

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING:	20 January 2012
SUB-COMMITTEE MEMBERS PRESENT:	Councillor Matt Furniss (Chairman) Councillor David Elms Councillor Gordon Jackson
OFFICERS PRESENT:	Sophie Butcher (Committee Services) Stephen Gerrard (Interim Head of Legal and Democratic Services) Catherine Hopkinson (Licensing Enforcement Officer) Ola Olaluwoye (Committee Services) Bridget Peplow (Senior Solicitor)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	Councillor Matt Furniss knew Mr Bob Mattock (MCS Limited) who was previously employed by Guildford Borough Council.
PREMISES:	Kings Head Pub (Guildford) Ltd Quarry Street Guildford Surrey GU1 3XQ
TYPE OF APPLICATION:	Application for variation of Premises Licence; Number GUPLA0329.
DETAILS OF APPLICATION SOUGHT:	<p>1. An increase of the terminal hour for all licensable activities, on Friday and Saturday nights only, from 01:00 to 03:00 hours the same day.</p> <p>These activities are as follows:</p> <ul style="list-style-type: none"> • Films (indoor only) • Indoor sporting events • Live music (indoors only) • Recorded music (indoors only) • Anything of a similar description to live music, recorded music or performance of dance. (Indoor only). • Provision of facilities for making music (indoors only) • Provision of late night refreshment (indoors only) • Sale by retail of alcohol (for consumption on and off the premises)

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	<p>2. To extend the opening hours on Friday and Saturday evenings from a closing time of 01:30 to 03:30am closing the same day.</p> <p>3. The removal of condition E6 attached to the premises licence, to allow the area immediately outside the lower level rear entrance / exit door to become a supervised 'smoking area'.</p>
APPLICANT:	Mr Mike Davey Represented by: MCS Limited: Robert Mattock
RESPONSIBLE AUTHORITIES:	<u>Responsible Authority</u> Sgt Amy Buffoni – Surrey Police Mr Colin Whitear – Surrey Police Mrs Trusha Plested – Environmental Health and Licensing, GBC
INTERESTED PARTIES:	None

DETAILS OF DECISION TAKEN:

The Sub-Committee took into account all the relevant representations submitted in writing and comments made at the hearing and also the relevant sections of the Council's Licensing Policy and the National Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (as amended).

In considering the application to vary the licence for the King's Head Pub, the Licensing Sub-Committee noted the following:

- (i) The application for variation in respect of live music (indoors only) had been withdrawn.
- (ii) The provision for late night refreshments did not relate to food, only hot drinks for consumption on the premises.
- (iii) The application to vary the hours of the premises licence from 1am to 3am on a Friday and Saturday night and extend the opening hours was submitted as part of the King's Head Pub's business plan. Once the King's Head Pub had closed, a large number of the customers were found to move onto other late night venues. The proposed variation to the hours of the premises licence was geared to capturing that previously lost customer base.
- (iv) The premises licence holder clarified that recorded music levels in the pub were controlled by the staff. An open microphone session was held on a Wednesday night until 10:30pm.

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- (v) A 9 camera CCTV system was already in situ. Surrey Police had recommended that a CCTV device system was installed which enabled facial recognition but this was considered by the licence holder as an extreme measure due to the small capacity threshold of the venue at 120 persons.
- (vi) The premises licence holder intended to employ two door staff on a Friday and Saturday night in line with the extended opening hours on these days.
- (vii) Concerns raised by Surrey Police in relation to the proposed variation of the premises licence from 1am to 3am. Specifically, the police had witnessed a 20% increase in violent crime deriving from public houses in Guildford since December 2011. No significant incidents had been reported to date in respect of this premises. A comparison had been undertaken by Surrey Police, of crimes relating to a similar premises that operated outside of the cumulative impact area. Crimes were identified to most likely occur after 1am in the morning. Surrey Police were not prepared to identify the premises used as a comparison for reasons of confidentiality.
- (viii) Heard concerns raised by Surrey Police in relation to the proposed maximum number of people permitted in the outside smoking area. Surrey Police advocated a maximum number of 6 persons at any one time in the smoking area as opposed to 12-15 persons so as to ensure the safety of the public and enable suitable egress.

Having considered all the merits of the case the Sub-Committee,

RESOLVED: That the application for the variation of premises licence (GUPLA0329), as amended by the withdrawal of the application in respect of live music, in relation to King's Head Pub, (Guildford) Ltd, Quarry Street, Guildford, Surrey, GU1 3XQ be granted subject to the following conditions imposed by the Sub-Committee and the variation rather than removal of condition E6:

- (i) All public entertainment to which the licence applies, to be reduced to a level set in agreement with Environmental Health after 2:30am.
- (ii) No more than 12 people to be allowed in the smoking area at any one time.
- (iii) A CCTV system must be installed on the premises. The CCTV System installed on the premises is to be fully maintained at all times with monthly maintenance checks being undertaken and shall be operational when the premises are open.
- (iv) The CCTV system must cover all internal public areas and immediate exterior. At least one camera shall be capable of clear visual identification of anyone entering the premises. All other cameras installed at the premises to provide identifiable images of individuals present.
- (v) There must always be a member of staff on the premises able to operate the CCTV system when the premises are open.

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- (vi) All CCTV footage to be retained for a minimum of 28 days and shall be made immediately available, either for viewing or in a format that can be downloaded, to any responsible authority upon request.
- (vii) On Fridays and Saturdays between the hours of 9pm and 3:30am, a minimum of two licensed security industry authority (SIA) door supervisors must be in place. One SIA licensed door supervisor must supervise the smoking area throughout this period.
- (viii) New customers are not permitted entry to the premises after 1am. However, customers exiting the premises to use the smoking area shall be permitted re-entry.
- (ix) To vary condition E6 to read: 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.

REASON FOR DECISION:

The Sub-Committee considered the representations in detail, however, was not convinced by Surrey Police's comparison to a similar Public House where alcohol related crimes had been committed outside of the cumulative impact area. Surrey Police's refusal to identify the premises meant that the Sub-Committee was unable to satisfy itself that the comparison was a proper one to make and that there were no factors specific to that premises which would not be applicable to the King's Head. Surrey Police acknowledged that there were no significant incidents currently at the King's Head and were only concerned with the expected increase in crime and disorder due to the extension of hours. The Sub-Committee agreed that such a comparison failed to demonstrate that similar crimes would occur at the King's Head as a result of the extension of hours on a Friday and Saturday night. The Sub-Committee accepted that Surrey police had concerns about the potential for late night crime and disorder but noted that the applicant was in agreement with the majority of conditions suggested by Surrey Police. The Sub-Committee was satisfied that with these additional safeguards, particularly moving the CCTV cameras to face the doors and the employment of two door staff , one to man the premises and one to man the outside smoking area the extension of the opening hours would be controlled so as not to lead to crime and disorder or cause a public nuisance. The applicant had not agreed the doorstaff condition but the Sub-Committee felt that it was necessary to impose such a condition to manage the smoking area as well as the remainder of the premises.

Signature of Chairman:

Dated: