

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE B

held on 4 December 2023

Present:

Cllr C Martin (Chairman)
Cllr M Sullivan (Vice-Chair)
Cllr R Leach

1. ELECTION OF CHAIRMAN

Councillor Chris Martin was elected Chairman of the Sub-Committee for the remainder of the Municipal Year.

2. ELECTION OF VICE-CHAIRMAN

Councillor Martin Sullivan was appointed Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

3. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 29 September 2022 be approved and signed as a true and correct record.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

5. URGENT BUSINESS

There were no items of Urgent Business.

6. APPLICATION FOR A PREMISES LICENCE - BRAZIL TROPICAL, 56 CHERTSEY ROAD, WOKING

The Sub-Committee had before it a report regarding an application for a new Premises Licence for Brazil Tropical, 56 Chertsey Road, for which objections had been received from Woking CCTV, Woking Community Safety and eight members of the public living closeby. A representation had also been received from Woking Planning Enforcement. Mr Manuel Rocha of 'Rochaconsultancy' attended the meeting to represent Brazil Tropical alongside Erica Tatiane De Medeiros. 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 original application had been for the sale of alcohol for consumption on and off the premises from Mondays to Sundays from 11.00 hours to 23.00 hours. It was stated that following negotiations and additional conditions submitted by the applicant, Environmental Health had withdrawn its objection. The additional conditions were:

- The business will play background music only at a volume which does not cause disturbance outside the premises. There will be no DJ's, Live Music, Recorded Music or Karaoke held on this premises at any time.
- Alcohol sold or supplied to persons for consumption on the premises will be served with a substantial table meal and only whilst customer is seated.
- There shall be no vertical drinking.
- Tables and Chairs outside will be removed before or by 22:00 at the latest and no drinking will take place outside after this time.
- Sale of alcohol will cease at 22:30 and there will be no public on site after 23:00
- There will be no off sales from this premises.
- The roof terrace area to the rear of the premises will not be used by customers or staff or as a smoking area in order to minimise disturbance to the local residents.
- Windows to be kept closed after 22:00 every day. Doors to also be kept closed after 22:00 every day (except for ingress and egress)

Mr Cobb referred to a complaint which had been received in September in relation to noise nuisance at another premises run by the same operator. It was stated that it would be for the Sub-Committee to balance any noise disturbance with the trading of the business.

The Applicant had no questions for Mr Cobb.

Following a question by Councillor Leach, it was noted that in relation to the Cumulative Impact Zone, whilst the presumption would be for new premises licences to be refused within the zone, it would depend on the expected effect of the business on the licensing objectives in the Town Centre.

The Chairman gave the Applicant the opportunity to address the Sub-Committee. Mr Rocha acknowledged that the premises was within the Cumulative Impact Zone and stated that some of the representations related to a previous application for Office Bar, which had used a different business model. The business model for Brazil Tropical was reflective of a café restaurant with background music. After reading the representations received, the applicant stated the additional conditions had been submitted, including amending the end time for the sale of alcohol from 23.00 hours to 22.30 hours and adopting a closing time of 23.00 hours, both from Monday to Sunday. Mr Rocha advised that customers would be required to order food if they wished to drink alcohol and would be seated at a table. CCTV would be in operation. He stated that these measures would uphold the licensing objectives and that local businesses should be supported. There were 57 licenced premises in the area, a number of which were open until 03.00 hours. The restaurant next door to the venue was stated to close at 23.00 hours.

Following a question by Mr Cobb, Mr Rocha stated that the type of food onsale would be items such as sandwiches, paninis and salads.

Following a question by the Councillor Leach on planning permission, Mr Rocha stated that the policies for granting planning consent for bars and restaurants had recently changed and confirmed that the business would submit an application as necessary. Regarding the complaint submitted against the other premises referred to earlier by Mr Cobb, it was stated to have been occurred during a time of the business being refurbished.

The Chairman gave those present the opportunity to make closing statements.

Mr Cobb stated that the main issue highlighted by the objectors was noise nuisance. The Applicant had submitted revised conditions which provided assurance that there would be no live or recorded music, and that external chairs would be removed at 22.00 hours. The Sub-Committee would need to determine whether the small venue would adversely impact the Cumulative Impact Zone.

Mr Rocha thanked the Sub-Committee for considering the matter and encouraged the Members to support the small business with the conditions submitted.

The Chairman adjourned the meeting at 7.40pm. 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 8.10pm.

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 subject to the additional conditions submitted by the applicant as set above, as it was felt that they would be sufficient to uphold the licensing objectives. It was added that planning consent would need to be sought separately. There was the right of appeal to the Magistrate's Court within 21 days.

RESOLVED

That the application for a Premises Licence be approved with the additional conditions submitted by the applicant.

The meeting commenced at 7.00 pm
and ended at 8.15 pm

Chairman: _____

Date: _____