

Meeting: Licensing Committee

Date: 16th March 2006 18:00hrs

APPLICATION FOR NEW PREMISES LICENCE –

KYBA, 56 – 58 HIGH STREET, STEVENAGE, HERTS

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1.0 PURPOSE

To determine the application for a new Premises Licence for Kyba, 56 – 58 High Street, Stevenage, Herts.

2.0 SUMMARY OF APPLICATION

2.1 Type of Licence applied for

An application was received from Loftcat Leisure Ltd for a new premises licence under section 17 of the Licensing Act 2003 (see appendix 1). The Licensing Authority accepted the application on 31st January 2006.

2.2 Summary of application

Kyba is located in the High Street, Stevenage adjacent to the junction with Bell Lane (see appendix 2 (a) for location map).

The premise is located over two floors and is currently empty, having previously been used as a furniture retailer. The licence application relates to the ground and first floors.

The application is:

- To permit the showing of films until 01.30 hours Monday to Wednesday; 03.30 hours Thursday to Saturday and 00.30 hours on a Sunday.
- To permit live and recorded music until 01.30 hours Monday to Wednesday; 03.30 hours Thursday to Saturday and 00.30 hours on a Sunday.
- To permit performances of dance until 01.30 hours Monday to Wednesday, 03.30 hours Thursday to Saturday and 00.30 hours on a Sunday.
- To permit the provision of facilities for making music until 01.30 hours Monday to Wednesday; 03.30 hours Thursday to Saturday and 00.30 hours on a Sunday.
- To permit the provision of facilities for dancing until 01.30 hours Monday to Wednesday; 03.30 hours Thursday to Saturday and 00.30 hours on a Sunday.
- To permit late night refreshment until 00.00 hours Monday to Wednesday, 02.00 hours Thursday to Saturday and 23.30 hours on a Sunday.
- To permit the sale or supply of alcohol, both on and off the premises, until 00.00 hours Monday to Wednesday; 02.00 hours Thursday to Saturday and 23.30 hours on a Sunday.

- To permit non-standard timings of all licensable activities applied for to extend from the end of permitted hours on Christmas Eve and New Years Eve respectively, to the start of permitted hours on Christmas Day and New Years Day, respectively.
- To permit non-standard timings of all licensable activities applied for on a Bank Holiday Sunday and Monday to those applied for on a Friday and Saturday.
- To permit non-standard timings of an additional hour to those applied for in respect of all licensable activities on the day when British summertime commences.

2.3 The applicant has made a proposal to reduce the maximum permitted hours in response to representations from the police. However, as discussions between the applicant and the police are still ongoing the proposal can not yet be made a substantive amendment to the application.

3.0 BACKGROUND INFORMATION

3.1 The following background information is known about these premises:

Previous licences held: None
 Current Convictions: None
 Details of licence reviews: None

4.0 PROMOTION OF LICENSING OBJECTIVES THROUGH THE OPERATING SCHEDULE

4.1 The representations received relate to the objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety. The operating schedule submitted by the applicant shows that these particular licensing objectives will be met as follows:

Licensing Officer comment : Please note that the operating schedule must be converted into conditions on the premises licence should a licence be granted. There are currently ambiguities with the wording, which needs clarifying as follows - The words 'current' and 'additional hours' in sub-paragraphs 4.1.3 and 4.2.3 need further explanation.

The words 'existing' and 'additional hours' in sub-paragraphs 4.2.4 and 4.3.14 need further explanation. In addition it is not clear which areas inside and outside the premises will be covered by CCTV.

The reference to 'toughened glass' in sub-paragraph 4.2.8 is unclear whether it refers to drinking vessels, windows or both.

