

**Meeting: LICENSING COMMITTEE**

Agenda Item:

**Date: 21 October 2008**

**3**

## **APPLICATION FOR A PREMISES LICENCE: ACTIVE 4 LESS**

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### **1 PURPOSE**

To determine the application for a new premises licence for Active4Less of North Road, Stevenage, Herts., SG1 4BB

### **2 SUMMARY OF APPLICATION**

#### **2.1 Type of licence applied for**

An application was received from Julie J.M Ryan for a new premises licence under section 17 of the Licensing Act 2003 (see appendix 1). The Licensing Authority accepted the application on 27 August 2008.

#### **2.2 Summary of application**

Active4Less is a health, fitness and squash club that is situated off the North Road on the outskirts of Stevenage. (See appendix 2 for location map).

The application is for the following activities:

- Section E – Live music (indoors only).  
Monday to Sunday, 12:00 noon to 01:00hrs the following morning.
- Section F – Recorded music (indoors only).  
Monday to Sunday, 12:00 noon to 01:00hrs the following morning.
- Section I – Provision of facilities for making music (indoors only).  
Monday to Sunday 12:00 noon to 01:00hrs the following morning.
- Section J – Provision of facilities for dancing (indoors only)  
Monday to Sunday, 12:00 noon to 01:00hrs the following morning.
- Section K – Provision of facilities for entertainment of a similar description to that falling within (i) or (j).  
Monday to Sunday, 12:00 noon to 01:00hrs the following morning.

- Section L – Late night refreshment, on the premises only.  
Monday to Saturday, 23:00 to 23:30hrs.  
Seasonal variation:  
New Year’s Eve, 23:00 to 01:00 hrs the following morning.
- Section M – Supply of alcohol, on the premises only.  
Monday to Saturday, 10:00 to Midnight  
Sunday, 12:00 to 22:30hrs  
Seasonal variations:  
Christmas Day, 12:00 to 15:00hrs and 19:00 to 22:30hrs  
New Year’s Eve, 10:00 to midnight (from 12:00 if on a Sunday)  
New Year’s Day, 12:01 to 23:00 hrs (to 22:30 hrs if on a Sunday)
- Section O – Hours premise are open to the public.  
Monday to Sunday – 24 hours.

### **3 PROMOTION OF THE LICENSING OBJECTIVES THROUGH THE OPERATING SCHEDULE**

#### **3.1 PREVENTION OF CRIME AND DISORDER**

- Ensure that all staff are trained to diffuse disorder. Guidelines are also to be displayed behind the bar for their reference.
- Any person suspected of having drugs or any illegal substance on them will be notified to the Police.

#### **3.2 PREVENTION OF PUBLIC NUISANCE**

- Notices will be on display requesting patrons to leave the premises quietly.
- All areas will be checked for cleanliness at the end of each function and cleared accordingly. A further check will be completed of outside areas the following morning.

#### **3.3 PUBLIC SAFETY**

- The permitted occupancy of 180 persons will not be exceeded. Company policy is not to accept bookings of more than 150. Capacity greater than 150 must be referred to the Director or nominated DPS for approval.
- For private functions of 100 or more, a minimum of 3 staff will be on duty. Written delegation of authorisation will be held on site for staff on duty should the Director or nominated DPS not be present. Any concerns will immediately be notified to the Director or the nominated DPS. Functions with attendance less than 100 will be risk assessed for staffing levels accordingly (e.g. 18th/21st birthday).

#### **3.4 PROTECTION OF CHILDREN FROM HARM**

- All staff will be trained as to the Company Policy for the maintenance and welfare of children whilst in attendance at Active4Less.
- Acceptable proof of age will be requested (passport, drivers licence, pass card) should there be a concern as to age. Refusals will be logged accordingly.

## **4 RESPONSIBLE AUTHORITIES**

4.1 To confirm that no representations were received from any of the responsible authorities.

4.2 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:

### **4.2.1 Child Protection**

- Children should only be on the premises when accompanied by a responsible adult who is a member, during periods when the changing facilities are being used.
- Notices to be displayed in public areas reminding parents/carers that they are responsible for the welfare and conduct of their children at all times.

### **4.2.2 Hertfordshire Fire and Rescue**

- No member of Active4Less or their guests are permitted to go onto the fire escape balcony except in an emergency.

## **5 INTERESTED PARTIES**

5.1 One representation has been received, which relates to the following licensing objectives:

- Prevention of Crime and Disorder;
- Public Safety; and
- The Protection of children from harm.

From the concerns raised by the objector, the following were considered to be relevant to the 4 licensing objectives are:

- Inadequate and lack of toilet facilities. Toilet facilities are within communal changing rooms/shower area; therefore bar users (including children) would have to use toilets when changing rooms are still in use. As has often been the case in the past.
- Inadequate and misused fire escape staircase. Inappropriate and illegal use of fire escape landing for socialising and smoking by bar customers causing obstruction to fire routes. In this situation customers have been witnessed throwing cigarette ends, glasses and bottles on adjacent playing fields from the fire exit landing.
- Unauthorised use for private hire has led to vandalism on our site, including broken windows, vandalised irrigation equipment, vandalised tractor.
- Previous lack of supervision of unauthorised parties has led to violent behaviour on and adjacent to our club premises – including a stabbing incident.

Licensing officers comment:

The operating schedule submitted by the applicant, and the additional inclusions following advice provided to the applicant by the responsible authorities may now

address points 1 and 2 of the objection raised by the interested party. This will need to be confirmed as part of the hearing process.

- 5.2 The opportunity to hold a mediation meeting has been put to both the applicant and interested party to allow them the opportunity to discuss the outstanding concerns, with a view to being able to seek a resolution.

## **6 POLICY CONSIDERATIONS**

- 6.1 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.
- 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: -
- Imposed Conditions – 10.11 – 10.12
  - Proportionality – 10.13
  - Duplication with other statutory provisions – 10.15 – 10.18

## **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 s18 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.
- Appendix 2 - Location map.
- Appendix 3 - Representation received from an interested party.
- Appendix 4 - Additions to operating schedule following advice from

responsible authorities.