

COMMITTEE REF:

LP/08/18



NOTICE OF MEETING


COMMITTEE : LICENSING PANEL (349)
DATE : MONDAY 13TH AUGUST 2018
TIME : 10.00 AM
PLACE : COUNCIL CHAMBER, TOWN HALL, LUTON
COUNCILLORS: HUSSAIN
PETTS
D. TAYLOR
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

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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 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.

1. ELECTION OF CHAIR

2. MINUTES

1. 18th July 2018

6 - 10

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.

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No</i>
REPORT		
5.	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.	
	<u>PRIVATE REPORTS</u>	
6.	Application for a review of Personal Licence - MR A.U.	11 - 19
7.	Application from Premise Properties Ltd, 22 Wenlock Road, London, to vary a Designated Premises Supervisor (DPS) in relation to a Luton Licensed Premises.	20 - 34

Note:

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

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.

LICENSING PANEL (352)

18TH JULY 2018 AT 11.30 A.M.

PRESENT: COUNCILLORS: GARRETT, HUSSAIN AND LEWIS

OFFICERS: Saffron Long – Licensing Officer
Angel Fraser - Democracy & Scrutiny Team Leader
Brenden Delaney – Solicitor, Clerk to the Panel

15. ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Hussain be elected Chair of Panel No. 352.

16. MINUTES (REF: 2.1)

Resolved: That the minutes of the Licensing Panel meeting held on 15th June 2018, be agreed as true records and the Chair be authorised to sign them.

17. APPLICATION FOR APPLICATION FOR GRANT OF PREMISES LICENCE IN RELATIN TO RUBY'S CUISINE UK, 9 CHAPEL STREET, LUTON (REF: 5)

PRESENT

APPLICANT: MALUMUENI LUSADISU

**APPLICANT'S
REPRESENTATIVES:**

**INTERESTED PARTIES: KAREN FEW – LICENSING OFFICER
(BEDFORDSHIRE POLICE)**

All parties present introduced themselves.

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

The Licensing Officer reported on an application received for the grant of premises licence in relation to Ruby's Cuisine UK, 9 Chapel Street, Luton.

The Panel were advised that an application was received on 25th May 2018 for the grant of the Premises Licence that would allow the supply of alcohol Monday to Wednesday 07:00 to 04:00 (the following day), Thursday to Saturday 07:00 to 05:30 (the following day) and Sunday 07:00 to 04:30 (the following day).

The Panel was further reminded of the steps the applicant would take to promote the licensing objectives, as set out in the report.

Members of the Panel asked questions to the Licensing Officer in relation to the prevention of public nuisance and were advised the applicant had stated the doors would remain closed to reduce noise levels and would also ensure people did not congregate outside the premises.

There were no questions for the Licensing Officer from the Police Representative or the Applicant.

Mr Malumueni Lusadisu, the applicant addressed the Panel clarifying the reasons behind the early opening hours and the serving of alcohol which was to allow for breakfast to be served with alcohol if requested and would comply with the additional conditions recommended by the Police.

The Panel questioned the Applicant and he responded in the following terms:

- Noise reduction would be reduced by keeping the doors closed after hours and a noise meter had been installed in the building, which also has air conditioning.
- The club would be open for breakfast in which alcohol would be served and was in the process of recruiting extra staff.
- The conditions had been agreed and he understood the consequences if breached. The only condition he had concerned about was attending Pub Watch meeting and would provide a representative if he is unavailable to attend.

The Licensing Officer, Bedfordshire Police had no issues with the application so long as the applicant agreed to the conditions imposed.

Members of the Panel asked questions of the Police representative who responded in accordance to the Licensing Procedure as follows:

- There were other premises within the town centre where alcohol is available early in the morning.
- The Police were fully satisfied with the crime and disorder measures in place and with the proposed opening hours.

In summing up, the Applicant stated that he had held the premises licence for 4 years and during that time there had never been any problems with crime or disorder in the building and takes his licence very seriously.

