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Application to vary a premises licence 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/We BAR RESTAURANT BERATI LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PREM-LIC\3851

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description IMPERIAL RESTAURANT & BAR 46 BIRCHINGTON RD			
Post town	LONDON	Postcode	NW6 4LJ

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£42,500

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	
Post town	[REDACTED]
Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes☐
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

- Extending the licenced area by adding the premises located on 44 Birchington Rd, London NW6 4LJ (next door) to the Restaurant (which is located on 46 Birchington Rd, London NW6 4LJ).
- Changing licensing hours
- Removing some licensing activities

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- 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) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur			<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 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)		
Day	Start	Finish			
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)		
Tue				<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 7)	
Wed					
Thur					
Fri					
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors		
				Outdoors		<input type="checkbox"/>
				Both		<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 5)			
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)			
Thur						
Fri	23:00	00:00	<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 7)			
Sat	23:00	00:00				
Sun						

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" 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 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri	23:00	00:00	<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 7)		
Sat	23:00	00:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	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 5)	
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 6)	
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 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		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 5)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)			
Thur						
Fri			<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 7)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30	<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 7)		
Fri	10:00	23:30			
Sat	10:00	23:30			
Sun	10:00	23:30			

K

<p>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 10).</p> <p>There will not be 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.</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	00:00	
Tue	09:00	00:00	
Wed	09:00	00:00	
Thur	09:00	00:00	
Fri	09:00	00:00	
Sat	09:00	00:00	
Sun	09:00	00:00	
			<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 7)

<p>Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.</p>

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

This is a full variation application to permit to add the premises situated at 44 Birchington Rd, London NW6 4LJ, to the premises licence of 46 Birchington Rd, London NW6 4LJ.

Imperial Restaurant & Bar is operating in the community for a long time, and all necessary measures will be taken to ensure that the management upholds the licensing objectives and does not cause any negative impact on the local area.

b) The prevention of crime and disorder

The premises shall install and maintain a closed-circuit television surveillance (CCTV) system which must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;

Any failure of the CCTV system which cannot be rectified within {24} hours of discovery must be reported to {the central Police Licensing Team/Police Force Information Room} by phone or e-mail.

An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible {and within any case within hours of the occurrence} and shall record the following:

- (a) All crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.

A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.

All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be maintained either be electronic means or in a bound document and retained for at least 12 months from the date of the last entry.

The premises shall operate the "Ask for Angela" scheme and display relevant signage within the premises advertising the scheme

The premises licence holder shall promote and comply with the principles set out in the Women's Night Safety Charter and Woman's Safety Principles set out in the London Borough of Camden's Statement of Licensing Policy.

c) Public safety

No fumes, steam, smoke or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

A minimum of two members of staff will be present on the shop floor after 21:00 hours every day of the week.

Any customers or people who cause public disorder will be reported to the Police. The management shall show zero tolerance to any illegal activity, and seek for Police help in case.

The premises shall have in place, and operate, a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not limited to:

- i. Searching practices upon entry;
- ii. Dealing with patrons suspected of using drugs on the premises;
- iii. Scrutiny of spaces including toilets or outside areas;
- iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
- v. Staff training regarding identification of suspicious activity and what action to take;
- vi. The handling of items suspected to be illegal drugs or psychoactive substances
- vii. Steps taken to discourage and disrupt drug use on the premises
- viii. Steps to be taken to inform patrons of the premises drug policy/practices

A copy of this policy document shall be lodged with the police and licensing authority.

d) The prevention of public nuisance

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hrs and 08:00 hrs the following day.

No deliveries to the premises shall take place between 22:00 hrs and 08:00 hrs the following day.

A sound limiting device shall be installed, set and sealed at a level approved by the Council and shall not be altered without the agreement of the Council. All audio and musical equipment used in the premises, shall be played through the installed sound limiting device.

The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout.

- Speakers shall be kept within the premises and shall not have positioned them near to openings such as doors or windows.
- Windows and doors shall be kept closed when music is played.
- A cut-out device shall be connected to all entrance and exit doors to the premises including emergency exits and will be operational at all times the licence is in use. When the premises doors are open, the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.

- Relaxing or calming music towards the end of an event shall be played and allow customers to leave the premises naturally rather than being ushered out immediately after an event has finished.
- Polite notice shall be displayed for the patrons to be kept quiet when leaving the premises, and people who do not cooperate shall be warned.

e) The protection of children from harm

A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:

- Proof of age card bearing the PASS Hologram;
- Photocard driving licence;
- Passport; or Ministry of Defence Identity Card

A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.

All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be maintained either by electronic means or in a bound document and retained for at least 12 months from the date of the last entry.

All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons.

Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☐
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. ☐
- I have enclosed the premises licence or relevant part of it or explanation. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**



Signature	
Date	21/10/2025
Capacity	Agent (Kaplan Consulting)

