

**APPLICATION FOR A REVIEW OF A PREMISES LICENCE – THE CROWN PUBLIC HOUSE,  
33 HIGH STREET, KNAPHILL**

**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:**

Appendix 1 – Premises Licence  
Appendix 2 – Surrey Police Review Request  
Appendix 3 – Proposed Conditions from 2010 Application  
Appendix 4 – Summary of amended conditions following variation  
Appendix 5 – Crown Agreed Conditions

Appendix A - Councillors Handbook  
Appendix B - Pool of Conditions

**Reporting Person:**

Emma Bourne, Head of Environmental Health  
Ext. 3840, E Mail: Emma.Bourne@woking.gov.uk

Derrick Laing, Licensing Officer  
Ext. 3015, E Mail: Derrick.Laing@woking.gov.uk

**Contact Person:**

Emma Bourne, Head of Environmental Health  
Ext. 3840, E Mail: Emma.Bourne@woking.gov.uk

Derrick Laing, Licensing Officer  
Ext. 3015, E Mail: Derrick.Laing@woking.gov.uk

**Date Published:**

29 February 2024

**Application for a Review of a Premises Licence – The Crown Public House, 33 High Street,  
Knaphill**

**Application for a Review of a Premises Licence – The Crown Public House, 33 High Street,  
Knaphill**

**1.0 Summary of Proposal**

**Application Type:** Premises Licence Review

**Site Address:** The Crown  
33 High Street  
Knaphill  
Woking  
GU21 2PP

**Applicant** Surrey Police

**Licence Ref:** 23/00169/PREMIS

**2.0 Description of Premises and current Operating Schedule**

2.1 The premises operate as a public house located in the centre of Knaphill.

2.2 The premises mainly concentrates on alcohol, providing no food directly. However it is in the vicinity of a number of takeaways, and the management permit customers to bring their takeaways into the pub to consume.

2.3 Current licensed hours of operation are:

|                        |                     |               |
|------------------------|---------------------|---------------|
| Sale of alcohol        | Monday to Thursday  | 11:00 - 23:00 |
| Sale of alcohol        | Friday and Saturday | 11:00 - 23:30 |
| Sale of alcohol        | Sunday              | 11:00 - 23:00 |
| Dance                  | Monday to Thursday  | 09:00 - 23:30 |
| Dance                  | Friday and Saturday | 09:00 - 00:00 |
| Dance                  | Sunday              | 09:00 - 23:30 |
| Film                   | Monday to Thursday  | 09:00 - 23:30 |
| Film                   | Friday and Saturday | 09:00 - 00:00 |
| Film                   | Sunday              | 09:00 - 23:30 |
| Late Night Refreshment | Friday and Saturday | 23:00 - 23:30 |
| Live music Monday to   | Thursday            | 09:00 - 23:30 |
| Live music             | Friday and Saturday | 09:00 - 00:00 |
| Live music             | Sunday              | 09:00 - 23:30 |
| Recorded music         | Monday to Thursday  | 09:00 - 23:30 |
| Recorded music         | Friday and Saturday | 09:00 - 00:00 |
| Recorded music         | Sunday              | 09:00 - 23:30 |
| Indoor sport           | Monday to Thursday  | 11:00 - 23:00 |
| Indoor sport           | Friday and Saturday | 11:00 - 23:30 |
| Indoor sport           | Sunday              | 11:00 - 23:00 |
| Opening hours          | Monday to Thursday  | 09:00 - 23:30 |
| Opening hours          | Friday and Saturday | 09:00 - 00:00 |
| Opening hours          | Sunday              | 09:00 - 23:30 |

2.4 The following Seasonal Variations or non standard timings also apply

Performance of Dance, Showing of Films, Live Music, Recorded Music are all for indoors only.

