



## HOLY TRINITY AMENITY GROUP

Licensing Team  
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11<sup>th</sup> Dec. 2014.

Dear Licensing Team,

**Objection to Premises License Variation Application 158567**  
**Fahrenheit 55, 3 Milkhouse Gate, Guildford GU1 3EZ**

The application is:

*“To allow patrons to take beverages into the smoking area in the interests of safety/prevention of crime as a result of drinks left unguarded. A small paved area .....to the rear of the building is roped off to contain smokers during evenings only post 8pm when adjacent shops are shut. No changes to licensable activities or hours. This area will close 11.30pm Sunday-Thursday and 2am Friday and Saturday.”*

**We object to this application.**

**Context.**

The premises are situated in the middle of the shopping area, on the narrow Milkhouse Gate, just off the High Street. Milkhouse Gate contains various shops, and also the busy rear entrance to Sainsbury. This part of the Gate is designated a secondary shopping area, and is not suitable for activities associated with the night-time economy; it is also close to residential areas. It is an important and much used pedestrian route, being a designated footpath, FP74, and also a Town Path, T7041. Milkhouse Gate is one of the listed town centre streets where neither drinking, nor street trading are allowed.

The applicant does not own the land on which this enclosure is proposed, nor that which has been previously annexed and on which a permanent structure now sits. No records have been found to legally establish ownership. However these areas have been open to the public for a very long time, and probably formed part of the original “Gate”. The whole street surface has also been maintained and renewed jointly by our two councils; work on it has included environmental improvements, such as the planter that would be within the proposed enclosure. Both areas must be considered as part of the Milkhouse Gate street. Even if there are no records to prove this, the areas in question have become part of the street by virtue of public use over many years. This is confirmed in the letter of 5<sup>th</sup> March 2008 from James Taylor of SCC to Ms Williams of GBC.

It remains our view that planning approval for the existing covered enclosure was wrongly given, and also that it should not be operating without a Highways License.

We are uncertain whether the premises license (for drinking ON the premises only) was ever varied to allow for the addition of this area.

The applicant already closes off the proposed extra area, without permission, and people have been observed drinking in it. This was the subject of a complaint to the police.

There is no need for this smoking facility. The establishment already have one on the first floor, and if necessary the existing outdoor extension could be opened up more to meet the regulations and to serve as a smoking area.

Considering the specific criteria to be considered:

**1. The prevention of crime and disorder.**

This area is part of a street in which drinking is not allowed. It would therefore be illegal to encourage this to happen. The barriers being used both for the approved extension and for the additional unapproved one, are only about a metre high and it is easy to step over them. At times when the Club is busy this will just encourage clients to step over, and perhaps take their drinks to the comparatively close streets where drinking is not prohibited. This will severely compromise the security of the operation, as persons can enter or leave the establishment without being checked. It is also easy for items to be passed either way over the barriers to anyone outside, in particular there would be nothing to stop drinks being passed over the barriers to somebody excluded from entry.

This might seem a small area to be of any concern, but if annexation of public street space is allowed here for drinking, then the whole strategy of constraining street drinking in Guildford, and preventing associated crime and disorder, would be undermined. A dangerous precedent would be set.

**2. Public safety.**

The pedestrian route can be busy, even in the evening especially when events are happening in the town centre. By considerably narrowing the route and causing congestion there is the risk of falls, and of thefts. The street must also be open enough to function as a fire escape route from a number of premises in the Gate.

By being forced into such close proximity to smokers, in a small enclosed area, there is the risk of passers by inhaling smoke.

There is a real risk of glasses falling outside of the barrier onto the pedestrian route. The annexation of a further part of the public area would represent another expansion of the active business area, which is already too large in relation to its cramped access provision.

**3. The prevention of public nuisance.**

The narrow part of the pedestrian route is already sometimes blocked by clients and security staff standing outside the entrance. Noise would be a nuisance to passersby, and to some nearby residents. The operation would generally degrade the environment of this area.

**4. The protection of children from harm.**

There could be increased risk to passing children from the hazards outlined above.

Yours sincerely,  
R.J. Bromham. (Secretary, HTAG Planning Group)

Copies to: Councillors Sarah Creedy, Melanie Bright, Philip Hooper.  
John Baylis (Guildford Society). HTAG Chairman.