

## **LICENSING PANEL (128)**

**29<sup>th</sup> April 2009 at 11.30 a.m.**

**PRESENT:** Councillors Hinkley, Roden and Simons.

**OFFICERS:** C. Tobin - Clerk to the Panel (Solicitor)  
T. Ireland - Licensing Service Manager  
A. Bacon - Licensing Manager's representative  
L. Jerome - Democratic Services Officer

### **38 ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Hinkley, be elected Chair of Panel No. 128.

### **39 APPLICATION FOR GRANT OF PREMISES LICENCE – PARADES GOING ALONG PARK STREET, CHURCH STREET, ST MARY'S ROAD AND VICARAGE STREET ON BEHALF OF THE UK CENTRE FOR CARNIVAL ARTS (REF: 6)**

**PRESENT:**

**APPLICANT:** Mr A Fraser, Mr F Qureshi and Mr P Anderson

**OBJECTOR:** Joanne Nelson, Environmental and Consumer Services

The Chair introduced the Members of the Panel to those parties present.

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

The Licensing Manager's representative reported on an application by Luton Carnival Arts Development Trust for the grant of a Premises Licence in respect of Parades to be held on unspecified dates on behalf of the UK Centre for Carnival Arts.

The Licensing Manager's representative reported that one objection had been received to the grant of the premises license from Environmental and Consumer Services, Luton Borough Council.

The Applicant's representative stated that the documents entitled 'Risk Assessments' and 'Event Safety Plan' which had been submitted to the Council were not supposed to be part of the application.

The Panel questioned those parties present and all parties raised questions and responded to each other in compliance with the approved Procedure.

**Resolved:** That consideration of this matter take place following consideration of the passing of a resolution to exclude the public and press from the meeting.

**40 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)**

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press be excluded from the meeting during consideration of the decision in relation to the report of the Head of Environmental and Consumer Services as referred to at Minute No. 27/09 above.

**41 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 8)**

**Resolved:** That the public and press be no longer excluded from the meeting.

The Panel had carefully considered the papers before it including the oral representations made by the Applicant and the representations made by Environmental Health. The Panel had regard to the licensing objectives set out in the Licensing Act 2003, the Council's Statement of Licensing Policy and the Guidance issued under the Licensing Act 2003.

The Panel also considered the agreement that the applicant had made to accept certain conditions in relation to the licensable activities that might take place at the premises.

**Resolved:** That the Application by the Luton Carnival Arts Development Trust in respect of the Premises Licence be **GRANTED** in accordance with the content of the operating schedule in the application, modified in accordance with the conditions set out below: -

1. No more than one event to be held in one calendar year, with the exception of 2009, when a further event may be held. The details of this event shall be submitted to the Responsible Authorities and Licensing Authority, 3 months prior to the event.
2. Any event to end no later than 21.15 hrs.
3. The Environmental Protection Team (EPT) shall be provided with details of the individual performances proposed. These details shall include where the performance will be held, whether music will be live or recorded, the type of music being played and the length of each performance. These details shall be provided to EPT at least two weeks prior to the event.
4. The EPT shall be provided with a plan of the site which includes details of the alignment of stages and speakers. Stages and speakers shall be orientated to minimise noise disturbance to residents. The plan and details shall be provided to EPT at least two weeks prior to the event in writing.
5. Each event shall be subject to a noise risk assessment. The assessment shall include a noise survey to determine the background noise level at locations around the site, representative of the noise sensitive premises