The Police Representative that they were confident the applicant would abide by the conditions set and would support the application if granted.

The Panel agreed to hold their deliberations in private and those present were asked to leave the room in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Following deliberations the Panel invited those present back into the room and;

Resolved: That having considered the papers before it and the oral representation made by Mr Malumueni Lusadisu, the Applicant and those made by the interested parties the Panel determined to **GRANT** the Premises Licence to Ruby's Cuisine UK, 9 Chapel Street, Luton, subject to the closing time be amended to 5am and licensing conditions appended to these minutes.

(Note: The meeting ended at 12.09 p.m.)

Amended License Conditions.

- The premises shall participate in the collective banning of individuals, in accordance with the LutonSafe banned scheme and a representative shall regularly attend the LutonSafe meetings.
- The venue will ensure that the Nite-Net radio system is used during the hours of LutonSafe and other weekday evenings to:
 - a) receive information from other licensed premises, CCTV operators and Bedfordshire Police;
 - b) transmit details of those who are disruptive / ejected from the licensed premises; and
 - c) maintain contact with CCTV and Bedfordshire police.
- Any weapon or drugs seized shall be placed in a safe or secure area within the premises and the police contacted at the earliest opportunity for the item to be collected.
- A4 size printed drugs notices shall be positioned prominently within the venue. These notices will have wording similar to “ANY PERSON FOUND USING OR IN POSSESSION OF ANY DRUGS WILL BE BANNED FROM THE PREMISES AND REPORTED TO THE POLICE”.
- An incident log shall maintained and kept at the premises and made available on request to the Police or Licensing Authority, which will record :
 - a) All crimes which occur within the venue
 - b) All ejections of patrons
 - c) Any incidents of disorder
 - d) Seizures of drugs or offensive weapons
 - e) Refusal of entry / sale of alcohol due to underage persons
- Any area of the premises accessible by the public (except toilets) must be covered by CCTV which shall be in a working condition and recording at all times when the premises are open to the public. Footage shall be supplied to the Police or Licensing Authority upon request in a format which can be played back on a standard personal computer or standard DVD player (e.g. Memory stick/CD/DVD). Footage shall be retained for at least 28 days.
- The frequency, number, location and times that SIA door supervisors will be deployed at the premises will be discussed and agreed with Bedfordshire Police Licensing officer. The agreement will be in a written format and the premises, Police and Local Authority will retain copies. The premises will only operate in accordance with this agreement and the frequency, number and times of door supervisors cannot be reduced without written authorisation from Bedfordshire Police.
- All door supervisors will wear high visibility jackets whilst on duty wherever they are deployed in the premises

- The premises license holder will ensure that there is an effective system in place to monitor the capacity of the premises and this system is in use at all times that door supervisors on duty
- .The premises shall keep a register of all door supervisors on duty at the premises, which shall be retained for 12 months from the date of the last entry. The register will be in a diary format with consecutively numbered pages throughout recording:
 - The date
 - Name of the door supervisor
 - The door supervisors SIA registration number
 - The door supervisors start and finish time

The Register will be produced for inspection to the Police, Fire and Rescue Service or Licensing Authority on request.

- Staff will be trained as to their responsibilities in the retail sale of alcohol and the measures necessary for compliance with licence conditions. The premises will maintain a record of the training provided which will be made available to the Police or Licensing Authority on request.
- The premises will apply a challenge 25 policy whereby each person who enters the premises, who appears to be 25 years of age or under, will be asked to provide identification to prove they are over 18.

Acceptable forms of identification are a passport, photo driving license or a PASS logo identification card.

- The premises shall complete a risk assessment and supply it to Bedfordshire Police's Licensing Officer at least 28 days before any externally promoted music led event

Amendment that the closing time (as well as the other licensable activities that have been applied for) on Thursday, Friday and Saturday be changed to 5am.
These conditions have been agreed orally, and will be confirmed by the applicant.