

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

Executive Summary

This report considers an application to review the Premises Licence (PL) for the above premises.

Recommendations

The Committee is requested to:

RESOLVE That the Sub-Committee considers the application having regard to the four licensing objectives and the grounds for the review from the interested parties.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers:

None.

Reporting Person:

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1.0 Summary of Proposal

Application Type: Premises Licence Review

Site Address: The Doubletree Hilton
Victoria Way
Woking
GU21 6EW

Applicant Peter Hatherley
CSE Residents Property Management Ltd

Licence Ref: 22/00166/PREMIS

2.0 Description of Premises and current Operating Schedule

2.1 The premises operate as a hotel and is situated on Victoria Way, Woking. The premises has 161 bedrooms and conference facilities. The premises has one bar and restaurant.

2.2 Current licensed hours of operation are:

Sale of alcohol	Week Days	11:00 - 23:00
Sale of alcohol	Saturday	11:00 - 23:00
Sale of alcohol	Sunday	12:00 - 22:30
Dance	Week Days	09:00 - 01:00
Dance	Saturday	09:00 - 01:00
Dance	Sunday	00:00 - 00:00
Live music	Week Days	09:00 - 01:00
Live music	Saturday	09:00 - 01:00
Live music	Sunday	09:00 - 00:00
Recorded music	Week Days	00:00 - 00:00
Recorded music	Weekends	00:00 - 00:00
Other entertainment	Week Days	09:00 - 01:00
Other entertainment	Saturday	09:00 - 01:00
Other entertainment	Sunday	09:00 - 00:00
Late night refreshment	Week Days	23:00 - 00:30
Late night refreshment	Saturday	23:00 - 00:30
Late night refreshment	Sunday	23:00 - 00:00

2.3 The following Seasonal Variations or non standard timings also apply

Good Friday: 12.00 to 22.30

Christmas Day: 12.00 to 15.00 and 19.00 to 22.30; sales of alcohol are permitted to non-residents in the restaurant between 15.00 and 19.00 on Christmas Day if the sale is ancillary to a table meal.

New Year's Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day, sales of alcohol are permitted to non-residents in the restaurant for an additional hour (i.e. until 00.00 on Monday to Saturday and until 23.30 on Sunday) if the sale is ancillary to a table meal. Sales of alcohol are permitted

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without limitation to residents and their bona fide guests entertained at the resident's expense.

2.4 A copy of the Premises Licence as currently issued is attached as Appendix 1.

3.0 Licence History – for reference

3.1 The Licensing Act 2003 (the Act) replaced earlier controls of alcohol and introduced a more permissive, flexible regime.

3.2 The Act consolidated a diverse system of licences that had been separately issued for late-night refreshment and regulated entertainment.

3.3 Before the Act, alcohol licences had been issued in Magistrates' courts through what was largely an administrative procedure, and licensees had to formally attend to get their licences renewed every three years.

3.4 The Licensing Act 2003 was enacted on the 24th of November 2005 and replaced the Licensing Act of 1964, updating the regulations and changing the laws around selling alcohol, selling hot food or drinks after 11pm, and certain kinds of entertainment.

3.5 As part of this process, the responsibility for issuing Premises Licences no longer fell to the Magistrates Courts, but were now under the jurisdiction of the Local Authority.

3.6 Any existing licence holders had to apply to the Local Authority under the new Legislation, and a process was set up whereupon Licences that had been granted by the Magistrates Courts prior to the implementation of the new act were permitted to be carried straight over.

3.7 The earliest record we have for this licence dates back to October 2005, with the record showing that it was valid with effect from the 24 November 2005.

3.8 It can therefore be established that this was a Licence that had been granted by The Magistrates Courts sometime prior to our involvement, with the Licensable Hours and activities having been agreed by the Courts, as opposed to the Local Authority.

4.0 Details of the Review Application

4.1 On the 18 October 2023, the Licensing Department received a request for a review of the Premises Licence from Mr Peter Hatherley of CSE Residents Property Management Ltd.

