

COMMITTEE REF:

LP/07A/20



NOTICE OF MEETING

COMMITTEE : LICENSING PANEL (90)
DATE : THURSDAY, 16 JULY 2020
TIME : 10.00 AM
PLACE : VIRTUAL MEETING VIA *SKYPE
COUNCILLORS: TAYLOR (CHAIR)
A. HUSSAIN
RIVERS
QUORUM : 3 MEMBERS

CONTACT OFFICER: Bert Siong (01582 546781)

Email: bert.siong@luton.gov.uk

[Join Skype Meeting](#)

INFORMATION FOR THE PUBLIC

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

***SKYPE:** During the Covid 19 emergency period, this meeting will take place virtually, via Skype. To access the meeting, please click on the link to the meeting above.

AGENDA

| <i>Agenda Item</i> | <i>Subject</i> | <i>Page No.</i> |
|------------------------|---|---------------------|
| 1. | MINUTES | |
| | 1. 8 June 2020 | 12 - 25 |
| 2. | DISCLOSURES OF INTERESTS | |
| | <p>Members are reminded that they must disclose both the existence and the nature of any personal interest that they have in any matter to be considered at this meeting.</p> <p>A Member with a personal interest in any matter to be considered at this meeting will also have a prejudicial interest in that matter if the interest is one 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 judgement of the public interest.</p> <p>A Member who has a prejudicial interest must withdraw from the meeting room unless (s)he has obtained a dispensation from the Council's Standards Committee.</p> | |
| 3. | URGENT BUSINESS | |
| | <p>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.</p> | |

| <i>Agenda Item</i> | <i>Subject</i> | <i>Page No</i> |
|------------------------|---|--------------------|
| | REPORT | |
| 4. | APPLICATION FOR VARIATION OF PREMISES LICENCE - D&S FOOD AND WINE, 85 ATHERSTONE ROAD, LUTON LU4 8QU (Report of the Licensing and Compliance Manager) | 26 - 64 |
| 5. | LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 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. | |

Note:

The following documents are attached to this Agenda Page

- Licensing Panel Procedure for Remote Hearings 4 - 8
- Procedure for conducting Remote Hearings via Skype for Business 9 -11



LUTON BOROUGH COUNCIL

LICENSING PANEL PROCEDURE

FOR REMOTE HEARINGS

LICENSING ACT 2003 APPLICATIONS

PROCEDURE FOR REMOTE HEARINGS

1. 10 clear Days before the Hearing is due to take place the Council will produce a hearing report outlining the issues to be addressed and if they would like any party to specifically address or clarify them at the hearing.
2. If in light of the Council's list of issues any party wishes to produce any further documentary evidence, they should submit this to the Council 7 clear days before the hearing.
3. Any documentary evidence that is not submitted to the Council 7 clear days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Licensing Panel will consider adjourning the hearing to allow all parties a fair opportunity to consider it.
4. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council 7 clear days before the hearing.

ORDER OF PROCEEDINGS AT THE HEARING

Licensing Panel

The procedure outlined in this booklet and which was enclosed with the notice of hearing sent to each party will be followed.

Each party will have the same amount of time in which to address the Panel. A time limit has not been set, however, in circumstances where there is pressure on the Panel to hear numerous applications in a short period of time, or for any other valid reason, the Panel may impose a time limit on presentations.

Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

The Authority will provide a written record of the hearing in the form of minutes and which will be retained for 7 years from the date of determination or disposal of any Appeal. Public minutes of the hearing will be published on the Council's website.

1. CHAIR'S INTRODUCTION AND OPENING COMMENTS

- 1.1. The Chair will welcome those present, introduce those in attendance at the hearing and outline the rules to be observed for conducting skype meetings.
- 1.2 The Chair will call upon the Clerk to the Panel to outline the procedure for skype oral hearings to be followed.

2. LICENSING OFFICER/MANAGER

- 2.1 The Licensing Officer/ Manager will outline the application and answer any questions from the Panel and the Applicant and those making representations.

3. THE APPLICATION

- 3.1 The Applicant and/or their representative will address the Panel, present information in support of the application, and to call any witnesses in support of the application, one witness at a time.
- 3.2 The Applicant and each of their witnesses may be questioned by: -
 - Members of the Panel
 - The Clerk to the Panel (legal adviser)

4. THE REPRESENTATIONS

- 4.1 Any Party making representations and/or their representative will address the Panel, providing any information in support of their representation, which had previously been served on all parties and/or agreed to be admitted by the Panel, and to call any witnesses in support of their representation.
- 4.2 These representations will be taken in the following order: -
 - Police Representation
 - Fire Service Representation
 - Environmental Health Representation
 - Social Services Representation
 - Public Representation
 - Other interested parties

4.3 The party and any of their witnesses may be questioned by: -

- Members of the Panel
- The Clerk to the Panel (legal adviser)

This will be repeated for each person making representations.

4.4 Where there are groups of individuals with a common interest, for example Local Residents, presentation through an appointed spokesperson is preferred but not mandated.

5. CROSS EXAMINATION

5.1 Cross-examination of another party is not normally permitted. However, the Panel will consider any application for permission to cross examine another party should any party wish to make such an application.

6. SUMMARISATION

Those making representations will be given two minutes to summarise their representation.

The Applicant will be given two minutes to summarise their application.

The Clerk to the Panel will carry out a briefing for members of the Panel and raise any points of law as appropriate.

7. DETERMINATION

The Panel will consider and decide whether to make their decision in public or withdraw to consider and make their decision in private. If in private, Members will withdraw, along with the Clerk to the Panel and the Panel Administrator. The Panel Administrator will arrange the move other parties to another virtual room (the lobby), to wait for the Panel decision. These parties may wish to leave the hearing and wait for the written decision.

When back in public, the Chair of the Panel will announce the determination of the application and the reasons for that determination, which will then be confirmed in writing within 5 working days of the hearing.

NOTES

Members are advised that they are making decisions in a quasi-judicial manner. As such, they have a duty to view all evidence presented before them impartially. The Licensing Panel is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.



PROCEDURE FOR CONDUCTING REMOTE HEARINGS

VIA SKYPE FOR BUSINESS

1. PRIOR TO THE HEARING

1.1 Accessing Skype meetings:

1.2

- Skype is free to download and use
- The Licensing officer will send you a Test' skype link prior to the meeting to ensure you can connect and access the hearing on the day
- Follow the instructions prompted when you click on the link, to download the skype application to your device
- When you connect to the meeting select 'join meeting as a guest'
- This will allow you to attend Skype hearings

1.3 Please ensure that you are in a private, quiet space where you will not be disturbed. You should attend the meeting alone, unless you are sat together with another attendee

- Choose a room that has good Wi-Fi/internet connection
- Choose a room that has good lighting

1.4 Check your camera and microphone are working

- To test your camera – open the Skype application, go to settings (the cog symbol usually the right hand corner) go to tools and video device settings, check the camera works and the picture is clear
- To test your microphone follow the above instruction however click audio device settings to test the speaker and microphone

1.5 The Host will turn off the Skype Chat Function

- Instead of a private conversation (such as between the applicant and **representative**) if required it is recommended that this is **done via Text/What's App** over the phone

- This is less disruptive and runs no risk of private messages being broadcasted to the rest of the hearing

1.6 The Host of the Hearing will take precautions to protect the hearing from unauthorised /disruptive participants

- The hearing will be password protected
- If the hearing is in public –
 - The number of people who can share their screen will be limited – this is to prevent any disruption
 - The hearing will be “locked” once it has started – preventing anyone new from joining
 - In the event that any unintended persons join they will be removed from the connection

2. DURING THE HEARING

2.1 When you are not speaking please mute the audio, a failure to do so may disrupt the hearing

- To mute/unmute click on the microphone symbol in the bottom once you click it, it will automatically mute your microphone to unmute simply click the microphone.

2.2 Please ensure you keep the camera on at all times, even if you are not speaking

2.3 All participants should have the relevant documents for the hearing in front of them physically or on their computer

- Skype will continue to run in the background (with microphone and video on) even if the participant is looking at the document on a different window

2.4 We advise that participants have independent access to the documents. However, the Host will be able to show relevant documents throughout the hearing through the ‘screen share function’

- This allows for the video feed of the host to instead show what is on their computer screen. A document can be therefore loaded onto a computer and showed to the participants of the hearing.
- This is done by the Host selecting the ‘screen’ symbol that says present at the bottom of their screen
- The Host will be the only person during the hearing to have power to the screen share function, so it can be used to direct the attention

of the hearing to a particular document – which itself can be annotated.

- If a document is submitted 'late' on the day of the hearing, it should be emailed to the relevant Officer to be displayed in the Hearing Screen Share if it cannot be distributed earlier, subject to the Sub-Committees approval

3. HEARING DISCUSSIONS

- The Sub-Committee may wish to go into private to make their decision on the application.
- Those participants that will move into private will usually include three members, any Counsel, the Clerk to the panel and the Host (panel administrator).
- All other attendees will be removed from the skype meeting for that period and will be invited to re-enter the meeting by the Licensing Officer once the decision has been made.
- In any event, the decision of the hearing will be given in writing within 5 working days so there is no requirement for the applicant to wait for the decision to be made on the day if they do not wish to do so.

