

LICENSING PANEL (129)

4th April 2007 at 10.00a.m.

PRESENT: Councillors Hinkley, Pedersen and Roden

OFFICERS: J. Newman - Clerk to the Panel (Solicitor)

T. Ireland - Licensing Manager

W. Johnson - Committee Administrator

34 ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Hinkley be elected Chair of Panel No. 129.

35 MINUTES (REF: 3.1)

Resolved: That the minutes of the Panel meeting held on 21st March, 2007 be taken as read, approved as a correct record and signed by the Chair.

36 APPLICATION FOR VARIATION OF PREMISES LICENCE – BLUE NOTE CLUB STRIDE FITNESS CENTRE, WIGMORE LANE, LUTON (REF: 8.1)

PRESENT:

APPLICANT: Alastair Massie (Designated Premises Supervisor) (and TUI UK Limited) represented by Ian McLoone and Chris Brazier (Taylor Walton Solicitors).

OBJECTORS: D. Adams
J. Fountain
J. Frith
V. Litchfield

RESPONSIBLE AUTHORITIES: S. Farmer – Environmental Protection Officer
A. Burke – Environmental Protection Officer (Luton Borough Council)

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

The Licensing Manager's Representative reported on an application by Alastair Massie & TUI UK Limited, for the Variation of a Premises Licence in respect of Blue Note Club Stride Fitness Centre, Wigmore Lane, Luton for:

- (i) the change of name from Blue Note Club Stride Fitness Centre to Strides Café Bar and Club Blue Note and,

- (ii) permission for structural alterations to take place within the premises

with no changes to any licensable activities or trading hours.

The Licensing Manager reported on a 62 signature Petition and a separate letter objecting to the Variation of the Licence that had been received from interested parties, and he further reported on an objection from a responsible authority (Environmental Health) that had been received.

The Panel questioned all parties and all parties raised questions and responded to each other in compliance with the approved Procedure.

Those Objectors present expressed concern that under Section 9 (Prevention of Public Nuisance) of the Council's Licensing Policy, significant disruption was being caused to local residents with regard to noise disturbance from the premises on an ongoing basis and, additionally, referred to two specific incidents (one in December 2006 and one in February 2007), which had caused significant disturbance.

The Applicant responded that noise monitoring was continuous and noise meters were installed at the premises. With regard to the two specific events referred to above, he advised that these specific events had taken place under Temporary Events Notices in areas of the premises not usually used for events. He acknowledged that these areas were not soundproofed and undertook that they would not be used again until the appropriate soundproofing had taken place. He stressed that it was the Club's express wish to work with both local residents and responsible authorities to come to an arrangement that was agreeable to all parties.

The Environmental Protection Officers present outlined their concerns regarding proven complaints from local residents in respect of noise pollution from the premises. They further advised that given the level of concern, should the Panel be minded to grant the application for variation of the premises licence, Environmental Protection would wish to see the imposition of several conditions to protect the amenities of local residents (see Minute 39 below).

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.

37 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 9)

Resolved: That under Section 100A(4) of the Local Government Act 1972, 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 referred to at Minute 36/07 above, as there would be disclosure to them of exempt information falling within Paragraph 3 of Schedule 12A of the Act.

38 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 9)

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

39 APPLICATION FOR VARIATION OF PREMISES LICENCE – BLUE NOTE CLUB STRIDE FITNESS CENTRE, WIGMORE LANE, LUTON (REF: 8.1)

The Panel having carefully considered the papers before it including the written representations made by and on behalf of the Objectors, and the oral representations made by the Objectors who were present, the representative of the Council's Environmental Protection Team, and by the Applicant and on behalf of the Applicant and having had regard to the Council's Statement of Licensing Policy, in particular Section 7 "Prevention of Crime and Disorder", Section 8 "Public Safety", Section 9 "Prevention of Public Nuisance", Section 10 "Protection of Children from Harm" and Section 16 "Application Process".
and had:

Resolved: That the application by Alastair Massie and TUI UK Limited for the Variation of Premises Licence with regard to:-

- (i) the change of name from Blue Note Club Stride Fitness Centre to Strides Café Bar and Club Blue Note and,
- (ii) permission for structural alterations to take place within the premises in respect of Blue Note Club Stride Fitness Centre, Wigmore Lane, Luton be **GRANTED** as sought with immediate effect, subject to compliance with the following conditions:
 - (01) All doors and windows shall be kept closed during periods of regulated entertainment (save for access and egress);
 - (02) Noise emanating from the premises shall be inaudible at the boundary of all noise sensitive properties; and
 - (03) The Applicant should within 14 days provide an acoustic report to demonstrate that when regulated entertainment takes place noise emanating from the premises shall be inaudible at the boundary of all noise sensitive properties as required by the foregoing Condition and that if any works are required to achieve this then full details shall be submitted to the Council's Environmental Protection Team for written approval and shall be carried out to the satisfaction of the Council's Environmental Protection Team within such time as shall be agreed;
notwithstanding that representations had been received relating to complaints concerning fear of a rise in crime and antisocial behaviour, fear for personal safety, an increased

risk of reckless and dink driving and intimidation by gangs, excessive noise caused by excessive loud levels of music and people leaving the premises and disturbance to children's sleep.

The Panel considered that the above Conditions were necessary to promote the Prevention of Public Nuisance and to address this issue and to protect the amenity of residents in the immediate area. The Panel also accepted the Applicant's Undertaking that he would not use the room or rooms within the overall premises which had been the subject of the noise complaints on 26 December 2006 and 17 February 2007 (known as Studio 1) until works had been carried out therein such that noise emanating therefrom should be inaudible at the boundary of all noise sensitive properties.

(Note: The meeting ended at 11.30 a.m.)