

COMMITTEE : LICENSING PANEL

DATE : WEDNESDAY, 06 AUGUST 2014

TIME : 10:00

PLEASE NOTE THE START TIME FOR THIS MEETING

**PLACE : COMMITTEE ROOM 4
TOWN HALL, LUTON**

**COUNCILLORS : Panel No. 238
Garrett
Mead
Worlding**

QUORUM : 3 MEMBERS

Contact Officer: Eunice Lewis (01582 547149)

INFORMATION FOR THE PUBLIC


PURPOSE: To exercise the Council's functions under the Licensing Act 2003.


This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

IN PERSON, 9 am to 5 pm, Monday to Friday, or

CALL the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.
If you would like us to arrange this for you, please call the Contact Officer (shown above).

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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EMERGENCY EVACUATION PROCEDURE

Committee Rooms 1, 2, 4 & Council Chamber:

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

Committee Room 3:

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

1 ELECTION OF CHAIR

2 MINUTES

19th May 2014

7 - 10

3 SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

4 DISCLOSURES OF INTEREST

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

5

URGENT BUSINESS

The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

6

Report

11 - 40

7

LICENSING ACT 2003 (HEARINGS) REGULATIONS

To consider whether the Panel should exclude the public from all or part of the hearing during consideration of any item listed above if the Panel believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 (It should be noted that under this provision the public may be excluded from any part of the meeting, not only the Panel's deliberations).

Note:

The procedure for oral hearings is attached to this Agenda Page.

BOROUGH OF LUTON

PROCEDURE AT ORAL HEARINGS BEFORE THE

COUNCIL'S LICENSING PANEL

1. The Panel will be assisted on matters of law and procedure by its Clerk who will be one of the Council's Solicitors.
2. The Clerk will give a brief outline of the application and introduce the Members of the Panel, the Licensing Officer, the Applicant and those who have made representations. He/she will ensure that those present understand the procedure to be followed.
3. The hearing will normally be in public. However, the Panel may decide to exclude the public from any part of the meeting, not only the Panel's deliberations (including the Applicant and those making representations) where it considers that the public interest in doing so outweighs the public interest in the hearing taking place in public.
4. The Licensing Officer will present the report outlining the application and relevant representations.
5. The Panel may question the Licensing Officer.
6. The Applicant or his/her representative will present his/her case and call their witnesses.
7. The Panel may question the Applicant
8. Those making representations may question the Applicant
9. Those making representations or their representative will present their case.
10. The Panel may question those making representations.
11. The Applicant may question those making representations.
12. The Applicant will sum up his/her case.
13. Those making representations will then sum up their case (s).
14. The Clerk will then raise any points that need to be raised before the Application is determined.
15. The Applicant and those making representations will be asked whether there is anything further they wish to say.

16. Members will consider whether the public interest of holding their deliberations in private outweighs the public interest in holding their deliberations in public. Where Members consider that they should deliberate in private all persons other than the Members, the Clerk and any person present solely for the purpose of taking notes, shall withdraw from the room. Any advice given by the Clerk to the Panel in private will be repeated to all the parties before the Panel announces their decision.
17. Where the decision must be made at the conclusion of the hearing the Chair will inform the Applicant, the Licensing Officer, and those making representations of its decision and the reasons for it. The decision will be confirmed in writing to all parties within 5 working days.
18. Where the decision is not required to be made at the conclusion of the hearing the panel will inform the parties in writing of its decision and the reasons for it within 5 working days.

LICENSING PANEL (321)**19TH MAY 2014 at 11.40 a.m.****PRESENT:** Councillors Hussain, Mead and Rivers**OFFICERS:** Lisa Wright - Licensing Manager's Representative
Samantha McKeeman – Clerk to the Panel (Solicitor)
Bert Siong – Democracy & Scrutiny Officer

Note: As the Applicant failed to attend at the scheduled time and after being contacted and allowed sufficient time to attend, the Panel resolved to proceed in his absence.

61. ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Hussain be elected Chair of Panel Number 321.

62. MINUTES (REF: 2.1)

Resolved: The minutes of the meetings held on the 28th March 2014 were agreed as true records and the Chair be authorised to sign them.

