

COMMITTEE REF:

LP/08A/19



NOTICE OF MEETING


COMMITTEE : LICENSING PANEL (446)
DATE : WEDNESDAY, 28 AUGUST 2019
TIME : 10.00 AM
PLACE : COMMITTEE ROOM 4, TOWN HALL, LUTON
COUNCILLORS: MOLES
PEDERSEN
RIVERS
QUORUM : 3 MEMBERS

CONTACT OFFICER: Bert Siong **Direct Line:** 01582 546781

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 Services on 01582 546781

ACCESS the Council's Committee Management Information System
at agendas.luton.gov.uk/cmiswebpublic/

An induction loop  facility is available for meetings held in Committee Room 3.

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

With the agreement of the Chair of the Licensing Panel, members of the public may take photographs, film, audio-record and report on the meeting. They must however respect any privacy conditions imposed by the Chair to protect certain individuals and may not act in any way considered to be disruptive, as they may be asked to leave. Notice will be given verbally at the meeting.

AGENDA

*Agenda
Item*

Subject

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No.*

EMERGENCY EVACUATION PROCEDURE

Committee Rooms 1, 2, 4 & Council Chamber:

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.

Committee Room 3:

Proceed straight ahead through the double doors, 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

None this time

3. DISCLOSURES OF INTERESTS

Members are reminded that they must disclose both the existence and the nature of any personal interest that they have in any matter to be considered at this meeting.

A Member with a personal interest in any matter to be considered at this meeting will also have a prejudicial interest in that matter if the interest is one 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 judgement of the public interest.

A Member who has a prejudicial interest must withdraw from the meeting room unless (s)he has obtained a dispensation from the Council's Standards Committee.

4. 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.

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REPORT

- | | | |
|-----------|--|--------|
| 5. | APPLICATION FOR VARIATION OF PREMISES LICENCE
KABANAS BAR LTD, 2-3 WESTSIDE CENTRE, DUNSTABLE
ROAD, LUTON LU1 1EF
(Report of the Licensing And Compliance Manager) | 6 - 38 |
|-----------|--|--------|

- | | |
|-----------|---|
| 6. | 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.

Note:

The procedure for oral hearings is attached to this Agenda Page	4 & 5
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BOROUGH OF LUTON

PROCEDURE AT ORAL HEARINGS BEFORE THE

COUNCIL'S LICENSING PANEL

1. The Panel will be assisted on matters of law and procedure by its Clerk who will be one of the Council's Solicitors.
2. The Clerk will give a brief outline of the application and introduce the Members of the Panel, the Licensing Officer, the Applicant and those who have made representations. He/she will ensure that those present understand the procedure to be followed.
3. The hearing will normally be in public. However, the Panel may decide to exclude the public from any part of the meeting, not only the Panel's deliberations (including the Applicant and those making representations) where it considers that the public interest in doing so outweighs the public interest in the hearing taking place in public.
4. The Licensing Officer will present the report outlining the application and relevant representations.
5. The Panel may question the Licensing Officer.
6. The Applicant may question the Licensing Officer.
7. Those making representations may question the Licensing Officer.
8. The Applicant or his/her representative will present his/her case and call their witnesses.
9. The Panel may question the Applicant
10. Those making representations may question the Applicant
11. Those making representations or their representative will present their case.
12. The Panel may question those making representations.
11. The Applicant may question those making representations.
12. The Applicant will sum up his/her case.
13. Those making representations will then sum up their case (s).
14. The Clerk will then raise any points that need to be raised before the Application is determined.
15. The Applicant and those making representations will be asked whether there is anything further they wish to say.

16. Members will consider whether the public interest of holding their deliberations in private outweighs the public interest in holding their deliberations in public. Where Members consider that they should deliberate in private all persons other than the Members, the Clerk and any person present solely for the purpose of taking notes, shall withdraw from the room. Any advice given by the Clerk to the Panel in private will be repeated to all the parties before the Panel announces their decision.
17. Where the decision must be made at the conclusion of the hearing the Chair will inform the Applicant, the Licensing Officer, and those making representations of its decision and the reasons for it. The decision will be confirmed in writing to all parties within 5 working days.
18. Where the decision is not required to be made at the conclusion of the hearing the panel will inform the parties in writing of its decision and the reasons for it within 5 working days.

