

Meeting	Licensing Committee
Portfolio Area	Communities, Community Safety and Equalities
Date	28 March 2023

APPLICATION FOR THE GRANT OF PREMISES LICENCE – ROOKERY YARD, 70 HIGH STREET, STEVENAGE, SG1 3EA.

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1 PURPOSE

- 1.1 To determine an application for the Grant of a Premises Licence for Rookery Yard, 70 High Street, Stevenage. SG1 3EA. Public Health, Police and a local business have made representations against this application.
- 1.2 In reaching its decision, the Committee must have regard to its obligation to promote the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Matters which do not relate to the four licensing objectives must be disregarded.

2 RECOMMENDATIONS

- 2.1 That the Committee reviews the evidence presented by the responsible authorities and applicant (and/or representatives) and determines what action should be taken in respect of this application for a premises licence.

3 SUMMARY OF APPLICATION

- 3.1 Mr Dejan Radak of Scalp Inst. Ltd has applied for the grant of a premises licence for Rookery Yard, 70 High Street, Stevenage SG1 3EA. The premises wish to trade as a restaurant at the front of the premises which is accessed via the door on the High Street and a late bar with music at the rear of the premises with its entrance located on Rookery Yard. The application proposes the following:
- 3.1.1 The provision of live music inside the premises, Monday to Sunday between the hours of 23:00hrs and 03:00hrs in the late bar, the playing of recorded music, Monday to Sunday between the hours of 08:00 and 23.00 in the restaurant and between the hours of 23:00 and 03:00 in the late bar at the rear of the premises (inside and outside).
- 3.1.2 The provision of performances of dance in the late bar only, Monday to Sunday between the hours of 23:00 and 03:00.
- 3.1.3 The sale of alcohol on the premises, Monday to Sunday, 11:00 until 23:00 in the restaurant and Monday to Sunday, 23:00 until 03:00 in the late bar at the rear of the premises. The application proposes that the opening hours for the premises will be Monday to Sunday, 07:00hrs until 23:00hrs for the restaurant and Monday to Sunday 23:00 until 03:00 for the late bar, therefore the termination time for the sale of alcohol and the closing of the premises are the same.
- 3.2 This application was accepted by the Council as valid and duly made on 4th March 2024. **A copy of the application is attached at Appendix A.**

4 BACKGROUND INFORMATION

- 4.1 70 High Street is an end of terrace building located on the western side of the High Street. It adjoins Rookery Yard to the North and Primett Road to the west/rear.
- 4.2 The front of the building has previously been used as a restaurant and the rear of the building has previously been used as a bar/nightclub. There are residential flats situated above the front of the building over what is to be the restaurant and offices located nearby on Rookery Yard. **A location map is attached at Appendix B.**
- 4.3 The restaurant and bar/nightclub which previously occupied 70 High Street held a premises licence. This premises licence authorised the sale of alcohol and the provision of regulated entertainment which included recorded and live music, dance and the exhibition of film between the hours of 11:00 and 23:00 Sunday to Wednesday, between the hours of 11:00 and 02:30 on Thursdays and between the hours of 11:00 and 03:00 Friday to Saturday.

The hours during which the premises were open to the public were Sunday to Wednesday 07:00hrs until 23:30hrs, Thursdays 07:00hrs until 03:00hrs and Friday to Saturday 07:00hrs until 03:30hrs.

- 4.4 There are currently two premises on the High Street which are licensed for the sale of alcohol and are authorised by way of a premises licence to operate beyond 02:00hrs. Cinnabar and The Drapers Arms.
- 4.4.1 Cinnabar are authorised under their premises licence for regulated entertainment and the sale of alcohol until 02:00hrs Monday to Wednesday, until 03:30hrs Thursday to Saturday and until 02:00hrs on a Sunday. The premises then close 30 minutes after the termination time for the sale of alcohol.
- 4.4.2 The Drapers Arms are authorised under their premises licence for regulated entertainment and the sale of alcohol. Sale of alcohol is permitted until 01:00hrs Monday to Wednesday, until 02:30hrs on a Thursday, until 03:00hrs Friday to Saturday and until 00:00hrs on a Sunday. The premises then close 30 minutes after the termination time for the sale of alcohol.

