

Meeting: LICENSING COMMITTEE

Agenda Item:

Date: 19 November 2009

4

APPLICATION FOR A PREMISES LICENCE: J'S BAR & LOUNGE

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1 PURPOSE

To determine the application for a new premises licence for J's Bar & Lounge of Unit 6 The Plaza, Town Square, Stevenage, SG1 1WS

2 SUMMARY OF APPLICATION

2.1 Type of licence applied for

An application was received from Jeremy Dickens and John Maher for a new premises licence under section 17 of the Licensing Act 2003 (see appendix 1). The Licensing Authority accepted the application on the 29th September 2009.

2.2 Summary of application

J's Bar and Lounge will occupy unit 6 at The Plaza, which is located within the Town Centre (see appendix 2 for a location map).

The application is for the following activities and times:

Licensable Activity	Day(s)	Time(s)
Section B - Films (indoors)	Thursday	20:00 - 02:30
	Friday and Saturday	20:00 - 04:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 04:00
	New Year's Eve	20:00 - 05:00

Licensable Activity	Day(s)	Time(s)
Section C - Indoor Sporting Events	Thursday	20:00 - 02:30
	Friday and Saturday	20:00 - 04:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 04:00
	New Year's Eve	20:00 - 05:00

Licensable activity	Day(s)	Time(s)
Section E - Live Music (indoors)	Thursday	20:00 - 02:00
	Friday and Saturday	20:00 - 03:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 to 03:00
	New Year's Eve	20:00 - 04:00

Licensable activity	Day(s)	Time(s)
Section F - Recorded Music (indoors)	Thursday	20:00 - 02:00
	Friday and Saturday	20:00 - 03:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 03:00
	New Year's Eve	20:00 - 04:00

Licensable activity	Day(s)	Time(s)
Section I - Provision of facilities for making music (indoors)	Thursday	20:00 - 02:00
	Friday and Saturday	20:00 - 03:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 03:00
	New Year's Eve	20:00 - 04:00

Licensable activity	Day(s)	Time(s)
Section J - Provision of facilities for dancing (indoors)	Thursday	20:00 - 02:00
	Friday and Saturday	20:00 - 03:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 03:00
	New Year's Eve	20:00 -

	04:00
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Licensable activity	Day(s)	Time(s)
Section L - Late Night Refreshment (indoors)	Thursday	23:00 - 02:30
	Friday and Saturday	23:00 - 04:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	23:00 - 04:00
	New Year's Eve	23:00 - 05:00

Licensable activity	Day(s)	Time(s)
Section M - Supply of Alcohol (on & off premise)	Thursday	20:00 - 02:00
	Friday and Saturday	20:00 - 03:00
	Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 03:00
	New Year's Eve	20:00 - 04:00

Opening Hours	Day(s)
Thursday	20:00 - 02:30
Friday and Saturday	20:00 - 04:00
Sunday of Bank Holiday, Christmas Eve & Boxing Day	20:00 - 04:00
New Year's Eve	20:00 - 05:00

3 PROMOTION OF THE LICENSING OBJECTIVES THROUGH THE OPERATING SCHEDULE

3.1 Prevention of Crime and Disorder

- No alcohol will be sold for consumption off the premises save for consumption in the designated smoking area.
- On every Thursday, Friday and Saturday and all other dates where non-standard timings apply, a minimum of two SIA door staff will be on duty from 20:00 - 21:00 hrs., and a minimum of 4 door staff will be on duty from 21:00 - until 30 minutes after the close of the premises and 2 members of door staff will be clearly visible at the main entrance to the premises between the hours of 21:00 hrs. and time of closing to the public.
- All door staff will comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and/or identification for inspection.
- All door staff employed at the entrances/exits of the premises will wear luminous armbands during the hours of darkness.
- The licence holder and designated premises supervisor will ensure that the premises are equipped with a closed circuit television system, the recordings of which are of a standard that is to the satisfaction of Hertfordshire Constabulary

and the Stevenage Licensing Authority.