63. APPLICATION FOR THE VARIATION OF PREMISES LICENCE: HIGH TOWN NEWSAGENT – 8 HIGH TOWN ROAD, LUTON (REF: 6)**PRESENT:****APPLICANT:** Zaheer Mahmood (From 11.50 am)**RESPONSIBLE AUTHORITY REPRESENTATIVE:** PC Esther Read (Beds Police)**OTHER PARTIES:** Cllr. A. Malcolm (Ward Councillor)

The Licensing Manager's representative reported on an application received from Mr Zaheer Mahmood for the variation of a premises licence, in respect of High Town Newsagent, 8 High Town Road, Luton that will allow an extension of their existing hours for the supply of alcohol to take place.

The Licensing Manager's representative further reported on two written representations relating to the Licensing Objectives, one from Bedfordshire Police, a Responsible Authority and one from Ward Councillor Andrew Malcolm. PC Read and Cllr Malcolm were in attendance as listed above.

The Licensing Manager's representative additionally reported on one incident relating to the licensed premises, when illegal cigarettes and tobacco on sale at the premises were removed by Trading Standards in February 2014.

There were no questions from the Panel for the Licensing Manager's representative.

PC Read made her representation on the application, requesting the application be refused for the reasons stated in her report (Ref: 6, pages 6/30 – 6/33), highlighting a number of key points as follows:

- The Police objection was based on the prevention of crime and disorder and public nuisance licensing objectives;
- The area was a hot spot for the street sex workers and kerb crawlers, which the Police and the Council had been working together to tackle;
- Since 2013, 193 men had been detained for kerb crawling and 98 arrested for other offences. The Police were also receiving up to 34 complaints a month;
- 24 hours opening for the premises was likely to encourage crime and disorder and public nuisance;
- Although describing itself as a 'Newsagent', no newspapers were on sale at the premises, but super strength alcohol was on sale;
- The Applicant had been hostile and not prepared to discuss alternative opening hours, blaming the Police for crime in the area;
- The premises had been subject of Trading Standards action for selling illegal cigarettes and tobacco.

PC Read was questioned by the Panel and responded in compliance with the approved procedure, providing further clarification as follows:

- Other licensed premises in the area with late opening hours employed door staff and drinking took place on premises, not outside;
- Super strength alcohol was on sale at the premises;
- Police attention in the area normally ended around 1.00 a.m. / 2.00 a.m.

Cllr Malcolm made his representation on the application, highlighting a number of key points as follows:

- His objection as Ward Councillor was based on all the four licensing objectives as set out in his letter;
- Tackling the area street sex trade was a top priority for the community, identified from consultation, as part of the 'Your Say, Your Way' Community Development programme;
- The community views needed to be taken seriously;
- There were precedents as previous applications for 24 hour opening hours from 3 other premises in the area had been refused;

- If the Panel should consider allowing the application, he suggested the hours should be similar to other premises in the area.

There were no questions from the Panel for Cllr Malcolm.

PC Read added that if the Panel were to consider an extension to the current opening hours, then 1.00 a.m. would be acceptable to the Police.

The Clerk to the Panel advised the Panel that in accordance with the Guidance issued under the Licensing Act, the Police, a Responsible Authority, was an essential source of information about the impact on the Crime and Disorder objective. With their key role in managing the night time economy, they were the main source of advice and entitled to make representations based on evidence. The Local Authority should accept all reasonable suggestions from them unless not in support of the licensing objectives.

The Applicant arrived at 11.50 a.m.

The Chair explained to the Applicant the stage at which the meeting was and gave him the opportunity to ask questions of the Police and Councillor Malcolm.

PC Read was questioned by the Applicant and responded in compliance with the approved procedure, providing information summarised as follows:

- Police opposition to the application was explained to the Applicant during visit to the premises, but she claimed he did not accept advice;
- High Town was a high density residential area, with busy traffic and affected by street sex workers, which the authorities had been trying to tackle;
- There were concerns late opening would encourage more people to the area, as usually there was not a lot of people in the area late at night;
- There was a 5 year Plan to make High Town a safer area. The fear was that late opening and alcohol would encourage more crime and disorder;
- Since January 2013, 193 men had been detained for kerb crawling, 98 arrested for other offences and the Police received up to 34 complaints a month;
- No information was available exactly where the arrests were made;
- Street sex workers worked up and down High Town Road.

The Applicant made his representation in support of his application, highlighting key points as follows:

- He lived in the area and had not seen any problems;
- He had worked as a taxi controller on nights next door to the shop and had not seen any problems with sex workers in High Town Road;
- There was CCTV camera cover at the bottom of High Town Road.

The Panel invited all parties to make any final representations, but there were none.

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

Following 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.

64. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)

Resolved: That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press be excluded from the meeting during consideration of the decision in relation to the report of the Head of Environmental and Consumer Services (Ref: 6) as referred to at Minute No. 63/14 above.

65. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)

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

66. APPLICATION FOR THE VARIATION OF PREMISES LICENCE: HIGH TOWN NEWSAGENT – 8 HIGH TOWN ROAD, LUTON (REF: 6)

The Panel had considered the papers before it including the oral and written representations made by the Applicant, PC Read and Cllr Malcolm. In addition the Panel had 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.

Resolved: That the application received from Mr Zaheer Mahmood for the variation of a premises licence, in respect of High Town Newsagent, 8 High Town Road, Luton that will allow an extension of their existing hours for the supply of alcohol to take place, be **REFUSED**.

The Panel determined that granting the application would cause nuisance to those living in the vicinity due to the number of additional people who would be drawn to the premises and area during the early hours of the morning to purchase alcohol and the associated noise and public nuisance that would be generated.

The Panel also determined there was the potential for an impact on the crime and disorder objective as a result of the later hours, having regard to the representation made by the Police about the on-going problems with street sex workers and kerb crawlers in the area.

(Note: (i) The meeting ended at 12.10 p.m.;
(ii) The Applicant failed to appear at 11.00 am. He was called at 11.15 am and requested 15 minutes to attend. The Panel proceeded in his absence at 11.40 am. The Applicant arrived at 11.50 am)

AGENDA ITEM**6****COMMITTEE: LICENSING PANEL****DATE: 06/08/2014****SUBJECT: APPLICATION FOR VARIATION OF
PREMISES LICENCE JJ FOOD STORE LTD 1 HIGH TOWN ROAD
LUTON LU2 0NP****REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES****CONTACT OFFICER: TONY IRELAND****TEL: 546040****IMPLICATIONS:****LEGAL ☐****COMMUNITY SAFETY ☐****EQUALITIES ☐****ENVIRONMENT ☐****FINANCIAL ☐****OTHER ☐****STAFFING ☐****WARDS AFFECTED: HIGH TOWN**

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Kulasingham Bavananthan, for the variation of a Premises Licence in respect of JJ Food Store Ltd, 1 High Town Road, Luton.

RECOMMENDATION

2. **That the Licensing Panel determine the application of Kulasingham Bavananthan for the variation of a Premises Licence in respect of JJ Food Store Ltd, 1 High Town Road Luton.**

BACKGROUND

An application was received on 17th June 2014 for the variation of the Premises Licence that will allow *extension of existing hours for supply of alcohol* to take place from Monday to Sunday 06:00 to 02:00 (the following day) However after this was submitted the applicant requested to amend these hours. Removal of any conditions embedded on the licence carried forward by the grandfather rights and to amend the current premises plan showing the new shop front relocation.

3.

4. The Applicant states that the premises is a convenience store. A map showing the location of the Premises, is attached at Appendix A

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 off the premises	✓	✓
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 – Saturday	08:00 to 23:00	08:00 to 23:00				
Sunday	10:00 to 22:30	10:00 to 22:30				

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 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 – Sunday	07:00 to 01:00	07:00 to 01:00				

- 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 15th July 2014..

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. Please see operating schedule in the application.

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

RESPONSIBLE AUTHORITIES

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

Police

A copy of the representation is attached at Appendix C
Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

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 and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Councillor Andrew Malcolm	81 Havelock Road, Luton, LU2 7PP	<i>Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance Protection of Children from Harm</i>
B	David Landau	High Town Methodist Church, 49 High Town Road, Luton, LU2 0BW	<i>Prevention of Public Nuisance</i>
C	Jane Malcolm	St Matthews Primary School, Wenlock Street, Luton, LU3 0NJ	<i>Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance Protection of Children from Harm</i>
D	Councillor Roxanna Whittaker	70 Claredon Road, Luton, LU2 7PJ	<i>Prevention of Crime & Disorder Public Safety Prevention of Public Nuisance</i>

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 appropriate 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.