5 RESPONSIBLE AUTHORITIES

- 5.1 Representations have been made by two of the Responsible Authorities, Public Health, and Hertfordshire Police. Environmental Health. did not submit a representation but have agreed additional licence conditions through mediation.
- 5.2 Public Health, Hertfordshire had concerns relating to the licensing objective Protection of children from Harm. Although the applicant has mentioned 'Challenge 25' and the training of staff in his application, Public Health requested further details around the checking of identification, including which suitable means of identification would be accepted and that the premises would ensure the completion of a refusals log.
- 5.3 Hertfordshire Police have concerns relating to the licensing objectives Prevention of Crime and Disorder, Public Safety, and the Prevention of Public Nuisance. To summarise, the timings requested at the time of application (11pm – 3am) are not conducive to the nighttime economy of Stevenage High Street. Police are concerned that this is a new venture for the applicant who has described the premises as being a 'Social Space' The police feel that this appears to be experimental and there are concerns that the venue may transform into a night club style venue due to the hours applied for and the demographic at that time. The High Street currently has two large premises open until 3am. To prevent Crime and Disorder, a staggered exit from High Street Premises is required so there is not a clash with customers exiting from other venues closing at the same time. Police have experienced problems in the past when three late night venues close at the same time. A mass exodus onto the public thoroughfare, which does not have the capacity to disperse crowds easily causing overcrowding, particularly outside the entrance to Rookery Yard which is located directly behind the taxi rank. This in turn would increase the likelihood of noise nuisance and disturbance to residents in the early hours of the morning.

5.4 The Police propose that a licence is restricted to these hours: Sunday to Wednesday, sale of alcohol to terminate at midnight and the premises to close at 00:30hrs and Thursday to Saturday, sale of alcohol to terminate at 01:00hrs and the premises to close at 01:30hrs. In addition to this the Police would like the following 18 conditions to be added to the licence. (Details relating to conditions regarding SIA approved door staff will be negotiated with the applicant once the outcome of the hearing is known):

- There shall be no entry or re-entry into Rookery Yard Bar after 12.00hrs on Thursday - Sunday
- The Premises Licence Holder or Designated Premises Supervisor shall install and maintain a comprehensive CCTV system covering the whole of the premises, including all entry and exit points.
- The Designated Premises Licence Holder shall ensure that the CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum period of 30 days with date and time stamping.
- A minimum of two persons shall be trained and at least one shall be available immediately to access, operate and download the CCTV system and recordings shall be made available within 48 hrs upon the request of the Police or authorised officer of the Licensing Authority, providing such requests are in connection with the prevention or detection of crime. Recordings are to be provided in the form of digital download burned onto a DVD or CD disc.
- All faults/defects in the CCTV system must be reported to Hertfordshire Constabulary immediately the fault is discovered. The notification must be made to the Hertfordshire Constabulary non-emergency telephone number 101 and a log number obtained from the Police and recorded in the incident book. The Stevenage Police Licensing Unit must also be notified.
- All faults with the CCTV system shall be repaired promptly.
- 28 days' notice shall be given to Hertfordshire Constabulary and the Licensing Authority of any planned special events to be held including full details of the nature of the event and of the promoter.
- The Premises must implement a "Challenge 25" policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S) approved identification before being allowed to enter the Premises whilst licensable activities are taking place.
- In addition to any other training, the premises licence holder shall ensure all staff is trained in the prevention of underage sales, to

maintain the refusals book and to monitor staff to ensure their training is put into practise.