- The licence holder and designated premises supervisor will ensure that viewable and un-edited copies of recordings from the CCTV system can immediately be provided to Police or the Licensing Authority upon request. All recordings will be kept for a minimum of 28 days.
- The licence holder and designated premises supervisor will ensure that the CCTV system adequately covers key and vulnerable parts of the premises, including the main entrance and exit. All other specific key and vulnerable areas to be agreed with Police during an on-site meeting to be held within 28 days of the application.
- The licence holder and designated premises supervisor will ensure that the CCTV system is maintained to the satisfaction of Hertfordshire Constabulary and Stevenage Licensing Authority.
- The designated premises supervisor or personal licence holder shall notify the Police Licensing department at Stevenage Police station on any occasion when the CCTV system is to be inoperative for a period in excess of 24 hours. The notice will include the measures being taken to ensure the system is restored to the standard required by Hertfordshire Constabulary at the earliest opportunity.
- Initially all bar staff will receive BIIAB Level 2 training unless they already possess a personal licence and where appropriate application will be made for a personal licence. New bar staff will receive training within 3 months of being appointed.
- The Designated Premises Supervisor shall nominate another person who will deputise for them when absent. It will be a requirement that the deputy is a personal licence holder. The DPS will ensure that the identity of the deputy is known by all other staff at such times.
- With the exception of bottled drinks all alcohol/drinks will be supplied in toughened or polycarbonate vessels.
- Persons are not allowed to enter or exit the building with glasses or bottles or alcohol in any sealed or unsealed container save for the purposes of entering the smoking area and in the case of reasonable deliveries.
- The Designated Premises Supervisor and Personal Licence Holder will be active members of any local pub watch and attend pub watch meetings.
- No entry or re-entry to the premises by members of the public after 01:00 hrs. on Thursdays, 01:30 hrs. on Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve, Boxing Day and New Year's Eve, and all other days where non-standard timings apply, or special events are held, with the exception of customers leaving the premises to use any lawfully approved designated smoking area.
- At no time when the premises is open to the public will persons under the age of 18 years of age be admitted except in the case of a genuine emergency.
- The Designated Premises Supervisor and Premises Licence Holders will implement a "Challenge 25" scheme.
- No indoor games authorised by the Licensing Act 2003 will be permitted save for the playing of pool.
- The area where pool is played will be monitored by SIA registered door staff and/or owner operators.

3.2 Public Safety

- Existing legislation relating to public safety applies to these premises which need not be duplicated in this licence.

3.3 Prevention of Public Nuisance

- Noise limiters will be fitted to amplification equipment and will be set at a level which is agreed with Stevenage Borough Council Environmental Health Officers.
- The DPS or a member of his staff will patrol the areas whenever regulated entertainment is provided to ensure that no noise is audible at the boundary of the nearest receptors. Records shall be kept of any incidents of excess noise, the corrective action taken any any complaints made to the management in respect of noise nuisance.
- Noise from the premises should not be audible at the boundary of noise sensitive properties between 23:00 - 07:00 hrs. the next day.
- At all times, whilst licensable activities are taking place on the premises any windows on the premises shall remain closed.
- Whilst licensable activities are taking place, the inner door sets to the main entrance shall be kept closed and not held open against the action of the self closing devices. Management and door supervisors shall take such steps as are necessary to prevent any door set from being held open by queues of people trying to enter or leave the premises.
- The practice of placing bottles into receptacles outside the premises is not to be carried out after 21:00 or before 09:00 hrs..
- The applicant will arrange for deliveries/collections to be done during the day time between 08:00 - 17:00 hrs..
- All entrance and exits doors will be sealed with rubber to prevent sound escape and the speakers within the unit will be positioned to face away from the main entrance and fire exit doors.
- Patrons will be dispersed away from the retirement homes, Holiday Inn to the taxi rank at the side of the premises.
- The applicant has put in place a proposal for a reasonable chill out period to encourage a staggered departure from the premises and calm dispersal of patrons.

3.4 Protection of Children from Harm

- Challenge 25 applies. No person under the age of 18 will be admitted to the premises.

4 RESPONSIBLE AUTHORITIES

- 4.1 Advice was given to the applicant by Hertfordshire Fire and Rescue and Environmental Health. Following advice given to the applicant by the responsible authorities, the following has been accepted and is to be included within the Operating Schedule provided.

No representations were received in relation to this application.

