

COMMITTEE REF:

LP/08/19



## NOTICE OF MEETING


**COMMITTEE** : LICENSING PANEL (405)  
**DATE** : THURSDAY, 22 AUGUST 2019  
**TIME** : 10.00 AM  
**PLACE** : COMMITTEE ROOM 4, TOWN HALL, LUTON  
**COUNCILLORS:** KEENS  
M. HUSSAIN  
TAYLOR  
**QUORUM** : 3 MEMBERS

**CONTACT OFFICER:** Eunice Lewis **Direct Line:** 01582 547149

### INFORMATION FOR THE PUBLIC


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

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

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

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With the agreement of the Chair of the Licensing Panel, members of the public may take photographs, film, audio-record and report on the meeting. They must however respect any privacy conditions imposed by the Chair to protect certain individuals and may not act in any way considered to be disruptive, as they may be asked to leave. Notice will be given verbally at the meeting.

# AGENDA

*Agenda  
Item*

*Subject*

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No.*

## **EMERGENCY EVACUATION PROCEDURE**

### **Committee Rooms 1, 2, 4 & Council Chamber:**

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

### **Committee Room 3:**

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

### **1. ELECTION OF CHAIR**

### **2. MINUTES**

#### **1. 22 July 2019**

6 - 16

### **3. DISCLOSURES OF INTERESTS**

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.

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.

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.

### **4. URGENT BUSINESS**

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

**REPORT**

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| <b>5.</b> | <b>APPLICATION FOR GRANT OF PREMISES LICENCE,<br/>TWO BRO'S PIZZA &amp; DESSERT, 205 MARSH ROAD, LUTON</b> | 17 - 51 |
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| <b>6.</b> | <b>LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005</b> |
|-----------|---|

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 procedure for oral hearings is attached to this Agenda Page	4 & 5
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**BOROUGH OF LUTON**

**PROCEDURE AT ORAL HEARINGS BEFORE THE**

**COUNCIL'S LICENSING PANEL**

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

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

**LICENSING PANEL (425)**

**22 July 2019 at 10.00 pm**

**PRESENT:** Councillors: M. Hussain, Mead and Taylor

**OFFICERS:** Holly Mernagh - Senior Licensing Officer (Item 1)  
 Sarah Vippond - Senior Licensing Officer (Item 2)  
 Raj Papat - Solicitor, Clerk to the Panel  
 Bert Siong - Democracy & Scrutiny Officer

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

**Resolved:** That Councillor M. Hussain be elected Chair of Panel No.425.

**10. MINUTES (REF: 2.1 AND 2.2)**

**Resolved:** That the minutes of the Licensing Panel meetings held on 17 December 2018 and 1 March 2019, be agreed as true records and the Chair be authorised to sign them.

**11. APPLICATION FOR REVIEW OF PREMISES LICENCE, HIGH TOWN SUPERMARKET, 33-35 HIGH TOWN ROAD, LUTON (REF: 5)**

**PRESENT**

**APPLICANT:** Bill Masini (Trading Standards)

**LICENCE HOLDER:** KANTHARUBAN  
 THIRUGNANASAMPANTHAR (Luton Star Limited)

**LICENCE HOLDER'S REPRESENTATIVES:** N. MATTHEWS (COUNSEL)

**LICENCE HOLDER'S PERSONAL INTERPRETER:** Name not recorded

(Note: All parties present introduced themselves)

Mr Matthews, Counsel informed the Panel of the presence of the interpreter for Mr Thirugnanasampanthar, the Licence Holder, who had been arranged by his instructing solicitors. The need for an interpreter had not previously been communicated to the Licensing Service.

The Chair explained the hearing could not proceed without an official interpreter engaged by the Council.

Mr Matthews said they had not been informed of the rule on the matter and confirmed his client's English was not good enough to proceed without an interpreter.

**Resolved:** That the application for review of the premises licence, in relation to High Town Supermarket, 33-35 High Town Road, Luton be adjourned to a date to be fixed, to enable an official Tamil interpreter to be engaged by the Council for the hearing.

**11. APPLICATION FOR REVIEW OF PREMISES LICENCE, 7 To 11, 135 HIGH TOWN ROAD, LUTON (REF: 6)**

**PRESENT**

<b>APPLICANT:</b>	PC LEANNE KIRSOP (Beds Police) STACEY GRUNDY (Observer, Beds Police)
<b>LICENCE HOLDER:</b>	MAZAMAL HUSSAIN
<b>LICENCE HOLDER'S REPRESENTATIVES:</b>	MISS FISHER (Counsel)
<b>INTERESTED PARTIES:</b>	BILL MASINI (Trading Standards) CHLOE STEPHENSON (Public Health) TONY IRELAND (Licensing Service)

(Note: All parties present introduced themselves)

The Clerk to the Panel explained the procedure at oral hearings before the Council's Licensing Panel.

Sarah Vippond, the Licensing Officer reported on the application from PC 138 Darren Welch, on behalf of the Chief Constable of Bedfordshire Police for the review of a Premises Licence in respect of 7 to 11, 135 High Town Road, Luton.

She said the premises were a supermarket and drew the Panel's attention to the appendices, comprising Appendix A - the Premises Licence, Appendix B - the Review Application, Appendix C - Supporting Information, Appendix D - representations from Responsible Authorities and Appendix E - representations from Interested Parties.

In relation to Appendix C, she tabled an additional statement from the Police, which had been omitted from circulation in error. The Panel allowed all parties to read the contents of the statement prior to proceeding with the meeting. There being no representation from Miss Fisher on behalf of the Licence Holder, the Panel admitted the statement in evidence.

In relation to Appendix E, she said the representation from Mr Offin was in objection to the Police application, but Mr Offin had ticked the wrong box to indicate support. He was in fact in support Mr Hussain, the Licence Holder.

She further informed the Panel, the application was in relation to the prevention of crime and disorder and the protection of children from harm licensing objectives, as set out in the report.

There being no questions for the Senior Licensing Officer from any parties present, PC Kirsop addressed the Panel in support of the application.

She highlighted the background and gave details of the joint test purchase operation carried out by PC Darren Welch and Mr Ramesh Patel, Trading Standards at the premises on 28 May 2019. At 11.15 am on that day, two 14 years old test purchasers went to the shop and selected a bar of chocolate and single can of 'Perla', an imported Eastern European beer with an alcohol volume of 7.8%. They paid in cash for the items, with no questions asked and left.

