

The Licensing Officer
Guildford Borough Council
Millmead House
Millmead
Guildford
GU2 4BB

Our Ref: GUPLA00574/Variation (April 2021)
Your Ref:
Contact: Mike Smith
Direct Line: [REDACTED]
Email: [REDACTED]

Friday 30 April 2021

Dear Sir,

**GUPLA00574 – Holroyd Arms, 36 Aldershot Road, Guildford, Surrey, GU2 8AF
Representation to Variation Application**

Guildford Borough Council, the Licensing Authority, acting as its capacity as a Responsible Authority under the Licensing Act 2003 are making representation in connection to the application made by Punch Partnerships Ltd for a variation of the premises licence for The Holroyd Arms under reasons of crime and disorder and the prevention of nuisance.

Unfortunately, the Council's Environmental Health Service has received a number of complaints about noise, mainly relating to patron noise and noise from entertainment taking place both inside and out. The current premises licence details a condition that patrons are not to use the 'rear garden' area past 20:00 hours and that a member of staff should monitor this, in order to reduce the occurrence of nuisance to neighbours. The Council, both Licensing and Environmental Health teams have provided considerable advice and warnings to the management at the premises, however despite these efforts to promote compliance, there are recurring issues at the premises. The most recent visit (detailed below) to the premises at a busy trading time (21:40 hours) on 24 April 2021 does not make for good reading, to such an extent that a Review of the licence is being considered. Whilst the management of a licence is normally the subject of a review application, in the meantime the activities proposed in this variation are likely to exacerbate existing issues of noise and customer management.

Unfortunately following the visit in 24 April the applicant and designated premises supervisor do not retain the full confidence of the Licensing Authority in being able to manage the current conditions attached to the licence. The Variation application sets out that the premises seeks to utilise an outside bar servery until 22:00 hours in order to reduce pressure on the main bar and 'facilitate social distancing'. The variation proposes that alcohol will be served up until 22:00 and that staff will regularly monitor customers in the external area. However the conditions proposed do not go so far as to require customers to leave the external area after 22:00, which considering the current condition requiring customers to leave by 20:00 together with the history of complaints about noise and current management practices will likely result in disorder and nuisance to a later hour. In addition the application also does not limit or control performance of entertainment outside of the premises, which has been the subject of recent complaints, as the proposed conditions only relate to entertainment taking place indoors.

By a way of background to concerns about management at the premises, on Saturday 24 April 2021 at approximately 21:40 hours I attended the premises with Ian Croll, Environmental Health Officer from Guildford Borough Council as part of the Council's weekly 'out of hours' patrol.

I arrived on site and noted a number of cars in the car park and on the Aldershot Road in front of the premises. I introduced myself and Mr Croll to two door supervisors on duty at the side entrance gate and asked to speak to Lisa Ahmah (the Designated Premises Supervisor) or Andrew Hamilton (her partner). From what I could see a large marquee had been erected in part of the car park. I spoke

to the door staff who advised that a private party was taking place at the premises with their role to screen customers against a guest list. I asked the door staff how customers were checking into the premises and whether there was a QR code as one was not evidently on display. The QR code is a mandatory requirement in order for customers to scan to 'check in' in support of the NHS track and trace effort to control the spread of coronavirus. The door staff advised that they had been advised to sign people in from a list and had not been briefed on a QR code. They continued that their remit was solely to control entry and had not been given any duties to assist staff or manage customers at the premises.

In addition, the Coronavirus restrictions in place currently require hospitality premises to have a number of measures in place in order to be 'covid secure' in order to protect the public and staff from the spread of coronavirus. These include:

- . Customers to be seated at tables, outside, in groups of six or two households
- . The premises to serve food and drink by table service only
- . Customers to be seated to consume food and drink
- . Customers not to 'mingle' between groups
- . Customers not to congregate in groups, shout or dance to a performance
- . Customers to wear face coverings when not seated

In addition staff and management are expected to take reasonable steps to secure the above measures.

It was however evident from waiting for a member of the premises management to speak to us that there was little, if any, compliance with the requirements.

From our position waiting in the car park we could see clearly through to the rear garden areas through both gaps in the panels of the marquee, and through the open patio area.