COMMITTEE: LICENSING PANEL

DATE: 28 AUGUST 2019

SUBJECT: APPLICATION FOR VARIATION OF PREMISES LICENCE
KABANAS BAR LTD, 2-3 WESTSIDE CENTRE, DUNSTABLE
ROAD, LUTON LU1 1EF

REPORT BY: LICENSING AND COMPLIANCE MANAGER

CONTACT OFFICER: AARON WILTSHIRE

TEL: 01582 546040

IMPLICATIONS:

LEGAL ☐

COMMUNITY ☐

SAFETY

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: BISCOT

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Emmanuel Ugborokeye for the variation of a Premises Licence in respect of Kabanass Bar Ltd, 2-3 Westside Centre, Dunstable Road, Luton LU1 1EF

RECOMMENDATION

2. That the Licensing Panel determine the application of Emmanuel Ugborokeye for the variation of a Premises Licence in respect of Kabanass Bar, Ltd 2-3 Westside Centre, Dunstable Road, Luton LU1 1EF

BACKGROUND

3. An application was received on 10 July 2019 for the variation of the Premises Licence that will allow the removal of condition 2 on annex 3 following the expedited review on 20 October 2017 of the premises licence to take place.
4. The Applicant states that the premises is a restaurant and bar located in the Biscot ward of Luton. A copy of the current premises licence, is attached at Appendix A (pages 11 - 19).

5. Details of activities currently authorised are as follows:

DAYS	Times currently authorised by licence					
	Times premises will open to public	Supply of alcohol	Live music ¹ , recorded music ² , or entertainment of a similar nature ³	Provision of facilities for making music ⁴ , dancing ⁵ , or entertainment of a similar nature	Plays, Films ⁶ , Performances of dance ⁷ , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Sunday	08.00 to 05.30	09.00 to 05.30	09.00 to 05.30	09.00 to 05.30	09.00 to 05.30	23.00 to 05.30

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.

⁴ A stage area with lighting, microphone and amplifiers, and similar equipment.

⁵ Hard floored area which can be used for dancing by customers and performers.

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:

None

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

None

9. The applicant has requested that the following conditions, terms or restrictions currently imposed on the licence be removed as a consequence of the variation being sought:

Removal of condition 2 of Annex 3 of the premises licence, following the expedited review on 20 October 2017 which reads:

‘Where there is a requirement for door staff, the uses of ID scanning equipment must be used for all persons who appear to be the age of 25 year or under. A picture of the person presenting the ID must also be captured and retained for a minimum of 28 days. Acceptable forms of photographic identification will be passport, photo driving licence, proof of age standard scheme (PASS) card, or similar official photographic ID’

10. The latest date for representations to be received was the 6 August 2019.

PROMOTION OF LICENSING OBJECTIVES

11. The operating schedule submitted by the applicant describes the additional steps they intend to take in order to promote the licensing objectives. Please see operating schedule in the application.

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 20 - 29).

RESPONSIBLE AUTHORITIES

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

Police

PC5900 Leanne Kirsop on behalf of Bedfordshire Police has submitted a representation on the grounds of crime and disorder. A copy of the representation is attached at Appendix C (pages 30 - 35).

Public Protection, Licensing Service

Tony Ireland on behalf of the Public Protection Licensing Service has submitted a representation on the grounds of crime and disorder and public nuisance. A Copy of the representation is attached at Appendix C (pages 36 – 38).

Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

13. None

POLICY CONSIDERATIONS

14. The following provisions of the Licensing Act 2003 apply to this application:

Section 34 (variation of premises licence)

OBSERVATIONS

15. 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

16. 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.

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

Section 12 Licensing Objectives

Section 13 Delegation of Licensing Functions

Section 16 Representations

Appendix A – Making an Application

19. Representations can only relate to the additional hours and activities that are requested: existing hours and activities are protected as 'grandfather rights'.

LEGAL COMMENTS

20. Report cleared by Samantha McKeeman, Senior Solicitor on 01 August 2019

APPENDICES

The following Appendices are attached to this report:-

Appendix A: Current Premises Licence (pages 11 - 19)

Appendix B: Application form including the operating schedule (pages 20 -29)

Appendix C: Representation from Responsible Authorities (pages 30 - 38)

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

Guidance issued under S182 of the Licensing Act 2003
Luton Borough Council's Statement of Licensing Policy

Premises Licence Register

Luton

Premises Licence Number

144235

This revision (reference number):

160916

Effective from:

13/10/2018

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

Kabanas Bar & Restaurant
Westside Centre
Dunstable Road

Post town

Luton

Post code

LU1 1DZ

Telephone number:

01582 724805

Where the licence is time limited the dates

Start Date

24/10/2015

End Date

Licensable activities authorised by the licence

Live Music (Indoors)
Recorded Music (Indoors)
Performance of dance (Indoors)
Anything of a similar description to music and dance (Indoors)
Late Night Refreshment (Indoors & Outdoors)
Supply of alcohol for consumption on the premises