18. 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)

19. 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 showing location of the premises

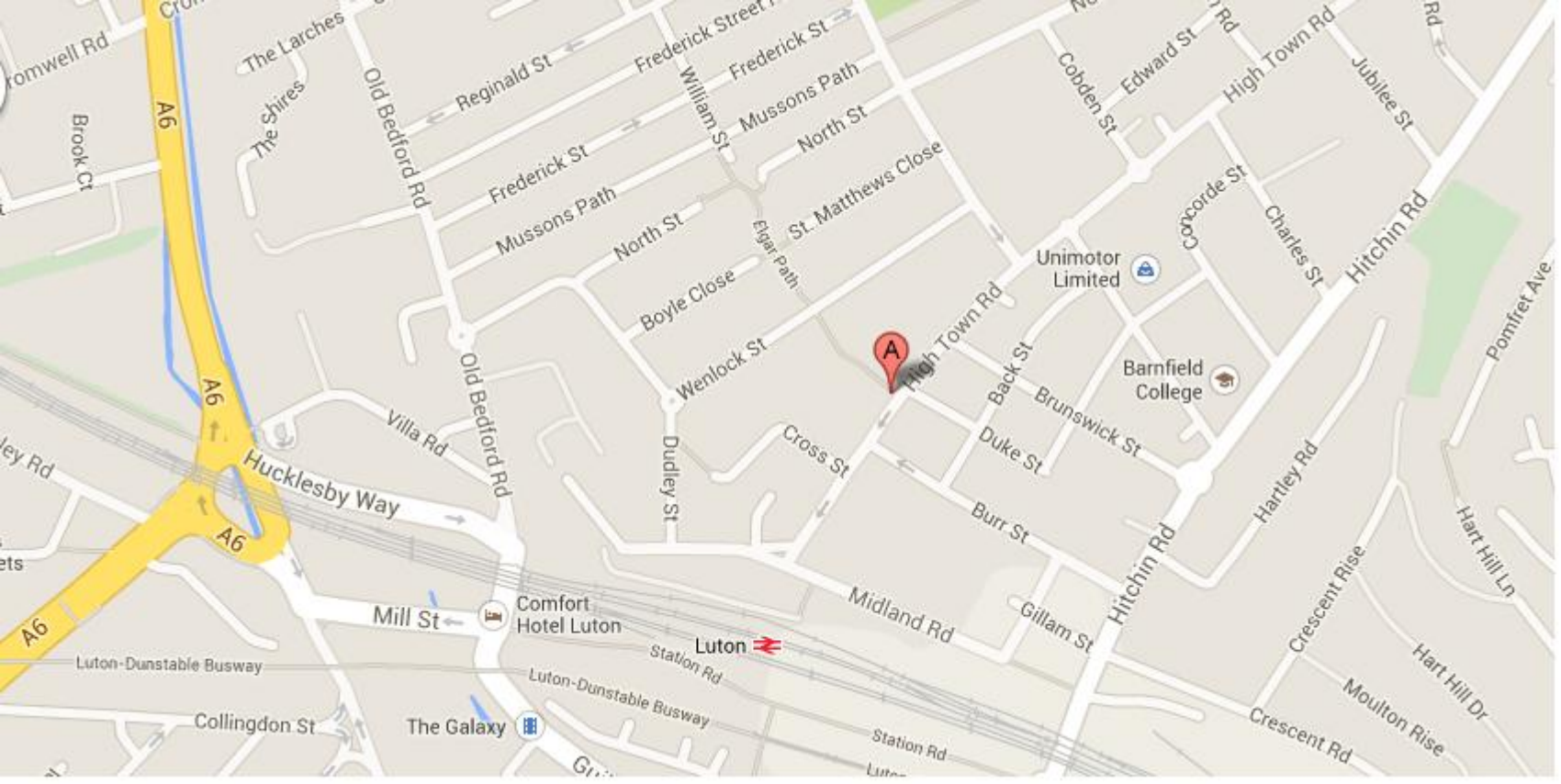
Appendix B: Application form including the operating schedule

Appendix C: Representation from Responsible Authorities

Appendix D: Representations from Interested Parties

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

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



* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name

* VAT number

* Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ An agent that is a business or organisation, including a sole trader

☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

Continued from previous page...

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

CONVENIENCE STORE. ADDITIONAL HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES. REMOVE ANY CONDITIONS EMBEDDED ON THE LICENCE CARRIED FORWARD BY GRANDFATHER RIGHTS. APPROVE REVISED PREMISES PLAN (New shop front moving entrance from the right hand side to the left hand side. Relocate servery.) NEW PLAN ATTACHED. NOTE FOR INFORMATION : PREMISES LEASE PURCHASED 16/6/2014 BY J J FOOD STORE LTD. CURRENTLY CLOSED. AWAITING PLANNING CONSENT FOR NEW SHOP FRONT. ANTICIPATED RE-OPENING AUGUST 2014

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Continued from previous page...

