

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE B

held on 29 September 2022

Present:

Cllr L M N Morales (Chairman)
Cllr J P Morley (Vice-Chair)
Cllr C S Kemp

1. ELECTION OF CHAIRMAN

Councillor L Morales was elected Chairman of the Sub-Committee for the remainder of the Municipal Year.

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor J Morley was appointed Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. APPLICATION FOR A PREMISES LICENCE - OKRA LOUNGE, 30-31 STATION APPROACH, WEST BYFLEET LSB22-006

The Sub-Committee had before it a report regarding an application for a new Premises Licence for Okra Lounge, 20-31 Station Approach, West Byfleet, for which objections had been received from two members of the public living closeby. Mr Ayhan Surum, partner of Okra Lounge, attended the meeting with Debbie Harlow. None of the objectors were present.

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, summarised the report that was before the Sub-Committee, stating that the application was for:

- the Sale of Alcohol (both on and off the premises) Monday to Saturday 10.00 to 00.00, Sunday 11.00 to 23.00 with seasonal variations and until 01.00 on New Year's Eve;
- Live Music (indoors only) Monday to Sunday 19.00 to 23.00 with seasonal variations and until 00.30 on New Year's Eve;
- Recorded Music (indoors only) Monday to Saturday 10.00 to 00.00, Sunday 11.00 to 23.00 with seasonal variations and until 01.00 on New Year's Eve; and

- Late Night Refreshment (indoors and outdoors) Monday to Saturday 23.00 to 00.00 with seasonal variations and until 01.00 on New Year's Eve.

The objections received had highlighted concerns primarily around noise nuisance and the end times for licensable activities. Originally there had been a total of four objections submitted by members of the public alongside one from Environmental Health; following discussions between the parties to amend the end times as set out above, two objections from the public and the Environmental Health objection had been withdrawn. The amended terms and conditions sought were set out in Appendix 4 of the report.

The Applicant had no questions for Mr Cobb.

Following questions by Members of the Sub-Committee, it was stated that the Applicant could apply for outside tables under the Pavement Licensing Scheme and the equipment inside the venue such as air conditioning was new, having been installed by the previous occupant.

The Chairman gave the Applicant the opportunity to address the Sub-Committee. Ms Harlow advised that the unit had been operating as a restaurant bar for many years and the requested hours and conditions had been amended to minimise the impact on local residents. It was stated that Okra Lounge would be operating as a restaurant with no intention for it to be a nightclub; it was brave of the applicant to open a new venue in the current economic climate; and that four local residents had offered to write letters of support but they had not been received in time.

Following questions by Mr Cobb and Sub-Committee members, Ms Harlow advised that the intention for live music was to provide a comfortable background music for those people eating a meal, for example a live guitar, and recorded music would be played at low levels. It was clarified that the recorded music should be regarded as ancillary in that context and therefore would not need to be included in the application, and the installation of a noise limiting device may not be proportional to the activity taking place. Ms Harlow stated that the applicant would like to operate the venue before seeing whether further sound proofing was required at the venue, depending on whether complaints were received. It was noted that the windows could be closed from 22.00 hours to limit any noise disturbance as there was adequate air conditioning. The application included seasonal variations although these could be covered by Temporary Event Notices. It was added that there was no fee levied for customers to enter the venue.

No closing statements were made.

The Chairman adjourned the meeting at 6pm. The Sub-Committee deliberated in private, requesting that the Council's Solicitor, Amanda Francis, join them for the provision of legal advice, and re-assembled at 6.15pm.

The Chairman advised those present that the Sub-Committee had taken into account the written representations before it, the oral statements made at the meeting, the Council's Licensing Policy and national guidance.

The application was approved as set out in the amended operating schedule on page 47 of the agenda pack containing revised licensable hours and conditions, subject to:

- Recorded music as shown on further conditions (page 47) be amended to indoors only and be reduced from 00.00 hours to 23.00 hours;
- Late night refreshment (LNR) as shown on further conditions (page 47) outdoor to be deleted (and so it would be indoor only);

- noise limiter to be deleted from further conditions (page 48); and
- All doors and windows would be kept closed, other than for access & egress from 22.00 hours, amended from 23.00 hours.

There was the right of appeal to the Magistrate's Court within 21 days.

RESOLVED

That the application for a Premises Licence be approved as amended above.

The meeting commenced at 5.25 pm
and ended at 6.20 pm

Chairman: _____

Date: _____