

**LICENSING SUB-COMMITTEE C**

A meeting of the Licensing Sub-Committee C was held on 27 January 2015.

**PRESENT:** Councillors B E Taylor (Chair) M Hudson and J A Walker

**ALSO IN ATTENDANCE:** Representing the Applicant:

Louise Morris - Middlesbrough Sport and Leisure Service

Objectors: 5 Residents from Marton Road

**OFFICERS:** B Carr, C Cunningham and T Hodgkinson

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made at this point of the meeting.

14/5 **APPLICATION FOR A PREMISES LICENCE - MIDDLESBROUGH SPORTS VILLAGE, ALAN PEACOCK WAY, MIDDLESBROUGH, TS4 3AE: REF: PRO/0047**

A report of the Principal Licensing Officer, Improving Public Health, had been circulated outlining an application for a Premises Licence in relation to Middlesbrough Sports Village, Alan Peacock Way, Middlesbrough, TS4 3AE Ref No. PRO/0047.

Summary of Proposed Licensable Activities and Hours for Proposed Licensable Activities

Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainment, Live Music, Recorded Music, Performance of Dance - Monday - Sunday 7am - 11pm

Sale of Alcohol (On Sales) - Monday to Saturday 11am to 11pm

Full details of the application and accompanying operating schedule were attached at Appendix 1 to the submitted report.

The Chair introduced those present and outlined the procedure to be followed at the meeting. The Principal Licensing Officer presented the report in relation to an application for a Premises Licence in respect of Middlesbrough Sports Village, Alan Peacock Way, Middlesbrough, received on 1 December 2014, as outlined above.

The applicant had advertised the application, as required by the Licensing Act 2003, in the Evening Gazette on 1 December 2014.

It was highlighted that the premises, located on Marton Road, consisted of a multi facility sport and leisure complex comprising outdoor athletics facility, cycle circuit, velodrome, synthetic turf and natural grass pitches, indoor sports hall with bleacher seating capacity for 300 spectators, spinning studio, 40 metre athletic space/fitness space, children's play area, cafe bar, fitness gym and strength and conditioning area, office space and education rooms. The area subject to the licence application was the main building (cafe area and main sports hall) and there would be no licensable activities taking place outside of the main building.

Vehicle access to the site and car park would be from Ladgate Lane and there would be pedestrian access to the premises from Marton Road.

The Principal Licensing Officer showed all those present a copy of a map outlining the two areas which were the subject of the licensing area.

Representations in respect of the application had been received as follows:

9 December 2014 - Mr & Mrs W - local residents - objecting on the grounds of the prevention of crime and disorder and the prevention of public nuisance - attached at Appendix 2 to the

report;

16 December 2014 - Mr & Mrs D - local residents - objecting on the grounds of the prevention of crime and disorder and the prevention of public nuisance - attached at Appendix 3 to the report;

18 December 2014 - Mr & Mrs W - local residents - objecting on the grounds of the prevention of crime and disorder - attached at Appendix 4 to the report.

No objections to the application had been received from Cleveland Police. The Police had initially raised concerns with regard to potential boxing events at the premises, however the applicant had agreed with the Police to offer the following condition to alleviate the concerns of the Police:

"No boxing events will be held at the premises without the prior approval of Cleveland Police". A copy of the relevant correspondence in respect of the above was attached at Appendix 5 to the report.

Members of the Committee had visited the application site prior to the meeting.

The Chair invited the Applicant to present her case.

### **The Applicant**

The applicant outlined the various facilities to be included at the multi facility sport and leisure complex. The Committee was advised that the aim of the Sports Village was as follows:

- To support more people being more active;
- To address public health issues and inequalities;
- To provide opportunities for clubs and individuals to excel in their chosen sports;
- To increase the opportunities for families and young people to be active; and
- To operate within budget and exceed income targets.

In terms of the actual licensable activities:

- Plays would involve amateur performances on an infrequent basis and it was anticipated that schools would utilise this facility;
- Films would be incidental to other activities;
- Live Music would be amateur and would be low level and infrequent and would finish at 10pm - for more commercial events, consultation would be undertaken prior to the event taking place;
- Performance of Dance would involve amateur performances on an infrequent basis;
- Recorded Music would be incidental to other activities and it would be background music;
- Indoor Sporting Events - there would be limited spectator capacity - e.g. national league events;
- Boxing and Wrestling Entertainment - would involve no more than 12 shows per year. Boxing events would only be with consultation and with the approval of Cleveland Police;
- On-site Sale of Alcohol (11am - 11pm) - Sales would usually cease by 10pm and always no later than 11pm;

Sales would not extend to the Main Hall on more than 6 occasions per year and sales from the Cafe Bar would involve can and bottle sales from a domestic sized fridge. The Challenge 21 policy would be in operation.

