

## LICENSING SUB-COMMITTEE

1 OCTOBER 2015

<b>Application. Type:</b>	Application for the variation of a Premises Licence, number GUPLA0329	
<b>Ward:</b>	Holy Trinity	<b>Ward Councillors:</b> Cllr Nils Christiansen Cllr Geoff Davis Cllr Dennis Paul
<b>Applicant:</b>	Kings Head Pub (Guildford) Limited, Kings Head PH, Quarry Street, Guildford, Surrey, GU1 3XQ	
<b>Applicant's Representative</b>	Robert Mattock, Mattock Consultancy Services Limited, Sundial House, High Street, Horsell, Woking, Surrey, GU21 4SU	
<b>Premises:</b>	Kings Head, Quarry Street, Guildford, GU1 3UA	
<b>Proposal:</b>	The premises is a public house located in Guildford town centre. The application is to vary the conditions on the licence to allow the garden area to be used during a longer period of the opening hours and remove the restriction on numbers in the smoking area. There is no proposed change to the overall hours or licensable activities.	

### 1. SITE LOCATION

- 1.1 The premises is a public house situated in the town centre. There is a mix of commercial and residential properties adjacent to the premises. 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 GUPLA0329 and the authorised plans are attached as **Appendix 2**.
- 2.2 The licence commenced on 24 November 2005, and was granted to the applicant following a hearing on 27 September 2005.
- 2.3 The current designated premises supervisor (DPS) has been named on the licence since 9 September 2014.
- 2.4 A variation application in 2011 to extend the terminal hour was granted in part following a hearing on 20 January 2012. A copy of the record of hearing is attached as **Appendix 2**.

### 3. APPLICATION

- 3.1 The application form, a copy of which is attached as **Appendix 3**, gives the following information in relation to the variation proposal.

### **3.2 Proposed hours:**

There are no changes proposed to the hours of operation.

### **3.3 Conditions**

- 3.3.1 The applicant has proposed the removal of condition G2 and amendment of condition F6.

Condition F6 states: "Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 23:30hrs, including the consumption of alcohol, except for the designated smoking area as detailed on the submitted plan." Condition G2 states: No more than 12 people to be allowed in the smoking area at any one time."

- 3.3.2 The applicant has proposed amending condition F6 to state: "Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 00:30 hours Sunday to Thursday and 01:00 hours Friday to Saturday, including the consumption of alcohol, except for the designated smoking area as detailed on the submitted plan."

The applicant has proposed the following step to promote the licensing objectives, which we have tried to convert into an appropriate, enforceable condition.

1. The Designated Premises Supervisor (or their nominated representative) shall carry out regular monitoring checks (e.g. every 30 minutes) to encourage those patrons in the patio bar/courtyard area to keep noise to a minimum. A record of these checks including time, date and any action taken, shall be maintained and produced, upon request, to an authorised officer of a responsible authority.

## **4. CONSULTATIONS**

### **(i) Consultation period**

The application was in consultation from 7 August to 3 September 2015. The application was advertised in accordance with the regulations.

### **(ii) Representations from Responsible Authorities**

Environmental Health submitted a representation stating that there had been no complaints of noise nuisance and they had no concerns. A copy of this representation is attached as **Appendix 4**.

### **(iii) Representations from other persons**

Two representations were received from other persons, mainly on the grounds of prevention of public nuisance, although reference is made to public safety. A copy of these representations are attached as **Appendix 5**.

No representations have been made in relation to the removal of Condition G2 and therefore this part of the variation should be granted.

Reference has been made to the applicant failing to justify the variation; however the applicant is not required to demonstrate a need or demand for the business for the purposes of determining a licensing application.

## **5. LICENSING POLICY**

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

- Section 5: (Fundamental Principles)
- Section 10:10.1 – 10.8 (Public Safety)
- Section 11:11.1 – 11.6 (Prevention of Public Nuisance)

## **6. NATIONAL GUIDANCE**

The following sections of the Guidance issued in March 2015 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.6 – 2.13 – Public Safety

Paragraphs 2.14 – 2.20 – Public Nuisance

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 10.68 – 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:

Peter Muir, Licensing Compliance Officer

Tel: (01483) 444110

E-mail: peter.muir@guildford.gov.uk