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Sweet Corner - 56-58, Fortune Green Road, London, NW6 1DT

Scale = 1:721.980
13-May-2024



I want to apply for a

Premises licence

Are you an agent?

Yes - I am an agent

Agent Details**First name**

Kevin

Last name

Morris

Name of business

LHC Business Consultancy

Name and address13 ASHLYN CLOSE
WD23 2EJ
BUSHEY**Email address**

[REDACTED]

Telephone number

[REDACTED]

Does the premises have a name?

Yes

What is the name of the premises?

Sweet Corner

What is the address or location?56 58 Fortune Green Road
NW6 1DT
London**What is the type of premises?**Bakery / Cafeteria -
<https://sweetcornerbakery.co.uk/>**Describe the area it is situated in**

Commercial

Describe the layout of the premises

Groundfloor with outside seating area

Copy of the premises plans

- Untitled_Artwork-2.pdf

Tell us about the premises business hours

Day	Start time	End time
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	23:00
Saturday	06:00	23:00
Sunday	06:00	22:30

Are there any seasonal variations for the premises opening times?

No

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

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?

35250

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

Less than 5000 people

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

No

How are you applying for a premises licence?

As a limited company

Business details

What is the company registration number 14583653

Name of business BAKER ON THE GREEN LTD

Name and address 56 58 Fortune Green Road
NW6 1DT
London

Email address [REDACTED]

Telephone number [REDACTED]

How long do you want your premises licence for? Permanently

When do you want your licence to start? As soon as possible

Activity you wish to licence j. Supply of alcohol

Alcohol supply

Day	Start time	End time
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	23:00
Friday	10:00	23:00
Saturday	10:00	23:00
Sunday	11:00	22:30

Where will the supplied alcohol be consumed? On the premises

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 [REDACTED]

First name Osman

Last name Cakir

Address
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Signed Copy of the Designated Premises Supervisor (DPS) consent form • DOC-20240320-WA0010..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 shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria: 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) The system will record in real time and recordings will be date and time stamped; e) 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 requirements) within 24 hours of any request; f) CCTV to cover all entry and exit points of the building; and g) CCTV will be of good quality, a standard approved by the police/council licensing officers. Police must be called to incidents of violence and/or serious disorder.

Public safety

Fire safety procedures will be in place and all emergency exits will be kept free from obstruction at all the times. There shall be no vertical drinking in the Premises. Alcohol will only be sold by waiter/waitress service to customers seated at tables. Alcohol sales will be ancillary to a substantial table meal. There shall be no alcohol kept behind the till or serving counter at any time. Notices shall

The prevention of public nuisance

be displayed within the premises warning customers about personal thefts; and to be vigilant.

A register of refused sales shall be kept and maintained on the premises. Clear and legible notices will be displayed to remind customers to leave quietly and have regard to our neighbours. No patron shall be permitted to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage after 2100hrs. This includes patrons using the smoking area(s). No persons carrying visibly open or sealed alcohol vessels, shall not be admitted to the premises at any time that the premises are open for any licensable activity.

The prevention of children from harm

A sign shall be displayed at the point of sale stating No Proof of Age – No Sale. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram. All staff will be trained for underage sales prevention regularly.