The Committee was advised that large parts of the venue had specialist floors and surfaces and the aim was to protect these surfaces. Other local authority venues were much better suited to hosting large scale events.

In terms of managing risk and nuisance, all staff at the venue would be made aware of and comply with the licensing objectives. There would be regular documented staff training refreshed every six months and robust procedures and policies would be put in place. The aim was to ensure that customers visiting the premises had a positive experience. When an event was taking place people would be directed to leave via the Ladgate Lane area as the boulevard would be gated and the gate would be locked when big events took place.

In respect of the prevention of crime and disorder licensing objective, there would be visible CCTV installed at the premises with good external lighting. The Challenge 21 policy would be implemented and the management of the premises were considering programming an incremental lock-down of the venue. The staff would also encourage positive relationships with stakeholders and users of the premises.

In respect of the promotion of public safety objective, the staff would follow normal operating procedures and there would be an Emergency Action Plan and appropriate risk assessments in place at the premises. Time slots for groups using the premises would be programmed carefully.

In terms of the prevention of public nuisance objective, there would be an incremental lock down of the site, alcohol would only be allowed in the licensed areas of the premises, the premises would retain member data, internal access restrictions would be put in place, there would be appropriate CCTV at the venue and staff would receive relevant training in first aid and dealing with difficult situations. The staff at the venue would work with relevant partners such as the Police and Community Protection to maintain order at the premises.

In respect of the protection of children from harm licensing objective the premises would have a robust Safeguarding Policy in place.

In summing up, the applicant advised that the sale of alcohol would be minimal and the provision of alcohol was incidental to the operation of the leisure and sports facility. Robust procedures would be put in place to manage anti-social behaviour and nuisance. The business model of the premises depended upon the provision of a fitness facility for families and the aim was to encourage family participation.

An objector queried whether the sale of alcohol was essential to the business model of the Sports Village. The applicant advised that although an alcohol licence was not essential to the business model it was an aspiration and it would add to the venue's offer.

An objector stated that although he had been impressed by the promotion of the facility, he did not see how the sale of alcohol fit within a fitness and health model involving children and families. He stated that in his view it was a secondary minimal requirement and he queried what benefits the alcohol licence would bring and whether it was necessary to make the venue financially viable.

The applicant advised that although it was not an essential part of the business plan, it provided customers with a choice. Alcohol could be consumed responsibly and the staff would be vigilant regarding potential misuse.

The Council's Legal representative clarified that any objections should relate to the four licensing objectives.

An objector stated that the sale of alcohol could lead to nuisance or anti-social behaviour and the cost of policing and this could outweigh the cost of selling alcohol. He queried how the applicant intended to manage any anti-social behaviour. The applicant advised that the staff across the site would be trained to recognise any issues.

An objector queried whether the applicant was aware of any existing problems of anti-social behaviour before the application was submitted. The applicant advised that there would be a Designated Premises Supervisor who would receive all the appropriate training. The staff at the venue would also have a mobile number for the DPS when he was unable to be present at the venue.

The Chair queried about pedestrian access on to Marton Road. The applicant advised that the Council were working with the developer to see if they could have a controlled gate which could be locked as and when required.

An objector stated that since 2012 the venue had been promoted through public consultations as a Sports Village, not an alcohol facility. Alcohol conflicted with the issue of public health. Clairville Stadium had not offered the facility of buying alcohol or the facility of public music. There were already many premises in the area selling alcohol. The Police had commented on alcohol-related anti-social behaviour. In his view he stated that it was an attempt to get the land back as part of the Open Spaces licence.

The Principal Licensing Officer advised that the alcohol licence was specific to certain areas of the venue. To get it added to Open Spaces the applicant would need to make a separate application and he clarified that this application would have no bearing on the Council's Open Spaces Licence as the Open Spaces Licence was for outdoor entertainment and the request for this licence was for indoors.

The objectors expressed concern that when an article giving details of the application was printed in the Evening Gazette the article included details of their names and it was queried whether these details were required to be disclosed. The Chair advised that the Licensing Sub Committee was a public meeting. The Council's Legal representative advised that the Committee was an open and public meeting. The Hearing Regulations stated that the Council was required to send details of any representations out as part of the Committee papers.

An objector stated that the Committee was required to consider the impact of the application on the licensing objectives. The objector stated that there was concern that if the application was not granted then the objectors would be blamed. The applicant advised that she appreciated the concerns about the application raised by the objectors and she thanked them for putting forward their point of view. An objector stated that she had experience of anti-social behaviour in the area. The applicant advised that the Sports Village would be well controlled and managed.

