

LICENSING SUB COMMITTEE

28 June 2022

Title: Licensing Act 2003 – Application for a 3-year Time-Limited Premises Licence – El Row UK LTD, Parsloes Park, Gale Street, Dagenham RM9 5PU	
Open Report	For Decision
Ward Affected: Parsloes	Key Decision: No
Report Author: Sara Quinn, Service Manager Environmental Health and Public Protection	Contact Details: E-mail: sara.quinn@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director, Enforcement Regulatory Services and Community Safety	
Accountable Strategic Director: Fiona Taylor, Interim Chief Executive and Strategic Director, Law and Governance	
Summary An application for a 3-year time limited premises licence has been made by El Row UK LTD in respect of Elrow Town, Parsloes Park, Gale Street, Dagenham RM9 5PU. Three representations against the premises licence application have been received from the Metropolitan Police Licensing Officer, Barking and Dagenham Council Environmental Enforcement Officer and one resident. The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.	
Recommendation That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing.	

1. Introduction and Background

- 1.1 The Licensing Act 2003 establishes the national licensing regime for the following licensable activities:
- The sale and supply of alcohol;
 - The provision of regulated entertainment; and
 - The provision of late-night refreshment.
- 1.2 Under this regime, the Council, as the local licensing authority for its area, is responsible for licensing premises to provide any of the licensable activities under a 'premises licence'. Where a premises licence includes the sale and supply of alcohol,

then a Designated Premises Supervisor (DPS) must be incorporated onto the licence, holding a personal licence.

- 1.3 Applications for premises licences are subject of public consultation and consultation with a range of expert 'responsible authorities' named in the Act. It is open to any responsible authority or other person to raise concerns regarding an application as representations.
- 1.4 If no representations are received the application is granted as sought, subject to mandatory licence conditions and conditions reflecting the management controls proposed by the applicant under the operating schedule contained in the application. Where representations are received, the application becomes subject of a conciliation process. If conciliation is successful in finding an agreed, negotiated outcome then the application may be granted subject to the agreements reached. If conciliation is unsuccessful then the application must be determined at a public hearing by the Council's Licensing Sub-Committee.
- 1.5 When carrying out its licensing duties, a local licensing authority must have regard to:
 - The Act and associated secondary regulations;
 - Guidance for local licensing authorities issued by the Home Office (current version published April 2017); and
 - The Authority's own Statement of Licensing Policy (current version published 1 April 2022).
- 1.6 The Authority must also aim to promote the four licensing objectives:
 - The Prevention of Crime and Disorder;
 - Public Safety;
 - The Prevention of Public Nuisance; and
 - The Protection of Children from Harm.
- 1.7 Premises licences generally continue for the life of the business or operation concerned but they may be reviewed at any time by any one of the named responsible authorities under the Act or an 'other person'.

2. Matters for consideration

- 2.1 On 4 April 2022, a time limited application was made by El Row UK LTD. The application is for a time limited three-year licence for the following years - 2022, 2023 and 2024.
- 2.2 Year 2022, the event will be held on Saturday 20 August 2022.
- 2.3 For years 2023 and 2024, there will be one event over Friday, Saturday and Sunday in either June, July, August or September.
- 2.4 The first event will be a one-day event on 20 August 2022 for 22,000 members of the public and 999 staff and performers.
- 2.5 Dates and capacities for festivals in subsequent years are to be agreed six months in advance between the applicant and the Council's Events team. A copy of the

application is attached as Appendix A1/ ORD/1, a copy of the side-wide drawn site plan is attached as Appendix A2, a copy of the site plan is attached as Appendix B1/ ORD/2 and a copy of the Google Image site plan is attached as Appendix B2/ ORD/3.