4. EMERGENCY PROCEDURE DURING THE HEARING

- Prior to the hearing you will be given the Host email address, if you are experiencing a technical difficulty during the meeting and need to get the attention of the Host email them directly with the subject *REMOTE HEARING TECHNICAL DIFFICULTY* the Host will review your email and may possibly defer the Hearing until the issue is resolved

5. RECORDING THE HEARING

- The Authority will provide a record of the hearing in a permanent and intelligible form and keep it for 7 years from the date of determination or disposal of any Appeal.
- The Hearing will be recorded and the recording placed on the Council's website.

LICENSING PANEL (74)

8TH JUNE 2020 at 10.00 am

PRESENT: Councillors: Abbas Hussain (Chair), M. Hussain and Pedersen

OFFICERS: Leo Charalambides - Counsel (Legal Advisor to the Panel)
 Raj Popat - Principal Solicitor, Clerk to the Panel
 Saffron Long - Licensing Officer
 Eunice Lewis-Okeowo - Democracy & Scrutiny Officer

41. MINUTES (REFS: 2.1 AND 2.2)

Resolved: (i) That the minutes of the Licensing Panel held on 12th March 2020 (Ref. 2,1) be taken as read, approved as a correct record and be agreed and that the Chair be authorised to sign them at a future meeting of the Licensing Panel.

(ii) That the minutes of the Licensing Panel held on 13th May 2020, (Ref: 2.2) be taken as read, approved as a true record and be agreed and that the Chair be authorised to sign them at a future meeting of a Licensing Panel subject to noting that the Panel agreed the opening time of 10.00am.

42. APPLICATION FOR REVIEW OF PREMISES LICENCE – SS FOOD AND WINE (WALDECK STORES), 15A WALDECK ROAD LUTON (REF: 5)

PRESENT

APPLICANT: Mr. Bill Masini
 (Trading Standards, Luton Council)

RESPONSIBLE AUTHORITIES: PC138 Darren Welch, Licensing Officer
 Bedfordshire Police

Catherine Doyle, Child Protection,
 Children Services – LC

Elizabeth Bailey, Public Health – LC

INTERESTED PARTIES: Mr Dadds – Legal Representative of the
 Premise Licence Holder.
 Various members of the public

The Chair led the introductions and called on all parties present to introduce themselves. Following the introductions, all parties confirmed that they had received their papers and that they could hear and contribute to the discussions. The Clerk to the Panel read the procedure to be followed in line with the skype virtual hearing procedure for the Licensing Committee.

The Chair of the Panel called on the senior Licensing Officer to present the case before the Licensing Panel.

The Licensing Officer submitted the report on the review application which was before the Licensing Panel consider the application received from Bill Masini on behalf of Luton Borough Council Trading Standards for the review of the Premises Licence in respect of SS Food and Wine (Waldeck Road, Luton LU1 1HG). She stated that the application was received on 16th April 2020 in relation to SS Food and Wine (Waldeck Stores), Luton. The current Licence allowed the supply of alcohol for consumption off the premises only, Monday to Sunday from 06:00 to 23.00 to take place. She informed the Panel that the Applicant, Trading Standards were a responsible authority to which this application relates.

The review application was in connection with two of the 4 licensing objectives, prevention of crime and disorder and protection of children from harm. She outlined the details as follows:

- Sale of vodka to 15 year old child contrary to s146 Licensing Act 2003
- CCTV not operational and recording footage – breach of condition on licence – s136 Licensing Act
- Failure to adopt an age verification policy/Challenge 21 as per conditions on Premises Licence – s136 Licensing Act
- Failure to mark goods with the selling price – the price marking order 2004

The Licensing Officer further explained the background to this application and stated that the applicant, Trading Standards had previously made an application for review of the same premises requesting revocation of the premises licence in respect of breach of two licensing objectives; the prevention of crime and disorder and the prevention of public nuisance. At the hearing on 23 September, 2019, and following consideration of the matter, the Panel felt that the premises licence holder had recognised their shortcomings. The Panel resolved to impose mandatory conditions and the conditions as proposed by Trading Standards as against the proposal for a revocation of the licence. The premises licence holder appealed against this decision and the matter was due be heard at the magistrate court on 19th June 2020.

The Licensing Officer further reported that following this second application for review which was before the Panel at this meeting, representations had been received from other Responsible Authorities as listed below:

- Representations received from Bedfordshire Police, on the grounds of prevention of crime and disorder and the protection of children from harm;
- Representations received from Luton Council Child Protection on the grounds of protection of children from harm;
- Representations received from Luton Council Public Health on the grounds of prevention of crime and disorder; the prevention of public nuisance and the protection of children from harm.
- Representations received from local residents.

Members of the Panel asked questions of the Licensing Officer regarding the appeal which was pending and she answered in accordance to the licensing hearing procedure. The Legal Advisor also advised on points of law.

The Chair of the Panel called on the applicant, Trading Standards Officer Bill Masini to make representation.

The Trading Standards Officer explained that this was the second time a review was being called within a very short period of time. He gave some background information to the application and stated that the Premises Licence was held by Mrs. Suthashini Sivarajah who was the Designated Premises Supervisor (DPS). He stated that this was a family run business where Mrs Sivarajah's husband Mr. Kandeepan Sivaraja play a major role in the business.

He explained that the previous review was one of many reviews which sought to tackle the serious problems associated with street drinking and begging in Luton. The previous review was largely around the sale of super strength beer that had been purchased from an illegal source without any documentation and sold below the Permitted Minimum Price.

He explained the reasons for this new application and need for review of the premises licences as follows:

On the grounds of the protection of children from harm;

- Sale of vodka to 15 year old child
- Failure to adhere to an age verification policy

On the grounds of the prevention of crime and disorder;

- Sale of vodka to 15 year old child contrary to s146 Licensing Act 2003
- CCTV was not operational and recording footage – this was a breach of condition on licence – s136 Licensing Act
- Failure to adopt an age verification policy/Challenge 21 as per conditions on Premises Licence – s136 Licensing Act
- Failure to mark goods with the selling price – breach of the price marking order 2004

The Trading Standards Officer informed the Panel that on 20th February 2020 Trading Standards working with Bedfordshire Police Authority carried out test purchasing exercise at a number of Licensed Premises in Luton. The test purchasers were two boys both aged 15 years old. One of the boys was able to purchase a bottle of vodka with an alcohol volume of 37.5%, a 200cl bottle alongside packets of sweets from these premises. The vodka contained 8 single pub measures of vodka constituting 7.5 units of alcohol and this was purchased without any challenge even though the premises at that time had a Challenge 25 Notice on the door of the premises.

Following the test purchase the Trading Standards Enforcement Officer and the Police Licensing Officer visited the shop where Mr. Tenali was working alone in the premises.

The Trading Standards Officer Bill Masini further highlighted the following key issues and breaches to the Panel;

- When Mr. Tenali was asked by the Trading Standards Enforcement Officer if he could operate the CCTV so that the sale to the minor could be verified he was unable to do this. He stated that it was only Mr. Sivarajah that could operate the CCTV.
- When asked about training which enabled him to work at the Off Licence and sell alcohol, Mr. Tenali was unable to confirm what training he had received. He was also unable to explain or give an answer as to what authorisation he had to be able to sell alcohol;
- Mr. Tenali was also unable to confirm the process of age verification in respect of the sale of alcohol despite there being a Notice of Challenge 25 on the door of the premises;
- A follow up visit was made on 26th February 2020 following the failed test purchase to further investigate whether the conditions agreed from the hearing in September 2019 were being adhered to.
- During this visit, Officers met with Mrs. Sivarajah who was working behind the counter. Mr. Sivarajah was seen on the phone in the front of the shop. Mr. Tenali the seller of the vodka from the previous week was also present in the shop.
- Mr Sivarajah was asked to show footages of the CCTV and it became clear that he was very unfamiliar and unable to operate the CCTV as he could not show recordings. It was also noted that the CCTV monitors only showed real time images and not recorded footages.
- Mr. Sivarajah had acknowledged the underage sale when he looked at the CCTV footage on the day of the test purchase.
- In relation to training, Mr. Sivarajah said that Mr. Tenali had received training despite the fact that Mr. Tenali had been unable to show that he had received relevant training when he spoke to officers on the day of the test purchase visit.
- Super strength beer, cider and vodka were still on sale at the premises despite the fact that at a similar hearing in September 2019 he made a statement that super strengths products were no longer being sold at the premises. Officers discovered that on sale were cans of Tennents, super 9% ABV, Skol Super 8% ABV, Special Brew of 8% ABV and other super strengths products were all on sale in the shop. This was clear evidence of breach of the mandatory conditions imposed on his by the Panel last year. Furthermore, a number of super strengths alcohol on sale were not priced.

Officers expressed concern that the premises licence sale of alcohol at the premise should only be for consumption off the premise, however a bottle opener had been found on the counter by the Till during the visit by officers. The Trading Standards Officer concluded that the application for the review was before the Panel for 3 reasons:

- Underage sale of alcohol
- Breach of conditions
- No improvements had been made since the last review despite the statement that super strengths alcohol were no longer on sale in the premise.