There were approximately 60 customers at the premises, most of whom were standing in groups consuming alcohol in the rear garden. The rear garden of the premises is subject to a current licence condition requiring it to be closed to customers at 20:00 hours. There is a further condition requiring a designated member of staff to monitor this area. These conditions were not being complied with as there were a large number of customers interacting in groups of more than 6 who were stood chatting and interacting loudly whilst consuming alcohol. Several customers were seen wearing 'silent disco' headsets dancing around. Several customers were also walking around the garden, into the building of the pub itself and out into the car park and were not wearing face coverings.

After about 5 minutes the DPS Lisa Ahmah came from the rear garden of the premises and we spoke. I highlighted my concerns and asked to have a look in the marquee and rear garden. I entered the marquee where there were approximately 4 groups sat inside. There were many empty and half empty glasses on tables and one large group of over six customers sat and standing together at one particular table. The marquee itself was almost entirely enclosed apart from a couple of panels which had been removed to create a throughfare to the rear of the premises. I would estimate the marquee to have been at least 75% enclosed making it 'indoors' for the purpose of coronavirus restrictions which required customers to be sat outside.

I made my way into the rear garden of the premises and could clearly see many large groups of over 6 people stood consuming alcohol. The groups appeared to groups of 'friends' socialising rather than members of two different households. The crowd was typically clientele in the late-40s and above range, although as I stood in the marquee a number of customers in who appeared in their 20s in a group of 5 or 6 entered the marquee, not wearing face coverings.

A new bar servery has been installed in the rear garden which is subject of a Variation Application received by Guildford Borough Council on 7 April 2021. Despite this Variation still being in

consultation, the bar was operating and no Temporary Event Notice was in place. In addition there were a number of customers stood at the bar, without face coverings, being served alcohol from the bar.

During my time at the premises, between 21:40 and 22:00 hours I saw no members of staff serve customers at tables or make any attempt to bring the many customers at the premises under any sort of control in line with the Coronavirus requirements. The only member of staff I saw was a female member of bar staff serving customers at the outside bar.

I spoke with Lisa Ahmah about the situation that evening. She initially questioned what the issue was, as in her words the customers had all been vaccinated against covid indicating a complete lack of understanding of the requirements placed upon hospitality premises to operate in a covid secure manner, despite considerable previous advice given. She advised the premises was not open to the public this evening and was closed for a birthday party for her partner. I explained that the requirements applied whether the premises was open for customers or not, and that the requirement for customers to be sat at tables outside, in groups of 6, for customers to be served at tables and for customers to wear face coverings at all other times still applied. Lisa accepted that this should be the case but explained that it has been a tough year and they wanted to enjoy themselves for her partners birthday.

This approach is of particular concern as advice had already been provided to Lisa on 12 April following a check by Licensing Officers and Police and it appears that management were not only totally disregarding compliance with covid safety measures, but their responsibilities of running a licensed establishment and the advice encouraging compliance provided to them only the week before.

Through its licensing policy, the Council sets out at paragraph 4.1 that any individual has the right to make an application to undertake activities, and have their application considered on its merits. The policy also sets out at paragraphs 6.4 and 6.5 that it is important that applications properly address the four licensing objectives by providing as much detail as possible on the application form, and that the application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.

The Council's Licensing Policy reinforces the importance of the operating schedule at paragraphs 12.3 to 12.5 which states:

- “12.3 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.*
- 12.4 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.*
- 12.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.”*



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The applicant wishes to extend the hours of operation in their rear garden which has historically been subject of complaint and believe that staying open for longer will create a better customer experience and facilitate social distancing. However they do not propose any additional conditions, other than ceasing alcohol sales at 22:00 and staff monitoring the area to promote the licensing objectives.

As such, the Licensing Authority, in its capacity of a Responsible Authority is concerned that in making this application, the applicant has not included any detail in their operating schedule about how they intend to manage the situation of opening the garden later and consequently the increased potential for noise and disorder as customer sit outside later.

In light of evidence of current conditions not being adhered to and complaints about nuisance, and by providing limited additional protection against nuisance in the application about how the premises intends to manage customers able to sit in the rear garden later than the current conditions permit, the Licensing Authority is making representation that there is likely to be increased disorder and nuisance through granting this variation.

If you have any questions please do not hesitate to contact the me.

Yours faithfully,



Mike Smith
Senior Specialist for Licensing and Community Safety
Environment and Regulatory Services
Guildford Borough Council