

**LICENSING PANEL (357)****26 November 2018 at 10.00 am****PRESENT:** COUNCILLORS: Hussain, Keens and Lewis

<b>OFFICERS:</b>	Brenden Delaney	- Solicitor, Clerk to the Panel
	Andrew Dobbin	- Trainee Democracy & Scrutiny Officer
	Sonia Rafferty	- Licensing Officer (Item 7)
	Bert Siong	- Democracy & Scrutiny Officer
	Sarah Vippond	- Licensing Officer (Item 5)

**71. ELECTION OF CHAIR (REF: 1)****Resolved:** That Councillor Hussain be elected Chair of Panel No.357.

(Note: All parties present introduced themselves)

**72. MINUTES (REF: 2.1)****Resolved:** (i) That the minutes of the Licensing Panel meeting held on 13 November 2018, be agreed as a true records and the Chair be authorised to sign them.

(ii) That consideration of the minutes of the Licensing Panel meeting held on 14 November 2018 be postponed to a future Licensing Panel Meeting.

**73. APPLICATION FOR GRANT OF PREMISES LICENCE, VAULT LOUNGE, 19-21 HIGH TOWN ROAD, LUTON (REF: 5)****PRESENT****APPLICANT:** Eyitouyo Ejuetami**APPLICANT'S REPRESENTATIVES:** Rachel Omayemi Ejuetami (Applicant's sister)**INTERESTED PARTIES:** Aaron Wiltshire (Principal Licensing Officer – Luton Licensing Service)

Bridget Helen Bloomfield (Resident)

The Clerk to the Panel explained the procedure at oral hearings before the Council's Licensing Panel.

The Licensing Officer reported on an application received from the Vault Lounge – Taste of Africa, 19-21 High Town Road, Luton, a restaurant/ bar for the grant of a Premises Licence that will allow the supply of alcohol for consumption on the premises and the supply of late night refreshment, Monday to Thursday, 10.00 am to

11:00 pm, Friday and Saturday, 10.00 am to 2.00 am the next day, with music and entertainment until 3.00 am and on Sunday, 12.00 noon to 11.00 pm.

She drew the Panel's attention to the steps the applicant stated they would take to promote the licensing objectives, as set out in the report (Ref: 5).

She further reported on representations objecting to the application received from Luton Council Licensing Service, a Responsible Authority, and two nearby interested parties, one a resident and the other, a business owner on the basis of the prevention of crime and disorder, public safety, prevention of public nuisance and prevention of harm to children licensing objectives. She added that one of the two interested parties, Mrs Bloomfield a resident was in attendance.

The Licensing Officer was questioned by the Panel and she responded in compliance with the approved procedure, confirming the licensing hours applied for, as set out above.

There were no questions for the Licensing Officer from any other parties present.

The applicant, Mr Eyitouyo Ejuetami addressed the Panel making representations in support of his application.

He stated that he had been carrying on business in High Town for 3 years without any issues and had a very good relationship with the Licensing Service. As his business had grown, he was looking to move to bigger premises at no. 19-21 High Town Road and increase potential for High Town Road.

He added his business specialised in West African food, with alcohol from Africa and background music provided. He said the business was a restaurant bar and would not operate as a club.

The applicant was questioned by the Panel and responded in compliance with the approved procedure, stating that to limit noise, music would not be played outside the premises. He added he had installed sound proofing in the restaurant, including double front doors to dampen noise and all doors and windows would be kept closed during licensing hours. He said he would welcome any further suggestions to limit noise.

He said his current business was at 88 High Town Road, opposite the Painters Arms.

He further said he had considered the objections from residents about disturbance and pointed out he had not had any problems from the Police. He had contacted the Police and received an e-mail from PC Welch, the Licensing Officer, confirming there had not been any calls to the Police about his premises at 88 High Town Road in relation to any issues or problems. He had not received any complaints from any residents and claimed he had a good relationship with all his neighbours. He said he was also the Chef in charge at the restaurant and was always present.

He added there had not been any representations from the Police or any other responsible authorities in relation to his current application.

There were no questions for the applicant from any of the interested parties.