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

REMOVAL OF ANY EMBEDDED CONDITIONS

- ☐ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

VENDOR COULD NOT PRODUCE. FEE PAID BY ROYAL MAIL FOR REPLACEMENT

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

THE PREMISES LICENCE HOLDER WILL CONDUCT THE BUSINESS IN A MANNER IN WHICH THE ATTAINMENT OF THE LICENSING OBJECTIVES CONTINUALLY FORMS PART OF THE DAILY ROUTINE

b) The prevention of crime and disorder

A CCTV SYSTEM MUST BE MAINTAINED THAT CONFORMS TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998 AND MEETS THE REQUIREMENTS & EXPECTATIONS OF THE LICENSING AND POLICE AUTHORITIES. THE SYSTEM MUST COVER THE EXTERIOR FRONTAGES OF THE PREMISES. A CAMERA MUST BE CAPABLE OF RECORDING A FACIAL IMAGE OF A PERSON ENTERING OR EXITING THE PREMISES. RECORDINGS MUST BE KEPT FOR 28 DAYS. A RESPONSIBLE MEMBER OF STAFF MUST BE TRAINED IN HOW TO USE THE SYSTEM AND RETRIEVAL OF RECORDINGS ON THE REQUEST OF AN OFFICER OF A RESPONSIBLE AUTHORITY.

Continued from previous page...

A WORKING INTRUDER ALARM MUST BE MAINTAINED

ALL STAFF ENGAGED IN THE SALE OR SUPPLY OF ALCOHOL AT THE PREMISES SHOULD BE EITHER THE HOLDER OF A PERSONAL LICENCE OR BE GIVEN INSTRUCTION. TRAINING WILL INCLUDE, FOR EXAMPLE BUT NOT COMPLETE: ACCEPTABLE FORMS OF I.D, AWARENESS OF PROXY PURCHASING BY ADULTS, USE OF FAKE ID, NOT TO SERVE A PERSON WHO IS DRUNK. AWARENESS OF THE POTENTIAL FOR STREET DRINKERS IN THE IMMEDIATE VICINITY. A WRITTEN RECORD OF TRAINING TO BE KEPT AND MADE AVAILABLE TO THE POLICE AND LICENSING AUTHORITY.

SPIRITS OFFERED FOR SALE MUST BE DISPLAYED BEHIND OR IMMEDIATELY ADJACENT TO THE SERVERY COUNTER AND NOT BE AVAILABLE BY SELF-SERVICE

c) Public safety

TO ENSURE THE SAFETY OF CUSTOMERS AND STAFF RISK ASSESSMENTS REQUIRED UNDER SEPARATE LEGISLATION WILL BE MAINTAINED AND REGULARLY UPDATED

d) The prevention of public nuisance

DRINKS MUST NOT BE TAKEN FROM THE PREMISES IN OPEN CONTAINERS

e) The protection of children from harm

THE PREMISES TO ADOPT THE 'CHALLENGE 25' SYSTEM OF AGE VERIFICATION WHEREBY ANY PERSON WHO DOES NOT APPEAR TO BE 25 YEARS OF AGE WILL BE REQUIRED TO PRODUCE ID IN THE FORM OF A PASSPORT, H M FORCES I D CARD, PHOTOGRAPHIC DRIVING LICENCE OR AN ID OTHER CARD DISPLAYING THE 'PASS' HOLOGRAM LOGO. A RECORD OF REFUSALS MUST BE MAINTAINED AND MADE AVAILABLE ON REQUEST TO AN OFFICER FROM A RESPONSIBLE AUTHORITY. IF THE RECORD IS ELECTRONIC THE SYSTEM MUST PROVIDE AN AUDIT TRAIL

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at: http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00

Continued from previous page...

Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

JOHN BIRCH

* Capacity

LICENSING CONSULTANT - AUTHORISED
AGENT FOR THE APPLICANT

* Date

17 / 06 / 2014
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/luton/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	1490
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

JJ FOOD STORE

1 High Town Road LUTON LU2 0BW

If all the following conditions were agreed to then the Police would consider a 00:00 hours (midnight) close at the premise Sunday to Thursday and a 01:00hours close on Friday and Saturday.

Conditions for licence variation:

1, The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Bedfordshire Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. CCTV recordings shall be retained throughout the subsequent 31 day period and copies supplied as soon as practicable and no later than 24 hours after the request of the Police or authorised officer.

2. A staff member from the premises who conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police Officers recent data or footage with the absolute minimum of delay when requested.