The times the licence authorises the carrying out of licensable activitiesLive Music

Monday to Sunday 09.00 to 05.30 (the following day)

Recorded Music

Monday to Sunday 09.00 to 05.30 (the following day)

Performances of dance

Monday to Sunday 09.00 to 05.30 (the following day)

Anything of a similar description to music and dance

Monday to Sunday 09.00 to 05.30 (the following day)

Late Night Refreshment

Monday to Sunday 23.00 to 05.30 (the following day)

Supply of alcohol

Monday to Sunday 09.00 to 05.30 (the following day)

The opening hours of the premises

Monday	08.00 to 05.30 (the following day)
Tuesday	08.00 to 05.30 (the following day)
Wednesday	08.00 to 05.30 (the following day)
Thursday	08.00 to 05.30 (the following day)
Friday	08.00 to 05.30 (the following day)
Saturday	08.00 to 05.30 (the following day)
Sunday	08.00 to 05.30 (the following day)

Last admission to the premises is 04.00 (the following day) Monday to Sunday.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol for consumption on and off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Emmanuel Ugborokeye
62 Wilsden Avenue
Luton
LU1 5HP

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Emmanuel Ugborokeye

Annex 1 - Mandatory conditions

1. Where a premises licence authorises the supply of alcohol:
 - a) No supply of alcohol may be made under the premises licence-
 - i. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - ii. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001.

This condition is not imposed in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films) and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)".

a) , or

- a) in respect of premises in relation to-
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - i. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- b) For the purposes of this condition-
 - i. "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, (guarding of premises against unauthorised access, against outbreaks of disorder and against damage), and
 - i. paragraph 8(5) of that Schedule applies namely references in this condition to the occasion on which any premises are being used for a particular purpose include references to any time on that occasion when the premises are about to be used for that purpose, or have just been used for that purpose.

Premises Licences and Club Premises Certificates authorising the supply of alcohol for consumption on the Premises

FURTHER MANDATORY LICENSING CONDITIONS

With effect from 1 October 2014

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold

- or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
- (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Premises Licences and Club Premises Certificates authorising the supply of
alcohol for consumption off the Premises**

FURTHER MANDATORY LICENSING CONDITIONS

With effect from 1 October 2014

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

With effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) The holder of the premises licence,
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-

paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

1. CCTV to be installed inside the premises covering main public areas, front door area and rear smoking area. CCTV to be kept for a minimum of 31 days. A copy of footage to be made available on request to police officers and Responsible Authority officers. CCTV must be of good visual quality and staff must be trained on how to copy the CCTV on request. Any faults with the CCTV must be logged and the Police Licensing team made aware.
2. A minimum of 2 SIA door staff must be on duty on Friday and Saturday nights, and on any day on which a music event is held, from 22.00 hours until the close of business, together with such additional door staff as are specified by Bedfordshire Police when a risk assessment form is submitted in relation to such an event in accordance with condition 8 of Annex 2 to this Licence
3. All SIA door staff must sign in on a logbook when working. Which will include their full name, SIA badge number, contact phone number, time started and time finished.
4. SIA badge to be worn in arm band and be visible to public.
5. SIA door staff to work Luton Town Football Club match days and to liaise with Police Licensing Team with times of opening. Plastics to be used for all drinks during football events.
6. Premises to have zero tolerance policy for drugs.
7. The Police must be informed of all music events that involve any Promoters and any DJ's. The Police must given at least 21 days notice and a risk assessment must also be submitted to Bedfordshire Police Licensing Team in the form approved by Bedfordshire Police at least 21 days before the event.
8. A logbook to be kept on the premises to include:
 - All refusals of sale of alcohol
 - All refusals of entry to the premises
 - Any ejections made, including the reason why and the details of person ejected. If name not known then a description logged.
 - Any incident must be logged, to include date and time and if Police requested.
 - Any drugs or weapons seized must be logged and locked in the safe and Police informed for safe collection and disposal.
9. Premises Licence holder to be part of and attend Luton Safe meetings and support the BANNED scheme.
10. No alcohol to be consumed in the outside patio area after 22:00 hours and plastic containers will be in use.

Annex 3 - Conditions attached after a hearing by the licensing authority

Expedited Full Review on 19th August reduced the licensable activities and opening hours. There were amendment of conditions to the Operating Schedule at Annex 2, 3 and the following conditions added to Annex 3 by the panel. An appeal was received and a Consent Order approved at Luton Magistrates Court was agreed on 4th October 2016.

