

Notice of Meeting

LICENSING AND REGULATORY BOARD

Wednesday, 14 October 2015 - 7:00 pm
Committee Room 2, Town Hall, Barking

Members: Cllr Josephine Channer (Chair), Cllr Adegboyega Oluwole (Deputy Chair), Cllr Syed Ahammad, Cllr Peter Chand, Cllr Faruk Choudhury, Cllr Kashif Haroon, Cllr Chris Hughes, Cllr Elizabeth Kangethe, Cllr Hardial Singh Rai and Cllr Lee Waker

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Chief Executive

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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 4 February 2015 (Pages 3 - 4)

4. Sub-Committees - To receive the minutes of the Licensing Sub-Committee meetings held on: (Pages 5 - 69)

- 22 January 2015
- 13 February 2015
- 11 March 2015
- 24 March 2015
- 15 April 2015
- 14 May 2015
- 26 May 2015
- 4 June 2015
- 8 July 2015
- 10 September 2015
- 15 September 2015

- 24 September 2015

5. **Deregulation Act 2015 (Pages 71 - 73)**
6. **Review of the Licensing Act 2003 - Statement of Licensing Policy (Pages 75 - 143)**
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; London's growth opportunity

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

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MINUTES OF LICENSING AND REGULATORY BOARD

Wednesday, 4 February 2015
(6:00 - 6:58 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Peter Chand, Cllr Faruk Choudhury, Cllr Kashif Haroon, Cllr Elizabeth Kangethe, Cllr Hardial Singh Rai and Cllr Lee Waker

Apologies: Cllr Adegboyega Oluwole, Cllr Syed Ahammad and Cllr Eileen Keller

27. Declaration of Members' Interests

There were no declarations of interest.

28. Minutes

The minutes of the Licensing and Regulatory Board meeting held on 2 December 2014 and the Licensing Sub-Committee meeting held on 15 December 2014 were confirmed as correct.

29. Chair's Introduction

The Chair welcomed Members to the first meeting of the Board since the implementation of the new sub-committee arrangements for the determination of applications.

Officers clarified a number of points regarding the new arrangements for the Board and the Sub-Committee and the following points were made:

- (i) That a schedule for serving on the Sub-Committee should be produced;
- (ii) That all Board Members should be advised of the details of Sub-Committee meetings in order that they may attend as observers;
- (iii) That the Board retains the right to determine applications in certain specific circumstances;
- (iv) That Board Members were entitled to be present in an observer capacity when applications within their wards were being considered.

30. Update on Appeals

The Licensing Officer reported on the two appeals that had been made to the Magistrates Court in respect of the following decisions:

- (i) Review of Premises Licence - Fountane Restaurant, 4 Princess Parade, New Road, Dagenham, RM10 9LS (Minute 4 of the Licensing and Regulatory Board, 17 June 2014)

- (ii) Review of Premises Licence - Ship and Shovel Public House, Ripple Road, Barking (Minute 20 of the Licensing and Regulatory Board, 21 October 2014)

In respect of (i) above, it was noted that the Court had reduced the period of suspension from three months to one month in recognition of the applicant's compliance with the other conditions imposed by the Board. The Licensing Officer confirmed that each party had been made responsible for their own costs, which recognised that the Board's original decision had been sound.

With regard to (ii), it was noted that the appeal had been listed for 24 March 2015.

31. Applications received under the Licensing Act 2003

The Licensing Officer presented a summary of all applications received for the period 1 October to 31 December 2014. In response to Members' comments, the Licensing Officer confirmed that the presentation of information would be enhanced in future reports.

32. Timing of Meetings

The Board received a report on the start time of future meetings in the light of a proposal to be considered at the next meeting of the Assembly regarding the default start time for all Council meetings.

It was agreed that future meetings of the Board be held at 7.00pm. In respect of meetings of the Sub-Committee, the Democratic Services Manager explained that a degree of flexibility would need to be retained as the arrangements would have to take account of the number of applications to be dealt with, the complexity of each application, the public interest in an application and the availability of the relevant parties.

MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 22 January 2015
(2:00 - 5:55 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Faruk Choudhury and Cllr Hardial Singh Rai

3. Declaration of Members' Interests

There were no declarations of interest.

4. Application to Review the Premises Licence for The Club, 121 Broad Street, Dagenham, Essex, RM10 9HP

The Councils Licensing Officer, Mr Paul Adams, presented a report in respect of an application to review the premises licence for The Club, 121 Broad Street, Dagenham, Essex RM10 9HP.

The Sub-Committee were advised that on 2nd December 2014, an application to review the Premises Licence was received from Corinne Holland PC 119KG on behalf of the Chief Officer for Police for the London Borough of Barking and Dagenham, under the licensing objectives prevention of crime and disorder, the prevention of public nuisance & the protection of children from harm.

The Sub-Committee were advised that the premises licence was held by Mr George Hand, Trimast Associates Ltd, Vine House, The Green, Blackmore, Chelmsford, Essex, CM4 0QH. The Designated Premises Supervisor (DPS) was Vicky Smith, who held a Personal Licence issued by the London Borough of Barking and Dagenham.

The authorised licensable activities, the times for carrying out the licensable activities and a copy of the premises licence were contained within the report.

The premises had suffered a number of crimes in recent months which had been detailed in the review application which was attached to the report as Appendix B. Despite regular contact by the Police with the management of the premises in an effort to resolve the issues contributing to these crimes their occurrence has continued, therefore the Police felt that there was no realistic alternative left open to them other than a review of the licence to ensure that the risk posed by the premises to the Licensing Objectives was reduced.

The Police had submitted additional documentation which was before the Sub-Committee, along with additional information that had been submitted by Mr Hand.

There were no questions for the Licensing Officer.

The Chair invited the Police to present their case. Ms Sarah Le Fevre, the representative for the Police, in attendance and presented the application to

review the premises licence to the Sub-Committee.

The Sub-Committee's attention was drawn to the review application as detailed within the agenda, which contained summaries of incidents that had taken place at the premises since New Year's Day 2014. Ms Le Fevre advised that the Police sought to maximise the certainty that the risk of repetition of such incidents was minimised.

The concerns of the Police were summarised by Ms Le Fevre:

1. Violence had been connected to the premises until November 2014.
2. Despite an action plan being implemented with the police and the management in May 2014, the Police felt the issues had not been rectified.
3. There was concern that Mr Hand was not in control of the premises, with responsibilities unclear.

Detailed within the review application were five courses of action that the police had requested

- i. The premises licence to be suspended for three months.
- ii. The Designated Premises Supervisor should be removed.
- iii. A personal Licence Holder must be employed, as part of the management, and working in the bar area at all times when alcohol is for sale.
- iv. there shall be at all times, when alcohol is available for sale, a member of staff on the premises who had access to and be able to fully operate the CCTV equipment (for viewing and downloading).
- v. The licensable hours should be reduced to 2300hrs for all three bars seven days of the week.

PC Holland advised the Sub-Committee that she had visited the premises within the last 10 days where she was advised that booked events would be continuing in the evening, however a wristband system had been introduced to differentiate between those who were underage and those who were over 18 years of age. In response to a request for the staff training records and a copy of the incident book, PC Holland was advised that these were not available.

The Sub-Committee were advised, in response to a question with regard to the booking of events, that a booking system was now in place for the venue capturing all information the premises licence holder considered necessary to be able to manage the event.

In response to a further question from the Sub-Committee, it was confirmed that no incidents had taken place at the premises since 27.11.2014.

Mr Tim Jones, Noise Officer for the London Borough of Barking and Dagenham, was invited by the Chair to present his report to the Sub Committee.

Mr Jones advised the Sub-Committee that there had been problems with sound coming from the venue, particularly the side door, in 2014. However no complaints had been received since 24 October 2014.

The Sub-Committee had before them a copy of Mr Jones' detailed report and noted that seven incidents had been reported on one day in July 2014 due to noise

coming from the first floor of the premises. Following these incidents noise abatement notices had been served on the premises.

In response to questions, the Sub-Committee were advised that since the last visit of Mr Jones to the premises in September 2014, the premises had been sound proofed, with the work being completed in October 2014.

The meeting adjourned at 3.10pm for a break and reconvened at 3.20pm.

The Chair then invited Mr Williams, legal representative for Mr Hand, to address the Sub-Committee.

Mr Williams addressed the Sub-Committee, speaking in support of the premises and the Premises Licence Holder, Mr Hand, raising the following points:

1. Witness statements had been received supporting the premises
2. A petition had been received supporting the premises
3. Since the introduction of an action plan in Mid 2014, there had been an improvement at the premises.
4. The request for suspension of the licence for three months was considered excessive due to the improvements made at the premises.
5. Mr Hand had agreed with the current DPS that she would be removed from post and a new DPS would be appointed.
6. There were no Personal Licence Holders at the premises when Mr Hand took it over, there were now 13 and another three employees were due to complete the course shortly.
7. Issues with the CCTV system at the premises had been rectified and there were two engineers on call to ensure the equipment could be fixed quickly if there was a fault.
8. There had been no issues over the Christmas period.

Ms Vicky Smith, the current DPS, addressed the Sub-Committee, explaining that wristbands had now been purchased and were used during events when under 18 years old may be present and were placed on those who were over 18 years old only to allow easy identification by bar staff. Bookings for events were now taken on a more formal basis with detailed information required and for bookings for birthday parties for 18 year olds and 21 year olds were taken only if an adult would be present.

The Sub-Committee were further advised that the security staff were required to sign in and sign out of their shifts and that an incident book was in place.

The Sub-Committee questioned whether training had been undertaken and it was noted that the current DPS, Ms Smith, had recently provided training to staff on Challenge 21.

The Chair allowed all parties to summarise their case, the Sub-Committee then retired to consider their decision.

Decision

In arriving at its decision, the Committee considered the representations from the Police, Environmental Health, and the case put forward by the applicant. The

Committee decided as follows: -

There would be no suspension of the premises licence for any period of time Vicky Smith is to be removed as the DPS at the premises, and a new DPS appointed within 6 weeks.

A personal licence holder must be employed as part of the management and working in the bar area at all times alcohol is available for sale.

A daily record must be kept of all premises licence holders on the premises, and this record must be available for inspection by the Police and Local Authority at all times.

There shall be at all times when alcohol is available for sale, a member of staff on the premises who has access to and be able to fully operate the CCTV equipment.

There would be no reduction in the licensable hours.

The current condition on the premises licence relating to door supervisors is to be amended to read as follows: -

“Where door supervisors are employed it will be at a ratio of not below 50 customers to one, with a minimum of one door supervisor employed on Thursday, Friday, and Saturday evenings, and more door supervisors employed at anytime management things this is necessary”.

The current condition on the premises licence relating to (training) of new staff members is to be amended to read as follows: -

“Any new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003 by a recognised training provider, namely sales to underage persons, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises licence. Evidence of this training should be obtained and be made available on demand to any Police Officer, Police Community support Officer, or an authorised officer of the Local Authority”.

The current condition on the premises licence relating to the continuation of training for all staff members is to be amended as follows: -

“All staff shall receive training on the prevention of underage sales at least every six months from a recognised licensing training provider. Evidence of such training showing what training has been given to whom and by whom and on what date should be obtained and shall be available on request to any Police Officer, Police Community support Officer, or an authorised officer of the Local Authority”.

MINUTES OF LICENSING SUB-COMMITTEE

Friday, 13 February 2015
(7:45 - 9:15 pm)

Board Members Present: Cllr Adegboyega Oluwole, Cllr Kashif Haroon and Cllr Hardial Singh Rai

5. Declaration of Members' Interests

There were no declarations of interest.

6. Application for a Summary Review of the Premises Licence for Ship and Shovel Public House, Ripple Road, Barking IG11 0SN

The Councils Licensing Officer, Mr Paul Adams, presented a report in respect of an application for the summary review of the premises licence at Ship and Shovel Public House, Ripple Road, Barking IG11 0SN.

The Sub-Committee were advised that on 12 February 2015, an application for the Summary Review of the premises Licence was received from Andrew O'Connor PC 516KG on behalf of the Chief Officer for Police for the Metropolitan Police Area as the premises had been associated with serious crime.

The Licensing Authority on receipt of the application for Summary Review must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending determination of the review of the premises licence.

The Licensing Authority must in any event undertake a full review within 28 after the day of receipt of the summary review application.

The Sub-Committee were advised that the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) was Mr Malkit Puaar. Mr Adams advised the Sub-Committee that there was an additional Premises Licence Holder, Mr Sandhu, however this information had been omitted from the report by error.

The authorised activities, the times for carrying out licensable activities and a copy of the premises licence were contained within the report.

The Licensing and Regulatory Board had determined an application for a review of the premises licence submitted by the Metropolitan Police on 21 October 2014. The Sub Committee were reminded that an appeal had been made to the Magistrates' Court against the decision and the matter was pending, awaiting determination by the Courts on 2March 2015.

Andrew O'Connor PC 516KG was present and addressed the Sub-Committee in relation to the application for a Summary Licence Review. Mr O'Connor advised the Sub-Committee:

1. The Police had felt it necessary to use emergency measures to call the Summary Licence Review due to the serious crime taking place at the premises. All options available to the Police had been exhausted
2. On Saturday 7 February 2015, Police Officers from the Central Licensing Team undertook a random spot check on the premises and found it to be in breach of several conditions on the licence.
3. On Sunday 8 February 2015 a female customer was punched and knocked out in the car park of the premises. When asked to call an ambulance, it was alleged that the door staff refused. It was suspected that the victim had received brain injuries, however it was reported that she had now been released from hospital.
4. The Police had attended the incident and were advised that the victim had been taken to Newham General Hospital in a taxi.
5. Due to several incidents taking place in the premises over the last year, the Police had lost faith in the management of the premises and requested the following:
 - The licensable activities be curtailed to 01:00 with the premise closing at 02:00.
 - The DPS, Mr Malkit Puaar, be removed.
6. Actions had already been taken by the Premises to remove the DPS, with the Police already being served with papers as such, of which they had accepted. The papers would be served on the Licensing Authority also.

In response to questions from the Sub-Committee, PC O'Connor advised that a colleague, Corinne Holland PC 119KG, had spoken to the victim on the telephone after the incident, however the victim had not provided a witness statement to CID officers as she was considered too unwell.

