

COMMITTEE: LICENSING PANEL

DATE: 12th JULY 2011

**SUBJECT: APPLICATION FOR VARIATION OF PREMISES LICENCE –
TRUE TASTE OF JAMROCK, 2 LIVERPOOL ROAD LUTON**

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

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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 Anthony Bufano, for the variation of a Premises Licence in respect of True Taste of Jamrock, 2 Liverpool Road Luton

RECOMMENDATION

2. That the Licensing Panel determine the application of Antonio Bufano for the variation of a Premises Licence in respect of True Taste of Jamrock, 2 Liverpool Road Luton.

BACKGROUND

3. An application was received on 13th May 2011 for the variation of the Premises Licence that will allow regulated entertainment, supply of alcohol, late night refreshment to take place.
4. The Applicant states that the premises is restaurant/café, located on Liverpool Road in the South Ward. 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 (pages 6/11-6/12).

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 both on and off the premises	✓ (On only)	✓
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 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	07.30 to 10.00 & 12.00 to 14.30 & 18.30 to 23.00	10.00 to 24.00				
Friday – Saturday	07.30 to 10.00 & 12.00 to 14.30 & 18.30 to 23.00	10.00 to 24.00				
Sunday	08.00 to 10.00	12.00 to 23.00				
<u>Non-standard hours</u>						
Good Friday		12.00 to 23.30				

DAYS	Times currently authorised by licence					
	Times premises will open to public	Supply of alcohol	Live music¹, recorded music², or entertainment of a similar nature³	Provision of facilities for making music⁴, dancing⁵, or entertainment of a similar nature	Plays, Films⁶, Performances of dance⁷, Boxing & Wrestling	Late night refreshment
Christmas Day 25 December		12.00 to 23.30				
New Year's Eve 31 December		10.00 to 24.00 (except on a Sunday) 12.00 to 23.30 (if on a Sunday)				

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 music¹, recorded music²	Provision of facilities for making music⁴, dancing⁵, or entertainment of a similar nature	Films⁶,	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	07.30-05.00	11.00 -05.00	10.00 – 05.00	N/A	07.30 -05.00	23.00 – 05.00

DAYS	Times requested in application					
	Times premises will open to public	Supply of alcohol	Live music¹, recorded music²	Provision of facilities for making music⁴, dancing⁵, or entertainment of a similar nature	Films⁶,	Late night refreshment
Friday – Saturday	07.30-05.00	11.00 -05.00	10.00 – 05.00	N/A	07.30 -05.00	23.00 – 05.00
Sunday	07.30-05.00	11.00 -05.00	10.00 – 05.00	N/A	09.30 -05.00	23.00 – 05.00

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 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 10th June 2011

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

We will work closely with the local Police. Informing them of any misuse of alcohol/drugs and/or inappropriate behaviour.

Public Safety

For public safety we will have a licence door personal on the premises when the shop gets very busy. Also clearly visible signs will be on display about the dangers of drink driving. We will also remain vigilant of those wishing to misuse drugs on the premises. Crowd level will be kept to the premises intended capacity. The shop is already equipped with CCTV

The Prevention of Public Nuisance

To prevent nuisance my staff and I will always be looking out for potential problem customers and they will be dealt with accordingly. All customers will be asked to stay inside the premises, unless they were using our designated smoking area. Music levels will be kept to a minimum

The Protection of Children from Harm

Children won't be allowed on the premises without an adult after a certain time. Children will not be allowed to purchase any alcoholic drink/beverages at anytime

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 6/13-6/24).

RESPONSIBLE AUTHORITIES

12. 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

A representation has been received by the Environmental Health Protection Officer and is attached at Appendix C (pages 6/25-6/28)

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

13. Representations have been received from the following interested parties, their representations are attached at Appendix D

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Miss Azra Jan o.b.o. Mr R Khan	27 Liverpool Road	Prevention of Crime & Disorder Prevention of Public Nuisance
B	Ms R Begum	33A Liverpool Road	Prevention of Crime & Disorder
<u>Local business(es)</u>			
C	Iwona Malec	2A Liverpool Road	Prevention of Crime & Disorder Prevention of Public Nuisance

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 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

The following Appendices are attached to this report:

Appendix A: Maps and plans showing location of the premises
(pages 6/11-6/12)

Appendix B: Application form including the operating schedule
(page 6/13-6/24).

Appendix C: Representations from Responsible Authorities
(pages 6/25-6/28).

Appendix D: Representations from Interested Parties (pages 6/29-6/33).

Appendix E: Copy of current Premises Licence (pages 6/34-6/42).

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

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