

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Monday, 23 November 2015
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Marsha Moseley (Chairman) Councillor Mike Hurdle Councillor Mike Parsons
<b>OFFICERS PRESENT:</b>	Sophie Butcher (Committee Manager) Victoria Coombs (Trainee Solicitor) Bridget Peplow (Senior Lawyer Litigation) Mark Adams (Licensing Compliance Officer)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None
<b>PREMISES:</b>	Corkage Ltd, 60 Quarry Street, Guildford, GU1 3UA
<b>TYPE OF APPLICATION:</b>	Application for a new premises licence.
<b>DETAILS OF APPLICATION SOUGHT:</b>	<p>The premises will be used as an independent wine retailer, intending to sell and supply a range of wine from the premises.</p> <p>The application is for a Premises Licence allowing the sale of alcohol for consumption on and off the premises between the hours of 10:00 and 21:00 daily Monday to Saturday and between 11:00 and 16:00 on Sunday.</p> <p>The on-sales will consist mainly of wine tasting and similar events on specific days during the year.</p>
<b>APPLICANT:</b>	Mr Andrew Dore (present: Mr and Mrs Dore)
<b>OTHER PERSONS:</b>	Mr Mark Dormon Mrs Dormon (mother)

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## DETAILS OF DECISION TAKEN

The Sub-Committee considered the application for a new premises licence for the sale of alcohol for consumption on and off the premises between the hours of 10:00 and 21:00 Monday to Saturday and between 11:00 and 16:00 on Sunday. The Sub-Committee also considered the relevant sections of the Council's Licensing Policy and the National Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (as amended).

The Licensing Compliance Officer informed the Sub-Committee that a new premises licence was sought for the sale of alcohol on and off the premises. The only licensable activity being applied for was the sale of alcohol. The on-sales element related to Corkage Ltd hosting select wine-tasting events throughout the year. The applicant had outlined and submitted in part M of the application, what additional steps they would take to promote the four licensing objectives. If the application was approved, those steps would be converted into relevant conditions and applied to the licence. Between the 2-31 October 2015 the application was subject to consultation and advertised in accordance with the licensing regulations. No representations or objections had been received from the Responsible Authorities. Two representations had been received from other persons, primarily on the grounds of the prevention of public nuisance. An increased level of nuisance was anticipated, in relation to noise, music, lighting, cigarette smoke and refuse. Other issues referred to related to the safety of the public on the highway, provision of toilets and privacy and these fell outside the powers of the Licensing Sub-Committee.

Mr Dore, the applicant, made the following submissions in support of his application:

- Mr and Mrs Dore had been residents of Guildford for the last ten years, they had a family, and a genuine desire to be good neighbours.
- The request to have on-sale provision of alcohol was an integral concept of their business. Tasting measures equated to small samples of 25ml, giving customers the opportunity to taste wines before buying them.
- There was also the option of sitting down at a table either indoors (x12 seats) or outdoors in the courtyard (x9 seats). Owing to the weather it was anticipated that the courtyard would only be used in the summer months.
- As part of the application, there was the provision to cater for up to fifty people (used very occasionally). Such events would be hosted to promote specific producers of wine. It was not envisaged that 50 people would be on site at the same time as they would come and go.
- He confirmed that the general hours of operation would be less than those which had been applied for, the normal operating hours being 10am – 6pm (Monday – Wednesday), 10am – 8pm (Thursday, Friday and Saturday) and Sunday hours would remain the same at 11am – 4pm.
- In relation to questions over the applicant's experience as a licence holder, he confirmed that he held a personal licence and had employed two additional members of staff specifically for their respective experience acquired in the wine trade.
- The average cost of a bottle of wine was £10.00 per bottle up to £200 - £250 per bottle. The business therefore catered for clientele who wished to purchase quality wines. Corkage Ltd was not anticipated to attract a huge footfall of customers for general alcohol purchasing, owing to the business' niche concept. The applicant stressed that it was not a wine bar.

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- In relation to refuse collection, arrangements had been made with the council. Any surplus empty bottles would be taken to the dump by the applicant. There would be no food, only nibbles and this was not envisaged to create an environmental health problem given their small quantities. Rubbish would be mainly bottles and therefore recyclable.
- He confirmed that the whole of the premises (both internal and external) would be non-smoking.
- He confirmed that a client database would be set-up and invitations sent to a limited number of people who wished to attend wine tasting events.

