

## Notice of Meeting

### LICENSING AND REGULATORY COMMITTEE

**Wednesday, 23 September 2020 - 5:00 pm**  
**Meeting to be held virtually**

**Members:** Cllr Moin Quadri (Chair); Cllr Faraaz Shaukat (Deputy Chair); Cllr Peter Chand, Cllr Josie Channer, Cllr Kashif Haroon, Cllr Donna Lumsden, Cllr Giasuddin Miah, Cllr Adegboyega Oluwole, Cllr Glenda Paddle and Cllr Lee Waker

Date of publication: 15<sup>th</sup> September 2020

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Acting Chief Executive

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Please note that this meeting will be webcast, which is a transmission of audio and video over the internet. Members of the public who attend the meeting and who do not wish to appear in the webcast will be able to sit in the public gallery on the second floor of the Town Hall, which is not in camera range.

To view the webcast click [here](#) and select the relevant meeting (the weblink will be available at least 24-hours before the meeting).

#### AGENDA

**1. Apologies for Absence**

**2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

**3. Minutes - To confirm as correct the minutes of the meeting held on 30 September 2019 (Pages 3 - 4)**

**4. Coronavirus (COVID-19) Pandemic and the Licensed Trades (Pages 5 - 8)**

**5. Business and Planning Act 2020 - Pavement Licensing (Pages 9 - 16)**

6. **Update on Licensing Applications and Appeals (Pages 17 - 20)**
7. **Any other public items which the Chair decides are urgent**
8. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

#### **Private Business**

The public and press have a legal right to attend Council meetings such as the Licensing and Regulatory Board, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

9. **Any other confidential or exempt items which the Chair decides are urgent**

## Our Vision for Barking and Dagenham

# **ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND**

## Our Priorities

### **Participation and Engagement**

- To collaboratively build the foundations, platforms and networks that enable greater participation by:
  - Building capacity in and with the social sector to improve cross-sector collaboration
  - Developing opportunities to meaningfully participate across the Borough to improve individual agency and social networks
  - Facilitating democratic participation to create a more engaged, trusted and responsive democracy
- To design relational practices into the Council's activity and to focus that activity on the root causes of poverty and deprivation by:
  - Embedding our participatory principles across the Council's activity
  - Focusing our participatory activity on some of the root causes of poverty

### **Prevention, Independence and Resilience**

- Working together with partners to deliver improved outcomes for children, families and adults
- Providing safe, innovative, strength-based and sustainable practice in all preventative and statutory services
- Every child gets the best start in life
- All children can attend and achieve in inclusive, good quality local schools
- More young people are supported to achieve success in adulthood through higher, further education and access to employment
- More children and young people in care find permanent, safe and stable homes
- All care leavers can access a good, enhanced local offer that meets their health, education, housing and employment needs
- Young people and vulnerable adults are safeguarded in the context of their families, peers, schools and communities

- Our children, young people, and their communities' benefit from a whole systems approach to tackling the impact of knife crime
- Zero tolerance to domestic abuse drives local action that tackles underlying causes, challenges perpetrators and empowers survivors
- All residents with a disability can access from birth, transition to, and in adulthood support that is seamless, personalised and enables them to thrive and contribute to their communities. Families with children who have Special Educational Needs or Disabilities (SEND) can access a good local offer in their communities that enables them independence and to live their lives to the full
- Children, young people and adults can better access social, emotional and mental wellbeing support - including loneliness reduction - in their communities
- All vulnerable adults are supported to access good quality, sustainable care that enables safety, independence, choice and control
- All vulnerable older people can access timely, purposeful integrated care in their communities that helps keep them safe and independent for longer, and in their own homes
- Effective use of public health interventions to reduce health inequalities

## **Inclusive Growth**

- Homes: For local people and other working Londoners
- Jobs: A thriving and inclusive local economy
- Places: Aspirational and resilient places
- Environment: Becoming the green capital of the capital

## **Well Run Organisation**

- Delivers value for money for the taxpayer
- Employs capable and values-driven staff, demonstrating excellent people management
- Enables democratic participation, works relationally and is transparent
- Puts the customer at the heart of what it does
- Is equipped and has the capability to deliver its vision

## **MINUTES OF LICENSING AND REGULATORY COMMITTEE**

Monday, 30 September 2019  
(7:00 - 7:30 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Lee Waker (Deputy Chair), Cllr Kashif Haroon, Cllr Olawale Martins, Cllr Adegboyega Oluwole and Cllr Foyzur Rahman

**Apologies:** Cllr Laila M. Butt, Cllr Peter Chand and Cllr Glenda Paddle

### **6. Declaration of Members' Interests**

There were no declarations of interest.

