

## LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

THURSDAY, 17 MARCH 2022

PRESENT: Councillors David Cannon, John Bowden and Mandy Brar

Also in attendance: Councillor Gurch Singh, Mr Christopher Grunert (Applicants Representative), Miss Joanne Golding (Whitbread Group plc), Mr Greg Coulton (Objector) and Mr Mike Coulton (Objector)

Officers: Mark Beeley, Laurence Ellis, Jane Cryer and Craig Hawkings

### APPOINTMENT OF CHAIRMAN

Councillor Brar proposed Councillor Cannon as Chairman. This was seconded by Councillor Bowden.

**RESOLVED UNANIMOUSLY: That Councillor Cannon was elected as Chairman for the meeting.**

### APOLOGIES FOR ABSENCE

There were no apologies for absence received.

### DECLARATIONS OF INTEREST

There were no declarations of interest received.

### PROCEDURES FOR SUB COMMITTEE

The clerk read out the procedures that the Sub Committee would follow, this was noted by all those present.

### CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Jane Cryer, Legal Advisor, advised the Sub Committee that the objection to the application had been received late.

Craig Hawkings, Licensing Team Leader, clarified that the objection had been received on time but the request to speak at the meeting had been received late.

The applicants representative confirmed that they had no objection to the individual being allowed the opportunity to speak and address the Sub Committee.

### **The Reporting Officer to outline the application and the decision to be taken**

Craig Hawkings, Licensing Team Leader, set out the application. This meeting of a Licensing Sub-Committee was convened to hear an application for a new premise licence located within the Royal Borough of Windsor & Maidenhead. In line with the Licensing Act 2003, when relevant representations were made against an application, a hearing had to be held to consider them. A relevant representation made against an application for a new premises licence had to relate to at least one of the four licensing objectives set out in the Licensing Act

2003. These were; 'The Prevention of Crime and Disorder', 'Public Safety', 'The Prevention of Public Nuisance', and 'The Protection of Children from Harm'.

The purpose of this hearing was for the Sub-Committee to hear the application, receive written and oral representations from other parties and then to make a decision in respect of the application.

The Applicant was Whitbread Group plc and the Designated Premises Supervisor (DPS) was Miss Jacqueline Allum for the premises Premier Inn Hotel, Mellor Walk, Windsor. Whitbread Group plc had applied, under the Licensing Act 2003, for a new premises licence to be granted. The application was to licence a stand-alone hotel with related licenced accommodation operating under the Premier Inn brand. A summary of the application was as follows:

**Non-residents:**

- Recorded Music  
Monday to Sunday 10:00 – 00:30
- Late Night Refreshment  
Monday to Sunday 23:00 – 00:30
- Supply of alcohol (On & Off the premises)  
Monday to Sunday 10:00 – 00:30

**Hotel residents:**

- Recorded Music  
Monday to Sunday 10:00 – 01:00
- Late Night Refreshment  
Monday to Sunday 23:00 – 01:00
- Supply of alcohol (On & Off the premises)  
Monday to Sunday 00:00 – 00:00

**Seasonal Variation**

- To extend the proposed hours on New Year's Eve to New Year's Eve – terminal hour as proposed being 00:30 on 2 January.

The Designated Premises Supervisor (DPS) was Miss Jacqueline Allum.

This application had received no representations from the responsible authorities which included; Environmental Health, Royal Borough Fire and Rescue Service, Planning, Local Safeguarding Children's Board, Public Health, Trading Standards, Thames Valley Police and RBWM Licensing. There had been one individual representation from a resident that was relevant to the application as they related to one or more of the four licensing objectives.

The Licensing Panel Sub Committee was obliged to determine the application with a view to promoting the four licensing objectives which were:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

In making its decision, the Sub-Committee was also obliged to have regard to national guidance and the Council's own Licensing Policy. The Sub-Committee had to have regard to all of the representations made and the evidence that it heard. The Sub-Committee must, having regard to the application and to the relevant representations, take such step or steps as it considered appropriate for the promotion of the licensing objectives.

