

2005-08-19 SUB D - HOLROYD

LICENSING ACT 2003

RECORD OF HEARING AND DECISION TAKEN BY LICENSING SUB-COMMITTEE D

DATE OF HEARING

Friday 19 August 2005 at 9.30am

SUB-COMMITTEE MEMBERS PRESENT

1. The Deputy Mayor, Councillor Angela Gunning (Chairman)
2. Councillor Andrew Hodges
3. Councillor John Ades (substituting for Councillor Fiona White)

OTHER MEMBERS PRESENT:

None

OFFICERS PRESENT

Louise Henderson, (Democratic Services)
Bob Mattock (Licensing Services Manager)
Adrian Stanfield (Legal & Property Services)

DISCLOSURES OF INTEREST BY MEMBERS PRESENT

None.

PREMISES

The Holroyd Arms Public House
36 Aldershot Road
Guildford.
GU2 8AF

TYPE OF APPLICATION

**E.G. CONVERSION/ VARIATION OF EXISTING PREMISES LICENCE /
APPLICATION FOR NEW LICENCE /
APPLICATION FOR PERSONAL LICENCE**

- (1) Conversion of existing premises licence
- (2) Variation of premises licence

DETAILS OF VARIATION SOUGHT

- (1) To extend permitted hours
- (2) To allow 30 minutes drinking up time
- (3) To allow regulated entertainment (recorded music, indoor sporting events, karaoke and live music limited to 2 entertainers) in line with the current provisions of Section 182 of the Licensing Act 1964 ("two in a bar").

The Applicant informed the hearing that (3) 'To allow the addition of regulated entertainment' (recorded music, indoor sporting events, karaoke and live music limited to 2 entertainers) in line with the current provisions of Section 182 of the Licensing Act 1964 ("two in a bar") would not include 'indoor sporting events' and was withdrawn from the variation application. Therefore, the hearing was only considering the extension of permitted

hours for the sale of alcohol and the addition of regulated entertainment namely recorded music, karaoke and live music limited to 2 entertainers. Any indoor sporting events would be dealt with under the 'Temporary Event Notice' provisions.

The applicant also informed the hearing that the request to extend the permitted hours on bank holidays was also to be withdrawn. The applicant did however wish to continue with the request for extended hours on Christmas Eve and Boxing Day.

APPLICANT

Punch Taverns Ltd
Jubilee House
Second Avenue
Burton-on-Trent
Staffordshire

NAME OF PERSONS REPRESENTING APPLICANT (IF ANY) E.G. SOLICITOR

- Mr Andrew Cowling (Business Relationship Manager, Punch Taverns)
- Mr Barrie Lockett (Designated Premises Supervisor & Licensee of The Holroyd Arms Public House)

RESPONSIBLE AUTHORITIES PRESENT:

(PLEASE ALSO STATE NAME OF PERSON ATTENDING ON BEHALF OF RESPONSIBLE AUTHORITY CONCERNED)
Environmental Health – Mr A. Sargent

INTERESTED PARTIES PRESENT:

(IF NOT AN INDIVIDUAL PLEASE ALSO STATE NAME OF PERSON ATTENDING ON BEHALF OF INTERESTED PARTY CONCERNED)
Mr and Mrs Cotter, 40 Aldershot Road, Guildford, Surrey.
Mr J. Wilson, 38 Aldershot Road, Guildford, Surrey.

DETAILS OF DECISION TAKEN:

The Sub-Committee took into account the relevant representations submitted both in writing and at the hearing, the relevant sections of the Council's Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

(I) That the conversion of existing premises licence be granted, subject to:

Embedded Restrictions

The following conditions have been "embedded" by Schedule 8 of the Licensing Act 2003:

Permitted hours - Sale of Alcohol

Alcohol shall not be sold or supplied except during permitted hours.

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- (c) On Good Friday, 12 noon to 10.30 p.m.
- (d) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- (e) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- (f) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Children

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Mandatory Conditions

Sales of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(II) That the application for variation of the premises licence be granted, subject to:

(i) the following licensable activities:

- The sale of alcohol (for consumption on and off the premises)

- Provision of limited regulated entertainment (music and singing) which is provided solely by the reproduction of recorded sound or by not more than two performers (as per Section 182 of the Licensing Act 1964) and also Karaoke.
- Provision of facilities for entertainment of a similar description to music or dancing.