Mr Khang, representing Mr Puaar, was present and addressed the Sub-Committee, speaking in support of the premises. In particular, Mr Khang advised the Sub-Committee of the following:

1. Since October 2014, there had been no serious incidents at the premises.
2. There were six licensed door supervisors present at weekends.
3. The management understood the concerns of the Police and were therefore already taking steps to remove the DPS.
4. A ticketed event had been arranged for Saturday 14 February 2015 and the premises had already sold many tickets.

Mr Hare, head of door security at the premise, was also present and addressed the Sub-Committee:

1. The incident on Sunday 8 February had taken place outside of the premises and was a domestic incident between a male and a female. The victim slipped and fell on the floor and was not punched as alleged.
2. A chair and assistance had been provided for the victim after the incident.
3. The Police had not attended since the incident to review the CCTV, however Mr Hare had reviewed the CCTV and it was noted that the outside camera needed to be changed due to the inclement weather conditions causing misting over the lens of the camera.
4. The management took the safety of its patrons seriously and as well as making the venue a safe place to visit, often called taxi's for those leaving in the early hours of the morning.

In response to questions from the Sub-Committee regarding the breach of conditions on Saturday 7 February 2015, Mr Puaar advised the Sub-Committee that the SIA staff were wearing hi-visibility jackets, however they were blue and the licence did not stipulate they must be yellow. Yellow hi-visibility jackets had now been purchased by the premise. Furthermore, the lockable drugs box and lockable weapons box had been removed as they were not used at the premises due to a strict body search procedure in place. They would be replaced shortly to ensure compliance with the conditions of the licence.

The Chair gave those present the opportunity to sum up before the Sub-Committee retired to deliberate.

DECISION

The Sub Committee had regard to the Licensing Act 2003. The statutory guidance issues, the Council's Licensing Policy and all matters presented before it, both written and oral.

The Sub Committee agreed that in order to promote the licensing objectives to vary the licence for the Ship and Shovel Public House on an interim basis as follows:

- (i) The licensable activities at the premises shall cease at 02:00 everyday with a half hour cooling off period and the premises shall close by 02.30.
- (ii) The current designated premises supervisor Mr Puaar shall be removed.
- (iii) On Friday and Saturday nights from 23:00 until the premises closes at 02:30 the next day, there shall be nine licensed door supervisors employed.
- (iv) On Sunday to Thursday nights, the door staff shall be employed on a ratio of one door supervisor per 100 patrons or part thereof whichever is greater.

The Sub Committee advised that the decision would take immediate effect.

Following the announcement of the Sub Committee's decision to those present, the Sub Committee gave the Licence Holder an opportunity to address them on the decision, they declined.

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MINUTES OF LICENSING SUB-COMMITTEE

Wednesday, 11 March 2015
(7:00 - 8:10 pm)

Board Members Present: Cllr Adegboyega Oluwole (Deputy Chair), Cllr Syed Ahammad and Cllr Hardial Singh Rai

7. Declaration of Members' Interests

There were no declarations of interest.

8. Application for a Review of the premises licence for Ship and Shovel Public House, Ripple Road, Barking IG11 0SN

The Councils Licensing Officer, Mr Paul Adams, presented a report in respect of an application for the review of the premises licence at Ship and Shovel Public House, Ripple Road, Barking IG11 0SN.

The Sub-Committee were advised that on 12 February 2015, an application for the Summary review of the premises Licence was received from Andrew O'Connor PC 516KG on behalf of the Chief Officer for Police for the Metropolitan Police Area as the premises had been associated with serious crime.

The Licensing Authority on receipt of the application for Summary Review must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending determination of the review of the premises licence. The Sub Committee met to consider the application for Summary review on 13 February 2015. The decision notice was contained within the agenda papers at appendix D.

Following the Summary review, the Licensing Authority must in any event undertake a full review within 28 days after the day of receipt of the summary review application.

The Sub-Committee were advised that there were two Premises Licence Holders, Malkit Puaar and Jagtar Sandhu. The Designated Premises Supervisor (DPS) was Robert Muca who replaced Malkit Puaar on 13 February 2015.

Mr Adams advised the Sub Committee that before the meeting had begun, an application to change the DPS had been received and accepted by the Licensing Authority, therefore Ms Olesia Kodzis was now the DPS of the premises.

The authorised activities, the times for carry out licensable activities and a copy of the premises licence were contained within the report.

The Licensing and regulatory Board had determined an application for a review of the premises licence submitted by the Metropolitan Police on 21 October 2014. The Sub Committee were reminded that an appeal had been made to the Magistrates' Court against the decision and the matter was pending, awaiting

determination by the Courts on 24 March 2015.

The Chair questioned Mr Puaar as to whether the appeal had been withdrawn, following comments made at the last hearing. Mr Puaar advised that the appeal had been withdrawn, however the Sub Committee noted that the Licensing Officers had not been formally made aware of this.

The Chair invited the Police representative, Ms Kitty St Aurbyn to address the Sub Committee.

1. The Police had felt it necessary to use emergency measures to call the Summary Licence Review due to the serious crime taking place at the premises. All options available to the Police had been exhausted.

2. On Saturday 7 February 2015, Police Officers from the Central Licensing Team undertook a random spot check on the premises and found it to be in breach of several conditions on the licence including no lockable drugs or weapons boxes, drinking outside after 23:00, SIA staff visibility and the DPS not holding a personal licence.

3. On Sunday 8 February 2015 a female customer was punched and knocked out in the car park of the premises. When asked to call an ambulance, it was alleged that the door staff refused. It was suspected that the victim had received brain injuries, however it was reported that she had now been released from hospital.

4. The Police had attended the incident and were advised that the victim had been taken to Newham General Hospital in a taxi.

5. Due to several incidents taking place in the premises over the last year, the Police had lost faith in the management of the premises and requested the following:

- All Licensable activities to be terminated at 03:00, with the premises to close at 04:00.
- Between the hours of 23:00 – 04:00 there will be a minimum of six SIA door staff including one female at all times, seven days a week.

6. The Police confirmed they were satisfied with the change in DPS and the CCTV installed in the premises.

The Chair invited Mr Puaar to address the Sub Committee to respond. Mr Puaar advised that having spoken to the Police already; he was willing to accept the conditions as suggested by the Police.

The Chair then gave all parties the opportunity to sum up before the Sub-Committee retired to deliberate.

DECISION

The Sub Committee had regard to the Licensing Act 2003, the statutory guidance issued, the Councils Licensing Policy and all matters presented before it, both written and aural.

The Sub Committee agreed that in order to promote the licensing objectives to vary the licence for the Ship and Shovel Public House as follows:

(i) The licensable activities at the premises shall cease at 03:00 every day, with an hour cooling off period and the premises shall close by 04:00.

(ii) Between the hours of 23:00 and 04:00 every day, there shall be six licensed door supervisors employed including one female at all times.

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MINUTES OF LICENSING SUB-COMMITTEE

Tuesday, 24 March 2015
(7:00 - 7:40 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Peter Chand and Cllr Faruk Choudhury

9. Declaration of Members' Interests

There were no declarations of interest.

10. Application to vary a Premises Licence: Food & Wine Off Licence, 731 Green Lane, Dagenham

The Councils Licensing Officer, Ms Maria Williams, presented a report in respect of an application to vary the Premises Licence for Food & Wine Off Licence, 731 Green Lane, Dagenham.

The application was to extend the opening hours to sell alcohol for consumption off the premises as follows:

	Opening Hours	
	Current	Proposed
Sunday – Thursday	08:00hrs – 23:30hrs	08:00hrs – 01:00hrs
Friday - Saturday	08:00hrs – 23:30hrs	08:00hrs – 02:00hrs

The application was also to delete the condition regarding the selling of beers and ciders (alcohol above an alcohol by volume (ABV) of 6.5%).

During the consultation period, one valid representation was received from an “other person” (interested party) which was detailed in the agenda before Members and a representation had been received from PC Corinne Holland of the Metropolitan Police objecting to the extension of hours.

Andrew O'Connor PC 516KG was present and was invited to address the Sub Committee with regard to representation made by the Police.

Mr O'Connor advised that following receipt of the application for variation he attended the premises which were found to be in breach of seven conditions contained within the premises licence. Due to this failure, the Police could not support the application as they considered the premises could not cope with the current conditions of the licence and therefore were objecting to the variation application. If the Sub Committee were minded to approve the variation application, the Police requested that two further conditions be included on the Premises Licence:

1. A personal licence holder is to be working in the premises at all times alcohol is available for sale after 11.30pm.

2. Two members of staff to be working in the premises at all times alcohol is available for sale after 11.30pm.

In response to questions from the Sub Committee, Mr O'Connor advised that there were no previous incidences associated with the premises.

The Chair then invited the applicant, Mr Jothyraj Thampiappa, to address the Sub Committee.

In his submission, Mr Thampiappa advised the Sub Committee that the previous owner had sold higher strength alcohol as he believed this to be on the previous licence and had assumed it carried over to the new licence.

Mr Thampiappa also stated that although the cabinets within the premises were not lockable, he used a curtain to cover the cabinet when the shop was open outside of licensable hours.

The premises was not open for 24 hours with it currently opening at 11:00. In response to a question, the Sub Committee were advised that the extension of hours was requested due to competition from neighbouring shops and the potential for passing trade as the premises was next to a bus stop.

With regard to the refusal book and lack of use, the Sub Committee were advised that it was not used very often as staff had forgotten and under age sales had been refused regularly therefore individuals no longer came to the premises to try and buy alcohol/cigarettes when under age.

The Sub Committee were further advised that the premises had CCTV installed within the premises, which was retained for one month and would be accessible to Police if they so required it.

The Chair then gave each party the opportunity to sum up before the Sub Committee retired to deliberate.

Decision

The Sub Committee had considered and had particular regard to the statutory guidance issued under Section 182 Licensing Act 2003, the Council's licensing policy and all evidence placed before it including all the written documentation and the oral submissions at the meeting.

The Sub Committee had regard to the Licensing objectives of:

Public Safety
The prevention of Public Nuisance

The Sub Committee's decision was to reject the application.

The Sub Committee had regard to the Applicant's lack of knowledge of the licensing conditions and the lack of compliance with a number of those conditions for the last 18 months. The Sub Committee wished to emphasise that they noted the Applicant's recent compliance with the licensing conditions. The Sub Committee would however want to see the compliance further demonstrated and

sustained before any extension would be considered.

There was a right of Appeal to the Magistrates Court within 21 days of receipt of the Notice.

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MINUTES OF LICENSING SUB-COMMITTEE

Wednesday, 15 April 2015
(7:00 - 7:59 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Kashif Haroon and Cllr Hardial Singh Rai

11. Declaration of Members' Interests

There were no declarations of interest.

12. Application for a new premises licence: Central Park, Dagenham, RM10 7EH

The Councils Licensing Officer, Paul Adams, presented a report to Members which was regarding an application for a Premises Licence for Central Park, Dagenham, Essex, RM10 7EH.

The application was to hold no more than 3 events in one calendar year in Central Park during the hours of 09:00 and 23:00 to include Live Music, recorded Music, Performance of Dance and the sale of alcohol.

The Sub Committee were advised that during the consultation period valid representations had been received from residents and these were contained in the agenda before the Sub Committee.

Representation had been received from the Metropolitan Police, requesting they had,

- a) Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held in the park under the authorities licence
- b) No event will be held under the authority of the premises licence unless the police have been given notice of at least 30 days.

Mr Adams advised the Sub Committee that if they were minded to approve the application, the applicant had agreed to accept these conditions as part of the licence and therefore the objection had been withdrawn.

Representation had also been received from Adult and Community Services (as the role of Child Protection responsible authority) regarding the sale of alcohol and the adoption of a Challenge 25 policy or written age challenge procedures. Mr Adams advised the Sub Committee that the applicant had agreed to accept the adoption of a Challenge 25 policy if the Sub Committee were minded to approve the application.

The Sub Committee questioned as to whether the Rugby Club situated within Central Park were to be included as part of the Premises Licence, it was confirmed that the Club had a separate premises licence.

In response to further questions, Mr Adams advised the Sub Committee that Central Park previously had a premises licence however this was surrendered by the Council.

Ms Chamberlin, a local resident, was present and was invited by the Chair to address the Sub Committee setting out her concerns.

Ms Chamberlin was a long term resident close to Central Park and was concerned that a Premises Licence would encourage antisocial behavior in the park. At previous vents there had been issues with noise and alcohol misuse and often when events had finished the park had not been cleared. Due to the open nature of the park, when such events were taking place it was often better for residents to leave their homes to escape the noise and return when the event had finished.

The Chair then invited Mr Goslin, a local resident, to address the Sub Committee setting out his objections to the application. Mr Goslin's main concerns were regarding antisocial behavior in Central Park and he felt that such events should not take place there. There had been noise complaints regarding previous events that had taken place in the park and Mr Goslin asked the Sub Committee to consider that there were a lot of elderly residents living close to the Park.

The Applicant, Mr Paul Hogan, Divisional Director of Culture and Sport, was present and was invited by the Chair to address the Sub Committee, answering some of the concerns raised by those who had made representation.

Mr Hogan advised the Sub Committee that the Council took its Health and Safety duties seriously and would comply with the law throughout any event. The Safety Advisory Group would be re installed to ensure that throughout scrutiny of any events due to be put on in the park would be undertaken and this would involve experts within the relevant fields.

Mr Hogan confirmed that the Council only intended to put one event on this year at the park, a music festival which, if the Sub Committee were minded to approve, would take place on Saturday 6 June 2015. Alcohol would be served during the duration of the event (13:00 to 22:00) and the stage would be placed so that it would be backing onto the Civic Centre and not residential properties. Whilst there would still be some noise emanating from the stage, noise pollution would be reduced significantly by its location.

The Chair then gave each party the opportunity to sum up before the Sub Committee retired to deliberate.

DECISION

The Sub Committee had considered and had particular regard to the statutory guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and all evidence placed before it including all the written documentation and the oral submissions at the meeting.

The Sub Committee considered and had particular regard to the Licensing objectives of:

- The prevention of crime and disorder

- Public safety
- The prevention of Public Nuisance

The Sub Committees decision was to grant the application, with the following conditions:

- a) Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held in the park under the authorities licence
- b) No event will be held under the authority of the premises licence unless the police have been given notice of at least 30 days.
- c) Events would only take place at the weekends (Friday and Saturday with Sunday only if it is followed by a Bank Holiday)
- d) A dispersal policy must be agreed by the Safety Advisory Group.

These conditions were considered necessary for the promotion of the licensing objectives.

