

LICENSING SUB-COMMITTEE

22 January 2018

Application. Type:	Application for the variation of a Premises Licence, number GUPLA0296	
Ward:	Friary and St Nicolas Ward	Ward Councillors: Cllr Alexandra Chesterfield Cllr Angela Goodwin Cllr Caroline Reeves
Applicant:	Punch Taverns Limited, Jubilee House, Second Avenue, Burton on Trent, Staffordshire, DE14 2AW	
Agent:	TLT Solicitors, One Redcliff Street, Bristol, BS1 6TP	
Premises:	The Cannon, 3 Portsmouth Road, Guildford, Surrey, GU2 4BL	
Proposal:	The premises is a public house located in the town centre. The application is to vary the authorised plans attached to the licence to allow a pop-up bar to be located on the rear terrace, and to replace the conditions attached to the licence. All licensable activities and authorised hours to remain unaltered.	

1. SITE LOCATION

1.1 The premises is a public house situated on the edge of the town centre. There are mainly residential properties with some commercial properties in the vicinity. 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 GUPLA0296 and the authorised plans are attached as **Appendix 2**.

2.2 The licence commenced on 24 November 2005, and was transferred to the current licence holder on 2 February 2017.

2.3 The designated premises supervisor (DPS) has been varied twice since the licence was first granted. The current DPS has been named on the licence since 7 March 2017.

2.4 The authorised plans attached to the licence were varied by means of a minor variation, which took effect from 10 May 2017. There have been no changes to the hours or conditions since the licence first commenced on 24 November 2005

3. APPLICATION

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

3.1 Proposed hours and licensable activities:

There is no change to the proposed licensable activities or the authorised hours as set out on the current premises licence.

3.2 Conditions

3.2.1 The applicant has proposed replacing the existing conditions with the conditions set out in the application form. Where appropriate we have tried to convert these into the following enforceable conditions.

1. All staff shall be suitably trained for their job function for the premises. A record of this training, which will include regular refresher training, shall be maintained by the licence holder and made available, on request, to an authorised officer of a responsible authority.
2. The premise licence holder shall ensure that the Designated Premises Supervisor, or in his/her absence another responsible person, keeps a 'Refusal and Incident Report Register', in which full details of all incidents are recorded. This shall be completed as soon as possible after the incident. The time and date of both the incident and when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of a responsible authority when required.
3. The premises licence holder or their nominated person shall ensure that they engage with any local operating Pub Watch or similar scheme.
4. All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage. This shall form part of the staff training record maintained by the premises licence holder.
5. Except for access and egress, doors and windows shall be kept closed whenever regulated entertainment is provided or after 23:30 hours in any event.
6. During regulated entertainment, noise levels shall be monitored at regular intervals determined by the licence holder. If unreasonable noise disturbance is witnessed, action will be taken to reduce noise levels. A record of this monitoring and any action taken shall be kept on the premises and made available, on request, to an authorised officer of a responsible authority.
7. Where possible, live music instruments shall be channelled through the premises permanent music system with regular external sound checks and a volume override behind the bar to be controlled by the duty manager.
8. Prominent signage shall be displayed at the premises, reminding customers to leave the premises quietly and respect the neighbours.
9. No disposal of waste/glass bottles, which is audible from beyond the site boundary, shall be carried out at the premises between 23:00 hours and 07:00 hours. This shall particularly include emptying bottle bins into waste and recycling containers.
10. No consumption of food or drink is permitted outdoors after 23:30 hours, save for on the rear balcony where customers are permitted to consume food and drink until the premises closes. Notices will be displayed to this effect.
11. A portable/pop up bar can be erected on the balcony. This temporary bar will close to customers at 23:00 hours.

12. Children are permitted on the premises until 21:00 hours unless partaking in a sit down meal or attending a private function where they are permitted on the premises until their meal or the function finishes
13. Children are only permitted on the premises if accompanied by an adult.
14. The premises shall operate a challenge 21 age verification policy. Staff shall be trained in this policy and recorded in the staff training record. This policy shall be actively promoted and shall state that any person to whom the sale or supply of alcohol is being made, who looks or appears to be under the age of 21 shall be asked to provide identification that they are 18 years of age or over. The following forms of identification are acceptable: (a) Passport; (b) Photo driving licence; (c) PASS accredited holographic proof of age card; or (d) Any other form of identification agreed with the Police. Signs promoting this policy shall be prominently displayed at all entrances and the alcohol sales areas.

3.2.2 Any conditions which relate to live music or recorded music are suspended between the hours of 08:00 and 23:00 on the same day provided the premises are open for the purposes of being used for the sale of alcohol for consumption on the premises, and if the music is amplified, it takes place before an audience of no more than 500 people. The only way a condition can be enforced between 08:00 and 23:00 is if it has been amended during a review of the premises licence to state that section 177A of the Licensing Act 2003 does not apply to it.

3.2.3 Proposed conditions 5, 6 and 7 listed in 3.2.1 above, the existing conditions relating to live and recorded music (if the Sub-Committee declines to remove them) and any amended conditions imposed by the Sub-Committee would therefore only apply and be enforceable for live music after 23:00 on Friday and Saturday, and for recorded music after 23:00 Monday to Sunday, unless there were more than 500 people in the audience.

3.3 Authorised Plan

The proposal is to change the layout of the premises, to permit the installation of a temporary, pop up bar. As a result of this, the licensable area has been extended.

4. CONSULTATIONS

(i) Consultation period

The application was in consultation from 2 December to 29 December 2017. The application was advertised in accordance with the regulations.

(ii) Representations from Responsible Authorities

A representation was received from Environmental Health (Pollution Control) on the grounds of prevention of public nuisance. A copy of this representation is attached as **Appendix 4**.

(iii) Representations from other persons

There were no representations from other persons.

5. LICENSING POLICY

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

- Section 4: (Fundamental Principles)
- Section 12.4: 12.4.1 – 12.4.6 (Prevention of Public Nuisance)
- Section 13 (Licence Conditions)

6. NATIONAL GUIDANCE

The following sections of the Guidance issued in April 2017 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.15 – 2.21 – Public Nuisance

Paragraphs 9.31 – 9.41 – Hearings

Paragraphs 9.42 – 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives

Paragraphs 10.1 to 10.66 – Conditions attached to premises licences

Paragraphs 16.36 – 16.44 – Licence conditions – Live or recorded music/Beer gardens

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:

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