A Member queried whether the facility of a car park and the proposed access to the site alleviated the concerns of the objectors. An objector stated that pedestrians would travel by car/taxi or bus and they would exit the venue by the boulevard. When events finished people would disperse onto Marton Road. If the gate was locked it would improve the situation.

The objector stated that he was in favour of the Sports Village as a whole however he had concerns regarding the entertainment and the sale of alcohol and the effect it could have on anti-social behaviour, noise and nuisance. The Chair queried whether the objector considered that if the venue did not sell alcohol there would not be an issue with noise. The objector stated that the sale of alcohol would exacerbate any existing noise issues.

The Chair pointed out that the applicant had stated that alcohol would be stored in a domestic size fridge and it appeared likely that the main customers would be attending the venue to participate in sport.

An objector stated that children could be sitting in the area where alcohol was being consumed. Another objector queried whether they would be allowed to bring mobile bars into the venue. The applicant advised that alcohol would be restricted to those areas licensed for alcohol. It was anticipated that approximately six large scale events would be held per year.

In response to a query with regard to wrestling events, the applicant advised that it was unlikely that the only alcohol that would be sold would be via the Cafe Bar and the alcohol would not be allowed to be taken out of the Cafe Bar.

An objector expressed concern with regard to the holding of presentation nights for the sports clubs, and the increase in noise as a result of people standing outside smoking or leaving in taxis. The applicant advised that if it was a large scale event, the clubs would be pointed in the direction of larger Council venues such as the Golf Club or the Southlands Centre, as these venues would be better suited to hosting such events.

An objector pointed out that the Rainbow Leisure Centre currently operated without an alcohol licence. The Chair pointed out that the Licensing Sub Committee C were considering the application for the Sports Village at the moment.

The Chair invited the all parties to sum up.

### **Objectors**

The objectors raised the following points:

- The Sports Village was a fantastic venue, however in their view it did not need an alcohol licence as it was aimed at fitness and families;
- The Sports Village had always been promoted as a Sports Village not an entertainments village.

### **The Applicant**

The applicant reiterated that the venue was a sports village and customers would be able to access alcohol within limitations as the Council were conscious about protecting the venue's reputation.

It was confirmed that there were no further questions and all interested parties other than the officers of Legal Services and Members Office, withdrew whilst the Committee determined the application.

All interested parties were called back into the room and the Chair announced the decision of the Committee to all parties.

### **DECISION**

In reaching the decision Members considered the following:-

1. The Licensing Act 2003 and amended Government Guidance issued under Section 182 of the Act.
2. Middlesbrough Council's Licensing Policy.
3. The case presented by the Applicant.
4. The representations made by residents.

The Committee **ORDERED** that the Application for a Premises Licence in respect of Middlesbrough Sports Village, Alan Peacock Way, Middlesbrough be granted for the activities during the days and timings listed in the Application, subject to the conditions in the operating schedule modified as follows:-

### **THE PREVENTION OF CRIME AND DISORDER**

#### **CCTV**

1. Digital colour CCTV cameras must be installed in the premises and maintained in good working order at all times covering the Internal and external areas of the Premises.
2. All CCTV recordings must be retained for a minimum period of 10 days.

3. CCTV footage must be capable of being produced on media which can be viewed on a DVD player, computer or laptop or tablet.
4. A Member of staff who is capable of producing CCTV footage must be on the Premises at all times when it is open.
5. CCTV footage must be made available to the police, trading standards officers or licensing officers on request and/or during an inspection of the Premises.
6. A sign or signs should be posted on the Premises that CCTV is in operation.

#### INCIDENT BOOK / REFUSAL RECORD

7. An incident book must be kept at the premises and maintained up to date at all times recording the time date and details of all incidents of crime and disorder at the premises or directly outside of the premises. The incident book must be made available to the police, trading standards and licensing officers on request and / or during an inspection.
8. A Refusals Register must be kept at the premises and maintained up to date at all times recording the date time and reason for every refusal to sell alcohol to a customer. The Refusals Record must be made available to police, trading standards or licensing officers on request and / or during an inspection.

#### STAFF TRAINING

9. Training in relation to Challenge 25 policy, underage sales, sales to adults purchasing alcohol on behalf of a minor (proxy sales), sales to intoxicated persons, incident books, refusals records and managing challenging behaviour must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale, supply or delivery of alcohol and at least every six months thereafter.
10. Documented training records must be completed in respect of every member of staff trained in accordance with condition 9 above and must include the name of the member of staff trained, date, time and content of the training and must be signed by the member of staff who has received the training and the tutor.
11. Documented training records must be kept at the Premises and made available to the police, trading standards or licensing officers on request and / or during an inspection.