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Judd Street

London
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Contact phone

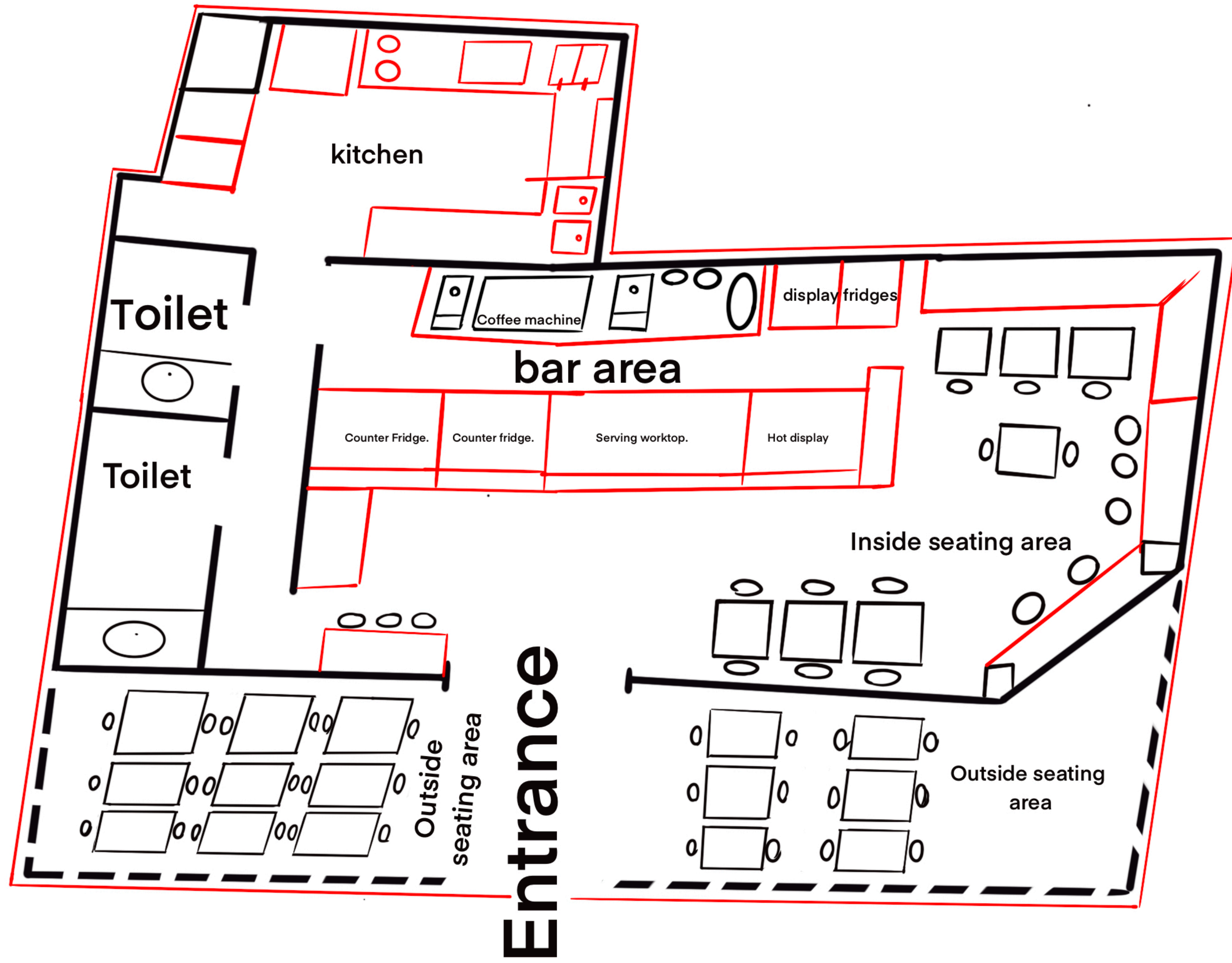
020 7974 4444

Form reference

Ref. no. 120131

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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an organisation

Your details
Organisation name

 Fortune Green and West Hampstead
Neighbourhood Forum

First name

Keith

Last name

Moffitt

Telephone number (optional)
Email address

[REDACTED]

Address

 59 Cholmley Gardens
London
NW6 1AJ

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

The Fortune Green and West Hampstead Neighbourhood Planning Forum consider that the licensing objective of Prevention of Public Nuisance will be promoted by limiting the hours at which the tables and chairs in front of the premises can be used, given that the premises are located in a predominantly residential area, including Burrard Road and Cholmley Gardens. If the licence is granted, we request that the outside seating area should not be used after 7 p.m. 7 days a week. Keith Moffitt Co-



Chair Fortune Green and West Hampstead
Neighbourhood Planning Forum

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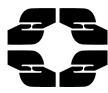
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an organisation

Your details

Organisation name

Gondar and Agamemnon Residents
Association

First name

J

Last name

Henry

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

66 Agamemnon Road
London
NW6 1EH

Remain anonymous

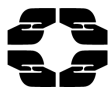
No

Grounds of representation

- prevention of public nuisance

Details of representation

GARA does not object to the Sweet Corner licence application for sale of alcohol but we would like to see the licence conditions to include a limit to alcohol being sold with food so it does not essentially become a bar. We would also like to see the licence include conditions that there be no outdoor music, no outdoor service after 8pm, which is believed to be the current closing time. The proposed 11pm closing time would be a potential disturbance/nuisance for local residents as the location of the premises is



situated in a largely quiet and residential, family neighbourhood. Therefore, it should remain as the family friendly café/bakery offer which has so far been welcomed to the Fortune Green neighbourhood.

