

**COMMITTEE: LICENSING PANEL**

**DATE: 26<sup>TH</sup> NOVEMBER 2013**

**SUBJECT: APPLICATION FOR VARIATION OF PREMISES LICENCE -  
SAMMYS STEAK & KEBAB HOUSE, 56 WELLINGTON  
STREET**

**REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES**

**CONTACT OFFICER: TONY IRELAND**

**TEL: 546040**

**IMPLICATIONS:**

**LEGAL** ☐

**COMMUNITY** ☐

**SAFETY**

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**WARDS AFFECTED: SOUTH**

**PURPOSE**

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Isa Ozkan, for the variation of a Premises Licence in respect of Sammys Steak & Kebab House, 56 Wellington Street, Luton.

**RECOMMENDATION**

2. That the Licensing Panel determine the application of Isa Ozkan for the variation of a Premises Licence in respect of Sammys Steak & Kebab House, 56 Wellington Street Luton.

**BACKGROUND**

3. An application was received on 2<sup>nd</sup> October 2013 for the variation of the Premises Licence that will allow supply of alcohol to take place.
4. The Applicant states that the premises is a late night take away premises. A map showing the location of this Premises, along with an aerial image, and a plan of the premises submitted by the applicant, is attached at Appendix A (page 6/8).

5. Details of the licensable activities currently available together with details of the licensable activities requested are set out as follows:

Licensable Activity	Currently permitted	Applied for	Licensable Activity	Currently permitted	Applied for
<u>Regulated entertainment</u>			<u>Provision of facilities for entertainment</u>		
Plays			Provision of entertainment facilities for making music		
Films			Provision of entertainment facilities for dancing		
Indoor Sports Events			Provision of entertainment facilities for entertainment of a similar description to making music or dancing		
Boxing or Wrestling Entertainment			<u>Late night refreshment</u>		
Live Music			Provision of late night refreshment	✓	
Recorded Music			<u>Supply of alcohol</u>		
Performances of Dance			Supply of alcohol for consumption <i>on the premises</i>		✓
Anything of a similar description to live or recorded music or dance					

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 <sup>1</sup> , recorded music <sup>2</sup> , or entertainment of a similar nature <sup>3</sup>	Provision of facilities for making music <sup>4</sup> , dancing <sup>5</sup> , or entertainment of a similar nature	Plays, Films <sup>6</sup> , Performances of dance <sup>7</sup> , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	16.00 -06.00	N/A	N/A	N/A	N/A	23.00-05.00
Friday – Saturday	16.00 -06.00	N/A	N/A	N/A	N/A	23.00-05.00
Sunday	16.00 -06.00	N/A	N/A	N/A	N/A	23.00-05.00

Details of the times requested in the application for variation are as follows:

DAYS	Times requested in application					
	Times premises will open to public	Supply of alcohol	Live music <sup>1</sup> , recorded music <sup>2</sup> , or entertainment of a similar nature <sup>3</sup>	Provision of facilities for making music <sup>4</sup> , dancing <sup>5</sup> , or entertainment of a similar nature	Plays, Films <sup>6</sup> , Performances of dance <sup>7</sup> , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	16.00-04.00	17.00-04.00	N/A	N/A	N/A	N/A
Friday – Saturday	16.00-06.00	17.00-06.00	N/A	N/A	N/A	N/A
Sunday	16.00-06.00	17.00-06.00	N/A	N/A	N/A	N/A

- <sup>1</sup> Live acoustic and amplified music, and amplified voice.
- <sup>2</sup> Including jukebox and karaoke, with or without DJ, during normal business and including audience participation.
- <sup>3</sup> Comperes for quiz and similar events, comedians and similar performance, in any case using amplified voice.
- <sup>4</sup> A stage area with lighting, microphone and amplifiers, and similar equipment.
- <sup>5</sup> Hard floored area which can be used for dancing by customers and performers.
- <sup>6</sup> Video entertainment on TV screens and amusement machines.
- <sup>7</sup> 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:

**None**

10. The latest date for representations to be received was the 30<sup>th</sup> October 2013

### **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. These are as follows:

#### General

None

#### The Prevention of Crime and Disorder

Street CCTV

#### Public Safety

SIA Condition current licence

#### The Prevention of Public Nuisance

Noisy Customer would be asked to leave, intoxicated person would not be sold alcohol.

#### The Protection of Children from Harm

ID would be asked for if we think they are under age photo ID only

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 6/9 – 6/20).

### **RESPONSIBLE AUTHORITIES**

12. Representations have been received from 2 responsible authorities and are detailed as follows:

#### Police

A copy of the representation is attached to Appendix C (page 6/21)

#### Licensing

A copy of the representation is attached to Appendix C (pages 6/22 – 6/23)

### **INTERESTED PARTIES**

13. Representations have been received from the following interested party; their representation is attached at Appendix D (page 6/24) and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Nick Blackmore	Flame, 58 Wellington Street	Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance Protection of Children from Harm

### **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.

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

Section 7 (Prevention of Crime & Disorder)  
Section 8 (Public Safety)  
Section 9 (Prevention of Public Nuisance)

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

## **APPENDICES**

19. The following Appendices are attached to this report:-

Appendix A: Maps and plans showing location of the premises  
(page 6/8)

Appendix B: Application form including the operating schedule  
(pages 6/9 – 6/20)

Appendix C: Representations from Responsible Authorities  
(pages 6/21- 6/23)

Appendix D: Representation Forms from Interested Parties  
(page 6/24)

## **LIST OF BACKGROUND PAPERS** **LICENSING ACT 2003**

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