She said PC Welch Mr Patel then entered the store and spoke to the boy behind the till about the test purchase. He gave his name and said he was over 18 years old. Mr Mazamal HUSSAIN then came to the front of the store and confirmed his son behind the till was in fact only 15 years old. He was informed about the failed test purchase.

She informed the Panel Beds Police were concerned Mr Hussain showed no concern for the breach of the licensing objectives, particularly the sale of strong alcohol to children.

She went on to say, when PC Welch went back to collect the CCTV footage the following week, Mr Hussain was uncooperative, as he was also when requested to show his refusal log. He claimed he did not know the process to download the CCTV footage or how to retrieve refusals from his till system.

She added that as Mr Hussain had shown no responsibility and no respect for the licensing objectives, particularly the prevention of harm to children, it was the recommendation of the Police that the premises licence be revoked.

PC Kirsop was questioned by the Panel and responded in compliance with the approved procedure, confirming the test purchasers and the seller were underage at 14 and 15 years of age respectively. She also confirmed there was a lack of co-operation from Mr Hussain when he was requested to supply the CCTV footage of the test purchase transaction and access to the premises refusal log.

PC Kirsop was questioned by Miss Fisher, Counsel for the Licence Holder's and responded in compliance with the approved procedure, providing information as set out below:

- PC Kirsop was not familiar with the EPOS till system used at the premises, on which refusals were recorded;
- She agreed keeping a refusal log and downloading CCTV footage were not in the conditions of the licence;
- To the suggestion Mr Hussain had been uncooperative and had the means to comply with any additional conditions in the future, she said Mr Hussain's attitude and behaviour was not forthcoming and fell below what was expected for a premises licence holder;



- She could not comment about the claim PC Welch had been standoffish, but agreed Mr Hussain had been forthcoming about the age of his son;
- She was not aware of other issues in the last 20 years during Mr Hussain tenure of the premises licence;
- She was aware of another licence premises at 33-35 High Town Road, close to St Matthew's Primary School that was also under review;
- To the suggestion there was no direct evidence to link Mr Hussain's shop with a breach of the prevention of crime and disorder licensing objective, she said she did not know;
- To a suggestion there was no reason for the review, she said it was possibly prompted by Mr Hussain's behaviour;
- In relation to the prevention of harm to children licensing objective, she was not aware of other test purchasers at Mr Hussain's shop.

Chloe Stephenson addressed the Panel on behalf of Public Health, a Responsible Authority, making representation as per the written submission at Appendix D of the report (Ref: 9). Key points made are set out below:

- Public Health was very concerned about the sale of very strong alcohol to a child considerably below the legal minimum age, the sale being made by an unsupervised 15 year old boy;
- Children were less able to cope with the effects of alcohol, which could affect normal development and lead to greater risky behaviour, including anti-social behaviour;
- Intoxication could also make children more vulnerable to predatory adults, evident from recent high profile child safeguarding cases, where alcohol was shown to be a significant contributory factor;
- The Perla beer bought, with an alcohol by volume of 7.6% was particularly worrying, as contained nearly 4 units of alcohol, the recommended daily amount for an adult;
- The Protection of children from harm licensing objective was seriously undermined;
- It was irresponsible for the child seller to have been left unsupervised, as a responsible adult would most likely have refused the sale;
- The premise is in a medium risk area, as assessed by the Public Health Alcohol Licencing Matrix Tool, designed to identify areas of high alcohol-related harm;
- Public Health believed the application for the review of the Premises Licence should be taken very seriously and supported it.

The Public Health Officer was questioned by the Panel and responded in compliance with the approved procedure, agreeing the public health issue with under age children consuming alcohol could apply to any premises

The Public Health Officer was questioned by Miss Fisher, Counsel for the Licence Holder's and responded in compliance with the approved procedure, providing information as set out below:

- Public health representation was about the effect of alcohol on children in relation to the review;

- Licensed premises should not be selling high strength alcohol. Public health had issued information to licence holders;
- She could not comment on whether there had been any previous incidents at the premises;
- She agreed one incident was one too many and agreed conditions could be added to the licence to stop recurrence in the future.

Bill Masini, addressed the Panel at length on behalf of Trading Standards, a Responsible Authority, making representation as per the written submission at Appendix D of the report (Ref: 9). Key points made are set out below:

- The test purchase by the 14 year old boy on which the review was based was carried out at school half-term;
- Mr Hussain's shop was the only one which made such a sale on the day;
- If the seller had been of legal age, he believed the sale would have been refused;
- There was a bell to call Mr Hussain when at the back of the shop away from the till;
- Sale by a minor to a minor were aggravating factors;
- Perla beer was 7.6% by volume, above the 7.5% limit, when higher duty applied;
- Trading Standards had already been dealing with Mr Hussain about sales of super strength beers fuelling anti-social behaviour around the town. The Premises were just outside the public protection order restricted area;
- My Hussain's illegal activities relating to acquisition and sale of super strength beers, including Karpackie beer at 9% by volume and of unregulated and counterfeit cigarettes and tobacco were described in detail;
- Mr Hussain was described as co-operative and eventually accepted simple cautions for 17 offences;
- The Designated Premises Supervisor was absent on every occasion the premises were visited;
- The review application by the Police was supported, due to the pattern of behaviour over a period of time and a number of offences committed by My Hussain around cheap illegal products;
- If the Panel was minded not to revoke the licence, a set of conditions to prevent future breached of the licensing objectives were proposed as set out in the written representation, as the three current conditions on the licence were inadequate.

Bill Masini was questioned by the Panel and responded in compliance with the approved procedure, providing information as set out below:

- The test purchase in question was the first one he was aware of, although he was not personally involved in it. He had dealt with Mr Hussain a long time previously;
- He agreed buying and selling cheap alcohol could be fuelling the illegal import of the alcohol, as if shop keepers did not sell it, it would not been brought in;
- Luton was well served by wholesalers, but some shop keepers wished to gain a competitive advantage by selling at low prices;

- There were big problems in Luton with sale of illegal tobacco products, as shop keepers were keen to grab a bargain;
- He was not aware of which other shops were subject of test purchases on the day, but only Mr Hussain's shop failed. It was difficult for a child to refuse sale to another child;
- In view of the pending review and Mr Hussain dealing with domestic issues, there was no prosecution in relation to illegal activities detected following the test purchase operation. Mr Hussain accepted cautions for a number of offences, which were then concluded.