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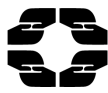
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details

First name

[REDACTED]

Last name

[REDACTED]

Telephone number (optional)

Email address

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

Yes

Detail the exceptional circumstances

These premises have opened as a bakery, cake and coffee shop on the corner of a residential street and in a very residential area away from the mains shops and bars of West Hampstead. It seems completely incongruous for them to have a drinks license. In addition to the in door seating there is a large amount of outdoor seating. Customers sitting outside drinking alcohol, especially in the summer months when residents have their windows open will be very disturbing. Furthermore this will encourage additional cars to the streets already struggling with the influx of cars for the Gym and Studio Sociey fitness club. The previous Shisha cafe encouraged a young noisy clientele who parked on the double yellow lines and raced their cars on



the surrounding streets at night. I object to this application

Grounds of representation

- prevention of public nuisance

Details of representation

These premises do not even have a License for hot foot and so seems bizarre they should ask for an alcohol license unless they are pushing to be more of a bar. These are very large premises with a lot of outdoor seating. People drinking alcohol into the evening on the corner of this residential street will cause a nuisance and noise for the local residents in the same way as the previous Shisha bar that was closed down

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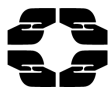
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details

First name

[REDACTED]

Last name

[REDACTED]

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

Yes

Detail the exceptional circumstances

We do not want to suffer any retaliation from the place of business due to our minority background.

Grounds of representation

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

Details of representation

1. This is a quite residential neighbourhood where coffee shops and bakeries are relevant but where alcohol and bars are alien to the neighbourhood and will only increase the crime rates that have been



trending up in the last few months. This will make it boil over. 2. Anti social behaviour by intoxicated young individuals and an elderly person walking their dog in the neighbourhood may increase. There are also many kids in the neighbourhood and a late open bar would endanger driving in the area as we as pedestrians. 3. lack of parking, loud noise and nuisance would make it hard for the mostly working people in the neighbourhood to commute to work on a full night sleep 4. See previous messages.

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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details**First name**

Jill

Last name

Henry

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address66 Agamemnon Road
London
NW6 1EH**Remain anonymous**

No

Grounds of representation

- prevention of crime and disorder
- ensuring public safety
- prevention of public nuisance

Details of representation

I object to the application. Drinking until 11pm, particularly on the space outside of a narrow footpath is unsafe. It will likely cause noise and disturbance to residents living above and in the surrounding area and potentially cause public nuisance and illegal parking as before when it was a shisha bar, which the council shut down. The outdoor seating area accommodates about 30 covers, this would pose a potential public nuisance at night. If the licence is limited to

with food only then that could be acceptable but currently the business is a bakery/cafe and shuts at 8pm. Any outside activity of business should not extend past this time. The applicant mentions measures to address potential issues such as CCTV and a log of refusal to certain customers - this will not address disturbance and public nuisance of alcohol consumption at night. I recall this applicant applying for an obtrusive outdoor covering previously, I objected at the time as it would not offer any improvement to the neighbourhood environment, quite the opposite.

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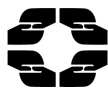
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details**First name**

Paul

Last name

Bramley

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

35 Ingham Road

London

NW6 1DG

Remain anonymous

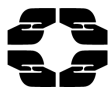
No

Grounds of representation

- prevention of public nuisance

Details of representation

The premises are in a largely residential location and providing alcohol/remaining open to 11pm would have a serious impact on local residents from a noise and convenience point of view. Already the premises has customers parked on double yellow lines on Burrard and FG Road, because there are no traffic wardens around. If the proprietors think this is acceptable now, then it will be even worse when hours are extended. When there was an illegal shisha cafe here some 10 years ago, the traffic, parking and noise affected everyone in the locality. We value our



relative peace and quiet and the ability to park our own cars, with their excessively expensive resident permits at any time we choose. This cafe has limited footfall from its location so will inevitably attract driving customers. It also has a large external seating area, which will only add to the disturbance. I understand that it is already operating without planning permission (no surprise there), despite the fact that there are at least 3 other cafes operating within 300 yards. The application for extended hours and alcohol should be declined to protect locals from further nuisance.