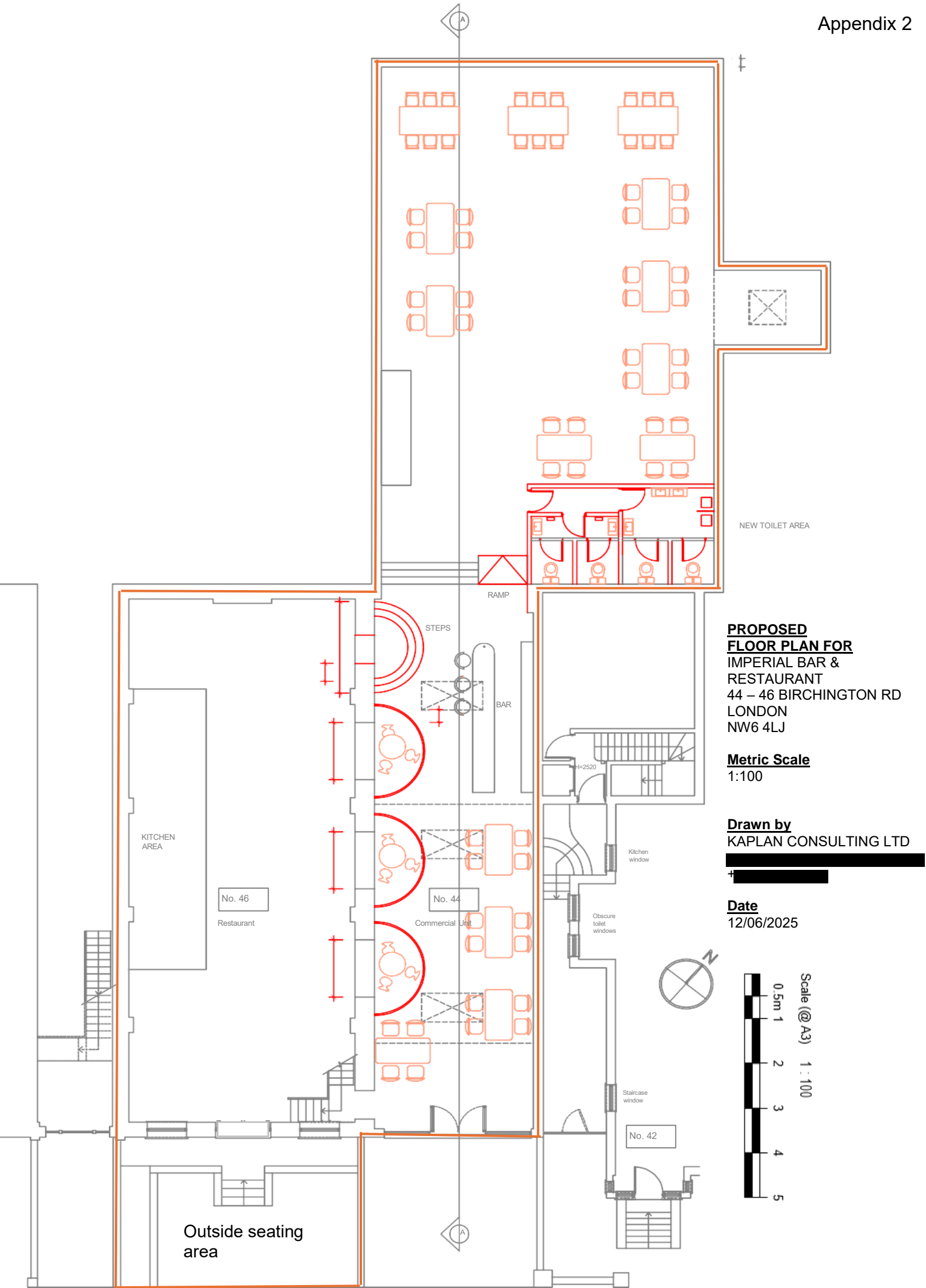
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

KAPLAN CONSULTING
19 GOFFS LANE

Post town	CHESHUNT	Post code	EN7 5EG
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			



From: [REDACTED]
 To: [REDACTED]
 Subject: FW: Variation Application 131793 - Imperial Restaurant Bar, 46 Birchington Road, London, NW6 4LJ
 Date: 08 December 2025 17:39:02
 Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Sarah Fearon-Hales
 Licensing Officer

Telephone: 02079747910

From: Dilek T. ALAGOZ [REDACTED] >

Sent: 17 November 2025 12:02

To: Sarah Fearon-Hales [REDACTED]

Subject: Re: Variation Application 131793 - Imperial Restaurant Bar, 46 Birchington Road, London, NW6 4LJ

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Dear Sarah,

Thank you for your email and I hope you are well too.

Just to clarify, late night refreshment has been removed simply because the kitchen closes at 11pm. Customers will still be able to finish their meals and leave the premises by 00:00. The venue operates as a standard restaurant, so the previous licence no longer reflected the way the business is run.

In terms of entertainment, if any live music is offered, Friday and/or Saturday would be sufficient for the operator. Overall, the changes are intended to ensure the licence better matches the current operation of the premises.

I hope this helps, but please feel free to let me know if you need any further information.

Kind regards,

Dilek

On Fri, 14 Nov 2025 at 15:05, Sarah Fearon-Hales [REDACTED] wrote:

Dear Dilek,
 I hope you are well.

Could you please clarify whether you are proposing to remove late night refreshment and performance of dance from the licence?

I also noticed that the alcohol hours are being extended, so I want to ensure I fully understand the scope of the changes being suggested.

Thank you, and I look forward to your clarification.

Kind regards,

Sarah Fearon-Hales
 Licensing Officer

Public Safety
 Supporting Communities
 London Borough of Camden

Tel: [REDACTED]
 Web: camden.gov.uk

5 Pancras Square
 London N1C 4AG



FLIP THE SCRIPT
ISLAMOPHOBIA
 AWARENESS MONTH
 FLIP THE SCRIPT

We are proud to be supporting Islamophobia Awareness Month this November.

Here in Camden our diversity is our biggest strength. We are at our strongest when we stand together, united against hate.

Immerse yourself in our vibrant calendar of events celebrating Camden's Black Culture

Find out more:
lovecamden.org/blackhistoryseason

 Camden



BLACK HISTORY SEASON



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

Premises Licence

London Borough of Camden Licensing Authority

Premises licence number
PREM-LIC\3851

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description
Imperial Restaurant Bar
Shop And Premises At Basement And Ground Floor
46 Birchington Road
London
NW6 4LJ

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

(e) Live Music:	Yes
(f) Recorded Music:	Yes
(g) Performance of Dance:	Yes
(h) Similar to (e), (f) or (g):	Yes
Late Night Refreshments:	Yes
Retail of Alcohol:	Yes

The times the licence authorises the carrying out of licensable activities

(e) Live Music:	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)
(f) Recorded Music:	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)
(g) Performance of Dance:	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)



(h) Similar to (e), (f) or (g):	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)
Late Night Refreshments:	
Friday and Saturday	23:00 - 00:00 (Ground floor and Basement)
Retail of Alcohol:	
Monday to Thursday	10:00 - 22:30
Friday and Saturday	10:00 - 00:00
Sunday	11:00 - 22:30

The opening hours of the premises

Unrestricted

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

ON Premises

Part 2
Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

 Bar Restaurant Berati Ltd
 46 Birchington Road
 London
 NW6 4LJ

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

15405909

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Neritan Cela

 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

For Supporting Communities Directorate on behalf of the Licensing Authority

Date Licence Amended: 05/03/2024	APP\PREMISES-TRANS\119860
Date Licence Amended: 26/05/2022	APP\PREMISES-ADD\110272
Date Licence Granted: 23/03/2016	APP\PREMISES-NEW\001636

Annex 1 - Mandatory conditions

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
5. But nothing in subsection (4) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies[and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
7. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the

premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
9.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either



(a) a holographic mark, or

(b) an ultraviolet feature.

