

COMMITTEE: LICENSING PANEL

DATE: 6th FEBRUARY 2012

**SUBJECT: APPLICATION FOR VARIATION OF PREMISES LICENCE –
PADE RESTAURANT – 39 WELLINGTON STREET**

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

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IMPLICATIONS:

LEGAL ☐

COMMUNITY SAFETY ☐

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: SOUTH

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Olufemi Akinpade, for the variation of a Premises Licence in respect of PADE Restaurant, 39 Wellington Street, Luton.

RECOMMENDATION

2. **That the Licensing Panel determine the application of Olufemi Akinpade for the variation of a Premises Licence in respect of 39 Wellington Street, Luton.**

BACKGROUND

3. An application was received on 12th December 2011 for the variation of the Premises Licence that will allow late night refreshment & Supply of alcohol for consumption on the premises to take place.
4. The Applicant states that the premises is located on Wellington Street in the South Ward. A map showing the location of this Premises is attached at Appendix A (pages 8/8).

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	08.00-05.00	12.00 – 23.00	N/A	N/A	N/A	23.00 – 05.00
Friday – Saturday	08.00-05.00	12.00 – 03.00	N/A	N/A	N/A	23.00 – 05.00
Sunday	08.00-05.00	12.00 – 23.00	N/A	N/A	N/A	23.00 – 05.00

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 9th January 2012.

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:

General

Help prevent crime and disorder
Support and help public safety
Control public nuisance
Prevent alcohol from children (alcohol sale and underage drinking)

The Prevention of Crime and Disorder

Help prevent crime and disorder within my ability. Help with crime audits, produce evidence of report to the authority and adhere to licensing policy from partnership with local businesses to prevent crime and disorder

Public Safety

Adhere to policy guidance to public safety. Adhere to changes in the policy to public safety. Prevent excessive drinking.

The Prevention of Public Nuisance

Prevent children from harm within my ability. Age verification Policy.
Provision of tap water to the public on request.

The Protection of Children from Harm

(Nothing written)

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 8/9 – 8/28).

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

A copy of the representation is attached at Appendix C (pages 8/29 – 8/31).

Planning

None

Trading Standards

None

Child Protection

None

INTERESTED PARTIES

13. No Representations have been received from the interested parties.

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: Map showing location of the premises (page 8/8)

Appendix B: Application form including the operating schedule
(pages 8/9 – 8/28)

Appendix C: Representations from Responsible Authorities
(pages 8/29 – 8/31)

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

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