1. A checklist to be implemented for the use of the Designated Premises Supervisor to ensure all conditions of the Premises Licence are maintained and considered at all times. A meeting between a representative of Bedfordshire Police Licensing Team, the Designated Premises Supervisor and the Premises Licence holder to be held within 14 days to discuss the proposed checklist.
2. A security light to be installed outside the Premises
3. CCTV to be installed at the main entrance to capture a clear image of each person and a monitor positioned so that each person can see themselves on CCTV.
4. Last entry to the premises of 04.00 Monday to Sunday.

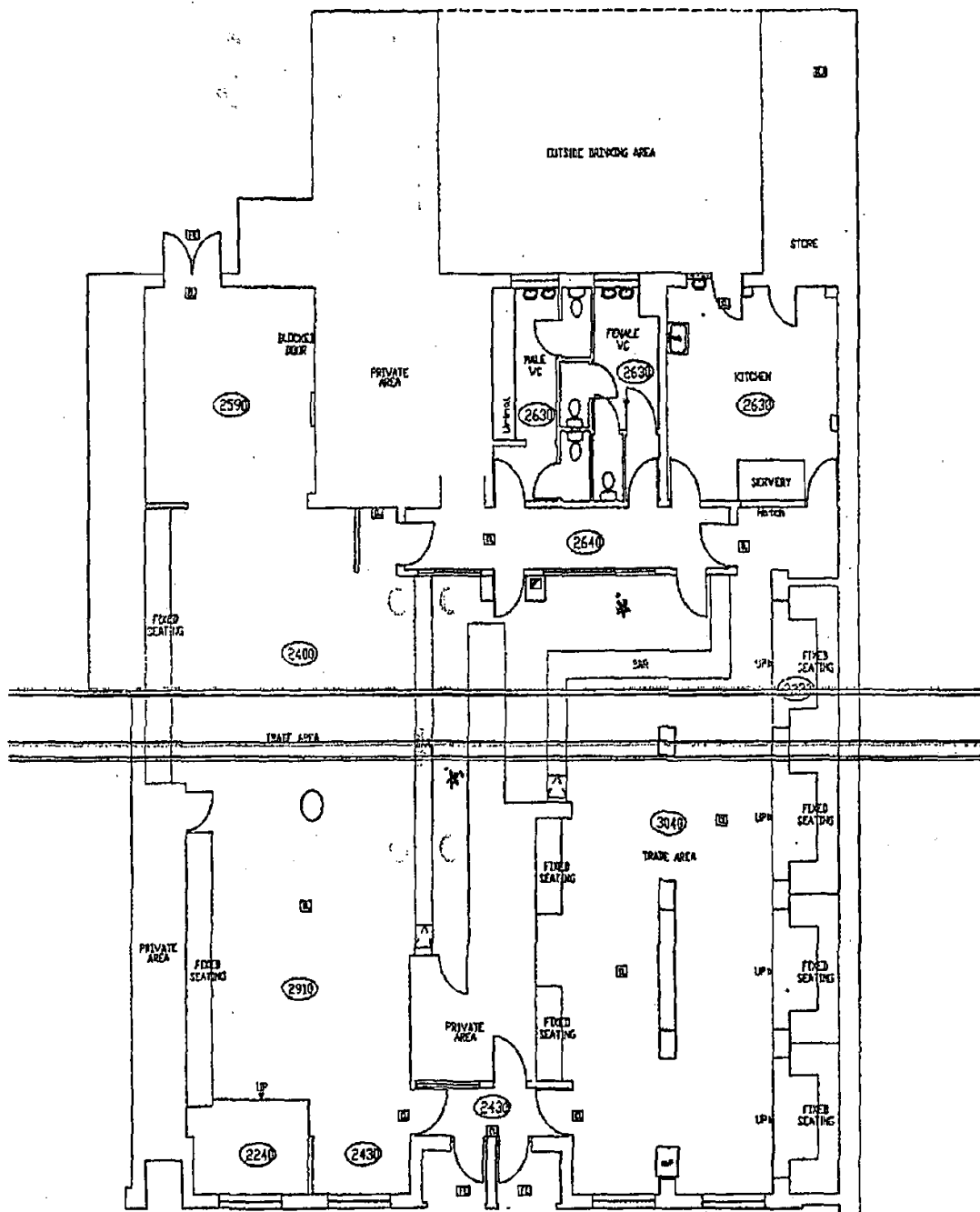
Expedited Full Review on 20th October 2017 which resulted in 4 new conditions added to Annex 3 by the panel.