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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details**First name**

Lisbeth

Last name

Russell

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

41 Agamemnon Road
 London
 NW6 1EG

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

I live close to Fortune Green. Fairly recently the same premises was used as a Shisha bar which caused many problems from and was completely inappropriate in such a quiet residential area. Traffic increased, cars parked on each side of fortune green road causing traffic jams as buses and cars were forced into single file, there was noise late into the evening and excess rubbish on



the street. This is the wrong end of west end lane/fortune green road for a bar which will bring all the same problems as before. This is a family neighbourhood with a school and Green and the atmosphere here is not conducive to a cafe/bar open late into the night serving alcohol and all the issues related to that. There are many pubs, bars and restaurants further down on West End Lane where the atmosphere is more urban and where this kind of business would be more appropriate. The shops on Fortune Green rd all close after business hours and it is quiet and relatively safe. We hope to maintain this.

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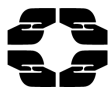
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details

First name

Will

Last name

Jeffery

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

34 Ingham Road
London
NW6 1DE

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

This venue/location has attracted antisocial behaviour in the past (at the time it's use included a non-licensed shisha bar). The corner location and the relative availability of car parking spaces outside has encouraged car racing, general showing off revving engines and other antisocial behaviour by people attending that location late into the night. I am concerned that anything that might encourage later evening customers, especially with alcohol, can result in a repeat of the use of the venue in this way. (There is no equivalent parking spaces next to a venue in West Hampstead



which may be why it happens on that corner). The venue seems popular enough in the day as is without the alcohol license.

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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details**First name**

Jeff

Last name

Kramer

Telephone number (optional)**Email address**

[REDACTED]

Address

7 Burrard Road

London

NW6 1DA

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

This application has two aspects: 1. an alcohol license and 2. a major extension of their opening hours to include evening and nights, seven days a week. I strongly object to both aspects. 1. Sweet Corner is essentially a patisserie and cafe. The serving of alcohol will change the nature of the clientele, with the potential for drunken disorder, (reason #1), noise and nuisance (reason #3) in what is a family residential area. 2. Even more objectionable, is the proposal to extend the opening hours and



to stay open into the nights, seven days a week. This will certainly add to the noise nuisance caused by additional traffic and patrons of the cafe coming and leaving late at night (reason #3) . The noise is especially disruptive in the spring, summer and autumn months when residents windows tend to be open. With respect to traffic and parking: at present the cafe is only open during the day and so only causes a reasonable additional traffic and load on parking. If the open hours are to be extended, the additional parking load would certainly exacerbate what is already a heavily used residential parking area (reason #3). This will certainly cause an unreasonable noise nuisance and parking disruption. The residents of Burrard Road have already had experience with a previous shisha bar in that corner location, which caused enormous disruption to the residents, with loud shouting, car noise and parking nuisance, including illegal parking on Fortune Green Road. This cannot be allowed again! I therefore strongly object to this application.

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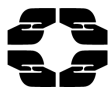
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details**First name**

Helena

Last name

Goldie

Telephone number (optional)**Email address**

[REDACTED]

Address

Flat 1st Floor
 9 Burrard Road
 London
 NW6 1DA

Remain anonymous

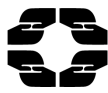
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Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

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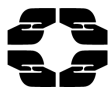
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Representation	
Premises name	Sweet Corner
Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details

First name

Andrew

Last name

Kelland

Telephone number (optional)

Email address

[REDACTED]