Mrs Bloomfield addressed the Panel outlining the reasons for her objection to the application. She said she lived in sheltered accommodation less than 100 metres from the premises. Although she could not say what noise would come from the premises, she said she had been affected and complained about noise from the premises under the last occupier. She was concerned about her safety when going out and was affected by people using her parking space and using the area by their back gate as a toilet and discarding needles, drugs and condoms. She also said she had a drunk lying by the gate preventing her from getting out, which was not nice. She had called an ambulance due to her concern about his safety, but he left before the ambulance arrived.

The Principal Licensing Officer addressed the Panel in support of the objection from Luton Council's Licensing Service, a responsible authority. He informed the Panel details of the objection was in the report (Ref: 5). In brief, he said the objection was on the basis that the application was against the Council's Licensing Policy, High Town Road being in the Stress Area 4, which restricted provision of alcohol and late night refreshment to midnight.

The Interested Parties were questioned by the Panel and responded in compliance with the approved procedure.

Mrs Bloomfield confirmed she lived in sheltered housing, close to the premises.

The Principal Licensing Officer stated that being in the matrix of stress area 4 did not automatically exclude applications to sell alcohol after midnight being submitted. Each application should be considered on a case by case basis. The Policy was updated in 2016, now requiring the applicant to show how they would mitigate the problems in the stress area to promote the licensing objectives.

He had no information readily to hand about any premises in the stress area having made a case to sell alcohol after midnight since to 2016.

There were no questions for the interested parties from the applicant.

In summing on behalf of the applicant, Rachel Ejuetami made a number of key points, including the following:

- Along with her brother, the applicant, she was in charge of the business and how it was run;
- The premises were predominantly a restaurant, with alcohol to be sold ancillary to meals;
- Target clients were families with children wishing to have food from home and relax, with a cultural element. She expected people would conduct themselves well in front of children;
- Steps had been taken to promote the licensing objectives, e.g. CCTV to cover the surrounding area, all doors and windows would be kept closed, acoustic doors had been installed to mitigate noise. She would welcome Environmental Health to visit and monitor noise levels;
- She emphasised the premises would be a restaurant and not a club;
- Music on Friday and Saturday nights would be provided by a live band and not amplified;

- SIA security personnel would be employed on Friday and Saturday nights to stop people congregating outside and surrounding areas;
- The restaurant provided 80 seats and no standing places;
- Clients would be requested to use the car park or taxis and signs would be displayed on the premises requesting people to leave quietly;
- As a family business, they wished to stay in High Town Road and work with the local communities and were open to further ideas how to promote the licensing objectives.

The Principal Licensing Officer summed up stating the main reason for the Licensing authority's objection was that the application was contrary to the Licensing Policy.

Mrs Bloomfield summed up stating she was concerned about people parking in the residents bays, about the drugs issues and that more alcohol would mean more trouble. She added it would good if people would leave the premises at midnight instead of 2.00 am or 3.00 am as her partner being disabled, they could not sleep.

Responding to Mrs Bloomfield's summing up, Rachel Ejuetami said that she could not speak about what happened under the previous owner, but they had put in place additional steps to stop disturbances, requesting their clients to use the car park and walk to the premises. She said most of their clients were known to them, as friends or friends of friends and that it was a cultural thing for them to respect their neighbours and would deal with any problems early. She re-iterated the premises would be predominantly a restaurant, with alcohol served as ancillary to meals. People would not be able to walk in to buy alcohol

Rachel Ejuetami also stated that residents' concerns resonated with them and if aware of any issues, they would meet with neighbours to discuss what needed to be done and take on board any constructive suggestions.

Responding a question from the Principal Licensing Officer, the applicant said that if the premises licence application was granted, they would move from 88 High Town Road, which was already on the market.

The Clerk reminded the Panel of their powers and options, as set out in the report (Ref: 5)

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Members considered whether the public interest in retiring to make their decision in private outweighed the public interest in holding their deliberations in public.

Following brief discussion by Members, 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.

#### **74. 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 and all parties to the application, except the Clerk and Administrators be excluded from the meeting during consideration of the decision in relation to the report of the Strategic Regulatory Manager's (Ref: 5) as referred to in Minute No.74 /18.

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

**Resolved:** That, following their deliberations, the public and press and all parties to the application be no longer excluded from the meeting.

