

LICENSING PANEL (243)

13TH FEBRUARY 2014 at 10.00 a.m.

PRESENT: Councillors Garrett, Rivers and Worlding

OFFICERS: J. Secker – Clerk to the Panel (Solicitor)
Bert Siong – Democracy & Scrutiny Officer
Rebecca White - Licensing Manager's Representative
Rochelle White – Trainee Solicitor

27. ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Worlding be elected Chair of this Panel only.

28. MINUTES (REF: 2.1)

That the minutes of the meeting held on 14th January 2014 be agreed as a true records and the Chair be authorised to sign them.

29. APPLICATION FOR THE GRANT OF PREMISES LICENCE: THE EXCHANGE, 19 KING STREET, LUTON (REF: 6)

PRESENT:

APPLICANT: Stewart Curry

INTERESTED PARTY: Martin Clayton

All parties present introduced themselves.

The Chair explained the procedure at oral hearings before the Council's Licensing Panel to those parties present.

The Licensing Manager's representative reported on an application received from Stewart Curry for the grant of a premises licence in respect of The Exchange, 19 King Street Luton, that will allow regulated entertainment, supply of alcohol and late night refreshment to take place.

The Licensing Manager's representative further reported as follows:

- The premises previously held a licence, granted when the Licensing Act 2003 came into force in November 2005;
- The previous licence holder, Home Counties Bars Ltd had dissolved;
- The applicant was unable to submit an application for an interim authority notice and subsequent transfer to keep the granted licence;
- The applicant had no option but to submit a grant application;
- The premises had been open during the consultation period, licensed through Temporary Event Notices;
- No objections had been received to any of the Temporary Event Notice applications;
- There had been no representations from any responsible authorities in relation to the current application;

- Believed no major internal changes to the layout had been made to the premises;
- Representation had been received from an Interested Party, Martin Clayton, on behalf of Mapeley Estates Ltd, which managed King House, the adjoining property occupied by Her Majesty's Revenue and Customs, relating to the Prevention of Crime and Public Safety Licensing Objectives.

There were no questions from the Panel or the Applicant for the Licensing Manager's representative.

The Applicant spoke in support of his application, making the following points:

- He had overseen the premises for 10 years;
- He re-iterated the previous company had been dissolved and the fact he had not been able to apply for the transfer of the license;
- He had not received any objections from the Local Authority, Police or Fire Services;
- Access to the premises would be from George Street West, not King Street;
- In his 10 years, he had not heard of any incidents from staff of the tax office relating to the concerns being raised by the Interested Party;
- He had a letter from the Police confirming there had been no incidents relating to the premises reported in the last 4 months;
- Door staff would be employed as per the Operating Schedule;
- The King Street door would only be used as a Fire exit and after 10.00 p.m.;
- As he had never had any issues and the premises had been run without problems relating to the concern expressed by the Objector, he requested the Panel grant his application as applied for.

There were no questions from the Panel for the Applicant.

The Applicant was questioned by the Interested Party and responded in compliance with the approved procedure, providing further clarifications as follows:

- Opening time would be at 8.30 a.m.;
- There would be no access by George Street West doors after 10.00 p.m. to control numbers;
- Staff had radios to check with CCTV on issues elsewhere;
- King Street doors would remain in use.

Prior to representation by the Interested Party, the Clerk to the Panel clarified with Martin Clayton that he was speaking on behalf Mapeley Estates Ltd, the company assigned the responsibility for managing the building housing Her Majesty's Revenue and Customs (HMRC), and that he had not been appointed by HMRC as their representative. He, however, advised the Panel that, that situation did not affect the Interested Party's representation.

The Interested Party made his representation to the Panel as follows:

- HMRC staff often worked longer than 8.30 am until 5.00 p.m.;
- George Street West, rear entrance used;
- He had had calls from HMRC staff concerned about drunks from the premises urinating at the rear entrance or vomiting on people's cars;

- If premises were opened until 6.00 a.m., he was concerned that some might still be hanging about when staff started arriving for work;
- He had no concerns regarding King Street;
- In his opinion, the two uses of the building were not compatible.

The Panel had no questions for the Interested Party.

The Applicant questioned the Interested Party, who responded in compliance with the approved Procedure providing the following further information:

- He conceded he had not made contact with the Applicant during the 8 years his company had managed the HMRC part of the building, about any of his concerns;
- The issues mentioned dated back to 2007, with none reported from 2008-09;
- The car park used was a public one, sometimes used by homeless people and others;
- He confirmed there had been no issues or concerns raised since 2009.

The Applicant made his final representation as follows:

- He had managed the premises without any problems;
- Even the Interested Party agreed there had been concerns raised since 2009;
- He had not changed the way the premises operated;
- He would be happy to work with the Interested Party's company to overcome problems, if any;
- He re-iterated there had been no objections from the Police, as confirmed in a letter in his possession;
- He was the Chair of LutonSafe and ran other licensed premises in Luton Town Centre;
- He would be happy to deal with any issues.

The Interested Party made his final representation as follows:

- He re-iterated his concerns was over the security of HMRC staff;
- He stated if granted, the rear door should be closed, so that people used King Street, instead of George Street; West.

The Panel then gave the Applicant and the Interested Party a final opportunity to add anything further to what they had already said. They had nothing new to add.

Members considered whether the public interest in retiring to make their decision in private outweighed the public interest in holding their deliberations in public, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Following 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.

30. 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 be excluded from the meeting during consideration of the decision in relation to the report of the Head of Environmental and Consumer Services (Ref: 6) as referred to at Minute No. 29/14 above.

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

Resolved: That the public and press be no longer excluded from the meeting.

32. APPLICATION FOR THE GRANT OF PREMISES LICENCE: THE EXCHANGE, 19 KING STREET, LUTON (REF: 6)

The Panel considered the papers before it including the oral and written representations made by the Applicant and Interested Party. The Panel had regard to the licensing objectives set out in the Licensing Act 2003.

Resolved: That the application from Stewart Curry for the grant of a premises licence in respect of The Exchange, 19 King Street Luton, that will allow regulated entertainment, supply of alcohol and late night refreshment to take place, be **GRANTED** in accordance with the Operating Schedule below, the Panel being satisfied that the concerns raised by the Interested Party were historical and had not occurred since 2009. The Panel also noted the Applicant's willingness to work with the Interested Party's company to deal with any issues.

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

¹ Live acoustic and amplified music, and amplified voice.

² Including Jukebox And Karaoke, with or without dj, during normal business and including audience participation.

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

⁶ Video entertainment on Tv screens and amusement machines.

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

(Note: The meeting ended at 10.30am)