1. Adoption of a 'Challenge 25' age verification scheme at all times, whereby all person not looking 25 years of age or above are challenged for ID. All staff to be trained in this scheme, and a signed training record retained. Training to be refreshed every six months.
2. Where there is a requirement for door staff, the use of ID scanning equipment must be used for all persons who appear to be the age of 25 year or under. A picture of the person presenting the ID must also be captured and retained for a minimum of 28 days. Acceptable forms of photographic identification will be passport, photo driving licence, proof of age standard scheme (PASS) card, or similar official photographic ID.
3. No persons under the age of 18 to be on the premises after midnight until the close of trade daily.

Hourly toilet checks to be conducted by staff with a signed record of each check retained, from 22:00 hours until close daily.

Annex 4 - Plans

Note: Plans may not be shown to any scale that may be specified in the drawing.



* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

13,000

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We are requesting to remove the scanning and storing of Customers I.D as in Annex 3 condition 2. We will still operate under challenge 25 to ensure the protection of children. Our staff and door staff are well trained and no underage person will be admitted or sold alcohol in our premises. Suitable I.D will still be required to prove age. Under 18's will not be allowed on the premises after 24:00 as per our licensing condition.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

<i>Continued from previous page...</i>	See guidance on regulated entertainment
Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful? <div style="display: flex; justify-content: space-between;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </div>	
Section 7 of 18	
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS	
See guidance on regulated entertainment Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful? <div style="display: flex; justify-content: space-between;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </div>	
Section 8 of 18	
PROVISION OF LIVE MUSIC	
See guidance on regulated entertainment Will the schedule to provide live music be subject to change if this application to vary is successful? <div style="display: flex; justify-content: space-between;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </div>	
Section 9 of 18	
PROVISION OF RECORDED MUSIC	
See guidance on regulated entertainment Will the schedule to provide recorded music be subject to change if this application to vary is successful? <div style="display: flex; justify-content: space-between;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </div>	
Section 10 of 18	
PROVISION OF PERFORMANCES OF DANCE	
See guidance on regulated entertainment Will the schedule to provide performances of dance be subject to change if this application to vary is successful? <div style="display: flex; justify-content: space-between;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </div>	
Section 11 of 18	
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE	
See guidance on regulated entertainment Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful? <div style="display: flex; justify-content: space-between;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </div>	
Section 12 of 18	
PROVISION OF LATE NIGHT REFRESHMENT	

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

We do not have any adult entertainment. We sell alcohol.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Annex 3 condition 2, we would like to remove the scanning and storing of ID. We would still operate under challenge 25 to ensure the protection of children. Our staff and door staff are well trained, and no underage person will be admitted or sold alcohol in our premises. All customers must provide suitable ID for proof of legal age. Under 18's will not be allowed on the premises after 24:00 hours as per our licensing condition. We will continue to promote all licensing objectives, in cooperation with the police, to prevent crime disorder. Our staff are well trained to prevent public nuisance and ensure safety of all customers. No persons who appear to be under the age of 25 will be allowed entry or sold alcohol unless they can provide the required ID as proof of age. Currently we are the only bar in Luton that has the ID scanning procedure in place. The use of ID scanning equipment has been detrimental to the business, and I feel that this is no longer necessary due to well-trained staff being aware of our entry policy

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Continued from previous page...

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We have a good management system. All staff are well trained and aware of our license conditions and our role in promoting the licensing objectives in the interest of the business and the wider community in which we operate.

b) The prevention of crime and disorder

We have adequate CCTV system which are monitored. We always have enough trained door supervisors to manage crowds. We have a no search no entry policy and use security wands.
All staff are well trained

c) Public safety

We have suitable premises with Health & Safety policies and procedures in place. Fire alarms, fire exists and lighting are well maintained and tested. Staff are well trained and a log of any incidents is maintained and used for reviewing our safety policies. Door staff manage crowds to prevent violence.

d) The prevention of public nuisance

Door supervisors manage crowds when entering and leaving the premises to prevent noise. We have clear signage for our customers to leave quietly. Our premises are well lit and well maintained to prevent any form of pollution.

e) The protection of children from harm

We operate challenge 25 and have clear signs displayed for customers. Full training is given to all staff to be vigilant on any underage person and not to serve alcohol unless they can provide appropriate Id to prove their age. Door staff also carry checks not to admit any under age person.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at: http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

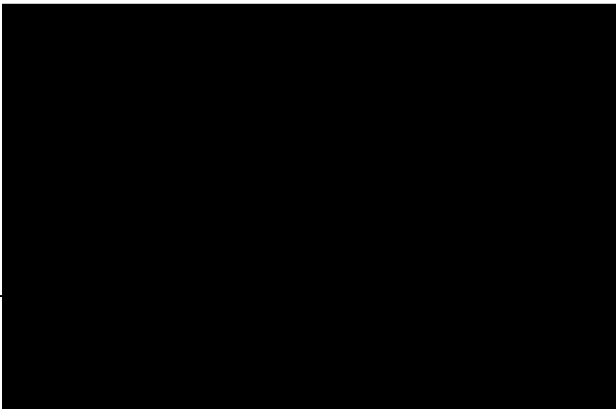
I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