4.1.2 Environmental Health

- In order to reduce the noise nuisance generated by the use of the designated smoking shelter, no soft drinks or alcohol will be taken into or consumed in the designated smoking shelter.
- The premises licence holder will send a letter to all residents providing them with contact details of the personal licence holder and the designated premises supervisor if they wish to make complaints about noise.
- The premises licence holder will arrange Plaza patrols to assess the noise level from outside the premises and corrective action taken when noise from the premises can be heard at the boundary of the nearest receptors.
- In the event of the premises licence holders receiving noise complaints, corrective action taken will be logged in the noise log as already featured on the Operating Schedule under the prevention of public nuisance.
- Should complaints in relation to noise fallout from the door to the smoking shelter be received, and acoustic lobby will be fitted to minimalise this.
- The premises licence holder must ensure that at any one time the number of patrons present in the smoking shelter must not exceed 35 people.
- As this is a designated smoking area, no seating will be provided in this area.
- Signage will be put up to discourage persons from being in the smoking shelter for longer than is necessary.
- The premises licence holder must ensure the provision of taxi marshals who will have the appropriate SIA registration to supervise the queue and to assist patrons in leaving this area quickly and quietly.
- Marshalling of the taxi rank will be in operation from 01:30 up until the close of the premises and there after until all patrons have been dispersed away from the immediate vicinity of the club.
- The premises licence holder shall ensure that a minimum of 1 taxi marshal will be manning and supervising the taxi rank. The marshal must be clearly visible to patrons and additional SIA door stewards would be available if required to assist with this operation. The taxi marshal would be in addition to the 4 employed door staff that will be employed in the premises.

The full transcript for the above can be found at Appendix 3(a) to this report.

4.1.3 Hertfordshire Fire and Rescue

The following items are to be carried out prior to the premises opening to the public:

- The fire alarm system is to be serviced by a competent fire alarm engineer to the standard of BS 58239 or equivalent. The sound system for the premises is to be linked to the fire alarm system so that music will be automatically cut off, should the fire alarm be activated.
- the emergency lighting system is to be serviced by a competent emergency lighting engineer to the standard of BS 5266 or equivalent.
- Signs and notices shall be provided to the standard of BS 5499 or equivalent.
- Fire fighting equipment shall be provided to the standard of BS 5306 or equivalent.
- Any wall linings used, e.g... sound proofing, wallpaper, etc., will be of class 0, surface spread of flame construction as defined in the current building regulations.

- All furniture and fittings will be to the standard of BS 5867 or equivalent.
- All fire resisting door sets leading onto the emergency exit corridors to the rear of the property shall conform fully with BS 8214 or equivalent.

The full transcript for the above can be found at Appendix 3(b) to this report.

5 INTERESTED PARTIES

5.1 One representation was received from interested parties, which relates to the following licensing objectives:

- Public Nuisance

Licensing Officers comments:

The operating schedule submitted by the applicant, and the additional inclusions to this following advice provided to the applicant by the responsible authorities may now address the points raised by the objector.

A copy of this representation can be found at Appendix 4(a) to this report.

5.2 A petition was also received from residents within the vicinity of the premises. The petition was received on the 27 October 2009, with a total of 50 signatures. It was unclear if all of the 50 signatories were in support of the comments against the application as each page did not detail the nature of the petition, therefore only 38 of the signatures could be taken into account.

Advice was given to the lead signatory on the petition by the Licensing Officer, and a revised petition was received by the Licensing Authority on the 28 October 2009. Again, it was unclear if all of the signatories were in support of the comments against the application as each page did not detail the nature of the petition, therefore only 28 of those that have signed can be taken into account.

A summary of both petitions can be found at Appendix 4(b) to this report.

The petition and its comments relates to the following licensing objectives:

- Public Nuisance

Licensing Officers comments:

The operating schedule submitted by the applicant, and the additional inclusions to this following advice provided to the applicant by the responsible authorities may not address the points raised within the petition.

5.3 The applicant has expressed their desire to have the opportunity to meet with the objectors to allow them the opportunity to discuss the outstanding concerns, with a view to being able to seek a resolution to these.

6 POLICY CONSIDERATIONS

- 6.1 The committee is reminded of their duties under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decision and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 6.2 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.
- 6.3 The committee is reminded of the Guidance issued under Section 182 of the Licensing Act 2003:
- Imposing conditions: 10.11 - 10.12
 - Proportionality: 10.13

7 DETERMINATION OF APPLICATION FOR A PREMISES LICENCE

- 7.1 The options available to the committee are:
- To grant the application as applied for;
 - To modify the application and/or operating schedule conditions;
 - To exclude from the scope of the licence any of the activities applied for;
 - To reject the application.

Full reference can be found at s.18 of the Licensing Act 2003.

BACKGROUND PAPERS

- Licensing Act 2003
- Stevenage Borough Council, Statement of Licensing Policy; 2008-2011
- National guidance issued under Section 182 of the Licensing Act 2003; 28 June 2007

APPENDICES

- Appendix 1 - Application form & plans
- Appendix 2 - Location map
- Appendix 3(a) - Additions to operating schedule follow advice from Environmental Health
- Appendix 3(b) - Additions to operating schedule following advice from Herts Fire and Rescue
- Appendix 4(a) - Interested Party Representation
- Appendix 4(b) - Petition from residents