

Application for the grant of a Premises Licence: Reis Restaurant, 85 High Street, Ruislip HA4 8JB

Committee	Licensing Sub-Committee
Officer Contact	Licensing Officer - Mark McDermott
Papers with report	Appendix 1 - Application for the grant of a new Premises Licence Appendix 2 - Plan of premises Appendix 3 - Representation from local resident Appendix 4 - Representation from Licensing Authority Appendix 5 - Representation from Anti-Social Behaviour Team Appendix 6 - Map of the area Appendix 7 - Photo of the premises Appendix 8 - Surrendered Previous Premises Licence Appendix 9 - Surrendered Betting Office Licence
Ward name	West Ruislip

1.0 SUMMARY

To consider an application for a new Premises Licence as seen in **Appendix 1** in respect of Reis Restaurant, 85 High Street, Ruislip HA4 8JB which has attracted 3 representations received from a local resident, the Licensing Authority and the Anti-Social Behaviour Team.

2.0 RECOMMENDATION

The Licensing Sub-Committee grant the licence however, show due consideration to reducing the hours as suggested by the Responsible Authorities adding additional conditions as deemed appropriate to uphold the licensing objectives.

3.0 APPLICATION

A new Premises Licence application has been made by Mrs Aysen Ipek Kilik an Agent on behalf of the applicant Mr Senel Tursun. The premises are situated at 85 High Street, Ruislip HA4 8JB.

The application is to authorise the Sale of alcohol (on and off supplies) on Sundays to Thursdays from 10:00 to 00:00 hours and on Fridays and Saturdays 10:00 to 02:00 hours. Regulated entertainment indoors (provision of live music, recorded music and dance performances), Sundays to Thursdays from 23:00 to 00:00 hours and Fridays and Saturdays from 23:00 to 02:00 hours. Late night refreshment (indoors and outdoors) on Sundays to Thursdays from 23:00 to 00:00 hours and on Fridays and Saturdays from 23:00 to 02:00 hours.

The application also seeks an extension to the above hours for licensable activities until 05:00 hours on New Year Eve.

Closing times Sunday to Thursday from 10:00 - 00:00 hours and Friday to Saturday 10:00 - 02:00 hours

3.1 Type of application applied for

New Premises Licence application under Licensing Act, 2003.

3.2 Description of the premises

The premise is a proposed restaurant on the ground floor with residential flats above situated on a parade of shops located on a busy high street.

3.3 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>
Sale of alcohol	Consumption on and off the premises	x
Regulated entertainment (provision of live music, recorded music and dance performances)	Indoors	x
Late Night Refreshment	Indoors and outdoors	x

3.4 Opening Hours and proposed hours for licensable activity

	Live Music	Recorded Music	Performance of Dance	Late Night Refreshment	Sale of Alcohol
Monday	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	10:00 – 00:00
Tuesday	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	10:00 – 00:00
Wednesday	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	10:00 – 00:00
Thursday	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	10:00 – 00:00
Friday	23:00 – 02:00	23:00 - 02:00	23:00 - 02:00	23:00 - 02:00	10:00 - 02:00
Saturday	23:00 – 02:00	23:00 - 02:00	23:00 - 02:00	23:00 - 02:00	10:00 - 02:00
Sunday	23:00 – 00:00	23:00 - 00:00	23:00 - 00:00	23:00 - 00:00	10:00 - 00:00

	Opening Hours of The Premises
Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 00:00

3.5 Other licensed premises nearby

Premises	Activities Authorised	Times Authorised
Red Onion Café 95 High Street Ruislip	Sale of alcohol	Monday to Saturday 10:30-23:00 Sunday 10:30 – 22:00
Kho Kho 101-103 High Street, Ruislip	Sale of alcohol	Sunday to Thursday 10.00 hours and 00.00 hours Friday and Saturday 10.00 hours and 01.30 hours the following day
	Regulated entertainment	Sunday to Thursday 23.00 hours and 00.00 hours Friday and Saturday 23.00 hours and 01.30 hours the following day
	Late Night Refreshment	Sunday to Thursday 23.00 hours and 00.30 hours Friday and Saturday 23.00 hours and 02.00 hours the following day