### **7. Minutes (17 July 2019)**

The minutes of the meeting held on 17 July 2019 were confirmed as correct.

### **8. Local Government (Miscellaneous Provisions) Act 1982 as Amended - Sex Establishment Licensing**

The Council's Service Manager, Public Protection, presented a report updating the Committee on the results of the recent consultation undertaken on the draft Barking and Dagenham Sex Establishments Policy.

The public consultation took place over 10 weeks between 17 June and 24 August 2019. At the heart of the consultation an online questionnaire providing multiple choice answers was made available. The consultation sought views on whether the Council should use available adoptive provisions to extend the current sex establishment licensing regime to also include sex entertainment venues and, subject to this, on the content of a supportive draft revised sex establishment licensing policy.

Members noted that 136 responses were received, and those responses provided strong support for a local licensing scheme for sex entertainment venues.

The Service Manager for Public Protection highlighted key areas of the report which showed:

- 91.9% of respondents supported the proposal;
- 92.6% of respondents believed that the Council should be able to determine the matters to be taken into account when determining licence applications;
- 91.9% of respondents believed the Council should be able to determine the locations that were suitable for a licence to be granted;
- 95.5% of respondents believed that the Council should be able to determine the terms, conditions and restrictions under which any licensed premises might operate;
- 75% of respondents did not agree that applications should be considered upon their own merits;
- 80.5% of respondents believed that no area of the borough was suitable for a licensed sex entertainment venue to operate; and

- 72.1% of respondents supported a licensing establishing 'nil' as the appropriate number for local licensed sex establishments (a 'nil' policy).

In response to questions, the Service Manager for Public Protection advised the Committee that:

- Best practice standard terms and conditions had been proposed as part of the policy;
- Enforcement activities would be undertaken on a risk-based assessment;
- The response rate to the consultation was higher than previous consultations on licensed areas, such as the Gambling Policy;
- Licenses issued would be for a maximum duration of one year at a time; and
- If an application was received, a Licensing Sub-Committee would be set up to ensure any application is heard on its own merits.

The report was noted.

## **9. Appeals and Applications**

The Committee noted the report.

## LICENSING AND REGULATORY COMMITTEE

23 SEPTEMBER 2020

<b>Title:</b> Coronavirus (COVID-19) Pandemic and the Licensed Trades	
<b>Report of the Operational Director, Enforcement Services</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lamptey, Service Manager Public Protection, Regulatory Services	<b>Contact Details:</b> Tel: 020 8227 5655 E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a>
<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement Services	
<b>Accountable Strategic Leadership Director:</b> Fiona Taylor, Acting Deputy Chief Executive	
<b>Summary</b>	
This report discusses how the coronavirus (COVID-19) pandemic has impacted upon the local licensed trades and the work of the Council's licensing and partner regulatory services.	
<b>Recommendation(s)</b>	
The Licensing and Regulatory Committee is asked to note the report.	

### 1. Introduction and Background

- 1.1 In early February 2020, as the Country began to feel the effects of the Coronavirus (COVID-19) pandemic, the Government introduced a broad range of societal measures intended to reduce the transmission of the virus. These included, that on 23 March 2020, the government required by law that certain businesses and venues were to close in order to reduce the spread of coronavirus. While a number of businesses providing essential goods and services were permitted to remain open, these closures impacted across all of the licensed trades. The exemption for businesses providing essential goods and services enabled some food providers to continue limited take-away and delivery trade, but most other licensed operations were required to close.
- 1.2 This remained the situation for a few months however; as the spread of the virus was contained and slowed, the UK Government commenced a phased re-opening of businesses.
- 1.3 On 15 June 2020, non-essential retail shops were allowed to re-open, including gaming premises. This was followed by public houses, restaurants, hairdressers and barbers and some special treatments establishments (providing treatments that do

not involve close contact) which were able to re-open on 4 July. On 15 August consent to reopen was extended to the likes of cinemas, casinos, bowling alleys and close-contact treatments.

