

Notice of Meeting

LICENSING AND REGULATORY BOARD

Wednesday, 20 July 2016 - 7:00 pm
Committee Room 2, Town Hall, Barking

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

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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 20 April 2016 (Pages 3 - 5)**
4. **Sub-Committees - To receive the minutes of the Licensing Sub-Committee meeting held on 9 May 2016 (Pages 7 - 10)**
5. **Outline Proposals for Gambling Policy (to follow)**
6. **Statement of Licensing Policy: Update (to follow)**
7. **Update on Licensing Act - Model Pool of Conditions and Mandatory Conditions (to follow)**
8. **Verbal Update on Applications and Appeals Received**

The Licensing Officer is to inform the Board of any appeals made against its recent decisions.

9. **Draft Work Programme (Pages 11 - 12)**
10. **Any other public items which the Chair decides are urgent**
11. **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.***

12. **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, 20 April 2016
(7:00 - 7:53 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Adegboyega Oluwole (Deputy Chair), Cllr Syed Ahammad, Cllr Peter Chand, Cllr Kashif Haroon, Cllr Chris Hughes and Cllr Elizabeth Kangethe

Apologies: Cllr Faruk Choudhury

38. Declaration of Members' Interests

There were no declarations of interest.

39. Minutes (14 October 2015)

The minutes of the meeting held on 14 October 2015 were confirmed as correct.

40. Sub-Committees - To receive the minutes of the Licensing Sub-Committee meetings held on:

The minutes of the following Sub-Committee meetings were confirmed as correct:

- 4 November 2015
- 16 November 2015
- 15 December 2015
- 7 March 2016

41. Enforcement Policy

The Regulatory Service Manager (Environmental Health & Trading Standards), introduced a report to the Board on the revised Enforcement Policy.

The Policy was due to be considered by Cabinet in July 2016 and was before the Board for comments before being agreed by Cabinet. It superseded the existing enforcement policy adopted by the Council on 29 January 2002 which was covered by the former Health and Consumer Service Division.

The Policy had been revised to ensure it was compliant with all relevant legislation, code of practices and government guidance. It included all the regulatory enforcement functions relating to Environmental Health (Food, Health & Safety), Environmental Protection, Noise and Nuisance, Trading Standards, Licensing, Private Sector Housing and the Enforcement services (Street Networks).

The Board were advised that the Enforcement in the context of the policy included the use a range of activities to ensure compliance with legislation, such as:

- Conducting regular inspections of business premises
- Responding to complaints and enquires from the public about

businesses and individuals

- Carrying out education and awareness programmes
- Conducting investigations to support the enforcement actions
- Patrolling the borough and serving fixed penalty or statutory notices and taking prosecution action for a range of environmental offences as appropriate.

The Board's attention was drawn to section 6 of the Policy (attached to the report as appendix A) which detailed the various enforcement options available to the Council to achieve compliance. These included:

- Informal Action
- Fixed Penalty Notice (FPN)/Penalty Charge Notice (PCN)
- Refusal, Revocation or Suspension of Licence or Permit
- Licence Review
- Statutory Notices

In noting the various forms of enforcement available, the Board questioned as to whether penalty notices were issued based on set targets. The Board were advised that the Enforcement Policy was for compliance only and there were not set targets for officers to issue penalty notices.

The Board noted references to various European legislation throughout the Policy and suggested the wording within the document be changed to "appropriate" legislation depending on the outcome of the European Union Referendum.

The report was noted.

42. Verbal Update on Changes to Licensing and Regulatory Service

The Chair invited the Regulatory Services Manager to address the Board, outlining recent changes to Regulatory Services.

The Board were advised that the Council no longer shared Regulatory Services with Thurrock Borough Council. A stronger presence of officers would be required within the service and as part of this, the capacity of the team with Licensing would be doubled. A Senior Licensing Officer would be appointed alongside a second admin officer. It was anticipated that these changes would be made within the next six months, resulting in an improved service for members, the public and officers.

In response to questions, the Board were advised that bringing the services back in house would save the Council money, especially with regard to frontline services.

The report was noted.

43. Verbal Update on Applications and Appeals Received

The Regulatory Services Manager gave a presentation to the Board on the licensing applications and appeals received.

The Board noted that in 2015/16 there were:

- 369 premises licences registered with the Council;
- 24 new applications being received that year;
- 87 Temporary Event Notices had been applied for;
- 143 personal licence applications had been received;
- There had been four licensing reviews, one of which had been appealed;
and
- 102 alcohol test purchases had been undertaken with five premises failing.

The Board questioned “special treatments” and were advised that the Council were looking beautician type premises working without a licence.

Further to questions regarding gambling premises, the Board were advised that work was being undertaken with the planning department to see how the numbers of gambling premises could be restricted in the Borough.

The report was noted.

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MINUTES OF LICENSING SUB-COMMITTEE

Monday, 9 May 2016
(7:00 - 9:13 pm)

Board Members Present: Councillors Oluwole (Chair), Ahammad and Haroon.

29. Declaration of Members' Interests

There were no declarations of interest.

