

COMMITTEE REF:

LP/02/14



COMMITTEE : LICENSING PANEL (243)

DATE : THURSDAY 13TH FEBRUARY 2014

TIME : 10.00 AM

PLACE : COMMITTEE ROOM 4, TOWN HALL, LUTON


**COUNCILLORS: GARRETT
RIVERS
WORLDING**

QUORUM : 3 MEMBERS

INFORMATION FOR THE PUBLIC


PURPOSE: To exercise the Council's functions under the Licensing Act 2003.

For further information, or to see the papers, please contact us at the Town Hall:

 **IN PERSON**, 9am to 5pm, Monday to Friday, or

 **CALL** Democratic and Member Services on 01582 546781

ACCESS the Council's Committee Management Information System
at [**agendas.luton.gov.uk/cmiswebpublic/**](http://agendas.luton.gov.uk/cmiswebpublic/)

An induction loop  facility is available for meetings held in Committee Rooms 1 & 2.

Arrangements can be made for access to meetings for  disabled people.

If you would like us to arrange this for you, please call us on 01582 546781

AGENDA

*Agenda
Item*

Subject

Page Nos

EMERGENCY EVACUATION PROCEDURE COMMITTEE ROOM 4

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

1. ELECTION OF CHAIR

2. MINUTES

1. 14th January 2014

2.1/1 – 2.1/11

3. SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Member so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

4. DISCLOSURES OF PECUNIARY AND NON PECUNIARY INTERESTS

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members."

5. URGENT BUSINESS

The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

REPORTS

6. Application for the Grant of Premises Licence: The Exchange, 19 King Street, Luton 6/1 – 6/30

7. **LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

To consider whether the Panel should exclude the public from all or part of the hearing during consideration of any item listed above if the Panel believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 (It should be noted that under this provision the public may be excluded from any part of the meeting, not only the Panel's deliberations).

Note:

The procedure for oral hearings is attached to this Agenda Page.

COMMITTEE: LICENSING PANEL

DATE: 13TH FEBRUARY 2014

SUBJECT: APPLICATION FOR GRANT OF PREMISES LICENCE THE EXCHANGE 19 KING STREET

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

CONTACT OFFICER: TONY IRELAND

TEL: 546040

IMPLICATIONS:

LEGAL ☐

COMMUNITY ☐

SAFETY

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: SOUTH

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Stewart Curry of The Exchange, 19 King Street Luton for the grant of a Premises Licence.

RECOMMENDATION

2. That the Licensing Panel determine the application of Stewart Curry for the grant of a Premises Licence in respect of The Exchange, 19 King Street Luton.

BACKGROUND

3. An application was received on 20th December for the grant of a Premises Licence that will allow regulated entertainment, supply of alcohol and late night refreshment to take place.
4. The Applicant states that the premises is a public house, with two entrances, one from King Street and an entrance on George Street West. A map showing the location of this Premises, along with an aerial image, and a plan of the premises submitted by the applicant, is attached at Appendix A (page 6/7).

5. Details of the licensable activities requested are set out as follows:

Licensable Activity	Applied for	Licensable Activity	Applied for
<u>Regulated entertainment</u>			
Plays	✓		
Films	✓		
Indoor Sports Events	✓		
Boxing or Wrestling Entertainment		<u>Late night refreshment</u>	
Live Music	✓	Provision of late night refreshment	✓
Recorded Music	✓	<u>Supply of alcohol</u>	
Performances of Dance	✓	Supply of alcohol both on and off the premises	✓
Anything of a similar description to live or recorded music or dance	✓		

DAYS	Times requested					
	Times premises will open to public	Supply of alcohol	Live music ¹ , recorded music ² , or entertainment of a similar nature ³	Plays, Films ⁶ , Performances of dance ⁷ Indoor sporting events	Late night refreshment	
<u>Standard hours</u>						
Monday – Thursday	08.00-06.30	08.00-06.00	08.00-06.00	08.00-06.00	23.00-05.00	
Friday – Saturday	08.00-06.00	08.00-06.00	08.00-06.00	08.00-06.00	23.00-05.00	
Sunday	08.00-04.30	08.00-04.00	08.00-04.00	08.00-04.00	23.00-05.00	

An additional hour into the morning following any day of the week that preceeds a public or bank holiday. A further additional hour into the morning following Thursday, Friday, Saturday and Sunday for the Easter bank holiday weekend. A further additional hour every Christmas Eve, Boxing Day and Halloween. From the terminal hour new year's eve till the opening time new year's day.

¹ Live acoustic and amplified music, and amplified voice.

² Including jukebox and karaoke, with or without DJ, during normal business and including audience participation.

³ Comperes for quiz and similar events, comedians and similar performance, in any case using amplified voice.

⁶ Video entertainment on TV screens and amusement machines.