(ii) the following licensable hours:

- Monday – Thursday: 11.00am to 11.00pm plus 30 minutes drinking up time
- Friday and Saturday: 11.00am to 12 midnight plus 30 minutes drinking up time
- Sunday: 12 noon to 10.30pm with a drinking up time of 30 minutes
- A further additional hour every Christmas Eve with a drinking up time of 30 minutes. End of sale of alcohol dependant on day of week (as above).
- A further additional hour every Boxing Day with a drinking up time of 30 minutes. End of sale of alcohol dependant on day of week (as above).

(iii) the following additional steps to promote the four licensing objectives:

Prevention of Crime and Disorder

- (a) The designated premises supervisor shall be a member of Pub watch

Public Safety

- (a) 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.
- (b) Fire-fighting equipment shall be kept on the premises and maintained in satisfactory working order, unobstructed and available for immediate use.

Protection of Children From Harm

- (a) No children under the age of 18 shall be allowed on the premises after 18.30 hours.
- (b) Any children under the age of 18 present on the premises before 18.30 hours shall be accompanied by a parent or guardian.

(iv) the following additional conditions:

- (a) a tamper proof noise-limiting device shall be installed and permanently maintained in good working order within the premises. The device shall automatically control the volume of all amplified live and recorded entertainment at the venue at all times, such that noise will not cause disturbance to the locality or any adjacent noise sensitive premises. The maximum volume played shall be set in arrangement with Officers of the Environmental Health & Licensing Services Unit, which shall not be exceeded. If necessary, the licensee shall arrange to reset this level upon request from Officers of the Unit.
- (b) all public entertainment shall be restricted to within the buildings of premises and no loud speakers external to the building shall be permitted.
- (c) external windows and doors serving the licensed area shall be kept shut at all times when public 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 the closing of doors shall not be audible beyond the site boundary.
- (d) customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 11.00pm except for access to and from the premises.
- (e) any regulated entertainment including the provision of recorded sound provided inside the public house shall stop 30 minutes prior to the terminal hour for the sale of alcohol (Fridays and Saturdays).

- (f) signs shall be erected both inside and outside the premises asking patrons to have respect for the local neighbourhood and to leave the premises quietly.
- (g) a patrol of the car park area shall be carried out on a regular basis by the designated premises supervisor or their nominee to ensure that those persons who may frequent in the car park area are moved on. A logbook shall be maintained in respect of such patrols, which shall be open to inspection by the licensing authorities or Police upon reasonable notice.

REASONS FOR DECISION:

- (1) To comply with the provisions of Section 35(2) of the Licensing Act 2003
- (2) To promote the licensing objectives, in particular the prevention of public nuisance and minimising disruption to local residents

Signature of Chairman:

Dated:

LICENSING ACT 2003
RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE

DATE OF HEARING:	29 January 2014
SUB-COMMITTEE MEMBERS PRESENT:	Councillor David Elms (Chairman) Councillor Richard Billington Councillor Gillian Harwood
OFFICERS PRESENT:	Sophie Butcher (Committee Manager) Peter Muir (Licensing Compliance Officer) Bridget Peplow (Senior Solicitor)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	None
PREMISES:	Holroyd Arms 36 Aldershot Road Guildford GU2 8AF
TYPE OF APPLICATION:	Application for the variation of a premises licence number GUPLA0286
DETAILS OF APPLICATION SOUGHT:	The premises is a public house located in a mainly residential area. The application is: (1) To vary the authorised plans attached to the licence (2) To amend the opening hours to permit the premises to open at 7am on any day to provide breakfast. (3) To amend the conditions attached to the licence All licensable activities and authorised hours to remain unaltered.
APPLICANT:	Punch Taverns PLC, Jubilee House, Second Avenue, Burton Upon Trent, DE14 2AW
APPLICANT'S REPRESENTATIVE	Piers Warne, TLT Solicitors, One Redcliff Street, Bristol, BS1 6TP
PREMISES LICENCE HOLDER:	Lisa Ahmad (Designated Premises Supervisor) and Andrew Hamilton (Manager – Holroyd Arms)
PREMISE LICENCE HOLDER REPRESENTATIVE:	Jay Pearce (Punch Taverns PLC)

