

## LICENSING SUB COMMITTEE

20 May 2021

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| <b>Title:</b> Licensing Act 2003 – Embas Stores, 9-10 The Triangle, Tanner Street, Barking, IG11 8QA   |   |
| <b>Open Report</b>   | <b>For Decision</b>   |
| <b>Ward Affected:</b> Abbey  | <b>Key Decision:</b> No   |
| <b>Report Author:</b><br>Theo Lamptey, Service Manager Public Protection   | <b>Contact Details:</b><br>E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a> |
| <b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement and Community Safety   |   |
| <b>Accountable Strategic Director:</b> Fiona Taylor, Director, Law and Governance  |   |
| <b>Summary</b><br><br>An application has been received from Sahin Tasyurdu for a premises licence in respect of the premises known as Embas Stores, 9-10 The Triangle, Tanner Street, Barking, IG11 8QA. The application is opposed by 11 local residents.<br><br>The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly. |   |
| <b>Recommendation</b><br><br>That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing.  |   |

### 1. Introduction and Background

- 1.1 The Licensing Act 2003 establishes the national licensing regime for the following licensable activities:
  - The sale and supply of alcohol;
  - The provision of regulated entertainment; and
  - The provision of late-night refreshment.
- 1.2 Under this regime, the Council, as the local licensing authority for its area, is responsible for licensing premises to provide any of the licensable activities under a 'premises licence'. Where a premises licence includes the sale and supply of alcohol, then a Designated Premises Supervisor must be incorporated onto the licence, holding a personal licence.
- 1.3 Applications for premises licences are subject of public consultation and consultation with a range of expert 'responsible authorities' named in the Act. It is open to any

responsible authority or other person to raise concerns regarding an application as representations.

- 1.4 If no representations are received the application is granted as sought, subject to the mandatory licence conditions and conditions reflecting the management controls proposed by the applicant under the operating schedule contained in the application. Where representations are received, the application becomes subject of a conciliation process. If conciliation is successful in finding an agreed and negotiated outcome, then the application may be granted subject to the agreements reached. If conciliation is unsuccessful, then the application must be determined at a public hearing by the Council's Licensing Sub-Committee.
- 1.5 When carrying out its licensing duties, a local licensing authority must have regard to:
- The Act and associated secondary regulations;
  - Guidance for local licensing authorities issued by the Home Office (current version published April 2017); and
  - The Authority's own Statement of Licensing Policy (current version published March 2017).
- 1.6 The Authority must also aim to promote the four licensing objectives:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 1.7 Premises licences generally continue for the life of the business or operation concerned but they may be reviewed at any time by any one of the named responsible authorities under the Act or an 'other person'.

## **2. Matters for Consideration**

- 2.1 On 29 March 2021, an application was made by Sahin Tasyurdu for a premises licence in respect of the premises trading as Embas Stores, 9-10 The Triangle, Tanner Street, Barking, IG11 8QA.
- 2.2 The application seeks consent for:
- The retail sale of alcohol for consumption off the premises from 07.00 each day Monday to Saturday to 03.00 on the day following and from 08.00 to 23.00 on Sunday; and
  - Opening hours as per the hours for the retail sale of alcohol.
- 2.3 The operating schedule provided with the application proposes a range of conditions, including:
- CCTV provision;
  - Challenge 25 age verification scheme;
  - Staff training with refresher training at 12month intervals;
  - No deliveries between the hours of 23.00 and 08.00;

- That the shop frontage will be kept clean and tidy;
- That an incident log will be maintained;
- That no beers or ciders above 6.5% will be offered;
- That all drinks will be served in sealed containers;
- That spirits will be displayed behind the counter; and
- That notices will be displayed asking customers to be respectful to local residents.

2.4 The named Designated Premises Supervisor on the application is Ali Illper who holds a personal licence with Haringey Council.

2.5 A copy of the application is attached as Appendix A. The operating schedule is provided at Section 18 of the application.

### **3. Representations**

3.1 The application was initially opposed by a local ward councillor and 11 local residents. The representations received included two (2) petitions consisting of 118 signatures combined.

3.2 The representations raise concerns across all of the licensing objectives. These include the potential for the operation of the premises to generate anti-social behaviour, nuisance and disturbance in the area. A copy of each of the petitions and representations is included at Appendix B to this report.

### **4. Conciliation**

4.1 During the consultation process, discussions were held between the Metropolitan Police Licensing Officer and the applicant concerning the lateness of the hour of the application. This resulted in a reduction in the hours of the application for the sale of alcohol to 23.00.

4.2 The applicant has satisfied the requirements and agreed to the proposed conditions by both the Metropolitan Police and the Licensing department.

4.3 On 28 April 2021, a conciliation meeting was held with the local ward councillor and 23 local residents. The meeting was used to clarify the terms of the application and the offered reduction in the hours sought. At the meeting, residents sought a further reduction in the operating hours of the premises and the Sunday opening.

4.4 Further discussions with the applicant resulted in a further amendment of the application, reducing the Sunday hours for alcohol sales to 09.00 to 21.00.

4.5 Two local residents have indicated that they wish their representations to be heard at a public hearing. Copies of these further responses are attached as Appendix C.

4.6 An area location map and photo of the proposed location is attached as Appendix D.

## **5. Consultation**

- 5.1 In accordance with the provisions of the Act, applications for premises licences are advertised by way of a public notice exhibited at the premises, in a local newspaper and upon the Council's website.

## **6. Legal Implications**

Implications completed by Simon Scrowther, Litigation Lawyer, Corporate Legal

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.

### **Appendices to this Report:**

Appendix A – Application

Appendix B – Petition 1 (B1), Petition 2 (B2), Email Representations (B3)

Appendix C – Further Representations to proceed to hearing

Appendix D – Area Map and Outside Photo of the Premises