The Trading Standards Officer emphasised that the premises licence should be revoked as it was clear that there were continuous breaches of the licensing objectives and mandatory conditions regarding the sale and supply of alcohol. These conditions had not been complied with, i.e, CCTV was required to be kept for 14 days but on request were not made available. The premises licence holder agreed to the conditions but had not upheld them despite their statements that they would take action to ensure conditions were not breached, therefore Trading Standards as a responsible authority no longer had confidence in the operation and management of the premises to ensure public protection and to protect children from harm. The Trading Standards Officer referred to the statutory that provides the Government view that it is completely unacceptable to sell alcohol to children.

The Trading Standards Officer made reference to additional evidence which had been distributed to the Panel days before the hearing and asked the Panel to consider these as part of its determination.

He explained that he attended the premise to deliver the application by hand to the DPS at about 18.10 hours on 16th April 2020 at the peak of the coronavirus pandemic. To be specific the visit took place three weeks into the Covid-19 lockdown and three days after the Easter Bank Holiday weekend. He explained that on arrival to the premise he noted the shop was limiting the number of people in the shop to two people and there was one person in front of me waiting outside to then enter when someone came out of the shop.

As he waited outside in line with the social distancing 2 metres rule, he observed that a man came out of the shop. He had in his hand a transparent blue plastic bag. In the bag was a can of white Ace cider with an ABV of 7.5% which had blue exterior with white writing. The Panel heard that this man stood behind the Officer and opened the drink outside the commercial premise immediately next to Waldeck Stores. As he started to drink from the can, almost immediately a man came across the road from Bury Park United Reform Church and joined him without observing the social distancing rule. The Trading Officer went into the shop and delivered the review application to the person in the shop. He was told that Mrs Sivarajah was not presently in the shop.

Members heard that when the Trading Standard Officer came out of the shop the man was still there and he discretely took some photographs for evidential purposes these formed part of the evidence submitted prior to the hearing. The Officer once more observed that the man had discarded the bag and the can was on the ground despite there being a council waste bin immediately in front of him.

Furthermore, in view of the concerns expressed by “The Bury Park United Reform Church” at the first Review Hearing last year about people drinking alcohol that had been purchased from this shop, the Officer took a look to ascertain whether this problem continued to exist. He noticed that there were a large number of cans and bottles littered around, particularly by the Church drain pipes and by the electricity power boxes. He stated that these were products sold by Waldeck Stores

and that these had been made worse by the selling of alcohol to people who were already vulnerable by the shop premise. In concluding he asked the Panel to revoke the premises licence.

The Trading Standards Officer was questioned by the Panel and he responded in compliance with the approved licensing hearing procedure.

In response to questions, the Officer explained that the premises had continuously breached the imposed conditions by the Panel and by doing so had breached two licensing objectives. Also responding to question from a Panel Member whether there was a national policy about the percentage of alcohol to be sold, the Officer stated that although there was no government policy which prohibited the sale of high strength alcohol, however, there was recognition of the need to regulate the sale of high strength alcohol based on the issues presented and it was up to the local authority to manage how to tackle the issues around drinking in order to protect members of the public from harm.

The Trading Standards Officer was also questioned by Mr. David Dadds representative of the premises licence holder and he responded in compliance with the approved licensing hearing procedure.

Mr. Dadds asked whether the sale of the super strength alcohol was a breach of the licensing objectives as referenced by the Trading Standard's Officer to which the Officer stated that these products were being sold below minimum price.

The Legal Advisor to the Panel advising on points of law explained that although the sales of the super strength product was not a direct breach of the licensing objectives, but the sale could be associated with undermining other licensing conditions as set out in the report.

Mr. Dadds also asked the Officer whether there had been any other purchase test fails previously recorded in relation to compliance historically. The Licensing Officer in response stated that no test purchase fails had been recorded in the last 5 years. Mr. Dadds further asked if there were any breaches in relation to the Licensing Act to which the Trading Standards Officer responded that Trading Standards had never being able to view the CCTV footages which should have been kept for at least 14 days.

Mr. Dadds questioned and cross examined the Trading Standards Officer in relation to sale of super strength bear and selling below the minimum price, the Legal Advisor advised Mr. Dadds to discontinue that line of questioning. He stated that the Council's procedures gave no permission to cross examination.

Mr. Dadds in response said that the issue relating to the sale of high strength alcohol, was relevant as this was referenced during the submission by the Trading Standards Officer. He appealed to the Chair to allow the question. The Trading Standards Officer in answer to the question explained that the strong strength alcohol were in the shop and directed members of the Panel to the evidence before it. Mr. Dadds then asked whether these were displayed for sale in the shop and the Trading Standards Officer stated that the strong strength bears were displayed in the fridge and they were visible to everyone as they come into the shop. Mr. Dadds further asked why it took almost 6 weeks to carry out the visit to the premise in response the Officer answered that there were other issues that were just as significant. In response to advice from the Legal Advisor, Mr. Dadds expressed

concerns that the legal advice by the Legal Advisor was getting into areas of facts which potentially could get into areas of bias. He stated that the Legal Advisor had a role to advise on points of law and nothing more.

The Chair called on the representatives from Responsible Authorities to ask questions of the Trading Standards Officer. There were no questions.

Members of the public present were also given the opportunity to ask questions of the Trading Standards Officer. A member of the public asked whether there had been a breach of the conditions by the premises and on what grounds the Trading Standards were asking for revocation of the premises licence.

Responding the Trading Standards Officer explained that at the previous hearing the DPS gave assurance to the Panel that they had stopped selling the super strength but recent evidence had shown that this was not the case. He stated that the Panel's decision last year was made on the basis of the information and statement they made regarding the proposed steps they would take to protect members of the public from harm. As a result of the continued breach of those conditions, Trading Standards no longer had confidence in the management and operation of the premises.

The Legal Advisor also explained the Licensing Act and the four wider objectives which premises license holders were required to adhere to. Also at the point of applications, the applicants were required to set out conditions which would help them to adhere to the four licensing objectives. He stated that where imposed conditions or any one of the four licensing objectives were breached, any member of the public and or responsible authority could call for review of the premises licence. He explained that one of the areas the Panel would look at during determination would be to identify whether there had been a breach.

There being no further questions for the Trading Standards Officer, the Chair called PC Darren Welch from Bedfordshire Police to make representation.

PC Darren Welch stated that the Police was in support of the application made by Luton Borough Council's Trading Standards. In answer to a previous question by Mr. Dadds, he explained that according to the Police database the last test purchase carried out by the Police took place on 31st December 2019. He confirmed that this was however, a recorded pass on the test purchase which meant that no sale was made to a 14 years old child on the day of that test purchase.

Mr. Dadds asked that where a premise had passed a test purchase, were the result of that test purchase recorded on the Council's database, the Licensing Officer said this was not the case.

The Chair called on the responsible authorities to ask questions of the Police and the Police responded in line with the licencing hearing procedure.

Asked by Mr. Dadds to confirm if there had been any other test purchases in the last 5 years to which the PC Welch answered negative. PC Welch however, stated that the test purchase on 31st December 2019 was a Police only operation. Responding to a question from Mr. Dadds whether there had been any recorded crime and disorder against the premises, PC Welch answered that crime and disorder cover an expanse of issues however, to the best of his knowledge he had

not seen any crime matters recorded against this premises. It was also established that data pass test purchase information was not shared between responsible authorities.

The Chair called on the Public Health Officer to make representation and she made representation in compliance.

She stated that the Public Health was concerned about the wellbeing and welfare of most vulnerable people hence the need to make representations and to support the application as made by Trading Standards. It was clear that the way the premises was being operated was impacting on the lives of residents, including their health and wellbeing and specifically people classed as vulnerable group.

In answer to questions she stated that Public Health was reliant on evidence given by responsible authorities and as such Public Health would not carry out its own primary evidence of the issues already expressed.

There being no further questions for the Public Health Officer, the Chair called on the Officer from Child Protection, Children Services, Luton Council to make representation.

The Child Protection Officer explained that the issue of selling sweets and nuts to children and at the same time with the sale of vodka had to be taken seriously. This was of utmost concern in relation to protection of children from harm.

There being no questions for the Child Protection Officer, the Chair called on individual members of the public to make representation. A member of the public explained the detrimental effect of the sale of strong strengths alcohol and the continuous anti-social behaviour brought by the operation of the premises in question. In relation to the protection of children it was clear that alcohol was being sold to children and that this was clearly a breach of the licensing objective which he said should be taken seriously to ensure the protection of children and vulnerable adults.

Another member of the public expressed serious concern and was extremely disturbed by the way the premises was being operated. Two reviews had been called within a short period of 12 months by responsible authority. He stated that during the lockdown 5 posters were put up by the Council about this application and these were suspiciously removed to prevent members of the public from seeing them and making representations and even more disturbing, these posters may have been removed by a sharp object as posters were not easily removed. The cheap alcohol sale and the sale of alcohol to underage children contribute to increase in anti-social behaviour in the area. He explained that people continue to urinate on a house of worship and it was clear that those responsible for the operation of the premises cared less about these issues as they continue to sell illegal alcohol. The fact that the Premises Licence Holder was not at the hearing showed carelessness and lack of care for people in the community. The member of the public further requested the Panel so pay due consideration to its decision in September 2019 when mandatory conditions were imposed which had now clearly being breached.