OTHER INTERESTED PERSONS:	<ul style="list-style-type: none"> • Ward Councillor Julia McShane (speaking on behalf of residents Mr and Mrs Powell). • Alan Sargent – Environmental Control Officer • Mr Bill Dudeney • Mr Steven Grove • Mrs Jenny Grove • Mr Stephen Lewis • Mr Chris Lilly • Mrs Debbie Wilson • Mr James Wilson
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DETAILS OF DECISION TAKEN:

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing. The Sub-Committee was also made aware that the following were relevant:

Guildford Borough Council's Statement of Licensing Policy:

- Section 5: Fundamental Principles
- Section 11:11.1 – 11.6 (Public Nuisance)
- Section 13: Paragraphs 13.1 – 13.4 (Licensing Hours)
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National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003:

- Paragraphs 2.18 to 2.24 (Public Nuisance)
- Paragraphs 9.27 – 9.37 – (Hearings)
- Paragraphs 9.38 – 9.40 – (Determining actions that are appropriate for the promotion of the licensing objectives).
- Paragraphs 10.1 to 10.61 – (Conditions attached to premises licences.)

Prior to the commencement of the hearing, the Chairman confirmed that additional information had been circulated to all interested parties from TLT Solicitors as well as from Mr Wilson who was an immediate neighbour of the Holroyd Arms.

The Licensing Compliance Officer informed the Sub Committee that Punch Taverns PLC was granted its first licence following a Licensing Sub-Committee Hearing on 19 August 2005 which commenced on 24 November 2005. The Designated Premises Supervisor (DPS) had been varied twice since the licence was first granted. The current DPS had been named on the licence since 30 November 2012. The Licensing Sub-Committee received clarification that the provision of breakfast as per (2) to amend the opening hours to permit the premises to open at

7am on any day to provide breakfast was not a licensable activity. The applicant had also requested the removal of the following conditions from the licence as part of this variation application:

- 10) any regulated entertainment including the provision of recorded sound provided inside the public house shall stop 30 minutes prior to the terminal hour for the sale of alcohol (Fridays and Saturdays).
- 12) A patrol of the car park area shall be carried out on a regular basis by the designated premises supervisor or their nominee to ensure that those persons who may frequent in the car park area are moved on. A logbook shall be maintained in respect of such patrols, which shall be open in inspection by the licensing authorities or Police upon reasonable notice.
- 13) Live music is restricted to no more than two entertainers.

The Licensing Sub-Committee received clarification from the Licensing Compliance Officer that in respect of (13) The Live Music Act 2012 had de-regulated this restriction to have no more than two entertainers and the condition was no longer enforceable until after 11pm, which was only applicable Friday and Saturday. The applicant also sought to amend the following conditions:

Current condition 4)

No children under the age of 18 shall be allowed on the premises after 18:30 hours.

Proposed condition 4)

No children under the age of 18 shall be allowed on the premises after 20:00 hours.

Current condition 9)

Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 23:00 except for access to and from the premises.

Proposed condition 9)

Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes, after 23:00 hours with the exception of a maximum of 25 people who will be permitted to use the designated smoking area until midnight and for access to and from the premises.

The applicant proposed the following additional conditions as part of the application form:

1. The sale of alcohol in the external "Lawned Garden" marked on the plan attached to the premises licence, will cease at 8 pm on any day.

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 that any empty receptacles are collected.

The applicant had submitted additional conditions in response to the representations received as follows:

1. A telephone number will be made available to residents in order that they can contact the premises should they have any problems.
2. A complaints log will be kept at the premises detailing any calls made to the premises, the time of the call, the nature of the complaint and any action taken. This book will be made available to the licensing authority on demand.
3. The Lawned garden will be closed to customers at 20:00. A gate will be fitted to close the area from 20:00 from customers.