- 1.4 In all cases, business re-opening has been subject to the premises involved being able to be made 'Covid-secure'. This has required each operator to undertake a Covid risk-assessment of their premises and establish the necessary controls and measures that need to be implemented at that premises to ensure it is safe and secure from risk of transmitting the virus. In order to support business operators, the Government has established a broad range of sector specific guidance documents explaining how risk-assessments may be carried out and the explaining the types of controls and measures that might be appropriate. These have all been made available on the Gov.uk website.
- 1.5 Now most sectors of the licensed trades have been able to re-open or, at least part re-open, albeit that many are having to operate with reduced customer numbers. However, this is not true for all sectors. At present, 'large gatherings' and 'live performance' are still severely restricted, leaving nightclubs, theatres, live music venues and sexual entertainment venues still not allowed to operate as normal.
- 1.6 The past six months have proved a very difficult time for the licensed trades, and this continues to be the situation across the Country. Those that are able to operate do so under strict safety controls and with reduced incomes. Throughout this period, the licensing service, together with enforcement team have looked to support the licensed trades while also looking to ensure that as licensed venues and operations re-open they do so in a safe and secure manner providing proper protections to staff and customers.

## **2. Business Support (financial)**

- 2.1 Licences issued by the Council are generally subject to annual maintenance fees. These have become due across the various licensing sectors during the period of enforced premises closure. The fees must be paid in order for the licences to remain valid and lawful trade or operation to continue.
- 2.2 The Council has not had the ability to waive these fees in their entirety. However, in recognition that many sectors of the licensed trades have endured several months of either no or severely reduced income, late payment of fees is being accepted with the premises experiencing most hardship being given extended periods to recover the position.
- 2.3 Under the provisions of the London Local Authorities Act 1991, governing special treatments licensing, provide more flexibility and because the special treatments sector typically comprises small individual business operators who have been particularly badly hit, licences due for renewal in the summer of 2020 have been given a 15 month renewal (extended from the normal 12) for this year only to help with the lost trade.

## **3. Business Support (with re-opening)**

- 3.1 In recognition that for many operators the task of undertaking Covid-19 risk assessments has been a difficult and daunting task, licensing service with the



enforcement team have made direct contact with many business operators, as their relevant business sector has been given consent to re-open, to ensure they have access to the relevant sector specific Guidance and ensure that they understand how to undertake a risk-assessment and use this to develop their own plans to make their premises Covid-secure. While officers have been unable to develop individual plans for operators or to endorse plans that have been developed, officers have been able to provide advice and opinions that have supported the operators in taking responsibility.

- 3.2 This process has been supported by visits conducted by a range of services including trading standards, enforcement, health and safety, food safety and council licensing officers with police licensing, intended to ensure that considered plans have been put into place and that operators are able to run premises in a safe and Covid-secure manner.
- 3.3 Officers have also taken the opportunity where relevant to highlight the provisions of the new 'pavement licensing scheme' which is dealt with in a separate report as an update.

#### **4. Business Compliance**

- 4.1 In all, the general experience has been that operators have made good efforts to try and ensure that 'Covid-secure' plans are developed and put into place.
- 4.2 However, there have been a number of occasions where it has been necessary for officers to take enforcement actions in order to ensure premises are compliant.
- 4.3 As premises began to re-open Council and police officers were given a range of powers under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 to:
- restrict access to, or close, individual premises;
  - prohibit certain events (or types of events) from taking place; and
  - restrict access to, or close, public outdoor places.
- 4.4 These powers have very recently been supported by additional police powers to levy fines of up to £10,000 for promoters of illegal unlicensed music events (UME), following a sharp increase in this type of event across the Country.
- 4.5 To date the Council / police partner service agencies have taken the following actions:
- Nos of prohibition notices – 34 ; and
  - Direction Notices served – 5
- 4.6 In instances where prohibition / direction notices have been served, these normally provide a period of 2 weeks (more if renewed) enforced closure or restricted operation. This period is normally used to work with the operator to try and develop improved plans to make the premises 'Covid-secure' and safe to re-open.

