

2005-09-27 SUB CTTE B - KINGS HEAD

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

DATE OF HEARING:

Tuesday 27 September 2005

SUB-COMMITTEE MEMBERS PRESENT:

Councillor David Goodwin (Chairman)
Councillor John Ades
Councillor Ted Mayne

OTHER MEMBERS PRESENT:

None

OFFICERS PRESENT:

John Armstrong (Democratic Services)
Alastair Dearling (Licensing and Enforcement Officer)
Bob Mattock (Licensing Services Manager)
Adrian Stanfield (Legal and Property Services)

DISCLOSURES OF INTEREST BY MEMBERS PRESENT:

None

PREMISES:

The Kings Head
Quarry Street
GUILDFORD
Surrey GU1 3XQ

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) Variation of licence to extend permitted hours for all licensable activities

- (2) To remove the restrictions relating to drinking up time
- (3) To allow credit sales
- (4) To allow provision of regulated entertainment: Films, Indoor Sporting Events, Live Music, Recorded Music and anything of a similar description to Live and Recorded Music.
- (5) To supply alcohol
- (6) To provide late night refreshment
- (7) To remove all embedded restrictions

APPLICANT:

Mr Michael John Davey
The Kings Head
Quarry Street
GUILDFORD
Surrey GU1 3XQ

NAMES OF PERSONS REPRESENTING APPLICANT (IF ANY):

Mr Robin Walter (Barlow Robbins Solicitors)
Mr Michael Davey (licensee)

RESPONSIBLE AUTHORITIES APPEARING AT THE HEARING:

(PLEASE ALSO STATE NAME OF PERSON ATTENDING ON BEHALF OF RESPONSIBLE AUTHORITY CONCERNED)

Environmental Health (Pollution Control):

Mr Gary Durrant
Principal Environmental Health Officer
Guildford Borough Council

INTERESTED PARTIES PRESENT:

(IF NOT AN INDIVIDUAL PLEASE ALSO STATE NAME OF PERSON ATTENDING ON BEHALF OF INTERESTED PARTY CONCERNED)

*** indicates that the interested party addressed the hearing**

*Mrs Kate Vorley (on behalf of Mr Brett Vorley)

APPLICATION FOR CONVERSION OF EXISTING LICENCE:

The Sub-Committee noted that as there had been no objections raised by the Police, the application for conversion of the existing Justices' On-licence had been granted automatically, subject to the following embedded restrictions and mandatory conditions as set out in the Licensing Act 2003:

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.

In this condition, permitted hours means:

- (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;
- (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.

On-licence, no children's certificate Children in bars

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.

Recorded Music:

Recorded music may be played throughout the premises provided it is incidental to another activity.

Private Entertainment:

Dancing, music or any other entertainment of a like kind, which is not a public entertainment but is promoted for private gain, shall be permitted in the premises.

Mandatory conditions

The following conditions are required to be imposed on the new premises licence by the Licensing Act 2003:

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.

DETAILS OF DECISION TAKEN:

In relation to the application for variation of the premises licence, 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. The Sub-Committee

RESOLVED: That the application for variation of the premises licence be granted in the following terms and subject to the conditions set out below:-

- (i) the following licensable activities:-
 - Supply of alcohol (for consumption both on and off the premises)
 - Films

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- Live Music
- Recorded music
- Indoor sporting events
- Anything of a similar description to live music and recorded music.
- The provision of late night refreshment.

