

COMMITTEE: LICENSING PANEL

DATE: 24 JULY 2008

**SUBJECT: APPLICATION FOR GRANT OF PREMISES LICENCE
SONARGA LTD, 40A WALLER AVENUE**

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

CONTACT OFFICER: TONY IRELAND

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IMPLICATIONS:

LEGAL ☐

COMMUNITY ☐

SAFETY

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: CHALLNEY AND SAINTS

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Mohammed A Kabir & Abdul Jalil of Sonarga Ltd of 40a Waller Avenue Luton for the grant of a Premises Licence.

RECOMMENDATION

2. That the Licensing Panel determine the application of Mohammed A Kabir & Abdul Jalil for the grant of a Premises Licence in respect of Sonarga Ltd 40a Waller Avenue, Luton

BACKGROUND

3. An application was received on 3rd June 2008 for the grant of a Premises Licence that will allow the supply of alcohol for consumption off the premises to take place.
4. The Applicants state that the premises is an off licence and general store. It is located on Waller Avenue situated in the Saints ward. A map showing the location of the Premises, along with an aerial image, and a plan of the premises submitted by the applicant, is attached at Appendix A (pages 7/9 to 7/10).

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				Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	06.00 – 23.30	06.00 – 23.30				
Friday – Saturday	06.00 – 23.30	06.00 – 23.30				
Sunday	06.00 – 23.30	06.00 – 23.30				
<u>Non-standard hours</u>						

- 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 1st July 2008

PROMOTION OF LICENSING OBJECTIVES

10. The operating schedule submitted by the applicants 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

- CCTV – 24 hours – DVD kept for 30 days and then writes over
- Metal shutters
- Alcohol will be out of view once shutters are down and in sight of staff when open.

Public Safety

- CCTV
- DPS first aid trained
- First aid kit & Fire extinguishers available
- Emergency lighting

The Prevention of Public Nuisance

- Premises will be cleared in and out on regular intervals
- Any loud customers will be asked to leave quietly

The Protection of Children from Harm

- Anyone under age will be asked for I.D
Accepted ID – Passport – Age proof cards – Photo driving licence

- Refusal log book to be kept

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 7/11 to 7/19).

RESPONSIBLE AUTHORITIES

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

Police

None – the police have suggested conditions which the applicant has accepted. A copy of the agreed conditions is attached at Appendix D (Page 7/25)

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 7/20 to 7/25) and have been made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	J.H Davis	81 Beechwood Road	Prevention of Public Nuisance – will encourage people to stand around outside drinking in what is a busy area

Ref. letter	Name	Address	Relevance to which licensing objective
B	M P Lavelle	15 Wingate Road	<p>Prevention of Public Nuisance – Will cause excessive noise and litter - bottles to be thrown in the road and into gardens.</p> <p>Protection of Children from Harm – School children use the shop on their way to school and will be encouraged to buy alcohol.</p>
C	Mr & Mrs Bull (also lead person(s) on a residential petition)	87 Waller Avenue	<p>Prevention of Crime & Disorder – The extension of hours is likely to lead to an increase in drink-fuelled crime and casual burglary.</p> <p>Public nuisance – Empty cans and bottles left in gardens and hedges; would not want to encourage people those people likely to want to purchase drink at 6am to come into the area</p> <p>Protection of Children from Harm – School children use the shop in the morning while waiting for the school buses nearby, and the sale of alcohol should not be encouraged while they are around.</p>
D	Cllr A Strange & Cllr C Mead	Local Ward Councillors	<p>Prevention of Crime & Disorder – The extension of hours could cause increase in anti social behaviour in residential area and cause excessive litter.</p> <p>Protection of Children from Harm - Putting school children at danger with potential of more alcohol being sold longer hours.</p>

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

The representations received in respect of this application relate to The Prevention of Crime and Disorder; the Prevention of Public Nuisance and the Protection of Children from Harm.

17. The following paragraphs of the licensing authority's statement of licensing policy applies to this application

Section 7 – Prevention of Crime and Disorder
Section 9 – Prevention of Public Nuisance
Section 10 – Protection of Children from Harm

APPENDICES

18. The following Appendices are attached to this report:

- Appendix A: Map and plan showing location of the premises (pages 7/9 to 7/10)
Appendix B: Application form including the operating schedule (pages 7/11 to 7/19)
Appendix C: Representation Forms from Interested Parties (pages 7/20 to 7/24).
Appendix D: Police Conditions agreed by the applicant (Page 7/25)

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

Guidance issued under s182 of the Licensing Act 2003
Luton Borough Council's Statement of Licensing Policy