

AGENDA ITEM**6****COMMITTEE: LICENSING PANEL****DATE: 27TH AUGUST 2015****SUBJECT: APPLICATION FOR VARIATION OF
PREMISES LICENCE JOHAL'S, 130
BISHOPSCOTE ROAD, LUTON.****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: SAINTS**

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Balasuntharam Subeegaran, for the variation of a Premises Licence in respect of Johal's, 130 Bishopscote Road, Luton.

RECOMMENDATION

2. That the Licensing Panel determine the application of Balasuntharam Subeegaran for the variation of a Premises Licence in respect of Johal's, 130 Bishopscote Road, Luton.

BACKGROUND

3. An application was received on 29th June 2015 for the variation of the Premises Licence that will allow extension of existing hours for supply of alcohol for consumption off the premises to take place.
4. The Applicant states that the premises is an off licence and general store. A copy of the application and the plan submitted with the application and an arial image showing the location of this 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	N/A	N/A	N/A	N/A
Sunday	10.00 to 22.30	10.00 to 22.30	N/A	N/A	N/A	N/A
<u>Non-Standard timings</u>						
Good Friday	08.00 to 22.30	08.00 to 22.30	N/A	N/A	N/A	N/A
Christmas Day	12.00 to 1500 & 19.00 to 22.30	12.00 to 1500 & 19.00 to 22.30	N/A	N/A	N/A	N/A

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	00:00 to 24:00	00:00 to 24:00	N/A	N/A	N/A	N/A

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:

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a. during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c. the sale of alcohol to a trader or club for the purposes of the trade or club;
- d. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

10. The latest date for representations to be received was the 27th July 2015.

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 current premises licence and imposed conditions is attached at Appendix B

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RESPONSIBLE AUTHORITIES

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

Police

None

Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

13. A Representation has been received from the following interested parties, their representation is attached at Appendix C and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Mrs Sonia Perfitt	9 Bristol Road, Luton LU3 1SX	Prevention of Public Nuisance
B	Ms Mary Young	7 Bristol Road, Luton LU3 1SX	Prevention of Public Nuisance

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 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; and
 - 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); and
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', although, if the Panel decides to grant the application, the existing conditions on the licence can be modified if the Panel considers it appropriate to do so for the promotion of the licensing objectives.

APPENDICES

The following Appendices are attached to this report:-

Appendix A: Application form, Plan and an Aerial Image showing location of the premises

Appendix B: Current premises licence & conditions

Appendix C: Representation 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