4.7 We have not had any circumstances to date where follow-up action has been necessary beyond service of a notice, but should such circumstances arise then one potential route for further action is a review of the premises licence.

## **5. Options Appraisal**

5.1 As time goes on, experience will give rise to revised Government guidance and potentially further opening up of the licensed trades. As these changes continue, officers will continue to keep up to date with developments and ensure they are best placed to support businesses through this difficult period, while maintaining a presence in the community to help ensure safe and secure venues and operations throughout the borough.

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

**List of appendices: None**

## LICENSING AND REGULATORY COMMITTEE

23 September 2020

<b>Title:</b> Business and Planning Act 2020 – Pavement Licensing	
<b>Report of the Operational Director, Enforcement Services</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lamptey, Service Manager Public Protection, Regulatory Services	<b>Contact Details:</b> Tel: 020 8227 5655 E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a>
<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement Services	
<b>Accountable Strategic Leadership Director:</b> Fiona Taylor, Acting Deputy Chief Executive	
<b>Summary</b>	
This report is intended to update the Committee on the new pavement licensing regime which came into effect on 22 July 2020 under the Business and Planning Act 2020.	
<b>Recommendation(s)</b>	
The Committee is recommended to note the report.	
<b>Reason(s)</b>	
The Business and Planning Act 2020 introduces pavement licenses, to allow licenced premises to make use of pavements and highways outside seating areas. The effect of this is to support and encourage additional seating space for businesses during the pandemic.	

**1. Introduction and Background**

- 1.1 The Business and Planning Act 2020 introduced a range of measures intended to support economic recovery from the disruption caused by the COVID-19 outbreak in the UK.
- 1.2 Among the various provisions, Sections 1-10 of the Act established a new licensing regime intended to make it easier for businesses that sell food and drink for consumption on or off the premises to seat and serve customers outdoors through the introduction of 'pavement licences'.
- 1.3 The pavement licensing regime took immediate effect and is now operable. This report explains the provisions of the new pavement licensing regime.

## **Matter for consideration**

### **2. The Intention of the Act**

- 2.1 A pavement licence authorises the operator of a business selling, or proposing to sell, food and drink to put removeable furniture such as counters, tables and chairs on the highway adjacent to that premises in order either to facilitate the sale of food and drink or for its customers to use.
- 2.2 This licensing regime is intended to provide a new, fast track procedure for the grant of pavement licences which will bypass other existing regulatory regimes, which would otherwise consider the use of the public highway, including:
- The Highways Act;
  - Planning; and
  - Street trading.
  -
- 2.3 However, pavement licences do not otherwise add to or alter any entitlements the premises may or may not have to serve food or beverages. Such entitlements will still be covered in the normal way by of:
- The planning regime;
  - The (alcohol) licensing regime; and
  - Tenancy agreements.
  -
- 2.4 This regulatory short cut is temporary and no pavement licence may extend beyond 30 September 2021, when the new regime comes to an end.
- 2.5 The pavement licensing regime will be administered in Barking and Dagenham by the licensing service.

### **3. The licensing process**

- 3.1 An application for a pavement licence may be made by any individual, partnership, limited company or other organisation, that uses, or proposes to use, a specific premise for, or including:
- use as a public house, wine bar or other drinking establishment; and
  - other use for the sale of food or drink for consumption on or off the premises.
- 3.2 Applications must be made electronically, in such form as the local authority may specify, and must be accompanied by a set fee of £100.

The application must specify:

- The premises;
- The part of the highway to be used;
- The purpose;
- The days and times of the week it is proposed to put furniture on the highway;
- The type of furniture;

- The date the application is made;
- Contain evidence of public liability insurance as the local authority may require; and
- Contain other information as the local authority may require.

3.3 Following submission of a completed application, that application enters a 7-day public consultation period. The application is advertised by way of a public notice exhibited together with a plan at the premises subject of the application in a position where it can be easily read from the outside. The application is also published on the Council website. During the consultation period the licensing team consults with the police, highways authority and street trading. Ward councillors will be informed also.

