

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE B

held on 3 April 2024

Present:

Cllr C Martin (Chairman)
Cllr M Sullivan (Vice-Chair)
Cllr A Javaid

1. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 4 December 2023 be approved and signed as a true and correct record.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

The Chairman stated that one of the objectors was known to him as a member of the Woking Liberal Democrats, however that would not affect his ability to form an independent decision on the case before the Sub-Committee and, following consultation with the Council's Senior Solicitor, was therefore not classed as a Declaration of Interest.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. APPLICATION FOR A PREMISES LICENCE - THE WESTFIELD BAR AND RESTAURANT, 48 WESTFIELD ROAD, WESTFIELD, WOKING GU22 9NG

The Sub-Committee had before it a report regarding an application for a new Premises Licence from Innpacked Ltd on behalf of Fusion Restaurants (2020) Ltd for The Westfield Bar and Restaurant, 48 Westfield Road, for which 26 objections had originally been received from members of the public living closeby, reduced to 11 following an amendment to the proposed licence by the applicant. A representation had also been received from Woking Planning Enforcement which referred to the planning restrictions on opening hours and the use of the outdoor area. Charles Denny of Innpacked Ltd attended the meeting to represent the Westfield Bar and Restaurant alongside the proposed DPS, Gurmukh Biring. The objectors were represented by Danielle Sparling, Louisa Holford and Louise McElhinney.

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 Laing, summarised the report that was before the Sub-Committee, stating that the original application received on 8 February 2024 had been for the sale of alcohol for consumption on and off the premises; live music; recorded music; late night refreshment; and the licensing of opening hours as set out in the report. The application was similar to that of the previous occupier, Guru Restaurant, prior to its transfer to Fusion Restaurants Ltd, with an additional 30 minutes requested on Sunday and the removal of the requirement to only sell alcohol alongside food. In addition it was stated that aside from the objections received, the representation from Woking Planning Enforcement had been included for information and could not lawfully be taken into account by the Sub-Committee.

The Sub-Committee was advised that on 7 March 2024 the applicant notified the Licensing Authority of its decision to remove 'live music and recorded music' from the operating schedule, along with conditions agreed with Surrey Police as set out in the report. The amendment resulted in 15 out of the original 26 objections being withdrawn, with eleven objections remaining. The objectors had provided some supporting information including photographs and video footage.

Following a question from one of the objectors Mr Laing stated that the premises would be able to play live and recorded music from 08.00 to 23.00 hours, and clarified that the premises would be able to sell alcohol without the purchase of food.

None of the other parties present had had any questions for Mr Laing.

The Chairman gave the Applicant the opportunity to address the Sub-Committee. Mr Denny stated that the licence held by the previous occupant permitted the sale of alcohol until midnight since 2005, and that the current application requested an additional 30 minutes on Sundays, with all outside furniture to be brought inside quietly at 22.00 hours and no intention to install umbrellas. He stated that the premises only expected to fully utilise its licensable hours on some Thursdays, Fridays and Saturdays. Mr Denny stated that the conditions agreed with the Police were strong and there was no facility for vertical drinking.

Following questions by Mr Laing, Mr Denny stated that all advertising would be authorised by the Designated Premises Supervisor in the future.

Following questions by the objectors, Mr Denny stated that his predecessor in the case had contacted the local residents; local residents were not contacted before the business plan was finalised; happy hour at licensable premises often referred to a period longer than one hour; and a midnight end for the sale of alcohol gave customers the chance to enjoy their drinks at a more leisurely pace.

Following questions by the Chairman, it was stated that the premises expected to make full use of its licensable hours around six times per month; background music could be played beyond 23.00 hours; and the function room held a capacity of 30 people and was previously the chef's living quarters.

Following a question by Councillor Javaid, it was stated that the extra 30 minutes requested for Sunday was to give customers more time to finish; and there was no facility for vertical drinking.

The Chairman gave the objectors the opportunity to address the Sub-Committee. The objectors expressed grave concern over the proposal for the sale of alcohol without food until midnight and 02.00 hours on New Year's Eve; the past advertising of live sports and

sale of alcohol; the introduction of Happy Hour; and issues over loud music, noise an anti-social behaviour, outdoor seating, littering, swearing and illegal parking. Further information had been submitted showing photos and videos at the venue. One of the objectors stated that the use of a neon light affected a room in her property. The objectors stated that it was unfair that the village restaurant should be allowed to change its use in this way and expressed concerns that the premises would not adhere to conditions set by the Sub-Committee, which was urged to decline the application.

Following questions by Mr Laing, it was stated that the noise nuisance and swearing incidents had been reported separately to the Police, and that the parking incidents had not been reported to a statutory body.

Mr Denny asked whether the parking matters were relevant to the application, noting that St. Marks Church had agreed to customers using its car park, and added that Happy Hour commonly lasted longer than one hour.

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

Mr Laing highlighted that the main difference in the premises licence application was to request an additional 30 minutes of licensable hours on a Sunday.

The objectors stated that the application should be declined as alcohol would now be able to be purchased without food and the venue would be advertised as a bar restaurant. They added that the current advertising was to promote alcohol and that it would have an adverse effect on the lives of the nearby residents, particularly when customers were leaving the venue late at night.

Mr Denny stated that he respected the views of the objectors, however the revised application would allow the premises to trade successfully, with food offered throughout the day and no vertical drinking with customers seated.

The Chairman adjourned the meeting at 8.00pm. 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 9.00pm.

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 Chairman advised those present that the application had been approved subject to the additional conditions submitted by the applicant as set out in the report, as it was felt that they would be sufficient to uphold the licensing objectives by the removal of live and recorded music; no music or speakers being provided for the outdoor seating area; and the removal of external seating by 22.00 hours would mitigate the risk of public nuisance and help alleviate concerns raised by objectors.

The Chairman added that an additional condition of no vertical drinking on the premises would be imposed and advised the objectors that any breach of the conditions for anti-social behaviour or noise should be reported to the Police or Environmental Health respectively, and that the use of a neon light required planning consent.

It was noted that there had been no objections to the application by any responsible authority, including the Police which the statutory guidance stated should be the Licensing Authority's main source of advice on matters relating to crime and disorder licensing.

The Chairman stated that because a Premises Licence had been granted did not mean that planning permission would be granted automatically to extend the hours of operation. Planning and licensing were separate regimes involving consideration of different matters.

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 and the further condition that no vertical drinking be allowed at the premises.

The meeting commenced at 7.00 pm
and ended at 9.05 pm

Chairman: _____

Date: _____