

LICENSING PANEL (81)

22 November 2019 at 10.05 am

PRESENT: Councillors: A. Hussain, Mead and Taylor

OFFICERS: Brenden Delaney - Solicitor, Clerk to the Panel
Saffron Long - Licensing Officer
Bert Siong - Democracy & Scrutiny Officer

56. ELECTION OF CHAIR (REF: 1)

Resolved: That Councillor Taylor be elected Chair of Panel No.81.

57. MINUTES (REF: 2.1, 2.2 AND 2.3)

Resolved: That the minutes of the Licensing Panel meetings held on 2 September 2019, 3 September 2019 and 23 September 2019 be agreed as true records and the Chair be authorised to sign them.

58. APPLICATION FOR GRANT OF PREMISES LICENCE 35 – 75, THE GOSPODA, 28 CHAPEL STREET, LUTON LU1 1SE (REF: 5)

PRESENT

APPLICANT: Artur Piotrowski

APPLICANT'S ADVISOR/ FRIEND: Rafal Bogacki

OFFICIAL POLISH INTERPRETER: Dorota Somerville

INTERESTED PARTIES: PC138 Darren Welch, Licensing Officer
Bedfordshire Police

Jenny Van Beukelen, Lead Senior Licensing Officer, on behalf of Mr T. Ireland, Luton Council' Public Protection

The Chair explained that the procedure to be followed at the hearings was set out after the agenda pages. The applicant claimed he had not received the papers, but had read the representation from the Police, but not that from Mr Ireland. He was provided a copy of the papers.

The Panel decided to adjourn until 10.30 am to enable the applicant to read the papers.

On resumption of the hearing, the Chair ascertained that the applicant had read the papers, including the procedure, and was content to proceed without further adjournment

The Panel discussed and agreed to proceed with this application in public.

The Licensing Officer reported on the application from Artur Piotrowski of Gospoda Ltd, for the grant of a Premises Licence in respect of Gospoda, 28 Chapel Street, Luton, described as a restaurant, bar, Pub, café and a night club, to provide regulated entertainment consisting of live music, recorded music and performance of

dance, late night refreshment and the supply of alcohol for consumption on the premises.

She informed the Panel the licensing hours applied for were as set out in the report and as follows: Monday to Thursday - 8.00am to 11.00pm and Friday, Saturday and Sunday 8.00am to 4.00am.

She added the steps the applicant had included in the application to promote the licensing objectives were set out in the report.

She further advised the Panel of two representations, one from Bedfordshire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance, the promotion of public safety and the protection of children from harm and one from Public protection, Luton Council on the grounds of the prevention of crime and disorder and prevention of public nuisance.

The Licensing Officer was questioned by the Panel and responded in compliance with the approved procedure, confirming boxing and wrestling were not regulated entertainments on offer.

There being no questions for the Licensing Officer from any other parties, the applicant, Mr Piotrowski addressed the Panel, through the Interpreter, in support of his application.

He informed the Panel he had bought the premises 6 months previously, on the basis there was a premises licence in existence with it, but as the previous owner had since surrendered the licence, he was applying for a premises licence to continue with the business.

He said there had been no problems since he took over and he was aware he needed to be very vigilant. He added his staff were very experienced and he was undergoing private training to secure a personal licence to ensure the premises were properly managed to prevent problems. He further informed the Panel he wanted the premises to be a nice place not only for the Polish community, but he also to create a community hub where anyone else was welcome to experience Polish food, culture and tradition.

The applicant was questioned by the Panel and responded in compliance with the approved procedure, providing further information, as summarised below.

The licensing hours sought were the same as the premises had previously, although he said he was not intending to open until 4.00 am on Sundays on a regular basis and would only do so for special events and would normally close at 8.00 pm or 9.00 pm. He said that was why he had not mentioned the provision of security guards on a Sunday and apologised for the lack of details in his application.

The applicant was questioned by PC Welch and responded in compliance with the approved procedure, providing further information, as summarised below.

