

ANNEX 6

*berwin leighton paisner

our ref CAB/25828.9
your ref
ddi 020 7427 1326
e-mail Craig.baylis@blplaw.com

City of York
Council
30 JUN 2008
RECEIVED

Lesley Cooke
The Licensing Team
York City Council
9 St Leonards Place
York
YO1 7ET

27 June 2008

By Post & Email: licensing.unit@york.gov.uk

120409

Dear Sirs

Stonebow Snooker Club, York

Further to our letter dated 11 June 2008, we now wish to raise further points of concern:

There are insufficient toilets (both male and female) for the capacity being sought by the applicants and, therefore, not compliant with Building Regulations. Not only this, but also the severe lack of female toilets could lead to incidents between customers as they become frustrated at excessive waits and also might lead to females being tempted to try and use the male toilets, thereby adversely affecting both the public safety and crime and disorder objectives. Our client has further concerns in relation to the fire exits for the applicant's premises affecting public safety.

Yours faithfully

BERWIN LEIGHTON PAISNER LLP

gml\6799764.3

Haswell, Dick

From: Craig Baylis [Craig.Baylis@blplaw.com]
Sent: 30 June 2008 12:55
To: Haswell, Dick
Subject: Report on Stonebow Snooker Club Proposals June 20081.doc

<<Report on Stonebow Snooker Club Proposals June 20081.doc>> Mr Haswell. I am in receipt of your letter dated 26th June, rejecting representations made on behalf of "Fibbers". We are most concerned that the representations made in respect of the public safety objective in particular have been discounted by you.

You appear to accept an assertion by the applicant that "the closure of Fibbers" does not mean that the shared access is unavailable".

I refer you to an independent report (attached) which our client has commissioned regarding the safety of the applicant's premises based on the plan submitted with the variation application. In particular, please see para 8 of the report regarding the shared access.

This is not simply a question of fire risk assessment or faire safety but also safety in general.

The shared access is a loading area for both sets of premises. What would happen if both premises decided to use the area at the same time for loading/unloading of equipment for a performance? We would suggest that the safety arrangements in such circumstances must be called into question and on that basis the public safety licensing objective is clearly not being promoted because no consultation has taken place between the applicant and our client.

Your continued unwillingness to list this matter for a hearing despite the numerous concerns raised by our client which clearly fall within the parameters of the licensing objectives is causing considerable disquiet and our client has now instructed us to consider judicial review of your decision to reject our representations. In such circumstances our initial application to the High Court would include a request that the variation application be held in limbo pending the clarification of the position.

I look forward to hearing from you that a hearing can be fixed so that the licensing committee is made fully aware of the public safety implications of this variation application.

Craig Baylis

Save paper...think before you print.

Berwin Leighton Paisner LLP

Chambers Europe Awards for Excellence - UK Law firm of the Year 2008
The Sunday Times Best Companies to Work For 2008

Adelaide House, London Bridge, London EC4R 9HA, UK
DX 92 London/Chancery Lane
t: +44 (0)20 7760 1000 f: +44 (0)20 7760 1111 w: <http://www.blplaw.com>

Berwin Leighton Paisner LLP is a limited liability partnership registered in England and Wales (registered number OC315919) and is regulated by the Solicitors Regulation Authority. A list of members of Berwin Leighton Paisner LLP and of the non-members, who are designated as partners, is open to inspection at the above registered office. The term partner is used to refer

30/06/2008

to a member of Berwin Leighton Paisner LLP or an employee or consultant with equivalent standing and qualifications. The members are either solicitors or registered foreign lawyers. VAT registration number: GB 243 2449 76.

This email and the information it contains are confidential and may be privileged, if you have received this email in error please notify us immediately. You should not copy it for any purpose, or disclose its contents to any other person.

Internet communications are not secure and therefore Berwin Leighton Paisner LLP does not accept legal responsibility for the contents of this message as it has been transmitted over a public network. If you suspect the message may have been intercepted or amended, please call the sender.