The Clerk to the Panel reminded Members sale of tobacco products was not a licensable activity for the purpose of the premises licence.

The Trading Standard Officer was questioned by Miss Fisher, Counsel for the Licence Holder's and responded in compliance with the approved procedure, providing information as set out below:

- He was not aware of repetitive behaviour by Mr Hussain, as he had not been working at Luton for a long time, since his involvement with him in 2005;
- He was working in Luton to deal with problems and had not looked at repetitive behaviour. He was not aware Mr Hussain was not complying with the conditions on his licence;
- He agreed Mr Hussain had been co-operative, as he admitted the offences. He had no reason to believe Mr Hussain would not be the same in the future;
- He agreed the sale would not have taken place if an adult had been behind the till. It was difficult for a child to refuse another child;
- He was aware Mr Hussain had been under pressure and personal stress from his domestic circumstances around his wife's pregnancy and their baby's health at the time of the test purchase, which could have been a factor about the underage alcohol sale, but did not explain the illegal activities with the Karpackie beer and tobacco products;
- He agreed if the bell had been rung, Mr Hussain would have come out and the sale would not have been made;
- Proposed conditions were set out in his written representation, including removing the DPS, not selling super strength beers and not dealing in illegal sale of tobacco;
- Restricting beers strength at 5.5% by volume, as agreed by Public Health was designed to stop sale of super strength beers. Mr Hussain did not sell niche beers and only dealt in super strength beers;
- He was not aware if other shops were restricted to sales of beers of 7.4% and under by volume. He believed it was better to have the conditions than not to have a licence;
- He had seen people in the shop misbehaving on his visits and had not seen the DPS at all in the current year.

Miss Fisher then invited Mr Hussain to answer a number of questions, to give evidence in support of his defence against the application, which is summarised below:

- Normally, staff working in the premises comprised himself, his wife and 2 or 3 part-time employees. His sons also helps when not at school and at week-ends;
- He had been in business for about 20 years, during which there had been one incident in 2004/5 after he became sole trader, having split from a partnership before that;
- If anyone buying alcohol looked under 25, they would be asked for ID, or if his sons were behind the till, they would ring a bell to call him from the back of the store;
- He described his stressful home situation due to his wife's difficult pregnancy and the birth of their daughter, with health problems, necessitating stay in hospital, when he was working alone at the shop. His shop was his only source of income;
- On 28 May his wife was in hospital. It was school half-term. His son brought him some food for lunch and he went to the back of the store to warm and eat the food, leaving his son at the till;
- When he came back he saw PC Welch and Mr Patel
- He claimed PC Welch spoke to him in an aggressive manner and he responded in the same manner;
- He accepted his son had done wrong and accepted responsibility for it;
- He alleged PC Welch threatened to have his licence revoked instead of issuing him with an £85 fine;
- He said his son told Mr Patel he was over 18 when asked his age and that he had told his son to tell the truth. He claimed his son was trying to protect him and made a mistake;
- About the CCTV footage, he did not feel it was his responsibility to provide a USB stick and download it and invited PC Welch to help himself. PC Welch also asked him to put the footage on two screens, which he did not know how to do.
- About the refusal log, he informed PC Welch it was on his Epos till system, but did not know how to retrieve information from it, as he said he was not technically minded and only knew the basics;
- He said he answered every question PC Welch put to him and that it was just a question of PC Welch and him not getting on, due a personality clash and that he had no issues with the Police or any other agencies;
- In terms of the representation from St Matthew's Primary School, he said High Town Road was saturated with off-licences. He had never sold alcohol to young people and had no control over the prostitution and drug abuse issues in the area;
- He said Mr Offin supported him, but could not attend the hearing. Other customers had letters about the review and did not make comments against or for him;
- If he lost his licence, he said he would have to close the shop, as most of his business was around his licensing trade, as grocery sales was low;
- He said he had accepted a caution for matters dealt with by Trading Standards and asked the committee to do what they felt was appropriate. He added he would accept the conditions, but the one restricting sales to beers of no more than 5.5% would be a problem, and would wish to have it changed to 7.5%, the upper limit allowed.

He added his business was only viable due to the variety of the products sold and him working 7 days a week.

Mr Hussain, the Premises Licence Holder was questioned by the Panel and responded in compliance with the approved procedure, providing information as set out below:

- He admitted his son lied about his age to cover himself and help his father;
- He did not agree his DPS was not around, as Trading Standards only visited three times, a point disputed by Bill Masini;
- He stated his shop was not the only one to fail a test purchase, as Colin Road also did;
- The till system EPOS could be by-passed to make a sale, but he said his son should have rung the bell, which he had done before. He would not have been left on his own if his wife had been in. He made a mistake and lied;
- He used to have under-age children try to buy alcohol, but once they knew they would be refused, they stopped going to the shop.

In summing up, PC Kirsop made the point the Police had no confidence they could establish a working relationship with Mr Hussain, the Licence Holder, and described him as unprofessional. She said the Police viewed the sale of alcohol to an under-aged child by an under-aged child, with no questions asked, very seriously and requested the Panel consider revocation of the licence.

Mr Masini said Trading Standards supported the Police application.

Miss Fisher, Counsel for Mr Hussain said revocation of his licence would be disproportionate in the circumstances, as it should be adequate to add conditions to the licence to promote the prevention of crime and disorder and prevention of harm to children licensing objectives.

She invited the Panel to consider and take into account the whole circumstances in mitigation, including the fact there had not been any incidents in 15 years, it was not clear if he had passed other test purchases and Mr Hussain's domestic circumstances about his wife and baby daughter's ill-health at the time. She added a fine would have been appropriate for the offences committed in the circumstances and the only evidence that Mr Hussain could not be responsible was from PC Welch. She said Mr Hussain had co-operated with Mr Masini.

In closing, Miss Fisher stated it would be disproportionate to revoke the licence, as Mr Hussain had a young family to support. She invited the Panel not to revoke the licence, but to add conditions, as suggested by Trading Standards, which Mr Hussain was willing to accept, except for the restriction on the strength of beers, which should be 7.5% and not 5.5%.