10. The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

11. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

12. For the purposes of the condition set out in paragraph 11

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

where

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,



(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

13. Where the permitted price given by Paragraph (b) of 12 above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
14. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

15. All door supervisors shall be licensed by the Security Industry Authority.
16. CCTV shall be in use at the premises.
17. Where a CCTV system shall be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.
18. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of 2 hours afterwards.
19. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.
20. The correct time and date shall be generated onto both the recording and the real time image screen.
21. If the CCTV equipment (including any mobile units in use at the premises)



breaks down, the premises licence holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

22. The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.
23. There shall be clear signage indicating that CCTV equipment is in use and safety checks shall be carried out before the admission of recording at the premises during all hours. These shall correspond with the risk assessment and the conditions of the licence.
24. A fire risk assessment and emergency plan shall be prepared and regularly reviewed. Staff shall be given appropriate fire safety training.
25. People under the influence shall not be served at this premises.
26. The fire safety equipment shall be maintained to the satisfaction of the London Fire and Emergency Planning Authority.
27. The licensee shall ensure that customers leaving the premises after 23:00, who do not have their own car transport are encouraged to remain on the premises until the licensee has called a licensed taxi cab, which shall take them from the premises.
28. All staff shall be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
29. An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as Challenge 25, whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card, driving licence and passport.



30. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
31. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an incident/refusals logbook in a bound book in which full details of all incidents shall be recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident, the time and date when the report was completed and by whom, is to form part of the entry.
32. The logbook shall be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
33. Signs stating that children shall be accompanied by an adult shall be prominently displayed on the premises.
34. No unaccompanied children under the age of 16 shall be permitted within the premises after 21:00 hours unless they are seated at tables and being served with food (except for private functions in the basement area).

Annex 3 - Conditions attached after hearing by the licensing authority

35. A sound limiting device shall be installed, set and sealed at a level approved by the Council.
36. Only the Premises Licence Holder and the Designated Premises Supervisor shall have access to the sound limiting device.
37. The sound limiting device shall be used whenever relevant regulated entertainment is taking place.
38. A cut-out device shall be connected to the exit doors and will be operational at all times the licence is in use. When the premises doors are open the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.
39. No sound emanating from regulated entertainment shall be audible a metre from the façade of the nearest noise sensitive premises between 2300 and 0700 hours.
40. All external doors and windows to the premises shall be kept closed during



the provision of regulated entertainment, save during access and egress.

41. The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by excessive noise break out.
42. Trade waste and recycling collections should only be made between the hours of 08.00hrs and 20.00hrs Monday to Friday, and between 10.00hrs and 20.00hrs Saturday and Sunday. Staff should take waste and refuse from the premises to the external waste storage facility between the said hours of 08.00hrs and 20.00hrs Monday to Friday, and between 10.00hrs and 20.00hrs Saturday and Sunday.
43. The external front terrace may be used for eating/drinking and as a smoking area up until 18.00hrs during the operational hours of the premises. After 18.00hrs the front terraced area may be used for smoking. No more than 3 patrons will be permitted to use this area after 18.00hrs at any one time. No alcohol will be permitted on the external front terrace after 18.00hrs. After 18:00 tables and chairs in the outdoor area shall be rendered unusable.
44. Customers smoking on the public footway shall not be permitted to cause obstruction of the highway to passers-by.
45. Regular litter and glass collections shall be carried out in all areas where customers are congregating.
46. Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.
47. External lighting for the premises shall be turned off after use of the front terrace ceases at 18.00hrs.
48. A minimum of one door supervisor shall be on duty on the premises from 22:00 to 00:00 on Thursday to Saturday nights until all customers have left the premises and its vicinity, and during any private functions held in the basement.
49. The premises shall operate a dispersal policy and all staff shall be trained in its implementation.
50. The front door of the premises shall be kept unlocked while the premises is in operation.

Annex 4 - Plans



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

Premises Licence Summary

London Borough of Camden Licensing Authority

Premises licence number

PREM-LIC\3851

Part 1 – Premises details

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

Imperial Restaurant Bar
Shop And Premises At Basement And Ground Floor
46 Birchington Road
London
NW6 4LJ

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

(e) Live Music:	Yes
(f) Recorded Music:	Yes
(g) Performance of Dance:	Yes
(h) similar to (e), (f) or (g):	Yes
Late Night Refreshments:	Yes
Retail of Alcohol:	Yes

The times the licence authorises the carrying out of licensable activities

(e) Live Music:	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)
(f) Recorded Music:	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)
(g) Performance of Dance:	
Thursday	15:00 - 22:30



Friday and Saturday	15:00 - 00:00 (Basement only)
(h) Similar to (e), (f) or (g):	
Thursday	15:00 - 22:30
Friday and Saturday	15:00 - 00:00 (Basement only)
Late Night Refreshments:	
Friday and Saturday	23:00 - 00:00 (Ground floor and Basement)
Retail of Alcohol:	
Monday to Thursday	10:00 - 22:30
Friday and Saturday	10:00 - 00:00
Sunday	11:00 - 22:30

The opening hours of the premises

Unrestricted

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

ON Premises

Part 2
Name, (registered) address of holder of premises licence

 Bar Restaurant Berati Ltd
 46 Birchington Road
 London
 NW6 4LJ

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

15405909

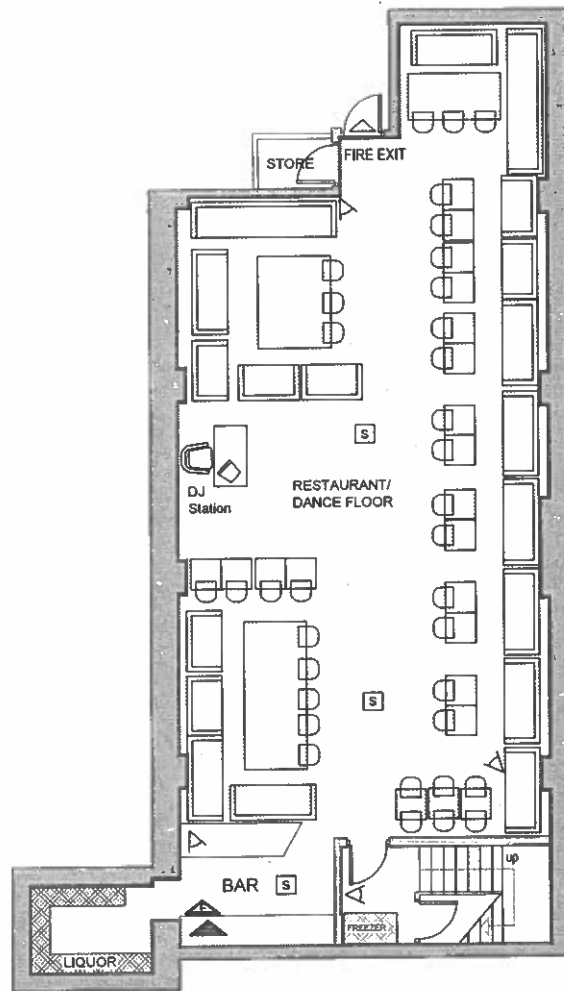
Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Neritan Cela