The Sub Committee received oral submissions from Punch Taverns PLC's legal representative in support of their written representation. He submitted that:

- the variation application was submitted to regularise the licence, which had been granted in 2005. TLT Solicitors who acted for Punch Taverns PLC had submitted an additional representation. Whilst Punch did not operate the premises directly, it was run by the operators (known as 'partners') through a tenancy agreement. Lisa and Andy had been partners since January 2012.
- he referred the Sub Committee to Mr Wilson's written representation in which a letter was included that had been sent to the partners within three weeks of them becoming the new licence holders. In response to the letter steps were taken to deal with the concerns raised, eg the recycling bins had been moved and the security lights now operate via a sensor.
- The Holroyd Arms had a bad reputation previously and the calibre of the clientele left something to be desired. The current partners had meetings with Surrey Police and Pubwatch and worked diligently with them to bar troublemakers. The pub had subsequently suffered a drop in trade as a result.
- the partners were now encouraging the hire of the pub's facilities for charity and family events such as christenings.
- in 2012, the lawned area did not get used much owing to the bad weather; however, in 2013 the lawned area was used more due to the relatively good summer. The licence did not prohibit the garden being used for consumption of alcohol which is not a licensable activity.
- The current partners had invested approximately £17,000 into improving the premises. The kitchen had improved its star rating from 1 star to 3 stars and subject to sorting out a problem with the extractor fan; the kitchen could potentially receive a 5 star rating.
- The pub was recently subject to a mystery shopper visit and received a 10 out of 10 score for cleanliness and good customer service.
- In relation to live music at the premises, no written complaints had been received and it was therefore a shock to Punch Taverns PLC that objections had been submitted in this regard from neighbouring residents. The additional conditions offered such as a telephone number to be used by concerned residents and a complaints book had been offered in an attempt to remedy any future concerns.
- Six Temporary Event Notices (TENs) had been obtained in 2013, one was for an Alzheimer's charity that was held over 2-3 days and New Year's Eve celebrations were also organised via a TEN. In relation to the Jubilee Event, the partners notified immediate neighbours along Aldershot Road.

- A noise limiter has been fitted which works on the principle of a microphone linked to a decibel reader. This in turn is attached to the electric system and in particular the plugs to be used by musicians and DJs. If they play louder than the set level, this trips the electric supply to the musicians/DJ's amplifiers and speakers, turning them off. The Environmental Control team calibrated this system when it was first installed. The partners would be very happy to have the system re-calibrated by the Environmental Control team.
- Additional signage has been put up on the premises to clearly show customers where drinks can be taken on the premises, the location of the smoking area and reminders to be mindful of the neighbouring residents.
- In respect of (2) to amend the opening hours to permit the premises to open at 7 am on any day to provide breakfast, the partners were not changing any licensable activity, just formalising the opening hours for the provision of breakfast which wouldn't undermine the licensing objectives.
- In respect of the proposed change to condition 4 so that no child under the age of 18 shall be allowed on the premises after 20:00 hours, the partners wanted to enable more flexibility so that families could bring their children into the pub to have something to eat. Families with children were currently being turned away at 18:30 and thereby reducing trade opportunities.
- In respect of the removal of condition 13 – live music is restricted to no more than two entertainers, this was not anticipated to cause a problem, as this restriction had been removed by the Live Music Act 2012. Bands would normally finish at 11.00 pm in any event and the noise limiter would prevent any noise nuisance.
- In respect of the removal of condition 10 – any regulated entertainment including the provision of recorded sound provided inside the public house shall stop 30 minutes prior to the terminal hour for the sale of alcohol (Fridays and Saturdays), The thirty-minute wind down period was still in place.
- In respect of the new proposed condition 9, it was anticipated that the relocation of the smoking shelter to the side of the pub would help to reduce the negative impact currently experienced by the immediate neighbours located to the left of the premises. It would also take the smokers away from the front of the pub. The smoking area was fitted with two CCTV cameras and a live feed was monitored from the office on Fridays and Saturdays.
- condition 12 requiring the patrol of the car park by the DPS and a logbook kept of the patrols undertaken was now considered inappropriate as it took staff away from more important duties and there was no suggestion that the car park was associated with crime or anti-social behaviour.
- It was confirmed that a bar would not be installed in the garden. The proposal was to serve alcohol by means of a waitress service. The management of the garden area would now be more robust as a result of its inclusion on the authorised plan and the conditions offered which would require the garden to be shut at 8.00 pm.

The Sub Committee received the following oral submission from Alan Sargent Environmental Control Officer:

- He confirmed that the noise limiter had last been recalibrated approximately five years ago and that he was happy to look at it again.
- He clarified that with or without a noise limiter, as soon as a door or a window was opened in the pub a breakout of noise would be heard. Control measures could include the installation of a 'porch' area with self-closing doors between the inside and outside door. In

response to this, the Sub Committee was informed by the DPS that they were currently looking into installing a porch. There was a problem with customers leaving the doors open.