Mr Dormon made the following submissions in support of his objection to the application:

- He welcomed comments from the applicant that Corkage Ltd would not be a wine bar. From the application and diagrams submitted in support of the application, it looked very much like a wine bar and he was concerned about how the business might turn into one.
- He supported the sale of alcohol off the premises.
- He was concerned about the apparent vagueness in relation to the frequency with which promotional events would be held. No dates had been provided.
- The number of covers applied for in the courtyard was 11 when the applicant had stated 9 as part of his oral submission.
- Residents wished to open their windows in the summer months, therefore he was concerned that the noise generated in the courtyard by customers would be overwhelming. Mr Dormon could hear everything being said in the courtyard when workmen came to assess the introduction of a sliding door across the whole of the entrance to the courtyard.

The Licensing Officer confirmed that Corkage Ltd was entitled to apply for a Temporary Event Notice (TEN). Up to fifty applications could currently be made per year by a personal licence holder. However, as of 1 January 2016, a limitation of no more than 15 TENs could be applied for in respect of any individual premises, to cover up to 21 days in a year. Neither the Licensing Authority nor members of the public could object to a TEN. The Police and Environmental Health were the only authorities that could object. A TEN application normally required ten days notice and no more than 499 persons could attend. Therefore 15 taster sessions could typically be held by Corkage Ltd without the need for a premises licence to be held..

Mr Does, the applicant, confirmed that:

- The courtyard area would be shared between Phylliss Tuckwell (top half of courtyard) and Corkage Ltd.
- A canopy would be put over the tables in the courtyard to help provide a screen, minimising light and noise disturbance.
- The sliding door to the courtyard, which had initially been proposed had been abandoned and instead there would be a normal patio door. Additional planting would be placed in the courtyard to make it a welcoming area for customers.
- Low level atmospheric music would be played inside the shop but not outside in the courtyard.
- Re-iterated that he lived in the centre of the town with his family and had no interest in creating a public nuisance. They wanted to respect the area in which they lived.

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Having considered the application and the submissions from the applicant's representative as well as those made by other persons, the Sub-Committee

RESOLVED: That the application for a new premises licence for Corkage Ltd, 60 Quarry Street, Guildford, GU1 3UA be granted in the following terms (insert table here) subject to the following conditions:

a. Conditions consistent with the operating schedule:

1. All staff shall receive training on the requirements of the Licensing Act 2003
2. A CCTV system shall be installed on the premises and shall cover all entrances and exits and the display areas.
3. Customers shall be requested to leave the premises quietly and not cause disturbance to local residents.

b. Additional conditions imposed by the Sub-Committee:

1. Customers shall not be permitted to smoke in the courtyard.
2. Music shall not be played in the courtyard. (Note: In accordance with Section 177A Licensing Act 2003 this condition does not have effect when the premises is being used for the sale of alcohol for consumption on the premises).

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>Sale of alcohol</b>							
<b>For consumption on and off the premises</b>	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	11:00 – 16:00
<b>Times premises are open to public</b>							
	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	10:00 – 21:00	11:00 – 16:00

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### REASON FOR DECISION:

In reaching their decision to grant the application subject to the above conditions, the Sub-Committee considered both written and oral representations from the applicant and the objectors.

The Sub-Committee was satisfied that Corkage Ltd had successfully demonstrated that adequate steps would be taken to promote the four licensing objectives. Those steps were outlined in part M of their application for this new premises licence and where appropriate were included as conditions on the licence as set out in this record of hearing. The additional conditions applied by the Sub-Committee, which prohibited smoking and the playing of music in the courtyard addressed the concerns raised by the objectors in relation to the potential for public nuisance to local residents from the use of the courtyard. The applicant had agreed that there would be no smoking or music in the courtyard. The Sub-Committee did not consider that any of the other issues raised, such as customers leaving the premises or the disposal of refuse were likely to lead to public nuisance, given the type of operation described by the applicant. The applicant had indicated that they had no intention of causing problems in the local area and would be happy to discuss any concerns that the residents had. In these circumstances, the Sub-Committee considered it appropriate to grant the licence for the hours and licensable activities applied for.

The Sub-Committee agreed that the licence should be permitted to allow the sale of alcohol for consumption on and off the premises between the hours of 10:00 and 21:00 daily Monday to Saturday and between 11:00 and 16:00 on Sunday. Whilst those were the hours stated on the licence, in practice, Corkage Ltd intended to operate with the following opening hours: 10:00 – 18:00 Monday to Wednesday, 10:00 – 20:00 Thursday, Friday and Saturday and 11:00 – 16:00 Sundays. They may extend their opening hours to that stated on the licence (as above) when holding promotional events to showcase particular producers of wine.

Although the Sub-Committee was requested by Mr Dormon to consider putting a limit on the number of promotional events, the Sub-Committee did not think this was appropriate given that Corkage Ltd were entitled to apply for up to 15 Temporary Event Notices (TENs) in a year as of 1 January 2016.

The Sub-Committee reminded the parties that any person could apply for a review of the premises licence if the operation of the premises did cause problems.

Signature of Chairman: .....

Dated: .....