

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF DECISION:</b>	Monday 22 January 2018
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Mike Parsons (Chairman) Councillor David Elms Councillor David Quelch
<b>OFFICERS PRESENT:</b>	Peter Muir (Licensing Officer) Sophie Butcher (Committee Officer) Bridget Peplow (Senior Lawyer Litigation)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None.
<b>PREMISES:</b>	The Cannon, 3 Portsmouth Road, Guildford, Surrey, GU2 4BL
<b>TYPE OF APPLICATION:</b>	Application for the variation of a Premises Licence, number GUPLA0296
<b>DETAILS OF APPLICATION SOUGHT:</b>	<p>The premises is a public house located in the town centre. The application is to vary the authorised plans attached to the licence to allow a pop-up bar to be located on the rear terrace, and to replace the conditions attached to the licence.</p> <p>All licensable activities and authorised hours to remain unaltered.</p>
<b>PROPOSED PREMISES USER:</b>	Mr Andrew John Hamilton
<b>FOR ENVIRONMENTAL HEALTH:</b>	Mr Mike Keech

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## **DETAILS OF DECISION TAKEN:**

The Sub-Committee agreed to dispense with a hearing having received written confirmation from the applicant and Environmental Health that they had agreed conditions and agreed to dispense with a hearing.

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted in writing. The Sub-Committee was also made aware that the following were relevant:

### Guildford Borough Council's Statement of Licensing Policy

- Section 4 – (Fundamental Principles)
- Section 12.4: 12.4.1 – 12.4.6 – (Prevention of Public Nuisance)
- Section 13 – (Licence Conditions)

National Guidance Issued on 6 April 2017 by the Secretary of State under Section 182 of the Licensing Act 2003:

- Paragraphs 2.15 - 2.21 – Public Nuisance
- Paragraphs 9.31 - 9.41 – Hearings
- Paragraphs 9.42 - 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1 - 10.66 – Conditions attached to premises licences
- Paragraphs 16.36 - 16.44 – Licence conditions – live or recorded music/beer gardens

The Sub-Committee noted that the applicant had agreed to the additional conditions as proposed by Environmental Health by email last week. The Sub-Committee considered the conditions and determined that they were appropriate for the promotion of the licensing objectives.

Having considered the application, the Sub-Committee;

**RESOLVED:** That the application to vary premises licence GUPLA0296 for The Cannon, 3 Portsmouth Road, Guildford, Surrey, GU2 4BL be granted subject to the following conditions:

1. All staff shall be suitably trained for their job function for the premises. A record of this training which will include regular refresher training shall be maintained by the licence holder and made available, on request, to an authorised officer of a responsible authority.
2. The premise licence holder shall ensure that the Designated Premises Supervisor, or in his/her absence another responsible person, keeps a 'Refusal and Incident Report Register', in which full details of all incidents are recorded. This shall be completed as

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soon as possible after the incident. The time and date of both the incident and when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of a responsible authority when required.

3. The premises licence holder or their nominated person shall ensure that they engage with any local operating Pub Watch or similar scheme.
4. All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage. This shall form part of the staff training record maintained by the premises licence holder.
5. During regulated entertainment, noise levels shall be monitored at regular intervals determined by the licence holder. If unreasonable noise disturbance is witnessed, action will be taken to reduce noise levels. A record of this monitoring and any action taken shall be kept on the premises and made available, on request, to an authorised officer of a responsible authority.
6. Where possible, live music instruments shall be channelled through the premises permanent music system with regular external sound checks and a volume override behind the bar to be controlled by the duty manager.
7. Prominent signage shall be displayed at the premises, reminding customers to leave the premises quietly and respect the neighbours.
8. External doors and windows serving the licenced area shall be kept shut at all times when public entertainment is being provided inside the building and in any case after 23:30 when the premises are open to the public. Doors may be opened to allow movement of people but must be shut immediately thereafter. External doors shall be fitted with self- closers to ensure this, which shall be maintained in good working order. Noise from the closing of doors shall not be audible beyond the site boundary.
9. No amplified entertainment shall be played through any external speakers in the balcony/terrace area. The Environmental Health Officer shall advise on a suitable level to play background music only.
10. The balcony/terrace area will close no later than 00:30 Monday to Sunday. A smoking area and use of the terrace for access to and from the venue is permissible.
11. The portable pop-up bar, serving cocktails from the balcony/terrace area may operate only between 12:00 and 21:30 between the months of April and October.
12. Continuous acoustic fencing shall be erected around the perimeter of the balcony/terrace to provide a barrier to noise breakout during use of the terrace area. Details of the acoustic fencing shall be submitted to the Environmental Health Officer for approval before installation. The acoustic fencing shall be regularly maintained to ensure continuing effectiveness.
13. No disposal of waste/glass bottles which is audible from beyond the site boundary shall be carried out at the premises between 23:00 hours and 07:00 hours. This shall particularly include emptying bottle bins into waste and recycling containers.
14. No consumption of food or drink is permitted outdoors after 23:30 hours, save for on the rear balcony where customers are permitted to consume food and drink until the area closes. Notices will be displayed to this effect.

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15. Children are permitted on the premises until 21:00 hours unless partaking in a sit down meal or attending a private function where they are permitted on the premises until their meal or the function finishes
16. Children are only permitted on the premises if accompanied by an adult.
17. The premises shall operate a challenge 21 age verification policy. Staff shall be trained in this policy and recorded in the staff training record. This policy shall be actively promoted and shall state that any person to whom the sale or supply of alcohol is being made, who looks or appears to be under the age of 21 shall be asked to provide identification that they are 18 years of age or over. The following forms of identification are acceptable: (a) Passport; (b) Photo driving licence; (c) PASS accredited holographic proof of age card; or (d) Any other form of identification agreed with the Police. Signs promoting this policy shall be prominently displayed at all entrances and the alcohol sales areas.

<b>REASON FOR DECISION:</b>
The Licensing Sub Committee took into account the representation received from Environmental Health. The additional conditions they had proposed were agreed with the applicant in advance of the hearing and had satisfied their concerns in relation to noise and the effect upon neighbouring residents. This was reflected by the restriction in operation of the pop-up bar between 12:00 and 21:30 only and only between the months of April and October which would assist in the reduction of noise nuisance for nearby residents. In addition, an acoustic fence was proposed to be erected around the perimeter of the balcony/terrace to provide an effective acoustic barrier. All doors and windows were to be closed whenever regulated entertainment was to be provided or after 23:30 in any event and no amplified entertainment could be played through any external speakers in the balcony/terrace area. The Sub-Committee were therefore satisfied that the imposition of the additional conditions was appropriate for the promotion of the licensing objectives.
Signature of Chairman: .....
Dated: .....