30. Application for a New Premises Licence: McDonalds Restaurant, Ballards Road/New Road, Dagenham, RM10 9LU

The Council's Licensing Officer, Maria Williams, presented a report to the Sub Committee which was regarding an application for a variation to a Premises Licence for McDonalds Restaurant, Ballards Road/New Road, Dagenham, RM10 9LU.

The Sub Committee were advised that the premises currently had a licence which allowed the provision of late night refreshment on Monday to Sundays from 23:00 until 01:00. The application before the Sub Committee was to extend the opening hours and provision of late night refreshment on Mondays to Sundays from 01:00 until 05:00.

The Sub Committee noted that during the consultation period there valid representations received from Ward Councillors Jamu and Keller. A further valid representation had been received from the Councils Environmental Health Noise Team, however this had been withdrawn following the submission of a noise assessment from the premises.

Mr Sam Skinner, the applicants legal representative spoke on behalf of the applicant, addressing the concerns set out within the representations.

The Sub Committee were advised that the applicant already managed two McDonalds' restaurants which were open 24 hours. There was no history of antisocial behaviour at the premise however if required, security could be provided at the location. Furthermore, HD CCTV cameras were due to be installed at the location shortly. Following representation regarding noise, a noise assessment was undertaken by the applicant which, as reported, has resulted in the Environmental Health Noise Team withdrawing their representation.

The applicant then offered the additional conditions of:

- 1) Introducing new signage reminding customers to leave quietly and respect residents.
- 2) To increase litter patrols to 4 times per day, including all surrounding areas.

Decision

Upon considerations, the Licensing Sub-Committee decided to grant the license as applied for, with the addition of the two conditions volunteered by the applicant.

31. **Application to Review the Premises Licence for Oasis Banqueting Hall, 6-8 Thames Road, Barking, Essex, IG11 0HZ**

The Licensing Officer presented a report to the Sub-Committee concerning an application for a review of the premises licence for Oasis Banqueting Hall, 6-8 Thames Road, Barking, Essex IG11 0HZ.

The Sub Committee were advised that on 4 April 2016, an application for the review of the Premises Licence was received from Corinne Holland PC 119KG on behalf of the Chief Officer of Police for the Metropolitan Police Area, under the licensing objective of the prevention of crime and disorder.

The current Premises Licence was held by Tariq Mahmood, who was also the Designated Premises Supervisor.

The Chair invited the Police to present the application for review. Corinne Holland PC 119KG was present and addressed the sub committee, who advised that:

- The Review was being sought because despite protracted negotiations between the management of the premises and the police concerning a number of serious incidents associated with the venue and the management of the venue had failed to rectify the issues.
- Some months ago the management of the venue stated they would submit a minor variation to deal with police concerns, this did not happen, and a further serious incident had now occurred.
- It had come to the point that the police could no longer rely on the management of the venue to rectify their problems.
- For ticketed/promoted events, it was felt that the licence holder appeared to take a step back and leave responsibility to the particular promoter on the night. These events, statistically, lead to crime and disorder.

The Police requested for additional conditions to be placed on the licence and for the opening hours of the premises to be reduced.

The Chair then invited Mr Mahmood to address the Sub Committee. In doing so, Mr Mahmood advised that the venue was mostly used for Asian weddings and he had discouraged ticketed events where possible.

Mr Mahmood did not feel there were safety issues at the premises and commented that it would not be appropriate for security to staff to be present at some events, such as Asian weddings.

Furthermore, Mr Mahmood advised that he and his staff had abided to the

conditions set out within the current licence did not agree with the application for review which had been submitted by the Police.

Both parties were given the opportunity to ask clarifying questions of the other, and both parties were asked to provide closing statements.

DECISION

Upon consideration, the sub-committee decided to.

1. Amend the operating hours as follows
 - a. All licensable activities to cease by 02:00 on Monday – Thursday and Sundays, with the premises to close by 03:00
 - b. All licensable activities to cease by 03:00 on Friday to Saturday, with the premises to close by 04:00
2. All events which finish later than midnight will have a minimum ratio of one door supervisor to 80 patrons
3. For all promoted events held at the premises a Form 696 Promoted Event Risk Assessment form will be completed at least 14 days prior to the event and at the conclusion of the event a Form 696a Promoted Event Risk Assessment de-Brief will be completed within 7 days. Both forms being supplied to police within the designated time frames (to replace condition 15).

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DRAFT Work Programme

Licensing and Regulatory Board - meeting dates, items & deadlines

Meeting	Agenda Items	Deadline for Papers	Agenda publishing date
20 July 2016	<ul style="list-style-type: none"> • Statement of Licensing Policy: Update • Outline Proposals for Gambling Policy • Update on Appeals and Applications received • Licensing Act 2003 	28 June 2016	12 July 2016
19 October 2016	<ul style="list-style-type: none"> • Update on Appeals and Applications received • Gambling Policy • Statement of Licensing Policy: Update 	27 Sept 2016	11 Oct 2016
18 January 2017	<ul style="list-style-type: none"> • Update on Appeals and Applications received 	23 Dec 2016	10 Jan 2017

26 April 2017	<ul style="list-style-type: none">• Update on Appeals and Applications received	30 March 2017	18 April 2017
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