☒ Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

- * Full name
- * Capacity
- * Date



Once you're finished you need to do the following.
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/luton/change-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Mernagh, Holly

From: Licensing Luton (Beds) <LicensingLuton@bedfordshire.pnn.police.uk>
Sent: 26 July 2019 16:09
To: Long, Saffron
Cc: SPARKES, Rob 421; WELCH, Darren 138; JOHNSON, Keith 5328; DIMMOCK, Ben 5337; GRUNDY, Stacey 7535
Subject: RE: LA03 Variation of a Premises Licence - Kaban Bar & Restaurant - 166717 [OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

To Licensing,

On behalf of the chief officer of Bedfordshire police I would like to make an objection to this application.

My rationale is as follows;

In October 2017, Bedfordshire Police applied for a revocation of licence for the premises following a serious sexual assault on a female under the age of 18. This review was instigated in September 2017. The outcome of this hearing resulted in the applicant having the ID scanner condition added to this premise licence to prevent such serious incidents from occurring. Since the scanner has been in place there has been no more reported sexual assaults on minors.

The premises also saw lots of crime and disorder during its opening times, including knife crime and violent disorders, Although these sorts of incidents have reduced since measures were put in place, crime and disorder incidents have still persisted.

The premises applied for an extension in hours in September 2018. The hours at the premises were rolled back in October 2016 following another review hearing. I note that there no objections to the application made in September 2018.

Since September 2018, disorder has still persisted between the times of 03:00 hours and 05:30 hours. These incidents vary from disorders at the premises, to stabbing incidents which occurred inside the premises and also reports of large amounts of people still in the premises with only two members of door staff on duty. Bedfordshire police had to attend the location to assist in closing time.

It is the View of Bedfordshire police, that should the condition be removed from the premise licence then incidents will escalate.

This licence condition supports the protection of children licensing objective and also supports the prevention of crime and disorder.

Bedfordshire police have no confidence that the applicant fully understands the severity of the incidents that instigated the previous review hearing.

With that being said, I feel that it is extremely important that Bedfordshire police make reference to the crimes and disorder and ongoing issues.

Bedfordshire Police has done their upmost to work alongside the applicant to ensure the licensing objectives are met.

Luton Borough Councils own Statement of Licensing Policy states, "The Licensing Authority encourages Responsible Authorities to work with the premises licence holders, utilising Action Plans to resolve issues at the premises. This provision is in place for Licensing Authorities and Responsible Authorities to give warnings to premises who act contrary to the licensing objectives and the law"

If the Applicant is persistent in removing conditions that were put in place to assist in ensuring the licensing objectives are met, and serious crimes are still persisting as a result, how can a good working relationship be maintained?

It is the view of Bedfordshire police that should the licensing conditions continue to be relaxed then the licensing objectives will not be met.

Kindest regards

PC 5900 Leanne KIRSOP,
Bedfordshire police Licensing,

Luton Police station

From: Long, Saffron [mailto:Saffron.Long@luton.gov.uk]

Sent: 10 July 2019 17:57

To: Cllr (Lab) Ayub, Mohammad (Luton) <Mohammad.Ayub@luton.gov.uk>; Cllr (Lab) Ayub, Naseem (Luton) <Naseem.Ayub@luton.gov.uk>; Cllr (Lab) Khan, Tahir (Luton) <Tahir.Khan@luton.gov.uk>; Bailey, Liz (ER) <Liz.Bailey@luton.gov.uk>; LBC Fire Risk Enquiries <Fire@luton.gov.uk>; Denham, Glen <Glen.Denham@luton.gov.uk>; LBC Environmental Health <EnvironmentalHealth@luton.gov.uk>; Hawkes, Vicky <Vicky.Hawkes@luton.gov.uk>; Hedges, Tim <Tim.Hedges@luton.gov.uk>; LBC Development Control <LBCDecCon@luton.gov.uk>; LBC Environmental Protection <EnvironmentalProtection@luton.gov.uk>; LBC Trading Standards <tradingstandards@luton.gov.uk>; Masini, Bill <Bill.Masini@luton.gov.uk>; Pacey, Sarah <Sarah.Pacey@luton.gov.uk>; Patel, Ramesh <Ramesh.Patel@luton.gov.uk>; Licensing Luton (Beds) <LicensingLuton@bedfordshire.pnn.police.uk>; Emma Purkiss <emma.purkiss@luton.gcsx.gov.uk>; Richardson, Sandra [Planning] <Sandra.Richardson2@luton.gov.uk>; LBC Children Safeguarding <ChildrenSafeguarding@luton.gov.uk>; Cllr (Lab) Simmons, Hazel (Luton) <Hazel.Simmons@luton.gov.uk>; Stephenson, Chloe <Chloe.Stephenson@luton.gov.uk>; WELCH, Darren 138 <Darren.Welch@Bedfordshire.pnn.Police.uk>; Wilks, Isabel <Isabel.Wilks@luton.gov.uk>; Deller, Mark <Mark.Deller@luton.gov.uk>; Ireland, Tony <Tony.Ireland@luton.gov.uk>; Mernagh, Holly <Holly.Mernagh@luton.gov.uk>; Miller, Julia <Julia.Miller@luton.gov.uk>; Rafferty, Sonia <Sonia.Rafferty@luton.gov.uk>; Van Beukelen, Jennifer <Jennifer.VanBeukelen@luton.gov.uk>; Vippond, Sarah <Sarah.Vippond@luton.gov.uk>; Wiltshire, Aaron <Aaron.Wiltshire@luton.gov.uk>