- A log (which may be recorded electronically) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises, by the police or an authorised officer of the licensing authority at all times whilst the premises are open.
 - The entrance to the Bar shall be manned by at least 2 SIA (**This is subject to discussion**) approved door staff; a clicker system shall be used to ensure capacity levels are not exceeded.
 - A minimum of 2 SIA approved door staff shall be on duty at Rookery Yard between the hours ofON...(days of week).....
 - A minimum of 3 SIA approved door staff shall be on duty at the on a ...(days of week).....between...(Time). ..pm and closing time and shall remain at the Club until all customers have left the premises. (Where the number of customers exceeds 150, the number of SIA approved door staff will increase by 1)
 - The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
 - The designated premises supervisor shall ensure so far is reasonably practicable that no customers shall be permitted to remove from the premises any open bottles or glasses for consumption or disposal outside the premises.
 - The premises shall be a member of the local Pub watch scheme, a representative from the premises will attend meetings on a regular basis.
 - No smoking shall be permitted outside the front of the premises after 23.00hrs.
 - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 5.5 Whilst Environmental Health have not made a representation, they have conducted successful mediation with the applicant. Environmental Health have in the past received complaints relating to the breakout of loud music from the bar/nightclub which previously occupied 70 High Street. The Environmental Health Officer discussed their concerns relating to public nuisance with the applicant at a site meeting on 28th February 2024 where she put forward four

conditions which she would like to be added to the licence to assist in the prevention of public nuisance. The addition of these four conditions was agreed by the applicant in an email dated 29th February 2024, and are as follows:

- Music to be played inside the premises only, no music to be played in the outside garden area.
- All windows and external doors shall be closed when regulated entertainment takes place, except for the immediate access and egress of persons. (Details on how this will be managed to be included in the noise management plan)
- The premises licence holder shall ensure that the premises operates in accordance with a Noise Management Plan, which will be subject to prior approval of the Council's environmental Health Department.
- A sound limiting device shall be installed. All electronic equipment used to produce amplified, recorded and live music shall be routed through the sound limiter device. The sound limiter device shall be set to a level which will not cause a public noise nuisance to the nearest noise sensitive receptors and the operating panel shall be properly secured so that it cannot be accessed by any person other than the premises licence holder.

6 INTERESTED PARTIES

- 6.1 Representation has been made by the Manager of a local business which is also located on the High Street. There are concerns relating to the licensing objective Crime and Disorder and Public Nuisance. To summarise, whilst there is no objection to the restaurant, which is proposed to operate from the front of the premises, there are concerns relating to the plans for a late bar at the rear. The timings outlined in the application, 11pm until 3am, 7 nights a week with no application for late night refreshment appears to indicate that this will be an alcohol led venue. The lack of detail in the measures outlined in the operating schedule which formed part of this application raise concerns relating to the applicant's experience and expertise to take on late night, alcohol led, premises in a sensitive location with a difficult history. These premises have previously attracted a clientele which had a detrimental impact on the High Street and to this local business with regards to Crime and Disorder and Public Nuisance and there is a concern that these issues may return to the High Street, should this application be granted. **Representations and details of mediation conducted by Environmental Health are attached at Appendix C.**
- 6.2 The Licensing Officer has liaised with the applicant to discuss all of the representations received. In addition to the four conditions agreed during mediation with Environmental Health, the applicant has also voluntarily

amended their application for the grant of a premises licence to accept all 18 conditions proposed in the Representation submitted by the Police.

- 6.3 The applicant has declined to accept the recommendations in the representation brought by the Police to adjust the timings for the sale of alcohol and the closing of the premises, but has agreed to amend his application to adjust the termination time for the sale of alcohol and the closing time of the premises to: Sunday to Wednesday, premises to close at midnight, on Thursdays, the sale of alcohol is to cease at 01:30hrs and the premises to close at 02:00hrs, Friday to Saturday, the sale of alcohol is to cease at 02:30hrs and the premises to close at 03:00hrs.
- 6.4 In addition to the above, the applicant has also amended their application to add the following four conditions to address the concerns raised by Public Health Hertfordshire:
- The premises shall implement a 'Challenge 25' policy whereby all customers who appear to be under the age of 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S) approved identification before the sale of alcohol can take place.
 - A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police, or an authorised officer of the licensing authority at all times whilst the premises is open'.
 - In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to maintain a refusals book and monitor staff to ensure their training is put into practice.
 - Written training records shall be kept for each staff member and shall be produced upon the request of Police or authorised officer of the licensing authority.
- 6.5 The proposals made by the applicant to voluntarily amend their application have been passed to those responsible authorities and the Manager of a Local business who have made representations. Public Health have withdrawn their representations following the amendments made, prior to the end of the consultation period.
- 6.6 Representations made by the Police remain upheld in respect of the timings which have been applied for in regards the sale of alcohol and the closing time of the premises.

