

## LICENSING SUB COMMITTEE

20 December 2022

<b>Title:</b> Licensing Act 2003 – Application for a Premises Licence: Venue 121 – 121 Broad Street, Dagenham, RM10 9HP	
<b>Report of the Head of Regulatory Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Beam	<b>Key Decision:</b> No
<b>Report Author:</b> Karen Collier, Service Manager Public Protection	<b>Contact Details:</b> E-mail: karen.collier@lbbd.gov.uk
<b>Accountable Strategic Leadership Director:</b> Fiona Taylor, Acting Chief Executive	
<b>Summary</b>  An application for a new premises licence has been made by Venue 121 Ltd in respect of Venue 121 at 121 Broad Street, Dagenham, RM10 9HP.  Representations from the Council’s Licensing Authorities Responsible Authority Officer along with Environmental Protection team and the Metropolitan Police Licensing Officer have been received.  The matter is put to the Sub-Committee for determination at a public hearing, accordingly.	
<b>Recommendation(s)</b>  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’.

1.3 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 March 2022)

1.4 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.

1.5 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'.

1.6 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.

1.7 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.

## **2. Matters for Consideration**

2.1 On the 20 October 2022 an application for a premises licence was made by Venue 121 Ltd in respect of the premises known as Venue 121, 121 Broad Street, Dagenham, RM10 9HP.

2.2 The premises is located in a mixed commercial/residential area. There are a significant number of local residents living in very close proximity to the premises.

2.3 Copy of the application is attached as Appendix A

2.4 A Copy of plan is attached as Appendix B

2.5 A copy of the Google image of the premises is attached as Appendix C.

2.6 The applicant seeks the following licensable activities:

### **Live Music**

Monday to Sunday 11:00hrs to 02:00hrs

### **Recorded Music**

Monday to Sunday 11:00hrs to 02:00hrs

**Late Night Refreshment**

Monday to Sunday 23:00hrs to 02:00hrs

**Opening Hours**

Monday to Sunday 11:00hrs to 02:00hrs

2.7 The end of consultation date was extended to the 4<sup>th</sup> of December as the application had not been advertised in the newspaper within the prescribed timeline.

**3. The Representations**

- 3.1 A representation was received from the Council's Licensing Authority Responsible Authority Officer under the licensing objective of the Prevention of Public Nuisance and is attached as Appendix D
- 3.2 A representation was received from a responsible authority namely the Metropolitan Police Licensing Officer under the licensing objective – Prevention of Public Nuisance and Protection of Children from harm and is attached as Appendix E.
- 3.3 A representation was received from the Council's Environmental Protection Officer under the licensing objective of Prevention of Public Nuisance and is attached as Appendix F.

**4. Conciliation**

- 4.1 The Licensing team has been communicating with the applicant via email during the consultation period to reach to an agreement.
- 4.2 At the time of writing this report, the applicant has accepted all the conditions suggested by the Licensing Authority Responsible Authority Officer. However, he has requested if the Licensing Authority could consider the terminal hours of 23.59.
- 4.3 The Metropolitan Police Licensing Officer has agreed to the terminal hours of midnight.
- 4.4 Following several email conversations from the Environmental Protection Officer, the applicant is yet to provide the council with a noise report to indicate how the noise breakout will be controlled as it may entail sound insulation works to the building as well as other mitigation and control measures. Until this information is provided, the officer is not in a position to withdraw the representation.

**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. Options Open to the Sub-Committee**

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

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- **Option 1:** Refuse the application; or
- **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. Notifications have been provided to all responsible authorities and ward councillors.

7.2 Delays in complying fully with the requirements for advertisement resulted in extending the end of consultation date but these requirements are now met.

## **8. Legal Implications**

8.1 Implications completed by Simon Scrowther, Litigation Lawyer, Corporate Legal.

8.2 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.

**Public Background Papers Used in the Preparation of the Report: None**

### **List of appendices:**

- **Appendix A** – Copy of the Premises Licence Application
- **Appendix B** – Plan of the premises
- **Appendix C** – Google image of the premises
- **Appendix D** – Licensing authority responsible authority officer (LRAO) Representation
- **Appendix E** – Metropolitan Police Licensing Officer Representations
- **Appendix F** – Environmental Protection Officer Representations