

## **LICENSING PANEL (345)**

**17 December 2018 at 2.00 pm**

**PRESENT:** COUNCILLORS: Hussain, Keens and Petts

**OFFICERS:** Saffron Long - Licensing Officer  
Samantha McKeeman - Solicitor, Clerk to the Panel  
Ra'ana Riaz - Trainee Democracy & Scrutiny Officer  
Bert Siong - Democracy & Scrutiny Officer

### **80. ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Hussain be elected Chair of Panel No.345.

(Note: All parties present introduced themselves)

### **81. MINUTES (REF: 2.1)**

**Resolved:** That the minutes of the Licensing Panel meeting held on 26 November 2018, be agreed as a true record and the Chair be authorised to sign them.

### **82. OBJECTION TO TEMPORARY EVENT NOTICE (24<sup>th</sup> – 26<sup>th</sup> DECEMBER) FOR LA BECI 47-53 BUTE STREET, LUTON (REF: 5)**

**PRESENT**

**APPLICANT:** PC DARREN WELCH (BEDS POLICE)

**INTERESTED PARTY/  
BUSINESS OWNER:** CHRISTINEL CABASCU

The Clerk to the Panel explained the procedure at oral hearings before the Council's Licensing Panel.

The Licensing Officer reported on an objection notice from PC Darren Welch, Police Licensing Officer to the Temporary Event Notice (TEN) submitted by Mr Christinel Cabascu in respect of an event proposed for 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> December 2018, requesting alcohol sale be allowed between 6pm to 1am and regulated entertainment and late night refreshment be allowed between 6pm to 1am each day at La Beci, 47-53 Bute Street, Luton, a restaurant/ bar. She said the TEN was for a Christmas party for 80 people on each day.

She further reported on representation objecting to the event from Bedfordshire Police on the grounds of the prevention of crime and disorder. She said this was based on the evidence of serious disorder at the premises on 8<sup>th</sup> August 2018, which prompted a review application from the Police considered by a Licensing Panel on 14 November 2018, when the premises licence was revoked (details in Appendices C and D of the report).

The Licensing Officer was questioned by the Panel and she clarified the event would be over the Christmas period.

There were no questions for the Licensing Officer from any other parties present.

PC Darren Welch addressed the Panel stating the Police objected to this, the first of two TEN applications before the Panel.

He said the premises licence for La Beci was reviewed by a Licensing Panel a few weeks before, while the licence was still in force, which resulted in its revocation. He said detailed evidence in relation to two serious incidents of crime and disorder provided for the review was contained in the agenda pack.

He added none of the conditions attached to the licence were being met and that Mr Cabascu, who described himself as the general manager at La Beci, was present at the premises on both occasions when these incidents took place and had been criticised for inaction when the disorder was occurring at the premises.

He further informed the Panel 24<sup>th</sup> and 25<sup>th</sup> December would be the night time economy's busiest nights, when alcohol sale and the risk of disorder would be at their highest. He added the TEN was vague, as a Christmas party over 3 days was questionable. He believed it was a way to 'cash in' following the loss of the premises licence.

It was re-iterated that as Mr Cabascu was present on the two occasions of serious disorder. PC Welch did not expect any change, as no Police advice had been sought.

In relation to a question from the Panel about whether the event would carry on over 3 days, he said it was not, as it would be 3 separate events, one on each of the 3 days. He clarified that according to national guidance on TEN, the applicant needed to be as clear as possible what was to take place. He said TEN were meant to be for one off events, as the law was brought out for the right reason.

PC Welch informed the Panel he had tried unsuccessfully to make contact with Mr Cabascu to find out the nature of the party, as a 3 day Christmas party appeared to be stretching the rules.

PC Welch was questioned by the Panel and he responded in compliance with the approved procedure, providing further information and clarifications as set out in the below paragraphs.

PC Welch believed this would not be a 24 hour licence, as the events would be between 6p and 1am the next day on each day. (Note: The Licence Officer confirmed the hours indicated in the TENs, but said the events could keep going if they wanted to, as it would not be possible to separate them)

Mr Cabascu was present at both previous incidents of disorder at the premises. He was not the Designated Premises Supervisor (DPS) or Premises Licence Holder, but introduced himself as the owner of La Beci.

The Premises Licence had been revoked, but was not held by Mr Cabascu. He had not been accused of any offence or breach and had not previously been before the Licensing Panel as a DPS or Premises Licence Holder.

Any member of the public could submit a TEN, but Mr Cabascu was in charge at the previous two incidents of disorder at La Beci as the manager when the breach of the licence took place;

The current premises licence had been revoked by a previous Panel.

There were no questions for PC Welch from any other parties.

Mr Cabascu addressed the Panel in support of his TEN. He conceded he had been at the two incidents mentioned. He said he took over from Mr Maroof 2 years previously but had been involved with the business for more than 4 years.