The Clerk reminded the Panel of its powers and the options available, as set out in the report. He informed the Panel their decision needed to be proportionate to promote the licensing objectives.

He also advised, in relation to the representation from St Matthew's Primary School, that although there were problems in the area, there were many other licensed premises and no direct evidence had been provided to specifically link

these premises to the problems and therefore they should not be regarded as relevant representations unless it could be shown that there was a specific link to these premises.

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

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

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press 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 Principal Licensing Officer (Ref: 6) as referred to in Minute No. 11/19.

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

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

**14. APPLICATION FOR REVIEW OF PREMISES LICENCE, 7 To 11, 135 HIGH TOWN ROAD, LUTON (REF: 6)**

**Resolved:** That, the Panel having carefully considered all the papers before it and the oral representations made by PC Leanne Kirsop for Bedfordshire Police, Bill Masini for Luton Council, Trading Standards and Chloe Stephenson for Luton Council, Public Health in support of your application and those made by Miss Fisher, Counsel on behalf of Mr Mazamal Hussain, the Premises Licence Holder, and in addition the Panel having regard to the licensing objectives set out in the Licensing Act 2003 ('the Act'), the Council's Statement of Licensing Policy and the Guidance issued under the Act, it considered that it would be disproportionate to revoke the licence.

However, the Panel considered it appropriate in order to promote the licensing objectives, to modify and add conditions to the licence as follows:

Modification

1. The Designated Premises Supervisor (Jemma Louise Barrow) be removed from the licence.
2. Remove Condition Annex 2(1) *"CCTV tapes to be kept for 14 days"*.

Additional Conditions

1. No beers or lagers in cans, bottles or any other container constructed of any material with an ABV of more than 7.5% are to be displayed, sold or offered for sale from or store on the premises

2. No ciders in cans or bottles or any other container constructed from any material with an ABV of more than 4.9% are to be displayed, sold or offered for sale from or stored on the premises
3. No beers, lagers or ciders are to be displayed, sold or offered for sale from or stored on the premises in individual containers that have a capacity exceeding 1 litre (or imperial equivalent)
4. A minimum of 4 cans of beer, lager or cider shall be sold in any one transaction. A combination of these drinks is permitted to achieve minimum quantity.
5. No spirits in any container (constructed of any material) where the quantity is 100ml or less, are to be displayed, sold or offered for sale from or stored on the premises.
6. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
7. There shall be a personal licence holder on the premises at all times alcohol is available for supply, for the purpose of supervising such sales
8. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provided valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
9. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at all times and be made immediately available for inspection at the premises to Council or Police Officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
10. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
11. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed. The EPOS system would need to have the ability to report from if/when required.

12. Clear and prominent notices shall be displayed informing people who enter the shop that CCTV is in operation and images are being recorded.
13. A CCTV system shall be installed at the premises that records clear images of to cover all areas within the premises including the outside to the front in all lighting conditions both the interior and exterior of the premises. It must be positioned to capture a clear facial image of every person who enters the premise and to also capture the sale of alcohol and tobacco products.
14. The CCTV system shall have a 31 day recording facility and be maintained in full working order at all times.
15. All CCTV footage shall be kept for a period of thirty on (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Luton Borough Council.
16. All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation and download images to a removable device on immediate request by the Police and/or Authorised Officers from Luton Borough Council.
17. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Police Officers and Authorised Officer from Luton Borough Council

**(Note: The meeting ended at 1.18 pm)**



**AGENDA ITEM****5****COMMITTEE: LICENSING PANEL****DATE: 22<sup>ND</sup> AUGUST 2019****SUBJECT: APPLICATION FOR GRANT OF  
PREMISES LICENCE TWO BRO'S  
PIZZA & DESSERT, 205 MARSH  
ROAD LUTON LU3 2QJ****REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES****CONTACT OFFICER: TONY IRELAND****TEL: 546040****IMPLICATIONS:****LEGAL ☐****COMMUNITY SAFETY ☐****EQUALITIES ☐****ENVIRONMENT ☐****FINANCIAL ☐****OTHER ☐****STAFFING ☐****WARDS AFFECTED: LIMBURY**

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**PURPOSE**

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Zia Ali Shah of Two Bro's Pizza & Dessert, 205 Marsh Road, Luton LU3 2QJ for the grant of a Premises Licence.

**RECOMMENDATION**

2. That the Licensing Panel determine the application of Zia Ali Shah for the Grant of a Premises Licence in respect of Two Bro's Pizza & Dessert, 205 Marsh Road, Luton LU3 2QJ

**BACKGROUND**

3. An application was received on 28<sup>th</sup> June 2019 for the grant of a Premises Licence that will allow late night refreshment, Monday to Sunday between the hours of 23:00 and 05:00 (the following day) to take place.
4. The Applicant states that the Premises is a pizza restaurant and delivery service. A map showing the location of this Premises, along with an aerial image, and a plan of the Premises submitted by the applicant, is attached at Appendix A.

5. Details of the licensable activities requested are set out as follows:

Licensable Activity	Applied for	Licensable Activity	Applied for
<u>Regulated entertainment</u>		<u>Provision of facilities for entertainment</u>	
Plays		Provision of entertainment facilities for making music	
Films		Provision of entertainment facilities for dancing	
Indoor Sports Events		Provision of entertainment facilities for entertainment of a similar description to making music or dancing	
Boxing or Wrestling Entertainment		<u>Late night refreshment</u>	
Live Music		Provision of late night refreshment	✓
Recorded Music		<u>Supply of alcohol</u>	
Performances of Dance		Supply of alcohol	
Anything of a similar description to live or recorded music or dance			

DAYS	Times requested					
	Times premises will open to public	Supply of alcohol	Live music <sup>1</sup> , recorded music <sup>2</sup> , or entertainment of a similar nature <sup>3</sup>	Provision of facilities for making music <sup>4</sup> , dancing <sup>5</sup> , or entertainment of a similar nature	Plays, Films <sup>6</sup> , Performances of dance <sup>7</sup> , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	11:00 - 23:00	N/A	N/A	N/A	N/A	23:00 – 05:00
Friday – Saturday	11:00 - 23:00	N/A	N/A	N/A	N/A	23:00 – 05:00
Sunday	11:00 - 23:00	N/A	N/A	N/A	N/A	23:00 – 05:00

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

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

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

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

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

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

<sup>7</sup> Dance facilities to be used for performances and competitions as well as by customers.



