

**LICENSING PANEL (238-B)**

**6<sup>TH</sup> AUGUST 2014 at 11.30 a.m.**

**PRESENT:** Councillors Garrett, Mead and Worlring

**OFFICERS:** C. Tobin – Clerk to the Panel (Solicitor)  
L. Wright - Licensing Manager's Representative  
Eunice Lewis – Democracy & Scrutiny Officer

**73. ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Worlring be elected Chair of this Panel.

**74. MINUTES (NONE THIS TIME)**

**75. OBJECTION NOTICE – TEMPORARY EVENT NOTICE  
OLIVER'S, 89 CASTLE STREET, LUTON – 16<sup>TH</sup> TO 17<sup>TH</sup> AUGUST 2014  
(REF: 6)**

**PRESENT:**

**APPLICANT:** Mr. Sean Griffith  
Mrs. Griffith

**INTERESTED PARTY:** Joanne Nelson  
(LBC – Environmental Health)

The Chair explained the procedure at oral hearings before the Council's Licensing Panel to those parties present.

The Licensing Manager's representative reported on an Objection Notice received from Environmental Health in response to a Temporary Event Notice from Mr. Sean Griffith regarding at Oliver's, 89 Castle Street, Luton, for an event on 16<sup>th</sup> to 17<sup>th</sup> August 2014.

The Licensing Manager's representative further reported that the representation from Environmental Health was on the grounds of the Prevention of Public Nuisance.

The Panel considered the current Premises Licence which was tabled at the hearing.

Mr. Griffith made his application as follows:

- He has up to 11 years experiences organising social functions and running clubs, and was confident that he would be able to manage this function without causing public nuisance;
- The function will be a private function only for older age groups 35-50years olds;
- Was unaware of previous history of public nuisance at the venue until he was informed by Licensing
- The venue is only being hired to run the event and a door man will also be hired.

The Panel questioned the Applicant, Mr. Griffith and he responded in compliance with the approved Procedure.

Ms. Nelson made her representation as follows;

- Known long history of complaints about public nuisance from the venue
- Noise abatement notice served to previous owners
- Verbal and written warnings to designated premises supervisor
- Last week, a noise recording equipment was used from a neighbours flat
- The history of complaints showed that this has been caused by events taking place at the premises

The Panel also questioned Ms. Nelson from the Environmental Health and she responded in compliance with the approved Procedure.

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.

## **76 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 as referred to at Minute No. 75/14.

## **77 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 7)**

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

**78      OBJECTION NOTICE – TEMPORARY EVENT NOTICE  
OLIVER’S, 89 CASTLE STREET, LUTON – 16<sup>TH</sup> TO 17<sup>TH</sup> AUGUST 2014  
(REF: 6)**

The Panel carefully considered the papers before it and the oral representations made by the applicant Mr. Sean Griffith together with the representations submitted by Environmental Health.

In addition the Council 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. The Panel further considered the Premises Licence submitted at the hearing which was not previously submitted with the papers.

**Resolved:** The Panel decided that it was not appropriate for the promotion of a licensing objective to serve a Counter Notice in relation to the Temporary Event Notice served. However, the Panel resolved that it was appropriate for the promotion of the licensing objectives to impose conditions on the Temporary Event Notice which are also on the Premises Licence for Oliver's Bar and which are not inconsistent with the carrying out of the licensable activities under the Temporary Event Notice. The Panel further resolved that the conditions which appear on page 8 of the current Premises Licence for the premises concerned be attached to the conditions as follows:

- (1) The event may take place between 2200 hours on 16 August and 0300 hours on 17 August 2014.
- (2) All doors and windows to be kept closed at all times.
- (3) No children to be permitted in the garden after 2100 hours.
- (4) No loud speakers to be placed outside.
- (5) No amplified music to be played outside.
- (6) The applicant is to install signage and make announcements asking customers to leave quietly.
- (7) All music, whether live or recorded, including that emanating from all the music systems, amplifiers, live music equipment, karaoke machines, jukeboxes and any other musical and/or microphone device used on the premises must go through a noise limiter, the setting of which must be agreed with an Environmental Health Officer (Noise Pollution Control).

**The meeting ended at 12.15pm**