He said he had seen the letter when the licence was revoked and had now joined Luton-Safe and was on the radio network. He added he had changed the camera system, which was linked to his home and mobile phone through the Internet. He denied having any contact from PC Welch.

Mr Cabascu informed the Panel he submitted the TENs for a Christmas and New Year Parties, which had been pre-booked since May 2018 by friends and customers.

Mr Cabascu was questioned by the Panel and he responded in compliance with the approved procedure, providing clarifications as set out in the below paragraphs.

The parties were on 2 days, with 80 people for each event, including staff.

In relation to the new CCTV system, he gave assurance it was linked to his house and footage could be e-mailed to anyone via his i-phone.

In terms of door security, he said 2 guards would be on duty on each night

Mr Cabascu said he was the business owner and was present during the two incidents mentioned, although he was not 100% in charge. He added he was there for Mr Maroof, the owner of the building, the landlord and DPS. He said he had applied for a Personal licence.

He said Mr Manroof was still at the location as owner of La Beci and The Engine.

In relation to a question on whether there had been an appeal to the revocation of the premises licence, the Clerk confirmed an appeal had been lodged, but no fee was included, which meant the appeal could not be proceeded with.

Mr Cabascu said he had spoken to Mr Maroof to arrange to get the licence back and thought it was a good idea to appeal. He did not know what Mr Maroof had done and had not seen the letter Mr Maroof received.

In relation to PC Welch's representation that he had not been able to contact him, Mr Cabascu said PC Welch probably had his old phone number.

Mr Cabascu confirmed the events would be different Christmas parties from 6 pm to 1 or 1.30 am for different people and not one ongoing party.

Mr Cabascu confirmed he would be present and in charge at the parties.

Mr Cabascu was questioned by PC Welch and he responded in compliance with the approved procedure, providing clarifications as set out in the below paragraphs.

Mr Cabascu confirmed his phone number was the one he provided on the TENs and explained he may have been in the basement where there is no signal, when PC Welch called him.

Mr Cabascu agreed he had not been to Luton Police Station to try and contact PC Welch.

He agreed the incident on 8 August 2018 occurred at a private christening party for 30 friends of the restaurant from Hemel Hempstead, when one of the girls got a bit drunk. He said marshals were present and all staff were enjoying the party and not working.

In relation to the incident of disorder for friends only when a man was stabbed, Mr Cabascu said he only knew Mr Maroof and his son, but was not aware of other people present.

Mr Cabascu agreed he had described himself as the general manager, when PC Welch visited the premises earlier in the year and spoke to Mr Maroof.

In summing up, PC Welch stated from the answers to his questions, he believed it was clear the set up at La Beci was no different to what was in place on 9 April and 8 August when the incidents of disorder occurred and Mr Cabascu was the manager. He said if issued with the TEN licence, the measures Mr Cabascu said he would put in place could not be enforced, at the busiest time of the year when incidences of disorder would be expected to be higher. He re-iterated the Police would argue there was no difference in the way the premises were run and as it was a safeguarding issue, he requested the Panel to issue counter notices to prevent the events taking place.

Mr Cabascu had nothing further to add.

The Clerk advised it was a matter for the Panel to decide, having heard the representations about the issues with the premises licence, if matters would be different for the TEN events.

There were no last words from any of the parties.

(Note: Given the same set of circumstances and issues also applied to the second TEN for the 29<sup>th</sup> December 2018 – 2<sup>nd</sup> January 2019 (Ref: Item 6), on advice from the Clerk, the Panel delayed their deliberations of this TEN, pending hearing anything specific issues about the second events below at Minute 85/18).

Members considered whether the interest in retiring to make their decision without all the parties present outweighed the interest in holding their deliberations with them present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Following brief discussion by Members, the Panel determined that the public interest of retiring to make their decision in private outweighed the public interest in holding their deliberations in public.

**83. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press and all parties to the application, except the Clerk and Administrators be excluded from the meeting during consideration of the decision in relation to the report of the Principal Licensing Officer's (Ref: 5) as referred to in Minute No. 82/18.

**84. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

**Resolved:** That, following their deliberations, the public and press and all parties to the application be no longer excluded from the meeting.

**85. OBJECTION TO TEMPORARY EVENT NOTICE (24<sup>th</sup> – 26<sup>th</sup> DECEMBER) FOR LA BECI 47-53 BUTE STREET, LUTON (REF: 5)**

**Resolved:** That having carefully considered the papers before it, the oral representations made by PC Welch for Beds Police and Mr Cabascu, the Interested Party and, in addition having regard to the licensing objectives set out in the Licensing Act 2003 ('the Act'), the Council's Statement of Licensing Policy and the Guidance issued under the Act, the Panel decided to accept the objection notice and agreed that a counter notice be served on Mr Cabascu to stop the event of 24<sup>th</sup> – 26<sup>th</sup> December 2018 from taking place at La Beci, 47-53 Bute Street, Luton, on the grounds of the prevention of crime and disorder licensing objective.

