

LICENSING SUB COMMITTEE

17 January 2023

Title: Licensing Act 2003 – Application for a Premises Licence: Barking Park – Longbridge Road, Barking, IG11 8SP	
Open Report with Exempt Appendices: (relevant legislation: paragraph 7 of Part I of Schedule 12A of the Local Government Act 1972)	For Decision
Ward Affected: Longbridge	Key Decision: No
Report Author: Karen Collier, Service Manager Public Protection	Contact Details: E-mail: Karen.Collier@lbbd.gov.uk
Accountable Strategic Director: Alison Stuart, Chief Legal Officer and Interim Monitoring Officer	
Summary An application for a new premises licence has been made by A Man About A Dog Ltd, for a festival at Barking Park, Longbridge Road, Barking IG11 8UD. Two representations against the premises licence application have been received - one from the Metropolitan Police Licensing Officer and the other from the Council's Environmental Protection Officer. The matter is put to the 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 and determines the application.	

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 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, 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 March 2017).
- 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 called into review 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 29 November 2022, an application for a premises licence was made by A Man About A Dog Ltd. The application is for a time limited five-year licence from December 2022 to October 2027.
- 2.2 In 2023, the event will be held on Saturday 17 June 2023.
- 2.3 All events will take place across one weekend annually between 1st May and 31st September, with up to two event days per weekend between Friday and Monday. The exact event days and times will be agreed with the Safety Advisory Group, LBBD Licensing, and the Parks and Events teams on annual basis 30 days after the previous event has taken place (e.g. 2024 dates confirmed by the 17th July 2023).
- 2.4 The maximum capacity of the licence is 29,999, with the maximum number of customers as follows:
- (a) 2023 a one-day event with the maximum capacity of 15,000
 - (b) 2024 a one-day event with the max capacity of 20,000

(c) In 2025 (and onwards) 2 days of licensable activities will be permitted on consecutive days/weekends

- 2.5 The premises licence holder, or their appointed representative, shall present, by oral and written presentation, the draft ESMPs to the London Borough of Barking and Dagenham (LBBDD) Safety Advisory Group no later than 3 months prior to the date of the event.
- 2.6 The premises are a public park and will consist of performance areas which will be on open stages and internal structures such as marquees.
- 2.7 The application is to licence the whole park whereby the event site plans will be approved year on year.
- 2.8 The Designated Premises Supervisor intended to hold overall responsibility for authoring the sale of alcohol will be Oliver Kay who holds a personal licence with Milton Keynes Council
- 2.9 The applicant seeks the following licensable activities:
- Provision of Film Friday to Monday 12:00 to 22:30hrs
 - Provision of Live Music Friday to Monday 12:00 to 22:30hrs
 - Provision of Recorded Music Friday to Monday 12:00 to 22:30hrs
 - Provision of Performance of Dance Friday to Monday 12:00 to 22:30hrs
 - Provision of anything of a similar description to live music, recorded music or performances of dance Friday to Monday 12:00 to 22:30hrs
 - Supply of Alcohol Friday to Monday 12:00 to 22:10hrs
- 2.10 A Copy of the application is attached as Appendix A and other supporting documents submitted are as below;

Appendix B – Operating Schedule

Appendix C – Plan

Appendix D – Event Safety Plan

Appendix E - Alcohol Management Plan

Appendix F – Overall Plan

Appendix G – Slammin Safe Working Arrangements

Appendix H - Risk Assessment

Appendix I - Noise Management Plan

Appendix J - Eviction Policy

Appendix K - Security & Stewarding Policy

Appendix L - Counter Terrorism Policy

Appendix M - Safeguarding Policy

Appendix N - Search Policy

Appendix O - Show stop Policy

Appendix P - Adverse weather plan

Appendix Q - Community Liaison Plan

3. The Representations

- 3.1 A representation was received from a responsible authority, namely the Metropolitan Police Licensing Officer under the licensing objectives of the Prevention of Crime & Disorder, Public Safety and the Prevention of Public Nuisance and is attached as

Appendix R, and includes a supporting witness statement from Police Sergeant Smith, attached as Appendix S.

- 3.2 A representation was received from the Council's Environmental Protection Officer under the licensing objective of the Prevention of Public Nuisance and is attached as Appendix T.

4. Conciliation

An agreement on the required measures/conditions was decided upon by the applicant and the Environmental Enforcement Officer and the representation was withdrawn. A copy of this email is attached as Appendix U.

The Metropolitan Police representation is still in place.

5. Legal Comments

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
- The Protection of Children from Harm.

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

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.

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 A** – Copy of the Premises Licence Application
- Appendix B** – Operating Schedule
- Appendix C** – Plan of the premises
- Appendix D** – Event Safety Plan
- Appendix E** - Alcohol Management Plan
- Appendix F** – Overall Plan
- Appendix G** – Slammin Safe Working Arrangements
- Appendix H** - Risk Assessment
- Appendix I** - Noise Management Plan
- Appendix J** - Eviction Policy
- Appendix K** - Security & Stewarding Policy
- Appendix L** - Counter Terrorism Policy
- Appendix M** - Safeguarding Policy
- Appendix N** - Search Policy
- Appendix O** - Show stop Policy
- Appendix P** - Adverse weather plan
- Appendix Q** - Community Liaison Plan
- Appendix R** – Metropolitan Police Licensing Officer Representations
- Appendix S** – Witness Statement MG11 PS Smith (Referred as Appendix A in Police Licensing Officers Reprs)
- Appendix T** - Environmental Protection Officer Representations
- Appendix U** - Environmental Protection Officer Representation Withdrawal