Title: Application to Review the premises licence for The Thatched House, Ripple Road, Barking, IG11 9PG

Report of Paul Adams, Principal Licensing Officer

This is a public report

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<th>Ward Affected:</th>
<th>Key Decision:</th>
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<td>Eastbury</td>
<td>No</td>
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Accountable Head of Service:
Gavin Dennett, Head of Regulatory Services

Accountable Director:
Glynis Rogers, Corporate Director of Adult and Community Services

Summary
An application has been received from Corrine Holland PC 119KG on behalf of the Chief Officer of Police for the London Borough of Barking and Dagenham, for the review of the premises licence at The Thatched House, Ripple Road, Barking, IG11 9PG under the licensing objectives prevention of crime and disorder.

Recommendation
Having regard to statutory guidance issued under S182 of the Licensing Act 2003, the Council’s Licensing Policy and all matters before it, both written and oral, the Board is asked to consider whether to:

(a) Do nothing with the licence;

(b) To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;

(c) To remove the Designated Premises Supervisor e.g. because it is considered that the problems are being caused by poor management;

(d) To suspend the licence for a period not exceeding three months;

(e) To revoke the licence.

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1. Introduction and Background

1.1 Section 51 Licensing Act 2003, allows any person or Responsible Authority to request a review of a Premises Licence where one or more of the licensing objectives are not being met.

1.2 The licensing objectives are:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm.

1.3 The current Premises Licence for The Thatched House, Ripple Road, Barking, IG11 9PG, is held by Paul Njoroge.

1.4 The Designated Premises Supervisor (DPS) is Benson Nyaga, who holds a Personal Licence issued by the Slough Council, licence number 6274.

1.5 The current Premises Licence authorises the following licensable activities:

- Plays
- Indoor Sporting Events
- Live Music
- Recorded Music
- Performance of Dance
- Provision for Making Music
- Provision for Dancing
- Provision of Entertainment of a similar nature to Making Music/Dancing
- Late Night refreshment
- Supply of Alcohol

1.6 The times the licence authorises the carrying out of licensable activities

<table>
<thead>
<tr>
<th>Times for all activities</th>
<th>Monday to Wednesday</th>
<th>10:00hrs – 02:00hrs</th>
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<tr>
<td></td>
<td>Thursday</td>
<td>10:00hrs – 03:00hrs</td>
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<tr>
<td></td>
<td>Friday to Sunday</td>
<td>10:00hrs – 04:00hrs</td>
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<tr>
<td>Opening hours</td>
<td>Monday to Wednesday</td>
<td>10:00hrs – 02:00hrs</td>
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1.7 The current Premises Licence has a number conditions attached. A copy of the Premises Licence is attached as Appendix A and a location map will be made available at the hearing.

1.8 On 20 October 2015 an application for a Summary review for the Thatched House was received from Corrine Holland PC 119KG on behalf of the Chief Officer of Police for the Metropolitan Police, under the licensing objectives prevention of crime and disorder. Attached as Appendix B is a copy of the Application for review.

1.9 An interim steps hearing for this Summary Review was held on 22 October 2015, attached as Appendix C, is the decision of that hearing detailing the interim steps applied.

1.10 In addition to the summary review paperwork, the police have also submitted the following documentation in support of the review:

- A summary report from Police, highlighting the crime and nuisance generated at the premises this is attached as Appendix D.

- A statement from PC Barnden relating to the incident on the 17th October 2015 is attached as Appendix E.

- A warning letter previously sent to the premises is attached as Appendix F.

2. Issues, Options and Analysis of Options

2.1 The Board, after considering the review application and all of the relevant objections, will need to consider what action, if any, to take in order to ensure that the Licensing Objectives are complied with.

2.2 The following options are available to the Licensing Board:

(a) Do nothing with the licence;

(b) To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;

(c) To remove the Designated Premises Supervisor e.g. because it is considered that the problems are being caused by poor management;

(d) To suspend the licence for a period not exceeding three months;

(e) To revoke the licence.

2.3 The decision made by the Board will not take effect until the end of the period given for appealing against the decision which is 21 days, or if the decision is appealed against, until the appeal is disposed of. However the interim steps that
were put in place at the hearing on the 22\textsuperscript{nd} October 2015 will remain in place until the new decision takes effect.


2.5 The Board is advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

2.6 The Board is advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.

2.7 The application must be determined within five working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

3. Consultation

3.1 The request for review has been advertised in accordance with the Licensing Act 2003 by notices being posted at the premises, at the Council offices and on the Council Website.

3.2 A copy of the application has been served on the premises licence holder, all Responsible Authorities & Interested parties.

4 Legal Comment

4.1 This is an application for a Review. In considering the application the Board must be satisfied that the application has been made in accordance with the provisions of the Licensing Act 2003. Guidance as to the application of the Act has been issued by Home Office, web links to this and the Council’s Licensing Policy can be viewed through those web links listed earlier in the Agenda.

4.2 The London Borough of Barking & Dagenham as Licensing Authority under the Licensing Act 2003 and subordinate legislation is empowered to determine applications of this nature. Notice must be given of the Licensing Authority’s decision on this matter. The decision could be subject to an appeal, which can be instigated by either the applicant or the person who made the representation.
Appendices to this report:

Appendix A - Copy of the premises Licence.
Appendix B – Application for summary review.
Appendix C – Interim steps decision notice.
Appendix D - Crime report summary.
Appendix E - Police Statement.
Appendix F - Warning Letter.