- likely to experience the highest noise levels. The assessment shall be submitted to the EPT at least 1 week prior to the event.
6. During the build up and break down of the event, any noisy activities shall only take place between 08.00 hrs and 22.00 hrs.
  7. A complaints telephone hotline shall be set up to receive calls from those who wish to complain about noise from the event. The hotline number shall be accessible throughout the duration of the event and be manned at all times by an appointed "hotline person". The hotline number should be included within an information leaflet sent to local residents 2 weeks prior to the event. The EPT are to be provided with details of the appointed hotline person, a copy of the information leaflet and the address of properties where the leaflet has been delivered to, 2 weeks prior to the event.
  8. A minimum of two qualified noise consultants, to control noise levels both on and off site, shall be appointed to attend each event. They shall not carry out any other activities related to the event.
  9. A person shall be given the responsibility of dealing with any noise complaints or noise issues that may arise on the day. The appointed noise control person shall be present throughout the duration of the event and have the ability and authority to make decisions and implement changes in sound levels. Details of the appointed noise control person and the event organisers, who will be present on the day of the event, shall be provided to EPT at least two weeks prior to the event.
  10. All noise complaints shall be investigated by the noise control person and appropriate action taken. The noise consultant and any duty Environmental Protection Officer (EPO) shall be advised of all noise complaints received immediately.
  11. Noise levels shall not exceed the levels stated in Table 1 below:

Table 1
Noise Levels
Music Noise Level (MNL) shall not exceed 65dBLAeq when measured over any 15 minute period during both the sound checks and the event, at 1 metre from the facade of any noise sensitive premises.
The maximum peak Sound Pressure Level in audience areas shall not exceed 140 dB(A).
The Event Equivalent Continuous Sound level (Event Leq) in audience areas shall not exceed 107 dB(A).
Noise from the parade shall not exceed 84dB LAeq when

measured over any 1 minute period at 1 metre from the façade of any noise sensitive premises.
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12. Members of the audience shall not be allowed within 3 metres of any static speakers.

**42 APPLICATION FOR VARIATION OF PREMISES LICENCE – DÉJÀ VU, 5 HIGH TOWN ROAD, LUTON (REF: 6)**

PRESENT:

APPLICANT: Mr. Luther Kusi-Appiah, Mr James Khakpour-Smith - Solicitor

OBJECTORS: Mr Martin Goodall and Miss Alison Taylor

The Chair introduced the Members of the Panel to those parties present.

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

The Licensing Manager's representative reported on an application by Mr. Luther Kusi-Appiah for the variation of the Premises Licence in respect of Déjà vu, 5 High Town Road, Luton in relation to regulated entertainment and the supply of alcohol.

The Licensing Manager's representative reported that two objections had been received to the variation of the premises license from interested parties.

The Panel questioned those parties present and all parties raised questions and responded to each other in compliance with the approved Procedure.

**Resolved:** That consideration of this matter take place following consideration of the passing of a resolution to exclude the public and press from the meeting.

**43 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 9)**

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press be excluded from the meeting during consideration of the decision in relation to the report of the Head of Environmental and Consumer Services as referred to at Minute No. 16/09 above.

**44 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 9)**

**Resolved:** That the public and press be no longer excluded from the meeting.

The Panel had carefully considered the papers before it including the oral representations made by the Applicant and the representations made by the Interested Parties, together with the conditions which had been submitted by the applicant and agreed with the relevant authorities.

The Panel had regard to the objectives set out in the Licensing Act 2003, Council's Statement of Licensing Policy and the Guidance issued under the Licensing Act 2003.

**Resolved:** That the Application by Mr. Luther Kusi-Appiah in respect of the variation of the Premises License for regulated entertainment and the supply of alcohol at Déjà Vu, 5 High Town Road, Luton be **GRANTED** in accordance with the content of the operating schedule in the application, including the hours set out in the schedule and subject to the following conditions:-

1. On under 18's parties or special occasions, birthdays or christenings, only over 18's on the premises to be friends and family. No general public to be allowed entry or alcohol to be served.
2. Telephone numbers of the club shall be supplied to local residents, to enable them to contact the club at any time that they have concerns.
3. The licensee shall ensure that queuing by patrons outside the premises is conducted in a quiet and orderly manner and is monitored at all times by door supervisors.
4. Patrons shall be requested to leave the premises quietly and respect the needs of residents. The Licensee shall ensure that the exit of patrons from the premises is monitored by door supervisors, particularly after midnight, so that minimal noise and disturbance is caused to residents, including that from mini-cabs.
5. Door supervisors shall monitor the smoking area to ensure that minimal noise and disturbance is caused to local residents.
6. The inner doors to the main entrance are to be sound proofed and to be fitted with a self-closing device. The doors are not to be propped open.

**(Note: The meeting ended at 3.05 p.m.)**