer egress and dispersal caused by the additional provision of late night off sales. The extra hours being sought effectively prolong the negative impact of the night time economy.

Police licensing are hopeful the Applicant can agree to a limited number of extra Conditions and an amendment to hours to ensure their operation has a minimal impact on the current crime and disorder in this part of Camden.

Mediation & Discussion

The Applicant and Police licensing will be in discussion to find a compromise on Conditions with a view to finding an agreement where possible.

Research and Intelligence

There have been a total of 42 crimes at premises operating as off licences over a three month period on Kentish Town Road since May 2023. Crimes relating to off licenced premises in this area consisted of thefts, commercial burglaries, harassment and low level assaults against staff.

Any Licensing Hearing held as a result of this Representation may be supplied with further, specific, crime figures and intelligence reports relating to the venue or the area in which it is located.

Conditions Proposed By Police Licensing

We are grateful for the extensive Conditions proposed by the Applicant, but would also like to recommend the following:

1. Deliveries of alcohol shall only be delivered to a verified residential address only
2. No deliveries are to be made to an open space
3. Any couriers utilised in the delivery process must operate a Challenge 25 scheme as a safeguard against provision to under age recipients.
4. Outside of permitted hours for the sale of alcohol, and when the premises are otherwise open to customers, all alcohol within the trading area (this does not apply to the display behind the cashier counter) is to be kept behind shutters/screens/grills
5. Police must be called to incidents of violence and/or disorder where appropriate
6. An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
 - a. All crime reported to the venue
 - b. All refused sales
 - c. CAD reference numbers where Police are called
 - d. Any faults in the CCTV system
 - e. Any visit by a relevant authority or emergency service

Times Proposed By Applicant:

Police licensing note the applicant wishes to conduct licensable activities during key times of stress for Police. The proposed hours are beyond Recommended Framework Hours, which increases the likelihood of nuisance, ASB and crime caused by intoxicated customers visiting the premises later at night and after midnight.

The London Borough of Camden is an intense area of crime and anti-social behaviour, particularly in relation to the Night Time Economy. Police resources become heavily drained during the relevant times. There is an increment of violence in Camden during later hours.

For clarity, the MPS supports Camden Council's Licensing Policy with regards to Recommended Framework Hours

Police respectfully ask that the Applicant consider reducing the proposed hours to Recommended Framework Hours:

Days	Current Application	<i>Police Proposal</i>
Monday-Saturday	0800-0100	<i>0800-2300</i>
Sunday	0800-0100	<i>1000-2230</i>

Conclusion

Crimes, noise and public nuisance is high in the close by Camden Town part of Kentish Town Road and Police Licensing are keen not to expand the current issues into Kentish Town South. This part of Camden falls just outside a Special Treatment/Cumulative Impact Area but the Operators propose to conduct licensable activities up to 1am each day of the week. Police licensing are hoping the Applicant can agree to some amendments to their proposals to mitigate any unintended harm to the community.

In summary, the view of the MPS is that this Application should be rejected in its current form, unless the proposals from Police are appended to any Licence granted. This is suggested as the most effective way of allowing the venue to operate whilst minimising any indirect harm.

If you have any additional questions please contact me

Yours sincerely,

PC Joel Francis

Licensing Constable [REDACTED]

Central North (CN)

Kentish Town Police Station

12A Holmes Road NW5 3AE



Date: 28/07/2023
Application Reference: APP\PREMSES-NEW\116142
Direct Phone Number:
Contact: Esther Jones
E-mail: [REDACTED]