6. In addition to the above, the following non standard timings are sought by the applicant:
- None
7. The Applicant has sought the following seasonal variation:
- 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 latest date for representations to be received was the 26<sup>th</sup> July 2019.

### **PROMOTION OF LICENSING OBJECTIVES**

10. The operating schedule submitted by the applicant describes the additional steps they intend to take in order to promote the licensing objectives. These are as follows:

#### **General**

Due to only requiring a late licence for delivery purposes only after 23:00 most of the steps below are not applicable, but there will be CCTV and lighting in carpark and around building. Also there is no alcohol on the premises or to be delivered.

#### **The Prevention of Crime and Disorder**

There will only be a delivery service operating after 23:00. No eat in service after 23:00. No access for the public to get into the premises after 23:00. There will be CCTV cameras around the building.

#### **Public Safety**

Public Safety should not be affected by delivery only. No access to the restaurant by the public after 23:00. Only carpark used by driver's after 23:00. The carpark will have lighting and CCTV.

#### **The Prevention of Public Nuisance**

Due to the restaurant being closed, there should not be any public nuisance issues. Driver's will adhere to 'good neighbour scheme' which includes keeping noise to a minimum and not slamming doors or to keep engines running.

#### **The Protection of Children from Harm**

This is not applicable as the premise is closed to the public after 23:00. Delivery Service only.

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

## **RESPONSIBLE AUTHORITIES**

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

Police

None

Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

Planning

None

Trading Standards

None

Child Protection

None

## **INTERESTED PARTIES**

12. Representations have been received from the following interested parties, their representations are attached at Appendix C, D and E and made available to the applicant.

<b>Ref. letter</b>	<b>Name</b>	<b>Address</b>	<b>Relevance to which licensing objective</b>
<u>Local resident(s)</u>			
A	Mr I Higgs & Mrs N Higgs	7 Willow Way, Luton LU3 2SA	<i>Prevention of Public Nuisance</i>
B	Mrs Theresa Rhodes and Mr Peter Rhodes	5 Willow Way, Luton LU3 2SA	<i>Prevention of Public Nuisance</i>
C	Mrs Raja Ogua and Mr Youssef Ettawri	1 Willow Way, Luton LU3 2SA	<i>Prevention of Public Nuisance</i>

## **LEGAL PROVISIONS**

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

Section 17 (application for premises licence)

## **OBSERVATIONS**

14. In determining this application, the Licensing Panel must, having regard to the representations received, either grant the application in full or take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them
- (b) Reject the whole or part of the application

15. 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.

## **POLICY CONSIDERATIONS**

16. 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 B Application Process

## **APPENDICES**

The following Appendices are attached to this report:-

Appendix A: Maps and plans showing location of the premises (pages 25 - 26)

Appendix B: Application form including the operating schedule (pages 27 - 47).

Appendix C: Representations forms from Interested Parties (pages 48 - 49).