The Legal Advisor asked members of the Panel to not apply any weight to the insinuation that the premises licence holder was responsible for removing notices about the review as there was no evidence of this. He also asked the Panel to

confirm if they had read and considered the written statements contained in the report as well as the additional papers submitted a few days prior to the hearing. Members confirmed that this was the case and that all the written evidence before them and referred to in the report and oral representation made at the hearing will be taken into consideration when the Panel retire for determination of the application.

The Chair called on Mr. Dadds legal representative for the DPS to make presentation on behalf of his clients.

Mr. Dadds made representation setting out law and guidance in the following context and in relation to the previous review which took place in September 2019 including the current application for review made by Luton Council's Trading Standards. He explained that in relation to the 2019 review, the decision of the Panel had been suspended due to the pending appeal in the Magistrate court. He stated that it was possible that the hearing in that matter could be delayed due to the current Covid19 lockdown situation nationally. The Licensing Act offences were in relation to identified brands of alcohol Karpackie and ABV which had been purchased without duty and sold below the mandatory minimum price for which an appeal had been lodged. In relation to the sale of high strength bears and vodka, the Trading Standards Officer in his representation stated that there had been no form of improvements since the last decision in September 2019. There had been no further evidence that those products were being sold without legal duty. Furthermore, there had been no suggestion that there had been any non-duty paid allegation or selling of high strengths bears and vodka sold below minimum price. These matters were being dealt with.

He further made representation in the following headings;

Sale of alcohol to a minor: The current review called by Trading Standards was triggered by alleged sale of high strength vodka to a minor, the detail of this sale was known, but he stated that according to his clients the two minors involved looked like older teenagers. He explained a number of measures which had been taken to address the matter in relation to the member of staff who made the sale. The evidence presented by the premises licence holder showed that training had been organised and Challenge 25 notice displayed. He said that restrictions for proposed purchase of alcohol would show on the Till and it would prompt the seller to ask for identification whether the buyer was underage or not. Mr. Dadds continued that the member of staff, Mr. Tenali who sold the alcohol was well educated and the premises had acted in due diligence of the sale of alcohol. Trading Standards had not been able to establish fault or guilt in terms of this sale.

CCTV: The DPS had provided evidence and believed the CCTV had been in operation. He stated that his client stated that the Trading Standards Officer were very intimidating in the manner in which they requested the information and this caused them to be anxious hence they were unable to operate the CCTV at the Officer's request. However, in the light of the investigation, the CCTV had now been upgraded to receive footage for up to 31 days rather than 14 days.

Challenge 21: In relation to Challenge 21 policy, a Challenge 25 policy and age verification process had now been put in place to address the issues of sale to underage.

Sale of alcohol and marked sale prices: In relation to the allegation of the sale of high strength alcohol beyond minimum prices, all brands of drinks had been marked with prices satisfactorily and there was no breach.

Sale of high strength alcohol: Mr. Dadds explained that his understanding from his client, the premises licence holder was that they promised that the particular products relevant to that would never be sold again by the premise. A number of these products had been removed from the shop.

Mr. Dadds further stated that the language used by the Trading Standards Officer questioned the integrity of his client. He stated that the language expressed by the Trading Standards Officer was very emotive and uncalled for referring to the Trading Standards Officer statement “someone with seriously alcohol dependency or someone with problems of alcohol”. Mr. Dadds stated that there was a real problem here regarding the loose language by the Officer. The CCTV allegation lacked evidence and the reason why his clients were unable to operate the CCTV on the day was as result of the pressure and duress caused by the manner in which the request was made.

Mr. Dadds explained that in the last 5 years prior to the failed test purchase there had been no record of failed test purchases and the test purchase carried out by the Police on 31st December 2019 was successful with no fail recorded. There was a track record that there was no sale of alcohol to under age in the past 5 years therefore there was a need to take into account and consider the proportionality of the submissions made. He said this did not constitute persistent sale of alcohol to children as set out in the statutory guidance.

The premises license holder were willing to take steps to prevent harm to children going forward. He said that the presentation made by Trading Standards was of a general nature and the photos presented during the Officer’s submission showed bias as he had not done the same with other premises. The Trading Standards Officer had presented during his submission a photo which showed someone holding a blue bag but there was no evidence which showed the sale came from this premises at 15A Waldeck road. Mr. Dadds questioned the assumption of the Trading Standards Officer and asked the Panel to be cautious in terms of the submission made by Trading Standards and indeed their motivation for carrying out this investigation. What some of the objectors said in their statements was that a lot of street drinkers moved away from the town centre as a result of the PSPO currently in place and these groups of people had migrated to other areas of the town, including the bury park area and around the location of the shop. Mr Dadds stated that the Council had not actually dealt with the issue of drinking in the town centre, rather the problem had moved elsewhere within the town. There was no evidence that the anti-social behaviour or people drinking around the area emanated from the shop. Also notices had been placed in several places in the area by the premises licence holder in order to address the issue of perambulating the area.

Members heard that the employee who sold the alcohol to the minor no longer work at the premises despite the fact that provision was made for him to attend additional training to strengthen and broaden his knowledge in this area. He stated that he was a very intelligent man who had a first degree qualification and was also undergoing a master’s degree in the University of Bedfordshire whilst working at the shop.

The Chair called on Members of the Panel to ask questions of the premises license holder representative, Mr. Dadds and he responded in compliance with the agreed licensing hearing procedure as follows:

- Oral training was undertaken by Mr Tenali and paid for by the premises licence holder
- The CCTV was in operation when Trading Standards Officer visited, however, his clients were unable to operate it as they felt intimidated during the interview and when they were asked about the CCTV footages
- There were two CCTV cameras which monitors the outside area, and his client had now agreed to put a screen inside the shop so that real live pictures and recording could be monitored and a notice outside asking people not to loiter in the area
- The Training which took place was carried out by external Trainers

The Chair called on the Trading Standards Officer to ask questions of the premises license holder representative, Mr. Dadds and he responded in compliance with the agreed licensing hearing procedure as follows:

- In relation to the operation of the CCTV it was the shop worker that was asked to operate the CCTV and was unable to operate it and not Mr. Sivarajah, his client. He stated that this was however, not a breach of condition. There was also no condition that required that the CCTV should be made available immediately when requested.
- The CCTV had now being updated since the incident and it could now store footage for up to 31 days and no longer 14 days
- The CCTV was upgraded based on the advice which his client received from him

At this point the Legal Advisor advised that the Committee's hearing procedure does not have provision for cross examination as the line of questioning was once more drifting into the area of cross examination. He reminded those making representations that they should this on board. He continued that Mr. Bill Masini, was an expert in his field and appointed by the Council, and in accordance with the statutory guidance his evidence should be taken as credible. The Legal Advisor stated that his interjection constituted points of law and legal advice and nothing more.

The Trading Standards Officer further questioned Mr Dadds whether he agreed that the most of this review was based on the Panel's decision in September 2019 to which he provided response and said that although there were similarities between both reviews, the reviews however, were independent of each other.

In response to a statement made by Mr. Dadds the Legal Advisor stated that his role was to ensure the Panel received accurate legal support and advice based on points of law. He asked if those making representations were satisfied that all written representations had been read. Mr. Dadds stated the reasons for calling this review were not robust as not backed by evidence and especially there was no primary evidence to ascertain the statement "seriously drunk and vulnerable people". Mr. Dadds also said that whilst Mr Bill was an expert in his job role of trading standards, he was not a medical doctor and therefore should not be seen making emotive statements of bias.

Responding to a question by the Trading Standards Officer regarding why training had not been given in the past and who delivered the training. Mr. Dadds confirmed that a training on the use of Till was carried out. However, he refused to affirm whether it was Mr. Sivarajah and his wife that delivered the training.

In response to other questions asked by the Trading Standards Officer, Mr. Dadds stated that these were repetitions of issues already clarified during this hearing. He had previously stated that Mr. Tenali the employee who sold alcohol to a minor was intelligent, he not only held a first degree, he was also at that time a student undertaking a master's degree in international business studies. He was asked by PC Darren Welch if he could provide evidence of these qualifications and study to which he refused to affirm saying that he believed the question was not relevant to the hearing.

PC Welch stated that Mr. Dadds had made submission that Mr. Tenali had previous experience and that the submission about his level of education should be taken into consideration by the Panel, in his own reasoning, he believed that the questions being asked by the Trading Standards Officer were relevant.

In response to questions asked by a member of the public, the Legal Advisor advised that questions to Mr. Dadds about his personal circumstances should not be discussed at the hearing. Mr Dadd's stated that the premises licence holder had 3 children of their own and as a family with family values, they would not condole selling alcohol to underage.

In response to a question Mr. Dadds made a point that people congregating and hanging around could have other reasons for doing so but these were not particularly in relation to the Waldeck shop.

In response to a question the Legal Advisor explained that people who make representations were people connected to the area one way or another.

There being no further questions the Chair called on the applicant and representatives to sum up their case.

The Trading Standards Officer summarised his representation and stated that this review had been triggered by the sale of alcohol to a 15 years old. This was a criminal offence and a breach of the licensing objectives. He said it had never been said that by having super strength alcohol was a breach, but they undermine the licencing objectives. The Trading Standards Officer further stated that the training which had been undertaken had not in any way given confidence to trading Standards in regards to the management and operation of the premise licence. He appealed to the Panel that the premises licence should be revoked for the interest and safety of the public.