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MINUTES OF LICENSING SUB-COMMITTEE

Wednesday, 29 April 2015
(12:00 - 1:10 pm)

Board Members Present: Cllr Syed Ahammad, Cllr Kashif Haroon (Chair) and Cllr Hardial Singh Rai

Apologies:

13. Declaration of Members' Interests

There were no declarations of interest.

14. Application for a Summary Review of the premises licence for River Club (Crooked Billett) River Road, Barking IG11 0EG

The Council's Licensing Officer, Mr Paul Adams, presented a report in respect of an application for the summary review of the premises licence at River Club (Crooked Billett), River Road, Barking IG11 0EG.

The Sub-Committee were advised that on 28 April 2015, an application for the Summary review of the Premises Licence was received from Andrew O'Connor PC516KG on behalf of the Chief Officer for Police for the Metropolitan Police Area as the premises had been associated with serious crime and disorder.

The Licensing Authority on receipt of the application for Summary Review must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending determination of the review of the premises licence.

The Licensing Authority in any event must undertake a full review within 28 days after the day of receipt of the summary review application.

The Sub-Committee was advised that the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) was Mr Lordan Ilies.

The authorised activities, the times for carrying out licensable activities and a copy of the premises licence were contained within the report.

The Sub-Committee and those present were reminded by Mr Adams that any interim steps put in place by the Sub-Committee would be effective immediately, with no right of appeal.

Andrew O'Connor PC 516 KG was present with a legal representative, Mr John Grime and addressed the Sub-Committee in relation to the application for a Summary Licence Review. Mr Grime advised the Sub-Committee:

1. The current licence contained scant conditions.
2. The current PLH and DPS took over the running of the premises in 2011, which

was now used for weddings and other celebratory occasions. Whilst the Mr Ilies had been cooperative with the Police, it was felt he was struggling with the current licence.

3. The premises was now considered as a focal point for violence, with three incidents taking place over the past three to four months.
4. In relation to the incidents that had taken place, there was a common theme of:
 - fighting taking place in the early hours of the morning
 - fighting inside and outside of the premises
 - criminal damage to vehicles
 - weapons being used in fighting including but not limited to metal bars, swords, knives, drinking glasses and pool/snooker cues.
 - involvement of security staff in fights
5. Before the most recent and serious incident, the Police had applied for a full review of the premises licence.
6. Due to three incidents taking place in the premises over the last three to four months, the Police had lost faith in the management of the premises and requested that seven conditions be included on the Premises Licence.

Mr Christopher Pullman, representing Mr Ilies, was present and requested a five minute adjournment to consult his client. The Sub-Committee agreed, with the meeting adjourning at 12.23pm and reconvening at 12.28pm.

Mr Christopher Pullman then addressed the Sub-Committee asking questions following the representation made by the Police. The questions, relating to the use of weapons on 26 April 2015 and the involvement of door staff on 13 April 2015, could not be answered by the Police as they were in relation to live investigations.

Mr Ilies was given the opportunity to address the Sub-Committee. Mr Illies advised that:

- a) The premises was used for celebrations (weddings, christenings and birthdays) for Romanians, but also by lorry drivers (for food) who were travelling through to France or other parts of Europe.
- b) CCTV was now in place 24 hours a day, 7 days a week with footage retained for 30 days.
- c) The fights referred to had taken place on the patrons way home from the premises, not at the premises
- d) The incident on 26 April 2015 was in relation to a gypsy wedding and as a result all future gypsy weddings had been cancelled.
- e) All conditions proposed by the Police were agreeable, accept for licensable activities ceasing at 1.30am, as in Romanian culture cakes were cut at 1am.

The Sub-Committee noted that the premises was based in a largely industrial area and in response to questions, the Sub-Committee were advised that the current

licence had been in place since 2005 and had only been before the Licensing and Regulatory Board when it was converted from an old licence to a new licence under the Licensing Act 2003.

The Chair gave those present the opportunity to sum up before the Sub-Committee retired to deliberate.

DECISION

The Sub Committee had considered and had particular regard to the statutory guidance issued under Section 182 of the Licensing Act 2003, the Councils Licensing Policy and all evidence placed before it including all the written documentation and the oral submissions at the meeting.

The Sub Committee agreed that in order to promote the licensing objectives to vary the licence for the River Club as follows:

- (i) All licensable activities to cease at 01.30 with a closing time of 02:00. The premises will open at 09:00.
- (ii) A CCTV system shall be installed, kept and maintained at all times during the currency of the licence. The CCTV system serving the premises shall:
 - a. be maintained, fully operational and in good working order at all times the premises is open for business.
 - b. CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days.
 - c. the original, or a copy of the CCTV recording, shall be provided upon demand to any police officer, community support officer or other authorised person.
 - d. copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.
 - e. CCTV coverage to include all entrances, exits and car parks operated by the venue in addition to comprehensive coverage inside the premises.
 - f. at least one member of staff should be on duty at any time the Premises Licence is on operation who has a working knowledge of the CCTV system and is able to supply on request copies of any images recorded.
- (iii) When SIA licence door supervisors are employed, they shall be employed in a ratio of one door supervisor per 50 patrons or part thereof, whichever is the greater. Door supervisors shall be in position early enough in the evening to ensure that procedures for promoting public safety are effective, and shall remain on duty until the premises are closed.
- (iv) A log of SIA staff on duty shall be maintained at the premises and are to be kept for at least three years and made available to Police and Council Officers upon request.
- (v) SIA door staff to wear high visibility clothing.
- (vi) No drinking vessels (glasses and bottles) of any kind to be taken outside of the

premises after 23:00.

- (vii) A lockable weapons box is to be installed where all seized weapons are to be kept until handed over to Police.

MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 14 May 2015
(7:00 - 7:59 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Peter Chand and Cllr Eileen Keller

15. Declaration of Members' Interests

There were no declarations of interest.

16. Application for a new a premises licence: Barking Park, Longbridge Road, Barking, IG11 8TA

The Councils Licensing Officer, Maria Williams, presented a report to Members which was regarding an application for a Premises Licence for Barking Park, Longbridge Road, Barking IG11 8TA.

The application was to hold no more than three events in one calendar year in Barking Park during the hours of 09:00 and 22:00 to include Live Music, recorded Music, Performance of Dance and the sale of alcohol.

The Sub Committee were advised that during the consultation period two valid representations had been received from residents and these were contained in the agenda before the Sub Committee. Since the publication of the agenda, one representation had been withdrawn.

Representation had been received from the Metropolitan Police, requesting they had,

- a) Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
- b) A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
- c) No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days

Representation had also been received from the Councils Environmental Health Noise Team, requesting the following conditions:

- I. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
- II. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.

- III. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
- IV. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
- V. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

- VI. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
- VII. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
- VIII. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
- IX. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
- X. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
- XI. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
- XII. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
- XIII. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
- XIV. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health
- XV. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

Ms Williams advised the Sub Committee that if they were minded to approve the application, the applicant had agreed to accept all of these conditions as part of the licence and therefore the objections had been withdrawn.

Mr Hogan, representing the applicant, was given the opportunity to address the Committee support of the application, confirming to the Committee that the licence if granted confirmed no more than 3 events per calendar year, and in fact only two events had been planned for this calendar year. One was a 'Mella', the other being a celebration for 'Lithuania day'. Both events, it was submitted, were family orientated.

DECISION

The Sub-Committee did not retire to consider their decision, but did have regard to the following:

- (a) Relevant legislation including the Licensing Act 2003 and guidance issued under section 182 of that Act;
- (b) The Committee's obligation to promote the licensing objectives, namely the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm;
- (c) the Local Licensing Policy Statement of The London Borough of Barking and Dagenham;
- (d) the merits of the individual case, and that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives.

In arriving at its decision, the Committee considered the one valid written representation from a local resident. The Committee were minded to grant the application as applied for, with the addition of conditions as proposed by the Police and those proposed by Environmental Health in relation to noise:

1. Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
2. A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
3. No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days
4. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
5. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.
6. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same

time as the event notification.

7. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
8. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

9. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
10. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
11. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
12. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
13. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
14. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
15. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
16. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
17. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health
18. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

The Committee would remind all parties that they have a right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue

17. Application for a new a premises licence: Valence Park and Valence House Museum, Becontree Avenue, Dagenham, RM8 3HT

The Councils Licensing Officer, Maria Williams, presented a report to Members which was regarding an application for a Premises Licence for Valence Park and Valence House Museum, Becontree Avenue, Dagenham RM8 3HT.

The application was to hold no more than three events in one calendar year in Valence Park and Valence House Museum during the hours of 09:00 and 09:00 to include Live Music, recorded Music, Performance of Dance and the sale of alcohol.

The Sub Committee were advised that during the consultation period five valid representations had been received from residents and these were contained in the agenda before the Sub Committee.

Representation had been received from the Metropolitan Police, requesting they had,

- a) Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
- b) A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
- c) No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days

Representation had also been received from the Councils Environmental Health Noise Team, requesting the following conditions:

- i. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
- ii. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.
- iii. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
- iv. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
- v. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

- i. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of

- a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
- ii. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
 - iii. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
 - iv. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
 - v. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
 - vi. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
 - vii. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
 - viii. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
 - ix. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health
 - x. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

Ms Williams advised the Sub Committee that if they were minded to approve the application, the applicant had agreed to accept all of these conditions as part of the licence and therefore the objections had been withdrawn.

Ms Kathleen Eves was present and addressed the Sub Committee setting out her objections to the application.

Ms Eves explained that there were concerns in relation to drinking in the park, which they stated had been an ongoing problem and the effect that this had on children in the area. It was also mentioned that there were no toilets in the park,

that there were no rubbish bins for bottles and cans and that these were problems which existed at present, without a licence being granted (for the supply of alcohol) in the park. Recently there had been an altercation in the park which required the assistance of the Police. This had been witnessed by children.

Although not relevant to the Licensing Objections, Ms Eves explained that when events were held at the park previously there had been severe car parking issues which had a detrimental effect on local residents.

Mr Paul Hogan, the applicant's representative was then invited by the Chair to address the Sub Committee in support of the application. Mr Hogan advised that there were only two events planned for this year which would be properly staff and secure, with additional toilets and a refuse collection service introduced at these events. There would be no glass provided at the bars and both events would be family orientated, therefore the bar was considered a small part of both events with a real ale tent to compliment activities. There had been close liaison with the Metropolitan Police for both events, with the first event finishing at 17:00.

Although not part of the Sub Committees considerations, Mr Hogan indicated that he was prepared to meet with residents to discuss their concerns regarding the issues raised at the meeting and would also have persons monitoring the parking situation of the day of the events.

DECISION

The Sub-Committee retired to make their decision and had regard to the following:

- (a) Relevant legislation including the Licensing Act 2003 and guidance issued under section 182 of that Act;
- (b) The Committee's obligation to promote the licensing objectives, namely the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm;
- (c) the Local Licensing Policy Statement of The London Borough of Barking and Dagenham;
- (d) the merits of the individual case, and that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives.

In arriving at its decision, the Committee considered the one valid written representation from a local resident. The Committee were minded to grant the application as applied for, with a variation that the licence was only to apply from Friday to Sundays, as well as Monday's when that fell on a bank holiday weekend, with the addition of conditions as proposed by the Police and those proposed by Environmental Health in relation to noise:

1. Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
2. A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
3. No event will be held under the authority of the premises licence unless the

- police had been given notice of at least 30 days
4. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
 5. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.
 6. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
 7. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
 8. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

9. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
10. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
11. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
12. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
13. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
14. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
15. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
16. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
17. The Premise Licence Holder or a member of the organisers or a designated

person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health

18. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

The Committee would remind all parties that they have a right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue

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LICENSING SUB-COMMITTEE

Tuesday, 26 May 2015
(7:00 - 8:05 pm)

Present: Cllr Adegboyega Oluwole (Chair), Cllr Kashif Haroon and Cllr Hardial Singh Rai

1. Declaration of Members' Interests

There were no declarations of interest.

2. Application for a Summary Review of the Premises Licence for River Club (Crooked Billet), River Road, Barking IG11 0EG

The Councils Licensing Officer, Mr Paul Adams, presented a report in respect of an application for the review of the premises licence at the River Club (Crooked Billet), River Road, Barking IG11 0EG.

The Sub-Committee were advised that on 28 April 2015, an application for the Summary review of the premises Licence was received from Andrew O'Connor PC 516KG on behalf of the Chief Officer for Police for the Metropolitan Police area as the premises had been associated with serious crime and disorder.

The Licensing Authority of receipt of the application for Summary Review must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending determination of the review of the premises licence. The Sub Committee met to consider the application for Summary review on 29 April 2015. The decision notice was contained within the agenda papers at Appendix C.

Following the Summary review, the Licensing Authority must in any event undertake a full review within 28 days after the day of receipt of the summary review application.

The Sub Committee were advised that the Premises Licence Holder and the Designated Premises Supervisor was Mr Loredan Ilies.

The authorised activities, the times for carrying out licensable activities and a copy of the premises licence were contained within the report.

The Chair invited the Police representative, Mr Luke Ponte, to address the Sub Committee. Mr Ponte advised that an application for review had already been submitted by the Metropolitan Police however that application had now been superseded by the current review.

Before the Sub-Committee meeting had begun, the Police, Mr Ilies and each parties representatives had reached an agreement on all conditions, both those agreed at the summary review hearing and the additional conditions contained with the agenda for this meeting, with the exception of the time licensable activities were to cease and the closing of the premises.

Mr Ponte advised the Sub Committee of the following that the original application for review was sought following two incidents at the premises earlier in the year where individuals had been assaulted and weapons were used.

A further serious incident had then taken place on 26 April 2015, which resulted in the application for a summary review. CCTV evidence of part of the incident on 26 April was then shown to the Sub Committee.

Mr Ilies representative, Mr Christopher Pulman, took the opportunity to question the Mr Ponte and the Police on the statements made, establishing that there were live investigations currently taking place on all three incidents.

The Chair then invited Mr Pulman and Mr Ilies to address the Sub Committee.

Mr Pulman, in questioning Mr Ilies, established that those present at the premises on 26 April 2015 were not regular customers and that no staff were involved in the incident, except to call the Police. Furthermore, Mr Pulman confirmed that whilst there had been three incidents outside of the premises, there had been none inside.

