

COMMITTEE: LICENSING PANEL

DATE: 21st AUGUST 2012

**SUBJECT: APPLICATION FOR GRANT OF PREMISES LICENCE
DALLOW FOOD CENTRE, 489-491 DALLOW ROAD, LUTON**

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

CONTACT OFFICER: TONY IRELAND

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IMPLICATIONS:

LEGAL	<input type="checkbox"/>	COMMUNITY SAFETY	<input type="checkbox"/>
EQUALITIES	<input type="checkbox"/>	ENVIRONMENT	<input type="checkbox"/>
FINANCIAL	<input type="checkbox"/>	OTHER	<input type="checkbox"/>
STAFFING	<input type="checkbox"/>		

WARDS AFFECTED: DALLOW

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Ferman Aksu of Dallow Food Centre, 489-491 Dallow Road, Luton, LU1 1UN for the grant of a Premises Licence.

RECOMMENDATION

2. That the Licensing Panel determine the application of Ferman Aksu for the grant of a Premises Licence in respect of Dallow Food Centre, 489-491 Dallow Road, Luton, LU1 1UN.

BACKGROUND

3. An application was received on 28th June 2012 for the grant of a Premises Licence that will allow supply of alcohol for consumption off the premises to take place.
4. The Applicant states that the premises is a Convenience Store.

5. Details of the licensable activities requested are set out as follows:

Licensable Activity	Applied for	Licensable Activity	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 off the premises	✓
Anything of a similar description to live or recorded music or dance			

DAYS	Times requested					
	Times premises will open to public	Supply of alcohol	Live music ¹ , recorded music ² , or entertainment of a similar nature ³	Provision of facilities for making music ⁴ , dancing ⁵ , or entertainment of a similar nature	Plays, Films ⁶ , Performances of dance ⁷ , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	06:00 to 22:30	08:30 to 22:00	N/A	N/A	N/A	N/A
Friday – Saturday	06:00 to 23:00	08:30 to 23:00	N/A	N/A	N/A	N/A
Sunday	06:00 to 22:30	08:30 to 22:00	N/A	N/A	N/A	N/A
<u>Non-standard hours</u>						
Christmas Eve 24 December	06:00 to 01:30 (the following day)	08:30 to 01:00 (the following day)	N/A	N/A	N/A	N/A
New Year's Eve 31 December	06:00 to 01:30 (the following day)	08:30 to 01:00 (the following day)	N/A	N/A	N/A	N/A

¹ Live acoustic and amplified music, and amplified voice.

² Including jukebox and karaoke, with or without DJ, during normal business and including audience participation.

³ Comperes for quiz and similar events, comedians and similar performance, in any case using amplified voice.

⁴ A stage area with lighting, microphone and amplifiers, and similar equipment.

- ⁵ Hard floored area which can be used for dancing by customers and performers.
- ⁶ Video entertainment on TV screens and amusement machines.
- ⁷ 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 latest date for representations to be received was the 26th July 2012

PROMOTION OF LICENSING OBJECTIVES

10. 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

The business policy outlines how the Licensing Objectives will be met.

The Prevention of Crime and Disorder

The premises will be protected by a comprehensive CCTV system (see plans for locations) full training will be provided to staff on the use of the system, in particular providing disclosure to the police. The premises will also be protected by a wired alarm system with a panic button.

Public Safety

The premises will have all the required health and safety certificates issued by the relevant authorities. The DPS holds a valid SIA licence which means she has enhanced competencies in relation to handling difficult situations such as drunk/troublesome customers.

The Prevention of Public Nuisance

All matters of nuisance or unsociable behaviour will be reported to the DPS immediately and if need be, to the police.

The Protection of Children from Harm

Strict age checks will be adopted using the national challenge 25 policy. DPS will be on guard against anyone she suspects is buying alcohol for a minor.

Please find attached a very detailed set of guidance for the sale of alcohol and general compliance with the law which will be adopted as a formal business policy. The business policy outlines how the licensing objectives will be met.

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 6/11-6/26).

RESPONSIBLE AUTHORITIES

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

Police

None

Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

12. Representations have been received from the following interested parties, their representations are attached at Appendix C (pages 6/27-6/30) and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Mohammed F Khan	39 Warren Road, Luton, LU1 1UE	Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance
B	██████████	██████████	Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance
C	Mrs Margaret Best	239 Runley Road, Luton, LU1 1TY	Prevention of Crime & Disorder Public Safety

Ref. letter	Name	Address	Relevance to which licensing objective
			Prevention of Public Nuisance
D			Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance

13. Where requested by the interested party, names and house numbers have been omitted from this report, but have been made available to the Licensing Sub-Committee and to the applicants.

POLICY CONSIDERATIONS

14. The following provisions of the Licensing Act 2003 apply to this application:
- Section 17 (application for 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
- (26) Insert/delete relevant paragraphs
 Section 7 (Prevention of Crime & Disorder)
 Section 8 (Public Safety)
 Section 9 (Prevention of Public Nuisance)
 Section 10 (Protection of Children from Harm)
 Section 16 (Application Process)

APPENDICES

The following Appendices are attached to this report:-

Appendix A: Maps and plans showing location of the premises
(pages 6/9-6/10)

Appendix B: Application form including the operating schedule
(pages 6/11-6/26).

Appendix C: Representation Forms from Interested Parties
(pages 6/27-6/30).

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

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