The Public Health Officer stated that there was a genuine concern that there had been a breach of the licensing objectives regarding the public protection.

The Child Protection Officer summarised and stated that protection of children from harm and sale of alcohol to a 15 years child was a breach of one of the licensing objectives and the Panel should consider it such in their determination.

An objector to the application and a member of public also summed up his representation and said that as a resident of the community the last 3 years had

seen deterioration in this community as a result of anti-social behaviour which had become worse by this premise. The premises licence holder broke the law by selling to a minor. He referred to the Panel's decision in September 2019 which he said Councillor M. Hussain was part off. He said since the premises license holder had continuously being in breach of the licensing objectives and the imposed conditions from that hearing, he called on members of the Panel to revoke the premises licence.

Mr. Dadds summarised his representation and stated that the Panel had heard that the employee who sold alcohol to the underage person no longer work in the shop. He said the Panel should acknowledge in their determination that he was a well education individual with experience in working in a licensing premises. He stated that his clients had taken steps to ensure the licensing objectives would be adhered to going forward. He said although a review hearing took place in September 2019 and a decision was made by that Panel, each application should be discussed in its own merit. The issue of street drinking/spirits had not been raised in the first review he said he believed that there had been unbalancing on the closing submission on the issue of law. He said that he felt the process was unfair.

The Legal Advisor advised that members of the Panel will now retire to continue their deliberation in private having heard submissions from all interested parties and applicant. A member of the public requested that she wanted to be given the opportunity to summarise and in response, the Legal Advisor advised that the interest of the local community had been clearly represented in their submissions of objections.

Having heard the evidence submissions, both oral and written, including the additional submission by the applicants, Members of the Panel considered whether the interest in retiring to make their decision without all the parties present outweighed the interest in holding their deliberations with them present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Following brief discussions by Members of the Panel, they determined that the public interest of retiring to make their decision in private outweighed the public interest in holding their deliberations in public.

43. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 6)

Resolved: That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press and all parties to the application, except the Clerk and Administrators be excluded from the meeting during consideration of the decision in relation to the report of the Strategic Regulatory Manager – Public Protection (Ref: 5).

44. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 6)

Resolved: That, following their deliberations, the public and press and all parties to the application be no longer excluded from the meeting.

45. APPLICATION FOR REVIEW OF PREMISES LICENCE – SS FOOD AND WINE (WALDECK STORES), 15A WALDECK ROAD LUTON (REF: 5)

Resolved: That having carefully considered all the papers before it and the oral representations made by Luton Council's Trading Standards, representatives of other Responsible Authorities (including PC 138 Darren Welch, the Public Health Officer and the Child Protection Officer), other interested persons and from Mr Dadds the legal representative of the premise licence holder and having regard to the licensing objectives set out in the Licensing Act 2003 and the Council's Statement of Licensing Policy and the Guidance issued under the Act, the Panel determined;

- (i) **Not to Revoke** the premises licence but determined **to SUSPEND** the premises licence for a period of three weeks as the most appropriate and proportionate course of action for the promotion of the licensing objectives; the Panel further determined that the premises should use the three weeks to focus on training such training to be refreshed every 6 months.
- (ii) **To Modify** the conditions as proposed by Mr Dadds on behalf of the premises licence holder and amended by the Panel in respect of conditions 6 and 15 these conditions as amended to; (a) replace the conditions on the existing licence and (b) to replace the conditions imposed by the previous panel on the 23rd September, 2019.

Full details to be set out in the Panel's decision letter to be sent within 5 working days.

(Note: The meeting ended at 15.10)

COMMITTEE: LICENSING PANEL

DATE: 16 JULY 2020

SUBJECT: APPLICATION FOR VARIATION OF
PREMISES LICENCE D&S FOOD AND WINE,
85 ATHERSTONE ROAD, LUTON LU4 8QU

REPORT BY: LICENSING AND COMPLIANCE MANAGER

CONTACT OFFICER: AARON WILTSHIRE

TEL: 01582 546040

IMPLICATIONS:

LEGAL ☐

COMMUNITY ☐

SAFETY

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: CHALNEY

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Sivasubramaniam Sathiskumar, for the variation of a Premises Licence in respect of D&S Food and Wine, 85 Atherstone Road, Luton LU4 8QU

RECOMMENDATION

2. That the Licensing Panel determine the application of Sivasubramaniam Sathiskumar for the variation of a Premises Licence in respect of D&S Food and Wine, 85 Atherstone Road, Luton LU4 8QU

BACKGROUND

3. An application was received on 22 May 2020 for the variation of the Premises Licence that will allow extension of existing hours for supply of alcohol from 07.00 to 21.00 to 07.00 to 23.00 for consumption off the premises to take place.
4. The Applicant states that the premises is a convenience store. A copy of the current premises licence is attached at Appendix A (pages 32 - 39).

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 – Sunday | 07.00 to 21.00 | 07.00 to 21.00 | 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 | 07.00 to 23.00 | 07.00 to 23.00 | 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:

None

10. The latest date for representations to be received was the 19 June 2020.

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 (pages 40 - 51).

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. Representations have been received from the following interested parties, their representations are attached at Appendix C (pages 52 - 64) and made available to the applicant.

| Ref. letter | Name | Address | Relevance to which licensing objective |
|--------------------------|--------------|-----------------------------------|--|
| <u>Local resident(s)</u> | | | |
| A | Previz Khan | 73 Atherstone Road, Luton LU4 8QU | Prevention of Public Nuisance |
| B | Sabir Gul | 81 Atherstone Road, Luton LU4 8QU | Prevention of Public Nuisance |
| C | Sabria Khan | 73 Atherstone Road, Luton LU4 8QU | Prevention of Public Nuisance |
| D | Nazam Khan | 90 Atherstone Road, Luton LU4 8QX | Prevention of Public Nuisance |
| E | M. Begum | 75 Atherstone Road, Luton LU4 8QU | Prevention of Public Nuisance |
| F | Kazam Raza | 84 Atherstone Road, Luton LU4 8QX | Prevention of Public Nuisance |
| G | Robin Davies | 63 Bradley Road, Luton LU4 8SL | Prevention of Public Nuisance Public Safety |

14. Representations received from the interested parties appear to follow the same template with the exception of one. Representations A to F in the table above relate to need and demand and ongoing parking issues within the area, which is not considered a relevant representation under the Licensing Act 2003 therefore the Licensing Service are only considering paragraph 2 in these representations that link to the prevention of public nuisance.

POLICY CONSIDERATIONS

15. The following provisions of the Licensing Act 2003 apply to this application:
- Section 34 (variation of premises licence)

OBSERVATIONS

16. 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

17. 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 12 (Licensing Objectives)

Section 13 (Delegation of Licensing Functions)

Section 16 (Representations)

Appendix A (Making an application)

19. Representations can only relate to the additional hours and activities that are requested: existing hours and activities are protected as 'grandfather rights'.

LEGAL COMMENTS

20. Report cleared by Samantha McKeeman, Senior Solicitor on 22 June 2020.

APPENDICES

The following Appendices are attached to this report:-

Appendix A: Current premises licence (pages 32 - 39)

Appendix B: Application form including the operating schedule (pages 40 - 51)

Appendix C: Representation from Interested Parties (pages 52- 64)

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

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

Premises Licence Register

Luton

Premises Licence Number

160467

This revision (reference number):

160467

Effective from:

08/10/2018

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

D & S Food and Wine
85 Atherstone Road

Post town

Luton

Post code

LU4 8QU

Telephone number:**Where the licence is time limited the dates**

Start Date

08/10/2018

End Date

Licensable activities authorised by the licenceSupply of Alcohol for consumption off the premises**The times the licence authorises the carrying out of licensable activities**Supply of Alcohol

Monday to Sunday

07:00 to 21:00

The opening hours of the premises

| | |
|-----------|----------------|
| Monday | 07:00 to 21:00 |
| Tuesday | 07:00 to 21:00 |
| Wednesday | 07:00 to 21:00 |
| Thursday | 07:00 to 21:00 |
| Friday | 07:00 to 21:00 |
| Saturday | 07:00 to 21:00 |
| Sunday | 07:00 to 21:00 |

Seasonal Variations None

Non-Standard timings

Where the licence authorises supplies of alcohol whether these are on and/or off suppliesSale of alcohol for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Sivasubramaniam Sathiskumar
22 Wellgate Road
Luton
LU4 9TD

Registered number of holder, for example company number, charity number (where applicable)

None

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Sivasubramaniam Sathiskumar

Annex 1 - Mandatory conditions

1. Where a premises licence authorises the supply of alcohol:
 - a) No supply of alcohol may be made under the premises licence-
 - i. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - ii. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Premises Licences and Club Premises Certificates authorising the supply of alcohol for consumption off the Premises

FURTHER MANDATORY LICENSING CONDITIONS

With effect from 1 October 2014

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

With effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (i) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) The holder of the premises licence,

- (i) The designated premises supervisor (if any) in respect of such a licence, or
- (ii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

1. All staff involved with the supply of alcohol at the premises will be trained in respect of their legal and social responsibilities whilst doing so.
2. A record of training must be kept and made available to the Police and Licensing Authority upon request.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of Bedfordshire Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
4. 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 must be stored for a minimum period of 31 days with date and time stamping.
5. 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.
6. All staff members from the premises who is conversant with the operation of the CCTV system must be on the premises at all times when the premises are open to the public. The staff member must be able to show Police Officers recent data or footage with the absolute minimum of delay when requested.
7. 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.
8. Alcohol must only be sold in sealed containers for consumption off the premises.
9. Spirits must be stored on shelves which are behind the sales counter.
10. Staff will be trained in respect of the fire risk assessment.
11. Staff shall be aware of their responsibilities in respect of Health and Safety regulation.
12. First Aid facilities must be maintained on the premises.
13. Customers shall actively be discouraged from congregating at the front of the premises by staff who will request them to move on.
14. The area in front of the premises shall be kept clean and tidy at all times the premises are open to the public.
15. No deliveries shall be made to the premises other than during the times the premises are open to the public - with the exception of newspapers, magazines, bread, milk or similar.
16. No disposal of rubbish shall take place other than at times the premises are open to the public.