(ii) the licensable hours being:

Supply of alcohol

- Monday to Thursday: 11:00 hrs to 00:00 hrs.
- Friday and Saturday: 11:00 hrs to 01:00 hrs the following day
- Sunday: 12:00 hrs to 00:00 hrs
- New Year's Eve: 11:00 hrs to 23:00 hrs New Year's Day
- Thursday before Good Friday: 11:00 hrs to 01:00 hrs the following day

Provision of Regulated Entertainment:

Films, (to include video entertainment and TV screens)

- Monday to Thursday: 11:00 hrs to 00:00 hrs.
- Friday and Saturday: 11:00 hrs to 01:00 hrs the following day
- Sunday: 12:00 hrs to 00:00 hrs
- New Year's Eve: 11:00 hrs to 23:00 hrs New Year's Day
- Thursday before Good Friday: 11:00 hrs to 01:00 hrs the following day

Live Music (indoors only)

- Monday to Sunday: 11:00 hrs to 00:00 hrs.

Recorded Music, (indoors only, including a juke box and karaoke)

- Monday to Thursday: 11:00 hrs to 00:10 hrs the following day.
- Friday and Saturday: 11:00 hrs to 01:10 hrs the following day
- Sunday: 12:00 hrs to 00:10 hrs the following day
- New Year's Eve: 11:00 hrs to 23:00 hrs New Year's Day
- Thursday before Good Friday: 11:00 hrs to 01:00 hrs the following day

Anything of a similar description to Live and Recorded Music (comperes for quiz evenings and similar events, comedians and similar performances using amplified voice)

- Monday to Sunday: 11:00 hrs to 23:00 hrs.
- New Year's Eve: 11:00 hrs to 23:00 hrs on New Year's Day
- Thursday before Good Friday: 11:00 hrs to 01:00 hrs the following day

Provision of Indoor Sporting Events (including pub games before an audience)

- Monday to Thursday: 11:00 hrs to 00.00 hrs.
Friday and Saturday: 11:00 hrs to 01:00 hrs the following day

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- Sunday: 12:00 hrs to 00:00 hrs
- New Year's Eve: 11:00 hrs to 23:00 hrs New Year's Day
- Thursday before Good Friday: 11:00 hrs to 01:00 hrs the following day

Provision of Late Night Refreshment

- Monday to Sunday: 23.00 hrs to 00.30 hrs the following day

Other times the premises are to be open to the public:

- Monday to Thursday: 09:00 hrs to 00:30 hrs the following day
- Friday and Saturday: 09:00 hrs to 01:30 hrs the following day
- Sunday: 09:00 hrs to 00:30 hrs the following day
- New Year's Eve: 11:00 hrs to 23:30 hrs New Year's Day
- Thursday before Good Friday: 11:00 hrs to 01:30 hrs the following day

(iii) the following additional steps proposed by the applicant to promote the four licensing objectives being taken:

Prevention of Harm to Children

Children shall not be present during the extended hours.

(iv) the following additional conditions:

1. 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.
2. All regulated entertainment shall be restricted to within the buildings of the premises and no loud speakers external to the building shall be permitted.
3. External windows and doors serving the licensed area shall be kept shut at all times when regulated entertainment is being provided. Doors to the garden and to Quarry Street shall in any event be kept shut after 23:30 hrs. 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.
4. No handling of goods or materials, which is audible from beyond the site boundary, shall be carried out at the premises between 23:00 hrs and 07:00 hrs. This shall particularly include operations such as putting materials or bottles into waste or recycling containers.
5. The licensee shall display notices at all public exits requesting customers to take all steps to minimise noise once they have left the premises. The

wording and size of such notices shall be agreed in writing with the Environmental Health & Licensing Services Unit.

6. Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 23:30 hrs, including the consumption of alcohol, except for access to and from the premises.

7. Film Exhibitions

(a) Subject to subsection (b) below, the admission of children to the exhibition of films on the premises shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC).

(b) If the licensing authority does not agree with the category of any film as recommended by the BBFC, it may alter the category of the film. On notice of alteration of category being given by the licensing authority to the holder of the licence, the film shall thereafter be treated as being in the altered category and admission of children to the exhibition of the film shall be restricted accordingly.

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.
3. To balance the need to protect the amenities of residents in the immediate vicinity of the premises against the commercial interests of the applicant.

Signature of Chairman:

Dated:

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