

LICENSING SUB-COMMITTEE

18 MARCH 2019

Application Type:	Application to vary Premises Licence GUPLA0563	
Ward:	Holy Trinity	Ward Councillors: Cllr Christianson Cllr Davis Cllr Paul
Applicant:	Mr Andrew Doré Corkage Ltd	
Premises:	Corkage 60 Quarry Street Guildford GU1 3UA The premise is an independent retailer, selling a range of alcohol and other produce from the premises. The licence was first granted at a hearing of the Licensing Sub – committee on the 23 November 2015. The licence allows for both On and Off Sales.	
Proposal:	The application is to vary the hours for the sale of alcohol permitted by the Premises Licence. Variation to operating hours: Monday – Tuesday remains as is 11am – 10pm Wednesday – Saturday was 11am – 10pm proposed 11am – 11pm Sundays was 12pm – 5pm proposed 11am – 5pm	

1. SITE LOCATION

- 1.1 The premises are situated on the ground floor of 60 Quarry Street, Guildford with a mixture of commercial and residential properties within the immediate vicinity.

A site location map is attached as **Appendix 1**.

2. APPLICATION

- 2.1 The application form, a copy of which is attached as **Appendix 2**, gives the following information in relation to the proposed hours:

Licensable activities:

- The sale of alcohol

Proposed hours:

The table below shows the proposed licensable activities and hours

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Sale of alcohol							
For consumption on and off the premises	11:00 – 22:00	11:00 – 22:00	11:00 – 23:00	11:00 – 23:00	11:00 – 23:00	11:00 – 23:00	11:00 – 17:00
Times premises are open to public							
	11:00 – 22:00	11:00 – 22:00	11:00 – 23:00	11:00 – 23:00	11:00 – 23:00	11:00 – 23:00	11:00 – 17:00

2.2 Current licence and conditions

The current licence has both mandatory and additional conditions linked to the operating schedule attached; these include conditions imposed on the granting of the licence by the Licensing sub-committee at a hearing on the 23 November 2015, as **Appendix 3**.

The exemption afforded under the Live Music Act 2012, removes the requirement for recorded music, as a licensable activity between the hours of 0800hrs to 2300hrs.

2.3 Previous application history

Since the granting of the licence, by the Licensing Sub-committee in November 2015, the licence holder has submitted one valid minor variation application to adjust the hours of operation at the premises from 10:00 to 21:00 Monday to Saturday, 11:00 to 16:00 Sunday to 11:00 to 22:00 Monday to Saturday, 12:00 to 17:00 Sunday.

The application was correctly advertised in accordance with the act, receiving one objection from Caroline Scott Plummer.

After considering the objection, operating history of the premises and further consultation with responsible authorities, the variation was granted by delegation at officer level.

Prior to submitting this full variation application, the applicant requested that consideration to allowing a minor variation to adjust the operating hours be allowed.

Whilst the minor variation process can be used to vary hours up to 2300hrs, the applicant was directed to submit a full variation application on this occasion as Officers considered the combined effect of a series of applications to alter the licence may give local residents concerns.

3. CONSULTATION

The application was in consultation from 24 January 2019 to 20 February 2019. The application was advertised in accordance with regulations.

Responsible Authorities.

There have been no representations/objections received from the Responsible Authorities.

Representations from other persons

One objection has been received, on the grounds of public nuisance. The letter of objection lists a number of concerns regarding the operation of the premises and suggests that there will be an increased level of nuisance to residents.

A number of the points raised are not relevant to the application.

One further representation has been received by a resident who indicates that the premises is well run but puts forward a wish to restrict the use of the court yard by limiting the hours of use.

A copy of the representations are attached as **Appendix 4**.

4. LICENSING POLICY

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

Section 4: (Fundamental Principles)
Section 12.4: (Public Nuisance)
Section 11: (Licensing Hours)

5. NATIONAL GUIDANCE

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

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 to 10.66 – Conditions attached to premises licences.

6. CONCLUSION:

1. The Sub-Committee must consider the application for the variation of the premises licence on its merits.
2. Subject to paragraph (3) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
3. 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 impose additional conditions of the licence. 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. Additionally conditions can be imposed that are consistent with the steps set out in the operating schedule.
- To reject the application.

Originator:

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