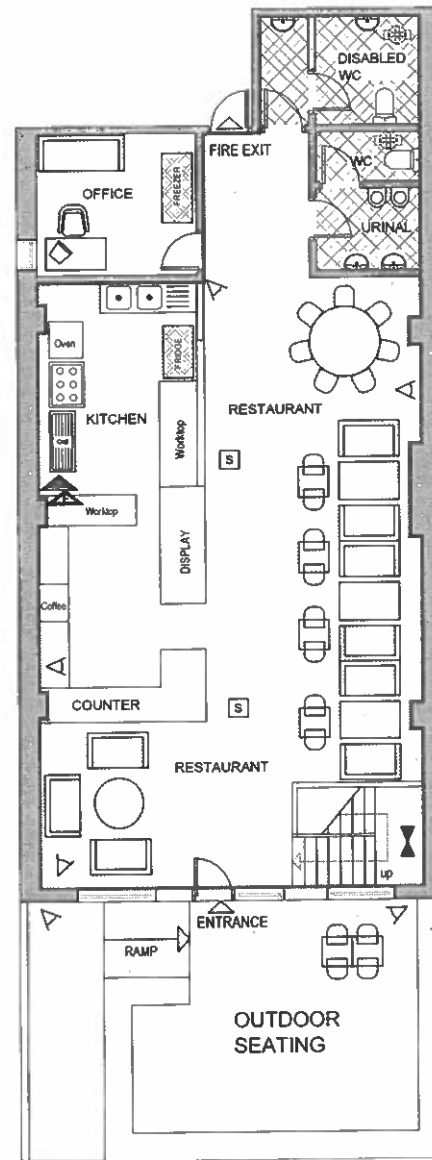
State whether access to the premises by children is restricted or prohibited

No unaccompanied children under the age of 16 shall be permitted within the premises after 21:00 hours unless they are seated at tables and being served with food (except for private functions in the basement area).

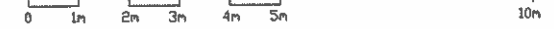




BASEMENT FLOOR PLAN
SCALE: 1:100 @A3



GROUND FLOOR PLAN
SCALE: 1:100 @A3



LEGEND

- LIQUOR SHELF
- WC AREA
- FRIDGES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- FIRE ESCAPE KEEP CLEAR
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 L.T. WATER FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- FAN

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LEIBERMAN ARCHITECT
Planning & Licensing Specialist

Gsm : 07940 414 890

46 BIRCHINGTON ROAD
LONDON
NW6 4LJ

GROUND AND BASEMENT
FLOOR LICENSING PLAN

SCALE: 1:100 @A3 DATE: 03.02.2016
DRAWN BY: KBH

46NW64LJ | H1

BIRCHINGTON ROAD

Date: 18/11/2025
Application
Reference: APP\PREM-VAR/131793
Contact:
E-mail: Lee Perella (342939)
 [REDACTED]



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

Tel: 020 7974 4444 (switchboard)

London Borough of Camden
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 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 – SECTION 34
Re:Imperial 44-46 Birchington Road NW6 4LJ.

ENVIRONMENTAL HEALTH AUTHORITY REPRESENTATION

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

- Prevention of public nuisance

The Premises and Summary of Application

The VARIATION licence application is for the licensing of an existing food premises which does currently hold a licence PREMLIC\3851. Based on 2 floors, ground floor dining area with a front outside terrace seating area and a basement area not shown in the plans here. The basement is used for functions and the **current licence restricts further licensable activities restricted to this basement area only**. These activities include; live music, recorded music, performance of dance, similar.

Only supply of alcohol and late-night refreshment is permitted on the ground floor.

The current opening hours are unrestricted licensable activities for entertainment from the afternoon in the basement up to 22.30/ 23.00 and midnight Friday and Saturday. Late night refreshment till midnight. Supply of alcohol till 2230 Monday to Thursday, Till 00.00 Friday and Saturday. There will obviously be a drinking up time after the last sale.

The premises is looking to expand into the next building which was previously a pet shop called Jumanji Pets at 44 Birchington Road. I am informed that the pet shop had

glass roof sections, which could be a **noise breakout** sound path for activities in this area. The building structure is adjoining the noise sensitive premises at 1st floor level.

Entertainment licensed activities sought till 00.00hrs Friday and Saturday for: live music, recorded music. Main difference being on the application is performance of dance and similar activities are not sought. Alcohol is sought till 23.30hrs 7 nights per week.

I would suggest the entertainment activities cease at 23.00 or at least mirror supply of alcohol to create the soft finish gestured in the application.

The premises will be expanding in activity with the new adopted premises and increase in visitors. Therefore, the Licence should reflect this by ceasing activities earlier to reduce impact to residential premises on the street. The issue of loitering of patrons as featured further suggesting that an earlier terminal time for activities would be beneficial. Including all patrons being off the premises shortly after the terminal hour.

The application does not state where the entertainment activities are taking place unlike the current licence PREMLIC\3851 making provision for the basement only.

The applicant has not demonstrated the suitability of the premises to conduct entertainment on the premises and especially on the extended part of the proposed licenced premises.

The applicant is invited to explain the proposals for entertainment across the premises especially in the ground floor areas.

CURRENT LICENCE

The current licence which is expected to be varied with a carryover of conditions upon receipt of a NEW licence variation. The applicant as not suggested a full carryover of conditions in operating schedule but chosen to mention some.

Will there be any intention for SIA as per current condition 48. Will need to ensure efficient dispersal and supervision of patrons conduct when leaving. Does the licence holder provide an indication of numbers of patrons on the premises in the 4 areas; existing ground floor, new ground floor, basement, and outside terrace.

