**Fitness Studio in Units 3 & 4 Spectrum House**

18 June 2021

**Request**

We seek to extend the opening hours of Units 3 & 4 Spectrum House, to slightly earlier times than was previously permitted, to facilitate more fitness opportunities for our local community (now to include adolescents), and improved business opportunities for our fitness studio, who have struggled tremendously due to the lockdowns and resulting closures of our fitness business.

To allow us to fairly compete with local fitness businesses, and based on zero complaints and complete compliance with your conditions to date, we kindly request the following three alterations to the approved “Hours of Use”:

* 07:00 to 13:15 hours on Saturdays (ie, 1.5 hours earlier than approved)
* 08:00 to 12:00 hours on Sundays (ie, 2 hours earlier than approved)
* 08:00 to 12:00 hours on Public Holidays

These requested changes to Hours of Use will not create any adverse impact to our local residential or commercial neighbours, due to the tight controls and processes we have in operation, evidenced by zero complaints or issues since our opening last year.

**Reason for Change Request**

Since Change of Use Planning Permission was approved on 3 April 2020, our F45 Highgate fitness studio has only been able to open and operate for a total of 25 weeks, due to the various Lockdowns and requirements for gyms to close. The business grants have been extremely helpful and appreciated, but do not come close to covering our monthly costs, so we have had to significantly invest more capital through borrowing in order to simply survive.

With social distancing still required, we continue to operate at approximately half of our capacity in the studio, which further reduces our ability to generate our maximum revenue potentials.

However, our membership is growing due to significant interest in the neighbourhood for fitness and health services, where our team can help members through a variety of services.

The fitness classes we have been running on Satudays and Sundays are very popular with local members, and they are typically fully booked. We therefore seek approval to provide an additional class each weekend day. Feedback indicates those classes must be earlier, ie, 8am on a Saturday and 9am on a Sunday.

Our team became qualified, and obtained a franchise licence, during the last lockdown to provide ***additional fitness services to 11 to 17 year old adolescents***. To service that population of potential customers, based on local research and market feedback, we will need to provide early fitness classes on Saturdays and Sundays, ideally 7am to 8am on Saturdays and 8am to 9am on Sundays.

If Camden Council grants us permission to open from 7am on Saturdays and 8am on Sundays and public holidays, we will be able to help the local community with their fitness and health improvements, including the younger population for whom we aim to help positively influence and educate them in good fitness habits.

**Current Council Condition**

In the Change of Use Planning Permission dated 3 April 2020 (application ref: 2019/4420/P), condition number 4 “Hours of Use” stated the following:

The use hereby permitted shall not be carried out outside the following times:

06:00 to 20:00 hours Mondays to Fridays;

08:30 to 13:15 hours on Saturdays;

and 10:00 to 12:00 hours on Sundays.

The use hereby permitted shall not be carried out on Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

We are currently following every condition that you had outlined, and have had zero complaints or issues in relation to noise, social gatherings or such problems from Spectrum House tenants or residential neighbours.

**Weekend Opening Hours of Local Fitness Studios**

The approved opening hours for our fitness studio at Spectrum House put us at a disadvantage versus our local competitors in the Camden Council area. Potential customers may choose to join our competitors because of the earlier opening hours at weekends, and opening on public holidays, resulting in less revenue and less business opportunities for our fitness studio.

The following is a sample of gyms / fitness studios from our local area, showing their opening hours on Saturdays and Sundays:

PureGym Camden - open 24 hours every day

Pro Sport Lab - 7am Saturday

Nuffield Gym - 8am on Saturday & Sunday

PureGym Highgate - 8am on Saturday & Sunday

Guardians Gym - 8am on Saturday & Sunday

Kentish Town Sports Centre - 8am on Saturday & Sunday

Swiss Cottage Sports Centre - 8am on Saturday & Sunday

Fit Shape Highgate - 5am on Saturday, 8am on Sunday

Fitness First Camden - 8am on Saturday & Sunday

Fitness VIP - 6.30am on Saturday

Fred’s Gym Hampstead - 6am on Saturday & Sunday

F45 Training Camden - 8am on Saturday

This list is not exhaustive, but serves to illustrate the point that many other fitness studios and gyms are providing services to their customers at the times we are requesting. The list does not include the multiple commercial activities being provided for in the Hampstead Heath from very early hours, just a few hundred meters from our studio, in very close proximity to the same neighbours that our studio is taking a lot of care to safeguard their amenities.

**GYM MANAGEMENT CONTROLS**

Attached as a separate document is the Code of Conduct for the fitness studio, to which all staff need to comply with. This includes a number of operational requirements.

 

The following are some key controls that our fitness studio follows, as it relates to ensuring crowd control and appropriate behaviour to protect the rights of our local neighbours and community.

**1. Capacity Management**

Customers arriving at the studio to participate in classes must have pre-booked for that class through the studio’s App or website. Customers who have not pre-booked will be turned away and unable to participate (pre-booking includes full registration and agreeing to Terms & Conditions, plus signing waivers of liability should they injure themselves). Customers arriving at the studio must be signed in through our App, and a count of customers before each class will control this requirement.

After each class, the studio staff will ensure customers efficiently leave the premises with minimum noise and disruption to local residents.

We only permit customers inside our studio for pre-booked classes, they are not permitted entry or use of the facilities outside of class times.

