

COMMITTEE: LICENSING PANEL

DATE: 23RD JUNE 2015

SUBJECT: APPLICATION FOR REVIEW OF PREMISES LICENCE SUPERSAM,
44 HIGH TOWN ROAD

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: HIGH TOWN

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Ramesh Patel, Trading Standards Enforcement Officer Luton Borough Council for the review of the Premises Licence in respect of Supersam, 44 High Town Road

RECOMMENDATION

2. That the Licensing Panel determine the application of Ramesh Patel Enforcement Officer for Trading Standards for the review of a Premises Licence/ Club Premises Certificate in respect of Supersam, 44 High Town Road

BACKGROUND

3. An application for review of the premises licence was received on 23rd March 2015 with regard to Supersam, 44 High Town Road Luton The current licence allows *supply of alcohol for consumption off the premises* to take place. A copy of the licence is attached at Appendix A, pages (6/5 – 6/10)
4. The Applicant states that they are *a responsible authority*

5. The application for review relates to the following licensing objectives:

The prevention of crime and disorder

On 23rd September 2013 tobacco products seized were non-compliant and were in breach of the tobacco products (manufacture, presentation and sale) (safety) regulations 2002, regulation 14 and consumer protection act 1987 section 12.

On 11th February 2014 tobacco products seized were non-compliant and were in breach of the tobacco products (manufacture, presentation and sale) (safety) regulations 2002, regulation 14 and consumer protection act 1987 section 12. Trade marks act 1994 section 92(1)c.

On 21st October 2014 a test purchasing programme was carried out by Luton Borough Council's Trading Standards Service to check compliance with the s146(1) if the licensing act 2003 (sale of alcohol to minors).

At About 18.30 Hours 2 Test Purchase Volunteers Under 18 Years Of Age Were Sold 2 Bottles Of Perla Pils Alcohol From Supersam 44 Hightown Road Luton, By Anna Stanislawa Your Employee

A copy of the review application is attached at Appendix B (pages 6/11 – 6/17)

Public safety

None

The prevention of public nuisance

None

The protection of children from harm

None

6. Information to support the application is as set out at Appendix B (pages 6/11 – 6/17) of this report.
7. The applicant has not made an application for review relating to this premise before.

RESPONSIBLE AUTHORITIES

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

Police

Bedfordshire Police supports Trading Standards concerns regarding illicit tobacco being sold at the premises. However they have stated they would not suggest revocation, but Bedfordshire Police would like to see an outcome that would promote the 4 Licensing Objectives.

A copy of the letter submitted by Bedfordshire Police can be found at Appendix C (pages 6/18).

Fire and Rescue Services

None

Environmental Health or Health and Safety Executive

None

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

9. **None**

POLICY CONSIDERATIONS

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

Section 51	Application for review of premises licence;
Section 52	Determination of application for review;
Section 53	Supplementary provision about review.

OBSERVATIONS

13. In determining this application, the Licensing Panel must, having regard to the representations received, and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Decide that no action is necessary to promote the licensing objectives;
- (b) Modify or add conditions to the licence;
- (c) Exclude a licensable activity from the licence;
- (d) Remove the designated premises supervisor;
- (e) Suspend the licence for a period (not exceeding 3 months);
- (f) Revoke the licence.

14. 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.

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

Section 7 (Prevention of Crime & Disorder).

APPENDICES

The following Appendices are attached to this report:-

8. Appendix A: Premises Licence (pages 6/5 – 6/10)
Appendix B: Review Application (pages 6/11 – 6/17)
Appendix C: Representations from Responsible Authorities (pages 6/18)

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

Guidance issued under s182 of the Licensing Act 2003
Luton Borough Council's Statement of Licensing Policy