

## LICENSING SUB-COMMITTEE

6 July 2016

<b>Application Type:</b>	Application to vary Premises Licence - GUPLA0184	
<b>Ward:</b>	Friary and St. Nicolas	<b>Ward Councillors:</b> Cllr Chesterfield Cllr Goodwin Cllr Reeves
<b>Applicant:</b>	Jonathan Outram	
<b>Premises:</b>	Thirty3 Hz, 16 Park Street, City Centre, Guildford, GU1 4XB	
<b>Proposal:</b>	The application is seeking a variation to the existing license. The variation seeks to add the licensable activities of provision of plays, provision of films, provision of performances of dance, provision of anything of a similar description to live music, recorded music or performances of dance and late night refreshment. The application also seeks to extend the hours for the sale of alcohol, live music and recorded music and the opening hours of the premises. The application also seeks changes to various conditions attached to the licence.	

### 1. SITE LOCATION

The premise is located to the west of A3100 (Park Street).

A site location map is attached at Appendix 1.

### 2. APPLICATION

#### **Addition of Licensable activities:**

- Provision of plays
- Provision of films
- Provision of performances of dance
- Provision of anything of a similar description to live music, recorded music or performances of dance
- Provision of late night refreshment

The applicant is also applying for the variation of conditions (See below) and to licensed hours.

The applicant states that the application is to Remove all conditions from beginning of E onwards which are now out of date and not fit for purpose except for G5,6,7,8 and 9 and replace with the below listed proposed conditions.

Please see for reference the attached current licence at Appendix 2.

#### **DOOR STAFF CONDITIONS**

1) On Friday and Saturday the premises will operate with a minimum of one Security Industry Authority (SIA) door supervisor from 22.00 to 23.00 and two SIA door Supervisors from 23.00 until closing.

- 2) The requirement for numbers of door supervisors will be risk assessed by the venue and the SIA numbers will be further used/increased/decreased depending on the type of event and the SIA numbers will be further used/increased/decreased depending on the type of event that is to be held at all times the premises is open for licensable activities.
- 3) Where the premises are to open Sunday to Thursday minimum of one SIA doorman from 11pm until closing when open for licensable activities.
- 4) When carrying out this risk assessment the venue will take into account any advice from the Police. Any change will be in writing.
- 5) SIA door supervisors when present to assist in dispersal of patrons when the venue closes.

### **CONDITION OF LAST ENTRY**

- 1) No entry after 1.30am.

### **SMOKING AREA AT FRONT OF PREMISES.**

- 1) No more than 25 patrons to be allowed in the front of the premises to smoke at any one time. Door supervisor when present will monitor the outside front smoking area.

### **REAR SMOKING AREA**

- 1) This rear smoking area to be accessible to Patrons from open until 1.30a.m. Smoking area to be monitored by staff and management.
- 2) Drinks/beverages allowed to be taken up by Patrons to this smoking area at rear of building.
- 3) If in the opinion of an authorised Officer of the Council, noise from the premises is causing or is likely to cause a nuisance, the Licensee /duty manager shall upon the request of the officer take steps to effectively reduce the noise and abate the nuisance.
- 4) The licensee shall develop and practice an operational policy to facilitate the management of clientele in a responsible manner when attending and departing the premises.
- 5) The licensee shall take all reasonable steps to encourage clientele to enter and leave the premises quietly and orderly to avoid any excess noise and disturbance to local residential dwellings.
- 6) The licensee shall display notices at all public exits requesting customers to take all steps to minimise noise once they have left the premises.
- 7) No handling of goods or materials, which is audible from beyond the site boundary, shall be carried out of the premises between 23.00 and 07.00 hours. This shall particularly include operations such as putting material or bottles in to waste or recycling containers.
- 8) The Licensee shall ensure that any plant or equipment operating, including extraction and ventilation plant shall not cause disturbance to local noise sensitive premises.



## 2.1 Promotion of the four licensing objectives

The applicant has submitted a number of proposals and steps that he intends to take, in order to promote the four licensing objectives, which are listed in section 16 of the application, which is attached as **Appendix 3.**

## 3. **CONSULTATION**

The application was in consultation from 17<sup>th</sup> May until 14<sup>th</sup> June 2016.  
The application was advertised in accordance with regulations.

### **Responsible Authorities.**

There have been representations/objections received from the following: Surrey Police and Guildford Borough Council Environmental Health and Occupational Health and Food Safety Teams.

### **In summary**

1. Surrey Police have raised concerns regarding the proposed variation to the conditions relating to door staff, the smoking area and re-entry. Details of the representation and proposed conditions are attached at **Appendix 4.**
2. Guildford Borough Council, Environmental Health regarding noise nuisance with a particular concern about the opening hours requested (closing time 0300 and extra hour in summers) and prolonged noise impact on residents. There are no details of noise insulation currently in place or proposed. Proposed conditions are attached in the representation at **Appendix 5.**
3. Guildford Borough Council, Occupational Health and Food Safety Teams regarding removal of existing conditions the proposal regarding smoking area and provision of entertainment and late night refreshment, attached at **Appendix 6.**

It should be noted that the representations in respect of the smoking areas are unclear as there are currently no restrictions on the use of these areas

The Sub-Committee may only consider representations, which are relevant to the effect of the variation on the licensing objectives. The Sub-Committee must grant those parts of the application, which have not been the subject of representations.

The representations in respect of the smoking areas are unclear because there are currently no restrictions on the use of the smoking area other than the closure of the rear patio area at 23:00.

### **Representations from other persons**

There have been no representations/objections received from the public.

#### **4. LICENSING POLICY**

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

- Section 4 Fundamental Principles
- Section 11 Licensing Hours
- Section 12.2 Prevention of Crime & Disorder
- Section 12.3 Public Safety
- Section 12.4 Prevention of a Public Nuisance
- Section 13 Licence Conditions

#### **5. NATIONAL GUIDANCE**

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

Paragraphs 2.1 – 2.5 – Crime and Disorder

Paragraphs 2.6 – 2.8 – 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.

#### **6. CONCLUSION:**

1. The Sub-Committee must consider the application for the grant of a variation to the premises licence on its merits.
2. Subject to paragraph (3) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
3. 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. 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 whole or part of the application.

#### **Originator:**

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