Mr Ilies advised that many weddings and christenings were held at his premises' and due to the culture of those who attended; the events often did not finish until 05:00. Typically at a wedding, the cake was cut and presents were given to the bride at 00:00, with festivities carrying on afterwards. Since the interim conditions regarding the licensing activities had been put in place, many events due to be held at the premises had been cancelled due to the earlier closing hours. Whilst he agreed with the majority of the proposed conditions from the Police, he would like the premises to remain open later to enable weddings to take place.

Before retiring to deliberate their decision, the Chair invited all parties to sum up.

DECISION

During the Sub-Committees deliberations they had regard to the following:

- (a) Relevant legislation including the Licensing Act 2003 and guidance issued under section 182 of that Act;
- (b) The Committee's obligation to promote the licensing objectives, namely the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm;
- (c) the Local Licensing Policy Statement of The London Borough of Barking and Dagenham;
- (d) the merits of the individual case, and that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives.

The Sub Committee agreed that in order to promote the licensing objectives, to vary the licence for the River Club (Crooked Billet) as follows:

- The conditions added to the licence by the interim order remain, the additional conditions numbered 1 to 6 in the statement of P.C. Holland (dated 5th May 2015) to be added to the licence:
 1. The premises shall operate in accordance with the 'Challenge 25' scheme as a minimum and:
 - a) Any person who appears to be under 25 years of age must be asked for identification documentation (IV) or prove they are of the legal age to purchase alcohol.
 - b) Notices to this effect should be displayed in a clear and prominent position at the premises;
 - c) The only proof of age accepted in respect of the sale of alcohol shall be a photo driving licence, passport and other approved photographic ID bearing the PASS hologram.
 2. Polycarbonate glasses to be used at the premises when requested by Police.
 3. A secure drugs box shall be installed and all confiscated illegal drugs to be placed into the box. Police are to be called to dispose of the confiscated drugs. All seizures to be recorded in an incident log.
 4. Police are to be called to the premises whenever a customer is found in possession of a quantity of illegal drugs inconsistent with personal use.
 5. Signs to be prominently displayed inside and outside the premises warning customers that drug use of the premises will not be tolerated and they may be searched on entry.
 6. Training logs for all staff shall be kept. Such training logs shall record what training has been given to whom, by whom and on what date and signed by the DPS as correct. These records shall, on request, be made available on demand to a police officer, community support officer or authorised officer of the Licensing Authority.
- All licensable activity to begin at 9.00am each day and to end at 3.00am the following day, with the premises closing 30 minutes later.

The Committee would remind all parties that they have a right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue.

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MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 4 June 2015
(5:00 - 6:00 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Faruk Choudhury and Cllr Hardial Singh Rai

3. Declaration of Members' Interests

There were no declarations of interest.

4. Application for a new a premises licence: Parsloes Park, Ivyhouse Road, Dagenham, RM9 5RL

The Councils Principal Licensing Officer, Paul Adams, presented a report to Members which was regarding an application for a Premises Licence for Parsloes Park, Ivyhouse Road, Dagenham,, RM9 5RL.

The application was to old no more than three events in once calendar year in the park during the hours of 09:00 and 22:00 to include Live Music, recorded Music, Performance of dance and the sale of alcohol.

The Sub-Committee were advised that during the consultation period ten valid representations had been received from residents and these were contained in the agenda before the Sub Committee.

Representation had been received from the Metropolitan Police, requesting they had,

- a) Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
- b) A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
- c) No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days

Representation had also been received from the Councils Environmental Health Noise Team, requesting the following conditions:

- I. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
- II. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.

- III. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
- IV. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
- V. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

- VI. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
- VII. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
- VIII. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
- IX. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
- X. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
- XI. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
- XII. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
- XIII. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
- XIV. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health
- XV. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

Mr Adams advised the Sub Committee that if they were minded to approve the application, the applicant had agreed to accept all of these conditions as part of the licence and therefore the objections had been withdrawn.

Ms Losty, was present and addressed the Sub Committee setting out her objections to the application.

Ms Lost explained that there were already problems in the area close to her house where there had been incidents of violence and rowdiness from youths. Ms Losty considered that any events taking place in the park would increase these types of incidents and create a detrimental impact on the local residents. Ms Losty also raised concerns for the safety of children in the park during events. Furthermore, although not a relevant licensing consideration, there were car parking issues in the area that would need to be addressed.

Julia Pearson, Events Co-ordinator, was then invited by the Chair to address the Sub-Committee in support on the application, on behalf of the applicant. Ms Pearson advised that there was only one event planned for this year, a family fun day which would take place on 25.07.15 from 11:00 to 22:00. The event would be properly staffed and secure, with additional toilets and a refuse collection introduced.

In response to the questions regarding parking, Ms Pearson advised the Sub-Committee that there would be parking provided on the day of the event and therefore it should not have an adverse affect on local residents.

Decision

The Sub-Committee considered an application for a premises licence for Parsloes Park, Ivyhouse Road, Dagenham, RM9 5RL.

The Sub-Committee had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Sub-Committee's obligation to promote licensing objectives, namely the prevention of Crime and Disorder, Public safety, Prevention of Public Nuisance and the Protection of Children from harm.

In reaching their decision the Council considered all evidence placed before both oral and written submissions/ representations.

The Sub-Committee's decision was to grant the application subject the following conditions:

1. The Licence will only apply to the following days: Friday, Saturday, Sunday and on a Monday when it is a bank holiday.
2. The sale of alcohol is only permitted from 11am until 10pm
3. Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
4. A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
5. No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days

6. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
7. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.
8. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
9. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
10. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

11. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
12. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
13. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
14. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
15. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
16. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
17. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
18. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
19. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise

complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health

20. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

The Committee reminded all parties that they have a right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue

5. Application to for a new a premises licence: Old Dagenham Park, Ballards Road, Dagenham, RM10 9SA

The Councils Principal Licensing Officer, Paul Adams, presented a report to Members which was regarding an application for a Premises Licence for Old Dagenham Park, Ballard Road, Dagenham, RM10 9SA.

The application was to old no more than three events in once calendar year in the park during the hours of 09:00 and 22:00 to include Live Music, recorded Music, Performance of dance and the sale of alcohol.

The Sub-Committee were advised that during the consultation period two valid representations had been received from residents and these were contained in the agenda before the Sub Committee.

Representation had been received from the Metropolitan Police, requesting they had,

- a) Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
- b) A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
- c) No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days

Representation had also been received from the Councils Environmental Health Noise Team, requesting the following conditions:

- XVI. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
- XVII. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.
- XVIII. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
- XIX. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
- XX. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute

period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

- XXI. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.
- XXII. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
- XXIII. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
- XXIV. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
- XXV. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
- XXVI. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
- XXVII. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
- XXVIII. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
- XXIX. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health
- XXX. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

Mr Adams advised the Sub Committee that if they were minded to approve the application, the applicant had agreed to accept all of these conditions as part of the licence and therefore the objections had been withdrawn.

The Chair invited Ms Julia Pearson, Event Co-ordinator, to address the Sub-

Committee on behalf of the applicant.

Ms Pearson advised the Sub-Committee that, if approved, there would be two events taking place in the park this year. A Steam and Cider show and a Youth Parade.

Decision

The Sub-Committee had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Sub-Committee's obligation to promote licensing objectives, namely the prevention of Crime and Disorder, Public safety, Prevention of Public Nuisance and the Protection of Children from harm.

In reaching their decision the Council considered all evidence placed before both oral and written submissions/ representations.

The Sub-Committee's decision was to grant the application subject the following conditions:

1. The Licence will only apply to the following days: Friday, Saturday, Sunday and on a Monday when it is a bank holiday.
2. The sale of alcohol is only permitted from 11am until 10pm
3. Direct input to the Safety Advisory Group during the scrutiny phase of any event to be held on the park under the authorities licence
4. A dispersal policy shall be agreed with police via the Safety Advisory Group on the planning process for any event.
5. No event will be held under the authority of the premises licence unless the police had been given notice of at least 30 days
6. Regulated entertainment events involving the playing of amplified music are permitted to be held at the premises on no more than 3 (three) days in any calendar year in any calendar year.
Note: days on which rehearsals and sound checks are held will count against the 3 day limit.
7. The Premises Licence Holder is to notify the Licensing Authority and Responsible Authority for Environmental Health of the selected date for the regulated entertainment involving the playing of amplified music at least two months in advance of the event.
8. A music noise risk assessment (see informative Annex A for guidance) shall be submitted to the Responsible Authority for Environmental Health at the same time as the event notification.
9. Regulated entertainment events involving the playing of amplified music are permitted to take place between the hours of 09:00 and 22:00 only.
10. The Music Noise Level shall not exceed 65dB (A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.

Licence Conditions to be applied to specific regulated entertainments at the discretion of the Responsible Authority for Environmental Health

11. Residents in the immediate vicinity are to be notified two weeks in advance of the regulated entertainment by means of a suitable leaflet giving the date and times of the concert or event and a telephone number and contact person to whom complaints can be referred whilst the event is taking place.

12. Rehearsals and sound checks are permitted only between the hours of 10:00 hours to 19:00 hours.
13. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 65dB(A) over a fifteen minute period at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
14. Noise control limits shall be set (at the mixer position) with a view to ensuring that the Music Noise Level does not exceed 75 dB over a fifteen minute period in the 63Hz and 125Hz octave frequency bands at a point 1 m from the facade any noise sensitive premises throughout the duration of the regulated entertainment.
15. The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the reasonable requirements of the Responsible Authority for Environmental Health and to ensure that the noise control limits are met.
16. The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
17. Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
18. All complaints about noise received by the site office / event organiser shall be logged, and shall at their request be notified to the Responsible Authority for Environmental Health.
19. The Premise Licence Holder or a member of the organisers or a designated person shall be responsible for monitoring the noise level/and any noise complaints received regarding the event to a programme approved by the Responsible Authority for Environmental Health
20. All results of noise monitoring are to be made available to the Responsible Authority for Environmental Health

The Committee reminded all parties that they have a right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue

6. Determination of Objection to Temporary Event Notice: The Club, 121 Broad Street, Dagenham, Essex, RM10 9HP

The Councils Principal Licensing Officer, Mr Paul Adams, presented a report to the Sub-Committee in respect of two Temporary Event Notice (TEN) applications which had been received from The Club, 121 Broad Street, Dagenham, Essex, RM10 9HP.

The Sub-Committee were advised that on 20.5.2015, two applications were submitted for the grant of a TEN at the premises for 7 June 2015 and 29 June 2015. The applications were both for private functions between the hours of 18:00 to 02:00.

On 22 May 2015, the Licensing department received a notification from London Borough of Barking and Dagenham Noise Team that they would be objecting to

both TENs due to substantiated noise complaints from the premises.

On 21 May 2015, the Licensing department received a notification from the Metropolitan Police advising that they would be objecting to both TENs as they had also attended a noisy event at the premises. Before the meeting, the Police had indicated that they would not be able to attend however their objection still stood.

The Chair then invited Mr Mark Chapman from the London Borough of Barking and Dagenham Noise Team to address the Sub-Committee setting out his concerns.

Mr Chapman advised that since August 2014 there had been issues with the premises. There had been 11 incidents already this year due to late noise and on 17.4.2015 the premises had breached a noise abatement order. The Council were currently preparing prosecution file against the premises and due to these issues, the Noise Team were objecting to both TEN applications.

Decision

In reaching their decision the Sub-Committee had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, the Council's Licensing policy and the Sub-Committee's obligation to promote licensing objectives.

In reaching their decision the Sub-Committee considered all evidence placed before both oral and written submissions/representations.

The Sub-Committee's decision was to refuse the Temporary Event Notices for the 7.6.2015 and 29.6.2015.

In reaching their decision the Sub-Committee noted that as no representative attended from "The Club", there were no submissions from the applicant to address the objections raised and complaints received by the Environmental Health Authority.

The Sub-Committee's decision was to reject the Temporary Event Notices as applied for the 7.6.2015 and 29.6.2015 and therefore would issue a Counter Notice to prevent the events from going ahead.

The Sub-Committee's decision could be appealed at the local magistrates' court within 21 days, and at least 5 working days before the date of the event.

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MINUTES OF LICENSING SUB-COMMITTEE

Wednesday, 8 July 2015
(7:00 - 8:06 pm)

Board Members Present: Cllr Adegboyega Oluwole (Deputy Chair), Cllr Kashif Haroon and Cllr Chris Hughes

Apologies:

7. Declaration of Members' Interests

There were no declarations of interest.

8. Application for a Review of the Premises Licence for Costcutter, 183 Broad Street, Dagenham, RM10 9JD

The Councils Principal Licensing Officer, Mr Paul Adams, presented a report in respect of an application to review the premises licence for Costcutter, 183 Broad Street, Dagenham, RM10 9JD.

The Sub-Committee were advised that on 13 May 2015, an application for the review of the premises licence was received from Theo Lamptey, Chief Trading Standards Officer, London Borough of Barking and Dagenham under the licensing objectives prevention of crime and disorder and the protection of children from harm.

The current Premises Licence Holder and the Designated Premises Supervisor was held by Mr Sinnathamby Sabapathy. The authorised licensable activities, the times for carrying out licensable activities and a copy of the premises licence were appended to the report.

Mr Theo Lamptey was invited by the Chair to present the application for review to the Sub-Committee. Mr Lamptey advised that the review had been applied for as there had been two failed test purchases at the premises. He then asked Mr Vincent Searle, Trading Standards Officer, who investigated the case to present further information to the Sub-Committee.

Mr Searle advised the Sub-Committee that on Friday 30 January 2015, alcohol was sold to a 16 year old under a joint Trading Standards and Police test purchase operation. The shop failed to have CCTV in operation, which was a condition on the licence, and there was no refusal book available. Furthermore there also seemed to be some confusion over the ownership of the premises.

Following the underage sale, an investigation was undertaken by the trading standards officers, it was concluded that a number of conditions on the licence were not being adhered to and the owner of the business was not fully aware of his responsibilities.

Based on the evidence supplied to the Sub-Committee, Mr Seale requested that

the premises licence be suspended for three months.

Mr Noel Samaroo, the Premises Licence Holders representative, was present and in response to a question, was advised that the Council did use a red and yellow card system, whereby the Licence holder would initially be called in for an interview and be given a number of remedial steps by way of written agreement to improve the current situation, this would be viewed as the "Yellow Card". If after a specified period of time and monitoring if there had been no sign of improvement the premises would be issued with a "Red card" which would mean the matter would be put forward to a Review hearing. However by using this process it did not stop any Interested Party or Responsible Authority from applying for a review at any time.

Andrew O'Connor PC 516KG was present on behalf of the Metropolitan Police who supported the review of the premises. Mr O'Connor raised concerns regarding the ownership of the business, training and lack of till prompts (particularly as the system was not used) and requested the following conditions be added to the licence along with the three months suspension suggested by the Trading Standards Office:

1. Challenge 25 Scheme to be adopted – The premises shall operate in accordance with the 'Challenge 25' scheme. The scheme operates on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who is, or appears to be under 25 years of age will be asked for ID. Notices to this effect should be displayed in clear and prominent positions at these premises. The only proof of age accepted in respect of the sale of alcohol shall be a photo driving licence, passport, and other approved photographic ID bearing the PASS hologram.
2. Refusal book in place and recorded regularly – A refusals book shall be kept at the premises, in which must be recorded, the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised office of the Licensing Authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.
3. CCTV Installed on the premises (Recordings must be kept for a minimum of 31 days) – A CCTV system shall be installed, kept and maintained at all times during the currency of the license. The CCTV system serving the premises shall:
 - a) Be maintained, fully operational and in good working order at all times (if the system breaks down then police should be informed immediately and repaired within two (2) working days);
 - b) Make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol;
 - c) The CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days;
 - d) The original, or a copy of the CCTV recording, will be available on request to the Police and the Local Authority within 48 hours;
 - e) Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.

4. Staff Training – All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises license. This training should be recorded in a staff training log showing what training has been given, to whom, by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.
5. Continuation Training – All staff shall receive training on the prevention of underage sales at least every six (6) months. Such training shall be recorded in a Staff Training log showing what training has been given, to whom, by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.

The Chair then invited Mr Mick McManus, Alcohol Co-ordinator, Substance Misuse Strategy Team to address the Sub-Committee. Mr McManus echoed the concerns of the Trading Standards Officers and the Police, advising that the premises were less than 400 metres from a secondary school and 200 metres from a local park. In response to a question from Mr Samaroo, Mr McManus advised that he had received no intelligence with regard to children attending the premises regularly to purchase alcohol, as this would be a matter for the Police to comment on.

The Chair invited Mr Samaroo to make representation to the Sub-Committee on behalf of his client, Mr Sabapathy.

Mr Samaroo advised those present that Mr Sabapathy was the current owner of the business; however he had considered selling it earlier in the year. On the day of the test purchase, the potential new owners were at the premises, with one looking at receipts and invoices in the till area. Despite being asked to call over Mr Sabapathy (who was showing the other potential owner how to stack the shelves) if a customer wished to buy alcohol, this did not happen. The alcohol was sold and the purchase was not run through the till system. Mr Samaroo felt it was unfortunate that the test purchase had taken place on one of the two days the potential owners had spent time in the premises.

The refusals book could not be found when it was requested as it had been moved when the premises was tidied up. However it had been found approximately one week later and had been used within the last fortnight.

Since the underage sale, the Sub-Committee were advised that a refusals book was now in place, the premises were operating “Challenge 25” and the CCTV system had been upgraded.

The Sub-Committee questioned when relevant training had last been undertaken at the premises and was advised this was undertaken by a company in 2012, however that company who provided the training had since dissolved and no further training had been undertaken. Mr Samaroo advised that he would be undertaking training with all staff at the premises as soon as possible and would repeat it at six month intervals.

The Chair then gave each party the opportunity to sum up before the Sub-Committee retired to deliberate.

DECISION

The Sub-Committee had regard to the Licensing Act 2003, The Statutory Guidance issued under Section 182 and the Council's Licensing Policy.

The Sub-Committee, in reaching their decision, had regard for the licensing objectives and in particular the objectives of crime and disorder and the protection of children from harm.

The Sub-Committee considered all the evidence placed before it including all written documentation and oral submissions.

The decision of the Sub-Committee was to suspend the premises licence for two weeks and to modify the conditions of the premises licence. The Sub-Committee felt that this was an appropriate and proportionate means of promoting the licensing objectives.

It was the Sub-Committee's view that the respondent demonstrated a failure to have safe and settled procedures in place to negate the sale of alcohol to minors. This was demonstrated by the two failed test purchases and the failure to adhere to the current licensing conditions.

The Sub-Committee's view was that the premises were acting irresponsibly. The Sub-Committee resolved to suspend the licence for a period of two weeks to provide for those procedures to be put in place. This period was proportionate to the time required for the respondent to put in place the steps required by the Sub-Committee.

Further, the Sub-committee agreed that in order to promote the licensing objectives to modify the conditions of the premises licence as follows:

The Prevention of Crime and Disorder

CCTV Installed on the premises (Recordings must be kept for a minimum of 31 days) – A CCTV system shall be installed, kept and maintained at all times during the currency of the license. The CCTV system serving the premises shall:

- f) Be maintained, fully operational and in good working order at all times (if the system breaks down then police should be informed immediately and repaired within two (2) working days);
- g) Make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol;
- h) The CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days;
- i) The original, or a copy of the CCTV recording, will be available on request to the Police and the Local Authority within 48 hours;
- j) Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.

Lockable blinds installed

Heavy metal door installed at rear of premises

Security Grills installed to all windows

ADT alarm installed

Public Safety

Back and front light installed

Fire exit signs installed

The Prevention of Public Nuisance

Noise less compressors for the dairy cabinet installed

The compressors to be covered with wooden fence to prevent the noise

The Protection of Children from Harm

Challenge 25 Scheme to be adopted – The premises shall operate in accordance with the ‘Challenge 25’ scheme. The scheme operates on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who is, or appears to be under 25 years of age will be asked for ID. Notices to this effect should be displayed in clear and prominent positions at these premises. The only proof of age accepted in respect of the sale of alcohol shall be a photo driving licence, passport, and other approved photographic ID bearing the PASS hologram.

Refusal book in place and recorded regularly – A refusals book shall be kept at the premises, in which must be recorded, the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised office of the Licensing Authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.

Training

Staff Training – All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises license. This training should be recorded in a staff training log showing what training has been given, to whom, by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.

Continuation Training – All staff shall receive training on the prevention of underage sales at least every six (6) months. Such training shall be recorded in a Staff Training log showing what training has been given, to whom, by whom and on what date. This should be signed by the DPS as correct. These records shall

be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.

There was a right to appeal this decision within 21 days commencing on the day that notification of the decision was received.

MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 10 September 2015
(6:55 - 7:43 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Chris Hughes and Cllr Kashif Haroon

9. Declaration of Members' Interests

There were no declarations of interest.

10. Application for a Premises Licence: Deuce, 20-22 London Road, Barking, IG11 8AG

The Council's Licensing Officer, Mr Paul Adams, introduced a report to the Sub Committee concerning the application for a new premises licence for Deuce, 20-22 London Road, Barking IG11 8AG.

The Sub Committee were advised that the application was for the sale of alcohol, recorded music, live music and late night refreshments. The application for the new premises licence (including hours) along with a detailed proposed operating schedule provided by the management of the business was appended to the report. The Sub Committee were advised that if they were minded to approve the application, all conditions detailed within the proposed operating schedule would form the conditions on the licence.

During the consultation period, one valid representation had been received from an "other person" (interested party). The representation had been received via the Metropolitan Police who had taken a witness statement, which was appended to the report.

The Chair invited Corinne Holland PC 119KG to address the Sub Committee on behalf of the other person. PC Holland informed the Sub Committee that residents main concerns were around the potential for crime and disorder regarding drug use in and around the communal areas of the properties immediately above the premises and noise pollution from customers of the proposed premises. There was also concerns raised regarding violence between customers in the early hours of the morning. These concerns had stemmed from incidents that had taken place when the premises was run as a nightclub a few years ago.

In response to questions from the Sub Committee, PC Holland advised those present that the Metropolitan Police had withdrawn their objections to the licence as the management had accepted proposed conditions from the Police.

The Chair invited Ismaill Adamson from Deuce Management Ltd to address the Sub Committee.

Mr Adamson took the opportunity to circulate further papers to the Sub Committee and officers, supporting the premises licence application. The Sub Committee

were also shown photos of the premises since its refurbishment earlier this year.

Mr Adamson advised the Sub Committee that Deuce Management Ltd were new owners of the premises and were not connected to the nightclub which was previously in situ. The Sub Committee noted that the proposed premises was smaller than the previous night club. During his statement, Mr Adamson advised that there would be Security Industry Authority (SIA) security door staff present on Thursday, Friday and Saturday evenings along with CCTV. It was emphasised to the Sub Committee that there would be a zero drug policy in place.

Mr Adamson further advised that the premises was already sound proofed when it was taken over by the management company. To allay fears regarding noise pollution, the Sub Committee were advised that there would be one smoking area at the back of the premises. Only five customers would be allowed out at one time and there would be no food or drink permitted outside.

In response to questions from the Sub Committee, Mr Adamson advised that the premises had a capacity for 110 patrons, with a seating area in the restaurant for approximately 40 persons. It was the intention that as the business grew, customers would be able to get takeaway food from the premises and purchase a drink at the bar whilst waiting for their food.

The Chair then gave all parties the opportunity to sum up before members retired to deliberate.

DECISION

The Sub-Committee considered all evidence and representations made to them. Members noted that the operating schedule was thoroughly prepared and thought out and clearly set out all safeguards which were to be put in place by the applicants to ensure that resident's concerns were met and that the licensing objectives were achieved.

Members also noted that the complaint received was in reference to the premises' previous incarnation as a nightclub which occupied a significantly larger area than the premises currently under proposal.

Members noted that sound concerns would be allayed by the fact that a noise limiter would be installed, and the premises had already been outfitted with substantial soundproofing prior to being taken over by the applicant. The absence of windows would also prevent leaking of sound.

The Sub-Committee decision was to grant the license as applied for, with all proposals set out in the operating schedule to form conditions which would attach to the license.

11. Application for a Personal Licence

The Chair advised the meeting that the applicant had contacted the Principal Licensing Officer to advise that he could not be present at the meeting due to a family emergency.

Taking this into account, the item was deferred to a later date to enable the applicant to be present at the meeting.

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MINUTES OF LICENSING SUB-COMMITTEE

Tuesday, 15 September 2015
(7:00 - 7:43 pm)

Board Members Present: Cllr Josephine Channer (Chair) and Cllr Elizabeth Kangethe

12. Declaration of Members' Interests

There were no declarations of interest.

13. Application to Vary a Premises Licence: Way2Save, 147 Ripple Road, Barking, Essex, IG11 7PW

The Chair advised the meeting that the applicant's agent had contacted the Licensing Officer to advise that the applicant could not be present at the meeting due to unforeseen circumstances.

Taking this into account, the item was deferred to a later date to enable the applicant to be present at the meeting.

14. Application for New Premises Licence: Mazee's Kitchen, 93-97 New Road, Dagenham, RM10 9NL

The Council's Licensing Officer, Mrs Maria Williams, introduced a report to the Sub Committee concerning the application for a new premises licence for Mazees Kitchen, 93-97 New Road, Dagenham, RM10 9NL.

The Sub Committee were advised that the application was for a licensed bar and restaurant for eat in and takeaway, late night refreshment, recorded music and live music. The applications for the new premises licence (including hours) was appended to the report.

During the consultation period the Police had made representation however this had been withdrawn following the applicants agreement to add relevant conditions to the licence. However, the Police visited the premises during the consultation period and observed that alcohol was on display. Following a visit to the premises by a Member of the Public, an email was sent to the Council and Police raising concerns about alcohol being offered for sale without a licence. The Police then made further representation with regard to concerns under the Licensing Objectives as to the management of the premises.

The Sub-Committee were further advised that representation had also been received from Environmental Health regarding noise issues in the residential area.

The Chair invited Andrew O'Connor, PC 519KG to address the Sub Committee.

PC O'Connor advised that when the application had been received, he had arranged to visit the premises to talk to the applicant. This was a standard

procedure. Upon visiting the premises he noticed fridges were stocked with alcohol and it appeared to be for sale. PC O'Connor advised the applicant that alcohol should not be for sale until then licence is granted. Further to the visit, PC O'Connor received an email from a concerned resident who stated the applicant had offered them alcohol with a meal when the premises did not yet have a licence to do so. It was noted by the Sub Committee and those present that PC O'Connor had attempted to contact the complainant but to no avail, therefore the complaint should be considered as anonymous.

The Sub Committee were advised at this juncture that the Police had originally objected to the licence however this objection had been withdrawn as the applicant had agreed conditions with them regarding specifying bank holiday opening times and an hour at closing time to allow drinking up time and assistance with noise management.

The Chair then invited Mr Andrew Martin, Environmental Health, to address the Sub Committee.

Mr Martin advised the Sub Committee that Environmental Health had made representation under the prevention of public nuisance, with regard to noise disturbance in the area. A noise complaint had been made on 18.7.2015 regarding a private party, however there had been no incidents since this date.

Mr Martin advised that if the Sub Committee were minded to approve the application before them, that the following conditions be attached to the Licence:

1. Noise or vibration from licensable activities at the premises shall not be audible at noise sensitive dwellings so as to give rise to reasonable complaint.
2. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and shall take such action as may be needed to satisfy the terms of condition1 above.
3. At the conclusion of the regulated entertainment patrons will be asked not to stand around talking in the street outside the premises and be asked to leave the vicinity quickly and quietly.

The Chair invited Mr Ladejobi, the applicant, to address the Sub Committee.

Mr Ladejobi advised the Sub Committee that the premises would be run as a restaurant and bar and would hold up to 70 people. He already ran a smaller successful business in Oxlow Lane and was aware of the need to work and communicate with the Police, Council and local residents.

In response to the statement by the Police, Mr Ladejobi, the applicant, advised the Sub Committee that the selling of alcohol without the licence was a genuine mistake and it was removed from sale as soon as the error was advised of by PC O'Connor. It was also noted that the visit from PC O'Connor was made by appointment and was not a random check.

Mr Ladejobi advised the Sub Committee that he would be happy for the conditions outlined by Environmental Health to be added to the Licence and provided

examples of the signs to be used outside the premises in relation to asking patrons to leave quietly.

DECISION

The Sub Committee, having regard for the licensing objectives unanimously decided to allow the applicant's premises licence application, on the provision that the additional conditions requested by the Metropolitan Police and the additional conditions requested by Environmental Health were attached to the licence.

It was noted that the applicants consent to the conditions above being added.

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MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 24 September 2015
(7:00 - 8:10 pm)

Board Members Present: Cllr Adegboyega Oluwole (Chair), Cllr Peter Chand and Cllr Hardial Singh Rai

15. Declaration of Members' Interests

There were no declarations of interest.

16. Determination of Objection to Temporary Event Notice: Oasis Banqueting Suite, 628 Thames Road, London, IG11 0HZ

The Council's Licensing Officer, Mrs Maria Williams, presented a report to the Licensing Sub-Committee concerning the application for a Temporary Event Notice (TEN) for Oasis Banqueting Suite, 628 Thames Road, London, IG11 0HZ.

The application was for Zambian Independence on 24 October 2015 between the hours of 08:00 to 05:00.

The TEN was for the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment. A copy of the temporary event notice and the current premises licence for the Oasis Banqueting Suite were appended to the report.

Mrs Williams advised the Sub-Committee that on 11.9.2015 the Licensing Department received notification from the Metropolitan Police that they would be objecting to the TEN as the conditions on the licence would not be complied with.

Representation had also been received from the London Borough of Barking and Dagenham Noise Team on 14.9.2015 that they would be objecting to the TEN due to the fact that noise conditions would not be complied with under a TEN.

The Sub-Committee were advised that on 15.9.2015, the applicant agreed that the conditions on the Premises Licence would be complied with at the event.

The Chair invited Corinne Holland PC 119KG to address the Sub-Committee on behalf of the Metropolitan Police.

PC Holland advised the Sub-Committee that the Police objected to the TEN as they felt the licensing objectives would be undermined if the event were to go ahead without conditions. It was noted by the Sub-Committee that there were no conditions attached to a TEN. There were also concerns that the Premises Licence Holder had not applied for the TEN and instead had asked the organiser to do so. The Police felt that the Premises Licence Holder was distancing himself from the venue and event.

The Sub-Committee's attention was brought to the current premises licence and it

was noted that the event could be held for the same hours under the current licence.

In response to questions from the Sub Committee, PC Holland advised that the Police had no objections to the event going ahead if all conditions on the current premises licence were adhered to.

The Chair then invited Andrew Martin, London Borough of Barking and Dagenham Noise Pollution, to address the Sub-Committee.

Mr Martin advised the Sub-Committee that the representation from the Noise Pollution Team was due to the TEN having no conditions attached to it. If the applicant agreed to the conditions from the current premises being attached to the TEN, there would be no objection to the event going ahead.

The Chair then invited the applicant, Ms Dorothy Mubiana, to address the Sub-Committee.

Ms Mubiana advised that she had spoken with the Council Licensing Department and had agreed to accept all conditions on the current premises. The event had been run for several years in a different Borough. It was moved to Barking and Dagenham this year so the event would be closer to the community.

In response to questions, Ms Mubiana advised that she had already engaged a security company and would put up posters outside regarding noise issues. The Sub-Committee were advised that the security door staff would use "clickers" to count the number of patrons entering the premises to ensure there was no overcrowding. The event was ticketed, however most tickets would be sold on the door, with only 10 sold at the current time.

A band from Zambia would be playing and when question about noise, Ms Mubiana said that there was a noise limiter system in place that the DJ's could operate and all doors and windows would be closed. She would have access to the CCTV system, drugs and weapons boxes and would be running the Challenge 25 scheme on the evening.

Ms Mubiana was asked why she had applied for a TEN when the licensable hours already on the premises licence would be sufficient. Ms Mubiana confirmed that the premises licence holder had advised her the event could take place until 03:00 on the current licence and if she wanted it to go on for longer she would need to apply for a temporary event notice.

The Chair then gave all parties the opportunity to sum up before members retired to deliberate.

DECISION

The decision of the Licensing Sub-Committee is to refuse the application. The reason for the decision is that the application undermines the licensing objectives. The application is for an event which in any event can proceed under the existing premises license. There is no need for a TEN in order for the event to proceed. No concerns were raised in respect of the event itself.

Members noted that there are significant conditions attached to the current premises license and noted the concerns of the police and the noise pollution team. Such conditions could be added to the TEN but if objections were raised.

Members considered allowing the application but with the existing premises license conditions being imposed. However, members were not satisfied that the applicant had sufficient knowledge and experience to comply with the conditions, which it notes are very much tailored to a night club type venue. The applicant does hold a personal license and has experience of running restaurant type venues, but provided no evidence that she had any experience of running club type venues. Members therefore took the view that it was unlikely that all of the conditions could be complied with.

The current premises license holder, however, does have significant experience of running this venue, and ensuring that all of the present conditions are complied with and is therefore in a position to ensure compliance.

For these reasons, the application was refused. Members wish to note that the event can proceed under the existing premises license and hopes that it does.

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LICENSING AND REGULATORY BOARD

14 October 2015

Title: Deregulation Act 2015	
Report of the Principal Licensing Officer	
Open Report	Information
Wards Affected: All	Key Decision: No
Report Author: Paul Adams, Principal Licensing Officer	Contact Details: Tel: 020 82275291 E-mail: paul.adams@lbbd.gov.uk
Accountable Director: Glynis Rogers, Lead Divisional Director, Adult and Community Services.	
Summary	
This report provides a summary of the implications of the Deregulation Act 2015 in relation to Alcohol and Entertainment Licensing.	
Recommendation(s)	
The Licensing and Regulatory Board is recommended to note the contents of the report.	
Reason(s)	
This report is for information only	

1. Introduction and Background

- 1.1 The Licensing Act 2003 provides the basis for the licencing of the sale/supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 The Deregulation Act 2015 received Royal Assent on 26 March 2015 which amends the Licensing Act 2003.
- 1.3 In addition to the Deregulation Act 2015, the Legislative Reform (Entertainment Licensing) Order 2014 took effect from 6 April 2015.
- 1.4 Detailed below are the changes that have come into effect.

2. Proposal and Issues

- 2.1 The requirement to renew a personal Licence has now been abolished with effect from 1 April 2015. In effect, any licence that has an expiry date now does not expire and the licence will remain in force until it is revoked by a court or surrendered/lapses by the applicant or their circumstance.

- 2.2 The requirement to report a lost or stolen licence to the police before applying for duplicates has been abolished from 26 May 2015.
- 2.3 The offence of selling liqueur confectionary has been repealed from 26 May 2015, after that date any person of any age can buy liqueur confectionary in England and Wales.
- 2.4 The limit on the number of Temporary Event Notices (TEN) that can be applied for at a single premise will increase from 12 to 15 per year from 1 January 2016.
- 2.5 Live Music
- Live unamplified music is deregulated between 08:00 – 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 – 23:00 provided the audience does not exceed 500.
- 2.6 Recorded Music
- Recorded music is deregulated between 08:00 – 23:00 in on-licensed premises provided that the audience does not exceed 500.
- 2.7 The following exemption applies for Local Authorities, Schools and Hospitals.
- Live music or recorded music between 08:00 – 23:00 at the Local Authority/School/Hospital premises providing that the audience does not exceed 500 and the organiser has consent from the relevant School, Local Authority or Health Care Provider.
 - Any entertainment provided by or on behalf of a School relevant School, Local Authority or Health Care Provider on their own premises between 08:00 and 23:00.
- 2.8 The following exemption applies for Community Premises
- Live or recorded music between 08:00 and 23:00 in a church hall, village hall, community hall or other similar community premises, that is not licensed to sell alcohol provided that, the audience does not exceed 500, and the organiser has consent for the performance from a person who is responsible for the premises.
- 2.9 There are also exemptions for travelling circuses, Greco-Roman wrestling and freestyle wrestling, incidental film exhibition, exhibition of films in community premises.

3. Options Appraisal

- 3.1 This report is for information only; the changes to the Licensing Act will be reflected in the new Statement of Licensing Policy.

4. Consultation

- 4.1 There is no consultation required in relation to the contents of this report

5. Financial Implications

Implications completed by: Carl Tomlinson, Finance Manager

- 5.1 The report provides an update on the implications of the Deregulation Act 2015. There are no financial implications in relation to this report

6. Legal Implications

Implications completed by: Chris Pickering, Principal Solicitor

- 6.1 This is an update on changes to licensing legislation; there are no legal implications in relation to this report.

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

List of appendices: None

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LICENSING AND REGULATORY BOARD

14 October 2015

Title: Review of the Licensing Act 2003 - Statement of Licensing Policy	
Report of the Principal Licensing Officer	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Paul Adams- Principal Licensing Officer	Contact Details: Tel: 020 8227 5291 E-mail: paul.adams@lbbd.gov.uk
Accountable Director: Glynis Rogers, Lead Divisional Director, Adult and Community Services	
Summary	
<p>The Licensing Act 2003 previously required local councils to review their Statement of Licensing Policy every three years. This has now been amended to every five years.</p> <p>A draft reviewed statement of licensing policy has been developed for consideration by the Licensing and Regulatory Board before public consultation. Following the public consultation, the final policy will be presented to the Cabinet and Assembly for approval.</p>	
Recommendation(s)	
<p>The Licensing and Regulatory Board is asked to comment on the proposed new Statement of Licensing Policy.</p>	
Reason(s)	
<p>To assist the Council in achieving its priority of “Enabling social responsibility”.</p>	

1. Introduction and Background

- 1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every 5 years. Such a policy must be published before the Authority carries out any function in respect of individual applications and notices made under the Act.

2. Proposal and Issues

- 2.1 A draft reviewed Statement of Licensing Policy has been prepared and is set out at **Appendix 1**.

2.2 The policy has been reviewed in accordance with the revised Guidance issued by the Home Office, under Section 182 of the Licensing Act 2003 and informal consultation has been undertaken with the Responsible Authorities, in preparation for formal consultation.

2.3 The policy has been updated to:

- Refresh our community priorities;
- Include additional guidance around planning and building control approval;
- Include references to the Barking and Dagenham Growth Strategy 2013 – 2023;
- Provide further details and guidance on the matters that should be addressed when demonstrating how the application will promote the four licensing objectives, through the operating schedule;
- Include legislative and guidance changes since the last review; and
- Reflect the creation of sub-committees to deal with matters requiring a licensing hearing.

3. Options Appraisal

3.1 The Licensing Act 2003 and associated guidance requires that the policy must be consulted on formally and prescribes what that consultation must include. Section 4 below details the steps that will be taken to carry out the consultation.

3.2 Following consultation, any comments will be assessed and incorporated into the Policy where necessary. Details of all comments received will be reported to the Board in January 2016 for consideration when the final draft is presented.

3.3 The final draft Policy will be presented to the Cabinet for endorsement and to the Assembly for adoption in February 2016.

4. Consultation

4.1 Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Licensing Act 2003 by LBBD will be written to, inviting them to view the draft policy and to make any comments by writing to the Licensing Department.

4.2 Consultation will also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; planning; public health and environmental health.

4.3 The draft policy will also be published on the Council's website for comments.

4.4 The consultation period will be for at least 8 weeks.

4.5 All responses to the consultation will be reported back to the Board at the end of the consultation period.

5. Financial Implications

Implications completed by: Carl Tomlinson, Finance Manager

- 5.1 There are no financial implications for the Council as a result of carrying out a public consultation of the Licensing policy as any cost will be contained within existing budgets.

6. Legal Implications

Implications completed by: Chris Pickering, Principal Solicitor

- 6.1 The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The Policy must be consulted upon before adoption in accordance with the provisions of the Licensing Act 2003 as provided in section 4.

7. Other Implications

- 7.1 **Risk Management** – Failure to adopt a revised statement of Licensing Policy could result in a challenge to this authority by way of Judicial Review.
- 7.2 **Safeguarding Children** – One of the 4 licensing objectives is the protection of children from harm, the provision of a robust licensing policy will contribute to the safeguarding of children across the borough.
- 7.3 **Health Issues** – Currently Public health is not a licensing objective under the licensing act 2003, Public Health are a responsible authorities and can contribute to the licensing process, references to Public Health are contained within this policy.
- 7.4 **Crime and Disorder Issues** - One of the 4 licensing objectives is the prevention of crime and disorder, the provision of a robust licensing policy will contribute to the prevention of crime and disorder around the night time economy and other licensable activities across the borough.

Public Background Papers Used in the Preparation of the Report:

- **Statement of Licensing Policy 2012 – 2015 (approved by Minute 74, Assembly 28 March 2012)**
<http://modern.gov.barking-dagenham.gov.uk/ieListDocuments.aspx?CId=179&MId=6424&Ver=4>

List of appendices:

- Appendix 1 – Draft Revised Statement of Licensing Policy.

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**The London Borough of Barking and
Dagenham**

DRAFT

Statement of Licensing Policy

2016 - 2021

London Borough of Barking and Dagenham Licensing policy –2016 - 2021

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Introduction

(New Introduction to be added following public consultation)

1 Purpose of this policy

This licensing policy sets out how we will meet the requirements of the Licensing Act 2003 (the Act). It is the statement we must publish every five years under section 5 of the Act. This policy takes account of the guidance issued by the Secretary of State under section 182 of the Act.

The policy aims to:

- Set out how the Licensing Authority will promote the 4 Licensing Objectives when making its decisions.
- ensure that the Council fulfils it's duties under the Licensing Act in a way that benefits residents and businesses;
- boost the local economy; and
- encourage a range of licensed premises within the borough.

To achieve these aims, we will work with others with an interest in licensing (including the police, the fire service, local businesses, licence holders, local residents and others) to promote our objectives as set out in this policy. We will work with applicants to enable them to make applications that meet the spirit of the policy; with residents who wish to make representation against applications and with Councillors in fulfilling their community leadership role.

This policy is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act.. This policy and the Licensing law is not the primary way for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises, and therefore beyond the direct control of the licence/certificate/authorisation holder holder. However it does form a key part of such control and will always be part of a holistic approach to the management of the evening and night-time economy within the borough.

This policy will not:

- reduce anyone's right to apply for a licence/certificate/authorisation under the Act and to have their application considered on its individual merits; or
- prevent anyone to make representation on an application, or to seek a review of a licence/certificate where provision has been made for them to do so in the Act.

2 The Licensing Objectives

The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

3 Our objectives and community priorities

We aim to provide a licensing service which:

- is fair and honest, and seen to be so;
- is easily accessible to all businesses, residents and people who are interested in licensing (stakeholders);
- sets and maintains a high standard of service;
- deals effectively with all applications and enquiries; and

- avoids repeating the work of other regulators wherever possible.