3.4 Following the public consultation process the Council has a further 7 days to determine the application. If the application is not determined by day 15 of the process, then the application is deemed granted.

#### **4. Determination of the application**

4.1 The local authority may grant or part grant or reject the application. Before making any decision, the local authority must take into account any representations received.

4.2 The Local authority can only grant if it considers that, taking into account any conditions to be attached, nothing done by the licence holder would have an effect on:

- Preventing traffic, other than vehicular traffic, from entering the relevant highway at a place that traffic could normally enter it;
- Passing along the relevant highway;
- Having normal access to premises adjoining the highway;
- Preventing the use of any vehicle permitted by a pedestrian planning order or traffic order;
- Preventing statutory undertakers having access to any apparatus of theirs; and
- Preventing an operator of an electronic communications code network accessing electronic communications apparatus.

4.3 The licensing authority may attach conditions to the grant of a licence. This authority has published a set of standard conditions which shall apply to the grant of all licences. A copy of the standard conditions is attached as **Appendix A**. These include conditions prohibiting 'obstruction' of the highway. Premises specific conditions may be added to the grant of any individual licence where appropriate. There is no appeal against a decision to refuse the application.

#### **5. Enforcement**

5.1 A local authority may revoke the licence if conditions of the licence are breached or serve notice requiring steps to remedy the breach. If the licence holder fails to comply with steps, then the local authority may revoke the licence or take the steps itself and recover the costs. The local authority may also revoke if:

- some or all of the highway becomes unsuitable:
- there is a risk to public health or safety: or
- it recognises false or misleading information was given.

### Extension of the provisions of the Licensing Act 2003 to facilitate pavement licence applications

5.2 In order to help broaden the potential for pavement licences, those premises licensed for alcohol on sales by way of the Licensing Act 2003 automatically now have off-sales attached to their licence. This enables drink purchased inside of the premises to be consumed in the area covered by the pavement licence outside of the premises.

## **6. Options Appraisal**

### Impact of the new regime

6.1 The new legislation has been widely publicised within the hospitality and leisure trade. The Licensing team have helped raise awareness of the new provisions during discussions and correspondence with the licensed trades around covid-19 issues.

6.2 Despite this, and a number of enquiries, no applications have been received by the licensing team to date. The reasons for this are unclear. However, it is recognised that within the Borough that:

- Many premises have limited public highway readily available to them to make use of under a pavement licence;
- Many premises are already restricted in their use by other arrangements made to ensure their premises are Covid-secure (for example by external queueing arrangements prior to admission); and
- The fact that the new regime came into being toward the end of the summer period and at a time when the weather has deteriorated from earlier months of the year may have discouraged operators from establishing outside facilities.

## **7. Legal Implications**

Implications completed by Deirdre Collins, Prosecution Barrister, Law and Governance

7.1 The Business and Planning Act 2020 introduces pavement licenses, to allow licenced premises to make use of pavements and highways outside seating areas. The effect of this is to support and encourage additional seating space for businesses during the pandemic.

7.2 Local Authorities may only refuse to grant a pavement licence if the proposed external seating area preventing traffic, other than vehicular traffic, from entering the relevant highway at a place that traffic could normally enter it, or prevents it passing along the relevant highway or from having normal access to premises adjoining the highway, preventing the use of any vehicle permitted by a pedestrian planning order or traffic order preventing statutory undertakers having access to any apparatus of

theirs or preventing an operator of an electronic communications code network accessing electronic communications apparatus.