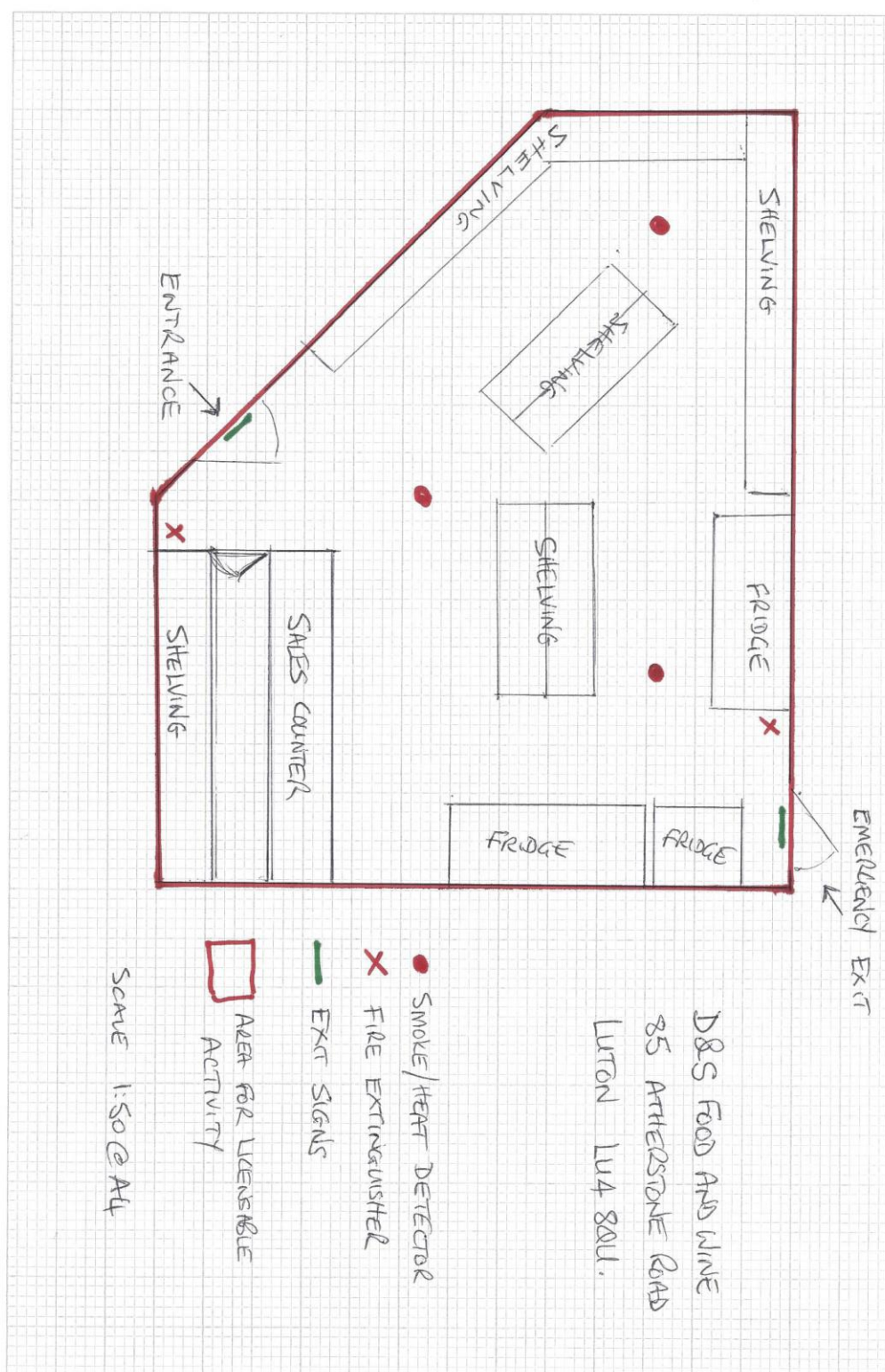
17. A 'Challenge 25' scheme will be implemented and maintained, whereby any person that appears under 25 years of age has to prove they are over 18 by providing acceptable identification (as per the Home Office Guidance on acceptable ID – ID must contain a photograph, date of birth, holographic mark or ultra violet feature).
18. A notice shall be displayed in a prominent position advising customers that the Challenge 25 age verification policy is in operation at the premises.
19. A notice must be displayed in a prominent position informing customers it is an offence to buy alcohol on behalf of persons under the age of 18 (proxy sales)
20. A refusals book or a suitable software programme used in conjunction with an electronic till must be used at the premises for all age restricted products. The information contained within shall be provided in a legible form and be made available for inspection by the Police or Authorised Officers of the Local Authority.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

Note: Plans may not be shown to any scale that may be specified in the drawing.



Luton

Luton
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@luton.gov.uk
 Telephone: 01582 546040

* required information

Section 1 of 18

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

Not Currently In Use

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

Your reference

FF/16/20

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

Sivasubramaniam

* Family name

Sathiskumar

* 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.

Continued from previous page...

Address

| | | |
|-------------------------------|-------------|-------------|
| * Building number or name | <div></div> | <div></div> |
| * Street | <div></div> | <div></div> |
| District | <div></div> | <div></div> |
| * City or town | <div></div> | <div></div> |
| County or administrative area | <div></div> | <div></div> |
| * Postcode | <div></div> | <div></div> |
| * Country | <div></div> | <div></div> |

Agent Details

| | | |
|------------------------|-------------------|-----------------------|
| * First name | <div>Frank</div> | |
| * Family name | <div>Fender</div> | |
| * E-mail | <div></div> | |
| Main telephone number | <div></div> | Include country code. |
| Other telephone number | <div></div> | |

☐ 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.

Agent Business

| | | | |
|---|------------------------------------|---|---|
| Is your business registered in the UK with Companies House? | <input type="radio"/> Yes | <input checked="" type="radio"/> No | Note: completing the Applicant Business section is optional in this form. |
| Is your business registered outside the UK? | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| Business name | <div>FJF Licensing Solutions</div> | If your business is registered, use its registered name. | |
| VAT number | <div>- None</div> | Put "none" if you are not registered for VAT. | |
| Legal status | <div>Sole Trader</div> | | |
| Your position in the business | <div>Owner</div> | | |
| Home country | <div>United Kingdom</div> | The country where the headquarters of your business is located. | |

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Section 2 of 18

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 160467

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 D & S Food and Wine

Street 85 Atherstone Road

District

City or town Luton

County or administrative area

Postcode LU4 8QU

Country United Kingdom

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£) 5,100

Section 3 of 18

VARIATION

Continued from previous page...

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.

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.

To extend the terminal hour for the sale of alcohol from 21.00hrs to 23.00hrs each day, and to extend the terminal hour for the opening of the premises from 21.00hrs to 23.00hrs 23.00hrs each day.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Continued from previous page...

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

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 11 of 18

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

See guidance on regulated entertainment

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 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

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

☐ Yes

☒ No

Section 13 of 18

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

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

Continued from previous page...

WEDNESDAY

Start 07:00

End 23:00

Start

End

THURSDAY

Start 07:00

End 23:00

Start

End

FRIDAY

Start 07:00

End 23:00

Start

End

SATURDAY

Start 07:00

End 23:00

Start

End

SUNDAY

Start 07:00

End 23:00

Start

End

State any seasonal variations.

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

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.

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

All existing conditions to remain on the premises licence.

☒ I have enclosed the premises licence

Continued from previous page...

☐ 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.

Section 16 of 18

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.

All existing measures on the existing premises licence are to remain on the licence. No further measures are deemed appropriate as a result of this application.

b) The prevention of crime and disorder

All existing measures on the existing premises licence are to remain on the licence. No further measures are deemed appropriate as a result of this application.

c) Public safety

All existing measures on the existing premises licence are to remain on the licence. No further measures are deemed appropriate as a result of this application.

d) The prevention of public nuisance

All existing measures on the existing premises licence are to remain on the licence. No further measures are deemed appropriate as a result of this application.

e) The protection of children from harm

All existing measures on the existing premises licence are to remain on the licence. No further measures are deemed appropriate as a result of this application.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

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

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 THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

Continued from previous page...