- He was glad to see that the smoking shelter would now be re-located as it would be better than having smokers congregate outside the front of the pub. His comments regarding complaints in relation to the smoking area, had been in relation to the previous smoking area at the front of the pub. The new area would alleviate the problems.
- The Sub Committee requested clarification from the Environmental Control officer regarding whether or not the recalibration of the noise limiter was a legal requirement to be undertaken and reviewed within specified times. The Environmental Control Officer confirmed that there were no legal requirements and that recalibration of the sound system would be re-set based upon the level of complaints received from local residents. The partners confirmed that the Juke Box had been recalibrated last year following a meeting with the police.

The Sub Committee received the following oral submissions from the ward Councillor Julia McShane:

- She confirmed that she was speaking on behalf of Mr and Mrs Powell who were local residents concerned about the prevention of public nuisance.
- Noise generated by the Holroyd Arms was at times excessive and made worse when the speakers were positioned outside the pub's windows. The venue was not licensed for music to be played outside and she was concerned that conditions were already being breached.
- She noted that on 14 December 2013, the Environmental Control Duty Officer reported that he could hear music with noticeable bass beat from the premises at a distance of about 30 metres. In addition, he noted about 15-20 patrons in the outside area being loud, shouting and swearing, which was unacceptable.
- Residents had noticed that noise and anti-social behaviour emanating from the Holroyd Arms had got worse in the last 9-12 months.
- Councillor McShane accepted that the additional condition put forward by the applicant was beneficial so that the lawned garden was to be closed by 20:00 and a gate fitted to close the area from 20:00 to customers. Councillor McShane however wanted clarification as to whether the other outside areas could be used by customers until 11pm. In response to this, Punch Taverns PLC's legal representative confirmed that the lawned garden had been restricted for use due to its sensitive location next to Mr and Mrs Wilson's bungalow. There was a small area located outside at the back of the pub with seating that could be used up until 11pm, as well as the controlled smoking area.
- A bouncy castle had been erected in the pub's garden, which caused concern to local residents owing to the generator noise created by keeping it pumped up as well as adults using it in an anti-social way. She was concerned regarding the supervision of children on the bouncy castle when frequently parents were located inside the pub. In response to this, one of the partners confirmed that staff were told to turn off the generator after their shift; however, occasionally the generator was left on all night. The bouncy castle was in situ from April – October 2013.

The Sub Committee received the following oral representations from local residents:

- They could understand the necessity of the provision of breakfast Monday – Friday from 7am catering for business people, however, why was this required at the weekend as well? In response it was confirmed that the provision of breakfast was not a licensable activity and therefore outside the jurisdiction of the Sub Committee, unless it was served prior to 5am in the morning.
- neighbouring residents were not able to enjoy the peace and solitude of their own gardens owing to the noise generated by the pub and bouncy castle
- Confirmation was requested and received that when food was delivered to the garden, food order numbers would not be shouted.
- Confirmation was requested and received that large functions would be catered for in the main seating area of the pub. It was confirmed that there was now no separate function room.
- A-Boards from the pub had blown over on the public highway and been left obstructing the public pathway for days on end causing a dangerous obstruction especially to children and the elderly.
- The Ladies toilets are in a very bad state of disrepair and dirty.
- The bouncy castle had caused a lot of disturbance to neighbouring residents. The generator had been turned off only 4-5 times between April – October 2013.
- The Holroyd Arms needs more investment in addition to the £17,000 already spent. A neighbouring resident had spent £6,200 on trying to sound proof their bungalow and had also offered to pay half of the monies towards purchasing an upgrade kit to help reduce the noise generated from the beer master cooler. This had not been resolved and he would like an outcome.
- There was a noise limiter problem as the music was still being heard when neighbouring houses had their windows and doors closed.
- A high fence barrier between the pub and immediate neighbours was recommended.
- Clarification was requested and received that CCTV cameras operated 24:7, not just when licensable activities took place at the pub.
- They were not re-assured by the re-location of the smoking area, which was potentially transferring the problem.
- Residents located in Wendy Crescent had been slow to complain, however found the noise generated by the pub in the summer of 2013 unacceptable. Any further noise intensification would trigger those neighbours to now lodge complaints.
- Clarification was received and requested that the noise limiter was tamper proof.