4.2 Section 51 of the Licensing Act 2003 allows "Interested parties" or "Responsible Authorities" to request a review of a premises licence. The Act allows provision for the review of premises licences from residents in the area of such premises to voice their concerns should they feel that the premises are causing problems.

4.3 The grounds for review are in relation to two of the licensing objectives: the prevention of crime and disorder and the prevention of public nuisance (the amount of noise music disrupting residents).

4.4 A copy of the review request is attached as Appendix 2.

4.5 The supporting documents provided by the applicant are attached as Appendix 3.

4.6 Supplementary evidence was received in relation to the review and is attached as Appendix 3b.

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5.0 Relevant Representations

- 5.1 A representation was received from Environmental Health Officer of Woking Borough Council.
- 5.2 The Environmental Health Representation is attached as Appendix 4.

6.0 Policy Considerations

- 6.1 In making its decision, the Sub-Committee is obliged to have regard to National Guidance and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 6.2 The Licensing Officer considers the following policies taken from the '*Licensing Policy for Woking Borough*' should be considered for this application.

6.0 Fundamental Principles	
6.3	The Council recognises that public houses, nightclubs, restaurants, hotels, theatres, private members clubs, concert halls and cinemas all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, regard will be given to those differences and the differing impact these will have on the local community.
6.4	The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.
6.6	The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
7.0 The Licensing Objectives (Prevention of Crime and Disorder)	
7.1	The Council will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter or leave.
7.2	In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.
8.0 The Licensing Objectives (Public Safety)	
8.1	The Council will carry out its licensing functions with a view to promoting public safety and will seek to ensure that licensees take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.
9.0 The Licensing Objectives (Prevention of Public Nuisance)	
9.1	The Council will carry out its licensing functions with a view to promoting the prevention of public nuisance and will seek to ensure that licensees take measures to minimise the impact of licensable activities at their premises on people living, working or sleeping in

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the vicinity. The prevention of public nuisance can include low-level nuisance affecting a few people living locally, as well as major disturbance affecting the whole community.

- 6.3 Section 52 of the Act requires the licensing authority to determine the application and have regard to any relevant representations “as it considers necessary for the promotion of the licensing objectives”.
- 6.4 The Sub-Committee may take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- (a) to modify the conditions of the licence
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- 6.5 The Sub-Committee is not obliged to take any of the above actions. For example, the committee may decide to take no action, or to issue an informal warning to the licence holder and to recommend that certain improvements take place.
- 6.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

7.0 Reference materials

- 7.1 To assist the Licensing Committee in their decision making process, the Local Government Association Councillors Handbook to the Licensing Act has been attached as Appendix 5, and the Supporting Guidance, “Pool of Conditions,” has been attached as Appendix 6.

8.0 Implications

Finance and Risk

- 8.1 There are no significant financial implications. A nationally set application fee is charged to defray the cost of processing applications.
- 8.2 The risks to the Council associated with determining an application are:
- Failure to undertake its statutory responsibilities within required timescales;
 - Making a decision that may be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
 - Making a decision that compromises Community Safety.
- 8.3 These risks have been dealt with in the report under section 4.0 by highlighting that the Sub-Committee is required to determine this application for a Premises Licence under the Licensing Act 2003 having due regard to the four Licensing Objectives, national guidance, the local licensing policy, relevant representations and evidence presented at the hearings. Determining applications in this way will reduce the risk of the decisions of the Council being

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open to challenge via appeal to the Magistrates Court and promote Community Safety in the Borough.

Equalities and Human Resources

8.4 None.

Legal

8.5 The Licensing Authority must act to promote the four Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

8.6 The Licensing Authority must have regard to its statement of Licensing Policy and the guidance issued by the Secretary of State in carrying out its functions.

9.0 Conclusions

9.1 The Sub Committee is requested to consider the report, the evidence it will hear, representations made, responses to questions raised and reach a reasoned decision.

9.2 The decision made will not come into force until the 21 day appeal period expires or any appeal is dealt with by the Courts if so lodged.

REPORT ENDS