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

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

Please quote our reference in any correspondence

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

Licensing Act 2003

Re: THE GREEN SUPERMARKET, 167/169 KENTISH TOWN ROAD, NW1 8PD

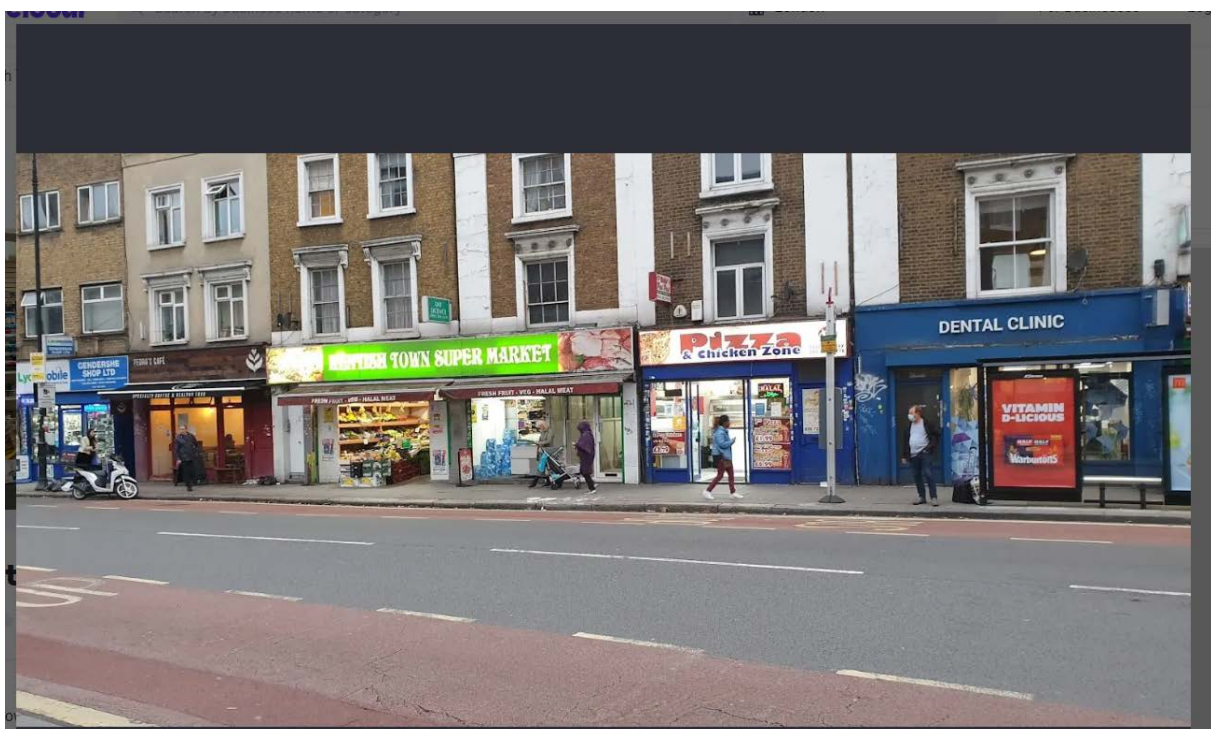
LICENSING AUTHORITY REPRESENTATION

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

- Prevention of crime and disorder
- Prevention of public nuisance

The Premises and Summary of Application

The application is by Mr Umit Guven, the premises is a grocery store and it looks like there's already a supermarket operating at the address. Kentish Town Supermarket. It gives it current operating hours as "Open 24 Hours a day". It's roughly equi-distance to three tube stations, Kentish town, Camden Town and Chalk Farm. It is located on the ground floor of a parade of shops (in bright green) along the main road with what could be assumed as residential properties on the upper floors.



The application is for the sale of alcohol and is asking for the following: -

Supply of Alcohol (Off)

Monday to Sunday 08:00 – 01:00

Operational Hours of the premises

Monday to Sunday 08:00 – 01:00

Framework Hours – Pages 36 of The Licensing Policy

The operating hours are outside of the framework hours which are: -

On- Licence:

- Monday to Thursday 1000 hours until 2330 hours
- Friday and Saturday 1000 hours until midnight
- Sunday 1100 hours until 2230 hours

Off- Licence:

- Monday to Saturday 0800 hours until 2300 hours
- Sunday 1000 hours until 2230 hours

Cumulative Impact Areas

The premises is situated in the Camden Cumulative Impact Area, where there is a presumption to refuse all new and variation applications in its entirety, as set out in Chapter 6 of the Licensing Policy (Cumulative Impact Policies). While this presumption is rebuttable, this is only in exceptional circumstances where the applicant has successfully demonstrated that the granting of their application would not contribute or exacerbate the existing impact of licensed premises in that area.

Conclusion

The applicant has provided extensive conditions in the application submitted, especially under the prevention of crime and disorder column, however, there is no mention of how to ensure that vulnerable members of the public accessing their premises will be given the help required should they be approach. Signing up for Ask for Angela would have been helpful in this instance.

There is also no mention of how the premises intends to deal with refuse and waste materials as a result of the business nor how they were going to ensure that when their business is supplied the delivery is not a source of nuisance to residents in neighbouring properties. In that they will no block the public pathway during delivery times.

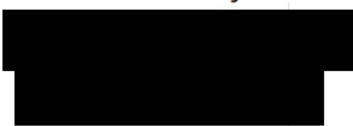
I would therefore, like to ask that should members be minded to grant the licence they should consider imposing the following conditions: -

- The premises shall sign up for the “As for Angela” scheme.

- Suitable and sufficient refuse/waste receptacles shall be provided to ensure that all waste generated by the business can be collected, stored, and disposed of in such a way that it is not a nuisance to members of the public.
- The premises shall ensure that when delivery is being made the public pathway is not obstructed, so that members of the public are still able to use the pathway.
- I would ask that the hours be brought in line with the framework hours as contained within our policy and provided above.

This together with the conditions volunteered by the applicants in the operational schedule of the application should, if complied with, should address any concerns that may arise from operating the business.