⁷ Dance facilities to be used for performances and competitions as well as by customers.

6. In addition to the above, the following non standard timings are sought by the applicant:

None

7. The Applicant has sought the following seasonal variation:

An additional hour into the morning following any day of the week that precedes a public or bank holiday. A further additional hour into the morning following Thursday, Friday, Saturday and Sunday for the Easter bank holiday weekend. A further additional hour every Christmas Eve, Boxing Day and Halloween. From the terminal hour new year's eve until the opening time new year's day.

8. The following adult entertainment or activities that may give rise to concern in respect of children are detailed as follows:

None

9. The latest date for representations to be received was the 17th January 2014.

PROMOTION OF LICENSING OBJECTIVES

10. The operating schedule submitted by the applicant describes the additional steps they intend to take in order to promote the licensing objectives. These are as follows:

General

The premises has been run successfully with regards to the licensing objectives by the proposed DPS for a number of Years. All staff are trained in house with regards to upholding all 4 licensing objectives.

A drinking up time of 30 minutes following the last sale of alcohol. Staff to manage people leaving the building when closing. Taxi firm numbers are available from the staff.

The Prevention of Crime and Disorder

The premises is equipped with a CCTV system, Licensed door staff are used when entertainment is provided, Personal licence holder on site when entertainment is provided. Proposed DPS is current chair of Luton Safe and has been an active member since inception. All staff are challenge 25 trained. Doorstaff are challenge 25 trained. An incident log is kept. A drinking up time of 30 mins following last sale of alcohol.

Public Safety

Door staff on duty whenever large numbers are expected. Doorstaff use clickers to prevent overcrowding. Staff trained with regards to house

keeping, i.e. cleaning spills, ensuring exits kept clear etc. Regular management checks of the building maintenance to prevent accidents. All fire alarm logs and extinguishers maintained according to requirements.

The Prevention of Public Nuisance

The sound system volume is controlled using a compressor which was set by management to ensure noise escape is minimal. Doorstaff ensure external doors kept closed when entertainment is provided. Signage asking people to leave quietly. Doorstaff monitoring of people as they leave or in smoking area to ensure voices are kept low.

The Protection of Children from Harm

Children will only be permitted in the building when accompanied by adults and only when all parties are having a meal. Children will be restricted to the George street west end of the building unless using the toilet facilities or accessing the seating area from the King Street entrance. All children will be required to leave the building by 10pm and entertainment will not start till they have left the building. They will be prevented from using the AWP and pool table

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 6/8 – 6/29).

RESPONSIBLE AUTHORITIES

11. Representations have been received from responsible authorities and are detailed as follows:

Police

None

Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

12. Representations have been received from the following interested parties, their representations are attached at Appendix C (page 6/30) and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local business(es)</u>			
A	Martin Clayton from Mapeley Estates Limited	47 Clarendon Road, Watford Hertfordshire WD17 1HP	Prevention of Crime & Disorder Public Safety

POLICY CONSIDERATIONS

13. The following provisions of the Licensing Act 2003 apply to this application:
- Section 17 (application for premises licence)

OBSERVATIONS

14. In determining this application, the Licensing Panel must, having regard to the representations received, either grant the application in full or take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:
- (a) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them
 - (b) Reject the whole or part of the application
15. The licensing objectives are:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
 - Public Safety

All the representations received in respect of this application relate to these licensing objectives.

16. The following paragraphs of the licensing authority's statement of licensing policy applies to this application

Section 7 (Prevention of Crime & Disorder)
Section 8 (Public Safety)

APPENDICES

The following Appendices are attached to this report:

Appendix A: Map showing location of the premises (page 6/7)

Appendix B: Application form (pages 6/8 – 6/29)

