

STEVENAGE BOROUGH COUNCIL

**LICENSING COMMITTEE
MINUTES**

Date: Thursday, 28 March 2024

Time: 10.00am

Place: Council Chamber, Danestrete, Daneshill House

Present: Councillors: Claire Parris (Chair), Maureen McKay (Vice Chair), Sandra Barr, Michael Downing and Margaret Notley

Start / End Start Time: 10.00am
Time: End Time: 12.39pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Nazmin Chowdhury, John Duncan, Chris Howells, Graham Lawrence CC, Joan Lloyd, Lin Martin-Haugh, Graham Snell, Anne Wells and Tom Wren.

There were no declarations of interest.

2 MINUTES - 7 DECEMBER 2023

It was **RESOLVED** that the Minutes of the meeting of the Licensing Committee held on 7 December 2023 be approved as a correct record and signed by the Chair.

3 LICENSING APPLICATIONS - PROCEDURE

All parties noted the procedure for the Hearing which had been circulated with the agenda.

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

The Committee considered an application for the grant of a premises Licence for Rookery Yard, 70 High Street, Stevenage, SG1 3EA.

The Licensing Officer presented her report to the Committee outlining the facts of the application. She advised the Committee that there had been an error in the officer's report. Paragraph 3.2 on page 10 of the agenda pack related to the date that the application was accepted by the Council as valid and duly made. The correct date was 5 February 2024.

The applicant had applied for a premises licence to operate a restaurant and late bar with music at Rookery Yard, 70 High Street, Stevenage.

The application included:

- 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 08:00hrs and 23.00hrs in the restaurant and between 23:00hrs and 03:00hrs in the late bar at the rear of the premises (inside and outside)
- The provision of performances of dance in the late bar only, Monday to Sunday between 23:00hrs and 03:00hrs.
- The sale of alcohol on the premises, Monday to Sunday between 11:00hrs and 23:00hrs in the restaurant, and Monday to Sunday between 23:00hrs until 03:00hrs in the late bar at the rear of the premises.

The application proposed that the opening hours for the premises would 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 were the same.

The site, located on the western side of High Street adjoining Rookery Yard and Primett Road, had previously functioned as a restaurant and bar / nightclub. Nearby were residential flats and offices. The previous premises licence had covered the sale of alcohol and regulated entertainment.

Environmental Health had not submitted a formal representation but had successfully mediated 4 additional licence conditions with the applicant to prevent public nuisance.

Public Health expressed concerns related to the protection of children from harm. Following mediation from the Licensing Officer, after which the applicant had amended their application to include 4 new conditions, they had withdrawn their representation.

Hertfordshire Constabulary expressed concerns related to the prevention of crime and disorder, public safety, and public nuisance. They proposed reduced operating hours and 18 additional conditions. The applicant had agreed to all 18 conditions proposed by Hertfordshire Constabulary; however, they had not agreed to the proposed adjustments in operating hours.

The Chair invited all parties to ask questions of the Licensing Officer. There were none.

The Chair then invited the Responsible Authority, Hertfordshire Constabulary, to present their case. The Senior Licensing Officer spoke of the Constabulary's objections to the application, their key points of objection being:

- The proposed hours for the sale of alcohol.

- The proposed premises opening hours.

The Chair invited all parties to ask questions of the Responsible Authority.

Some Members asked questions related to staggered closing times for late night venues. Hertfordshire Constabulary responded that due to the location of the premises and the potential number of people exiting the premises at closing time, a 30-minute staggered closing would not be sufficient. They advised that patrons may look to move on to other venues but that some other late night venues restricted admission from certain times.

A Member asked a question related to the significance of the history of the premises. Hertfordshire Constabulary responded that their representation was not affected by the history of the premises.

The Chair then invited the other persons to present their case. The legal representative for the local business spoke of their objections to the application.

The Chair then invited the other persons to present their case. The legal representative acting on behalf of Cinnabar spoke of their objections. He advised that Cinnabar operated venues in three Hertfordshire towns and had never made a representation against any other premises in any of the places it traded. Their key points of objection were:

- Activities proposed including late-night and alcohol-led with no provision for late night refreshment, which suggested a nightclub style business in a mixed residential and commercial area was not suitable.
- Lack of information included with the application making it impossible to have confidence that the licensing objectives would be promoted.
- Inadequate conditions proposed.
- No confidence the Applicant could sustain the business model suggested by the application.

The Chair invited all parties to ask questions of Cinnabar and their Legal Representative. There were no questions asked.

The Chair invited the Applicant to present their case. The legal representative acting on behalf of the Applicant thanked Hertfordshire Constabulary for their input throughout the application process. The key points of their case were:

- The Applicant had a conditional agreement to take out a lease of the premises. The condition being that a suitable licence was granted to allow the business to operate.
- The proposal was for a restaurant operating at the front of the premises and a bar at the back acting as a social space.

