

**AGENDA ITEM**

**7**

**COMMITTEE: LICENSING PANEL**

**DATE: 27<sup>TH</sup> AUGUST 2015**

**SUBJECT: APPLICATION FOR GRANT OF PREMISES LICENCE RUBY'S BAR AND CUISINE LIMITED, 9 CHAPEL STREET, LUTON LU1 2SE**

**REPORT BY: HEAD OF BUSINESS AND CONSUMER SERVICES**

**CONTACT OFFICER: TONY IRELAND**

**TEL: 546040**

**IMPLICATIONS:**

**LEGAL** ☐

**COMMUNITY SAFETY** ☐

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**WARDS AFFECTED: SOUTH**

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**PURPOSE**

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Malumueni Lasadisu of Ruby's Bar and Cuisine Limited, 9 Chapel Street, Luton for the grant of a Premises Licence.

**RECOMMENDATION**

**That the Licensing Panel determine the application of Malumueni Lasadisu for the grant of a Premises Licence in respect of Ruby's Bar and Cuisine Limited, 9 Chapel Street.**

**BACKGROUND**

3. An application was received on 09<sup>th</sup> July 2015 for the grant of a Premises Licence that will allow regulated entertainment consisting of live music, recorded music, provision of performances of dance, provision of anything of a similar description to live music, recorded music or performances of dance Monday to Wednesday 08.00 to 03.00 (the following day) Thursday to Saturday 08.00 to 04.30 (the following day) and Sunday 08.00 to 02.00 (the following day), Late Night Refreshment Monday to Wednesday 23.00 to 03.00 (the following day) Thursday to Saturday 23.00 to 04.30 (the following day) and Sunday 23.00 to 02.00 (the following day) and supply of alcohol for consumption on and off the premises Monday to Wednesday 08.00 to 03.00 (the following day) Thursday to Saturday 08.00 to

04.30 (the following day) and Sunday 08.00 to 02.00 (the following day) to take place.

4. The Applicant states that the premise is a specialist restaurant and social venue serving three genres of food - African, Caribbean and European under one roof. A copy of a map showing the location of this Premises is attached at Appendix A  
A copy of the application form and a plan of the premises are attached at Appendix B

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 both on and 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 <sup>1</sup> , recorded music <sup>2</sup> , or entertainment of a similar nature <sup>3</sup>	Anything of a similar description to live music, recorded music or performances of dance.	Plays, Films <sup>6</sup> , Performances of dance <sup>7</sup> , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Wednesday	08.00 to 03.30	08.00 to 03.00	08.00 to 03.00	08.00 to 03.00	N/A	23.00 to 03.00
Thursday – Saturday	08.00 to 05.00	08.00 to 04.30	08.00 to 04.30	08.00 to 04.30	N/A	23.00 to 04.30
Sunday	08.00 to 02.30	08.00 to 02.00	08.00 to 02.00	08.00 to 02.00	N/A	23.00 to 02.00
<u>Non-standard hours: <b><i>No Non-Standard timings have been applied for.</i></b></u>						

<sup>1</sup> Live acoustic and amplified music, and amplified voice.

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

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

<sup>4</sup> A stage area with lighting, microphone and amplifiers, and similar equipment.

<sup>5</sup> Hard floored area which can be used for dancing by customers and performers.

<sup>6</sup> Video entertainment on TV screens and amusement machines.

<sup>7</sup> 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:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each early May Bank Holiday, Spring Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve / Day hours.

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 06<sup>th</sup> August 2015

### **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**

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention too:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behaviour on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti social behaviour

e/ no harm to children

- Operating schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor confirmed who will be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise sales.
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers/
- CCTV system installed with recording option available.

As a licensed premises we know that it is necessary to carry out our functions or operate this business with a purpose of promoting these objectives. We promise to support these objectives through our operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

### The Prevention of Crime and Disorder

Ruby's is taking steps to minimise and/or prevent crime and disorder.