4.2 PREVENTION OF CRIME AND DISORDER

4.2.1 If a disc jockey is used on any night then he/she will ask customers to leave quietly.

4.2.2 Notices will be displayed at the exit to the premises asking customers to leave quietly.

4.2.3 The current level of lighting outside the premises will continue for the additional hours of trading.

- 4.2.4 The existing CCTV system will continue to operate during the additional hours of trading.
- 4.2.5 Notices stating that CCTV is in operation will be displayed throughout the premises.
- 4.2.6 Any person who appears to be intoxicated will not be allowed entry to the premises.
- 4.2.7 The premises will actively participate in the local pub watch or equivalent scheme.
- 4.2.8 Toughened glass will be used.
- 4.2.9 The premises will only accept accredited proof of age cards displaying a photo.
- 4.2.10 The number of door supervisors on duty during the additional hours will be reviewed in consultation with the police.
- 4.2.11 A free phone taxi service will be provided.
- 4.2.12 Door supervisors will ensure as far as possible that any bottles or glasses are not removed from the premises.
- 4.2.13 All instances of crime and disorder will be reported to the police and will be kept in an Incident Log book, which will be monitored by shift managers.
- 4.2.14 A log giving the details of the door supervisors on duty will be kept with their name and the time they came on duty and the time they went off duty.
- 4.2.15 Customers will be searched on a random basis and any persons found to be in possession of illegal drugs or weapons will as far as legally possible be retained and the police called.
- 4.2.16 The premises will operate a zero tolerance drug policy.
- 4.2.17 A personal licence holder/holder of the NCPLH shall be present on the premises at all times the premises are open for the sale of alcohol.

4.3 PREVENTION PUBLIC NUISANCE

- 4.3.11 If a disc jockey is used on any night then he/she will ask customers to leave quietly.
- 4.3.12 Notices will be displayed at the exit to the premises asking customers to leave quietly.
- 4.3.13 The current level of lighting outside the premises will continue for the additional hours of trading.
- 4.3.14 The existing CCTV system will continue to operate during the additional hours of trading
- 4.3.15 Notices stating that CCTV is in operation will be displayed throughout the premises.
- 4.3.16 Music will not be played in the beer garden.

- 4.3.17 Reasonable steps will be taken to recognise the need of local residents and to encourage customers to leave quietly.
- 4.3.18 The premises closes 45 minutes after the sale of alcohol has finished. Food and non-alcoholic drinks together with quieter music and dancing will be available for 30 minutes after the sale of alcohol has finished.
- 4.3.19 A free phone taxi service will be provided.
- 4.3.20 Music will be played at a quieter level for the last 30 minutes of trading during which time the levels of lighting will be raised.
- 4.3.21 Door supervisors will ask people to leave quietly.
- 4.3.22 Door supervisors will ensure as far as possible that any bottles or glasses are not removed from the premises.
- 4.3.23 Any queue to the premises will be monitored by door supervisors and any person who is causing a nuisance or who appears intoxicated will not be allowed into the premises and will be asked to leave the queue.

4.4 PUBLIC SAFETY

- 4.4.1 Free drinking water will be available at all times during the additional hours.
- 4.4.2 A quiet area will be available to customers.

5.0 RESPONSIBLE AUTHORITIES

Copies of the representations received from the Responsible Authorities are include as Appendices 3,4,and 5.

5.1 POLICE – see appendix 3

- 5.1.1 The Police have made representations relating to the prevention of crime and disorder and public nuisance, namely -

Prevention of Crime and Disorder

- 5.1.2 Within the last month there have been 13 calls to police relating to problems, predominantly fighting, with other licensed premises in the vicinity.
- 5.1.3 That if the hours applied for are granted it will lead to people migrating to these premises after closing time at other locations, often in an already intoxicated state.
- 5.1.4 That the nominated Designated Premises Supervisor does not currently hold a Personal Licence and does not have the day – to – day experience of running such a premises and would be unable to deal with the situations that could arise within the premises.
- 5.1.5 That the application is not clear as to the provision of door supervisors, in particular numbers, compliance with Security Industry Authority legislation and the training of bar staff.

Prevention of Public Nuisance

- 5.1.6** There will be an inevitable increase in noise emanating from the premises both as a result of the entertainment provided and the patrons.
- 5.1.7** There will be an inevitable delay in dispersal of patrons due to lack of readily available taxis and an active taxi rank in the vicinity.