The Panel was concerned about the vague nature of the events and Mr Cabascu's role and that there would be a lack of supervision and control at the proposed events.

**86. OBJECTION TO TEMPORARY EVENT NOTICE (29<sup>TH</sup> DECEMBER 2018 – 2<sup>ND</sup> JANUARY 2019) FOR LA BECI 47-53 BUTE STREET, LUTON (REF: 6)**

**PRESENT**

**APPLICANT:** PC DARREN WELCH (BEDS POLICE)

**INTERESTED PARTY/  
BUSINESS OWNER:** CHRISTINEL CABASCU

The Licensing Officer reported on an objection notice from PC Darren Welch, Police Licensing Officer to the Temporary Event Notice (TEN) submitted by Mr Christinel Cabascu in respect of an event proposed for 29<sup>th</sup> December 2018 – 2<sup>nd</sup> January 2019, requesting alcohol sale late night refreshment be allowed between 5pm to 3am and regulated entertainment be allowed between 6pm to midnight each day, except 31<sup>st</sup> December, when the request was for between 6pm to 2am on 1<sup>st</sup> January 2019, at La Beci, 47-53 Bute Street, Luton, a restaurant/bar. She said the TEN was for a New Year's party for 80 people on each day.

She further reported on representation objecting to the event from Bedfordshire Police on the grounds of the prevention of crime and disorder. She

said this was based on the evidence of serious disorder at the premises on 8th August 2018, which prompted a review application from the Police considered by a Licensing Panel on 14 November 2018, when the premises licence was revoked (details in Appendices C and D of the report).

There were no questions for the Licensing Officer from any parties present.

PC Welch referred the Panel to his earlier representations of objection at Item 5. He said he had tried unsuccessfully to speak with Mr Cabascu about the New Year's events party and believed the TEN was an attempt to cash in on the New Year period.

There were no questions for PC Welch from any parties present.

Mr Cabascu apologised to the Panel about the dates, as it was over the week-end, but stated the party was now just for New Year's eve only, not over the 5 days.

Mr Cabascu was questioned by the Panel and he clarified the event would take place on 31<sup>st</sup> December to 1<sup>st</sup> January, for 60 people

In response to the Clerk to the Panel, Mr Cabascu confirmed he was amending his TEN to take place on 31<sup>st</sup> December only.

Having previously advised the Panel on its powers at Item 5, the Clerk commented that TENs were for temporary events and not meant to be in place of a premises licence.

Members considered whether the interest in retiring to make their decision without all the parties present outweighed the interest in holding their deliberations with them present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Following brief discussion by Members, the Panel determined that the public interest of retiring to make their decision in private outweighed the public interest in holding their deliberations in public.

#### **87. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press and all parties to the application, except the Clerk and Administrators be excluded from the meeting during consideration of the decision in relation to the report of the Principal Licensing Officer's (Ref: 6) as referred to in Minute No. 86/18.

#### **88. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

**Resolved:** That, following their deliberations, the public and press and all parties to the application be no longer excluded from the meeting.

#### **89. OBJECTION TO TEMPORARY EVENT NOTICE (29<sup>th</sup> DECEMBER 2018 – 2<sup>nd</sup> JANUARY 2019) FOR LA BECI 47-53 BUTE STREET, LUTON (REF: 6)**

**Resolved:** That having carefully considered the papers before it, the oral representations made by PC Welch for Beds Police and Mr Cabascu, the Interested

Party and, in addition having regard to the licensing objectives set out in the Licensing Act 2003 ('the Act'), the Council's Statement of Licensing Policy and the Guidance issued under the Act, the Panel decided to accept the objection notice and agreed that a counter notice be served on Mr Cabascu to stop the event of 29<sup>th</sup> December 2018 to 2<sup>nd</sup> January from taking place at La Beci, 47-53 Bute Street, Luton, on the grounds of the prevention of crime and disorder licensing objective.

The Panel took account of Mr Cabascu's offer to reduce the event to one day only on 31<sup>st</sup> December 2018, which did not change its decision.

The Panel was concerned about the vague nature of the events and Mr Cabascu's role and that there would be a lack of supervision and control at the proposed events.

**90. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press and all parties to the application, except the Clerk and Administrators be excluded from the meeting during consideration of the decision in relation to the report of the Principal Licensing Officer's (Ref: 8.1) as referred to in Minute No. 91/18.

**91. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

**Resolved:** That, following their deliberations, the public and press and all parties to the application be no longer excluded from the meeting.

**92. MINUTES (REF: 8.1)**

**Resolved:** That the private minutes of the Licensing Panel meeting held on 26 November 2018, be agreed as a true record and the Chair be authorised to sign them.

**(Note: (i) The Panel deliberated on Items 5 and 6 together, after hearing representations on both TENs;  
(ii) The meeting ended at 3.25 pm)**