

## LICENSING SUB COMMITTEE

3<sup>rd</sup> January 2024

<b>Title: Licensing Act 2003 – Application for a Premises Licence: D’Will Events Centre, Selinas Lane, Dagenham, RM8 1QH</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Ward Affected:</b> Whalebone	<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> Deirdre Collins, Head of Legal and Monitoring Officer	
<b>Summary</b>  An application for a new premises licence has been made by Fola Kelani Afolabi for an event space at D’Will Events Centre, Selinas Lane, Dagenham, RM8 1QH.  Three representations against the premises licence have been received. All three are from responsible authorities. These are as follows; <ul style="list-style-type: none"><li>• Metropolitan Police Licensing;</li><li>• Environmental Health;</li><li>• Licensing Authority</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 6<sup>th</sup> November 2023 an application was made by Fola Kelani Afolabi for an event space premises in respect of the premises trading at D'Will Events Centre, Selinas Lane, Dagenham, RM8 1QH.
- 2.2 The application seeks the following licensable activities and timings:  
The Performance of Plays, Live Music, Recorded Music, Performances of Dance, Provision of anything similar to Live Music, Recorded Music and Performances of Dance, Supply of Alcohol (for consumption ON the premises) and Late-Night Refreshment indoors & outdoors

Monday to Thursday: 08:00 – 01:00 hours

Friday & Saturday: 08:00 – 05:00 hours  
Sunday: 08:00 – 03:00 hours

Late Night Refreshment:  
Monday to Thursday: 23:00 – 01:00 hours  
Friday & Saturday: 23:00 – 05:00 hours  
Sunday: 23:00 – 03:00 hours

Hours Premises are Open to the Public:  
Monday to Thursday: 08:00 – 01:00 hours  
Friday & Saturday: 08:00 – 05:00 hours  
Sunday: 08:00 – 03:00 hours

#### Non-Standard timings

During the Festive period, religious events and Bank Holidays that do not fall on a weekend the weekend hours will apply.

A copy of the application is attached as **Appendices A & A1**.

### **3. The Representations**

- 3.1 The representation from the Metropolitan Police Licensing Officer is submitted under the Licensing Objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. This is attached as **Appendix B**.
- 3.2 The representation from the Council's Environmental Protection Officer is submitted under the Licensing Objective the Prevention of Public Nuisance. This is attached as **Appendix C**.
- 3.3 The representation from the Council's Licensing Authority Responsible Authority Officer is submitted under the Licensing Objectives of the Prevention of Public Nuisance and the Prevention of Crime & Disorder. This is attached as **Appendix D**.

### **4. Conciliation**

- 4.1 Further correspondence has taken place between the Environmental Enforcement Officer and the applicant. Details of this correspondence are attached at **Appendix E**.

### **5. Legal Comments**

- 5.1 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 and

- 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**

6.1 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 objective; or
- Option 3: Grant the application in full as applied for.

## **7. Consultation**

7.1 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 Deirdre Collins, Head of 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.

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

### **List of Appendices:**

- **Appendix A - Application**
- **Appendix A1 – Proposed Floor Plan**
- **Appendix B – Metropolitan Police Objection**
- **Appendix C – Environmental Health Objection**
- **Appendix D – Licensing Authority Objection**
- **Appendix E - Environmental Health Officer and applicant correspondence**