The Councils vision for the Borough is:

One borough; One Community; London's growth opportunity.

The three corporate priorities that support the vision are:

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

We welcome applications for licences that support this vision and priorities, but these will not outweigh the need to promote the Licensing objectives.

4 Consultation

There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

In reviewing this Policy Statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the London Fire Brigade), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

A list of stakeholder consultees can be found at Appendix 6.

5 Representations

The Licensing Authority, the Chief Officer of Police, the Fire Authority, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, the local health body and the Child Protection Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.

Any other person, including any individual, body or business entitled to make representation, may also comment on an application, regardless of their geographic proximity to the premises to which the application relates. Any other person can make the representation or they may ask for a representative to make it on their behalf.. Members of the Licensing Authority may also make representations as interested parties. A representation would only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. The representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

It is only when relevant representations are received that the Licensing Authority may hold a hearing. It will pay particular attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives.

Where no representations are received, the application must be granted on the terms sought by the applicant.

Appendix 2 gives details of all Responsible Authorities in relation to the Act, with contact details for each where copies of applications should be served.

6 Applications

When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003 and the licensing objectives
- Government guidance issued under Section 182 of the Licensing Act 2003
- any supporting regulations
- this statement of licensing policy

This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, the Council's licensing functions will be discharged separately from the Council's functions as the local planning authority. **However, it is recommended that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions

may be applicable to licensed premises, such as building control approval, and applicants are expected to ensure that such permissions are obtained where necessary.)

Where a licence holder wishes to amend the licence, in most cases an application for variation can be made, rather than an application for a new premises licence. This would include:

- varying the hours during which a licensable activity is permitted
- adding or removing licensable activities
- amending, adding or removing conditions within a licence
- altering any aspect of the layout of the premises which is shown on the plan.

The Licensing Authority will consider whether there is any likely impact on the promotion of the licensing objectives when deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan but have, nevertheless, been included.

An application for a Minor Variation may be considered for minor changes to the structure or layout of a premises; small adjustments to licensing hours; removal of out of date, irrelevant or unenforceable conditions or adding certain licensable activities.

When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

Supporting information which provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures, may be found in Appendix 4 of the Supplementary Information. Every effort will be made to keep the application process as simple as possible. Help will be given to all applicants, particularly those from voluntary groups.

7 Tourism and employment

A well run licensed premises can help to promote tourism and encourage visitors to the borough. They also provide employment opportunities for the local community.

Applicants are advised to refer to the Barking and Dagenham Growth Strategy 2013 – 2023, before submitting applications. Whilst we would welcome applications that support this strategy, this would not take preference over the promotion of the Licensing Objectives.

8 Transport

Good public transport is essential so people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to local residents. We will consider this when we process licences. We expect applicants to take account of public transport provision when deciding on the detail of their applications particularly in relation to the arrival and dispersal of larger capacity events and venues.

9 Planning and building control

Licensing will be treated separately from planning permission and building control approval, the licensing committee will not be bound by planning restrictions.

It is recommended that applicants for licences consult with planning and building control before a licence application is submitted to see if any other applications may be required.

There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or off-licence. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy, and we will not take need into account when making decisions on licence applications.

10 ‘Saturation’ policies and ‘cumulative impact’

“Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.

The Licensing Authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.

The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the borough causing a cumulative impact on any of the licensing objectives.

However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

11 Proximity to Schools

This council recognises that in the correct setting alcohol has many social and economic benefits. It also recognises that there are some groups within society who are particularly vulnerable and the protection of children from harm is uppermost in that thinking.

The council is particularly concerned about proximity of off-licences to secondary schools.

When applications are made for new off-licences within 400 metres of a secondary school, applicants are strongly encouraged to include the following controls in their operating schedules. If such controls are not included, and if relevant representations are made, the council's policy is to include the controls as conditions on the licences except in very exceptional circumstances.

The controls are:

- a. Alcohol should not be advertised in the shop window.
- b. All alcohol should be stored behind the shop counter.
- c. No display boards or other advertising should be shown on the shop floor.
- d. No alcohol should be capable of purchase through self-service check-outs.
- e. The licensee shall operate a Challenge 25 policy
- f. All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products.
- g. All supervisors should hold a personal licence.
- h. The licensee should maintain a refusals register which should be kept at the premises and produced to the police and licensing authority forthwith on request.
- i. All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at least every 3 months. The content of the training should be documented and records of training shall be kept. The content and records should be kept at the premises and produced to the police and licensing authority forthwith on request.
- j. Cans of alcohol should not be sold singly.
- k. Bottles of beer under 1 litre should not be sold singly.
- l. No beer or cider over 5.5% ABV should be sold.

m. No alcopops should be sold.

12 Other policies, strategies and initiatives

Before submitting an application we would encourage applicants to refer to other policies, strategies and initiatives, although they may not be directly related to the promotion of licensing objectives, but may indirectly impact on them. These may include:

- the Community Safety Strategy;
- the Community Safety Plan
- the Crime and Disorder Strategy;
- cultural and tourism strategies;
- drug and alcohol strategies
- the drug and alcohol Treatment Plan
- the Enforcement Policy;
- the Environmental Strategy;
- the Corporate Equalities Policy Statement
- the Leisure Strategy;
- the Local Authorities Enforcement Concordat;
- the Regulatory compliance code
- the Neighbourhood Renewal Strategy;
- the Regeneration Strategy;
- the Transport Plan;
- Core Strategies and Borough Wide Development Policies of the Local Development Framework;
- the Waste Strategy.
- the Health and Wellbeing Strategy

On 24 March 2010 this Council adopted the provisions of section 13(2) of the Criminal Justice and Police Act 2001 to make the whole borough a Designated Public Place and subsequently a Designated Public Place Order (DPPO) was enacted to create a borough-wide alcohol control zone. This designation does not have any bearing on the ability of individuals, companies or relevant organisations from applying for a premises licence or club premises certificate. The Council will expect licence holders to trade responsibly and in particular not to sell alcohol to those who are visibly drunk regardless of the time of day. We will be working with the Police and the Community Safety Team to encourage responsible trading.

13 Licence terms and conditions

If we receive relevant objections to a licence application, we may attach conditions to the licence to control activities associated with licensed premises and activities. When setting the conditions, we will make sure that they:

- are appropriate;
- are proportionate;
- are reasonable; and
- are enforceable.

Licensing is about the regulation of licensable activities at licensed premises, qualifying clubs and temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. We will ensure that any conditions attached to a licence:

- are necessary;
- are in proportion to the activity being licensed;

- are reasonable;
- can be met by the people or business being licensed (the licensees); and
- can be enforced.

Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:

- planning controls
- positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of local authorities to designate places where restrictions on public drinking apply
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from children and adults in designated areas

- police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives.

14 Operating schedule

The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement

of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive and the examples given will not be applicable in all cases. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.** Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list and the examples given will not be applicable in all cases. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances/conditions at the premises).

Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.**

The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the promotion of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**

In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an important factor in the promotion of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority expects the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in appropriate instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**

The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These factors may include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the customer age profile
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as doorstaff,

attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

The licensing authority will consider applications for minor variations to premises licences, providing that the authority is satisfied that the variation will not adversely impact on the licensing objectives and the licensing authority will consult with responsible authorities whom they deem necessary to make such assessment.

15 PREVENTION OF CRIME AND DISORDER

London Borough Barking and Dagenham Council is committed to further improving the quality of life for the people of London Borough Barking and Dagenham by continuing to reduce crime and the fear of crime.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on London Borough Barking and Dagenham Council, Metropolitan Police, and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their**

premises, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Theft of Alcohol

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Documented staff training
- Supervision of staff
- Number of personal licence holders present
- Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Harm Reduction Strategy 'Safe. Sensible. Social.' and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards and/or 'new type' driving licences with photographs and/or passports

- Adoption of a 'Challenge 25' policy whereby an approved ID must be produced to prove the customer is over 18 years of age
- Provision of effective CCTV in and around premises with the retention of images for a suitable period
- Design and seating layout
- Employment of Security Industry Authority licensed doorstaff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar organisations

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' (DPS)). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority, Metropolitan Police and Environmental Health using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious implications on all four licensing objectives. Although the legislation requires a minimum of ten working days' notice to be given (five working days' notice in the case of Late Temporary Event Notices), organisers of these events are encouraged to

submit their notification as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work with them to identify and reduce the risk to the licensing objectives.

Please see Appendix 4 of the supplementary information for details regarding the application process and timescales for the submission of Temporary Event Notices.

16 PUBLIC SAFETY

The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These factors may include:

- the occupancy capacity of the premises
- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Employment of Security Industry Authority licensed doorstaff
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

17 PREVENTION OF PUBLIC NUISANCE

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and relevant representations have been received. Conversely, premises with demonstrable effective measures planned to prevent public nuisance, may be suitable for longer opening hours.

In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These factors may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- the hours of opening, particularly between 23.00 and 07.00
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature, whether they are to be held inside or outside premises and their audibility at noise sensitive premises

- the design and layout of premises and in particular the presence of noise limiting features
- provision of facilities for smokers in line with Health Act 2006
- the occupancy capacity of the premises
- the availability of public transport
- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time
- measures for orderly and safe dispersal of customers

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including dispersal policies
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter including smoking-related litter

- Effective ventilation systems to prevent nuisance from odour
- Siting of smoking areas in relation to adjoining residential areas
- Details of dispersal policy for customers leaving the venue.

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

18 PROTECTION OF CHILDREN FROM HARM

The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

The general relaxation in the 2003 Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

Premises which are classed as Sexual Entertainment Venues are separately licensed under the Local Government (Miscellaneous Provisions) Act 1982 and are subject to additional regulation to protect children from harm.

The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Employment of Security Industry Authority licensed doorstaff
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol (e.g. 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

These examples can be adopted in any combination. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-

restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

If considered appropriate, the Licensing Authority may require that some adult supervisors undergo an enhanced Criminal Records Bureau check to ascertain that there is no known impediment to their working with children and young persons. In appropriate cases, the Licensing Authority may also attach conditions relating to searches carried out on children and young persons.

The Licensing Authority will rarely impose complete bans on access to premises by children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

19 Standard licence conditions

We will develop, maintain and regularly review a “pool of standard licence conditions” which we may use when considering applications. However, conditions applied will always be relevant to each application and relating to one or more of the Licensing Objectives

A pool of conditions can be found at Appendix 8

20 Premises licensed for gambling

The Act covers activities within casinos and bingo clubs and other gambling premises, which is also subject to the Gambling Act 2005, no condition attached to a premises licence will prevent a licence holder complying with the requirements of the Gambling legislation.

21 Sports grounds

Any premises to which the Safety at Sports Ground Act 1974 and associated legislation applies is strictly controlled by the above legislation, and, for the purposes of the Licensing Act 2003, the Safety at Sports Ground Act 1974 will take precedence during the times that such activities controlled under Safety at Sports Ground Act 1974 take place

22 Enforcing licenses

The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

The Enforcement Concordat is based on the principles that businesses should:

- receive clear explanations from enforcers of what they need to do and by when
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed
- receive an explanation of their rights of appeal

The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law. The Licensing Authority has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Section, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.lbbd.gov.uk

23 Reviews

Where possible and appropriate any responsible authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

Responsible authorities and/or persons who live or are involved in a business in the relevant Licensing Area can trigger a review of a premises licence. However, such reviews should, where possible, be supported by evidence to be presented to the Licensing Authority.

No more than one review from persons who live or are involved in a business in the relevant Licensing Area will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances

Applications for review made to the Licensing Authority will be dealt with fairly by a hearing of the Licensing sub-committee. . The sub-committee will take particularly seriously situations where a licensed premises is used for the following criminal activities:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling;
- for the sale of smuggled tobacco and alcohol; and
- For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

24 Start date and reviews

This policy is effective from 2 April 2016. It will stay in force for five years and we will review and revise it, as necessary, during that period. We will publish a new licensing policy at the end of the five year period.

SUPPLEMENTARY INFORMATION

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APPENDIX 1 - REFERENCES TO GUIDES AND BEST PRACTICE

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 www.gov.uk
- ⇒ Government's Enforcement Concordat www.cabinet-office.gov.uk
- ⇒ Licensing Enforcement Policy www.lbbd.gov.uk
- ⇒ Licensing Enforcement Protocol www.lbbd.gov.uk
- ⇒ Safer Clubbing www.drugs.gov.uk
- ⇒ The National Alcohol Harm Reduction Strategy Toolkit www.hmsso.gov.uk
- ⇒ The Point of Sale Promotions www.beerandpub.com
- ⇒ Security in Design www.beerandpub.com
- ⇒ Drugs and Pubs www.beerandpub.com
- ⇒ Fire Safety Risk Assessment Guides:
Guide 6 – Small and Medium Places of Assembly
Guide 7 – Large Places of Assembly
Guide 9 – Open Air Events and Venues www.communities.gov.uk
- ⇒ The Event Safety Guide www.hse.gov.uk

- ⇒ Good Practice Guide on the Control of Noise from Pubs and Clubs www.ioa.org.uk
- ⇒ Licensed Property: Noise www.beerandpub.com
- ⇒ The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
The Retailer Alert Bulletin www.portman.group.org.uk
- ⇒ British Institute of Innkeepers
Best Practice Qualification
Door Supervisors
Personal Licence Holders
Other Bar Staff www.bii.org

APPENDIX 2 - CONTACT DETAILS FOR RELEVANT RESPONSIBLE AUTHORITIES

Responsible authority	Contact details
London Borough of Barking and Dagenham Licensing Department	Roycraft House, 15 Linton Road, Barking IG11 8HE Email: licensing@lbbd.gov.uk
Child Protection	FAO Sonia Drozd Child Protection Team, 3rd Floor, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: sonia.drozd@lbbd.gov.uk
Planning and Development control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU. Email: planning@lbbd.gov.uk
Environmental Health	Noise and Environmental Protection Housing and Enforcement Services, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: eyesoreandpublichealth@lbbd.gov.uk
Trading Standards	Theo Lamptey Trading Standards Service, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: trading.standards@lbbd.gov.uk
Public Health	Matthew Cole, Director of Public Health Linda Bailey, Deputy Director Health Authority, Barking Town Hall, 1 Town Square, Barking IG11 7LU
London Fire Brigade	Team Leader for Barking and Dagenham Fire Safety Regulation – North, 169 Union Street London SE1 0LL. Email: fsr-adminsupport@london-fire.gov.uk
Police Licensing	Andrew O'Connor, Corinne Holland Police Licensing Officers, Dagenham Police Station, 561 Rainham Road South, Dagenham RM10 7TU Email: andrew.o'connor@met.pnn.police.uk corinne.holland@met.pnn.police.uk
If premises are enforced by Local Authority	FAO: Team Leader Health & Safety, Roycraft House, 15 Linton Road, Barking IG11 8HE
If premises are enforced by Health and Safety Executive	Stephen Hartley HSE, Rose Court, 2 Southwark Bridge, London SE1 9HS Email: stephen.hartley@hse.gsi.gov.uk

