

12TH JULY 2013 at 10.00 a.m.

PRESENT: Councillors Gale, Hinkley and Taylor

OFFICERS: J. Secker – Clerk to the Panel (Solicitor) representative
A. Bacon – Licensing Manager's Representative
J. Van Beukelen – Licensing Manager's Representative
Officer

B. Siong – Democracy & Scrutiny

06 ELECTION OF CHAIR (REF: 1)

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

07. MINUTES (REFS: 2.1)

Resolved: That the Minutes of the meeting of 16th April 2013 be taken as read, approved as a correct record and signed by the Chair.

08. APPLICATION FOR GRANT OF PREMISES LICENCE: POLSKIE SMAKI LTD, 4 ARCHWAY PARADE, MARSH ROAD, LUTON. (REF: 6)

PRESENT:

APPLICANT: Mrs. Bernadetta PIETRUCH – Company Director
Mr. Piotr PIETRUCH (applicant's husband)

OBJECTOR: PC 133 TUFFS – Police Officer
(Bedfordshire Police)

All parties present introduced themselves.

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

The Licensing Manager's representative reported on an application received from Mrs. Bernadetta PIETRUCH for the grant of a Premises Licence in respect of Polskie Smaki Ltd, 4 Archway Parade, Marsh Road, Luton, to allow the supply of alcohol for consumption off the premises to take place.

The Licensing Manager's Representative reported there were no concerns with the application, but that an objection had been received from the Bedfordshire Police, a responsible authority, submitting representation requesting that conditions be added to the licence, if granted.

The Licensing Manager's Representative further reported that having taken legal advice, the suggested Police conditions were considered not well set out, ambiguous, of questionable relevance and not possible to enforce. She added that, while the applicant had accepted these conditions, the application had been referred to the panel to consider because it was still a matter for the panel to decide whether the conditions were relevant and appropriate for the promotion of the licensing objectives.

The Panel took advice from the Clerk to the Panel, who confirmed the legal advice given to the Licensing Manager's Representative.

The Panel questioned the objector at length to clarify the meaning of the conditions, who responded in compliance with the approved procedure. He provided the rationale for the suggested Police conditions, which did not entirely convince the Panel.

The Panel gave the applicant the opportunity to question the objector in compliance with the approved procedure, but she had no questions.

The Panel gave the Licensing Manager's Representative the opportunity to question the objector in compliance with the approved procedure, but she had no further questions.

The Panel gave the objector the opportunity to add any further observations in compliance with the approved procedure, but he had nothing to add.

09. 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 as referred to at Minute No. 02/13 above.

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

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

**11. APPLICATION FOR GRANT OF PREMISES LICENCE: POLSKIE SMAKI LTD,
4 ARCHWAY PARADE, MARSH ROAD, LUTON. (REF: 6)**

The Panel had carefully considered the papers before it including the written representations made by the Applicant, Mrs PIETRUCH, and the oral and written representations made by PC Tufts from Bedfordshire Police, the responsible authority. The Panel had regard to the licensing objectives set out in the Licensing Act 2003 and to the Council's Statement of Licensing Policy.

The Panel also carefully considered the legal advice from the Clerk to the Panel.

Resolved: That the Application by Mrs. Bernadetta PIETRUCH for the grant of a Premises Licence in respect of Polskie Smaki Ltd, 4 Archway Parade, Marsh Road, Luton, to allow the supply of alcohol for consumption off the premises to take place be **GRANTED** subject to compliance with the following conditions:

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. CCTV recordings shall be retained throughout the subsequent 31 day period and copies supplied as soon as practicable and no later than 48 hours after the request of the Police or authorised officer;
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police Officers recent data or footage with the absolute minimum of delay when requested;
3. All staff serving alcohol who are non Personal Licence holders must have written authority by the Designated Premises Supervisor to sell alcohol on their behalf. They must be trained with regard to their responsibilities in relation to licensing law. All written authority and records of training provided must be available for production to the Police or Licensing authority upon request.

Furthermore, the Licence is granted in accordance with the content of the Operating Schedule in the Applicant's application.

(Notes: The original conditions proposed by the Police were amended as follows:

- Condition 1 - *"as per the minimum requirements of a Bedfordshire Police Crime Prevention Officer"*, was deleted from the first sentence;
- Conditions 2 & 3 - No change;
- Condition 4 - Was deleted in its entirety)

(Note: The meeting ended at 10.50 a.m.)