

**APPLICATION FOR A PREMISES LICENCE - OKRA LOUNGE, 30-31 STATION APPROACH,  
WEST BYFLEET KT14 6NF**

**Executive Summary**

This report considers an application for a Premises Licence (PL) for the above premises.

**Recommendations**

The Committee is requested to:

**RESOLVE That** the report be considered and the application be determined accordingly.

The Committee has the authority to determine the recommendation(s) set out above.

**Background Papers:**

None.

**Reporting Person:**

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## **1.0 Summary of Proposal**

**Application Type:** New Premises Licence Application

**Site Address:** Okra Lounge Ltd, 30 - 31 Station Approach, West Byfleet, Surrey,  
KT14 6NF

**Applicant** Mr Ilhan Coban  
*on behalf of*  
Okra Lounge Ltd

**Application Ref:** 22/00195/PREMIS

## **2.0 Description of Premises**

- 2.1 The application is for an alcohol/music licence for a bar/restaurant located at 30-31 Station Approach in West Byfleet. Historically this site was occupied by London House an established restaurant that had moved to this site from a long standing position in Old Woking.
- 2.2 Station Approach in West Byfleet is, on the ground floor level, predominantly customer orientated businesses (a sort of 'high street' style setup) with residential properties directly above the site, and offices above the shops on the opposite side.
- 2.3 The application gives a description of the premises as "This will be used as a Turkish/Mediterranean Restaurant. There is a bar area and a lounge area, both with tables and chairs. There is an outside patio/path area where we are considering applying for a pavement licence. There are customer toilets and a fully functional professional kitchen. There is a storage cellar to the rear of the property. The Application will be for sale of Alcohol on and off the premises."

## **3.0 Details of Proposal and Operating Schedule**

- 3.1 The application received on the 5 August 2022 was to licence the premises for
  - **Sale of Alcohol** (Both on and off the premises) Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 01.00, Sunday 11.00 to 23.00
  - **Live Music** Sunday to Thursday 19.00 to 23.00, Friday and Saturday 19.00 to 01.00
  - **Recorded Music** Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 01.00, Sunday 11.00 to 23.00
  - **Late Night Refreshment** Monday to Thursday 23.00 to 00.00, Friday and Saturday 23.00 to 01.00
- 3.2 It should be noted, however, that as part of the consultation period, and in response to objections received, they applicant has agreed to amend the hours which has resulted in the withdrawal of two of the objections. Thusly, the hours they are now applying for are as follows:

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- **Sale of Alcohol** Monday to Saturday 10.00 to 00.00 (*Friday and Saturday were until 01:00 but these two days have been reduced by an hour*), Sunday 11.00 to 23.00
- **Live music** (indoors only) Monday to Sunday 19.00 to 23.00 (*Friday and Saturday were until 01:00 but these two days have been reduced by two hours*)
- **Recorded Music** (indoors only) Monday to Saturday 10.00 to 00.00 (*Friday and Saturday were until 01:00 but these two days have been reduced by an hour*), Sunday 1100 to 2300
- **Late night refreshment** (indoors and outdoors) Monday to Saturday 2300 to 0000 (*Friday and Saturday were until 01:00 but these two days have been reduced by an hour*)

3.3 A copy of the Application is attached as Appendix 1 and a plan of the premises is attached as Appendix 2.

#### **4.0 Promotion of Licensing Objectives**

4.1 Each application will be given individual consideration on its merit. Nothing in the Licensing Policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in the Licensing Policy shall override the right of any person to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Act.

4.2 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

4.3 The operating schedule submitted in the application form, which is attached in Appendix 1, shows a list of proposed conditions that the applicant has put forward to describe the steps they intend to take to promote the four licensing objectives.

#### **5.0 Relevant Representations**

5.1 The following representations have been received in relation to the application:

##### **Responsible Authorities**

Surrey Police: No objections have been received.

Surrey Fire and Rescue Service: No objections have been received.

Environmental Health (WBC): An Objection was received but withdrawn.

Planning Authority (WBC): No objections have been received.

Social Services (SCC): No objections have been received.

Trading Standards: No objections have been received.

Public Health: No objections have been received.

Home Office Immigration Dept: No objections have been received.

**Interested Parties**

Members of Public: Three objections were received. One has been withdrawn, two remain.

Other Persons: No objections have been received.

5.2 Representations received had concerns primarily relating to Public Nuisance.

5.3 As part of the consultation, the applicant has liaised with the Licensing Authority through a third party who has been amenable to amending the application to quash any concerns that the residents may have.