The Licensable Activities will be permitted outside of the hours specified when a major sporting event is to be shown on television in the premises and where the following apply:-

## **Application for a Review of a Premises Licence – The Crown Public House, 33 High Street, Knaphill**

- i. A minimum of 10 days notice is given to the Police
- ii. The Premises Licence Holder or DPS receives agreement in writing from the Police Licensing Officer to the premises opening and selling alcohol
- iii. The major sporting event is either:- An International Football match featuring England, Scotland, Ireland, Wales or Northern Ireland, an International Rugby Union match featuring England, Scotland, Ireland, Wales or the British Lions, an International Cricket match featuring England, a Boxing World Title Fight, a Formula One Race.

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

### **3.0 Details of the Review Application**

3.1 On the 23 January 2024, the Licensing Department received a request for a review of the Premises Licence from Inspector Sandra Carlier, Borough Commander of Woking on behalf of Surrey Police.

3.2 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.

3.3 The grounds for review are in relation to all four of the licensing objectives: the prevention of crime and disorder and the prevention of public nuisance(the amount of noise music disrupting residents), public safety and the protection of children from harm.

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

### **4.0 Premises History – previous licence holder and review/revocation**

4.1 The Crown in Knaphill has been licenced with Woking Borough Council since November 2005, when the Local Authority took over responsibility for Licensing from the Magistrates Courts.

4.2 In August 2010 the Premises Licence was revoked by a Licensing Committee following a review request submitted by Cllr Melanie Whitehand who was representing local residents. The review was supported by Surrey Police and the Woking Environmental Health Department.

4.3 The 2010 review was requested on the grounds of prevention of crime and disorder; public safety; and the prevention of public nuisance.

4.4 Following the revocation of the licence, Enterprise Inns PLC (as the freeholder of the site) instigated proceedings against the leaseholder and gained vacant possession of the property on or about the 4 November 2010.

4.5 Enterprise Inns PLC took control of the premises and applied for a new licence at the premises. Objections were received from local residents, Surrey Police and Environmental Health.

4.6 The Local Residents objection was in the form of a petition from nine residents of Highclere Court.

4.7 During the consultation process, both Surrey Police and Environmental Health Departments objected to the application – but withdrew their objections on the provision of a number of conditions put forward by the applicant.

4.8 These conditions are attached as Appendix 3 and are being included because in 2022 the Premises Licence holder removed a number of them.

## **Application for a Review of a Premises Licence – The Crown Public House, 33 High Street, Knaphill**

- 4.9 The licence was granted (with the new conditions, along with conditions accepted by the Licensing Sub-Committee) in December 2010.
- 4.10 A professional licensing couple were installed in the premises and a concerted effort was made to raise the professionalism of the site and ensure it was a safe and suitable premises to hold a licence, and run in such a way as to reduce undue involvement from third parties such as Environmental Health, Police or Licensing.
- 4.11 In 2020 Enterprise Inns PLC (EI Group Ltd) was taken over by Stonegate Group – the largest pub company in the UK.
- 4.12 In 2022 it was transferred to Craft Union Pub Company Ltd (the current licence holder) which is a Stonegate Group owned company.

### **5.0 Premises Variation**

- 5.1 In August 2022, a Major Variation was applied to vary or amend the conditions on the licence, amend the hours for the provision of films, recorded music and performances of dance to 0900 to 2330 on Sundays to Thursdays and 0900 to midnight on Fridays and Saturdays, and to permit live music from 0900 to 2330 on Sundays to Thursdays and 0900 to midnight on Fridays and Saturdays.
- 5.2 The details of the amendments to the conditions are attached as Appendix 4.
- 5.3 The most notable item here is the removal of the condition that was agreed on between the Premises Licence Holder, Surrey Police and Environmental Health back in 2010 relating to “no live music.” This was removed and the hours relating to live music were added to the licence.
- 5.4 Initial objections were received from Environmental Health but after negotiations with the Applicant over the wording, an agreement was met and consequently variation was granted in October 2022.

