

COMMITTEE: LICENSING PANEL

DATE: 27TH FEBRUARY 2008

**SUBJECT: APPLICATION FOR VARIATION OF PREMISES LICENCE –
JADE HOUSE, 197B MARSH ROAD**

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

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IMPLICATIONS:

LEGAL ☐

COMMUNITY ☐

SAFETY

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: LIMBURY

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Yiu Fai Tang, for the variation of a Premises Licence in respect of Jade House 197B Marsh Road

RECOMMENDATION

2. That the Licensing Panel determine the application of Yiu Fai Tang for the variation of a Premises Licence in respect of Jade House, 197B Marsh Road.

BACKGROUND

3. An application was received on 10th January 2008 for the variation of the Premises Licence that will allow regulated entertainment, supply of alcohol, late night refreshment, extension of existing hours during the week/weekend to take place.
4. The Applicant states that the premises is a Chinese restaurant located in Limbury Ward on Marsh Road in Luton. 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 (pages 9-10).

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 on 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 music¹, recorded music², or entertainment of a similar nature³	Provision of facilities for making music⁴, dancing⁵, or entertainment of a similar nature	Plays, Films⁶, Performances of dance⁷, Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	12:00-23.30	10:00 – 24:00				
Friday – Saturday	12:00–24:00	10:00 – 24:00				
Sunday	12:00-23:30	12:00 – 23:30				

Details of the times requested in the application for variation are as follows:

DAYS	Times requested in application					
	Times premises will open to public	Supply of alcohol	Live music ¹ , recorded music ² , or entertainment of a similar nature ³	Provision of facilities for entertainment of a similar nature	Late night refreshment	
<u>Standard hours</u>						
Monday – Thursday	10.00– 02.00	10.00– 02.00	20.00 – 23.00	20.00 – 23.00	23.00– 02.00	
Friday – Saturday	10.00– 02.00	10.00– 02.00	20.00 – 23.00	20.00 – 23.00	23.00– 02.00	
Sunday	10.00– 02.00	10.00– 02.00	20.00 – 23.00	20.00 – 23.00	23.00– 02.00	

¹ Live acoustic and amplified music, and amplified voice.

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

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

⁴ A stage area with lighting, microphone and amplifiers, and similar equipment.

⁵ Hard floored area which can be used for dancing by customers and performers.

⁶ Video entertainment on TV screens and amusement machines.

⁷ Dance facilities to be used for performances and competitions as well as by customers.

6. In addition to the above, the following non standard timings are sought by the applicant:

None

7. The Applicant has sought the following seasonal variation:

None

8. The following adult entertainment or activities that may give rise to concern in respect of children are detailed as follows:

None

9. The applicant has requested that the following conditions, terms or restrictions currently imposed on the licence be removed as a consequence of the variation being sought:

None

10. The latest date for representations to be received was the 7th February 2008

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. These are as follows:

The applicant states that there is no change in relation to the promoting of the licensing objectives. Please see below annex 2 of the premises licence which shows the existing conditions on premises licence.

- 1. Intoxicating Liquor shall not be sold or supplied on the premises other than to persons taking table meals there and for consumption by such a person as an ancillary to his meals.**
- 2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.**

Embedded restrictions applied on conversion of Justices license as attached

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 11-30).

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 31-37) and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Cllr M Simons – on behalf of Mary Baker (1 Hewlett Road)	52 Fairford Avenue	<i>Prevention of Public Nuisance</i>

Ref. letter	Name	Address	Relevance to which licensing objective
B	R. Burgess	2 Nursery Road Luton	<i>Prevention of Public Nuisance</i>
C	Mrs M A Carter	217 Marsh Road	<i>Prevention of Public Nuisance/Crime & Disorder</i>
D	Virginia McLetchie	6 Hewlett Road	<i>Prevention of Public Nuisance/Crime & Disorder</i>
E	Mrs Nancy Mnene	5 Willow Court, Marsh Road	<i>Prevention of Public Nuisance/Crime & Disorder</i>

POLICY CONSIDERATIONS

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

Section 34 (variation of premises licence)

OBSERVATIONS

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

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

16. The licensing objectives are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm
- Public Safety

All the representations received in respect of this application relate to these licensing objectives.

17. The following paragraphs of the licensing authority's statement of licensing policy applies to this application

Section 9 (Prevention of Public Nuisance)

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

APPENDICES

The following Appendices are attached to this report:-

Appendix A: Maps and plans showing location of the premises (pages 9-10)

Appendix B: Application form including the operating schedule (pages 11-30).

Appendix C: Representations from Interested Parties (pages 31-37).

LIST OF BACKGROUND PAPERS

LICENSING ACT 2003

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