Cc: Bacon, Amy <Amy.Bacon@luton.gov.uk>

Subject: LA03 Variation of a Premises Licence - Kabanas Bar & Restaurant - 166717

All,

We have received the following application on 9th July 2019 for the variation of a Premises licence under the Licensing Act 2003:

Kabanas Bar & Restaurant, West Side Centre, Dunstable Road, Luton LU1 1EF

They are applying to remove condition 2 of Annex 3 of the premises licence:

2. *'Where there is a requirement for door staff, the uses of ID scanning equipment must be used for all persons who appear to be the age of 25 year or under. A picture of the person presenting the ID must also be captured and retained for a minimum of 28 days. Acceptable forms of photographic identification will be passport, photo driving licence, proof of age standard scheme (PASS) card, or similar official photographic ID'*

It is a requirement of the Act that, for grants or variations of these licences, applicants forward a copy of their application to each of the six designated responsible authorities. Until an applicant has done this, the Licensing Authority may not consider their application valid. The applicant is advertising their application both at the premises and in a local newspaper, and the Licensing Service will write to local residents and businesses within a 100m radius.

Responsible Authorities - if you have not yet received a copy of this application, could you please inform me of this as soon as possible, in order for the Licensing staff to take action to halt this premises application process.

Please note that, should you wish to raise objections against this application, the deadline is the **6th August 2019**. This email is only intended to alert you to the start of the application process. Should you require any assistance or further information, please contact a member of the Licensing/Gambling Acts team within the Licensing Service by this date.

If you have any questions please do not hesitate to contact the Licensing Service on 01582 546040.

Kind Regards,

Saffron Long

Licensing Officer
Luton Borough Council

T: 01582 546040

T: 01582 546118

E: licensing@luton.gov.uk

E: saffron.long@luton.gov.uk

Did you know for enquiries concerning private hire and hackney carriage licensing you can apply for your licence application online.

You can also tell us if your vehicle has any damage or been involved in an accident at this link:
<http://luton.gov.uk/hcphapplications>.

*The Licensing Service is situated part of the week at Kingsway Depot on Tuesday & Thursday by appointment only for vehicles being tested between 09.00 and 15.00, Officers will be accepting grant/renewal vehicle applications booked in on these days & times paying by **card only**.
To accommodate the Service being partly ran at the depot the Town Hall Counter is open on Monday, Wednesday & Friday only between the hours of 09.00 and 16.00 on Monday & Friday and 10.00 to 16.00 on Wednesday.*

Luton

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Supporting Evidence**Kabanas**

Cad Reference / Date of incident.	Summary of events
05/08/2019 – 0040 – offensive weapons	An incident that has commenced at the location, one male is seen to be hit by another and end up on the ground. Male was then seen to chase another with a baseball bat. This has then resulted in a serious RTC where both parties have continued their altercation.
28/05/2019 – 0243 – Reported after incident.	Victim has been approached by other females and an altercation has taken place. Victim has then had a drink thrown in her face. The offenders have then assaulted the female by kicking, punching and biting. Recorded as an ABH.
24/03/2019 – 0074 – 04:30 hours	A report of people fighting inside the location, One person has been assaulted with a bottle, People fighting with door staff at location. Crime outcome – ABH injuries.
27/01/2019 – 0055 – 05:17 hours	A female has called and reported that she has been attacked by a male at the location. This incident has occurred inside the location by an off duty security from the location. Ambulance called for female who is in and out of consciousness. Police report a number of intoxicated people at the location on their arrival. Female would not pursue a complaint.
23/12/2018 – 0060 – 04:33 hours	Incident at the location where a suspect has attempted to steal a