<p>Melisi Restaurant 129 High Street</p>	<p>Sale of alcohol</p> <p>Late Night Refreshment</p>	<p>11:30 - 23:00, Sunday to Wednesday 11:30 - 00:00, Thursday 11:30 - 01:00, Friday and Saturday</p> <p>23:00 - 00:00, Thursday 23:00 - 01:00, Friday and Saturday</p>
<p>Smugglers Cove, 153 High Street, Ruislip,</p>	<p>Sale of Alcohol</p> <p>Regulated Entertainment</p> <p>Late Night Refreshment</p>	<p>Sundays 12:00 – 00:00 Monday – Wednesday 11:00 – 23:00 Thursdays 11:00 – 00:00 Fridays 11:00 – 00:30 Saturdays 11:00 – 01:00 Sundays 15:00 – 00:00</p> <p>Mondays, Tuesdays, Wednesday 18:00 – 23:00 Thursdays 18:00 – 00:00 Fridays 18:00 – 00:30 Saturday 15:00 - 01:00</p> <p>Thursdays 23:00 - 00:00 Fridays 23:00 - 01:00 Saturdays 23:00 - 01:30 Sundays 23:00 24:00</p>
<p>Sarasas, 158-160 High Street, Ruislip,</p>	<p>Sale of alcohol</p> <p>Regulated entertainment</p> <p>Late Night Refreshment</p>	<p>Monday to Saturday 10:00 – 01:00 Sunday 12:00 – 23:30</p> <p>Monday to Thursday 09:00-23:00 Friday to Saturday 09:00 – 01:00</p> <p>30 minutes after the terminal hour</p>

3.6 Operating Schedule and Conditions

Section 18 of the operating schedule of the application demonstrates the steps the applicant proposes to take in order to promote the licensing objectives, which the applicant provided as follows:

The Prevention of Crime and Disorder

1. The DPS, a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.
2. A CCTV system covering the interior & exterior of the premises will be installed to current Metropolitan Police/Home Office standards and shall be kept operational at all times the premises are open to the public.
 - a) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
 - b) All staff who may work front of house shall be trained to operate the CCTV system and download images.
 - c) At least one member of staff trained to operate the CCTV system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request
3. Challenge 25 shall be operated as the proof of age policy.
4. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
5. An incident book shall be kept at the premises, and made available to the police or authorized council officers, which will record the following:
 - a) All crimes reported,
 - b) Lost property,
 - c) All ejections of customers,
 - d) Any complaints received,
 - e) Any incidents of disorder,
 - f) Any seizure of drugs or offensive weapons,
 - g) Any faults in the CCTV,
 - h) Any refusal in the sale of alcohol.
 - i) Any visit by a relevant authority or emergency service
6. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
 - a) That CCTV & challenge 25 are in operation;
 - b) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
 - c) Of the permitted hours for licensable activities & the opening times of the premises;
 - d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally

Public Safety

A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training

The Prevention of Public Nuisance

1. The front of the premises shall be kept tidy at all times and be swept at close.
2. Relevant notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate).
3. No deliveries will be received or rubbish removed from the premises between 22.00 & 07.00.
4. An incident book shall be kept at the premises and made available to the police or authorized council.
5. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

The Protection of Children from Harm

1. Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving license, hm forces photographic id card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
2. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police & authorized council officers on request -see section b condition 5 for full details.
3. Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate- see section B condition 6 for full details.
4. All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons Under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
5. All alcohol shall be ancillary to the operation of the premises as a Restaurant. Alcohol may only be supplied with a substantial food order.
6. All alcohol will be displayed and kept and will be sold from behind the counter and to be dispensed by a member of staff only
7. The delivery of alcohol to be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.
8. The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.
9. Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years
10. ID verification will be made when orders containing alcohol are delivered (no ID no delivery) - acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure.
11. All serving and delivery staff shall receive regular training, a minimum of twice a year on the prevention of underage sales and on Challenge 25 scheme.

12. Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as ancillary to table meals.
13. Should the premises remain open for non-licensable activities customer shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters I locked fridges.

4.0 CONSULTATION

- 4.1 Closing date for representations
4 January 2021.
- 4.2 Public Notice published in local newspaper
16 December 2021 – Harrow Times.

5.0 REPRESENTATIONS

- 5.1 We have received one representation from an Interested Party.

Interested Parties	Ground for Representation	Appendix
Lauren O'Connell	Prevention of Public Nuisance Protection of Children from Harm	Appendix 3

- 5.2 We have received representations from the Licensing Authority and Anti-social Behaviour Team acting as Responsible Authorities under the Act

Responsible Authorities	Ground for Representation	Appendix
Licensing Authority	Prevention of Crime and Disorder Prevention of Public Nuisance	Appendix 4
Anti-social Behaviour Team	Prevention of Public Nuisance	Appendix 5

6.0 BACKGROUND INFORMATION

- 6.1 Designated Premises Supervisor
The proposed Designated Premises Supervisor is Mr Senel Tursun who holds a valid Personal Licence granted by the London Borough of Harrow.
- 6.2 Map of the area as **Appendix 6**
- 6.3 Photo of Premises. **Appendix 7**
- 6.4 There have been no recorded Members' Enquires for this premises.

7.0 OFFICER'S OBSERVATIONS

7.1 This is an application for a Premises Licence for a Restaurant including the provision of takeaway sales of alcohol. This premises previously benefitted from a Premises Licence for a restaurant known as Pizza Hut although this also included the unit next door at 87. This licence is appended at **Appendix 8** and was surrendered on 24 December 2010. The premises then operated as a Ladbrokes betting office that ceased trading on 26 May 2015, I have appended the licence at **Appendix 9** for your information. I understand the premises then traded as a commercial unit. A number of points of clarification have been requested by both Responsible Authorities and at the time of writing this report they have not been addressed.

