Title: Licensing Act 2003 Summary Licence Review: Way 2 Save, 147 Ripple Road, Barking, Essex, IG11 7PW

Report of the Chief Operating Officer

Open Report

For Decision

Wards Affected: Gascoigne

Key Decision: No

Report Author: Richard Parkins, Senior Licensing Officer

Contact Details: Tel: 020 227 5046
E-mail: richard.parkins@lbld.gov.uk

Accountable Director: Jonathon Toy, Operational Director, Enforcement Services

Accountable Strategic Director: Claire Symonds, Chief Operating Officer

Summary

An application has been made on behalf of the Chief Officer of the Police under Section 53A-C of the Licensing Act 2003 for a summary review of the premises licence issued by this Authority to Mr Murat Alma in respect of the trading premises known as the ‘Way 2 Save’ situated at 147 Ripple Road, Barking, Essex, IG11 7PW.

Under the summary licence review process, the Licensing Authority must consider, within 48 hours of receipt of the application, whether it is necessary to take interim steps in advance of the determination of the review application, in order to address the immediate problems with the premises.

Recommendation(s)

That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing and decides whether interim steps are appropriate.

1. Introduction and Background

1.1 Section 53A-C of the Licensing Act 2003 allows the police to trigger a fast-track licence review process in cases where the police consider that the premises concerned are associated with serious crime or serious disorder (or both) and for the licensing authority to respond by taking interim steps quickly, where it considers this to be necessary, pending a full review.

1.2 In brief summary, the process is as follows:

- The Chief Officer of Police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his / her
opinion the premises are associated with serious crime or serious disorder (or both);

- Upon receipt the licensing authority must copy the application to the relevant licence holder and the responsible authorities. It must also advertise the application by way of a public notice outside of the premises within 24 hours. The notice is to give details of the application and invite representations from responsible authorities and other persons to be made in writing to the licensing authority within ten working days;
- The licensing authority must then, within 48 hours of the time of receipt of the application, consider whether it is necessary to take interim steps pending determination of the review of the premises licence; and
- In any event a review of the premises licence must take place within 28 days after the day of receipt of the application, following consultation.

2. Proposal and Issues

2.1 The options open to the licensing authority at the interim steps stage include:

- Modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence; and
- Suspension of the licence

2.2 The licensing authority may consult the police about the steps that it thinks are appropriate, pending determination of the review. The Licence holder may also be afforded an opportunity to attend any interim steps hearing but need not be present for the matter to be considered.

2.3 If the licensing authority decides to take steps at the interim stage

- The decision takes effect immediately, or as soon as the licensing authority direct; and
- The licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the Chief Officer of the Police who made the application.

2.4 The premises licence holder may make representations against the interim steps taken by the licensing authority, back to the authority, at any time in advance of the full review hearing.

3. The application under consideration

3.1 On 14th December 2017 an application was received from the Chief Officer of the Police under Sections 53A-C of the Licensing Act 2003 for a summary review of the premises licence issued by this Authority to Mr Murat Alma in respect of the premises known as the Way 2 Save situated at 147 Ripple Road, Barking, Essex, IG11 7PW.

3.2 The application is accompanied by a certificate issued by a senior officer of the force setting out that in his / her opinion the premises is associated with serious crime or serious disorder (or both).
3.3 A copy of the application is attached as Appendix A to this report.

4. **The Premises Licence**

4.1 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.

4.2 The licence currently enables the supply of alcohol within the following licensed hours:

- Monday to Sunday 24/7.

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

4.4 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.

4.5 The following conditions were attached after hearing held on 2 February 2017:

- At least one SIA door security to be employed each day between the hours of midnight and 6am;
- CCTV to cover the front and sides of the premises ensuring full visibility at street level taking into account the awnings;
- No single cans or bottles of beer and cider to be sold at the premises; and
- No beers, perries and ciders within ABV of 6.5% and over to be sold at the premises.

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

5. **Legal Implications**

5.1 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.

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

Public Background Papers Used in the Preparation of the Report: None
List of appendices:

- **Appendix A** – Copy of the application for review
- **Appendix B** – Copy of the current premises licence