I have gone through the conditions on the current licence and made comment as for this licence proposal.

Of note

15. SIA x 1 – proposal includes x2 staff on the floor after 21.00.

The operating schedule makes reference to public nuisance issues.

Under the Public Safety objective the operating schedule **offers no fumes, steam, smoke odours ... condition which is agreed** and should be listed under public nuisance.

Under the Public Nuisance objective the operating schedule offers similar to that in the current licence. Namely from conditions 35 to 42 in the current licence.

- 35. Sound limiting device SLD
- 36. SLD Restricted access
- 37. SLD during regulated entertainment

Condition 35 to 37 to be altered with new wording which will cover the whole premises should entertainment be sought in the new licenced area.

1. **A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:**
 - a) **the limiter must be set at a level determined by and to the satisfaction of an Acoustician who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses;**
 - b) **The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of an Acoustician who is a member of the Institute of Acoustics and access shall only be by persons authorised by the Premises Licence holder;**
 - c) **The limiter shall not be altered without prior written agreement from Licensing Authority:**
 - d) **No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Licensing Authority, and**
 - e) **No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**
- Certification to be presented to the Local Authority on final settings, levels**

- 38. music cut out
- 39. no sound audible (perceptible) from 23.00 07.00 **to offer NEW CONDITION**
- 40. openings closed during regulated entertainment. covered in proposal.
- 41. noise patrols -covered in proposal
- 42. no waste collection outside 0800 20.00.
10.00 20.00 Saturday Sunday. Proposal gives longer period.

Condition 42 in the current licence timings should remain for the proposed condition for trade waste collections and waste movements. Suggesting rewording as follows:

No trade waste or recycling collections or glass movements shall be moved, removed from or placed in external areas between the hours of 20.00 and 08.00 Monday to Saturday. 20.00 and 10.00 Sundays.

43. External front terrace closed 18.00 save for 3 smokers. Furniture out of use. No alcohol after 18.00hrs on terrace. Proposal did state no alcohol outside.

The variation application as no regard for use of the terrace on the operating schedule and this is a critical area for complaints received. Therefore, the applicant to confirm they are intending to carry over the current licence condition or make proposal on the same. The applicant should be clear that that this condition relates to the front external seating terrace area on the restaurant premises. There was some confusion during prior meeting for the last licence application that this condition related to the public realm street pavement area only, which is not the case.

44. highway obstruction. Not covered by proposal, **should remain.**

45. regular glass collection. Not proposed in new application **should remain.**

46. leave quietly notices covered by proposal.

47. external lighting after 18.00hrs – (lights on during late visits). **No mention in application. How does the applicant seek to use the external terrace and lighting?**

48. SIA provision timing and during functions. **Applicant to confirm proposal for SIA.**

49. Dispersal policy (not included in proposal and will now involve a greater number of persons on the premises with the expansion) **Dispersal Policy should remain** on the premises licence. Staff/ SIA should remain on the premises engaging with patrons until they leave the vicinity. Maybe carried over with the variation.

50. Front door kept unlocked. **Unusual condition. Police to comment.**

Location and noise sensitive premises

The premises is located on a residential street. Noise sensitive premises are located directly above the restaurant at 1st floor level and on either side of Birchington Road. **Environmental Health are aware of these noise sensitive premises due to complaints received.** See complaint history.

The late-night refreshment is given as “indoors”. It is not known if any takeaway or delivery option is proposed / available for the late-night refreshment. Should this provision be proposed conditions could be set on customer deliveries in terms of location of delivery vehicles and type. Motorised vehicle movements and parking have been an increased concern with the growing trend of food delivery services.



Above Google Earth image of premises with previous pet shop adjacent.



More recent photo of premises 4 July 2025. 23.30 hours.

Patrons outside premises do pose a risk to causing a public nuisance to local neighbours, from mainly talking, raised voices, phone calls and use of smoking areas. This is especially evident in the later and quieter hours. It tends to be the case that licence holders close off garden areas at an earlier time to minimise the risk of creating public nuisance.

It is noted that the current licence provides condition for **closure of the front external terrace area at 18.00** except for 3 smokers after 18.00hrs. **Condition 43**
After 18:00 tables and chairs in the outdoor area shall be rendered unusable.

PHOTO seating in use late



As per the plan

It may worth conditioning that all outdoor seating be only placed outside 46 Birchington Road in the existing location. 44 Birchington Road (ex pet shop) is closer to residential properties and outdoor seating here could lead to complaints and increased numbers outside.

Volunteered conditions across the operating schedule

Conditions

The applicant did mention conditions which were already on the licence on the operating schedule. The licence holder should be clear what they are not seeking to carry over from the existing licence over to the proposed variation licence. I have already gone through each condition in turn above under "the current licence".

The last application this year for a NEW licence, which was withdrawn suggested a waiter service to seated patrons, which is typical of restaurant premises. **The applicant could confirm if this is the case here at all.**

The use of external terrace, conditioning and compliance is clearly an issue being a higher risk outside area on the restaurant premises. The current licence mentions 3 persons outside after 18.00 which is clearly not followed from comments and visits made.

.

Comment on application

Comment on hours and activities

The application is seeking to extend the licensable area and there are timing changes for licensable activities which pose a greater risk of causing public nuisance up until the terminal hour. There is an hour extension for supply of alcohol on some nights, which is likely to lead to later dispersal from a greater number of patrons.

The premises is said and noted to be trading already at these times. Local residents have raised concerns on disturbance from PATRONS AND MUSIC. I would like to see more detail on **specifics on the entertainment activity** and how this is provided in a manner not to cause nuisance across the 4 areas.

Complaint History

The premises is known to Environmental Health Pollution Team.

The two main areas of complaint relate to

1. Patron noise outside disturbance.
2. Music noise disturbance.

There is current complaint about patron noise, screaming, shouting at the front of premises and carrying on late conversations into the late hours.

It is known that there is separate private rented property directly above the premises. 2 flats. 1 held by staff of the restaurant. It is alleged that music noise and vibration occurs to the 1st floor flat depending on music levels from the restaurant. Warning was sent on this in April 2025 with the last complaint in June 2025.

There is history going back to year 2015 on patron voices noise after 23.00hrs and music disturbance when the premises was known as Vila Ronel which was the previous trading name of Imperial. Restaurant premises.