	bottle of wine from behind the bar, this has resulted in an altercation where the offender has assaulted the victim. (Member of staff)
11/11/2018 – 0083 – 05:45 hours	Intoxicated male has called and reported that things were getting 'heated' Call handler could hear a lot of shouting in the background. The Male then reports that ' things are going to kick off'
07/11/2018 – 0034 – 03:01 hours	Report of a 20 year old male with injury to leg and serious bleeding. Male was stabbed to the leg inside the premises following an altercation. Crime outcome – GBH
07/11/2018 – 0033 – 02:51 hours	Police generated incident – Very large amount of people inside the premises with only 2 members of door staff working. Police remained to assist.
14/10/2018 – 0065 – 04:00	Staff have reported that they have closed the location, however there are lots of people still outside and behaving aggressively, reports that it is going to ' kick off' and police assistance is required.

Representation with regards to the Application for a variation to the premises licence for Kabanass Bar and Restaurant, West Side Centre, Dunstable Road, Luton.

I hereby make this representation as a Responsible Authority as designated under s13 of the Licensing Act 2003 (as amended).

The basis of the representation is that the applicant is looking to modify conditions contained within Schedule 3 of the Premises Licence which are conditions applied to the licence by the Licensing Sub Committee.

To put this in context, I list the history behind the application of conditions to the licence and the reasons why the matters were brought to the Licensing Sub Committee's attention

The premises has been subject to two Expedited Review applications, the most recent in September 2017 and the other in July 2016. Both review applications were submitted by Bedfordshire Police for serious crime and disorder at the premises.

The review in 2017 was submitted due to two serious incidents at and outside the premises and that the premises had a history of crime and disorder at the premises despite the expedited review submitted in July 2016. The conditions applied to the licence by the Licensing Sub Committee and later subject to appeal and consent order at Luton and South Beds Magistrates included the requirement for ID Scanning and are as follows:

The review in 2016 was submitted due to a large fight at the premises where an offensive weapon was recovered, a number of individuals were injured and it was also found the premises was operating in contravention to the conditions on the licence.

The applicant has not liaised with the Licensing Service or Responsible Authorities about this request to vary the Licence and by not taking into account the issues within the area of the premises and either not working in partnership with the agencies, this application is likely to have a significant negative impact with regards to the licensing objectives, in particular the prevention of Crime and Disorder and Public Nuisance.

Given that the Licensing Sub Committee placed the condition on the licence with good reason to address the issues at the premises then the matter should be taken back to the committee for consideration.

Where relevant representations are received in respect of an application then s4 (3) of the Act then applies which provides the following:

(3) In carrying out its licensing function, a licensing authority MUST also have regards to:

- (a) Its licensing statement published under section 5, and
- (b) any guidance issued by the Secretary of State under s182

As members are aware, the Councils Statement of Licensing Policy in respect of the Licensing Act was published in Jan 2016 and this expresses the will of the authority with regards to the its function under the Act.

The Policy therefore fills an evidential gap and in this regard shifts burden to the applicant to demonstrate how the application meets the expressed requirements of the policy and look to mitigate the likelihood of harm.

Given that the application is contrary to the Councils Policy then the presumption in favour of granting the licence therefore no longer applies.

The application as submitted also does not address the local issues and the applicant has not followed the s182 Guidance as detailed below:

Paragraphs 8.38 – 8.46 of the s182 Guidance sets the expectations of the applicants and rather than repeat all the sections in full, I draw attention to the key points, however the full provision can be found at pages 54 to 55 of the Guidance dated April 2018.

Steps to promote the licensing objectives

8.39 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

Any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.40 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. **Where specific policies apply in the area** (for example, a cumulative impact policy), **applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.**

8.41 It is expected that **enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.....**Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are known concerns, acknowledge this in their application.

8.42 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application.

8.43 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

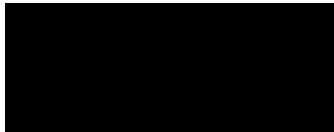
8.44 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.45 **All parties are expected to work together in partnership** to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, **will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.**

8.46 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

As the application is contrary to the conditions set then it is for members to decide whether the amended conditions requested for the licence that can address the full impact of the premises or whether to refuse the application.

Signed

A solid black rectangular box used to redact the signature of Tony Ireland.

Tony Ireland, Strategic Regulatory Manager, Neighbourhood Regulatory Services, Public Protection

Date 12th July 2019