**76. APPLICATION FOR GRANT OF PREMISES LICENCE, VAULT LOUNGE, 19-21 HIGH TOWN ROAD, LUTON (REF: 5)**

**Resolved:** That having carefully considered the papers before it, the oral representations made by the Principal Licensing Officer and Mrs Bloomfield, the interested parties, and the Applicant, Mr Eyitouyo Ejuetami and his sister, Ms Rachel Ejuetami and, in addition 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, the Panel decided that the application be **GRANTED**, subject to the following amendments and conditions:

- The licensing hours applied for Friday and Saturday nights be changed so as for all licensing activities to cease at 1.30 am and the premises to close by 2.00 am. The licensing hours for Monday to Thursday and Sunday would remain as applied for;
- All standard conditions offered by the applicant to be included in the licence;
- The CCTV condition be amended to capture the usual standard wording for licensed premise, as follows:
  - *A CCTV system shall be installed in the Premises which will monitor entrances, exits and all other parts of the Premises which are open to the public.*
  - *The CCTV system will be in working order and recording at all times the Premises is open to the public.*
  - *CCTV recordings will be retained for a minimum of 30 days and a copy will be made available to authorised officers immediately on request.*
  - *At all times that the Premises is open to the public at least one member of staff will be available at the Premises who is trained in the use of the CCTV system and able to show an authorised officer recorded footage.*
- *The Premises shall have 2 SIA registered door supervisors on duty on Friday and Saturday nights from 11pm until closing.*

The Panel determined that the applicant had demonstrated he was a responsible premises licence holder and as such, was satisfied that the amendments and conditions imposed would be sufficient to promote the licensing objectives and justify it departing from the Council Licensing Policy.

The Panel reminded the applicant about the review process, should there be a breach of any of the conditions.

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

In view of the fact that Items 7, 8 and 9 involved confidential personal information, the Panel discussed and agreed to consider the application in private and excluded the press and the public from the hearing.

**Resolved:** That the press and the public be excluded from the meeting during consideration of Item 7 below, as the Panel believed that the public interest in so doing outweighed the public interest in the hearing of that item taking place in public, in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005. The reason for this was due to the likelihood of confidential personal information being made public.

**78. APPLICATION FOR VARIATION OF DESIGNATED PREMISES SUPERVISOR, THE WELL, 5 HIGH TOWN ROAD, LUTON (REF: 7)**

**PRESENT**

**APPLICANT:** Absent

**PROPOSED DESIGNATED  
PREMISES SUPERVISOR:** Absent

**INTERESTED PARTIES:** PC Darren Welch (Licensing Officer, Beds Police),

**Resolved:** In the absence of the applicant, consideration of the application on the agenda be adjourned to a date to be arranged to dispose of it.

(Note: See Addendum below)

**79. MINUTES (REF: 8.1)**

**Resolved:** (i) That the private minutes of the Licensing Panel meeting held on 13 November 2018, be agreed as a true records and the Chair be authorised to sign them.

(ii) That consideration of the private minutes of the Licensing Panel meeting held on 14 November 2018 be postponed to a future Licensing Panel Meeting.

**(Note: The meeting ended at 11.10 am)**

**ADDENDUM** (Continuation of Minute 78/18 following virtual disposal)

**Application for Variation of Designated Premises Supervisor, The Well, 5 High Town Road, Luton (REF: 7)**

On 4 December 2018, Sonia Rafferty, the Licensing Officer re-iterated receipt of a new application to vary the Designated Premises Supervisor, at The Well, 5 High Town Road, Luton, which in the absence of any objection from the Police, had been approved under delegated authority. In the light of the successful new application, she also confirmed the original application had been formally withdrawn.

On 5 December 2018, PC Darren Welch, Beds Police was consulted about the proposed administrative withdrawal of the original application by the Panel and had no objection.

Following advice from Brenden Delaney, Solicitor and the Clerk to the Panel, on 6 December 2018 Members of Licensing Panel 357 were informed by e-mail of the above facts and unanimously agreed that the old application be administratively withdrawn.

**Resolved:** In view of confirmation of the above facts, the Panel agreed that the old application be administratively withdrawn.

**Chair:** \_\_\_\_\_