In 2019 an Enforcement Notice was served under Environmental Protection Act 1990 due to noise disturbance being caused and our service being called out.

Covid period 2020. Reduced activity in hospitality sector.

In 2022 alleged complaints of persons drinking outside and letting off fireworks in the street.

In December 2024 there was an alleged music noise complaint. There was also mention of patron noise outside and noise from the clearing of furniture outside.

15 April 2025 alleged music noise complaint from a drum and bass sound from Imperial. The noise service did call back and the issue had stopped shortly after reporting it. Warning was sent on the 23 April 2025.

8 June 2025 20.45hrs music noise which stopped shortly afterwards.

I'm aware licensing have also received complaints on the late use of the outside terrace up to 02.30am.

I have been in receipt of complaints like licensing involving the late use of the terrace. It was found that during the very recent proactive July midnight visits, patrons have been using the seating to the front terrace in low numbers. The staff on noticing our presence started to clear the furniture and turn the lights out.

Due to complaint received it is questionable if the current measures in place are adequate due to the risk of causing complaint albeit alleged complaint.

There does not appear to be a correct following of the current licence conditions, with furniture still in use late at night/ early hours.

More recent complaints have been reported on the

25 June 2025 02.30am loud laughter and drinking by patrons on terrace. Bright lights of restaurant left on.

30 July 2025 00.20am noise of group of men sitting outside on Imperial terrace. Visit offered 00.40am.

20 September 2025 21.16 music causing flat to shake. Issue stopped shortly afterwards.

2 October 2025 01.02am noise from people and children shouting and screaming as they leave the premises, running up and down the street. Issue stopped by 01.20hrs.

Liaison with local interested parties

It is unknown if the applicant conducted any liaison with neighbours prior to the application. Blue poster was located on the premises.

It was noticed that increased activity had occurred at the empty pet shop at 44 Birchington Road due to construction activities, this had also subsequently reduced the restaurant and social activity.

Comments on conditions offered

Conditions offered although welcome, would **not** suffice for this application to promote the licensing objective prevention of public nuisance.

Other considerations/ conditions (in addition to comments above).

Should the panel determine to grant the licence, Environmental Health recommend the following:

I accept there is some similarities on timing for activities, with an extension of alcohol supply by 1 hour in the week. It is also noticeable that there will be an expansion of the premises which is currently subject to complaints. The increase in numbers and activities across the premises increase the risk to creating a public nuisance.

Ensure external seating remains outside 46 Birchington Road only.

The licence holder to be clear on the carryover of conditions from the current licence as some not all had been mentioned in this application.

I have suggested a rewording for the sound limiting device conditions during regulated entertainment as part of the premises best practice. It is of concern that our service is contacted from time to time on music breakout which should not be the case if an effective sound limiting device is in place and being used.

Applicant to be clear on entertainment activities sought on this variation licence. It is understood the pet shop contains glass roof sections which may prove a weak point if the activities take place in this location. The plans show an open area within the rear dining space which may for entertainment socialising involving heightened levels of music/ dancing of patrons. There is no lobby to the restaurant entrances.

There is also section of the ground floor rear room dotted off on the plan. Applicant to be clear on the use of this area which is below a skylight and adjacent residential premises to the right of the plan.

Should the applicant wish to have entertainment across the premises then there is an expectation that there will be a sound report to demonstrate the ability of the premises to host such activities across the premises to no give rise to public nuisance.

Premises should satisfy Environmental Health that the undertaking of activities will not undermine the public nuisance licensing objective. I am not convinced by the application made or by the findings on record.

For this reason the licence should not be granted based on the application made.

Should the panel still wish to grant the licence.

The following conditions to be considered addressed by the applicant.

Includes

1. The number of patrons out to use the front smoking area shall not exceed (Number to be added) persons at any one time. No drinks outside after 21.00hrs. The external terrace shall be monitored by staff and/or an SIA registered door supervisor to monitor capacity and restrict access when necessary. **To be considered if current condition not carried over.
2. All deliveries and collection to take place between 0800 to 2000hrs. Sundays 10.00 to 20.00hrs. ** slight amendment to proposal on application.
3. No trade waste or recycling collections or glass movements shall be moved, removed from or placed in external areas between the hours of 20.00 and 08.00 Monday to Saturday. 20.00 and 10.00 Sundays.
4. The premises shall provide contact details of the manager to residents, including a direct line and or email so that he or she can be contacted in case of complaints or any concerns.
5. The premises will implement a dispersal policy and all relevant staff will be trained in its implementation. The policy shall contain measures intended to encourage patrons leaving the premises to disperse quietly including SIA / staff to remain until all patrons dispersed the premises and street vicinity.
6. The premises shall maintain a complaints log detailing the nature of the complaint, complainant (if known) and any action taken to resolve the complaint(s) or concern(s). The log to be made available for inspection by council officers upon reasonable request.
7. No sound from entertainment emanating from the establishment should be perceptible within any noise sensitive premises. No noise nor vibration or cooking odour, smoke generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
Reworded condition 39 in the current licence.
8. Doors leading to public areas shall be fitted with self-closers.
9. The premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment. The air conditioning system must be maintained in proper working order
10. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which will include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for increased regulated

entertainment. The report must satisfy the local authority that the premises structure is suitable for entertainment proposed to prevent noise breakout giving rise to public nuisance. The report shall include post completion test of all acoustic works during the quieter proposed operating hours for licensed activity. This condition will be subject to proposals for the NEW premises area.

Should the premises seek to limit regulated entertainment to background or live music up to 23.00 hours, this may not be necessary. Applicant will need to advise on intentions with regards to regulated entertainment across the premises.

11. Regulated entertainment involving Live music if provided, shall be unamplified and non-percussion based. All regulated live music subject to satisfactory acoustic sound report and prior approval by the local authority.
12. All loudspeakers shall be sited and isolated from the structure to prevent noise and vibration public nuisance.
13. All licensable activities to cease minimum 30 minutes prior to the terminal hour to aid dispersal and soft finish. The Licence holder shall have a clearly timed closing-up procedure which will be implemented by all staff and copy shall remain on site.
14. All licensing conditions shall apply and be carried over to permitted TEN events.
15. Licence plan will clearly show seating layout in all areas of premises. During trading hours the licence plan layout will remain in situ. The licence plan will show location of licensable activities across the premises areas.
16. All Patrons shall be off the premises and politely dispersed by staff security within 20 minutes of the terminal hour.