**2. Penalties for Non-Compliant Studio Members**

Staff exclude (and potentially ban) any members from our Studio if they pose a safety risk to staff, themselves or other Members or Guests to the Studio, or risk causing nuisance to neighbours and residents. This may, for example, occur where a Member or Guest does not follow instructions of our staff, behaves recklessly or acts inappropriately. Such exclusion may be temporary or permanent in nature depending on the risk that presents out of such behaviour. If a person is excluded from our Studio, we keep a record of this (including the reason for the exclusion).

The studio has the right to terminate a member’s contract, as per clause 14 of the attached Membership Terms & Conditions:

“F45 has the right to immediately terminate a Member’s contract if that member behaves in a way that risks the health, safety or security of other members or staff, conduct that could be damaging to the F45 brand, significantly disturbs local residents and neighbours (for example, through noisy or inappropriate behaviour), or continuously cancels classes outside of the permitted time or turns up late to booked classes. Should this happen, F45 will contact the member to inform them of this decision. The membership fee will be refunded on a pro-rata basis, from the date of termination to the end of the current payment period.”

**3. Security**

The studio is fitted with a security alarm and CCTV security cameras, with required signage inside and outside of our facility. In the case of alarm activation, the Studio Owner and/or Head Trainer will investigate the cause of the problem.

Staff who are closing each evening, and then opening in the morning, will need to ensure the alarm is set every night and deactivated first thing in the morning.

The CCTV Security Cameras are positioned so they are capable of recording the external entrance, internal reception area and entire workout area. Security Cameras are prohibited in bathrooms and changing rooms. The CCTV system provides playback capabilities by recording up to a week’s worth of content on the hard disk drive, should it be needed to review an incident or provide to related stakeholders (police, landlord, etc).

Finally, an emergency contact number list (ie, Fire, Police, Electrical, Gas etc..) is easily available in the staff room, the case of an emergency at the Studio.

**4. Safety**

Staff must keep the Studio clean, tidy and undamaged at all times. They must ensure that the Studio, including the toilets, is cleaned regularly and maintained in a manner that is reflective of the high standards of the building and neighbourhood.

Staff must continuously monitor the Studio for any potential or actual hazards and take steps to eliminate or reduce these hazards or take other appropriate steps in a timely manner. If any hazards are identified then staff must contact the Studio Owner as soon as possible.

Any equipment that is broken, damaged, chipped or faded must be replaced immediately.

If, at any time, the Studio is in an unsafe condition or may otherwise be hazardous to persons attending the Studio, staff must take all appropriate actions to immediately rectify those issues including, if necessary, suspending the conduct of the Training Programs from the Studio until the issue has been addressed and it is safe for members to attend Training Programs in the Studio.

**5. Complaints Procedures**

The Studio Owner is ultimately responsible for ensuring any complaints related to the studio are effectively managed to a satisfactory conclusion, in a timely fashion.

That includes ensuring related stakeholders have been consulted as early as possible, proper procedures (legal, regulatory or policy) have been complied with, and has been recorded in the studio’s system. Agreed resolution action plans, timelines and follow-up must also be discussed with stakeholders and recorded in the studio’s system.

If the Studio Owner is not present or available, the Head Trainer has delegated responsibility for dealing with complaints where appropriate and ensuring they are properly logged. But he must ultimately escalate or update the Studio Owner of all complaints at the earliest opportunity, so that the Studio Owner can finally approve or personally deal with the agreed resolution processes for each individual complaint.

For all complaints, the Studio Owner (or Head Trainer) will contact the person who raised the issue as soon as possible to understand the complaint and ensure that person knows it has been properly received and being dealt with. This initial contact must be within at least 48 hours of that complaint being received by the studio.

**6. Measures to Protect the Amenity of Local Residents**

‘Local Residents’ are defined as tenants of Spectrum House and local residents in the neighbourhood housing or apartment buildings.

The Studio Owner is ultimately responsible for setting policies, procedures and guidelines for the fitness studio staff, suppliers and customers to comply with.

The policies relating to Local Residents are:

* Signage: prominent signs are placed inside and outside the studio to ask customers to be respectful of local residents.
* Noise Control: music, voices and other noises emanating from within the studio must not be heard above the underlying background noise levels within 5 meters of the studio, thereby protecting Spectrum House tenants and nearby residents. The Studio Owner or Head Trainer will regularly (minimum 2 times per week) check the decibel level of noise emanating from the studio during a class to ensure compliance with the above requirement
* Crowd Control: studio staff will manage incoming and outgoing customers to ensure they do not cause loud noises or disturbances that might disrupt local residents, including pointing out the signs to be respectful to local residents. Staff have the immediate authority to ban and exclude a customer from any class (for reasons set out above under Management Procedures), and ensure they leave the premises with the minimum disturbance to other members or local residents
* Community Services: where possible, the fitness studio team will participate, contribute or organise activities to support community services, eg avoid single-use plastics, use and promotion of environmentally friendly products, local events that help pick up rubbish / plastic, etc
* Healthy Lifestyle: promote a healthy lifestyle to customers through marketing, product use and behaviours. This includes fitness classes, social media promotion of activities to promote healthy, wellness, mental wellbeing, etc. This specifically includes promotion of using non-car methods to travel to / from the studio (walking, running, bicycles and public transport preferred)

Attached here are photos of the signs we have placed inside and outside our studio, to support ensuring our customers are aware of local neighbours and keeping noise levels and congregations at a minimum.

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A sign on a window

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