APPENDIX 3 - CONTACT DETAILS AND USEFUL ADDRESSES

1. Arts Council England
14 Great Peter Street
London
SW1P 3NQ

Tel: 0845 300 6200
Email: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk

2. Association of Licensed Multiple Retailers
9b Walpole Court
Ealing Studios
London W5 5ED

Tel: 020 8579 2080
Email: info@almr.org.uk
Web: www.almr.org.uk

3. British Beer & Pub Association
Market Towers
1 Nine Elms Lane
London
SW8 5NQ

Tel: 020 7627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

4. British Board of Film Classification
3 Soho Square
London
W1D 3HD

Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk

5. British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey
GU15 3PT
Tel: 01276 684449
Email: reception@bii.org
Web: www.bii.org
6. Equality & Human Rights Commission
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX
Tel: 020 3117 0235
Email:
Web: www.equalityhumanrights.com
7. Institute of Acoustics
77a St Peters Street
St Albans
Hertfordshire
AL1 3BN
Tel: 01727 848195
Email: ioa@ioa.org.uk
Web: www.ioa.org.uk
8. Musicians Union
60-62 Clapham Road
London
SW9 0JJ
Tel: 020 7840 5537
Email: eastsoutheast@musiciansunion.org.uk
Web: www.musiciansunion.org.uk

9. Security Industry Authority
PO Box 8
Newcastle upon Tyne
NE82 6YX

Tel: 08702 430 100

Email: info@the-sia.org.uk

Web: www.the-sia.org.uk

10. The Portman Group
7-10 Chandos Street
Cavendish Square
London
W1G 9DG

Tel: 020 7907 3700

Email: info@portmangroup.co.uk

Web: www.portmangroup.org.uk

APPENDIX 4 - APPLICATION PROCESS

Applications for all licences should be made to the following address:

Licensing Department
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
IG11 8HE

Alternatively, applications can be submitted online at www.lbbd.gov.uk

Electronic Applications

- ◆ The EU Service Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.
- ◆ Where applications have been submitted online through GOV.UK or the Authority's own facility, the Licensing Authority is responsible for sending copies of the application to the Responsible Authorities for consultation. However, if any part of the application is submitted in writing, the applicant must send copies of these parts to the Responsible Authorities.

- ◆ Any advertising requirements must still be met whether the application is submitted electronically or in writing and this remains the responsibility of the applicant.
- ◆ This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

PERSONAL LICENCE

New Applications

- ◆ To apply for a new Personal Licence, applicants must be over 18 years of age and will need to complete an application form and send it to the Licensing Authority together with two passport photographs (one of which must be certified as a true likeness), the original of the applicant's licensing qualification, a criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service, a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it and the appropriate licence fee. The criminal checks must not be more than 1 calendar month old when the application is received.

Renewals

- ◆ Personal Licenses no longer require renewing; any licence that displays an expiry date is still valid.

PREMISES LICENCE/CLUB CERTIFICATES

To apply for a Premises Licence/Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003. It should be noted that the forms are prescribed forms issued by the Government.

The application form must be completed in BLACK INK. Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be enclosed,

- The appropriate application fee, if any. Please note the fee for a Premises Licence/Club Certificate is payable annually on the anniversary of the granting of the application. Non payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence.
- A plan of the premises at a scale of 1:100 which complies with the Regulations as detailed in the information sheet supplied by the Licensing Authority.
- If alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor.

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation:

- Metropolitan Police
- London Fire Brigade
- Health and Safety Enforcing Authority
- Trading Standards
- Area Child Protection Committee
- Planning Authority

- Environmental Health (Noise Pollution)
- Licensing Authority
- Health Body

This must be done on the same day that the application is given to the Licensing Authority. The contact addresses are detailed in Appendix 2 of this document.

The application must be advertised by publishing a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the information sheet supplied by the Licensing Authority.

Additionally, a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority. To assist applicants, a template for the notice is included in the application pack.

Failure to comply with any of the above requirements will mean that the application is not valid and cannot be considered.

Variations

Applications to vary a premises licence or club certificate should be made on the prescribed form and the same process for new applications regarding advertisements and notification of Responsible Authorities must be completed.

Minor Variations

- Minor variations will generally fall into the following four categories:
 - I) Minor changes to the structure or layout of a premises;

- ii) Small adjustments to licensing hours;
- iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
- iv) The addition of certain licensable activities.

However variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases.

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.

It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

Applications for minor variations must be made on the prescribed form and be accompanied by the statutory fee and amended plans (if applicable).

The application must be advertised on a white A4 notice at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations. This notice must remain on the premises for the consultation period of 10 working days.

During the consultation period, the Licensing Authority will consider the application and may consult with any of the Responsible Authorities.

Variation of Premises Licence (Designated Premises Supervisor)

An application to vary a premises licence where there has been a change of the designated premises supervisor must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor; the fee.

A copy of the application and all accompanying documents must also be sent to the police.

Club Premises Certificate

The process of applying for a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club, neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

Temporary Event Notice (TEN)

The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence providing that a minimum of 10 working days notice is given to the Police, Environmental Protection Team and Licensing Authority. The aim of the system of Temporary Event Notices (TENs) is to minimise the regulatory burden on such events, many of which will be run by community groups.

The process involves sending notification of an event, in the form of a Temporary Event Notice (TEN), to the Police, Environmental Health Service and Council in whose area

the event is being held at least 10 working days before the day on which the event begins. The Council will issue an acknowledgement if the TEN is valid. Metropolitan Police and London Borough Barking and Dagenham Council's Environmental Protection Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Metropolitan Police or the Environmental Protection Team submit an objection to the notice, the licensing authority will hold a hearing to consider the objection.

Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Metropolitan Police or the Council's Environmental Protection Team.

Activities that can be covered by a Temporary Event Notice are:

- **Provision of regulated entertainment**
- **Sale by retail of alcohol**
- **The supply of alcohol by or on behalf of a club**
- **Provision of late night refreshment**

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

- No more than 499 people (including staff/organisers) attending at any one time.
- An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50.
- A limit of 12 temporary event notices may be given in respect of any particular premises in a calendar year.
- An event may last no longer than 168 hours.

- The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.

Organisers of TEN's are strongly advised to contact the Licensing Authority, the Environmental Health Service and Metropolitan Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

Late Temporary Event Notices (Late TEN)

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Metropolitan Police and the Environmental Health Service between 5 and 9 working days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that if either the Police or the Council's Environmental Protection team submits an objections to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Late TENs are included within the maximum allowance for a premises and person.

It should be noted that giving a Temporary Event Notice does not relieve the premises user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance)

ADVERTISEMENT OF APPLICATIONS

In the case of an application for a Premises Licence under Section 17, for a Provisional Statement under Section 29, to vary a Premises Licence under Section 34, for a Club Premises Certificate under Section 84, the person making the application shall advertise the application, in both cases in a prescribed format and contain the appropriate information. The format of advertisement and information to be included is:–

- (A) For a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice:
- (i) which is -
 - a. of a size equal or larger than A4;
 - b. of a pale blue colour;
 - c. printed legibly in black, in a font of a size equal to or larger than 16.
 - (ii) In all cases, prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, covering an area exceeding 50m square, a further notice in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway; and
- (B) By publishing a notice:
- (i) in a local newspaper, or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
 - (ii) on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant licensing authority.

In the case of an application for a Premises Licence - Section 17, or a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities, as the case may require, which is proposed will be carried on or from the premises.

- (i) In the case of an application for a Provisional Statement, the necessary notices:
 - a) shall state that representatives are restricted after the issue of a Provisional Statement; and
 - b) where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.
- (ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation.
- (iii) In all cases the required notices shall state:
 1. the name of the applicant or club;
 2. the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
 3. the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected;
 4. the date by which an interested party or responsible authority may make representations to the licensing authority;
 5. that representations shall be made in writing;

6. that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence (level 5 on the standard scale).

ADVERTISEMENT OF APPLICATIONS BY THE LICENSING AUTHORITY

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84. This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority

APPENDIX 5 - OBJECTIONS/REPRESENTATIONS/REVIEWS/HEARINGS/APPEALS

Who can make representations or seek reviews?

'Other Persons' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

'Other Persons' are defined as: -

- ♦ a member of the relevant licensing authority (elected Councillors);
- ♦ any person;
- ♦ a body representing any persons;
- ♦ any person involved in a business;
- ♦ a body representing any person involved in such businesses.

'Responsible Authority' is defined as any of the following: -

- ♦ the chief officer of Police;
- ♦ the Fire Authority;
- ♦ the enforcing authority for Health and Safety at Work;
- ♦ the local planning authority;
- ♦ the local authority responsible for environmental health;

- ◆ the body that represents those who are responsible for, or interested in, matters relating to the protection from harm
- ◆ the local weights and measures authority (Trading Standards);
- ◆ a navigation authority, the Environment Agency, or the British Waterway Board in relation to a vessel.
- ◆ the Licensing Authority
- ◆ the local Health Body

What are relevant representations?

'Relevant representations' is the term used for comments and objections that: -

- ◆ are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- ◆ are made by 'any person' or 'Responsible Authority' within the prescribed period and have not have been withdrawn;
- ◆ in the opinion of the Licensing Authority, are not frivolous or vexatious; and in the case of a review, repetitious.
- ◆ if they relate to the identity of the proposed premises supervisor, are made by the chief officer of Police and include a statement that his/her designation would undermine the crime prevention objective.

The terms 'frivolous' and 'vexatious' have their normal meanings.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

(a) it is identical or substantially similar to: -

- ◆ grounds in an earlier application for review made in respect of the same premises and already determined, or
- ◆ representations considered by the Licensing Authority in granting the premises licence or certificate, or
- ◆ representations which would have been considered except they were excluded representations following a provisional statement, and

(b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

Time Limits on Representations

Any person or a responsible authority making representations to a relevant licensing authority may make these representations:—

- (A) In the case of a review of previous licence following a closure order, at any time up to and including seven days, starting on the day after the day on which the authority received the notice under Section 165(4) of the Licensing Act 2003, in relation to the closure order and any extension to it.

- (B) In the case of a Summary Review or Minor Variation at any time up to 10 days, starting on the day after the application was made.
- (C) In any other case, at any time during a period of 28 consecutive days, starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Reviews

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- ◆ representations are made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence or certificate on one or more of the licensing objectives; or
- ◆ a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police in respect of the licensed premises.

Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice and notices must be sent to each party informing them of the date.

The table below lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations.
Application to vary premises licence to change DPS	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Chief of police Proposed Designated Premises Supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of premises licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making	Applicant. Chief of police

	representations.	
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations. Applicant.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	The club holding the club premises certificate. Persons who have made relevant representations. Applicant.
Counter notice following Police/environmental health objection to a Standard TEN	7 days beginning with the day after the end of the period for making representations.	The premises user. Chief of police Environmental Health
Counter notice following	No provision for hearing	The premises user.

Police/Environmental Health objection to a Late TEN		Chief of police Environmental Health
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of personal licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the Licensing Authority receives the court notice.	Holder of premises licence. Chief of police

Appeals Against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court within 21 days of the written decision notice.

Appendix 5 - Licensing and Regulatory Board

- a Under section 6 of the Licensing Act 2003, our Licensing and Regulatory Board will form Licensing Sub-committees to perform all our functions relating to licensing, as laid out in appendix 7.

- b We will annually appoint 10 members to sit on the Licensing and Regulatory Board. From which 3 members will sit as a Licensing Sub-committee, Only councillors who have received relevant licensing training will take part in decisions on licensing matters.

- c Members of the Licensing and Regulatory Board will not take part in any licensing decisions about premises they have an interest in. A Licensing and Regulatory Board Member may not hear an application that is in their own ward, but may observe the meeting as a member of the public.

- d Some licensing decisions will be made by the Licensing Sub-committee, and some by council officers through delegated authority, in line with the table set out in appendix 7.

Appendix 6 – Consultation Stakeholders

Stakeholders we consulted when preparing this policy

- The Responsible Authorities
- All Councillors
- Barking and Dagenham Alcohol Alliance
- Barking and Dagenham Health and Wellbeing Board
- Barking and Dagenham Safeguarding Children Board
- Barking and Dagenham Safer, Stronger Communities Board
- Barking & Dagenham Chamber of Commerce
- All Premises Licence Holders
- All Club Premises Certificate Holders
- Association of Licensed Multiple Retailers
- British Beer and Pub Association
- Barking and Dagenham Drug and Alcohol Action Team
- The Probation Service
- Barking and Dagenham Disabilities Form
- Barking and Dagenham Black, Asian and Minority Ethnic forum
- Barking and Dagenham Lesbian, Gay, Bisexual and Transgender Forum
- Barking and Dagenham Faith Forum
- Barking and Dagenham Public Health Directorate
- London Borough of Newham
- London Borough of Redbridge
- London Borough of Havering

Appendix 7 – Delegation of Authority

Table of who makes licensing decisions

Decisions made by:	Licensing Sub Committee	Council officers
Matter being decided:		
An application for a personal licence	If a police objection	If no relevant representation made
An application for a personal licence with unspent convictions	All cases	
An application for a premises licence or club premises certificate	If a relevant representation made	If no relevant representation made
An application for a provisional statement	If a relevant representation made	If no relevant representation made
An application to vary a premises licence or a club premises certificate	If a relevant representation made	If no relevant representation made
An application to change a ‘designated premises supervisor’	If a police objection	All other cases
A request to be removed as a ‘designated premises supervisor’		All cases

An application for a premises licence to be transferred	If a police objection	All other cases
An applications for interim authorities	If a police objection	All other cases
An application to review a premises licence or a club premises certificate	All cases	
Whether a complaint is irrelevant, frivolous, vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

Appendix 8 – Pool of Licence Conditions

To be added..

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