7.2 The representation received mainly raised the following issues:

a) **The Prevention of Crime and Disorder**

A concern has been raised by the Licensing Authority regarding the recording any refused remote/online sales and any delivery refusals, this could be resolved by an appropriate amendment of the condition regarding refusals of the sale of alcohol.

b) **The Prevention of Public Nuisance**

Lauren O'Connell's representation raises concerns regarding the potential of public nuisance given the closeness of the premises to the residential dwellings above the premises. The applicant has not addressed in the Operating Schedule how this would be managed to mitigate any noise escape, so it is a justifiable concern.

Both the Licensing Authority and Anti-Social Behaviour Environment Team have requested reductions in the hours for licensable activities that should be given due consideration. Noise carries further in the quiet hours of the night and when noise occurs at unsociable hours when the ambient noise is reduced it can cause sleep disruptions and impair the peaceful enjoyment of a resident's property. Both have requested clarification on if the music will be amplified or not, the dispersal of customers and management of noise from delivery drivers at the premises that potentially all could impact this objective and these are valid concerns that need to be addressed.

c) **The Protection of Children from Harm**

Clarification is also required regarding age verification for remote/online sales.

8.0 Relevant sections of s.182 Guidance

Determining actions that are appropriate for the promotion of the licensing objectives

8.1 **At paragraph 9.42** it states that "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be".

- 8.2 **At paragraph 9.43** it states that "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve".
- 8.3 **At paragraph 9.44** it states that "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination".

Proportionality

- 8.4 **At paragraph 10.2** it states, "Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided."
- 8.5 **At paragraph 10.8** it states, "The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."
- 8.6 **At paragraph 10.9** It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.
- 8.7 **At paragraph 10.10** it states that "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all

staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives".

Hours of trading

- 8.8 **At paragraph 10.13** it states "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application".
- 8.9 **At paragraph 10.15** it states "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours".

Licensing hours

- 8.10 **At paragraph 14.51** it states "With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application".
- 8.11 **At paragraph 14.52** it states "Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so".

The need for licensed premises

- 8.12 **At paragraph 14.19** it states "There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example,

on Crime and Disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of Revised Guidance issued under section 182 of the Licensing Act 2003."

9.0 Relevant sections of Hillingdon's Licensing Policy

Licensing Hours

- 9.1 **At Paragraph 25.1** it states that "Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously".
- 9.2 **At Paragraph 25.2** it states that "The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times".
- 9.3 **At Paragraph 25.3** it states that "Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case".
- 9.4 **At Paragraph 25.4** it states that "In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance".

Licence Conditions

- 9.5 **At Paragraph 20.1** it states that "Conditions on premises licences and club certificates are determined by:
- a) The measures put forward on the Operating Schedule
 - b) Mandatory conditions within the Act
 - c) Measures decided at a hearing by the Licensing Sub Committee"
- 9.6 **At Paragraph 20.2** it states that "Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule".
- 9.7 **At Paragraph 20.3** it states that "Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their

reasonable control, such as anti-social behaviour once away from the premises or licensable activity".

9.8 **At Paragraph 20.4** it states that "The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances".

10.0 LEGAL CONSIDERATIONS

10.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

10.2 Members should note that each objective is of equal importance. There are no other licencing objectives and the four objectives are paramount considerations at all times.

10.3 An application for a new premises licence may be made pursuant to s.16 and s.17 of the Act, and with regard to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42 and the licensing Act 2003 (Fees) Regulations 2005/79.

10.4 The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

10.5 Where relevant representations are made, the Licensing Authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary s.18(3)(a) Licencing Act 2003.

10.6 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licencing authority, frivolous or vexatious s.18(7) Licensing Act 2003.

10.7 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live within the vicinity of the premises. All applications will be decided on a case by case basis.

10.8 Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.18(3)(b) and (4) Licensing Act 2003, a decision can be taken:-

- i. To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
- ii. To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
- iii. To exclude any of the licensable activities to which the application relates;
- iv. To amend the times for all or some of the licensable activities;
- v. To refuse to specify a person in the licence as the premises supervisor;
- vi. To reject the application.

10.9 Conditions will not be necessary if they duplicate a current statutory requirement. The licencing Authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.

10.10 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

10.11 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- i. Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- iii. Foster good relations between persons who share relevant protected characteristics and persons who do not.

10.12 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics these are:

- i. age
- ii. gender reassignment
- iii. being married or in a civil partnership
- iv. being pregnant or on maternity leave
- v. disability
- vi. race including colour, nationality, ethnic or national origin
- vii. religion or belief
- viii. sex
- ix. sexual orientation

10.13 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.

10.14 Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.