Address

Flat Ground Floor
9 Burrard Road
London
NW6 1DA

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

I am writing to formally object to the alcohol license application for the premises located at 56 Fortune Green Road, West Hampstead. My objection is based on the potential negative impact it may have on the residential amenities in the area, as outlined in the relevant local planning policies and the local plan centers. According to Camden Local Plan 2017 the preservation and enhancement of residential amenities are paramount. Introducing a venue that



serves alcohol in close proximity to residential areas could lead to increased noise levels, disturbances, and potential antisocial behavior, thereby jeopardizing the peaceful enjoyment of residents' homes. Moreover, the proposed establishment may not align with the vision outlined in the local plan centers, which prioritize the creation of vibrant and sustainable communities. Introducing another alcohol-serving venue in an area already saturated with such establishments could lead to over-concentration, exacerbating issues related to public safety and community well-being. Given these concerns, I urge the Licensing Authority to carefully consider the potential negative impacts on residential amenities and the broader community before granting the alcohol license for 56 Fortune Green Road. The current use better aligns with the local planning policies and the interests of residents should be explored to ensure the sustainable development and harmony of the neighborhood. Thank you for considering my objection.

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Representation	
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Application reference number	APP\PREMISES-NEW\120131
Last date for representation	17/04/2024

Making a representation as

As an individual

Your details

First name

Anthony

Last name

Shackleton

Telephone number (optional)

Email address

[REDACTED]

Address

1 Burrard Road

London

NW6 1DA

Remain anonymous

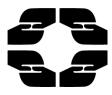
No

Grounds of representation

- prevention of public nuisance

Details of representation

I would like to oppose this licence application. In my opinion, an ability to sell alcohol until 11pm will likely change the profile and nature of the venue, which is currently a bakery/café that closes in the early evening. The proposed licensing hours together with the size of the venue is just not consistent with a quiet, family-oriented area like Fortune Green and risks causing substantial annoyance to residents living close by – and particularly Burrard Road which the site corners. A late-night shisha bar/café operated on the site back in 2014 and the noise both from the venue



and when people were leaving late at night, together with numerous incidents of anti-social behaviour, was highly disruptive.

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.

Dear Resident

Sweet Corner Premises Licence Application

Thank you for your representation

I am acting for the applicant and LB Camden licensing have asked me to contact you directly.

This is a small business / family concern. The business opened last December (a soft opening) and it is the owners intention to offer an evening meal to the current menu. This was always part of their initial business model which has the appropriate consents and permissions from LB Camden (Planning application 2023/2583/P granted in 08/23)

The last thing they want is to cause any inconvenience to the local community. They are also mindful of the anti-social problems under the previous ownership.

To confirm, in no way, shape or form will customers be allowed to smoke Shisha either inside or the outside seating area of the premises.

You will note from the application any alcohol sales are by table service and with a meal. No vertical drinking is allowed.

To help with concerns you may have, the applicant is prepared to close the outside seating at 22:00 Monday to Sunday and any customers will then have to be seated inside up to 23:00 when the premises will close.

It goes without saying all customers will be asked (including appropriate signage displayed) to leave the premises quietly with consideration for the local residents.

Please let me know if you require any further information.

Kind regards

Kevin

For and on behalf of

Baker on the Green Ltd (applicant)

**Sweet Corner
56 Fortune Green Road
London NW6 1DT**

Conditions consistent with the operating schedule

1. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities.
2. The CCTV will comply with the following criteria:
 - 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) The system will record in real time and recordings will be date and time stamped.
 - e) 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 requirements) within 24 hours of any request.
 - f) CCTV to cover all entry and exit points of the building; and
 - g) CCTV will be of good quality, a standard approved by the police/council licensing officers Police must be called to incidents of violence and/or serious disorder.
3. Fire safety procedures will be in place and all emergency exits will be kept free from obstruction at all the times.
4. There shall be no vertical drinking in the Premises.
5. Alcohol will only be sold by waiter/waitress service to customers seated at tables.
6. Alcohol sales will be ancillary to a substantial table meal.
7. There shall be no alcohol kept behind the till or serving counter at any time.
8. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
9. A register of refused sales shall be kept and maintained on the premises.
10. Clear and legible notices will be displayed to remind customers to leave quietly and have regard to our neighbours.

11. No patron shall be permitted to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage after 2100hrs. This includes patrons using the smoking area(s).
12. No persons carrying visibly open or sealed alcohol vessels, shall not be admitted to the premises at any time that the premises are open for any licensable activity.
13. A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
14. A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises.
15. The only acceptable forms of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.
16. All staff will be trained for underage sales prevention regularly.

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.