He had worked at Gospoda for about 7 months from May 2019, but had also previously held events there and helped now and again in the evening for about 2 years. He said he knew Chapel Street well, having previously been a bus driver. He said he was also aware Chapel Street was a busy place and had problems in the late hours with people getting drunk and causing problems.

He said he wanted to open his business as a restaurant up to 11.00 pm and then as a night club after that on Fridays and Saturdays, for Polish people mainly, but where all would be welcomed.

He claimed he was aware of the Licensing Policy and Guidance and was aware of the places in Luton with crime and had read about what he needed to do, including better radio communications with pubs and clubs, managing guests at night and keeping the outside smoking area tidy. He added he was training for a personal licence to learn how to keep the place safe and raise standards.

The applicant was questioned by Ms Van Beukelen, Public Protection, and responded in compliance with the approved procedure, providing further information, as summarised below.

He confirmed he was training to apply for a personal licence to be the Designated Premises Supervisor and that he intended to run the business as a restaurant, Monday to Thursday and as a pub and night club, Friday and Saturday and had plans to raise standards. To the suggestion the business was licensed as a restaurant, but ran as a nightclub previously and that night club had been added on the premises licence application, he said he had not seen the previous licence and only knew what he was told.

There being no further questions, PC Welch made representation on behalf of Beds Police. He said Police objection to the application in its current form was on the basis of the increased level of anti-social behaviour and criminality in Chapel Street and in the surrounding area, which had necessitated enforcement action against other establishments in the street. He said the night time economy on Friday and Saturday nights was centred on Chapel Street where crime was prevalent and the applicant had not shown in his application how he would uphold the licensing objectives. He added the main concerns for the Police were how the increased provision of alcohol would impact on Chapel Street.

PC Welch further informed the Panel that, given the range of activities applied for, the Police would have expected a raft of measures to promote the licensing objectives, other than provision of CCTV and door staff and had concerns about the licensing hours on Sunday, if included in the licence. He said the 4.00 am closure on the three days, Friday to Sunday, when the premises would be running as a night club, with increased crime and disorder and smokers gathering outside on the narrow pavement, there was nothing in the application how the applicant intended to address the problems in this 'stress' area. He said the provision of another night club was not desirable, with the applicant chasing profits and nothing else. He concluded the Police would question if the application was granted, in its current form, how the applicant would uphold the licensing objectives.

PC Welch was questioned by the Panel and responded in compliance with the approved procedure, providing further information, as summarised below.

PC Welch was aware of a couple complaints to Environmental Health of noise nuisance related incidents outside the premises under the previous owner.

To a comment from the Chair about problems during the last football World Cup when Poland was playing and the potential for similar problems during the forthcoming Euro 2020, PC Welch was concerned about late night clubs causing a problem and how another night club could exacerbate the problems.

PC Welch advised the problems usually occurred during the night time economy hours from around midnight/ 1.00 am, when other licensed premises closed and people gravitated to Chapel Street.

PC Welch confirmed there was not another Polish licensed premises in Chapel Street and that enforcement action was planned in relation to another venue in the area.

He said disabled access within the premises was a matter for the licence holder.

PC Welch was questioned by the applicant and responded in compliance with the approved procedure, providing further information, as summarised below.

PC Welch confirmed the premises had been running under Temporary Event Notices since the application was made and that there had not been any issues at the premises. He said alcohol related anti-social behaviour was ongoing in Chapel Street, although he had no information that any of it was directly linked to Gospoda. He also commented there was a difference between TEN events and having a permanent premises licence.

Ms Van Beukelen addressed the Panel outlining the objections from Public Protection, as set out in Appendix C (i) of the report.

She said that in making his application, the applicant had not taken into account the Council's Licensing Policy or the Guidance and not offered anything to address the issues in Chapel Street. She added he had not engaged with the Police or Licensing prior to making his application and had not included anything in the application to deal with the licensing objectives, given the area was a hot spot for crime and disorder and anti-social behaviour, which partners had been working together to address. She further said the applicant had not shown a good knowledge of the area and was not clear what kind of venue he was proposing.

She concluded that if the application was granted, it would add to issues in the area of Chapel Street which was within stress matrix area 2, agreed by the Council in 2016. As it was contrary to the Council Licensing Policy and the applicant had not shown how he intended to address the licensing objectives, Public Protection therefore objected to the application.

