

## LICENSING SUB-COMMITTEE

15 January 2019

<b>Title:</b> Licensing Act 2003 – Boozy Call Alcohol Delivery – Chequers Lane Dagenham RM9 6PR Application for new Premises Licence.	
<b>Report of the Strategic Director</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> River	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lampsey, Service Manager Public Protection, Regulatory Services	<b>Contact Details:</b> Tel: 020 8227 5655 E-mail: theo.lampsey@lbbd.gov.uk
<b>Accountable Director:</b> Jonathon Toy, Operational Director, Enforcement Services	
<b>Accountable Strategic Director:</b> Fiona Taylor, Director, Law and Governance	
<b>Summary</b>  An application for a new premises licence has been made by Kelly Collins in respect of Boozy Call Alcohol Delivery Service, Chequers Road, Dagenham RM9 6PR.  A representation against the application has been received from the Metropolitan Police.  The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.	
<b>Recommendation</b>  That the Sub-Committee considers the content of this report and appendices, together with any oral submissions given at the hearing, and determines the application.	
<b>Reason(s)</b>  Under the Licensing Act 2003 the Council, as Licensing Authority for the area, has a duty to consider and determine each valid application submitted.	

### 1. Introduction and Background

1.1 The Licensing Act 2003 (the “Act”) established the national licensing regime for

- The sale and supply of alcohol
- Regulated entertainment
- Late night refreshment

1.2 Under the Act, any person wishing to use any premises to provide one or more of the above licensable activities must firstly obtain a premises licence from the local licensing authority for the area. If the licence is intended to include the sale and

supply of alcohol, then the licence must name a 'Designated Premises Supervisor' (DPS) who holds a personal licence issued by the local licensing authority for the area within which they live.

1.3 Applications for premises licences are made subject to public consultation. During the consultation period, it is open to any 'responsible authority' or 'other person' to make representations concerning the application. Representations must relate to one or more of 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

1.4 Where representations are received, and these are neither conciliated or withdrawn, then the local licensing authority must hold a public hearing to determine the matter.

## **2. Proposal and Issues**

### **The application under consideration**

2.1 On 19<sup>th</sup> November 2018, Kelly Collins applied for a premises licence in respect of the premises known as GSR Self Storage situated at Chequers Road, Dagenham RM6 9PR

2.2 The premises are a storage unit measuring 8' cubed, situated at GSR Self Storage, Chequers Road, Dagenham behind electric gates with 24-hour monitoring and access. Alcohol will be stored at this location and despatched for delivery from it. There will be no public access to the unit. The applicant seeks to deliver alcohol between the hours of:

Sunday – Thursday	12:00 - 02:00
Friday – Saturday	12:00 - 05:00

2.3 The Designated Premises Supervisor (DPS), intended to hold overall responsibility for authorising alcohol sales made at the premises, is the applicant, Kelly Collins, who holds a personal licence issued by the London Borough of Redbridge.

2.4 A copy of the application is attached as Appendix A to this report. Section 18 of the application sets out the range of measures proposed by the applicant to promote the four licensing objectives and to form the basis of the conditions of any licence granted, together with the mandatory conditions set out within the Act.

### **The representations**

2.5 One representation has been received in respect of this application, from the Metropolitan Police. The representation is made under the crime prevention and public nuisance licensing objectives. The Metropolitan Police have asked the applicant to agree to additional conditions and to reduce the hours during which alcohol will be delivered.

- 2.6 The applicant has indicated that she does not wish to restrict the hours of operation to those the Police have requested and does not agree to the conditions the Police request. A copy of the Police representation is attached as Appendix B.

### **Local area**

- 2.7 A map of the local area is attached as Appendix C. The location of the application premises is marked on the map.

### **3. Options Appraisal**

- 3.1 The Sub-Committee is advised that the hearing is of a quasi-judicial nature and representations from all parties, both written and verbal, will form part of the matters that are to be considered.
- 3.2 The Sub-committee is required to consider each application on its own individual merits with all relevant matters taken into account. Findings on issues of fact should be on the balance of probability.
- 3.3 Having considered the application, the representations and all relevant submissions, the Sub-Committee must decide what action is appropriate to promote the licensing objectives. In doing so the Sub-Committee may decide either to grant, part-grant or refuse the application.
- 3.4 Any licence granted must be made subject to the mandatory licence conditions established by the Act and to conditions consistent with the measures proposed by the applicant to promote the licensing objectives (as amended by any conciliation process).
- 3.5 Any licence granted may be subject to additional conditions considered appropriate by the Sub-Committee to promote the licensing objectives.
- 3.6 In reaching its decision, the Sub-Committee must have regard to:
- The Act;
  - Secondary regulations;
  - The Guidance issued to Local Licensing Authorities by the Home Office (current version April 2018); and
  - The Barking and Dagenham Statement of Licensing Policy for 2017-2022.
- 3.7 The options open to the Committee are:
- To grant the application;
  - To refuse to grant the application; or
  - To grant the application subject to additional conditions.
- 3.8 In the event that any party is aggrieved by the decision of the Sub-Committee, they have the right to appeal the decision to the Magistrates Court. Appeals must be made within 21 days of notification of the Sub-Committee's decision.

#### **4. Consultation**

- 4.1 The application has been subject of public consultation in accordance with the statutory provisions. The application has been advertised by way of public notices placed in a local newspaper, displayed at the premises and published on the Council website. Notifications have been provided to all responsible authorities and ward councillors.

#### **5. Legal Implications**

Implications completed by: Paul Feild, Senior Lawyer, Standards and Corporate Governance

- 5.1 The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.
- 5.2 Notice must be given of the Licensing Authority's decision on this matter.

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

#### **List of appendices:**

- Appendix A – Premises Licence Application by Kelly Collins.
- Appendix B – Copy of the Metropolitan Police representation.
- Appendix C – Map of the local area