

## LICENSING SUB COMMITTEE

18<sup>th</sup> May 2023

<b>Title: Licensing Act 2003</b> – Application for a Premises Licence: LDN Riverside, Unit J Abbey Industrial Estate, Kingsbridge Road, Barking, IG11 0BP	
<b>Open Report</b>	<b>For Decision</b>
<b>Ward Affected:</b> Thames View	<b>Key Decision:</b> No
<b>Report Author:</b> Karen Collier, Service Manager Public Protection	<b>Contact Details:</b> E-mail: <a href="mailto:Karen.Collier@lbbd.gov.uk">Karen.Collier@lbbd.gov.uk</a>
<b>Accountable Strategic Director:</b> Alison Stuart, Chief Legal Officer and Interim Monitoring Officer	
<b>Summary</b>  An application for a new premises licence has been made by LDN Riverside Ltd for an event space / nightclub at Unit J Abbey Industrial Estate, Kingsbridge Road, Barking, IG11 0BP.  Seven representations against the premises licence have been received. Four are from responsible authorities, and three are from interested parties. These are as follows;  <ul style="list-style-type: none"><li>• Metropolitan Police Licensing;</li><li>• Environmental Health;</li><li>• Health &amp; Safety;</li><li>• Licensing Authority;</li><li>• Three representations from nearby businesses</li></ul> The matter is put to the Sub-Committee for determination at a public hearing, accordingly.	
<b>Recommendation</b>  That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing and determines the application.	

### 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, subject to 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, 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 December 2022); and
  - The Authority's own Statement of Licensing Policy (current version published 2022 to 2027).
- 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 called into review 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 the 21<sup>st</sup> of March 2023 an application was made by LDN Riverside Ltd for an event space / nightclub premises in respect of the premises trading as LDN Riverside, Unit J Abbey Industrial Estate, Kingsbridge Road, Barking, IG11 0BP.

2.2 The application seeks the following licensable activities and timings:

Plays, Films, Live Music, Recorded Music, Performances of Dance, Anything Similar to Live Music, Recorded Music and Performances of Dance, Supply of Alcohol (On the Premises) & Opening Hours:

Friday: 18:00 – 23:59 hours

Saturday: 00:00 – 23:59 hours  
Sunday: 00:00 – 23:59 hours  
Extension to trade on any Bank Holidays and on New Year's Eve

Late Night Refreshment:

Friday: 23:00 – 23:59 hours  
Saturday: 00:00 – 05:00 hours  
Sunday: 23:00 – 23:59 hours

Extension to trade on any Bank Holidays and on New Year's Eve

A copy of the application and plan are attached at **Appendices A & A1**

- 2.3 The applicant has additionally included a draft Event Safety and Management Plan, proposed conditions and a press bundle. These are attached at **Appendices B, B1 & B2**.

### **3. The Representations**

- 3.1 Four (4) representations have been received from responsible authorities, namely the Metropolitan Police Licensing Officer, the Council's Licensing Authority Responsible Authority Officer, the Council's Health & Safety Responsible Authority Officer and the Council's Environmental Protection Officer.
- 3.2 Three (3) representations were received from local businesses.
- 3.3 The representation from the Metropolitan Police Licensing Officer is submitted under the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. This is attached as **Appendix C & C1**.
- 3.4 The representation from the Council's Licensing Authority Responsible Authority Officer is submitted under the Licensing Objectives of the Protection of Children from Harm, Public Safety and the Prevention of Public Nuisance. This is attached as **Appendix D**.
- 3.5 The representation from the Council's Health & Safety Responsible Authority Officer is submitted under the Licensing Objective of Public Safety. This is attached as **Appendix E**.
- 3.6 The representation from the Council's Environmental Protection Officer is submitted under the Licensing Objective of the Prevention of Public Nuisance. This is attached as **Appendix F**.
- 3.7 Business one (1) representation is raised under the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. This is attached as **Appendix G**.
- 3.8 Business two (2) representation is raised under the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety, the Protection of Children from Harm and the Prevention of Public Nuisance. This is attached as **Appendix H**.

3.9 Business three (3) representation is raised under the Licensing Objective of Public Safety. This is attached as **Appendix I**.

#### **4. Conciliation**

Further correspondence has taken place between the Environmental Enforcement Officer and the applicant's acoustic consultant. Details of this correspondence are attached at **Appendix J**.

#### **5. Legal Comments**

The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm.

It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused, or terms and conditions attached to a licence.

#### **6. The Options open to the Sub-Committee**

Having had regard to all relevant matters and taken all relevant information into account the Sub-Committee may decide to:

Option 1: Refuse the application.

Option 2: That the application be approved, together with any conditions, restrictions or reductions in the proposed application which Members consider necessary for the promotion of the four Licensing objectives.

Option 3: Grant the application in full as applied for.

#### **7. Consultation**

The application has been advertised in accordance with the normal procedures. This includes a copy of a public notice being placed in a local newspaper, a similar notice displayed at the premises and information on the Council's website. Notifications have been provided to all responsible authorities and ward councillors.

#### **8. 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:**

**Appendices A & A1** – Application and plan

**Appendices B, B1 & B2** - Draft Event Safety and Management Plan, proposed conditions and press bundle

**Appendix C & C1** - Metropolitan Police representation and site photos

**Appendix D** - Licensing Authority Responsible Authority Officer representation

**Appendix E** - Council's Health & Safety Responsible Authority Officer representation

**Appendix F** - Council's Environmental Protection Officer representation

**Appendix G** - Business one (1) representation

**Appendix H** - Business two (2) representation

**Appendix I** - Business three (3) representation

**Appendix J** - Environmental Enforcement Officer and the applicant's acoustic consultant correspondence