

LICENSING SUB-COMMITTEE

2 APRIL 2015

Application. Type:	Application for the variation of a Premises Licence, number GUPLA0436	
Ward:	Holy Trinity	Ward Councillors: Cllr Melanie Bright Cllr Sarah Creedy Cllr Philip Hooper
Applicant:	Jonathan Croxford, 6 Weyview Close, Guildford, Surrey, GU1 1HN	
Premises:	Fahrenheit 55 / Tudor Lounge, 3 Milkhouse Gate, Guildford, Surrey, GU1 3EX	
Proposal:	The premises is a public house located in the town centre. The application is to vary the authorised plans attached to the licence All licensable activities and authorised hours to remain unaltered.	

1. SITE LOCATION

- 1.1 The premises is a public house situated in the town centre. There are mainly commercial properties in the vicinity but there are some residential properties. 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 GUPLA0436 and the authorised plans are attached as **Appendix 2**.
- 2.2 The licence commenced on 7 September 2009, and was transferred to the current licence holder on 1 August 2013.
- 2.3 The designated premises supervisor (DPS) has been varied once since the licence was first granted. The current DPS has been named on the licence since 1 August 2013.
- 2.4 An application to vary the licence was made in 2013 to update the authorised plans, and this variation was granted without representations on 3 January 2014.

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:**

There is no change to the proposed hours.

3.2 Conditions

3.2.1 The applicant has proposed steps to promote the licensing objectives in section 16 of the application form. We have tried to convert these into appropriate, enforceable conditions.

1. The licence holder shall ensure that the smoking area marked in red on the accompanying plan number 07/33 of the premises:
 - a. is roped off after 20:00 hours to contain smokers
 - b. is cleared of customers by 23:30 hours Sunday to Thursday, and 02:00 hours Friday and Saturday
 - c. is monitored by a SIA registered door supervisor from 22:30 hours until the area is cleared, and the door supervisor shall ensure patrons in the smoking area keep the noise down to prevent disturbance to local residents
 - d. is limited to a maximum of 20 customers at any one time
 - e. is cleaned and reset after the area is cleared
2. The licence holder shall ensure that patrons use the smoking area on the first floor after 23:30 hours Sunday to Thursday and after 02:00 hours Friday and Saturday. This area shall be monitored by a SIA registered door supervisor and limited to 20 patrons.

3.3 Authorised Plan

The proposal is to allow patrons to take beverages into the small paved area outlined in red on the attached plan (number 07/33), which is to be roped off to contain smokers during the evening after 8 pm, with the area being closed to patrons from 11.30 pm Sunday to Thursday and 2.00 am on Friday and Saturday. There have also been some minor internal changes to the building, including the reduction of the bar area in the Tudor Lounge end of the premises allowing patrons to access the bay window.

4. CONSULTATIONS

(i) Consultation period

The application was originally in consultation from 27th November to 24 December 2014. The application was not advertised in accordance with the regulations, and as a result, the consultation period was restarted, following correspondence with the applicant, on 9 February 2015, ending on 8 March 2015. Any representations received after 27th November 2014 and before 9 February 2015 were carried forward.

(ii) Representations from Responsible Authorities

None. A representation was received from Environmental Health (Pollution Control) however the representation was withdrawn following mediation.

The environmental health officer stated:

Mr Croxford has installed and set a tamperproof Formula Sound AVC2 noise controller, to regulate amplified music and speech on the premise. Tests indicate the noise controller is functioning and regulating noise breakout from the venue to a level that will not cause noise nuisance to residents in the locality.

The applicant has also acknowledged and included measures for the management of clientele to control any excess patron noise outside the bar. Therefore my concerns on the proposed variation on noise grounds have been addressed.

(iii) Representations from other persons

Two representations received from the Holy Trinity Amenity Group and a local resident, mainly on the grounds of prevention of public nuisance, although the former refers to all four licensing objectives. A copy of these representations are attached as **Appendix 4.**

5. LICENSING POLICY

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

- Section 5: (Fundamental Principles)
- Section 9: 9.1 – 9.8 (Prevention of Crime and Disorder)
- Section 10:10.1 – 10.8 (Public Safety)
- Section 11:11.1 – 11.6 (Prevention of Public Nuisance)
- Section 12:12.1 – 12.20 (Protection of Children From Harm)

6. NATIONAL GUIDANCE

The following sections of the Guidance issued in October 2014 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.1 – 2.7 – Crime and disorder

Paragraphs 2.8 – 2.17 – Public Safety

Paragraphs 2.18 – 2.24 – Public Nuisance

Paragraphs 2.25 – 2.35 – Protection of Children from Harm

Paragraphs 9.30 – 9.40 – Hearings

Paragraphs 9.41 – 9.43 – Determining actions that are appropriate for the promotion of the licensing objectives

Paragraphs 10.1 to 10.69 – 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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