There were no questions for Ms Van Beukelen from any parties.

The applicant commented he had since met PC Welch and been given good guidance.

In summing up, the applicant said he had not been aware about the issues until he met PC Welch, who explained the situation to him. He added he was trying to put prevention measures in place, which were not in the application, as he had not been aware, but was now concentrating on learning. He said he had not run a restaurant before, but had run events and needed to learn, which he was doing. He said he was eager to co-operate with the authorities and make the business work.

In response to Member's questions, he said there was a TV screen in the premises for sporting events. He also said he had three staff, who had a lot of experience having worked in the pub and restaurant for 5 years, although they had no special qualification.

In response to a Member's question about any improvement since the running on the TENs, PC Welch said there had been an increased in anti-social behaviour in the area, but not particularly linked to Gospoda.

In summing up, PC Welch said Beds Police was not trying to stifle new businesses in the area and did not object to the restaurant application, but expressed concerns about the addition of another late night venue.

In summing up, Ms Van Beukelen said the application was contrary to the 2016 Licensing Policy, which restricted the opening of more pubs and clubs in the 'stress' area and did not meet the requirements of the Policy and Guidance.

By way of last words, the applicant said the business was not a new, having operated for the last 5 years. He said he was aware he needed to give more information and would be happy to set last entry into the premises at 2.00 am on Fridays and Saturdays, but still open until 4.00 am.

In terms of staff, he said they had no qualifications but were trained and aware not to sell to people who were drunk. He said he was willing to co-operate with the local pubs radio network, have people queueing inside the premises and limit the number of smokers outside to 3 to 5 at any one time.

There being no further comment from any other parties, 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.

59. 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 Service Manager, Public Protection (Ref: 5).

60. 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.

61. APPLICATION FOR GRANT OF PREMISES LICENCE 35 – 75, THE GOSPODA, 28 CHAPEL STREET, LUTON LU1 1SE (REF: 5)

Resolved: That having carefully considered all the papers before it and the oral representations made by the Applicant, Mr Artur Piotrowski, PC Welch, Beds Police and Ms Van Beukelen, Luton Council Public Protection, 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 decided to **REJECT** the whole of the application on the basis that it was not satisfied that the conditions put forward in the application promoted the licensing objectives.

The Panel agreed with the representations of the Police and Public Protection that the steps put forward in the application, were insufficiently detailed for the type of premises.

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

As Item 7 involved confidential personal information about the Applicant, the Panel discussed and agreed to consider the application in private and excluded the public from the hearing.

Resolved: That the public be excluded from the meeting during consideration of Item 7 below, as the Panel believed that the public interest in so doing outweighed the public interest in the hearing of that item taking place in public, in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005. The reason for this was due to the likelihood of confidential personal information relating to the Personal Licence Holder being made public.

63. 7. APPLICATION FOR GRANT OF PERSONAL LICENCE, MR. M.T (REF: 7)

PRESENT

APPLICANT: Absent

INTERESTED PARTIES: PC138 Darren Welch, Licensing Officer
Bedfordshire Police

The Licensing Officer informed the Panel that the applicant, Mr M.T had failed to attend the hearing, confirming he had been invited and papers were sent to him. She also confirmed the applicant had not informed Licensing that he was not attending.

The Clerk to the Panel advised that it was the Panel's decision whether to consider the application in the applicant's absence or adjourn the hearing to another fixed date to give him the opportunity to attend. He also advised that if the applicant then failed to attend again, the Panel might consider proceeding in his absence.

Members discussed and agreed to adjourn the application to the Panel meeting at 10.00 am, on 3 January 2020, to give the applicant another opportunity to attend.

Resolved: That, in view of his absence, the application for the grant of a personal licence from Mr M.T be adjourned to the Panel meeting at 10.00 am, on 3 January 2020, to give the applicant another opportunity to attend.

The Panel noted that if the applicant then failed to attend again, it would be minded to proceed with the hearing in his absence.

(Note: The meeting ended at 12.00 noon)