# Title: Application for a Variation to an Existing Premises Licence in respect of Way 2 Save, 147 Ripple Road, Barking, Essex, IG11 7PW

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<th>Open Report</th>
<th>For Decision</th>
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<tr>
<td>Ward Affected: Gascoigne</td>
<td>Key Decision: No</td>
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<tr>
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| **Accountable Operational Director:** | **Accountable Strategic Director:**
| Jonathon Toy, Operational Director, Enforcement Services | Claire Symonds, Chief Operating Officer |

## Summary

An application has been received from Murat Alma (licensee) for a variation of the premises licence issued by this Authority in respect of the premises known as the Way 2 Save situated at 147 Ripple Road, Barking, Essex, IG11 7PW.

The application is opposed by the Metropolitan Police Authority and a local ward councillor.

Accordingly, the matter is put to the Licensing Sub-Committee for determination at a public hearing.

## Recommendation

That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing and determines the application.

## 1. Introduction and Background

1.1 The Licensing Act 2003 ('the Act') established the licensing regime for the following licensable activities:

- The sale and supply of alcohol;
- Regulated entertainment; and
- Late night refreshment.

1.2 Under the Act, any person wishing to use a premises to provide one or more of the licensable activities must firstly obtain a premises licence from the local licensing authority for the area. If the licence is intended to include the sale
and supply of alcohol, then the licence must name a ‘designated premises supervisor’ who holds a personal licence obtained from the local licensing authority for the area within which they live.

1.3 Applications for a premises licence are made subject to public consultation. During the consultation period, it is open to any ‘responsible authority’ or ‘other person’ to make representations concerning the application. Representations must relate to one or more of the four licensing objectives. These are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Where representations are received and these are neither withdrawn nor conciliated then the local licensing authority must hold a public hearing to determine the matter.

1.5 Once a premises licence has been obtained, the licence holder may apply to vary that licence at any time. Except for ‘minor variations’ which do not impact upon the promotion of the licensing objectives, applications for variations are subject to similar process as that for the grant of new licences.

2. The Application Under Consideration

2.1 On 14 December 2016, Murat Alma (the current licensee) applied for a variation of the premises licence issued by this Authority in respect of the premises known as Way 2 Save, situated at 147 Ripple Road, Barking, Essex, IG11 7PW.

2.2 The application describes the premises as a ‘Supermarket / Off-Licence / Butchers / Bakery’. It seeks to extend the permitted hours for the retail sale of alcohol for consumption off the premises, to provide for 24/7 licensed operation.

2.3 The application offers no additional conditions under Section 16 of the application. Instead the application notes “existing conditions seen as sufficient”.

2.4 A copy of the application is attached as Appendix A to this report.

3. The Premises Licence

3.1 The premises are currently licensed to Murat Alma, who is also the named designated premises supervisor on the licence. The premises licence has been in Murat Alma’s name since February 2016.
3.2 The licence currently enables the supply of alcohol within the following licensed hours:

- From 07.00 each day Sunday to Thursday to 01.00 on the day following; and
- From 07.00 each Friday and Saturday to 02.00 on the day following.

3.3 The premises are recorded under the licence as opening 24/7.

3.4 The licence is made subject to the relevant mandatory licence conditions and nine additional special conditions. These relate to:

- The keeping of alcohol in lockable cabinets outside of permitted hours;
- Operation of an age verification scheme based on the ‘Challenge 25’ principles;
- The provision of CCTV;
- Maintenance of a refusals book;
- Maintenance of authorisation records;
- Staff training and records of training;
- Crime and disorder reporting; and
- Display of polite notices.

3.5 In the event the application is granted in full the first of the special conditions shown above would automatically become irrelevant.

3.6 A copy of the current premises licence is attached as Appendix B.

4. **The Representations**

4.1 Two representations have been received in respect of this application. One from a responsible authority, being the Metropolitan Police Authority and the second from an ‘other person’, being a local ward councillor.

4.2 The representation from the Police is made under the ‘crime and disorder’ and ‘public nuisance’ licensing objectives. The representation relates to the potential for increases in stated existing high levels of anti-social behaviour and related street drinking.

4.3 The second representation, from the ward Vouncillor, is made under the ‘public safety’, ‘public nuisance’ and protection of children from harm’ licensing objectives raising similar issue to that from the police.

4.4 A copy of each of the representations are attached as Appendices C and D.

4.5 While the representation from the police opposes the application outright, it also proposes appropriate additional licence conditions to be added in the event that the Sub-Committee is minded to grant the application. However, at the time of writing of this report it is understood that the additional conditions would not be acceptable to the applicant.
5. **Issues, Options and Analysis of Options**

5.1 The Sub-Committee is advised that the hearing is of a quasi-judicial nature and representations from all parties, both written and verbal, will form part of matters that are to be considered.

5.2 The Sub-Committee is required to consider each application on its own individual merits, taking all relevant matters into account. Findings on issues of fact should be on the balance of probability.

5.3 Having considered the application, the representations and the submissions made to it, the Sub-Committee must consider what action is appropriate to promote the licensing objectives.

5.4 The following options are available to the Licensing Sub-Committee:

- Grant the application as applied for;
- Grant the application in full, subject to additional conditions;
- Part-grant the application, either with or without additional conditions; or
- Reject the application.

5.5 Should any party be aggrieved by any part of the Sub-Committee’s decision, they have the right of appeal to the Magistrates Court. Appeal may be made within 21 days of notification of the Sub-Committee’s decision.

6. **Consultation**

6.1 The application has been subject of the Council’s normal consultation procedures.

6.2 The application is required to be advertised by way of a public notice exhibited at the premises in a position where it can be easily read by any passer-by and by a further notice placed in a local newspaper available within the area. The application must be copied to all responsible authorities. Information is placed on the Council’s web site and forwarded to local ward councillors for information.

7. **Legal Implications**

7.1 The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.

7.2 Notice must be given of the Licensing Authority’s decision on this matter.

**Appendices to this Report:**

*Appendix A* – Copy of the application
*Appendix B* – Copy of the current premises licence
Appendix C – Copy of the representation from the Metropolitan Police Authority
Appendix D – Copy of the representation from the local ward Councillor