This email has been checked for potential computer viruses using Messagelabs technology.

cluderay-webb

fire safety risk assessment specialists

PO Box 395
York, YO23 3ZA
Tel: 0845 8382 747
Fax: 0870 7626 301
Email: steve@cluderay.com
Web: www.cluderay-webb.co.uk

Mr David Laing
Music & Media Assets Group
59-65 Worship Street
London EC2A 2DU

27 June 2008

Dear David

Proposed Change of Use of Unit 7, Stonebow House, York

Further to our discussions today regarding the proposals at the above premises, and having regard to the drawing accompanying the Variation Application, my observations and professional views are as follows:

Interior layout as proposed

1. In general the proposed layout is acceptable although it is apparent that there are changes in ground levels, not shown, that may have a significant impact, in particular with regard to the possibility of creating an environment suitable for disabled users;
2. There appears to be a comprehensive fire alarm system although additional detail in respect of visual signals in the toilets is not shown.

Means of Escape

1. The national guidance for Large Places of Assembly (ISBN-13: 978 1 85112 821 1) suggests:

"In multi-occupied premises, escape routes should normally be independent of other occupiers, i.e. people should not have to go through another occupier's premises as the route may be secured or obstructed. Where this is not possible, then robust legal agreements should be in place to ensure their availability at all times."

The alternative fire escape route to the main entrance discharges into an interior part of the building from which a single-width final exit is available. This route is not shown on the drawing and is thereby misleading and inaccurate, in that the area is shared with other occupiers and there is no agreement in place to determine how the escape route will be managed;

2. The final exit width in the alternative route is not as shown on the drawing accompanying the Variation Application;
3. The route to the final exit for the alternative escape route currently requires escapees to travel through at least three different levels, including up a short staircase, and is not shown on the drawing;

4. The drawing accompanying the Variation Application indicates a third final exit from the licensed area, not currently available, would discharge directly onto a public footpath that is considerably higher than the licensed area. The change of level is not shown on the drawing;

5. Irrespective of the difficulty of creating the third final exit, the alternative and third exits are so close together that they should be considered to be one exit (in that they fail the 45degree rule – “Where alternative exits from a space or room are necessary they should wherever possible be located at least 45° apart”). The Guidance goes on to explain:

“When calculating the overall available escape route capacity for premises that have more than one way out, you should normally assume that the widest is not available because it has been compromised by fire. If doors or other exits leading to escape routes are too close to one another you should consider whether the fire could affect both at the same time. If that is the case, it may be necessary to discount them both from your calculation.”

6. Following the guidance it can be seen that once the larger of the exits is discounted (this being the main entrance) the width of the remaining final exit (the single door leading from the interior area onto Stonebow) is the determining factor when calculating the safe occupancy of the licensed area. This door width (not measured) is no more than 1050mm and therefore supports a capacity of no more than 200 people;

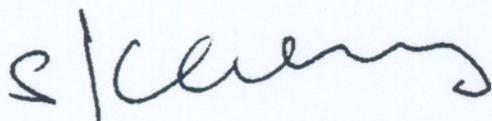
7. The alternative escape route passes through an area shared with other occupiers and in which there are skips containing combustible rubbish. The Guidance document suggests:

“Skips should never be placed against a building and should normally be a minimum of 6m away from any part of the premises.”

8. The shared area, not shown on the drawing accompanying the Variation Application, is currently under the control of the occupiers of “Fibbers”. Managers of Fibbers have keys to the loading bay doors and are able to ensure that the area is available as a means of escape for Fibbers whenever Fibbers is open. The single width escape door is sufficient for the numbers of people who may require to use it as an escape route from Fibbers. If a total evacuation of the building is required the single width door would have to serve Fibbers and the occupiers of Unit 7, thereby compromising the capacity of the escape route.

The views expressed above are based upon the evidence available to Cluderay-Webb LLP at the time of the inspection.

Yours Sincerely



Steve Cluderay
Senior Partner

[REDACTED]
St Andrew Place
YORK
YO1 7BP

Objection: Stonebow Snooker House License Variation Application

As a local resident I wish to object to the proposed change to the Stonebow Snooker Club license. Having read the application I believe that a major nightclub and live music venue on my doorstep will hugely add to crime and disorder and public nuisance in and around the area that I live in. I believe that up to 500 people will be potentially leaving the premises at 3am in the morning, having been served alcohol until 2.30am and as such I am very concerned for my safety. On these grounds I wish to object most strenuously.

Yours,

[REDACTED SIGNATURE]

[REDACTED]

RECEIVED
30 JUN 2008

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE. 11/7/08	LC