3. No super-strength cans of beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.

4. An incident log shall be kept at the premises and made available on request to an authorised officer of the Town Council or the Police at all times whilst the premises are open. It will include the date, time of and the name of the member of staff making each entry, and which will record the following:

- (a) all crimes reported to the venue
- (b) any refusals of sale of alcohol
- (c) any complaints received
- (d) any disorder or notifiable incidents in relation to Licensing Act 2003
- (e) any faults in the CCTV system

(f) Any visit by a relevant authority or emergency service.

5. All staff serving alcohol who are non Personal Licence holders must have written authority by the Designated Premises Supervisor to sell alcohol on their behalf. They must be trained with regard to their responsibilities in relation to licensing law. All written authority and records of training provided must be available for production to the Police or Licensing authority upon request.

6. From 21:00 hours until closing time a minimum of 2 members of Staff to be on the premises .

7. Challenge 25 scheme will be in place for ID purposes.

9. Labels with the Shops name or an identifiable logo must be on all alcohol products sold.

LUTON BOROUGH COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please tick as applicable):

Police	<input checked="" type="checkbox"/>	Fire	<input type="checkbox"/>
Planning	<input type="checkbox"/>	Child Protection (Children's Services)	<input type="checkbox"/>
Health & Safety (Environmental Health)	<input type="checkbox"/>	Weights & Measures (Trading Standards)	<input type="checkbox"/>

Officer Details

Name	Esther READ
Job Title	Police Constable 5850
Address	Luton Police Station, Buxton Road, Luton
Email	Esther.read@Bedfordshire.pnn.police.uk
Telephone	01582 394465 / 07507644710

Premises Details

Name of the premises you are making a representation about	JJ Food Store
Address of the premises you are making a representation about	1 High Town Road Luton LU2 0BW

Which of the licensing objectives does your representation relate to?	Tick all that apply	Please give further details of the grounds for this representation (Please use additional sheets where necessary)
Prevention of crime and disorder	<input checked="" type="checkbox"/>	
Public safety	<input type="checkbox"/>	
Prevention of public nuisance	<input type="checkbox"/>	
Protection of children from harm	<input type="checkbox"/>	

Further information you would like the Licensing Panel to take into account:

Our objection comes from the Prevention of Crime and Disorder section of the Licensing Objectives defined in the Licensing Act 2003.

High Town Road is a main street situated in the High Town area of Luton. It is a road that runs from Midland Road in to a small high street with shops and surrounding residential streets. It is close to Luton Train Station.

High Town is used by women working in the sex trade, High Town Road and some of the side streets leading off High Town Road are associated with this illegal activity. In 2013 the Police had to take a proactive response to the kerb crawlers in this area. A Police Operation, which is still on-going, was set up to focus on the area to tackle this problem of sex workers and anti-social behaviour. Since January 2013 there have been 193 men detained for kerb crawling. A further 98 have been arrested for other offences. During the winter months residents' complaints have dropped to approx 7 a month, however in the warmer months Police were receiving up to 34 complaints a month. We have received 4 phone calls in the last month reporting Anti-social behaviour, 2 of which related to Sex Workers in High Town.

The Police are working with Luton Borough Council and the Health service to put a 5 year strategy in place to deal with the sex trade in Luton.

The granting of a alcohol licence for the shop from 6am until 2am could be significant in attracting more sex workers into the area as they may loiter near to the shop and approach customers who go to the shop late at night.

Whilst the Police understand that JJ Food Store are wanting to run a business the crime that it could encourage late at night is of a concern. We wish to prevent further offences of anti-social behaviour and the sex trade by requesting that a licence for 6am until 2am is refused. There are no other shops in the direct vicinity open this late, the off licence near to this shop has a licence until 23:00 hours.

The hours on the current licence for the premises are acceptable. The applicant has given consideration to Challenge 25, CCTV however we are keen to promote that CCTV is kept for 31 days instead of the 28 which is on the application. All applications are treated separately, but using the statistics available to Police at this current time the Police operation and health service operation in the area have been making a difference in reducing anti-social behaviour and want this to be able to continue. A licence that goes into the night could affect the work committed to the area.

<p>Suggested conditions that could be added to the licence to alleviate your concerns, or other suggestions you would like the Licensing Panel to consider:</p> <p>(Please use additional sheets where necessary)</p>	<p>(See a list of conditions attached suggested which Police would consider acceptable should an agreement be reached with opening hours that would encourage the prevention of Crime and Disorder Licence be granted)</p>
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Signed:

Date:

Please return this form along with any additional sheets to:

Licensing Service
Luton Borough Council
Town Hall Extension
Gordon Street
Luton
LU1 2BQ

or by email to lbcerlicensing@luton.gov.uk

This form must be returned before the end of the Statutory Period.

