

## LICENSING SUB-COMMITTEE

10 JUNE 2021

<b>Application. Type:</b>	Application for the variation of a Premises Licence, number GUPLA0286	
<b>Ward:</b>	Westborough	<b>Ward Councillors:</b> Cllr Julia McShane Cllr James Steel Cllr Fiona White
<b>Applicant:</b>	Punch Partnerships (PTL) Limited, 20 Great Titchfield Street, London, W1W 8BE	
<b>Applicant's Agent</b>	George Domleo, Flint Bishop LLP, St Michael's Court, St Michaels Lane, Derby, DE1 3HQ	
<b>Premises:</b>	Holroyd Arms, 36 Aldershot Road, Guildford, Surrey, GU2 8AF	
<b>Proposal:</b>	The premises is a public house located in a mainly residential area. The application is: (1) To vary the authorised plan attached to the licence (2) To amend the conditions 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 a mainly residential area of Westborough Ward. There is a mixture of commercial and residential properties within the immediate vicinity. 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 GUPLA0286 and the authorised plans are attached as **Appendix 2**.

2.2 The licence was first granted to Punch Taverns PLC following a hearing of the licensing sub-committee D on 19 August 2005, and commenced on 24 November 2005. The licence was varied again following a hearing on 18 February 2014. A record of these hearings is attached as **Appendix 3**. Minor variations to update the internal layout of the premises as shown on the authorised plan were granted in 2014 and 2017. A variation granted on 31 August 2017 updated the internal layout, extended the terminal hour for the sale of alcohol and the opening times on a Friday and Saturday. A subsequent variation in October 2017 was withdrawn by the applicant.

2.3 The licence was transferred to the current holder on 5 March 2018. A minor variation to update the internal layout of the premises was granted on 17 June 2020.

2.4 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 30 November 2012.

### **3. APPLICATION**

The application form, a copy of which is attached as **Appendix 4**, gives the following information in relation to the variation proposal.

#### **3.1 Proposed hours:**

There are no changes to current hours or activities.

#### **3.2 Conditions**

The applicant has requested the removal of the following conditions from the licence as part of this variation application: Please note: Due to the plan being updated since 2014, the "Lawned Garden" referred to in the conditions is now labelled on the plans as the "Beer garden". Any conditions remaining on the licence after the decision of the committee that refer to the "Lawned Garden" should be updated to reflect the current terminology on the plan for the avoidance of any confusion.

##### **3.2.1**

#### **Additional Conditions agreed by the Licensing Sub Committee D on 19-08-2005**

1. The designated premises supervisor shall be a member of Pub watch
2. Maintained illuminated fire exit notices shall be displayed above each exit door and at any change in direction. They must be illuminated at all times when the premises are in use.
3. Fire-fighting equipment shall be kept on the premises and maintained in satisfactory working order, unobstructed and available for immediate use.
7. All entertainment shall be restricted to within the buildings of the premises and no loud speakers external to the building shall be permitted.
8. External windows and doors serving the licensed area shall be kept shut at all times when entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter and must be fitted with self-closers, which shall be maintained in good working order, which shall ensure this. Noise from closing of doors shall not be audible beyond the site boundary.

#### **Additional conditions agreed with Surrey Police on 18-12-2013**

7. The CCTV will cover the area marked Lawned Garden

#### **Additional conditions agreed with the Licensing Sub-Committee on 29-01-2014**

1. The lawned garden will be closed to customers at 20:00. A gate will be fitted to close the area from 20:00 to customers.
2. A designated member of staff will regularly monitor the external area marked "Lawned Garden" on the plan attached to the premises licence, when in use, to ensure any empty receptacles are collected.

##### **3.2.2 The applicant proposes the following conditions be added to the licence:**

1. The premises shall be a member of PubWatch, where such a scheme exists
2. The CCTV shall cover the external area
3. The sale of alcohol from the external bar servery shall be permitted daily until 22:00

4. When regulated entertainment is taking place, in the form of live and recorded music, all windows and external doors shall be kept closed, except in the event of an emergency and for the immediate access/egress

5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance

6. Staff shall regularly monitor customers in the external area

### **3.3 Authorised Plan**

The application wishes to amend the authorised plan to allow the creation of an external permanent bar servery within the rear beer garden.

## **4. CONSULTATIONS**

### **4.1 Consultation period and advertisement of the application**

The application was accepted as valid on 7 April 2021, with the consultation period running from 8 April 2021 to 5 May 2021. The application was advertised by means of notices at the premises and a notice in the Surrey Advertiser in accordance with the regulations.

### **4.2 Representations from Responsible Authorities**

Two relevant representations have been received from Environmental Health (Pollution Control) and the Licensing Authority. These are on the grounds of prevention of crime and disorder and the prevention of public nuisance. A copy of these representations are attached as **Appendix 5** and **Appendix 6**, respectively. The representations relate to those aspects of the application that concern the use of the beer garden. Members are reminded that the hearing should focus on these aspects of the application and should not stray into areas that have not been the subject of representations.

### **4.3 Representations from other persons**

No representations were received from other persons.

## **5. LICENSING POLICY**

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

- Section 4: (Fundamental Principles)
- Section 12.1:12.1.1 – 12.1.14 Prevention of Crime and Disorder
- Section 12.2: 12.3.1 – 12.3.6 Public Nuisance
- Section 17: Licence Conditions

## **6. 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 2.1 – 2.6 – Prevention of Crime and Disorder

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

## **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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