

LICENSING SUB-COMMITTEE

23 May 2018

Application. Type:	Application for the variation of a Premises Licence, number GUPLA0574	
Ward:	Friary and St Nicolas Ward	Ward Councillors: Cllr Alexandra Chesterfield Cllr Angela Goodwin Cllr Caroline Reeves
Applicant:	Kasimpasa Limited, 15 Park Street, Guildford, Surrey, GU1 4XB	
Agent:	Robert Mattock, Mattock Consultancy Services Limited, 2 Nightingale Crescent, West Horsley, Surrey, KT24 6PD	
Premises:	Guildford Charcoal Grill, 15 Park Street, Guildford, Surrey, GU1 4XB	
Proposal:	The premise is a take away restaurant in the town centre. The application is to vary the authorised times for late night refreshment to extend the hours of operation of the venue.	

1. SITE LOCATION

- 1.1 The premise is a take away restaurant situated on the edge of the town centre. There are residential properties and commercial properties in the vicinity, including a late night venue next door. A site location map is attached as **Appendix 1**. The dots on the map indicate residential properties.

2. LICENCE HISTORY

- 2.1 The current premises licence GUPLA0574 and the authorised plans are attached as **Appendix 2**.
- 2.2 The licence commenced on 10 April 2015, and was transferred to the current licence holder on 16 October 2017.
- 2.3 The designated premises supervisor (DPS) has been varied twice since the licence was first granted. The current DPS has been named on the licence since 5 April 2018.
- 2.4 The licence was varied in September 2016 to add the sale of alcohol as a licensable activity, and to extend the hours to those currently shown on the licence.
- 2.5 A previous licence at the same venue, was in place from 24 November 2005 until it was revoked in 2013. The licence was revoked following the second of two reviews of the premises licence applied for by Surrey Police.

3. APPLICATION

The application form, a copy of which is attached as **Appendix 3**, gives the following information in relation to the variation proposal.

3.1 Proposed hours and licensable activities:

There is no proposed changes to the hours for the sale of alcohol which is restricted to sales accompanying deliveries of hot food until 3 am Monday to Saturday and midnight on Sunday. The application is to extend the provision of late night refreshment until 4 am Monday to Saturday and 1 am on Sunday, both for delivery and for customers attending the premises, although customers will not be permitted to enter the premises during the last 15 minutes of trading. Currently customers are not allowed to enter the premises after 2:30 am Monday to Saturday and midnight on Sunday.

3.2 Conditions

3.2.1 The applicant's proposed steps would require the amendment of additional conditions 6 and 7 on the current licence. The applicant has agreed that the proposed updated conditions 6 and 7 below accurately reflect the steps they intend taking to promote the licensing objectives.

6. At least one SIA accredited door staff shall be employed at the premises from 21:30 until midnight, and at least two SIA accredited door staff shall be employed from midnight until the premises closes to the public.
7. No new customers shall be admitted to the premises after 03:45 hours Monday-Saturday and all customers shall leave by 04:00 hours. For Sunday, no new customer shall be admitted to the premises after 00:45 hours and all customers must leave by 01:00 hours.

3.2.2 For ease of reference, the current conditions 6 and 7 are repeated below:

6. On Monday, Friday and Saturday nights SIA accredited door staff shall be employed at the premises as follows;
 - One (1) from 23:00 hours to midnight (00:00 hours)
 - Two (2) from midnight (00:00 hours) until the premises is closed to the general public at 02:45 hours. (Note: Last entry and orders at the premises is 02:30 hours and the premises must close at 02:45 hours to members of the public. Deliveries from the rear must cease by 03:30 hours).
7. No new customers shall be admitted to the premises after 02:30 hours Monday-Saturday and leave by 02:45 hours. For Sunday, the premise must close by midnight (00:00 hours).

3.3 Authorised Plan

There is no proposed change to the authorised plan.

4. CONSULTATIONS

(i) Consultation period

The application was in consultation from 10th April to 7th May 2018. The application was advertised in accordance with the regulations.

(ii) **Representations from Responsible Authorities**

Two representations were received from Surrey Police and Guildford Licensing Team on the grounds of prevention of crime and disorder. A copy of these representations are attached as **Appendix 4**.

(iii) **Representations from other persons**

There were no representations from other persons.

5. LICENSING POLICY

The following sections of the Council's Licensing Policy are relevant:

- Section 4: (Fundamental Principles)
- Section 12. 2: (Prevention of Crime and Disorder)
- Section 13 (Licence Conditions)

6. NATIONAL GUIDANCE

The following sections of the Guidance issued in April 2017 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.1 – 2.6 – Crime and Disorder

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 to 10.66 – Conditions attached to premises licences

7. CONCLUSION:

- (I) The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
- (III) Having regard to the relevant representations received, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
 - To modify the conditions of the licence, whether by alteration or omission of conditions or the addition of new conditions. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.
 - To reject the application in whole or in part.

Originator:

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