- The restaurant would serve coffees through the morning moving onto artisan style pizzas in the evening.
- The relationship between these two aspects was critical to the sustainability of the business.
- The business would target a mature audience and the Applicant offered a condition that the business would refuse admission to under 21's.
- The capacity limit would be calculated based on the fire risk assessment that would be carried out once the premises had been kitted out.
- The proposed business model would likely see the bar only operating on Thursday – Saturday.
- The Applicant had hands on experience with the dispersal of customers from large capacity venues.

The Chair invited all parties to ask questions of Cinnabar and their Legal Representative.

A Member asked a question related to restaurant and the link between the two different aspects of the business. They responded that customers would not be able to access the bar area directly from the restaurant and vice versa. They confirmed that there would be two separate entrances, one on the High Street for the restaurant and the other on Rookery Yard for the bar.

A Member asked a question related to the social space. They confirmed that there would not be an entry charge for the bar area except on occasions when there would be performers or DJs.

A Member asked a question related to market research. They advised that they had conducted their own market research through discussions with local businesses and the Applicant stated that his understanding was that there was a market in Stevenage for the proposed business model.

A Member asked a question regarding the proposal for a 03.00hrs closing time. They responded that the business plan and modelling had been influenced by the nature of the premises including its shape and size. The Applicant believed that the premises had operated for a number of years in a similar vein, and this was the basis on which he had predicated his thinking for this application. The Senior Licensing Officer for the police highlighted that this was a new application that needed to be treated on its own merits.

Hertfordshire Constabulary sought assurance that the landlord of the premises would not be involved in the business. They responded that the landlord would not have any involvement in the running of the business other than their role as landlord and freeholder.

A Member asked a question related to the dispersal of customers at closing time. They responded that, whilst this would be subject to the capacity of the venue, customers would be encouraged to leave the enclosed environment of Rookery Yard upon exiting the venue and would be directed along Rookery Yard onto the High Street towards the Taxi Rank. There were plans for the mezzanine within the venue to be closed earlier than the main bar space, thereby creating a staggered closure of the premises.

A Member asked if the business had a target date for opening. They responded that there was not a set date at that time due to the work that would need to be completed prior to opening.

The Chair invited all parties to sum up their submissions.

At the conclusion of the summing up the Chair adjourned the meeting, and asked all parties to leave the room whilst the Committee determined the application.

At the conclusion of the Committee's deliberations, all parties were invited back into the meeting to hear the outcome.

The Chair read out the resolution made by the Committee and the reason for its decision.

It was **RESOLVED** that the application for the grant of a premises licence for be approved subject to:

- The permitted hours being set as follows:
 - Sale of alcohol (Restaurant) Mon-Sun 11:00-23:00
 - Opening times (Restaurant) 11.00-23.00
 - Sale of alcohol (Bar) Sun-Weds 19.00-Midnight, Thurs-Sat 19.00-01.00
 - Opening times (Bar) Sun-Weds 19.00-00.30, Thurs-Sat 19.00-01.30
- The Council's standard licensing conditions.
- The production of a plan clearly demarcating the separately licensed restaurant and bar areas.
- The additional licensing conditions proposed by Public Health, Environmental Health, the Police and the Licensing Authority, as set out below, the detailed wording to be settled by the Licensing Officer.
- An additional condition volunteered by the applicant to restrict admission to the bar area to over-21s.

REASON FOR DECISION: The Committee was satisfied that the licensed hours should be restricted in line with the recommendations of the Police, for the reasons set out in their representations. The Committee was satisfied that the more limited hours were justified to promote the licensing objectives related to crime and disorder, public safety, and public nuisance. However, the Committee felt that a 7pm

opening time for the bar was acceptable.

The Committee accepted that the additional licensing conditions, would promote the licensing objectives by ensuring that the premises are operated in a safe and proper manner.

The Committee notes the suggestion by the Police that, after an initial period and in the absence of problems, the applicant might consider applying to extend the licensed hours.

The Committee also noted the assurance by the applicant that the owner of the premises would play no part in the operation of the business.

SCHEDULE OF ADDITIONAL CONDITIONS

Condition volunteered by the Applicant -

- Access to the 'Rookery Yard' Bar shall be restricted to persons over the age of 21.

Conditions proposed by Public Health -

- 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 responsible for the sale of alcohol 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.

Conditions proposed by Environmental Health –

- 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.

Conditions proposed by the Police -

- There shall be no entry or re-entry into Rookery Yard Bar after midnight 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 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 shall 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 are 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 approved door staff and shall be on duty in Rookery Yard from 21:00hrs each day (Sunday to Saturday) and for a minimum of 30 mins after closure and until all customers have dispersed from the Rookery Yard junction with High Street.
- Where the number of customers exceeds 200 persons. The number of SIA approved door staff will increase by one, on a ratio of 1 per 100 persons.
- SIA approved door staff at the entrance to the Bar shall use a clicker system to count persons in and out of the premises to ensure capacity levels are not exceeded.
- 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 on the High Street, 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 **URGENT PART I BUSINESS**

None.

6 **EXCLUSION OF PUBLIC AND PRESS**

Not required.

7 **URGENT PART II BUSINESS**

None.

CHAIR