For more details please contact the Licensing Service on 01582 546040.

Licensing Department
Luton Borough Council
Town Hall
George Street
Luton
Bedfordshire
LU1 2BQ

Dear Licensing Department

Re: JJ Foodstore, 1 High Town Road, Luton

Proposal: Variation of Premises licence to extend the sale of alcohol hours to Monday to Sunday 06:00 to 02:00 (the following day) Remove any conditions embedded on the licence carried forward by the grandfather rights and to Amend the current premises plan showing the new shop front relocation.

This is an objection in reference to the application by High Town Newsagents for 8 High Town Road to supply alcohol 24 hours a day, seven days a week. I would like to raise the following concerns by way of formal objection:

1. Crime and Disorder.

A alcohol supply licence from 6am to 2am the following day will draw unwelcome attention and increased footfall at unsociable hours to a residential and conservation area.

Noise, public nuisance, anti-social behaviour, low-level nuisance (non reportable crime inc. shouting, swearing, urination in public, littering) will be increased.

The site is located on High Town road, historically the street sex trade has been located in this area and has caused disturbance to residents. Police attention to this issue has largely curbed this, however, the site is acknowledged by the Police to be of concern and crime, antisocial behaviour, prostitution, begging and street drinking continue to be of great concern to residents when reporting at community events.

2. Public Nuisance.

20 hour supply of alcohol in an area where residential properties are located will unnecessarily draw people from a wider area at unsociable hours.

Noise, light pollution, traffic and traffic noise will all have a negative impact.

As far as I am aware there is no parking at this site and any additional traffic will therefore have implications for the road network and local residents.

3. Public Safety.

A 20 hour alcohol supply licence will likely draw in unwelcome attention as described above and will therefore impact upon public safety in the locality and upon perceptions of safety which are just as important when considering the quality of living in an area.

4. The Protection of Children From Harm.

The licence conflicts with the amenities available to children in the area, putting them at risk from anti-social behaviour, increased littering, rodent and fox infestations, exposure to the marketing and sale of alcohol and cigarettes, increased potential for road traffic incidents.

Thank you for taking the time to seriously consider these objections.

Yours Sincerely,

Councillor Andrew Malcolm
81 Havelock road, Luton, LU2 7PP

Friends of High Town

Meeting address:

High Town Methodist Church

49 High Town Road

Luton LU2 0BW

14th July 2014

Ref. LA03/JJ Foodstore/ 137357

Dear Sir / Madam,

I am writing in my capacity as Chair of the residents association for High Town ward, known as the Friends of High Town (FoHT).

We are a body recognised by Luton Borough Council in consultation matters.

The application reference above for a Variation of the Premises License, to extend the hours permitted for selling alcohol, was brought to our attention at our last monthly meeting.

FoHT voted to oppose this application on the grounds of:

- a) Prevention of crime and disorder
- b) Prevention of public nuisance
- c) Public safety.

There are existing anti-social behaviour problems with a small number of street drinkers around the main shopping area of High Town Road. They often congregate on the bench close to the junction with Burr Street, where they drink to excess, shout, swear, spit and leave litter. Members of our group feel they have to cross the road to avoid them.

The same problems are associated with a number of people who live in or frequent flats on Burr Street at the junction with High Town Road.

Representations have also been made to FoHT about people consuming alcohol bought in the area, who then urinate in nearby streets and alleyways, and in some cases defecate in nearby alleyways.

In the last year or more, a number of young men have parked in cars with dark tinted windows opposite 1 High Town Road from late afternoon into the night and have been engaged in suspicious activity, involving entering the premises in question. Members of the Bedfordshire Police Safer Neighbourhood Team have been informed about this in the recent past.

The Crime Map for the High Town policing area shows a steady increase in anti-social behaviour from December 2013 to May 2014 inclusive (the last available figures). FoHT feels this could be exacerbated by extending the hours for alcohol sales from JJ Foodstore.

I have supplied the address for our monthly meetings, as this is a group representation. However, I would like to make it very clear that the High Town Methodist Church is not to be associated with the opinions expressed within this email.

Yours sincerely,

David Landau

Chair, Friends of High Town

Councillor Roxanna Whittaker

70 Clarendon Road
LU2 7PJ

Licensing Service
Luton Borough Council

15 July 2014



To whom it may concern,

I would like to raise an objection to the Variation of Premises Licence application LA03/High Town Food & Beverages/137357 from 1 High Town Road to extend the supply of alcohol for consumption on the premises to 06:00 to 02:00. I do not believe that the premises would meet the licensing objectives, and so I ask you to refuse this application for the reasons detailed below.

