

Meeting: LICENSING COMMITTEE

Agenda Item:

Date: 21 May 2009

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APPLICATION FOR A PREMISES LICENCE: BARCLAY SCHOOL

Author - Emma Rose Ext No. 2271

Contributors - Heather Morris Ext No. 2175

1 PURPOSE

To determine the application for a premises licence for Barclay School, Walkern Road.

2 APPLICATION

2.1 Type of licence applied for

An application was received from Barclay School for a premises licence under section 17 of the Licensing Act 2003. The Licensing Authority accepted the application on 27 March 2009. This application is attached as appendix 1, with premises plans attached as appendix 2.

2.2 Summary of application

2.21 Initial Application

Barclay School is located in Walkern Road, Stevenage (see appendix 3 for location map).

The application was for the following activities:

table 1 - initial application

Day	Provision of Reg' Ent' Provision of Ent' Facilities	LNR	Supply of alcohol (on)	Opening hours
Monday	9am - midnight	11pm - midnight	6pm - 11.30pm	7.30am - 1.30am
Tuesday	9am - midnight	11pm - midnight	6pm - 11.30pm	7.30am - 1.30am
Wednesday	9am - midnight	11pm - midnight	6pm - 11.30pm	7.30am - 1.30am

Thursday	9am - midnight	11pm - midnight	6pm - 11.30pm	7.30am - 1.30am
Friday	9am - midnight	11pm - midnight	6pm - 11.30pm	7.30am - 1.30am
Saturday	9am - 1am	11pm - 1am	midday - 11.30pm	7.30am - 1.30am
Sunday	midday - 6pm	none	6pm - 11.30pm	7.30am - 1.30am

Provision of Reg' Ent' = Plays, Films, Indoor sporting events, Live music, Recorded music, performance of dance, Anything of a similar description to Live music, Recorded music and Performance of dance.

Provision of Ent' facilities = Making music, Dancing, Entertainment similar to making music or dancing.

LNR = late night refreshment (hot food/drink)

2.22 Amended Application

Following representations made by residents (see section 6 for further detail), the Barclay School amended the application in an attempt to resolve the concerns raised. Further conditions are also proposed and are detailed in section 4. The Committee is advised that the interested parties have not agreed to withdraw their representations as result of these changes, but the revisions should be considered as the current position of the applicant.

table 2 - amended application following representations/mediation

Day	Provision of Reg' Ent' Provision of Ent' Facilities	LNR	Supply of alcohol (on)	Opening hours
Monday	9am - midnight	11pm - midnight	6pm - 11pm*	7.30pm - midnight
Tuesday	9am - midnight	11pm - midnight	6pm - 11pm	7.30pm - midnight
Wednesday	9am - midnight	11pm - midnight	6pm - 11pm	7.30pm - midnight
Thursday	9am - midnight	11pm - midnight	6pm - 11pm	7.30pm - midnight
Friday	9am - midnight	11pm - midnight	6pm - 11pm	7.30pm - midnight
Saturday	9am - midnight	11pm - midnight	midday - 11pm	7.30pm - midnight
Sunday	midday - 6pm	none	6pm - 11pm	7.30pm - midnight

* 'drinking up' until 11.30pm only. Regulated entertainment/entertainment facilities may continue until midnight with the premises closing at half past midnight.

3 BACKGROUND INFORMATION

The premises is a Comprehensive Secondary School for 11-18 year olds. A Club Premises Certificate is held by the Barclay School Association which was converted under Grandfather Rights from the original Justices Licence during the transition period of the Licensing Act 2003.

A Club Premises Certificate authorises the supply of alcohol to members and invited guests only for consumption on and off the premises. This Certificate does not allow for the provision of regulated entertainment. In addition, in the absence of a Premises Licence the school is unable to supply alcohol to people hiring the premises under their existing Club Premises Certificate, as the rules do not permit this.

For hirings that have required either entertainment or alcohol to be provided, 10 temporary event notices have been used since the legislation changed at the end of November 2005. Of these, 1 event had permission until noon, 3 until 11pm, 4 until 11.30pm and 2 until midnight.

Neither the Licensing team nor Environmental Health have received any complaints about the events that have taken place at Barclay School.

4 PROMOTION OF THE LICENSING OBJECTIVES

The representations received relate to all 4 of the licensing objectives. Please note that the operating schedule will be converted into conditions on the premises licence should the licence be granted. The operating schedule submitted by the applicant shows that those licensing objectives will be met as follows:

4.1 THE PREVENTION OF CRIME AND DISORDER

1. Vetting of letting applicants through application form, collected references if appropriate

Licensing Manager's Comments: This statement cannot be translated into an enforceable condition. The applicant should provide more detail on the criteria to be used for vetting letting applicants.

4.2 PUBLIC SAFETY

1. Fire evacuation procedures and exits explained to persons in charge of event at beginning of event
2. No smoking on site

Licensing Manager's Comments: condition 1. will not be translated into a condition on the premises licence should it be granted, because this is already covered by primary legislation. Condition 2 will not be translated onto the premises licence should it be granted, because primary legislation prohibits smoking in enclosed public areas.

4.3 PREVENTION OF PUBLIC NUISANCE

1. Notices requesting consideration users of the premises to be quiet as they leave
2. Announcement at the end of the letting reminding users to leave quietly
3. A sound check will be carried out prior to any performance of regulated entertainment at the boundary of the nearest noise sensitive property
4. During Regulated Entertainments, a member of staff or the Barclay School Association will check at 45 minute intervals if noise from the entertainment is audible at the nearest noise sensitive property. If it is, s/he will ensure that the volume is reduced or the entertainment stopped, as appropriate.

4.4 THE PROTECTION OF CHILDREN FROM HARM

1. No sale will be made without ID. We will operate a Challenge 25 scheme, only Passports or Driving Licences will be accepted as ID
2. Adults may not buy alcohol for under 18's
3. Adequate Signage
4. Sale of alcohol to take place only when the school bar is open and run by members of the school staff or the Barclay School Association
5. No hirers will be permitted as to bring their own alcohol for consumption onto the school, unless prior permission has been obtained by the school in writing as part of the hiring agreement.

Licensing Manager's Comments: Condition 2 will not be translated onto the premises licence should it be granted, as this is a legal requirement anyway. The applicant is invited to specify what adequate signage is (condition 3.); without this information the condition is not enforceable.

5 RESPONSIBLE AUTHORITIES

A representation was received from Hertfordshire Fire and Rescue and they specified works the school had to carry out in a letter dated 6 April 2009. These have been completed and the Fire Service have withdrawn their representation.

6 INTERESTED PARTIES

Representations against the application have been received from the 5 interested parties below and 2 in support. These representations are attached as appendices 4a - g and all relate to the 4 licensing objectives.

Address	Type of Representation
4 in Walkern Road	Interested Parties (all residents)
1 in Church Mews	Interested Party
1 in Minehead Way	Positive representation business in the vicinity (user of the premises)
1 in High Street	Positive representation business in the vicinity (user of the premises)

In addition, a petition was received and accepted as a representation. This had 71 signatures from 60 addresses in Walkern Road, Church Mews and Church Lane. The petition is attached as appendix 5.

7 POLICY CONSIDERATIONS

The following sections of the licensing authority's statement of licensing policy are of particular relevance to this application:

- Section 12 - Licensing conditions
- Section 13 - Licensing objectives

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.

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

- Appendix 1 - Premises licence application
- Appendix 2 - Premises plan
- Appendix 3 - location map
- Appendices 4a - f - Representations from interested parties
- Appendix 5 - petition