

LICENSING PANEL (5)

12th JULY 2010 at 10.00 a.m.

PRESENT: Councillors Campbell, R. Davies and Rivers

OFFICERS: C. Tobin - Clerk to the Panel (Solicitor)
A. Bacon - Licensing Manager's Representative
M. Robinson - Democracy and Scrutiny Officer

50 ELECTION OF CHAIR

Resolved: That Councillor R. Davies be elected Chair of Panel No. 5.

51 MINUTES (REFS: 2.1 & 2.2)

Resolved: That the Minutes of the meetings of the Panel held on 25th January and 14th June 2011 be taken as read, approved as correct records and signed by the Chair.

52 VARIATION OF PREMISES LICENCE – TRUE TASTE OF JAMROCK, 2 LIVERPOOL ROAD, LUTON (REF: 6)

PRESENT:

APPLICANT: Not present

OBJECTORS: I. Malec (Interested Party)
S. Farmer – LBC Environment Protection
(Representative of Responsible Authority)
C. Jaggard – LBC Environment Protection

The Panel were advised that the Applicant was absent and had not informed officers that he would be unable to attend. At the request of the Panel, the Licensing Manager's Representative attempted to contact the Applicant but was unable to make contact.

The Clerk to the Panel advised that if the meeting was adjourned, it might not be possible to determine this matter within the required timescale. The Panel, having considered the competing interests of the applicant and all other parties, therefore determined to continue with consideration of the application.

The Chair introduced the Members of the Panel to those parties present.

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 Anthony Bufano for the grant of a Premises Licence in

respect of True Taste of Jamrock, 2 Liverpool Road, Luton to extend the permitted hours for licensable activities and the type of licensable activities that may be carried out at the premises.

The Licensing Manager's Representative reported that three representations objecting to the variation of the Licence had been received from interested parties and one from the Council's Environmental Protection Department, a Responsible Authority.

The Panel were also advised that the police, as a Responsible Authority, had made a representation that had arrived too late to be considered.

The Panel questioned the interested party and the representative of the Responsible Authority and they responded in compliance with the approved Procedure.

The Panel were advised that a number of events had taken place on the premises under Temporary Event Notices (TENs). These events had caused serious noise nuisance to local residents. The Panel were further advised that the building could not be adequately soundproofed because of its age, construction and the proximity of neighbouring residents.

The Panel were also advised of incidents of crime and disorder.

Resolved: That consideration of this matter take place following consideration of the passing of a resolution to exclude the public and press from the meeting.

53 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. 52/10 above.

54 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)

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

55 VARIATION OF PREMISES LICENCE – TRUE TASTE OF JAMROCK, 2 LIVERPOOL ROAD, LUTON (REF: 6)

The Panel had carefully considered the papers before it including the oral and written representations made by the representative of the Responsible Authority and the interested party. The Panel had regard to the licensing objectives set out in the Licensing Act 2003.

Resolved: That the application received from Anthony Bufano for the grant of a Premises Licence in respect of True Taste of Jamrock, 2 Liverpool Road, Luton to extend the permitted hours for licensable activities be **REFUSED** on the grounds of:

- Prevention of Public Nuisance in that the Panel were of the opinion that because of the age and construction of the building and the proximity of neighbouring occupiers it would not be possible to adequately attenuate internally generated noise, which would cause serious nuisance to local residents.
- Prevention of Crime and Disorder in that the Panel had been presented with sufficient evidence that the premises had been associated with incidents of crime and disorder in the past and were of the opinion that extending the hours of operation would increase the likelihood of further such incidents.

(Note: The meeting ended at 11.00 a.m.)