

LICENSING PANEL (348)

28TH SEPTEMBER 2017 AT 10.00 A.M.

PRESENT: COUNCILLORS: HUSSAIN, PETTS AND RIVERS

OFFICERS: Amy Bacon – Senior Licencing Officer
Matt Hussey - Democracy & Scrutiny Officer
Saffron Long – Licensing Officer
Samantha McKeeman– Senior Solicitor, Clerk to the Panel

77. ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Hussain be elected Chair of Panel No. 348.

78. LOCAL GOVERNMENT ACT 1972, PART VA

The Clerk to the Panel advised that in view of the fact that information relating to any individual or likely to reveal the identity of an individual and / or relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime, the Panel should consider taking the report in private on the grounds specified in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 and exclude the public from the hearing.

The Panel briefly discussed the advice and decided to conduct the hearing in private.

Resolved: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of Item 4 as it was likely that if members of the public were present during the item, there would be disclosure to them of exempt information specified in Paragraphs 1, 2 and 7 of Schedule 12A to the Local Government Act 1972.

**79 APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENSE -
KABANAS BAR AND RESTAURANT, WESTSIDE CENTRE, DUNSTABLE
ROAD, LUTON (REF: 5)**

PRESENT
APPLICANT: Not present

APPLICANT'S
REPRESENTATIVES: Not present

LICENSEE: Not Present

PERSON MAKING

REPRESENTATIONS: Not present

The Clerk to the Panel explained that for an expedited review hearing, the premises licence holder was not required to be given the opportunity to be present and had not been invited. She added that the premises licence holder would have an opportunity to make representations in response to the Panel's decision on any interim steps, which would need to be heard within 48 hours from the time of submitting the representations to the Licensing Service. In any case, the premises licence holder would be invited to the full hearing, to be heard within 28 days from the date of the expedited review application.

She went on to advise, that the Panel should otherwise follow the procedure for oral hearings before the Council's Licensing Panel, which he summarised to those present.

The Licensing Manager's representative, Saffron Long reported on an application from PC Leanne Kirsop of Bedfordshire Police for an expedited review of the premises licence in respect of Kabanass Bar and Restaurant, Westside Centre, Dunstable Road, Luton, under section 53a (1)(b) of the Licensing Act 2003. The application set out two incidents in 24th September 2017.

She further reported that after informing the licence holder of the issues and the review application, he responded by letter, a copy of which was tabled and the contents summarised orally.

80. LOCAL GOVERNMENT ACT 1972, PART VA

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The Panel briefly discussed the advice and decided to conduct the hearing in private.

Resolved: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of Item 4 as it was likely that if members of the public were present during the item, there would be disclosure to them of exempt information specified in Paragraphs 1, 2 and 7 of Schedule 12A to the Local Government Act 1972.

81. APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENSE - KABANASS BAR AND RESTAURANT, WESTSIDE CENTRE, DUNSTABLE ROAD, LUTON (REF: 5)

The Panel retired to make its decision and determined the following:

- (1) On the limited information provided by the Police, without further supporting evidence, the Panel could not be satisfied that the serious crime on the underage customer inside the premises occurred as outlined in the application.

- (2) On the limited information provided by the Police, without further supporting evidence, the Panel could not be satisfied the serious disorder/serious crime which took place outside the premises was attributable to the premises.
- (3) The Panel were not provided with any details of the 17 other incidents alleged and were concerned that none of these incidents had been reported to LBC Licensing Department previously.
- (4) The Panel were satisfied that there was an underage customer in the premises, and were concerned by the representations in the letter that you only asked all customers who appeared under 18 years for identification.
- (5) The Panel considered the application and determined there were not grounds to suspend the premises licence or remove the DPS.
- (6) The Panel however considered it appropriate to add a 'challenge 25' condition to the licence. The Challenge 25 Policy to be enforced at the premises and all staff to be trained accordingly, only photographic ID to be requested such as driving licence or passport.

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

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

83. APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENSE - KABANAS BAR AND RESTAURANT, WESTSIDE CENTRE, DUNSTABLE ROAD, LUTON (REF: 5)

Resolved: (i) That, the Panel having carefully considered the papers before it, including a letter from the licence holder, Mr Ugborokeye (tabled at the hearing), accordingly the Panel decided that the premises licence for Kabanass Bar and Restaurant, West Side Centre, Dunstable Road, Luton be **ALLOWED TO CONTINUE**, pending the full review of the premises licence by the Licensing Panel at 10.00 am 20th October 2017.

(ii) The limited information provided by the Police, without further supporting evidence, the Panel could not be satisfied that the serious crime on the underage customer inside the premises occurred as outlined in the application.

(iii) That a 'challenge 25' condition be added to the licence. The Challenge 25 Policy to be enforced at the premises and all staff to be trained accordingly, only photographic ID to be requested such as driving licence or passport.

(Note: The meeting ended at 10.45 am)