### **6.0 Personal Licence requirements**

- 6.1 As part of the Licensing Act 2003, it is a requirement of a Personal Licence holder to notify the Licensing Authority of any relevant changes to their situation.
- 6.2 Section 127 of The Licensing Act 2003 states that the holder of a personal licence must, as soon as reasonably practicable, notify the relevant licensing authority of any change in his name or address as stated in the personal licence, and commits an offence if he fails, without reasonable excuse, to comply with this section.
- 6.3 The Review Request received from Surrey Police states that both the DPS and the Assistant Manager have failed in these requirements, with one having the wrong name and the other having the wrong address on their personal licences.

### **7.0 Conditions agreed between Surrey Police and the Premises**

- 7.1 The Licensing department was advised by email on 19 February by the Solicitors representing the Crown that a set of conditions have been proposed by the premises in order to overcome the reasons for the review and that the Police have no objections to them. The conditions are attached as Appendix 5.
- 7.2 However it is for the Sub-Committee to decide the outcome of the review hearing and whether it is satisfied that the proposed conditions address the concerns of the Police resulting in the review and if not, the options available to the Sub-Committee are set out in paragraph 17.4 below.

**Application for a Review of a Premises Licence – The Crown Public House, 33 High Street,  
Knaphill**

**8.0 Policy Considerations**

- 8.1 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.
- 8.2 The Licensing Officer considers the following policies taken from the *‘Licensing Policy for Woking Borough’* should be considered for this application.

|             |   |
|-------------|---|
| <b>6.0</b>  | <b>Fundamental Principles</b>   |
| 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.  |
| <b>7.0</b>  | <b>The Licensing Objectives (Prevention of Crime and Disorder)</b>  |
| 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.   |
| <b>8.0</b>  | <b>The Licensing Objectives (Public Safety)</b>   |
| 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.   |
| <b>9.0</b>  | <b>The Licensing Objectives (Prevention of Public Nuisance)</b>   |
| 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 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.   |
| <b>10.0</b> | <b>The Licensing Objectives (Prevention of Harm to Children)</b>  |
| 10.1        | The Council will carry out their licensing functions with a view to protecting children from harm. In addition to the specific prohibitions in the Licensing Act  |

## Application for a Review of a Premises Licence – The Crown Public House, 33 High Street, Knaphill

on the access of unaccompanied children to certain premises between certain hours, licensees will be expected to take measures to ensure the safety and welfare of children on their premises. The Council is committed to reducing the problems arising from under-age drinking and to protect children from moral, psychological or physical harm.

- 8.3 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”.
- 8.4 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;
- 8.5 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.
- 8.6 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.

### 9.0 Reference materials

- 9.1 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 A, and the Supporting Guidance, “Pool of Conditions,” has been attached as Appendix B.

### 10.0 Implications

#### Finance and Risk

- 10.1 There are no significant financial implications. A nationally set application fee is charged to defray the cost of processing applications.
- 10.2 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.

## **Application for a Review of a Premises Licence – The Crown Public House, 33 High Street, Knaphill**

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

### Equalities and Human Resources

10.4 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.5 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation characteristics and persons who do not share it.

### Legal

10.6 The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

10.7 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

10.8 Members should note that each objective is of equal importance.

10.9 The Licensing Authority must have regard to the Council's statement of Licensing Policy and the Guidance issued pursuant to section 182 of the Licensing Act 2003 in carrying out its functions.

10.10 Under Paragraph 11.19 of the Revised Guidance under Section 182 of the Licensing Act 2003, the options available to the Licensing Sub-Committee in a review application are the following:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;



## **Application for a Review of a Premises Licence – The Crown Public House, 33 High Street, Knaphill**

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence

10.11 It should be noted that:

- (a) clear reasons must be given for the decision; and
- (b) any additional or modified conditions should be practicable and enforceable.

10.12 The applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court within 21 days on one of the grounds provided in schedule 5 to the Licensing Act 2003.

### **11.0 Conclusions**

11.1 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.

11.2 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