Regards

Lee Perella
EH Responsible Authority
L.B.CAMDEN

Representation	
Premises name	Imperial Restaurant Bar
Application reference number	APP\PREMISES-VARY\131793
Last date for representation	18/11/2025

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]

[REDACTED]

Remain anonymous

Yes

Detail the exceptional circumstances

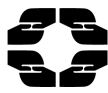
I feel that if my identity is revealed I will be putting myself and family at risk. For this reason I wish to remain anonymous.

Grounds of representation

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

Details of representation

#1 I am concerned that following previous incidents of fights and drunken behaviour the licence should not be granted in order to prevent further incidents. #2 the safety of the residents in Birchington Road is



paramount. This is a residential street and residents should feel safe and be able to sleep at night. Currently this is not the case. We are all feeling intimidated by the bar staff and security and feel uncomfortable with groups of men standing outside watching us as we leave and enter our homes. To add to this they all park on double yellow lines filling up the road and often blocking other cars and taking up residents parking. Colas mews is often blocked by their cars which then leads to vehicles wanting to enter the mews then sounding their horns. #3 Since the bar was opened many years ago it has caused distress to residents as clients often come out drunk and disorderly. There have been a number of fights and the constant noise late at night including shouting, young children screaming, customers turning up the volume in their cars is making it impossible for residents to have a peaceful life. We all work and have to get up in the morning and many times this has prevented us from have a peaceful nights sleep. #4 extremely young children attend the bar with their parents and are there until late. They are left to run up and down the street screaming and often run on the road. This is not a good environment for children and also to be witnessing fights and being in the vicinity at a young age is unacceptable.

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.

Representation	
Premises name	Imperial Restaurant Bar
Application reference number	APP\PREMISES-VARY\131793
Last date for representation	18/11/2025

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

I don't want to be targeted or harassed by anyone in making this representation.

Grounds of representation

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

Details of representation

1. Sale of drugs and anti-social behaviour, Breaches of Existing Licence Conditions and men urinating in front gardens. 2. Large vehicles being parked along this narrow, residential street. The resulting congestion makes it difficult for residents to find parking

during the day and the evening, also difficult to cross undermining safety. 3. Birchington Road is a peaceful residential street of Victorian terraced houses. The establishment of a bar/restaurant has significantly disrupted the peace and character of the area. The proposed licensing hours and alcohol service are incompatible with the residential nature of the neighbourhood. The late-night noise levels are unacceptable and disrupts sleep and overall health of residents, especially ones with high blood pressure. There is a lot of shouting, laughing, cars starting, doors slamming and music from cars going on until 2AM, sometimes later into the night. The neon Lights are also very bright and annoying and give out so much light and attracts more anti-social behaviour. 4. I hear children playing on the street and running up and down making a lot of noise, very disturbing when I'm lying in bed listening to children so late in the night and where there is other anti-social behaviour going on. Please note your form is not allowing me to downloading photos.

About this form

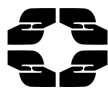
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Representation	
Premises name	Imperial Restaurant Bar
Application reference number	APP\PREMISES-VARY\131793
Last date for representation	18/11/2025

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

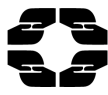
I'm worried about potential repercussions from the owners and some of the customers at Imperial Restaurant and Bar. They are intimidating.

Grounds of representation

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

Details of representation

1. I've seen people selling drugs and occasional fights over money and anti-social behaviour
2. Oversized cars are frequently parked and maneuvered along



the small residential road, and groups of men commonly congregate outside Imperial Restaurant and Bar. 3. Customers often leave the venue drunk and disorderly between 1 and 2 AM, and sometimes even later. There have been instances of men urinating in front gardens, causing significant distress to residents. The noise outside Imperial Restaurant is very loud, there is frequent shouting, and customers' children play in the street, screaming, shouting, and laughing. Car doors slam, and music from parked cars is also highly disruptive. On some nights, when there are large gatherings or parties, I am unable to sleep until 3 AM. This situation is unacceptable, and they are already violating their existing licence conditions, let alone any new ones. They have also expanded the outdoor area, leading to larger crowds and increased noise. A license should not be granted past 8 PM. 4. Children run along the street yelling and screaming, which is unsafe given the nearby anti-social behaviour and drug dealing, and it creates a great deal of noise which is annoying and very frustrating, my blood pressure rises and my health is being affected.

Supporting documents (optional)

- IMG_7158.PNG
- IMG_8001.jpeg.pdf
- IMG_7313.jpg
- IMG_7182.jpg

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Issued by

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London
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Contact phone

020 7974 4444

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London Borough of Camden
Licensing Authority
5 Pancras Square
c/o Town Hall Judd Street
London
WC1H 9JE

17 November 2025

Dear Sirs,

Application reference APP\PREMISES-VARY\131793
Licence reference: PREM-LIC\3851
Premises name: Imperial Restaurant Bar
Premises address: 44-46 Birchington Road NW6 4LJ
Status Under Consultation (Last Date of Representation: 18/11/2025)

We, the undersigned, are objecting to the application for a new premises licence to permit live music, recorded music, performance of dance and late-night refreshment and the sale of alcohol during certain hours [the Application] Imperial Bar and Restaurant at [the Property] 44–46, Birchington Road, London, NW6 4LJ.

On 10 June 2016 a licence was granted relating to 46 Birchington Road, as follows: –

Supply of alcohol [for consumption on the premises]

10.00-22.30 Monday to Thursday.
10.00-00.00 Friday and Saturday.
11.00-22.30 Sunday

Basement area only.

Live music.

Recorded music

Performances of dance.

Anything similar to live music, recorded music, or performances of dance

15.00-22.30 Thursday.
15.00-00.00 Friday and Saturday.

Ground floor and basement

Late night refreshment.

23.00-00.00 Friday and Saturday

Numerous conditions were imposed

As anticipated, when the above licence was being considered, the applicant has ignored the conditions which were set out, has frequently breached them and failed to comply with them. The above licence has led to drunken behavior in Birchington Road with customers, noisily and drunkenly, leaving the Property late at night into the early hours of the morning, usually 1 AM - 2 AM, and to the intolerable actions of men urinating in the front gardens. The night activity is getting more frequent with noisy customers on the decking. The applicant has neither any respect for the residents of Birchington Road nor for the conditions of the existing licence. Formal complaints have been made to the Noise Team officer (recently there has been construction work to expand the property so was quiet, but this has now started again, big party on 14/15 November 2025) but there has been no change in behavior. Considering that the applicant has not complied with the existing licence conditions, should the Council be minded to grant the current application subject to conditions there is a little hope of the applicant complying.