Yours sincerely

A black rectangular redaction box covering the signature of Esther Jones.

Esther Jones
Licensing Team Leader



Representation	
Premises name	The Green Supermarket
Application reference number	APP\PREMISES-NEW\116142
Last date for representation	22/08/2023

Making a representation as

As an organisation

Your details

Organisation name

TRACT

First name

Kathryn Anne

Last name

Gemmell

Telephone number (optional)

Email address

[REDACTED]

Address

3 Ivor Street

London

NW1 9PL

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

Increasing the hours for alcohol to be sold will lead to increased street drinking and all of the anti-social problems that go along with it. More noise in the streets, more urination and litter. Kentish Town Road should not be seeking to become like Camden Town. The hours should be within the framework hours in Camdens Licensing Policy.

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.

Conditions consistent with the operating schedule

- 1) The premises licence holder shall ensure that fully functioning CCTV cameras and recorder(s) are installed at the premises and that they are of good evidential quality acceptable to the Metropolitan Police and shall be kept operational at all times the premises are open to members of the public.
- 2) The premises licence holder shall ensure that the CCTV system will cover the interior and exterior of the premises and that it shall be capable of capturing clear facial and body images of persons entering and exiting the premises. The CCTV cameras shall be placed no more than 7 feet above floor level in order to capture clear facial images of persons entering or leaving the premises.
- 3) The premises licence holder shall ensure that the CCTV is not obstructed in any way and that recordings shall be saved for a minimum of 31 days, are stored securely and made available for inspection by Police or Authorised Officers.
- 4) Staff working at the premises shall be trained and be competent in using the CCTV and recording of images, ensuring that at least one member of such trained staff shall be on duty at all times the premises is open to the public who is able to assist the Police / Authorised Officers in viewing the CCTV footage and downloading images.
- 5) The premises licence holder shall be responsible for ensuring that CCTV cameras, recorder(s) / hard drives and electrical equipment relating to it are maintained in good working order.
- 6) CCTV recordings in a recordable format shall be supplied by the premises to the Police or Authorised Officers on a USB stick or CD disk and are to be made available to Police or Authorised Officers for collection within 24 hours of any request. All requests shall be compliant with data protection law / GDPR and required for the prevention or detection of crime.
- 7) If the CCTV system is broken the premises licence holder shall notify the Licensing Authority and Police Licensing Unit as soon as possible and get the fault rectified as soon as practicable.
- 8) Alcohol shall not be sold at any time when the CCTV system is faulty.
- 9) The premises licence holder shall ensure that a log is kept with the details of the dates of all work / repairs carried out on the CCTV system including the name & phone number of the Engineer.

- 10) The premises licence holder or DPS shall check on a daily basis that the CCTV system is operating correctly & that the date and time are correctly set and also check on a minimum of a weekly basis that it is correctly recording and storing images for the minimum 31 day period. Details of the checks and results shall be recorded in the CCTV section of the Incident Book.
- 11) Notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate) advising customers:
 - a. That CCTV & Challenge 25 are in operation;
 - b. Advising customers of the provisions of the Licensing Act 2003 regarding underage & proxy sales;
 - c. Of the permitted hours for the sale of alcohol & the opening times of the premises;
 - d. To respect residents, leave quietly & quickly and not to loiter outside the shop;
 - e. To dispose of litter legally;
 - f. Not to drink alcohol in the street at any time as they are in an area subject to a PSPO.
 - g. That the management do not buy any alcohol or tobacco goods from cold callers to the shop. This shall be displayed at every entrance).
- 12) An Incident Book shall be kept at the premises and made available to the Police or Authorised Officers which will record the following.
 - a. All crimes reported at the shop;
 - b. All ejections of customers;
 - c. Any complaints received;
 - d. Any incidents of disorder and violence;
 - e. Any faults in or work undertaken on the CCTV system;
 - f. Any refusal in the sale of alcohol or tobacco products to include date, time, product involved, brief description of customer and initials of staff member refusing the sale;
 - g. Any visit by a relevant authority or emergency service; Where Police are called to the premises a CAD number shall be obtained and recorded in the incident Book.
- 13) All staff shall be trained for their role on induction and be given refresher training at regular intervals of six months thereafter. Training shall include operating the CCTV system and downloading images and operating the Challenge 25 proof of age scheme, identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, proxy sales, preventing sales to drunken persons, avoiding conflict, responsible alcohol retailing. and caring for vulnerable people, children, girls & women.
- 14) Written training records shall be kept for all staff members and made available to Police or Authorised Officers on request.
- 15) The Challenge 25 proof of age policy shall be operated and only a photographic driving licence, a valid passport, HM Armed Forces

photographic identity document or proof of age card with the bearer's photograph & the PASS hologram on it will be accepted as proof of age.