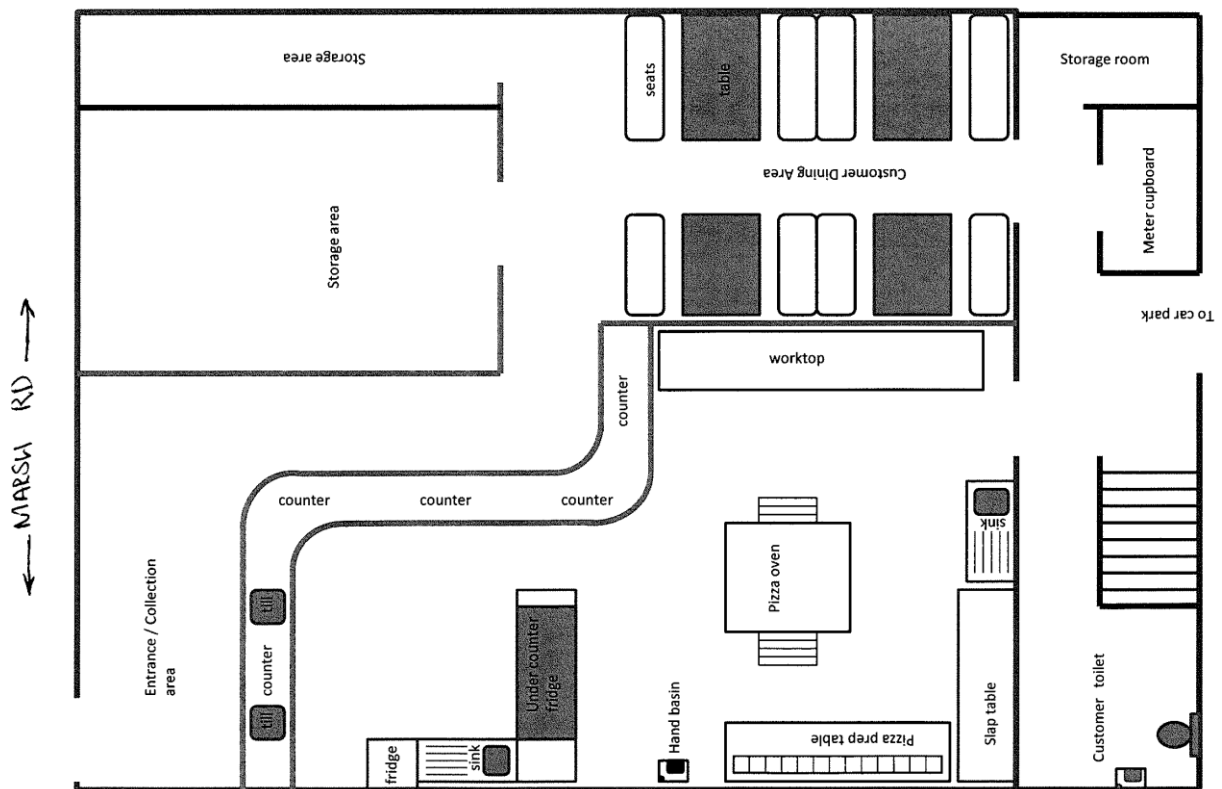
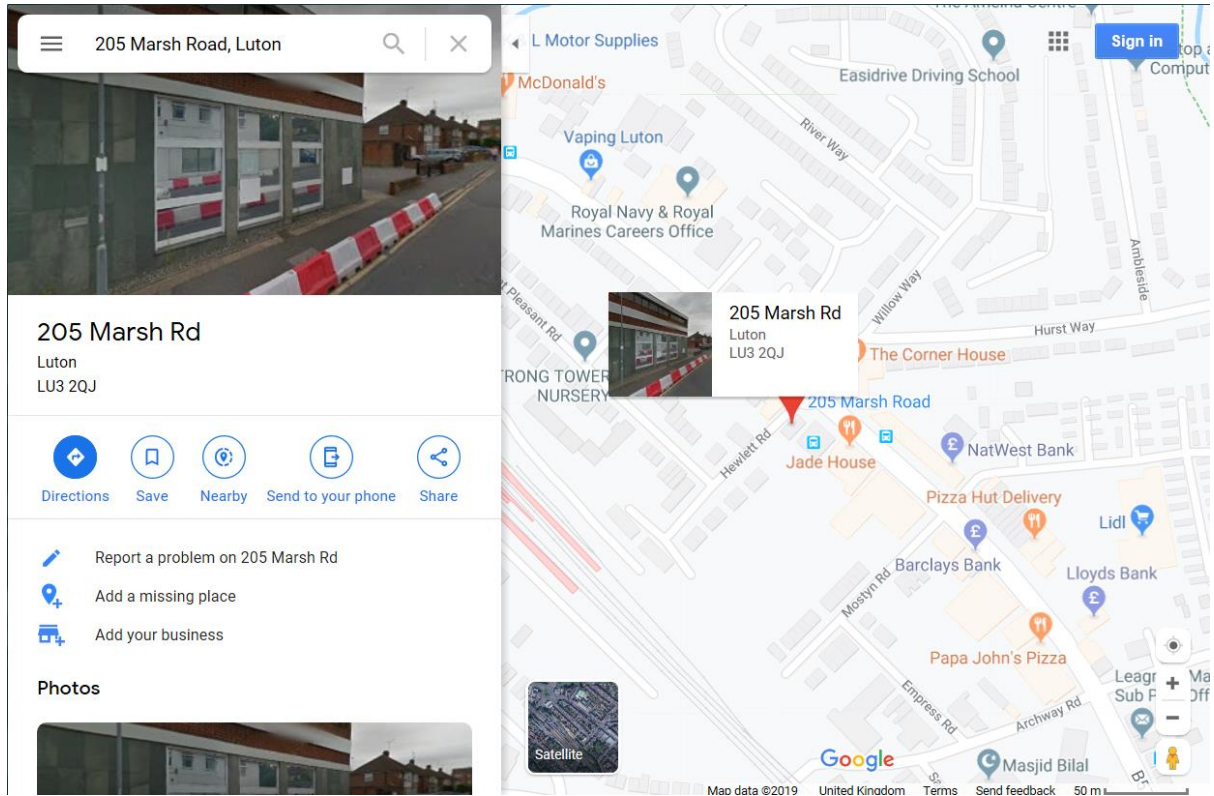
Appendix D: Representation Forms from Interested Parties (page 50).

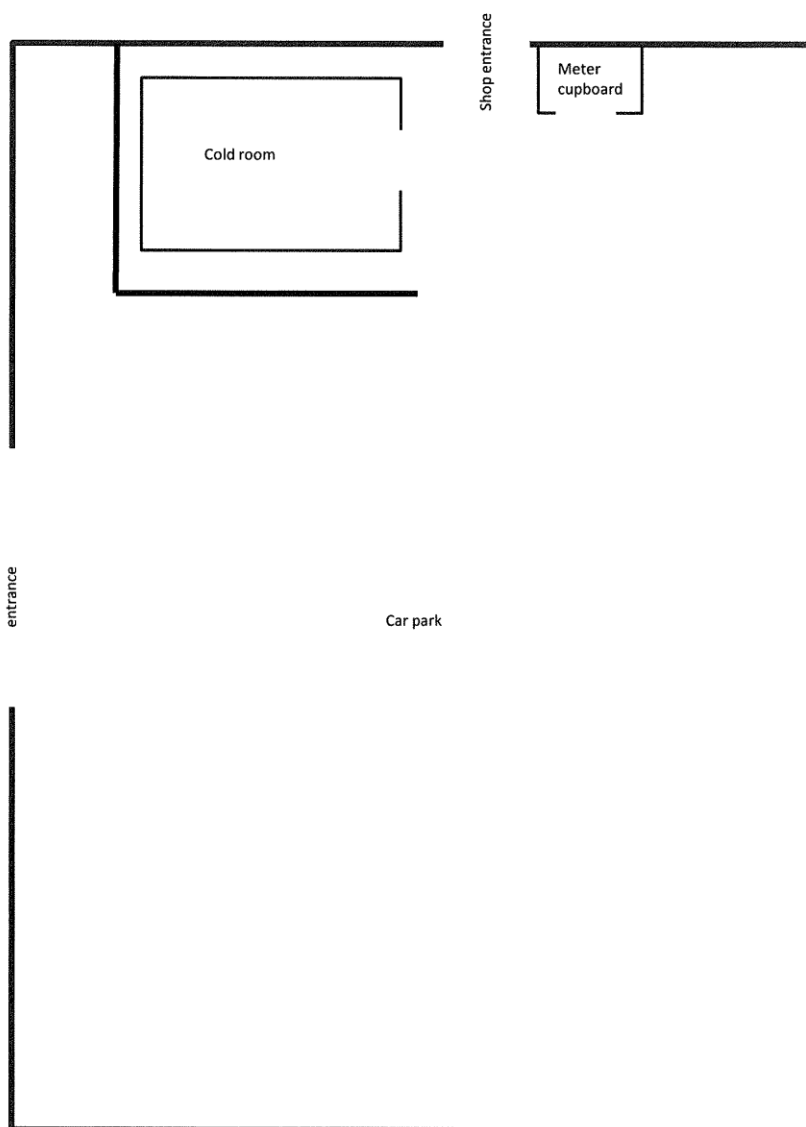
Appendix E: Representation Forms from Interested Parties (pages 51).