- 2.6 The premises are a public park with performance areas which will be on open stages and internal structures such as marquees.
- 2.7 The applicant seeks the following licensable activities:
- Plays Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
 - Live Music Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
 - Recorded Music Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
 - Performance of dance Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
 - Supply of alcohol Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
 - Opening Hours Fridays & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:30hrs
- 2.8 The Designated Premises Supervisor intended to hold overall responsibility for authoring the sale of alcohol will be Mr Oliver David Kay and holds a personal licence with Milton Keynes Council.
- 2.9 The Event Management Plan for the 2022 event is being considered by the partnership arrangement with the Events team through the Safety Advisory Group.
- 2.10 The applicant held two stakeholder meetings on 28 March 2022. One resident attended. Residents were informed by letter drops from 18 March 2022, with a total of 6,400+ addresses delivered to.

3. The representations

- 3.1 A representation was received from a responsible authority namely the Metropolitan Police Licensing Officer under the licensing objectives - Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance and is attached as Appendix C1. The Elrow 2022 Parsloes Security Schedule is attached as Appendix C2.
- 3.2 An amendment to the Metropolitan Police representation is attached as Appendix D.
- 3.3 A representation was received from the Council's Environmental Enforcement Officer under the licensing objective of the Prevention of Public Nuisance and is attached as Appendix E.
- 3.4 A representation was received from an interested party who raises concerns around traffic management, damage to the conservation of Parsloes Park and clean-up costs and is attached as Appendix F.

3.5 The applicant provided a response sent to the interested party representation and this response document is attached as Appendix G.

4. Conciliation

4.1 Meetings were held with responsible authorities who submitted objections, namely the Metropolitan Police and the Council's Environmental Enforcement Officer.

4.2 As a result of the meetings with the Environmental Enforcement Officer, an agreement on the required measures/conditions was decided upon by both parties and the representation was withdrawn. A copy of this email is attached as Appendix H. The Metropolitan Police representation is still in place.

4.3 The interested party replied to the applicant's request for a conciliation meeting, done using the licensing authority as the mediator, agreeing to the initial meeting (at the time of writing this report, the interested party has not replied to further communication attempts via email asking for the appropriate date and time of the meeting).

4.4 No conciliation has been reached with the interested party.

4.5 At the time of writing this report, the applicant has provided three additional draft documents, namely an Alcohol Management Plan, Crowd Management Plan and Draft Community Impact Assessment. These draft documents are scheduled to be reviewed by the responsible authorities and the Safety Advisory Group members.

5. Legal Comments

5.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following four licensing objectives:

- The Prevention of Crime and Disorder;
- Public Safety;
- Prevention of Public Nuisance; and
- The Protection of Children from Harm.

5.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

6. The Options open to the Sub-Committee

Having had regard to all relevant matters and taken all relevant information into account the Sub-Committee may decide to:

Option 1: Refuse the application.

Option 2: That the application be approved, together with any conditions, restrictions or reductions in the proposed application which Members consider necessary for the promotion of the four Licensing objectives.

7. Consultation

- 7.1 The application has been advertised in accordance with the normal procedures. This includes a copy of a public notice being placed in a local newspaper, a similar notice displayed at the premises and information on the Council's website. Delays in complying fully with the requirements for advertisement did delay this application being determined but these requirements are now met.

8. Legal Implications

Implications completed by Simon Scrowther, Litigation Lawyer, Corporate Legal

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.

Appendices to this Report:

Appendix A1/ ORD/1 - Premises Licence Application Form

Appendix A2 - Side-wide Drawn Site Plan

Appendix B1/ ORD/2 - Site Plan

Appendix B2/ ORD/3 - Google Image Site Plan

Appendix C1 - Metropolitan Police Representation

Appendix C2 - Elrow 2022 Parsloes Security Schedule

Appendix D - Modified Metropolitan Police Representation

Appendix E - Environmental Enforcement Officer Representation

Appendix F - Interested Party Representation

Appendix G - El Row response to Interested Party Representation

Appendix H - Environmental Enforcement Officer Representation Withdrawal