7.3 There is no appeal to an unsuccessful application.

7.4 No licence is anticipated to exist beyond September 2021.

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

**List of appendices:**

Appendix A – Copy of Standard Conditions

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## Pavement Licences

### Standard licence conditions for Pavement Licences

Effective from 30<sup>th</sup> July 2020

1. These conditions may be varied, modified or dispensed with by the Council in any individual case.
2. The licence holder may not take any action pursuant to the licence that has the effect of
  - a) preventing traffic, other than vehicular traffic, from—
    - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
    - ii. passing along the relevant highway, or
    - iii. having normal access to premises adjoining the relevant highway,
  - b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
  - c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
  - d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
3. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.
4. Pavement trading may only be conducted on the days and between the hours specified in the licence. The type and layout of furniture within the licensed area must be only as approved in the licence application.
5. The licence holder must comply with any reasonable request of an authorised officer of the Council or a police officer, providing such request does not require excessive additional expenditure.
6. The licence holder must remove all furniture from the highway outside trading hours (unless previously agreed with the Council) and immediately if required to do so to permit works in or the use of the highway by the Council, the Police, fire and ambulance services, any statutory undertaker or telecommunications code operator.

7. The licence holder must maintain valid public liability insurance with a minimum liability cover of at least £5,000,000 (five million pounds).
8. The licence must be displayed in the window of the premises to which it pertains so that it may be read from outside of the premises.
9. The licence does not permit the playing of music, singing or performance of entertainments, or the use of an external public address system or speakers, on the highway, including within the licensed area. The licensee must make all reasonable efforts to ensure that any noise disturbance to the neighbourhood, including noise from patrons, is kept to a minimum.
10. The licence holder must ensure that a manager or other responsible member of staff at the premises has successfully completed the nationally recognised counter terrorism training product referred to as ACT eLearning package **OR** can demonstrate that the ACT eLearning product has been successfully completed a manager or other responsible member of staff within the preceding 12 month period of the pavement licence being granted.
11. The licence holder must ensure that existing CCTV systems are correctly working, benefit from a maintenance contract whereby any outage or loss of capability will be resolved within a maximum period of 24 hours; and are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other CCTV Code of Conduct referred to in the Premise Licence. Reasonable efforts should be made to endeavour to ensure that the area subject to the pavement licence is captured. Imagery must be retained for a at least one (1) calendar month and images produced upon reasonable request by a Police Officer or Local Authority Enforcement Officer.

## LICENSING AND REGULATORY COMMITTEE

**23 September 2020**

<b>Title:</b> Update on Licensing Applications and Appeals	
<b>Report of the Strategic Director</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected: All</b>	<b>Key Decision: No</b>
<b>Report Author:</b> Theo Lamptey, Service Manager Public Protection, Regulatory Services	<b>Contact Details:</b> Tel: 020 8227 5655 E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a>
<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement Services	
<b>Accountable Strategic Director:</b> Fiona Taylor, Acting Deputy Chief Executive	
<b>Summary</b>	
This report provides an update on licence applications, public hearing and appeals falling under the responsibility of the Licensing and Regulatory Committee.	
<b>Recommendation</b>	
The Licensing and Regulatory Committee is asked to note the report.	

### 1. Introduction

- 1.1 The following provides an update on licence applications, determinations and appeals falling under the responsibility of the Licensing and Regulatory Committee.

### 2. Applications

- 2.1 The following applications were received, processed, and determined during the period from 1 January to 31 August 2020:

- **Licensing Act 2003**

In total 158 applications, including 14 applications for new premises licences and 24 applications for Temporary Event Notices have been received. The other 120 applications comprised a mixture of major and minor licence variations and designated premises supervisor variations; plus new personal licences, transfers and administrative amendments.

- **London Local Authorities Act 1991**

In total 75 applications have been received for new special treatments licences including 65 renewals.

- **Gambling Act 2005**

In total five applications have been received for gaming and betting licences.

- **Scrap Metal Dealers Act 2013**

In total four applications have been received over the annual renewals.

- **Explosives Regulations 2014**

In total nine applications have been received for fireworks and explosives storage.

- **Animal Welfare Act 2006 / Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

One application was received for dog breeding.

### **3. Public Hearings**

3.1 Six public hearings took place during the period 1 January to 31 August 2020:

#### **(a) Way 2 Save, 147 Ripple Road, Barking**

On 7 January 2020 the Licensing Sub-Committee considered an application for the variation of the premises licence held by Mr Murat Alma which was opposed by local ward councillors and the licensing authority's responsible authority officer. The application sought extended hours operation for the retail sale of alcohol for consumption off the premises. The Sub-Committee heard from all parties and considered all relevant matters and decided to part grant the application with additional operating conditions imposed in order to promote the licensing objectives.