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

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







**Application for a premises licence to be granted under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**


Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Zia Shan  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <u>205 Marsh Rd</u>			
Post town	<u>Luton</u>	Postcode	<u>LU3 2QJ</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<u>£4,300</u>	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |  |   |
|--|---|
| a) an individual or individuals *                    | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *               |   |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B)            |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> please complete section (B)            |
| iii as an unincorporated association or              | <input type="checkbox"/> please complete section (B)            |
| iv other (for example a statutory corporation)       | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                                 | <input type="checkbox"/> please complete section (B)            |
| d) a charity   | <input type="checkbox"/> please complete section (B)            |
| e) the proprietor of an educational establishment    | <input type="checkbox"/> please complete section (B)            |

- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <u>Shan</u>			First names <u>Zia</u>		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

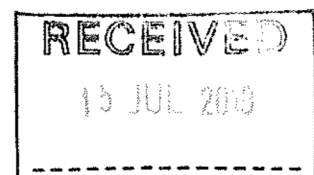
**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)



**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises is located on corner of Marsh Rd and Hewlett Rd. The ground floor will be a Pizza restaurant + delivery service. Upstairs will be offices. There is also a car park to rear. There is no alcohol served or delivered. Only delivery of hot food.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I)☒**Supply of alcohol** (if ticking yes, fill in box J)☐

In all cases complete boxes K, L and M

A

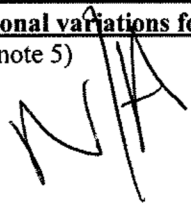
<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

**B**

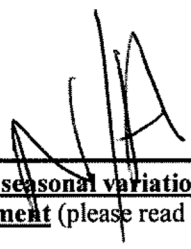
<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						



## C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5) 
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						


**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon			N/A			
Tue						
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

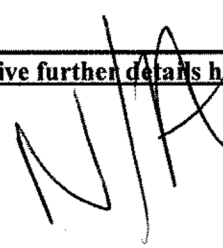
**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4) 		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b> license to deliver after 11.00pm. No restaurant service after 11.00pm.	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	23.00	<b>Please give further details here</b> (please read guidance note 4) Restaurant will close by 11.00pm. Only deliveries to continue until early hours.		
delivery	11.00	05.00			
Tue	11.00	23.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5) None		
"	11.00	05.00			
Wed	11.00	23.00			
"	11.00	05.00			
Thur	11.00	23.00			
"	11.00	05.00			
Fri	11.00	23.00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6) None - We require late license to operate deliveries until 5.00am on daily basis.		
"	11.00	05.00			
Sat	11.00	23.00			
"	11.00	05.00			
Sun	11.00	23.00			
"	11.00	05.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue					
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri			N/A		
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

<b>Name</b>	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	



Luton Council, Licensing Service, Town Hall, Luton LU1 2BQ

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)  Times as listed. Only variation once we receive late license.
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	

**M**

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Due to only requiring late license for delivery purposes only after 23.00 most of the steps below are not applicable but there will be CCTV and lighting in carpark + around building. Also there is no alcohol on premises or to be delivered.

**b) The prevention of crime and disorder**

There will only be a delivery service operating after 23.00. No car in service after 23.00. No access to public into premises after 23.00. There will be CCTV cameras around building.

**c) Public safety**

Public safety should not be affected by delivery only. Again no access to restaurant by public after 23.00. Only car park used by driver after 23.00. Car park will have lighting + CCTV.

**d) The prevention of public nuisance**

Due to the restaurant being closed there should be no public nuisance issues. Drivers will adhere to good 'neighbour scheme' which includes keeping noise to minimum and not slamming doors or keep engine running.

**e) The protection of children from harm**

This is not applicable as premises is closed to public after 23.00. Delivery service only.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒


**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or</li> </ul>
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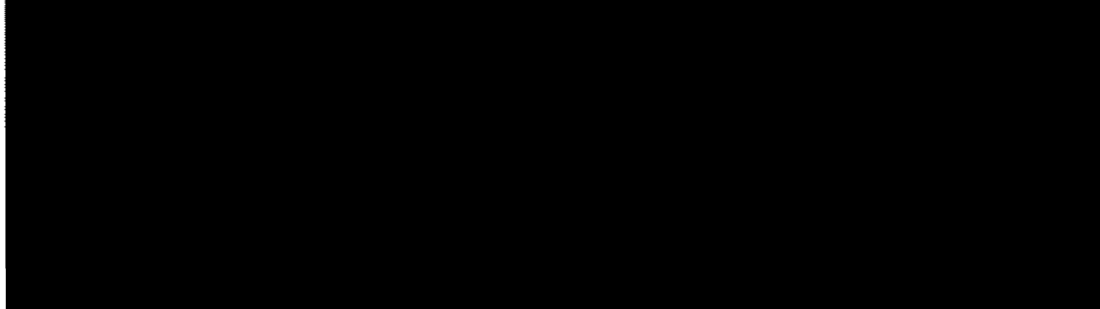
	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	28/2/19
Capacity	owner of business.

