

# LICENSING AND REGULATORY BOARD

26 April 2017

<b>Title: Licensing Act 2003 – Barking &amp; Dagenham Statement of Licensing Policy 2017-2020</b>	
<b>Report of the Operational Director for Environmental Services</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lamptey, Service Manager Public Protection, Regulatory Services	<b>Contact Details:</b> Tel: 020 5655 E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a>
<b>Accountable Director:</b> Jonathon Toy, Operational Director Enforcement Services	
<b>Accountable Strategic Director:</b> Claire Symonds, Chief Operating Officer	
<b>Summary</b>  The London Borough of Barking & Dagenham (LBBd) Statement of Licensing Policy for 2017-2022 sets out how this Council, as local licensing authority under the Licensing Act 2003, intends to fulfil its responsibility for alcohol, regulated entertainment and late night refreshment licensing for the next 5 years.  Following adoption of the policy by the Assembly on 25 January 2017, the policy is returned to the Licensing and Regulatory Board for discussion and future application.	
<b>Recommendation(s)</b>  The Board is asked to  (i) Note the content of the LBBd Statement of Licensing Policy for 2017-2022; and  (ii) Consider whether there are any areas of clarification or further discussion necessary before it is applied to future licensing applications.	
<b>Reason(s)</b>  The Council is required to have a policy by law. The policy is intended to promote both the licensing objectives stated in the Act and each of the Council's corporate priorities. It informs the licensing decision-making process and will support both consistent licence determinations and future decisions that may be subject of appeal to the law courts.	

## **1. Introduction and Background**

- 1.1 The Licensing Act 2003 made the Council responsible, as the local licensing authority, for licensing the sale and supply of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
- 1.2 The Act requires the Council to promote the four licensing objectives
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 1.3 The Act also requires the Council to publish a statement of licensing policy that sets out how it intends to approach its licensing responsibilities and to review that policy every five years. Each revision of the policy is required to be the subject of public consultation.
- 1.4 This Authority's first statement of policy under the Act was published in 2004 and has been the subject of review at intervals.
- 1.5 The most recent review of the policy took place through the Autumn / Winter of 2016. The primary intention of the review was to update the policy to ensure that it is current and consistent with the content of the Act; associated secondary regulations; relevant Guidance produced for local licensing authorities by the Home Office; and current best practice.
- 1.6 The latest version of the policy was adopted by the Assembly on 25 January 2017. It was subsequently published and relevant notifications required under the Act given. The policy came into effect on 3 March 2017. It had immediate effect on current licensed operators and applies to all relevant licence applications made to the Council after that date.
- 1.7 The policy document is now returned to the Licensing and Regulatory Board to enable an opportunity for Members of the Board to consider the content in detail and provide opportunity for further clarification or discussion before it is applied to future applications.

## **2. The LBBB Statement of Licensing Policy for 2017-2022**

- 2.1 A copy of the LBBB Statement of Licensing Policy for 2017-2022 is attached at Appendix 1.
- 2.2 The statement of policy aims to:
  - Promote the four licensing objectives
  - Benefit all sections of the Barking and Dagenham community
  - Boost the local economy
  - Encourage a broad range of licensed premises across the borough

- Support consistent licensing decisions
- Support licensing decisions that may be subject of appeal.

### 2.3 The policy is set out into seven sections

- **Section 1** (pages 6-8) provides an **Introduction** to Barking and Dagenham, providing context, a map of the borough, and outlining the Council priorities
- **Section 2** (pages 9 – 13) set out the **Purpose and Scope of the Policy** including the general principles that will be applied to all licence determinations
- **Section 3** (pages 14 – 22) deals with **Administration, Process and Delegation**. It covers a broad range of matters from applications; responsible authorities; representations; conciliation; public hearings and the Licensing and Regulatory board to reviews and Temporary Event Notices. It is supported by a summary scheme of delegations at Appendix 5 to the policy
- **Section 4** (pages 23 and 24) importantly provides guidance to prospective licence applicants on **Preparing an Operating Schedule** being the central part of a licence application under which applicants make a risk-assessment of their intended future business operation and set out the management controls intended to be established in order to promote the four licensing objectives
- **Section 5** (pages 25 – 40) deals with the four **Licensing Objectives**. It offers advice on the types of issues that the Council and partner agencies believe should be taken into account by applicants when preparing their risk-assessments and as to the types of control measures that can be applied in mitigation of these risks. A range of issues are covered in detail including responsible management; the role of the Designated Premises Supervisor; working in partnership; CCTV; the hire of premises to third parties; illicit goods; safe permitted capacity; underage sales; proximity to schools and other places attended by children; child sexual exploitation and more.
- **Section 6** (pages 41 – 42) focuses on **Licence Terms and Conditions** covering mandatory, proposed and imposed conditions. This section is supported by inclusion of all mandatory conditions and a suggested 'pool of model conditions' for consideration by operators under Appendix 7 to the policy.
- **Section 7** (pages 43 – 44) looks at **Enforcement** setting out how this Council together with partner agencies intend to conduct all enforcement activities in a fair, transparent and consistent manner in accordance with the Regulators' Compliance Code.

### 3. Financial Implications

Implications completed by Katherine Heffernan, Customer Commercial and Delivery Service

- 3.1 There are no direct implications as a result of this report.

### 4. Legal Implications

Implications completed by: Dr Paul Feild, Senior Corporate Governance Lawyer

- 4.1 The Council, as the Licensing Authority, is required by Section 5 of the Licensing Act 2003 to prepare and publish a Statement of Licensing Policy every 5 years.

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

**List of appendices:**

- Appendix 1 – The London Borough of Barking and Dagenham Draft Statement of Licensing Policy 2017 - 2022.