

LICENSING PANEL (440)

15TH JANUARY 2016 at 10.00 a.m.

PRESENT: COUNCILLORS: KEENS, MOLES AND RIVERS

OFFICERS: Julia Miller, Licensing Manager's Representative (Item 6 only)
Lisa Wright, Licensing Manager's Representative (Item 7 only)
Hannah Green, Licensing Manager's Representative (Item 9 only)
Eunice Lewis - Democracy & Scrutiny Officer
Clive Tobin - Solicitor, Clerk to the Panel

01. ELECTION OF CHAIR (REF: 1)

Resolved: That Cllr. Rivers be elected Chair of Licensing Panel No. 440.

02. MINUTES (REFS: 2.1&2.2)

Resolved: That the minutes from the Licensing Panel meetings Items 2.1, from the meeting of 14th December 2015 and 2.2, from the meeting of 22nd December 2015 be submitted at a future meeting of Licensing Panel.

03. APPLICATION FOR GRANT OF PREMISES LICENCE – ALDI STORES LIMITED, SCOTT ROAD, LUTON, LU3 3BF (REF: 6)

PRESENT:

APPLICANT: ALDI STORES

APPLICANT'S
REPRESENTATIVE: N/A

PERSON MAKING
REPRESENTATIONS: N/A

The Licensing Manager's representative, Julia Miller, reported on an application received from Aldi Stores in respect of Aldi Stores Limited, Scott Road, Luton, LU3 3BF for the grant of a Premises Licence that will allow supply of alcohol for consumption off the premise to take place.

The Licensing Officer explained that the Applicant has accepted and agreed all suggested conditions by the Police.

There were no representatives present at the meeting.

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 a brief discussion, 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.

04. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 6)

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 in Minute No. 03/16.

05. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)

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

06. APPLICATION FOR GRANT OF PREMISES LICENCE – ALDI STORES LIMITED, SCOTT ROAD, LUTON, LU3 3BF (REF: 6)

The Panel were of the view that the content of the Police representation was relevant to the licensing objectives and indicated areas in which the application might have been deficient.

The Panel further considered that the conditions proposed by the Police were sufficient to mitigate any harm which might be caused by such deficiencies and that these were already accepted by the Applicant. Accordingly, the Panel determined that it was appropriate to grant the Licence in accordance with the application, supplemented by those conditions.

Resolved: That, having considered the papers before it and the written representations made by the Applicant and the Police, and having regard to the licensing objectives set out in the Licensing Act 2003 ('the Act'), the Council's Statement of Licensing Policy, the Guidance issued under the Act and the acceptance of the amended Police Conditions by the Applicant prior to the hearing, the Panel decided that the application be **GRANTED**, accordance with the application, supplemented by the Police conditions and subject to the licensable hours of 0700 hours to 2300 hours Monday to Sunday, and subject to the premises licence commencing on 1 March 2016 as requested in the application.

07. APPLICATION FOR VARIATION OF PREMISES LICENCE – RIDDY LANE STORES, 1B RIDDY LANE, LUTON (REF: 7)

PRESENT:

APPLICANT: Aftab Azad Ali Shah

REPRESENTATIVE: Frank Fender

All parties present introduced themselves.

The Clerk to the Panel explained that there was no one present at the meeting to make representations so there will be no questions from any person who had made a representation. He further explained the procedure at oral hearings before the Council's Licensing Panel to those parties present.

The Licensing Manager's representative, Lisa Wright, reported on an application received from Mr Aftab Azad Ali Shah for the variation of a Premises Licence in respect of Riddy Lane Stores 1B Riddy Lane that will allow the extension of existing hours for supply of alcohol.

She further reported on additional steps the applicant had included in the operating schedule in the application to promote the licensing objectives.

She explained that there was a representation from the Police objecting to the application due to concerns relating to crime and disorder and public nuisance. The application was reviewed and the Police are now satisfied with the application.

The Applicant's Representative Mr. Frank Fender explained the reasons for this application to vary the hours of operation to 24 hours with the sale of alcohol. He made further representations on behalf of the Applicant drawing the attention to the following;

- The hours of operation in the application have now been amended to 6.00hours to 12midnight to allow the sale of alcohol as opposed to 24 hours a day.
- The amended hours now addressed the issues raised by the Police hence they have now withdrawn their objection to the application for variation.
- There is no evidence to substantiate the suggestion of anti-social behaviour allegedly linked to the premises.
- The Applicant is resident in the area and has a good relationship with neighbours.

The Panel questioned Mr Aftab Azad Ali Shah and his Representative, Mr. Fender and both responded in compliance with the approved procedure.

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 discussions, 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.

08. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)

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: 7) as referred to in Minute No. 07/16.

09. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)

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

10. APPLICATION FOR VARIATION OF PREMISES LICENCE – RIDDY LANE STORES, 1B RIDDY LANE, LUTON (REF: 7)

Resolved: (i) That, having considered the papers before it and the oral representations made by Mr Fender, the Applicant's representative, together with the written and oral representations submitted by the interested parties including Councillor Garrett, the withdrawal of the Police objection and having regard to the licensing objectives set out in the Licensing Act 2003 ('the Act'), the Council's Statement of Licensing Policy and the Guidance issued under the Act, that the Licence be **GRANTED** in accordance with the content of the operating schedule in the application.

(ii) Where this conflicts with the existing conditions in the Premises Licence the conditions from the variation application will be added in place of those previous conditions.

(iii) The Panel also considered the concession which Mr. Fender made at the hearing, in relation to the opening hours of the premises and the Applicant's intention to change these from 24 hours per day to 6.00am to 12 midnight, that the application for the variation to the Premises Licence be **GRANTED** in accordance with the licensable hours of 6.00am to 12 midnight, Monday to Sunday.

**11. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)
(APPLICATION FOR GRANT OF PERSONAL LICENCE – MR S.R. (REF: 9))**

The Clerk to the Panel explained the test which needs to be satisfied, namely that it is in the public interest to hear this matter in private. The Applicant agreed that his friend, Mr. A. K. was attending the hearing on his invitation and has his approval. He stated that his friend should be allowed to remain in the room during the hearing.

Resolved: That under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the next part of the meeting as the Panel considers that the public interest in doing so outweighs that part of the hearing taking place in public.

12 APPLICATION FOR GRANT OF PERSONAL LICENCE – MR M.S.R. (REF: 9)

PRESENT:

APPLICANT: M. S. R

APPLICANT, S
FRIEND A.K

INTERPRETER: A. H

RESPONSIBLE: Bedfordshire Police - PCS850 READ
AUTHORITY
OBJECTING

13 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)

Resolved: That the Mr. A. Khan and Mr. Abdul Hamid be no longer excluded from the meeting.

(Note: Other members of the public and the press continued to be excluded from the meeting by virtue of Minute 11)

Resolved: That the application by Mr M.S.R. for grant of a Personal Licence be **REFUSED** for the purpose of prevention of crime as the applicant was considered not to be a fit and proper person for the following reasons:

- (i) The nature of the Applicant's conviction which was a violent offence of battery against his wife;
- (ii) The relatively short period of time which has passed since your conviction, the fact that the Applicant was still under the Court's suspended sentence and subject to supervision;
- (iii) The seriousness with which the Court viewed the offence which can be demonstrated by the fact that a custodial sentence was imposed rather than a lesser sentence; and
- (iv) The difficulties which the Applicant himself explained to the Panel regarding communicating in the English language.

(Note: The meeting ended at 12.50pm)