The Sub Committee received clarification from the Licensing Compliance Officer that the Live Music Act 2012 permitted live music to be played in pubs between the hours of 8pm – 11pm. If a review of the premises took place, the Sub Committee would be able to apply, if appropriate, conditions to restrict live music entertainment prior to 11pm. However, these provisions were not available to the Sub Committee today. The premises could play recorded music until 11:30pm, which was currently authorised by the licence.

The Sub Committee discussed the fact that the Holroyd Arms was within its rights to apply for up to 12 Temporary Event Notices (TEN) per year. A TEN was not a licence but rather a notification to the Licensing Authority, Environmental Health Authority and Surrey Police of the premises intention to hold an event. It was advisable that the partners should make local residents aware of when such events were planned to

keep good relations. Objections could be made by Environmental Health, as well as Surrey Police. The Licensing Authority could reject a TEN if more than twelve TENs had been submitted within a year. If objections were received in relation to a TEN a Sub Committee would be convened and could apply conditions from the current licence for the duration of the TEN or could refuse to allow the event to go ahead.

In response to the neighbouring residents' concerns, the premises licence holders' legal representative's submissions were that:

- They were very apologetic about the problems and difficulties neighbouring residents had experienced with the Holroyd Arms to date and would encourage a more open dialogue to take place in the future to resolve any further issues.
- Punch Taverns PLC was very surprised by the objections received. The variation application was not submitted to cover up existing breaches of the licence as some residents had alleged, but was submitted to tidy up certain elements of the licence and make the nature of the operation clear to everyone. The pub was already entitled to use the garden and serve breakfast. Events which appeared to be in breach of the licence, had been subject to TENs.
- The desire of the partners and Punch Taverns PLC is to create a community pub.
- Noise was also generated from other premises along Aldershot Road.
- The partners had spent a significant sum of money, namely £17,000 on improving the premises.
- The partners had made considerable efforts to bar customers from the pub who were causing a public nuisance and as a result the pub's revenue had reduced significantly. It was unfair to say there was no management control.
- The application had been an opportunity for residents to voice their frustrations, but the majority were outside the scope of the application.

The Licensing Compliance Officer made the following comments in his summing up:

- 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 and/or to reject the application in whole or in part. 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.

Having considered all the written and oral representations, the Sub-Committee,

RESOLVED: That the variation of the premises licence GUPLA0286 in relation to Holroyd Arms, 36 Aldershot Road, Guildford, Surrey, GU2 8AF be granted on the terms and for the reasons detailed below:

1. The opening hours of the premises be varied to allow the premises to open at 7.00 am every day.
2. The authorised plan be varied to include the area marked "Lawned Garden" for the sale of alcohol.

3. Removal of the following conditions:

- 10) Any regulated entertainment including the provision of recorded sound provided inside the public house shall stop 30 minutes prior to the terminal hour for the sale of alcohol (Fridays and Saturdays).
- 12) A patrol of the car park area shall be carried out on a regular basis by the designated premises supervisor or their nominee to ensure that those persons who may frequent in the car park area are moved on. A logbook shall be maintained in respect of such patrols, which shall be open in inspection by the licensing authorities or Police upon reasonable notice.
- 13) Live music is restricted to no more than 2 entertainers.

4. The following conditions to be amended as follows:

Condition 4)

No children under the age of 18 shall be allowed on the premises after 18.30 hours to be amended to:

New condition 4)

No children under the age of 18 shall be allowed on the premises after 20:00 hours.

Condition 9)

Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 23:00 except for access to and from the premises to be amended to.

New condition 9)

Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes, after 23:00 hours with the exception of a maximum of 25 people who will be permitted to use the designated smoking area until midnight and for access to and from the premises.

5. The following conditions agreed with Surrey Police during the consultation period be added to the licence:

- 1) The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
- 2) The System will incorporate a camera covering each of the entrance doors and main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise position of the cameras may be agreed, subject to compliance with data protection legislation, with the Police from time to time.