The current application is made in respect of 44-46 Birchington Road and, presumably, should the licence be granted it will not supersede the existing licence but will overlap with it. Whatever the position these hours and the licence to sell alcohol are totally unacceptable and incompatible with the residential use of Birchington Road. Should the licence be granted there must be a real and present danger of these opening hours being treated with contempt by the applicant.

Should the application for the new licence be granted it will only cause even more noise, nuisance, disruption, disturbance, and congestion in such a confined space. Already we residents have experienced and continue to suffer late night noise, disruption, fights, disturbance, and anti-social behavior from customers at the Property especially in the warm summer season which the applicant appears to do nothing to quell. Outside dining and drinking is exacerbating the situation and is leading to even more noise and nuisance to the detriment of the inhabitants of Birchington Road.

We also wish to formally object to the licensing of the proposed bar/restaurant on the grounds of its negative impact on residential parking. The establishment's owners and patrons regularly use large cars, which frequently occupy limited on-street parking spaces along our small residential road. This has made it increasingly difficult for residents to find suitable parking during the day and has caused considerable inconvenience. The ongoing strain on parking is not sustainable and will only worsen with the approval of this license in the evening.

Birchington Road is a quiet residential street of Victorian, terraced houses, the tranquility, peace and quiet of which has been shattered by the addition of this bar and restaurant established at the Property. As such, the peace and tranquility of this attractive oasis in a bustling part of vibrant London must not be lost, and the Council must do everything in its power to preserve the integrity of this community.

We have no confidence given the applicant's current behavior that any conditions or limitations in any licence to curb abuses would be observed and we urge the Council to refuse the

application. It is for the above reasons that we, the undersigned, object to the current application.

Kind regards

See attached addresses and signatures of signatories at 33 Birchington Road

Imperial bar and restaurant
44-46 Birchington Road NW6 4LJ - licensing objections

Name	Address	E-mail	Signature
SEAN ALLEN	140 Birchington Rd		
Mr. [redacted]	Flat [redacted] Birchington Road		
MR. FRANCIS BACON	Birchington Rd		
Kate Jensen	[redacted] Birchington Rd		
[redacted]	[redacted] Birchington Rd		
[redacted]	[redacted] Birchington Rd		
[redacted]	[redacted] Birchington Rd		

Appendix 4

Imperial bar and restaurant

44-46 Birchington Road NW6 4LJ - licensing objections

Name	Address	E-mail	Signature
Kathy Morris	20000 1st St Wichita, KS		
Bob Wale	20000 1st St Wichita, KS		
John Richards	20000 1st St Wichita, KS		

Conditions consist with the Operating schedule

1. The premises shall install and maintain a closed-circuit television surveillance (CCTV) system which must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;
2. Any failure of the CCTV system which cannot be rectified within {24} hours of discovery must be reported to {the central Police Licensing Team/Police Force Information Room} by phone or e-mail.
3. An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible {and within any case within hours of the occurrence} and shall record the following:
 - (a) All crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.
4. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.
5. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be maintained either by electronic means or in a bound document and retained for at least 12 months from the date of the last entry.
6. The premises shall operate the "Ask for Angela" scheme and display relevant signage within the premises advertising the scheme.
7. The premises licence holder shall promote and comply with the principles set out in the Women's Night Safety Charter and Woman's Safety Principles set out in the London Borough of Camden's Statement of Licensing Policy.
8. No fumes, steam, smoke or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
9. No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

10. A minimum of two members of staff will be present on the shop floor after 21:00 hours every day of the week.
11. Any customers or people who cause public disorder will be reported to the Police. The management shall show zero tolerance to any illegal activity, and seek for Police help in case.
12. The premises shall have in place, and operate, a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not limited to:
 - i. Searching practices upon entry;
 - ii. Dealing with patrons suspected of using drugs on the premises;
 - iii. Scrutiny of spaces including toilets or outside areas;
 - iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
 - v. Staff training regarding identification of suspicious activity and what action to take;
 - vi. The handling of items suspected to be illegal drugs or psychoactive substances
 - vii. Steps taken to discourage and disrupt drug use on the premises
 - viii. Steps to be taken to inform patrons of the premises drug policy/practicesA copy of this policy document shall be lodged with the police and licensing authority.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hrs and 08:00 hrs the following day.
14. No deliveries to the premises shall take place between 22:00 hrs and 08:00 hrs the following day.
15. A sound limiting device shall be installed, set and sealed at a level approved by the Council and shall not be altered without the agreement of the Council. All audio and musical equipment used in the premises, shall be played through the installed sound limiting device.
16. The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout.
17. Speakers shall be kept within the premises and shall not have positioned them near to openings such as doors or windows.
18. Windows and doors shall be kept closed when music is played.
19. A cut-out device shall be connected to all entrance and exit doors to the premises including emergency exits and will be operational at all times the licence is in use. When the premises doors are open, the levels of music shall

cut out completely or fall to ambient levels that are not intrusive to local residents.

20. Relaxing or calming music towards the end of an event shall be played and allow customers to leave the premises naturally rather than being ushered out immediately after an event has finished.
21. Polite notice shall be displayed for the patrons to be kept quite when leaving the premises, and people who do not cooperate shall be warned.
22. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - Proof of age card bearing the PASS Hologram;
 - Photocard driving licence;
 - Passport; or Ministry of Defence Identity Card
23. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.
24. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be maintained either by electronic means or in a bound document and retained for at least 12 months from the date of the last entry.
25. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons.
26. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
27. No trade waste or recycling collections or glass movements shall be moved, removed from or placed in external areas between the hours of 20.00 and 08.00 Monday to Saturday. 20.00 and 10.00 Sundays.
28. Outside seating area shall be closed at 21:00 in colder months (from September to February), and no drinks shall be taken outside and/or seating area after 21:00. Maximum 5 people shall be permitted to smoke at any one time after 21:00

29. Outside seating area shall be closed at 22:30 in warmer months (from March to August), and no drinks shall be taken outside and/or seating area after 22:30. Maximum 5 people shall be permitted to smoke at any one time after 22:30.
30. The premises shall provide contact details of the manager to residents, including a direct line and or email so that he or she can be contacted in case of complaints or any concerns.

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.