

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE A

held on 24 June 2024
Present:

Cllr C Martin (Chairman)
Cllr R Leach (Vice-Chair)
Cllr T Bonsundy-O'Bryan

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 Rob Leach was elected 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 4 March 2024 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 from Rochaconsultancy on behalf on Erica Tatiane De Medeiros, Director of Brazil Tropical for the premises based at 56a-58 (first floor) Chertsey Road, Woking. An objection has been received from Environmental Health and from four members of public living [close by](#). Manuel Rocha and Erica Tatiane De Medeiros attended the meeting to represent Brazil Tropical. The objectors were represented by Slawomir Fiolna, Olivia Fiolna and Irmina Rosa.

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, Laura McCulloch, summarised the report that was before the Sub-Committee, stating that the past history of the premises was set out in section 9 of the report and that there was an existing premises licence which permitted the sale of alcohol for consumption at the venue only. The licence had been granted at a meeting of a Licensing Sub-Committee on 4 December 2023, with conditions attached which had not been fully complied with. Complaints had been received from a member of the public regarding noise and the report of a fire at the venue on 3 March 2024. Following a warning letter sent by Surrey Fire and Rescue Service, a joint visit had been undertaken with the Police and Licensing Authority on 10 April 2024, at which it was discovered that building work was underway and the downstairs was being transformed into a Deli. The advice given was that a full variation to the existing premises licence would need to be made as soon as possible and the Applicant was reminded that the existing licence did not permit the sale of alcohol for consumption off the premises.

Neither the Applicant nor the Objectors had any questions for the Licensing Authority's representative.

Following a question by Councillor Leach, it was stated that granting of the licence would not be aligned with the Council's Saturation Policy, however the Sub-Committee had discretion to determine each application on its own merit.

Following a question by the Chairman, it was stated that the Applicant intended to run both licences concurrently, and so the majority of the space upstairs would be governed by a different licence to the remainder of the premises. From an enforcement perspective, if granted it would be difficult to ascertain which part of the venue a potential breach was occurring in.

The Chairman gave the Applicant the opportunity to address the Sub-Committee. Mr Rocha stated that he had been under the impression from the Licensing Authority that a separate licence should be applied for, and that entertainment such as music was important for the business to attract customers and that it would help it to continue operating, along with the request to sell alcohol for consumption off the premises. The next step would be the licence already in operation at the venue to be varied to align with the new licence, if granted. Mr Rocha stated that no licence was required for music up to 23.00 hours and beyond that live music would only be occasional.

Derrick Laing, Licensing Officer, stated that he was not aware of the advice from officers to have two separate licences operating at a premises as it would be very unusual and asked what would be the long-term plan. Mr Rocha stated that upstairs would have a café and entertainment and downstairs would contain a deli and no tables. Mr Laing added that he had attempted to contact the Applicant on a number of occasions and that the application before the Sub-Committee would not achieve the Applicant's aims.

Following a question by Councillor Leach, Mr Rocha disagreed that he had not engaged with the Licensing team.

Members considered whether the Sub-Committee should defer the matter and it was agreed that determination of the application should continue.

The Chairman gave Environmental Health the opportunity to address the Sub-Committee. Liz Liesicke stated that the department objected to the principle of a large room being covered by two sets of conditions as it would be unworkable, with no physical separation and a wall being inappropriate as there would be a door. It would be unclear as to which

licence covered a potential breach. Some Temporary Event Notices had been granted for which no complaints had been received by Environmental Health, although some had been received by the Licensing Authority regarding noise levels.

The Chairman gave the members of public who had objected to the application the opportunity to address the Sub-Committee. Members were advised that the objections had been made due to grave concerns for local residents over issues such as public safety, impact on community wellbeing and noise nuisance, stating that it would be difficult for customers to know which licence was in operation at the venue and granting the licence would be a departure from the Council's Cumulative Impact Zone. It was added that the members of public had offered to withdraw their objections if the premises operated with the conditions of the licence awarded by Licensing Sub-Committee B on 4 December 2023. The objectors stated that they were concerned the venue would adhere to the terms of a new licence awarded. Instances were highlighted whereby complaints had been made to Environmental Health over noise levels, the footpath being blocked by parked cars, anti-social behaviour caused by users of the venue, the warning letter issued by the Surrey Fire and Rescue Service, and whether the premises wished to have a good working relationship with local residents.

None of the parties present had any questions for the Objectors.

The Chairman gave the parties present the opportunity to make a closing statement.

Laura McCulloch clarified that any premises could have live and recorded music until 23.00 hours without the need for a licence.

Liz Liesicke stated that the objection from Environmental Health related to the issue of music at the venue and the need for consistency in conditions across the premises.

The local residents stated that in their view the Applicant would not adhere to the conditions and urged the Sub-Committee to refuse the licence.

The Applicant stated that the application before the Sub-Committee was not unusual and stated that a noise limiter could be installed at the venue and that the venue was important for the Brazilian and Portuguese communities. He added that without the granting of the licence, the business may close.

The Chairman adjourned the meeting at 12.05pm. 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 12.35pm.

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 refused. The reasons for the decision were that following the objection from Environmental Health, the Sub-Committee was not satisfied that the public nuisance licensing objective would be met or that effective enforcement could take place with two licences at one venue; the Applicant had not demonstrated any exceptional circumstance for the sale of alcohol in the Cumulative Impact Zone, and that the granting of the application could add negatively to the cumulative issues already experienced in the Zone; and Members held no confidence that the Applicant would adhere to any further conditions applied to the venue.

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

RESOLVED

That the application for a Premises Licence be declined.

The meeting commenced at 11.00 am
and ended at 12.40 pm

Chairman: _____

Date: _____