Our premises are predominately for dining which covers the majority of the opening hours (i.e. from 09.00 to 23.00). Therefore this will discourage the excessive drinking of alcohol. It is a family restaurant with children admitted from 09.00 to 21.00 hours. In addition the following steps will be taken:

- Use of CCT both within and outside the premises in accordance with the code of practice issued by the information commissioner from time to time e.g. warning signs.
- Search facilities (by SIA approved door operatives after 21.00 on dance nights)
- Measures to prevent the use or supply of illegal drugs
- Employment of doors supervisors licensed by the security industry authority and other appropriately trained staff
- Procedures for risk assessing promotions and events such as "happy hours" including potential to cause crime and disorder, and plans for minimising such risks
- Proof of age schemes
- Participation in an appropriate watch schemes or other body designed to ensure effective liaison with the local community (i.e. Luton Safe, SOS bus, Neighbourhood Watch, Street Pastor and Street Watch)
- Controls on bottles, glasses and containers
- Capacity limits
- Notices and signage, including a prominent sign giving the name of the personal licence holder in charge of the premises
- No admissions after a specified time
- A personal licence holder to be on duty at the premises during the opening or particularly at high risk times

Ruby's is an existing entity and will seek to continue its relationship with Bedfordshire Police. The advice of the police will be sought and will be considered as part of Ruby's ongoing communications strategy. Additionally, Ruby's will follow the advice of Luton Borough Council's Social Services Department that any under 16s events (should we decide to host anymore) will finish at midnight or earlier.

### Public Safety

Ruby's will have adequate internal and external lighting fixed to promote the public safety objective. It will also have staff training to adhere to environmental health requirements, including training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those require to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air conditions, sanitary accommodation and

other installations, will be maintained at all times in good order and in a safe condition.

#### The Prevention of Public Nuisance

Ruby's will aim to take noise reduction measures to address public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of the nearby residents and to leave the premises area quietly. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early in the morning or depart late at night (ex. For unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises. Customers will not be admitted to the premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to no cause disturbance to nearby residents.

Adequate waste receptacles for use by customers smoking or dining outside.

#### The Protection of Children from Harm

Ruby's will continue to use its own measures to protect children from harm with practical steps such as:

- Ensuring alcohol sales are not made to under 18 year olds and
- Ensuring that health and safety risk assessments have taken the possible presence of children into account in areas where they will be permitted access (i.e no children allowed in the kitchen)

Ruby's already has in place the use of accredited proof of age schemes:

- "Challenge 25" signs which is a strategy the encourages anyone who is over 18 but looks under 25 to carry acceptable ID.
- Well trained staff about requirement for persons' identification, age establishment etc.
- All the details provided in Training Record Book available the restaurant.
- Log Book for any incident will be kept upon the premises all the time.

A copy of the application form, including the operating schedule, is attached at Appendix B

### **RESPONSIBLE AUTHORITIES**

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

#### Police

**PC5850 Esther Read submitted a representation under the Crime prevention Licensing Objective. PC Read also proposed some conditions to add to the**



licence should it be granted. Both the police licensing officer and the applicant have agreed that these conditions should be attached to the premises licence if granted. This Representation and email correspondence can be found at Appendix C (pages )

Fire and Rescue Services

**None**

Environmental Health or Health and Safety Executive

A representation has been received from Steve Farmer - Environmental Protection. Mr Farmer has objected to this application on the grounds of prevention of Public Nuisance and has also proposed conditions to be attached to the licence should it be granted.

Mr Farmer has confirmed the applicant has verbally agreed these conditions but not submitted this in writing. You will find email correspondence between Holly Mernagh Licensing Officer and Steve Farmer regarding these proposed conditions. This representation and email correspondence can be found at Appendix D (pages )

The applicant has not confirmed whether he is happy to have these conditions imposed on the licence should it be granted.

Planning

**None**

Trading Standards

**None**

Child Protection

**None**

**INTERESTED PARTIES**

12. No representations have been received from interested parties.

**POLICY CONSIDERATIONS**

- 13-4. The following provisions of the Licensing Act 2003 apply to this application:

Section 17 (application for premises licence).

**OBSERVATIONS**

14. 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
15. Even though the applicant has indicated his agreement to the conditions proposed by the police, it is ultimately for the Panel to decide whether these and any other conditions should be attached to the licence.
16. The licensing objectives are:
- The Prevention of Crime and Disorder;
  - The Prevention of Public Nuisance;
  - The Protection of Children from Harm; and
  - 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 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

Appendix B: Application form including the operating schedule

Appendix C: Representation from Police and email correspondence regarding proposed conditions.

Appendix D: Representation from Environmental Protection and e-mail correspondence regarding proposed conditions.

## **LIST OF BACKGROUND PAPERS** **LICENSING ACT 2003**

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