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Zia Shah



Customer toilet

Slap table

### Pizza prep table

Hand basin

Under counter  
fridge

bridge

counter

Entrance / Collection area

**Pizza oven**

**sink**

worktop

counter

## Customer Dining Area

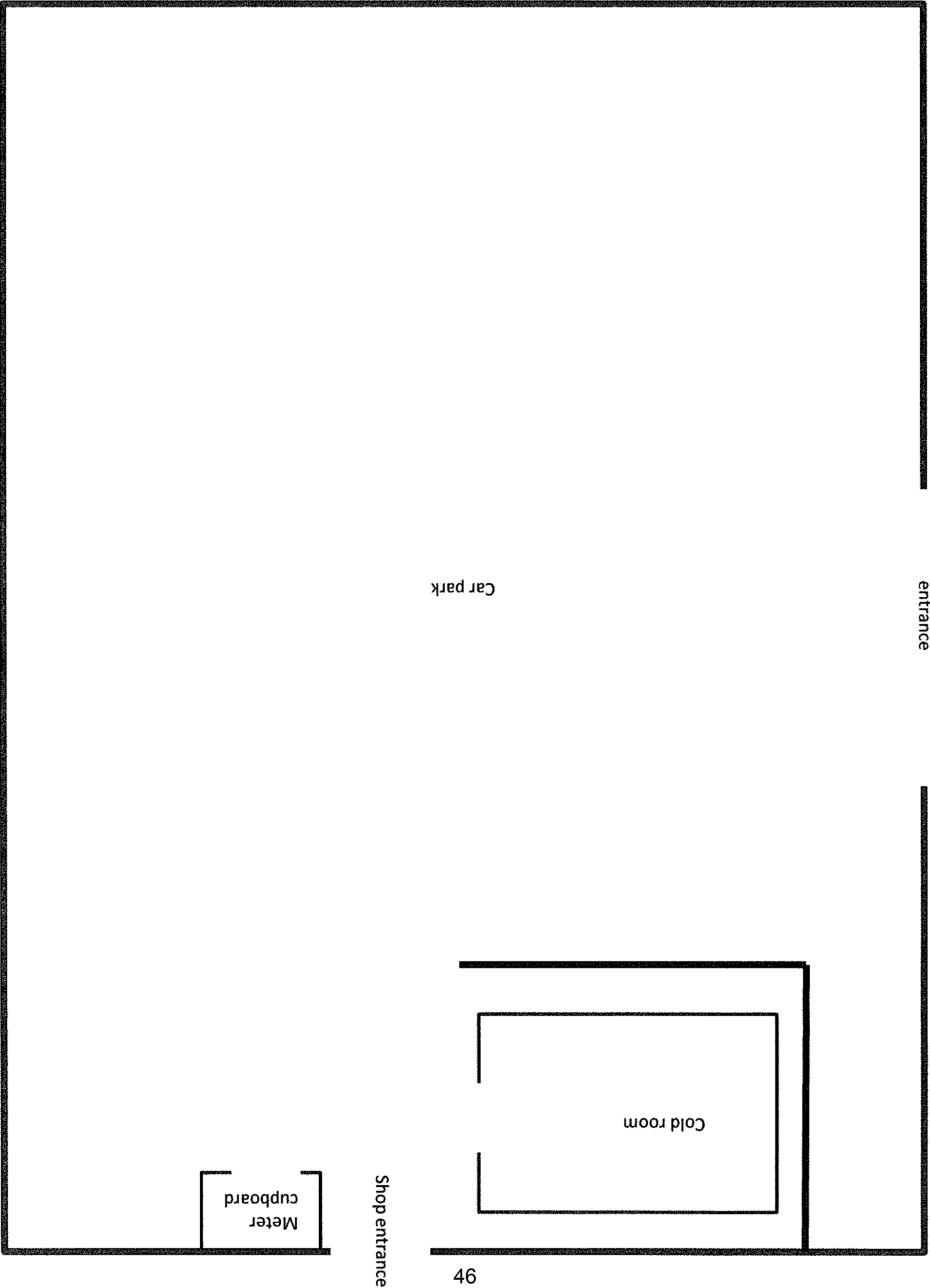
Storage area

**Storage room**

Meter cupboard

To car park

Storage area



25/06/19

**REF:- 205 Marsh Rd, Luton, LU3 2QJ**

To Whom It May Concern

I am applying for a late opening licence for my premises. This will be only for delivering pizza until 5am in the morning. I have included the forms and necessary paperwork.

[REDACTED]

[REDACTED]

Z. Shah

Mr I Higgs &amp; Mrs N Higgs



23/07/2019

Dear Sirs,

**Reference Application: LAO3/Two Bro's Pizza & Dessert/166492**

In reference to above, we would like to object to the application for Licencing Act 2003 – Application for Grant of Premises Licence 205 Marsh Road, Luton LU3 2QJ on the basis of:

Granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour, public safety and the prevention of public nuisance.

Antisocial behaviour is already an enormous problem in the Marsh Road vicinity, unfortunately we experience this frequently, from the Willow Way Stores, (directly opposite our home) where gangs of youths hang around outside behaving antisocially, shouting, jeering and generally making a nuisance of themselves. We have been forced to contact the police on numerous occasions regarding this and our worries will not alleviate if a further licenced premise has its application approved.

The prospect of crimes in the area would, in all serious probability, rise, given that this application seeks to open in anti-social hours 23:00 to 05:00, bringing people to the area who are most likely intoxicated, (premise licence application is for: **Late night refreshments for consumption on and off premises (deliveries)**) and as this neighbourhood already suffers from late night anti-social behaviour we consider a premise licence for these hours can only invite certain types of people and increase the already high crime rate throughout.

We further consider that the likelihood of an increase in noise from patrons and the delivery service both arriving and leaving the premises would adversely affect residents living in the vicinity and would carry across the whole neighbourhood, throughout the night and into the morning (to 5am). This would without doubt interrupt residents sleep, impacting, for example, my husband who drives for a living, and has a very early 4am start every weekday, this continuous interrupted sleep pattern could cause serious road accidents and would therefore be a risk to public safety. Children could also be affected from lack of sleep which could contribute to difficulties staying awake/concentrating within school hours and affecting their education.

We are also concerned about an increase in litter from the premises - empty bottles and food containers.

In a five month period to May 2019 there have been a total of **447 reported crimes** within a half mile of the centre this area **alone**, the majority of which are antisocial behaviour, and violence and sexual offences. (*Data courtesy of [police.uk](http://police.uk)*)



**No of Crimes**

<b>Month</b>	<b>Total Number</b>	<b>Antisocial behaviour</b>	<b>Violence &amp; sexual offences</b>
May	96	23	23
April	79	29	24
March	97	25	24
February	84	15	27
January	91	18	21

As you will be aware, there are two pizza establishments that already exist on Marsh Road, and we do not think there is a need for a third.

Therefore, we consider that the proposed business are unsuitable for the residential area as the proposed hours of business are antisocial, and we object in the strongest terms to this application. We therefore kindly ask that Luton Borough Council refuse this premise licence application.

Yours faithfully,

Mr I Higgs & Mrs N Higgs

Mrs Theresa Rhodes and Mr Peter Rhodes



25/07/2019

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Theresa and Peter Rhodes

Mrs Raja Ogua and Mr Youssef Ettawri



25/07/2019

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Raja Ogua and Youssef Ettawri