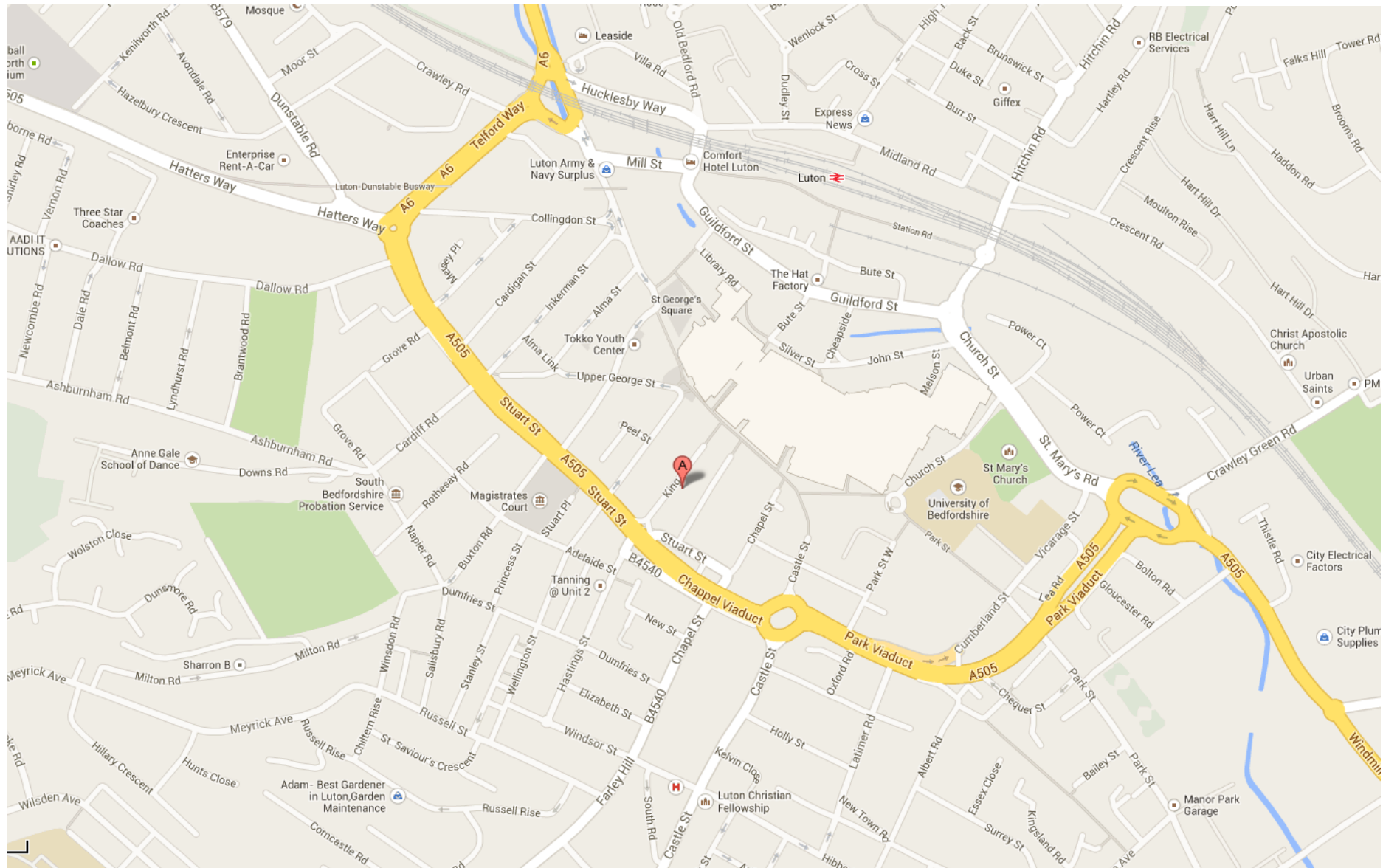
Appendix C: Representation from Interested Parties (page 6/30)

LIST OF BACKGROUND PAPERS

LICENSING ACT 2003

Guidance issued S182 of the Licensing Act 2003

Luton Borough Council's Statement of Licensing Policy



Please wait...

If this message is not eventually replaced by the proper contents of the document, your PDF viewer may not be able to display this type of document.

You can upgrade to the latest version of Adobe Reader for Windows®, Mac, or Linux® by visiting http://www.adobe.com/go/reader_download.

For more assistance with Adobe Reader visit <http://www.adobe.com/go/acrreader>.

Windows is either a registered trademark or a trademark of Microsoft Corporation in the United States and/or other countries. Mac is a trademark of Apple Inc., registered in the United States and other countries. Linux is the registered trademark of Linus Torvalds in the U.S. and other countries.

Received 17th Jan 2013

From: Clayton, Martin [<mailto:Martin.Clayton@mapeley.com>]
Sent: 17 January 2014 16:32
To: LBC ER Licensing
Subject: LICENSING ACT 2003 - APPLICATION FOR GRANT OF PREMISES
LICENCE THE EXCHANGE, 19 KING STREET, LUTON (S0540)

I write with regards to your letter of 30th December concerning the above.

It is confirmed that we manage the adjoining property known as King House where HMRC are in occupation.

I note that you are proposing to grant an operating licence from 8.00 am until 6.00 am Monday to Saturday to which we object on the grounds that the building immediately above the premises in question is being used for offices and the two uses are totally incompatible. Staff will be entering and exiting King House all day and could be susceptible to molestation or verbal and physical attacks by drunken members of the public frequenting the premises in question.

I therefore request that you do not grant a licence from 8.00 am until 6.00 am.

Yours faithfully

Martin Clayton | Portfolio Manager London & South East | Mapeley Estates Limited

Cambridge House, 47 Clarendon Road, Watford, Hertfordshire, WD17 1HP
Tel: +44 (0) 20 7788 1700 | Direct: +44 (0) 20 7788 1733
Martin.Clayton@mapeley.com | www.mapeley.com