

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE A

held on 7 December 2023

Present:

Cllr R Leach (Chairman)
Cllr S Hussain (Vice-Chair)
Cllr A Caulfield

1. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 16 October 2023 be approved and signed as a true and correct record.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - DOUBLETREE BY HILTON WOKING

The Sub-Committee had before it a report regarding an application by CSE Residents Property Management Limited for a Review of the Premises Licence held by DoubleTree Hilton, Woking. Mr Rees-Gay attended the meeting to represent the hotel along with Mr Kiss, the Premises Licence Holder, Mr Butt of Doubletree Hilton and Mr King of Acoustic and Engineering Consultants Ltd. Ms Nowicka attended the meeting alongside Mr and Mrs Block to represent CSE Property Management Limited.

All parties present had a copy of the Licensing Committee's agreed procedure to be followed at Licensing Sub-Committee hearings. The Chairman introduced Members of the Sub-Committee and outlined the order of speaking which would be followed at the hearing.

The Licensing Authority's representative, Mr Cobb, advised the Sub-Committee that the hotel had opened in March 2000 and the Council's records showed that a Premises Licence had been held since at least 2005. The adjacent residential block, Enterprise Place, had been built in 2009. The Licensing Department had received a request for a review of the Premises Licence from Mr Hatherley of CSE Residents Property Management Ltd on 18 October 2023 in relation to two of the licensing objectives: the prevention of crime and disorder and the prevention of public nuisance in reference to noise music affecting residents. A letter had also been received from Environmental Health which was attached as Appendix 4 to the report.

None of the parties present had any questions for Mr Cobb.

The Chairman gave Ms Nowicka and Mr Block the opportunity to address the Sub-Committee. Mr Block stated that he and his wife had moved to Woking and that living in a peaceful environment was an important factor. In addition to the social gathering towards the end of 2022, there had been two noise limit tests on 19 September and 28 November 2023, however it was not felt that these tests had fairly replicated an evening event where music had been played, for example discjockey announcements, karaoke or live music. He stated that prior to 2022, issues had been easier to resolve with the hotel.

Ms Nowicka stated that the main issue for the residents was that the conditions proposed by the hotel were felt to be insufficient and highlighted a number of examples from the logs supplied by CSE Property Management Ltd as part of the call for the Review between March 2022 and September 2023. The Sub-Committee was advised that the residents felt that there had been breaches of the Licensing Objectives relating to the prevention of crime and disorder due largely to noise nuisance, protection of children from harm, raising a question of whether Challenge 21 was in force, and public safety with instances of rubbish and shattered glass outside the venue. She asked for consideration to be given to reducing the end time for the sale of alcohol to 21.00 hours and noted that the existing Premises Licence had been granted prior to the construction of Enterprise Place.

Neither Mr Cobb nor Mr Rees-Gay had any questions for Ms Nowicka.

Following questions by Members of the Sub-Committee, it was stated that 24 out of the 129 apartments had signed the submitted petition as just the first four floors had been canvassed; the Town Centre would have a higher level of noise generally than some of the more rural parts of the Borough; and that there had been an occasion of music being played for over seven hours continuously.

The Chairman gave Mr Rees-Gay the opportunity to address the Sub-Committee, who stated that Mr Kiss was an experienced premises licence holder working for many years in hospitality. He stated that the two events which had caused issues should be regarded as exceptional, referring to the event attended unexpectedly by a TikTok influencer and a chaotic wedding. Since the Review had been called, the Christmas functions at the venue had been cancelled. Noise testing had been carried out and none of the parties present, including Environmental Health, could hear any noise in the flats that were available. A noise limiter had been installed at the hotel which would ensure recorded music and microphone use by discjockeys remain below a set level. He stated that no concerns had been raised by Surrey Police or Children's Services.

A set of ten conditions had been proposed by DoubleTree to add to the licence which included the limiting of live events to five per annum with two weeks' notice to be provided. The conditions had been re-worded by the Council's Senior Solicitor and were before the Sub-Committee for consideration:

"1. For events where there are over 100 attendees, there shall be in attendance Door Supervisors who are SIA trained at a ratio of one Door Supervisor per 100 attendees. At all other times the requirement for Door supervisors will be risk assessed by the Premises Licence Holder.

2. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a Door Supervisor in a register kept for that purpose. That record shall contain the following details: a) the door supervisor's name, date of birth and home address b) his/her Security Industry Authority licence number c) the time

and date he/she starts and finishes duty d) the time of any breaks taken whilst on duty e) each entry shall be signed by the door supervisor. That register shall be made available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable. Such records to be kept and maintained for no less than 12 months.

3. For events where there are over 100 attendees there shall be a written access/dispersal policy in place to assist dispersal of clientele from the premises in a swift, efficient and safe manner. That policy shall be made available for inspection on demand by an Authorised Officer of the Council. Such policy shall remain in perpetuity.

4. For events where there are over 100 attendees, there shall be a written smoking policy in place. That policy shall be made available for inspection on demand by an Authorised Officer of the Council. Such policy shall remain in perpetuity.

5. The Premises Licence Holder shall display the telephone number/email address of the Designated premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible by the public.

6. The Licence Holder shall designate a specific taxi firm for staff and customers to use and ensure that taxi drivers do not use the vehicle horn to attract attention.

7. Notices will be displayed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) requiring customers to leave the premises and the area quietly.

8. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level approved in writing by the appropriate Environmental Health Officer of the Council. The device shall be kept in a locked, tamper proof box.

9. All speakers must be isolated from the structure of the building to prevent transmission of vibration.

10. Live bands will only perform on a maximum of five occasions per calendar year. Both Environmental Health and CSE Residents Property Management Limited (or any subsequent management company in charge of the Enterprise Place) will be given a minimum of 14 days written notice of a live band performing. Live bands to cease performing at 23.00hrs.”

It was stated that Mr Rees-Gay had requested that if the conditions were agreed for adding to the licence, the wording of item eight would be tweaked in consultation with Environmental Health following the meeting.

The acoustic specialist who had conducted the noise testing, Mr King, stated that in his view the venue was going above and beyond what would be reasonable to prevent disturbance to the hotel's neighbours, and confirmed that the limiter if set correctly could control bass and microphone noise.

Following questions by Ms Nowicka, it was stated that events at Christmas tended to be more frequent; when neighbours complained about the event attended by the TikTok influencer the bar was closed and the hotel was closed for entry; and the noise testing had been organised at the request of Mr Rees-Gay.

Following questions by Members, it was noted that the hotel operated the best practice of three door staff to cover a party of up to 90 people and the hotel offered an additional condition of no under-18 parties; and the hotel generally undertook 30 events each year.

The Chairman gave the parties present an opportunity to make a closing statement.

Mr Cobb stated that he had no closing statement to make.

Ms Nowicka stated that the noise testing was felt to be unrealistic as it did not represent a live event and urged the Sub-Committee to reconsider the licensable hours, noting that the conditions proposed by the hotel were welcome.

Mr Rees-Gay referred to the two occasions of noise testing which had taken place, the investment made by the hotel in a noise limiter, the pausing of the Christmas events and no representations being received from Surrey Police or Children's Services. He urged the Sub-Committee to add the proposed conditions to the licence.

The Chairman adjourned the meeting at 12.00pm. The Sub-Committee deliberated in private, requesting that the Council's Solicitor join them for the provision of legal advice, and re-assembled at 12.15pm.

The Chairman stated that having read the reports and considered the arguments, taking into account the licensing objectives, statutory guidance, legislation and Woking Borough Council's Licensing Policy, the Sub-Committee had decided to modify the premises licence by adding the ten conditions as set out above. Following the meeting, the wording of item eight would be adjusted following the request by Mr Rees-Gay.

The Sub-Committee was satisfied that the licensing objectives would be upheld by imposing the additional conditions which would help reduce any potential risk of noise nuisance and alleviate the concerns raised by the objectors. Following the meeting, the wording of item eight would be tweaked by the Licensing Department in consultation with Environmental Health. The Chairman stated that weight had been given to the expert acoustic evidence and comments by the Environmental Health Officer. The additional conditions imposed were considered to be reasonable and proportionate to promote the licensing objective of the prevention of public nuisance.

Any party to the decision or anyone who had made a relevant representation in relation to the application could appeal to the Magistrates' Court within 21 days of notification of the decision.

RESOLVED

That the Premises Licence held by DoubleTree Hilton be modified by adding the ten conditions set out above, noting that the wording of item eight would be adjusted following the meeting.