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

* Capacity

* Date

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

FF/16/20

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

☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) Next >

LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

☒ I wish to **object** to the following application ☐ I wish to **support** the following application

NAME OF APPLICANT (if known):

REFERENCE: LA03/D+S Food + Wine - 170978

PREMISES NAME AND ADDRESS:

D+S Food + Wine
85 ATHERSTONE ROAD
LUTON POSTCODE: L44 8QY

Section 2: Your Details

[If you are acting as a representative, please go to Section 3]

TITLE Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other (please state) _____

SURNAME DAVIES FORENAMES ROBIN

ADDRESS 63 BRADLEY ROAD
LUTON

POST CODE L44 8SL

[You must provide your full residential address (or business address if your objection relates to the impact of the licence upon your business premises)]

SECTION 3: Representative Details

[If you represent residents or businesses, please complete the details below]

RECEIVED

18 JUN 2020

NAME OF REPRESENTATIVE/ORGANISATION

ADDRESS OF REPRESENTATIVE/ORGANISATION

_____ POST CODE _____

I AM (tick as appropriate):

- ☐ Representative of residents association ☐ Representative of trade/business association
☐ Ward Councillor ☐ Other (please specify)
☐ MP

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

| Licensing Objective | Reason for Representation |
|---|---------------------------|
| Prevention of Crime & Disorder | |

| | |
|--|--|
| <p>Prevention of Public Nuisance</p> | <p>The premises in question is in a residential neighbourhood and currently opens from early morning to late evening (9pm ish). I see no benefit with extended opening hours. However, the potential customers are likely to be young men who will hang around in groups outside of the shop, drinking and talking loudly.</p> |
| <p>Protection of Children from Harm</p> | |
| <p>Public Safety</p> | <p>As the shop is in a residential neighbourhood it is likely that late night shoppers would be visitors, coming in their cars, increasing traffic and creating parking issues. My concern is that after drinking they will not take their empty bottles/cans away but will leave littering the immediate area. There are domestic wheelie bins outside the shop, but not the correct council bins. Litter is a problem anyway, but I am worried about damage/injuries to vehicles and children caused by broken bottles or jagged cans.</p> |

I, Reon DAVIES, hereby declare that all information I have submitted is true and correct

SIGNED: _____

DATED: 17th June 2020

Please send the completed form to the local authority area in which the premises concerned is situated:

Licensing Service
Luton Borough Council
George Street
Luton
LU1 2BQ

Email: Licensing@luton.gov.uk

Harvey, Megan

From: LBC ER Licensing
Sent: 16 June 2020 15:01
To: Mernagh, Holly
Subject: FW: Application reference: LA03/D&S Food and Wine- 170978

From: SABIR GUL
Sent: 16 June 2020 14:12
To: LBC ER Licensing
Cc: Cllr (Lab) Shaw, Tom (Luton) ; Cllr (Lab) Malik, Khtija (Luton) ; Cllr (Lab) Malik, Tahir (Luton)
Subject: Application reference: LA03/D&S Food and Wine- 170978

Dear sir/Madam,

I write to you in relation to the above application which is in relation to the extended operating hours of: D&S Food & Wine.

As a local resident who has been consulted by the council in relation to this I would like to put forth my objection alongside many other local residents, please see the following reasons:

1. Requirement- We already have at least 5 off license facilities plus a Tesco supermarket within a 1 mile radius of the current applicant. This includes: VS Food and Wine on Chaul end Lane, Rose Newsagent on Humberstone Road, 645 Dunstable Road MFG petrol pump (Londis), D&S Food and Wine 845 Dunstable Road and D&S Food and Wine at 19 Poynters Road.

From the above, 4 stores already have late licenses plus the Tesco which is opened late too. Based on this alone I do not see the reason why another one is required.

2. Nuisance- With the off license being open here we already have loitering of youth in and around the shop which is not conducive to a residential area with many young children playing out in the streets. Customers tend to hang around the shop and this after 9pm would simply not be acceptable considering the noise impact. Alongside this please note this is a very residential street unlike the above mentioned off licenses which are on main roads, the flow of traffic and customers visiting this off license after 9pm again will only increase noise and traffic pollution at times when residents are resting for the day and peace and quiet being a necessity for this to happen. To enhance the opening hours the council will only further exacerbate the aforementioned issues.

3. Parking issues- on Atherstone Road with the council enforced double yellow lines this has added to already present frustrations with parking. In the evenings residents are all home and parking is at full capacity, therefore people visiting the store park in hazardous ways to access the shop and by extending the opening hours the council will only further be adding to the problem.

I hope the council understands the local residents disapproval of this planning application and duly reject this.

Regards,

S Gul
81 Atherstone Road Luton.

Harvey, Megan

From: LBC ER Licensing
Sent: 18 June 2020 09:01
To: Mernagh, Holly
Subject: FW: Off licence

From Inbox – For you

If you have any questions please do not hesitate to contact the Licensing Service on 01582 546040.

Kind Regards,

Saffron Long

Licensing Officer
Luton Borough Council
T: 01582 546040
T: 01582 546118
E: licensing@luton.gov.uk
E: saffron.long@luton.gov.uk

Please Note important changes: Covid 19.

Licensing service public counter and including licensing staff public counter at Kingsway depot is closed for day to day business with immediate effect until further notice.

All applications are to be processed via electronic facilities and the council's online portals should be used.

With immediate effect the licensing service has decided to suspend the provisions to accept ALL (new) grant applications for private hire and hackney carriage driver licences until further notice, this is due to the current situation and the circumstances with COVID 19.

Knowledge Test bookings:

Private hire and hackney carriage driver knowledge tests will all be postponed until further notice.

Did you know for enquiries concerning private hire and hackney carriage licensing you can apply for your licence application online.

You can also tell us if your vehicle has any damage or been involved in an accident at this link:
<http://luton.gov.uk/hcphapplications>.

If you have any questions please do not hesitate to contact the Licensing Service at licensing@luton.gov.uk or 01582 546040 between 09:00 and 16:00 Monday to Friday.

From: Praviz Khan [REDACTED]
Sent: 18 June 2020 00:43
To: LBC ER Licensing
Cc: Cllr (Lab) Malik, Khtija (Luton); Cllr (Lab) Shaw, Tom (Luton); Cllr (Lab) Malik, Tahir (Luton)
Subject: Off licence

Sabira Khan,
73 Atherstone rd,
Luton,
Beds
Lu48qu

Application reference: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road,
Luton, LU4 8QU

To whom it may concern,

I write to you in relation to the above application which is in relation to the extended operating hours of:
D&S Food & Wine.

As a local resident who has been consulted by the council in relation to this I would like to put forth my objection alongside many other local residents, please see the following reasons:

1. Requirement- We already have at least 5 off license facilities plus a Tesco supermarket within a 1 mile radius of the current applicant. This includes: VS Food and Wine on Chaul end Lane, Rose Newsagent on Humberstone Road, 645 Dunstable Road MFG petrol pump (Londis), D&S Food and Wine 845 Dunstable Road and D&S Food and Wine at 19 Poynters Road.

From the above, 4 stores already have late licenses plus the Tesco which is opened late too. Based on this alone I do not see the reason why another one is required.

2. Nuisance- With the off license being open here we already have loitering of youth in and around the shop which is not conducive to a residential area with many young children playing out in the streets. Customers tend to hang around the shop and this after 9pm would simply not be acceptable considering the noise impact. Alongside this please note this is a very residential street unlike the above mentioned off licenses which are on main roads, the flow of traffic and customers visiting this off license after 9pm again will only increase noise and traffic pollution at times when residents are resting for the day and peace and quiet being a necessity for this to happen. The results of noise during the day of young people hanging around the shop having their cigarettes and alcohol is already problematic enough. To enhance the opening hours the council will only further exacerbate the aforementioned issues.

3. Parking issues- I can appreciate the letter states this is not considered however on Atherstone Road with the council enforced double yellow lines this has added to already present frustrations with parking. In the evenings residents are all home and parking is at full capacity, therefore people visiting the store park in hazardous ways to access the shop and by extending the opening hours the council will only further be adding to the problem from a safety perspective. When parking is full people visiting the shop because it is on the corner park in hazardous ways, this blocks the view of other drivers and can be a danger to other drivers and pedestrians. Further to this customers when parking is tight as is after 7pm park on the pavement which again is a hazard especially for young children. By allowing an extension of these hours the council will only be further adding to this dangerous situation.

I hope the council understands the local residents disapproval of this planning application and duly rejects this.

Regards

Local resident

Harvey, Megan

From: LBC ER Licensing
Sent: 18 June 2020 09:01
To: Mernagh, Holly
Subject: FW: LA03/D&S Food and Wine- 170978- Objection to application

From Inbox – For you

If you have any questions please do not hesitate to contact the Licensing Service on 01582 546040.

Kind Regards,

Saffron Long

Licensing Officer
Luton Borough Council
T: 01582 546040
T: 01582 546118
E: licensing@luton.gov.uk
E: saffron.long@luton.gov.uk

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Did you know for enquiries concerning private hire and hackney carriage licensing you can apply for your licence application online.

You can also tell us if your vehicle has any damage or been involved in an accident at this link:
<http://luton.gov.uk/hcphapplications>.

If you have any questions please do not hesitate to contact the Licensing Service at licensing@luton.gov.uk or 01582 546040 between 09:00 and 16:00 Monday to Friday.