5.4 Through discussions, the applicant has reduced the hours they are applying for, which resulted in one of the public objections being withdrawn and the objection from Environmental Health being withdrawn.

5.5 The Objections are attached as Appendix 3.

5.6 The amended times and newly proposed additional conditions are attached as Appendix 4.

**6.0 Policy Considerations**

6.1 In making its decision, the Sub-Committee is obliged to have regard to National Guidance and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

6.2 The Licensing Officer considers the following policies taken from the '**Licensing Policy for Woking Borough**' should be considered for this application.

<b>6.0</b>	<b>Fundamental Principles</b>
6.3	The Council recognises that public houses, nightclubs, restaurants, hotels, theatres, private members clubs, concert halls and cinemas all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, regard will be given to those differences and the differing impact these will have on the local community.
6.4	The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.
6.6	The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
<b>7.0</b>	<b>The Licensing Objectives (Prevention of Crime and Disorder)</b>

7.1	The Council will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter or leave.
7.2	In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.
<b>8.0</b>	<b>The Licensing Objectives (Public Safety)</b>
8.1	The Council will carry out its licensing functions with a view to promoting public safety and will seek to ensure that licensees take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.
<b>9.0</b>	<b>The Licensing Objectives (Prevention of Public Nuisance)</b>
9.1	The Council will carry out its licensing functions with a view to promoting the prevention of public nuisance and will seek to ensure that licensees take measures to minimise the impact of licensable activities at their premises on people living, working or sleeping in the vicinity. The prevention of public nuisance can include low-level nuisance affecting a few people living locally, as well as major disturbance affecting the whole community.

6.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- i) Grant the application as made.
- ii) Modify the conditions of the licence, by altering, removing or adding to them.
- iii) Reject the whole or part of the application.

6.4 Should the Committee decide to override the Policy then it should be clearly evidenced and documented exactly what the 'exceptional circumstance' is that would allow the Licensing Authority to depart from the Policy.

6.5 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the Licensing Objectives.

## **7.0 Reference materials**

7.1 To assist the Licensing Committee in their decision making process, the Local Government Association Councillors Handbook to the Licensing Act has been attached as Appendix 5, and the Supporting Guidance, "Pool of Conditions," has been attached as Appendix 6.

## **8.0 Summary**

8.1 The Application received initially on the 5 August was almost identical to the licence that had been held previously by London House. However, each application is to be treated on its own merits, and the grant of a previous licence with similar hours does not mean that a new application with the same hours will be granted, as different premises are run in different ways.

8.2 Historically, there have been complaints from residents to the Environmental Health Department regarding noise nuisance from Licenced Premises along Station Approach in West

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Byfleet and as such the Licensing Department is hoping to prevent any further potential disturbance that the issuing of a new licence may cause.

- 8.3 The applicant has made an effort to reduce the licensing hours they are applying for in an attempt to reach a compromise with local residents, which has resulted in the Environmental Health department withdrawing their objection.
- 8.4 As objections still remain, the application must go before a Licensing Sub-Committee for determination.

## **9.0 Implications**

### Finance and Risk

- 9.1 There are no significant financial implications. A nationally set application fee is charged to defray the cost of processing applications.
- 9.2 The risks to the Council associated with determining an application are:
- Failure to undertake its statutory responsibilities within required timescales;
  - Making a decision that may be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
  - Making a decision that compromises Community Safety.
- 9.3 These risks have been dealt with in the report under section 4.0 by highlighting that the Sub-Committee is required to determine this application for a Premises Licence under the Licensing Act 2003 having due regard to the four Licensing Objectives, national guidance, the local licensing policy, relevant representations and evidence presented at the hearings. Determining applications in this way will reduce the risk of the decisions of the Council being open to challenge via appeal to the Magistrates Court and promote Community Safety in the Borough.

### Equalities and Human Resources

- 9.4 None.

### Legal

- 9.5 The Licensing Authority must act to promote the four Licensing Objectives which are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 9.6 The Licensing Authority must have regard to its statement of Licensing Policy and the guidance issued by the Secretary of State in carrying out its functions.

**10.0 Conclusions**

- 10.1 The Sub Committee is requested to consider the report, the evidence it will hear, representations made, responses to questions raised and reach a reasoned decision.
- 10.2 The decision made will not come into force until the 21 day appeal period expires or any appeal is dealt with by the Courts if so called.

REPORT ENDS