The steps that were available to the Sub-Committee were:

- (a) Reject the application;
- (b) Refuse to specify a person in the licence as the premise's supervisor;  
(\*Note – not all of these will be relevant to this particular application)
- (c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence;
- (d) Grant the application.

Where conditions were attached to a licence then reasons for those conditions had to be given.

The Sub-Committee were reminded that any party to the hearing could appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

### **Questions to the Reporting Officer from Members**

Councillor Cannon asked what the rationale was for there to be a 30 minute difference between residents and non-residents in the application, he asked if this was normal licensing procedure.

Craig Hawkings said that it was for the applicant to explain why there was a difference, the applicant was free to apply for what they wished.

Councillor Brar asked if it was common practise for 24 hours to be requested for late night refreshments at hotels.

Craig Hawkings clarified that it was the supply of alcohol which was being requested for 24 hours a day, this was common.

### **Questions to the Reporting Officer from the applicant**

The applicants representative raised some issues with the report, the applicant had not applied to play recorded music at all. However, the playing of moving images on a screen had been applied for until 12.30am. Late night refreshment for residents of the hotel was not a licensable activity. It was important to note that the sale of alcohol was unrestricted for residents but was restricted to the hours listed in the application for non-residents.

Craig Hawkings confirmed that this was correct, the applicant was looking to license the ability to play film rather than recorded music, this element of the application could be ignored. Late night refreshment for residents was not a licensable activity.

## **Applicants Case**

The applicants representative explained that Whitbread Group plc operated a number of brands, with Premier Inn being one of those brands. There was a brand standard which had become the expectation of guests when staying at a Premier Inn hotel and it was important from a business point of view to maintain this reputation. Whitbread Group plc were looking to redevelop the hotel and make it family friendly, there was plenty to do in Windsor for visitors. In the week, Premier Inn often served individuals and business customers, while at the weekend and holidays it was usually predominately families for leisure purposes. The food and bar area of the hotel would be licensed but Premier Inn did not license the bedrooms, these were serviced using the off sale of alcohol to residents.

The applicants representative drew the Sub Committee's attention to the drinks list, which had been included in the agenda pack. The prices were not at the lower end of the scale and the hotel would therefore not be a 'wet lead' venue where alcohol was a priority focus. As an example, a bottle of wine from the hotel bar was significantly more expensive than other close by supermarkets. The bar was run in house by Premier Inn's restaurant brand and had the feel of a hotel bar, it was not going to be a nightlife hotspot that would be competing with other bars and clubs in the local area.

Considering the objection which had been made to the application, the applicants representative could not agree with the issues raised. Food would not be allowed to leave the premises, residents were free to go back to their rooms but non-residents were not allowed to take food off site. There was no need to reduce the hours that had been applied for, Premier Inn was not associated with issues related to alcohol. Staff had the hotel had a lot of control, with most of the facilities like lifts only accessible via a room key card. The main front door would also be locked after 11pm to the general public and would only be accessible to residents staying at the hotel. This was a system which Premier Inn had implemented at all of their hotels and had worked well. A 24 hour reception was also available in case of any issues.

Considering the potential issues with smoking from residents which had been raised in the objection, the applicants representative said that smoking was not promoted but was a personal choice. The law stated that smoking needed to take place outside premises, there would not be a designated smoking area. Whitbread Group plc took pride in promoting the four licensing objectives, everything at Premier Inn was carefully managed and they were careful to abide by the 'good night's sleep' guarantee. Whitbread Group plc had a duty to consider the public and the local community. There had been one objection received to the application, none of the responsible authorities had made a representation and they were completely neutral on matters like this. The applicants representative asked the Sub Committee to consider granting the application in full, as had been requested.

## **Questions to the applicant from Members**

Councillor Bowden suggested that visitors to the night time economy in Windsor may use the hotel to stay overnight. He asked if large TV screens would be used to show sport.

The applicants representative said that there a 'good night's sleep' guarantee, the main door was controlled and there would be a 24 hour reception so that any issues with noise could be easily managed and controlled. The hotel was not planning to subscribe to sports channels like Sky Sports or BT Sport at the current time.