Suggested conditions to remedy representation

- 5.1.8** 1) That the maximum permitted hours are 0100 hours at weekends (Friday and Saturday) and 0000 on the other nights of the week.
- 2) That 3 door supervisors are employed on a Friday and Saturday from 20.00hours until the premises closes and 2 door supervisors are employed on a Thursday from 20.00hours until the premises closes. Other nights of the week to be left to the discretion of the licensee.
- 3) That the premises / DPS actively participates in the pub watch scheme and maintains a consistent attendance.

5.2 ENVIRONMENTAL HEALTH - see appendix 4

- 5.2.1** The Environmental Health service have made representations relating to Public Safety and the Prevention of Nuisance, which in summary are –

Public safety

- 5.2.2** The whole of the premises has been delineated as being used for licensable activity, which could lead to obstruction of means of escape.
- 5.2.3** Absence of detail relating to protection of performers and public from the risk of electrocution.

The Prevention of Nuisance

- 5.2.4** Public being adversely affected by noise due to proximity of residential accommodation.
- 5.2.5** Potential for noise disturbance from use of external beer garden.

Suggested conditions to remedy representation

- 5.2.6** 1) Regulated entertainment shall only take place in the areas hatched in blue on the premises plans marked: Drwg: 0502-16, dated 15.11.05, and 0502-17, dated 15.11.05. (included in appendix 4).
- 2) Electrical outlets with an RCD rating of 30mA maximum shall be used for all electrical equipment used for the purposes of providing regulated entertainment.
- 3) Noise from regulated entertainments at the premises shall not be audible within residential properties, including when the windows of those residential properties are open.
- 4) The opening hours for the beer garden shall be 8am – midnight each day.

5.3 FIRE AND RESCUE SERVICE – see appendix 5

5.3.1 The Fire and Rescue Service have made representation relating to Public Safety, which in summary are –

Public Safety

5.3.2 It is noted that works at the premises are not complete. However, the application is also subject to consultation between the Fire Authority and the Building Control Body. As such the submitted plans are in need of remedy and detail as to attract Building Regulation approval.

5.3.3 The Fire Authority have stated to the applicant that once the scheme is in receipt of Building Regulation approval Fire Authority representations would be withdrawn.

5.4 No representations have been received from Trading Standards, Child Protection or Planning.

6.0 INTERESTED PARTIES

6.1 Representations have been received from 26 residents occupying 19 addresses. Their relative positions to the subject premises are shown on the attached plan (Appendix 2 (b)) Copies of the representations are attached as Appendix 6 but summarised in the table below.

Table 2 – summary of Interested Party representations.

Number	Street Name	Relevance to which licensing objective/s
4 addresses	High Street	Prevention of Crime and Disorder
5 addresses	Orchard Road	
2 address	Essex Road	Prevention of Nuisance
1 address	Haycroft Road	
2 addresses	The Grange	
1 address	Bowling Green	
1 address	Grove Road	
1 address	Basils Road	
1address	Orchard Crescent	
1 address	Unidentified	

7.0 POLICY CONSIDERATIONS

7.1 The following sections of the licensing authority's statement of licensing policy apply to this application:

- 10. Licensing Hours
- 13. Licence Conditions
- 14. Licensing Objectives

- 7.2** The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 7.3** The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

BACKGROUND DOCUMENTS

Licensing Act 2003

Stevenage Borough Council, Statement of Licensing Policy

National Guidance issued under Section 182 of the Licensing Act 2003

APPENDICES

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| Appendix 1 | - Copy of application |
| Appendix 2(a) | - Location map |
| Appendix 2(b) | - Location map of Interested Parties |
| Appendix 3 | - Representation from Police |
| Appendix 4 | - Representation from Environmental Health |
| Appendix 5 | - Representation from Fire and Rescue Service |
| Appendix 6 (a – s) | - Representations from Interested Parties |