#### CHALLENGE 25

12. Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS logo Identity card from any customer who appears to be under the age of 25 and verify the customer is over 18 before any sale of alcohol is made.
13. Notices must be placed in prominent positions advising customers the Premises operates a Challenge 25 policy and all customers who appear to be under 25 will be challenged for ID proving they are over 18 in the form of a current ten year passport, photo card driving licence or PASS logo Identity card.

#### DRUGS POLICY

14. A drugs policy will operate across the whole of the Middlesbrough Sports Village and gym staff will be trained in awareness of steroid use and misuse of other substances associated with physical or muscular development.

#### LIGHTING

15. All external pathways and walkways in the Middlesbrough Sports Village will be lit.

16. Areas of the Middlesbrough Sports Village that are not in use can be locked down by the Premises Licence Holder to prevent accidental access or purposeful misuse or gathering.

### **PUBLIC SAFETY**

1. Middlesbrough Sports Village will operate to a Normal Operating Procedure and an Emergency Action Plan.
2. Staff at Middlesbrough Sports Village will be trained in the operation of Middlesbrough Sports Village in accordance with the Normal Operating Procedure and Emergency Action Plan.
3. The Emergency Action Plan will include evacuation of the Middlesbrough Sports Village, fire evacuation, receipt of and dealing with bomb threats.
4. Public announcements to specific areas or across the whole of the site of the Middlesbrough Sports Village can be made to advise the public of risk or to give safety announcements.
5. There will be two members or staff on each shift in respect of the whole of the Middlesbrough Sports Village site that are first aid qualified. First aid kit including a defibrillator will be on site to enable first and emergency aid.
6. Risk assessments will be carried out for activities and areas of the Middlesbrough Sports Village and will be reviewed annual or after a significant incident.

### **PREVENTION OF PUBLIC NUISANCE**

1. All external doors and windows will be kept closed when regulated entertainment is taking place, except in the event of an emergency.
2. No alcohol is to be permitted outside of the licensed areas.
3. Any large scale event including the sale of alcohol from the main hall area of the Premises will be subject to a risk assessment being carried out including the dispersal of customers in consultation with the Police and Middlesbrough Independent Safety Advisory Group prior to the event taking place.

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

1. The Premises Licence will ensure the Middlesbrough Sports Village operates within the Middlesbrough Council safeguarding children and vulnerable adults policy.
2. All sports clubs delivering activity to young people will have to evidence relevant coaching qualifications if required and Disclosure Barring Service clearance.

The reasons for granting the Application subject to the conditions are as follows:-

The Committee noted the concerns raised by residents regarding possible nuisance caused of the dispersal of customers after a large event where alcohol was sold in the main hall area. The Committee noted that the applicant had stated that such large scale events would not be regular occurrences.

The Committee considered that including a condition requiring the Premises Licence Holder to carry out a risk assessment to include the dispersal of customers in consultation with the Police and Middlesbrough Council Environmental Health Officer prior to such events taking place would address and manage any potential risk.

The Committee considered that the layout of the site was designed in such a way as to direct traffic towards Ladgate Lane away from Marton Road where the residents had concerns generally.

It was noted that the Premises would attract children and young people and therefore considered it to be appropriate to add a Challenge 25 condition in order to ensure no underage sales of alcohol are made and that children and young people are protected.

The Committee noted the residents' representations regarding whether the sale of alcohol was needed in a Sports village / facility but noted that under the Licensing Act this is not a relevant consideration for the Committee.

The Committee noted that the sports village was a sports and entertainment facility which is aimed at families, includes a play area for children and encourages schools to use the facility. The Committee considered that the applicant had robust procedures in place to manage the sale of alcohol so as not to undermine the licensing objectives and to protect their reputation as a family and fitness facility. It also noted that no objections were received by the police in relation to crime and disorder or the other responsible authorities.

The Committee therefore considered that it was appropriate to grant the application subject to the modifications to the existing conditions and addition of the new conditions for the promotion of the Licensing Objectives and to address the concerns of the residents generally.

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**APPLICATION TO VARY A PREMISES LICENCE - SOPRANO'S, 39 WILSON STREET, MIDDLESBROUGH, TS1 1SA: REF: PRO/463**

A report of the Principal Licensing Officer, Improving Public Health, had been circulated outlining an application to vary a Premises Licence in relation to Soprano's, 39 Wilson Street, Middlesbrough, TS1 1SA, Ref No. PRO463.

The Principal Licensing Officer advised that following discussions between the applicant and the Police, an agreement had been reached and the Police had subsequently withdrawn their objections to the application. As there were no further objections, the application to vary the Premises Licence in relation to Soprano's, 39 Wilson Street, Middlesbrough was therefore granted.