- 3) The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with data protection legislation, to the Police for inspection on request.
- 4) The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software able to allow playback / review.
- 5) A member of staff trained in the use of the CCTV system must be available at the premises at all times that, the premises are open to the public.
- 6) The system will display, on any recording, the correct time and date of the recording.
- 7) The CCTV will cover the area marked Lawned Garden on the plan.

6. The following additional conditions offered by the applicant be added to the licence:

- 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. . The Sub-Committee noted that as a result of this condition, it was no longer necessary to impose the first condition referred to in paragraph 3.2.4 of the report.
- 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 that any empty receptacles are collected.
- 3) A telephone number will be made available to residents in order that they can contact the premises should they have any problems.
- 4) A complaints log will be kept at the premises detailing any calls made to the premises, the time of the call, the nature of the complaint and any action taken. This book will be made available to the licensing authority on demand.

The Sub-Committee also made the following suggestions which, for the avoidance of doubt, were not attached as conditions to the licence:

- The Sub- Committee requested that the Environmental Control Officer arrange to recalibrate the noise limiter fitted on the sound system as soon as possible.
- The Sub Committee wished to encourage better communication between Punch Taverns PLC, the partners who ran the Holroyd Arms and neighbouring residents. Meetings should be arranged on a face-to-face basis to facilitate better rapport and ensure that any issues regarding noise levels and public nuisance were effectively dealt with.

REASON FOR DECISION:

In reaching their decision to grant the variation application subject to the above conditions as offered by the applicant, the Sub-Committee considered both oral and written representations from all the parties. The Sub-Committee considered that given that the applicant had offered additional conditions, the application would promote the licensing objective of preventing public nuisance to the neighbouring properties.

The Sub-Committee was content that Punch Taverns PLC and the partners had already made significant efforts to improve the pubs clientele and were working towards making it more of a community pub for the enjoyment of all. The partners frequently attended Pub Watch meetings as well as liaising closely with Surrey Police to help alleviate potential issues in relation to public nuisance. It was acknowledged that further work was now required on behalf of the partners to liaise more diligently with neighbouring residents, such as notifying them of forthcoming significant temporary events.

In respect of the variation to the opening hours, the Sub-Committee noted that this was not strictly required because the serving of breakfast was not a licensable activity. The application had been made merely to make it clear that the premises would be open at this time. Accordingly, there was no reason not to grant the variation.

In respect of the removal and amendment of conditions, the Sub-Committee noted that there were no substantive objections to the removal of Condition 12 and felt that it did not serve any particular purpose, given that there was no suggestion of any problems occurring in the car park, accordingly this was granted. Condition 10 was unclear because it conflicted with the authorised hours granted for regulated entertainment. The Sub-Committee noted that there would still be a wind down period of 30 minutes before the premises closed and accordingly felt that there was no reason not to agree the removal of the condition. The Sub-Committee noted that Condition 13 was no longer applicable prior to 11.00 pm due to the enactment of the Live Music Act 2012. The condition was therefore only applicable between 11.00 pm and midnight on Fridays and Saturdays. The objections were related to the principle of the condition rather than the effect of removal on this particular hour, therefore the Sub-Committee agreed the removal. The recalibration of the noise limiter would assist in the reduction of potential noise disturbance caused by the playing of music, live or recorded. The Sub-Committee noted that there were no particular objections to the amendment to Condition 4 allowing children to remain on the premises until 20.00. The Sub-Committee agreed that the amendment would be appropriate so as to allow families to have meals on the premises after 18.30. The most contentious parts of the application were for the addition of the Lawned Garden to the plan and the amendment to Condition 9 permitting the designated smoking area to be used after 23.00. The Sub-Committee noted that the garden area was not currently used for licensable activities and therefore was not subject to any control. The application was to allow the sale of alcohol (by way of table service) only. The Sub-Committee did not consider that allowing this would have any adverse impact on the licensing objectives. In addition, the Sub-Committee noted that the applicant had offered conditions, including the closure of the garden at 20.00 which would benefit local residents. In relation to the smoking area, Environmental Control had confirmed that their objections related to the previous smoking area and that they considered the moving of the smoking area to be a positive move which should alleviate previous problems and prevent the need for customers to smoke at the front of the premises. The Sub-Committee therefore felt that it was appropriate to allow this amendment.

Signature of Chairman:

Dated: