

LICENSING SUB-COMMITTEE

10 April 2019

Title: Licensing Act 2003 – Ship and Shovel – Ripple Road Barking IG11 0SN. Application for variation of premises licence	
Report of the Strategic Director	
Open Report	For Decision
Wards Affected: River	Key Decision: No
Report Author: Theo Lamptey, Service Manager Public Protection, Regulatory Services	Contact Details: Tel: 020 8227 5655 E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director, Enforcement Services	
Accountable Strategic Director: Fiona Taylor, Director, Law and Governance	
Summary An application for a variation of the premises licence held by Mr Jagtar Sandu in respect of the Ship & Shovel public house has been received. Representations against the application have been received from the Metropolitan Police and the Licensing Authority as a responsible authority. The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.	
Recommendation 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.	
Reason(s) 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; and
- The protection of children from harm.

1.4 Where representations are received, and these are neither conciliated or withdrawn, the local licensing authority must hold a public hearing to determine the matter.

2. Proposal and Issues

The Application under Consideration

2.1 On 28 February 2019, Jagtar Sandu applied to vary the premises licence he holds in respect of the Ship & Shovel, Ripple Road Barking. A copy of the application is attached as **Appendix A**.

2.2 The premises are purpose built public house, facing onto the A13, east of the junction with Renwick Road.

2.3 The current premises licence (**Appendix B**) authorises the following hours and licensable activities:

Sale of alcohol (consumption off and on the premises)

Monday – Sunday 10:00 to 03:00

Live and recorded music

Monday – Sunday 10:00 to 03:00

Performance of dance

Monday – Sunday 10:00 to 03:00

Late night refreshment

Monday – Sunday 23:00 to 03:00

Hours the premises are open

Monday – Sunday 10:00 to 04:00

2.4 The variation applied for is to extend the current hours for licensable activities and to add some activities.

Activities added:

Provision of plays

Sunday – Thursday	10:00 – 04:00
Friday – Saturday	10:00 – 04:30

Provision of anything similar to live music, recorded music or performances of dance:

Sunday – Thursday	10:00 – 04:00
Friday – Saturday	10:00 – 04:30

Activities varied:

Sale of alcohol (consumption on the premises)

Sunday – Thursday	10:00 – 04:00
Friday – Saturday	10:00 – 04:30

Live and recorded music

Sunday – Thursday	10:00 – 04:00
Friday – Saturday	10:00 – 04:30

Performance of dance

Sunday – Thursday	10:00 – 04:00
Friday – Saturday	10:00 – 04:30

On Christmas Eve, Christmas Day, New Year’s Day, Easter and Bank Holidays all activities 10:00 – 05:30

Late night refreshment

Sunday – Thursday	23:00 – 04:00
Friday – Saturday	23:00 – 04:30

On Christmas Eve, Christmas Day, New Year’s Day, Easter and Bank Holidays 23:00 – 05:30

Hours the premises are open

Sunday – Thursday	10:00 – 04:00
Friday – Saturday	10:00 – 05:00

On Christmas Eve, Christmas Day, New Years Day, Easter and Bank Holidays open 10:00 – 06:00.

- 2.5 The Designated Premises Supervisor (DPS) is Mr Vaidas Seselskas who holds overall responsibility for authorising alcohol sales made at the premises. He holds a personal licence issued by the London Borough of Redbridge.
- 2.6 The applicant, in his new operating schedule, offers a challenge 25 scheme as opposed to the current challenge 21 scheme. He also offers the use of an ID scanner. Both will become conditions added to the existing ones any new licence granted.

The Representations

- 2.7 One representation has been received in respect of this application from the Metropolitan Police. The representation is made under the crime prevention licensing objective. The Metropolitan Police oppose the variation of the licence. A copy of the representation is attached as **Appendix C**.
- 2.8 The Licensing Authority has made a representation, based on the inclusion in the operating schedule by the applicant, of the use of an ID Scanning machine. The Licensing Officer is asking for conditions to be included on the licence to make the use of such a machine enforceable and meaningful. A copy of the representation is attached as **Appendix D**.

Local Area

- 2.9 A map of the local area is attached as **Appendix E**. 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:

Licensing Act 2003

Home Office S.182 Guidance (April 2018)

London Borough of Barking and Dagenham Statement of Licensing Policy 2017-2022

List of appendices:

- Appendix A – Premises Licence Application by Jagtar Sandu
- Appendix B – Copy of the Current Premises Licence
- Appendix C – Copy of the Metropolitan Police Representation
- Appendix D – Additional Metropolitan Police Representation
- Appendix E – Local Authority Representation
- Appendix F – Map