From: Abid Raza [REDACTED]
Sent: 17 June 2020 21:22
To: LBC ER Licensing
Subject: LA03/D&S Food and Wine- 170978- Objection to application

Nazam Khan, 90 Atherstone Road, Luton, LU4 8QX

Application reference: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road, Luton, LU4 8QU

To whom it may concern,

I write to you in relation to the above application which is in relation to the extended operating hours of: D&S Food & Wine.

As a local resident who has been consulted by the council in relation to this I would like to put forth my objection alongside many other local residents, please see the following reasons:

1. Requirement- We already have at least 5 off license facilities plus a Tesco supermarket within a 1 mile radius of the current applicant. This includes: VS Food and Wine on Chaul end Lane, Rose Newsagent on Humberstone Road, 645 Dunstable Road MFG petrol pump (Londis), D&S Food and Wine 845 Dunstable Road and D&S Food and Wine at 19 Poynters Road.

From the above, 4 stores already have late licenses plus the Tesco which is opened late too. Based on this alone I do not see the reason why another one is required.

2. Nuisance- With the off license being open here we already have loitering of youth in and around the shop which is not conducive to a residential area with many young children playing out in the streets. Customers tend to hang around the shop and this after 9pm would simply not be acceptable considering the noise impact. Alongside this please note this is a very residential street unlike the above mentioned off licenses which are on main roads, the flow of traffic and customers visiting this off license after 9pm again will only increase noise and traffic pollution at times when residents are resting for the day and peace and quiet being a necessity for this to happen. The results of noise during the day of young people hanging around the shop having their cigarettes and alcohol is already problematic enough. To enhance the opening hours the council will only further exacerbate the aforementioned issues.

3. Parking issues- I can appreciate the letter states this is not considered however on Atherstone Road with the council enforced double yellow lines this has added to already present frustrations with parking. In the evenings residents are all home and parking is at full capacity, therefore people visiting the store park in hazardous ways to access the shop and by extending the opening hours the council will only further be adding to the problem from a safety perspective. When parking is full people visiting the shop because it is on the corner park in hazardous ways, this blocks the view of other drivers and can be a danger to other drivers and pedestrians. Further to this customers when parking is tight as is after 7pm park on the pavement which again is a hazard especially for young children. By allowing an extension of these hours the council will only be further adding to this dangerous situation.

I hope the council understands the local residents disapproval of this planning application and duly rejects this.

Also could I be sent an email to confirm this objection has been admitted and duly accounted for.

Yours sincerely

Nazam Khan

Harvey, Megan

From: LBC ER Licensing
Sent: 18 June 2020 09:02
To: Mernagh, Holly
Subject: FW: Shop

From Inbox – For you

If you have any questions please do not hesitate to contact the Licensing Service on 01582 546040.

Kind Regards,

Saffron Long

Licensing Officer
Luton Borough Council
T: 01582 546040
T: 01582 546118
E: licensing@luton.gov.uk
E: saffron.long@luton.gov.uk

Please Note important changes: Covid 19.

Licensing service public counter and including licensing staff public counter at Kingsway depot is closed for day to day business with immediate effect until further notice.

All applications are to be processed via electronic facilities and the council's online portals should be used.

With immediate effect the licensing service has decided to suspend the provisions to accept ALL (new) grant applications for private hire and hackney carriage driver licences until further notice, this is due to the current situation and the circumstances with COVID 19.

Knowledge Test bookings:

Private hire and hackney carriage driver knowledge tests will all be postponed until further notice.

Did you know for enquiries concerning private hire and hackney carriage licensing you can apply for your licence application online.

You can also tell us if your vehicle has any damage or been involved in an accident at this link:
<http://luton.gov.uk/hcphapplications>.

If you have any questions please do not hesitate to contact the Licensing Service at licensing@luton.gov.uk or 01582 546040 between 09:00 and 16:00 Monday to Friday.

From: Praviz Khan [REDACTED]
Sent: 17 June 2020 19:48
To: LBC ER Licensing
Subject: Shop

Praviz Khan,
73 Atherstone Rd,
Luton,
Beds.
Lu4 8qu

Application reference: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road,
Luton, LU4 8QU

To whom it may concern,

I write to you in relation to the above application which is in relation to the extended operating hours of:
D&S Food & Wine.

As a local resident who has been consulted by the council in relation to this I would like to put forth my objection alongside many other local residents, please see the following reasons:

1. Requirement- We already have at least 5 off license facilities plus a Tesco supermarket within a 1 mile radius of the current applicant. This includes: VS Food and Wine on Chaul end Lane, Rose Newsagent on Humberstone Road, 645 Dunstable Road MFG petrol pump (Londis), D&S Food and Wine 845 Dunstable Road and D&S Food and Wine at 19 Poynters Road.

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2. Nuisance- With the off license being open here we already have loitering of youth in and around the shop which is not conducive to a residential area with many young children playing out in the streets. Customers tend to hang around the shop and this after 9pm would simply not be acceptable considering the noise impact. Alongside this please note this is a very residential street unlike the above mentioned off licenses which are on main roads, the flow of traffic and customers visiting this off license after 9pm again will only increase noise and traffic pollution at times when residents are resting for the day and peace and quiet being a necessity for this to happen. The results of noise during the day of young people hanging around the shop having their cigarettes and alcohol is already problematic enough. To enhance the opening hours the council will only further exacerbate the aforementioned issues.

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I hope the council understands the local residents disapproval of this planning application and duly rejects this.

Regards

Local resident

Get Outlook for iOS

Harvey, Megan

From: LBC ER Licensing
Sent: 18 June 2020 09:42
To: Deller, Mark; Harvey, Megan; Long, Saffron; Mernagh, Holly; Owen, Laura; Van Beukelen, Jennifer; Vippond, Sarah
Subject: FW:

From inbox - for whoever is dealing

Thanks

Jen

Jenny van Beukelen
Lead Senior Licensing Officer
Luton Borough Council
01582 546119
07760 125929
Jennifer.vanbeukelen@luton.gov.uk

Please Note important changes: Covid 19.

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If you have any questions please do not hesitate to contact the Licensing Service at licensing@luton.gov.uk or 01582 546040 between 09:00 and 16:00 Monday to Friday.

-----Original Message-----

From: sobia aftab
Sent: 18 June 2020 09:32
To: LBC ER Licensing
Cc: Cllr (Lab) Malik, Khtija (Luton) ; Cllr (Lab) Shaw, Tom (Luton) ; Cllr (Lab) Malik, Tahir (Luton)
Subject:

Please note: this email has been received from an external source.
75 atherstone road:

Application reference: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road, Luton, LU4 8QU

To whom it may concern,

I write to you in relation to the above application which is in relation to the extended operating hours of: D&S Food & Wine.

As a local resident who has been consulted by the council in relation to this I would like to put forth my objection alongside many other local residents, please see the following reasons:

1. Requirement- We already have at least 5 off license facilities plus a Tesco supermarket within a 1 mile radius of the current applicant. This includes: VS Food and Wine on Chaul end Lane, Rose Newsagent on Humberstone Road, 645 Dunstable Road MFG petrol pump (Londis), D&S Food and Wine 845 Dunstable Road and D&S Food and Wine at 19 Poynters Road.

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I hope the council understands the local residents disapproval of this planning application and duly rejects this.

P.S Also as a community we are bewildered that the amount of planning permission that has been granted to several takeaways in this area. McDonald, KFC, Pizza Hut, Akbar takeaway, Ak peri peri. On one hand the council and NHS are promoting healthy eating and on the other hand they allow takeaways to open. It is common knowledge that people from the BAME community are more likely to be affected by cardiovascular disease yet the council is aware the ethnic make up of LU4 area and it still grants these applications that are Rui I gotta the healthy to children and families. It is questionable that why is there a huge amount of takeaways in a predominant as in area in contrast to a more white populated area.

Regards

Local resident

M. Begum
75 Atherstone Road

Harvey, Megan

From: LBC ER Licensing
Sent: 19 June 2020 15:05
To: Mernagh, Holly
Subject: FW: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road, Luton, LU4 8QU

-----Original Message-----

From: Kazim Raza
Sent: 19 June 2020 13:45
To: LBC ER Licensing
Cc: Cllr (Lab) Malik, Khtija (Luton) ; Cllr (Lab) Shaw, Tom (Luton) ; Cllr (Lab) Malik, Tahir (Luton)
Subject: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road, Luton, LU4 8QU

Please note: this email has been received from an external source.

Kazim Raza
84 Atherstone Road
Luton
LU4 8QU

Application reference: LA03/D&S Food and Wine- 170978 -D&S Food and Wine 85 Atherstone Road, Luton, LU4 8QU

To whom it may concern,

I write to you in relation to the above application which is in relation to the extended operating hours of: D&S Food & Wine.

As a local resident who has been consulted by the council in relation to this I would like to put forth my objection alongside many other local residents, please see the following reasons:

1. Requirement- We already have at least 5 off license facilities plus a Tesco supermarket within a 1 mile radius of the current applicant. This includes: VS Food and Wine on Chaul end Lane, Rose Newsagent on Humberstone Road, 645 Dunstable Road MFG petrol pump (Londis), D&S Food and Wine 845 Dunstable Road and D&S Food and Wine at 19 Poynters Road.

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Regards
Local resident