#### **(b) D'Will Events Hall and Church, Selinas Lane, Dagenham**

On 19 February 2020, the Licensing Sub-Committee considered a temporary event notice in respect of a late-night event scheduled at the premises and opposed by the police. Having heard all parties concerned and considered all relevant matters the Sub-Committee decided to reject the notice and issue a counter-notice on the grounds of potential nuisance and anti-social behaviour.

#### **(c) The Royal Oak, 203 Longbridge Road, Barking**

On 3 March 2020, the Licensing Sub-Committee considered an application for a review of the premises licence submitted by the police and supported by the licensing authority's responsible authority officer. The review centred on a number of incidents that had taken place at the premises. Before the commencement of the meeting the parties involved reached agreement on a revised set of management

operating conditions intended to help prevent the recurrence of such incidents. This agreement led to the withdrawal of the review application. The agreement reached was presented to the Sub-Committee at the hearing.

**(d) The Roundhouse, Lodge Avenue, Dagenham**

On 18 March 2020, the Licensing Sub-Committee considered an application for a review of the premises licence submitted by the police and supported by the licensing authority's responsible authority officer. The review centred on a number of incidents that had taken place at the premises. Having heard from all parties and considered all relevant matters the Sub-Committee decided to remove the designated premises supervisor and suspend the licence for a period of three months. An appeal was consequently lodged by the licence holder, Mr George Hand, against the suspension of the licence. See section 4 on appeals.

**(e) WeAreFSTVL, Central Park, Dagenham**

On 14 July 2020 the Licensing Sub-Committee was due to consider an application submitted by Spring Merch Ltd for a 10-year time limited premises licence enabling an annual large scale music festival to be held at Central Park which was opposed by the police and licensing authority's responsible authority officer. At the public hearing arranged to determine the matter, however, the Sub-Committee received a request for an adjournment from the applicant to allow the application to be considered in the light of anticipated Government guidance on the holding of large outdoor events / mass gatherings during Covid-19 restrictions. The Sub-Committee granted a two-month adjournment with the matter due to have been brought back for consideration by 11 September 2020. Dialogue has continued with the applicant over the intervening period and due to the continued delay in the anticipated guidance, the applicant has recently requested that the determination of the application be further adjourned for another three months. It is expected that the matter will now be brought before the Sub-committee in December 2020.

**(f) H & Q Café, 242 Bennetts Castle Lane, Dagenham**

On 14 August 2020, the Licensing Sub-Committee considered an application by H & Q Café Shop Ltd for a new premises licence enabling the retail sale of alcohol for consumption on the premises. The application was opposed by local Ward Councillors and the licensing authority's responsible authority officer. Having heard from all parties and considered all relevant matters the Sub-Committee granted the application but with restricted hours operation and additional conditions set in order to afford protections to local residents.

**4. Appeals**

- 4.1 One appeal was settled in court and one new appeal was lodged during the period 1 January to 31 August 2020.

**(a) Bardhi / Ercan Pool Club, 70a Longbridge Road, Barking**

An appeal lodged was against the Council's decision of 10 September 2019 to revoke the licence in respect of the Bardhi Pool Club at 70a Longbridge Road, Barking. The matter was set down for hearing in March 2020. Following negotiation

by all parties, however, the matter was settled by way of a consent order which had the effect of overturning the revocation of the premises and allowing the re-imposition of the licence but with extensive additional conditions added to the licence intended to ensure there was no repeat of the concerns that gave rise to the revocation decision. The additional conditions included new membership arrangements; search and security policies; and CCTV requirements.

**(b) The Roundhouse, Lodge Avenue, Dagenham**

As noted in the previous section, the Sub-Committee's decision of 18 March 2020, to suspend the premises licence, was made subject of an appeal to the local magistrates' court. Since the appeal has been lodged the status quo has been maintained and the licence holder is not compelled to comply with the suspension until the decision may be confirmed in the court. The premises did close shortly after this decision was taken, however, due to the imposition of the Government's Covid-19 restrictions and it has not re-opened to date. A court date is awaited and in the meantime we remain in dialogue with the licence holder.

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

**List of appendices:** None