

## LICENSING SUB COMMITTEE

21 February 2024

<b>Title: Licensing Act 2003 – Application for a Premises Licence: Percolate Entertainment LTD, Barking Park, Barking IG11 8TE</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Ward Affected:</b> Longbridge	<b>Key Decision:</b> No
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<b>Accountable Strategic Director:</b> Leona Menville, Strategic Director My Place	
<b>Summary</b>  An application for a New Premises Licence has been made by Percolate Entertainment LTD, Barking Park, Barking IG11 8TA.  One representation against the premises licence has been received from an Interested Party.  Amendments to the application have been agreed between the applicant and three responsible authorities (Police, Licensing Authority and Environmental Protection).  The matter is put to the Sub-Committee for determination at a public hearing, accordingly.	
<b>Recommendation</b>  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 December 2022); and
  - The Authority's own Statement of Licensing Policy (current version published 2022 to 2027).
- 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 the 2<sup>nd</sup> January 2024 an application was made by Percolate LTD for a Premises Licence in respect of Percolate at Barking Park, Longbridge Road IG11 8TA.
- 2.2 The application seeks the following licensable activities and timings:

### Provision of Films

Friday & Saturday – 10:00am to 22:30hrs

Sunday – 10:00am to 22:00hrs

### Live Music

Friday & Saturday – 10:00am to 22:30hrs

Sunday – 10:00am to 22:00hrs

### Recorded Music

Friday & Saturday – 10:00am to 22:30hrs

Sunday – 10:00am to 22:00hrs

### Performance of Dance

Friday & Saturday – 10:00am to 22:30hrs

Sunday – 10:00am to 22:00hrs

### Anything of a similar description to Performance of Dance, Live & Recorded Music

Friday & Saturday – 10:00am to 22:30hrs

Sunday – 10:00am to 22:00hrs

### Supply of Alcohol (for consumption on the premises)

Friday & Saturday – 10:00am to 22:15hrs

Sunday – 10:00am to 21:45hrs

2.3 The application is to permit music events over two weekends, for three consecutive days between the 1<sup>st</sup> of May and the 30<sup>th</sup> September.

- A copy of the application & Plan is attached as **Appendices A & A1**
- Resident poster at Park – **Appendix B**
- Residents Introduction – **Appendix C**
- Function Form Community Letter – **Appendix D**

### **3. The Representations**

3.1 One (1) representation is received from a local resident.

3.2 The representation is submitted under the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. This is attached as **Appendix E**

### **4. Conciliation**

4.1 Correspondence has taken place between the Interest Party and Applicant whereby no agreement has been reached. Details of this correspondence are attached at **Appendix F**.

4.2 Police, the Licensing Authority and Environmental Protection Team have all engaged with the applicant during the application process, and amendments to the application have been agreed between all parties:

- Agreed amendment with Police and Licensing Authority is attached at **Appendix G**; and
- Agreed amendment with Environmental Protection attached at **Appendix H**.

- 4.3 These amendments are to be applied to the licence, should the committee be minded to grant the application.
- 4.4 The applicant's representative has included a Featured Presentation as part of the community dialogue that the applicants have engaged with residents is attached as **Appendix I**.
- 4.5 Community flyers were delivered to approximately 5000 premises surrounding the park and can be seen marked by orange lines on the map attached as **Appendix J**.

## **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**

- 6.1 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.
  - Option 3: Grant the application in full as applied for.

## **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.

## **8. Legal Implications**

Implications completed by Deirdre Collins, Head of Legal Services

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 & A1: Application and Plan**

**Appendix B: Resident Poster**

**Appendix C: Residents Introduction**

**Appendix D: Community letter**

**Appendix E: Resident Objection**

**Appendix F: Conciliation between applicant and resident**

**Appendix G: Police & Licensing Authority agreement with applicant**

**Appendix H: Environmental Protection agreement with applicant**

**Appendix I: Applicant engagement presentation with community**

**Appendix J: Community flyer map**