- 16) A written refusals record shall be kept as part of the Incident Book and made available to Police or Authorised Officers on request
- 17) A personal licence holder shall be on duty at the premises during all times that alcohol is permitted to be sold.
- 18) A minimum of 2 members of staff shall be on duty in the premises at all times that the premises is open to the public.
- 19) All alcohol products shall be clearly marked with the name of the store.
- 20) Alcohol shall not be sold in an open container, opened in the premises, or be consumed in the premises.
- 21) No beers, lagers or ciders above 6.5% ABV shall be sold at the premises.
- 22) No single cans or bottles of beers, lagers, or ciders shall be sold at the premises.
- 23) All spirits shall be displayed behind the counter & all other alcohol must be displayed in line of sight of the counter.
- 24) All displays of alcohol shall be specifically covered by CCTV at all times.
- 25) All alcohol not on display shall be stored in a lockable store room.
- 26) The alcohol display shall not exceed a maximum of 20% of the retail display area in the shop at any one time.
- 27) The premises shall actively engage with and work with the local Police Team and Police & Council Licensing Teams.
- 28) Management shall issue written instructions to the staff in relation to their actions at the daily cessation of licensable activities, in order to ensure that no sales occur after the permitted (licensed) hours. An accurate record of staff receiving such instructions will be kept and made available to Police & Authorised Officers immediately upon request.
- 29) All alcohol is to be covered and locked behind secure, fully enclosed, metal shutters / rollers when the premises remain open outside the permitted hours for the sale of alcohol. No alcohol should be visible outside of permitted hours.

- 30) No alcohol or tobacco shall be stored beneath or behind the serving counter(s) at any time.
- 31) All alcoholic products shall be paid for in full at the point of sale. No "credit" is to be offered to any customers.
- 32) The premises licence holder & or DPS shall not purchase any alcohol or tobacco goods from cold callers to the shop.
- 33) The premises licence holder / DPS shall ensure alcohol goods are only ever purchased from an authorised wholesaler registered with HM Revenue & Customs and shall produce receipts for these goods upon request for inspection by Police or Authorised Officers. Tobacco products shall only be purchased from reputable wholesalers.
- 34) The premises licence holder and DPS shall ensure persons responsible for purchasing alcohol or tobacco do not take part in any stock swaps or lend or borrow any alcohol or tobacco from any other source unless the source is another premises owned and operated by the same company / management who also purchase their stock from an authorised wholesaler.
- 35) The premises licence holder shall ensure all receipts for alcohol and tobacco goods purchased include the following details:
 - a. Seller's name & address,
 - b. Seller's company details, if applicable,
 - c. Seller's VAT details, if applicable,
 - d. Vehicle registration detail, if applicable.
- 36) Legible copies of the documents referred to in condition (33) above shall be retained on the premises for a minimum period of at least a year from the date of the relevant purchase and made available for inspection by Police or Authorised Officers on request.
- 37) An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears an HM Revenue and Customs duty paid stamp.
- 38) Where the trader becomes aware that any alcohol or tobacco goods may not be duty paid they shall inform the Police immediately.
- 39) A fire risk assessment and emergency plan shall be prepared & regularly reviewed. All staff will be given appropriate fire safety training.
- 40) Relevant notices shall be prominently displayed by the entry / exit door and point of sale as appropriate— See Section B Condition 11 for full details.
- 41) Management and staff shall proactively discourage persons from loitering or drinking outside the shop due to the Borough wide PSPO.

- 42) The shop front shall be kept tidy at all times and shall be swept at least every 6 hours.
- 43) No deliveries shall be received or removal of rubbish especially glassware take place between 20.00 and 08.00 daily.
- 44) Relevant notices shall be prominently displayed by the entry / exit door and point of sale as appropriate.
- 45) An EPOS till system must be used with an integral age check function incorporated in it to remind staff to check proof of age for persons buying age restricted products and who appear to be under 25.

Conditions agreed with the police

- 46) Deliveries of alcohol shall only be delivered to a verified residential address only
- 47) No deliveries are to be made to an open space
- 48) Any couriers utilised in the delivery process must operate a Challenge 25 scheme as a safeguard against provision to under age recipients.
- 49) Police must be called to incidents of violence and/or disorder where appropriate.
- 50) An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
 - a. All crime reported to the venue
 - b. All refused sales
 - c. CAD reference numbers where Police are called
 - d. Any faults in the CCTV system
 - e. Any visit by a relevant authority or emergency service

Conditions agreed with Licensing Authority

- 51) The premises shall sign up for the "As for Angela" scheme.
- 52) Suitable and sufficient refuse/waste receptacles shall be provided to ensure that all waste generated by the business can be collected, stored, and disposed off in such a way that it is not a nuisance to members of the public.

- 53) The premises shall ensure that when delivery is being made the public pathway is not obstructed, so that members of the public are still able to use the pathway.

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.