6.7 A summary of the hours which have been applied for, the hours proposed in the Police representation and the hours the applicant is willing to accept are outlined in the table below:

	Times for the sale of alcohol	Opening times of the premises
a) Hours applied for.	Mon-Sun 11:00-23:00 (Restaurant) Mon-Sun 23:00-03:00 (Bar)	Mon-Sun 11:00-23:00 (Restaurant) Mon-Sun 23:00-03:00 (Bar)
b) Hours proposed by police.	Mon-Sun 11:00-23:00 (Restaurant) Sun-Weds 23:00-00:00 (Bar) Thurs-Sat 23:00-01:00 (Bar)	Mon-Sun 11:00-23:00 (Restaurant) Sun-Weds 23:00-00:30 (Bar) Thurs-Sat 23:00-01:30 (Bar)
c) Hours applicant is willing to accept.	Mon-Sun 11:00-23:00 (Restaurant) Sun-Weds 19:00-23:59 (Bar) Thurs 19:00-01:30 (Bar) Fri-Sat 19:00-02:30 (Bar)	Mon-Sun 07:00-23:00 (Restaurant) Sun-Weds 19:00-23:59 (Bar) Thurs 19:00-02:00 (Bar) Fri-Sat 19:00-03:00 (Bar)

6.8 Representation made the Manager of the Local Business also remains upheld upon the deadline for the publishing of this report.

7 IMPLICATIONS

7.1 Financial Implications

7.1.1 There are no financial or resource implications arising from the content of this report.

7.2 Legal Implications

7.2.1 The Committee is advised that paragraphs 9.31- 10.10 of the Guidance under section 182 of the Act describe the powers of a Licensing Authority on the determination of an application.

7.2.2 The following options are available to the committee under section

18(4) (a) and (d) of the Licensing Act 2003:

- To modify the conditions of the licence
- To reject the whole or part of the application

7.3 Policy Implications

7.3.1 *Stevenage Borough Council Statement of Licensing Policy 2020 – 2025*

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

1.2 The Act requires the Licensing Authority to carry out its licensing function so as to promote the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.6 In determining a licence application, the principle adopted by Licensing Authority will be that each application will be determined on its merits. In considering every application, under the terms of this policy, regard will be given to Government guidance under Section 182 of the Act, to the Act generally and to any supporting regulations issued by Central Government

7.3.2 *Guidance issued under section 182 of the Licensing Act 2003*

The Committee is reminded of the Guidance issued under section 182 of the Licensing Act 2003. These particular sections are relevant to this application:

- Application for Premises Licences paragraphs 8.1 – 8.9
- Determining Applications paragraphs 9.1 – 9.30

7.4 Equalities and Diversity Implications

7.4.1 Any decision by the Committee is based on evidence before it at the meeting; there are no equalities and diversity implications.

7.5 Crime and Disorder

7.5.1 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.

8 SUPPLEMENTARY INFORMATION

At the applicants request the licensing Officer has forwarded details of the applicants experience within the hospitality industry to the person making representations on behalf of the local business. **A copy of this is attached in Appendix D**

9 BACKGROUND DOCUMENTS

BD1 Licensing Act 2003

BD2 Stevenage Borough Council, Statement of Licensing Policy 2020-2025

BD3 Guidance issued under section 182 of the Licensing Act 2003

10 APPENDICES

- A Application for the grant of a premises licence.
- B Location map.
- C Representations from Responsible Authorities and interested parties.
- D Details of the applicants experience within the hospitality industry.