Councillor Brar asked how the hotel would manage things like live music events.

The applicants representative clarified that the hotel would not be promoting live or recorded music, this was not part of the licensing application.

Councillor Cannon asked for confirmation of where the hotel entrance would be.

He was informed that the only entrance for pedestrian access would be on the corner, opposite the Crown Hotel car park.

### **Representations from other persons**

There was one objector to the application, from Greg Coulton. He explained that he had invested in the building adjoining the proposed Premier Inn, where apartments would be built which would have their own self-contained kitchens. The clients for the Premier Inn would be business customers in the week but it was at the weekend where there was concern. The hotel could be used by visitors who would go to local bars and clubs and cause disruption to residents in the surrounding area. It was good to see that the entrance was planned to be the opposite side to Mr Coulton's development, but he expressed concern that there would be no security guards at the entrance to the hotel, they would ensure that customers were not disturbed. Premier Inn had a promise to offer refunds if customers were not satisfied with the experience they had received, this was not possible for Mr Coulton. Mr Coulton asked if the main door would definitely be shut from 11pm, with it only be accessible to those with a key card after this time. He suggested that the request for late night refreshments to be licensed was reviewed by the Sub Committee, he was happy with this for residents but not for non-residents. Other hotels in the local area were more restricted, for example the Caste Hotel was only allowed to serve until 11pm.

### **Members to ask questions of other persons**

Councillor Cannon asked where Mr Coulton's development was located, in proximity to the Premier Inn and whether this development had been completed.

Mr Coulton said it was to the left of the Premier Inn hotel and the developers were unable to change the exterior of the building due to it being a heritage asset, the inside of the building would be converted from office space to residential units.

The applicants representative asked what sort of accommodation would be offered by Mr Coulton.

Councillor Cannon said that this was not a consideration for the Sub Committee as it was a future development.

Mr Coulton explained that there would be a mix of lets but he was looking at a number of different options.

### **Summary from applicant**

The applicants representative added that Whitbread Group plc had offered to meet with the objector prior to the meeting to discuss the issues which had been raised. The concerns were similar across both parties, the applicant also did not want any noise or other issues to occur in the local area. Addressing the request for a door supervisor, this was not needed as the situation would be managed effectively by staff at the hotel. There was a strong evidence across the many branches of Premier Inn across the country. The main doors would be shut at 11pm but access was not denied. The licence applied for was well within the RBWM framework policy hours. The applicants representative hoped that he had given assurance to both the Sub Committee and the objector that there would be no issues if this license was granted as applied for.

## **Summary from the Reporting Officer**

The Licensing Panel Sub Committee was obliged to determine this application with a view to promoting the four licensing objectives which were:

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

In making its decision, the Sub Committee was also obliged to have regard to national guidance and the Council's own Licensing Policy. The Committee had to have regard to all of the representations made and the evidence that it heard.

The Sub-Committee had to, having regard to the application and to the relevant representations, take such step or steps as it considered appropriate for the promotion of the licensing objectives. The steps were:

- (a) Reject the application;
- (b) Refuse to specify a person in the licence as the premise's supervisor;  
(\*Note – not all of these will be relevant to this particular application)
- (c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence;
- (d) Grant the application.

Where conditions were attached to a licence then reasons for those conditions had to be given.

The Sub-Committee were reminded that any party to the hearing could appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

## **Decision**

After careful consideration of all the evidence, the Sub-Committee decided to allow the application as applied for, including the conditions which had already been agreed in Appendix D of the main report.

The Sub-Committee considered the written submissions provided by the applicant, Officers of the Council and Objectors. The Panel also heard oral evidence provided from the following:

- Craig Hawkings (Reporting Officer at the Royal Borough of Windsor & Maidenhead)
- Mr Christopher Grunert (Applicants Representative)
- Mr Greg Coulton (Objector)

In making their decision, the Sub-Committee had regard to its duty to promote the four licensing objectives.

The meeting, which began at 10.00 am, finished at 11.05 am

CHAIRMAN.....

DATE.....