The main concerns are that High Town Road is used by drug dealers, which attracts women working in the sex trade. Luton Borough Council are working with the Police are working with Luton Borough Council and the Health service to put a 5 year strategy in place to deal with the sex trade in Luton . 2013 the Police had to take a proactive response to the kerb crawlers in this area. A Police Operation, which is still on-going, was set up to focus on the area to tackle this problem of sex workers and anti-social behaviour. Since January 2013 there have been 193 men detained for kerb crawling. A further 98 have been arrested for other offences. As High Town ward councillor for the last three years I have been contacted repeatedly by residents in and around High Town Road who have complained about antisocial behaviour, drug dealing and noise nuisance at that end of the road. I have raised these concerns with the Police, the Council environment officers and the ASB priority team, who are all aware of the problems in the location and with the store, which are exacerbated by other criminal activity in the area.

The granting of a alcohol licence for the shop from 6am until 2am could be significant in attracting more sex workers into the area as they may loiter near to the shop and approach customers who go to the shop late at night.

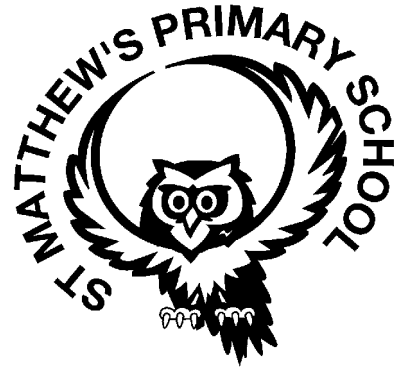
Whilst I understand that the applicant wants to run a business, the crime that it could encourage late at night is a concern. There are no other shops in the direct vicinity open this late, the off licence near to this shop has a licence until 23:00 hours.

When considering this application, I ask you to take into account the damaging impact this proposal could have on the local residents. If you would like to discuss this further with me, please do contact me.

Councillor Roxanna Whittaker

15th July 2014

Licensing
Town Hall
Luton
LU1 2BQ



To whom it may concern,

St Matthew's are writing to object to the application for the Variation of Premises Licence for High Town Food and Beverages, 1 High Town Road, Luton.

St Matthew's schools over 800 students. Many of these students and their families walk to school through High Town Road, directly past the premises in question. From 8.30 am to 9.15 am and from 3pm to 3.45 pm the road has hundreds of parents with young families walking up and down it, to and from the school.

With this in mind, we believe that allowing this licence would not be in the interest of the following licensing objectives:

1. Prevention of Crime and Disorder: In High Town, there are a small number of individuals and groups who exhibit anti-social behavior. Allowing alcohol to be purchased for longer hours will exacerbate and give more opportunity for anti-social and criminal behavior that the school and the community works hard to minimise.
2. Public Safety: Allowing alcohol to be purchased during the hours requested is likely to bring rise to further drunken and disorderly behavior. This in turn puts the safety of those who attend our school at risk.
3. Prevention of Public Nuisance: Allowing alcohol to be purchased during the hours requested is likely to bring rise to further drunken and disorderly behavior. This in turn creates a nuisance for the community and our families who walk past the premises every school day.
4. Protection of Children from Harm. Allowing alcohol to be purchased during the hours requested is likely to bring rise to further drunken and disorderly behavior. As a result, children who attend St Matthew's will be at increased risk of being harmed by someone under the influence of alcohol. Given the close proximity of the school in relation to the premises which has requested the licence and the number of families who walk past it every day, to allow such a license could directly result in the harm of our students.

In summary of the four objections raised, granting such a licence would put children and their families who walk to St Matthew's Primary School; at



Healthy



INVESTOR IN PEOPLE

Headteacher: Ms Jane Thomas
Deputy Headteacher: Mrs Vicki Rayner
Wenlock Street, Luton, LU2 0NJ
Tel 01582 723970 Fax 01582 451961

E mail: st.matthews.primary.admin@luton.gov.uk

greater risk of the disruption, inconveniences and trauma caused from crime and disorder; at greater risk of nuisance and at greater risk of harm. Therefore, granting this license would be irresponsible and detrimental to the community.

Regards



Ms Jane Thomas
Headteacher
St Matthew's Primary School

Mrs Jane Malcolm,
Chair of Governors
St Matthew's Primary School