

Objection – Environmental Health

“Further to your consultation regarding the above application, the following representation is submitted on behalf of Environmental Health in relation to the licensing objective, prevention of public nuisance.

Brazil Tropical premises is a 2 storey mid terrace building in a block which comprises restaurant and retail uses on the ground floor with a mix of residential and non-residential use on the first floor.

Described as a Cafe and Tapas Snack Bar, the premises application includes the sale of alcohol up to 23.00 hours, 7 days a week, and closing at 23.30hrs. Whilst not immediately obvious from the licensable activities applied for, if the sale of alcohol is permitted, the legislation would allow the premises to have live and recorded amplified music during that time, adding significantly to the potential for public nuisance.

Whilst in the town centre, it is considered that a public nuisance could arise affecting residential accommodation within the block, nearby residential flats in Enterprise Place and above nearby businesses at 50 and 52 Chertsey Road and to adjacent businesses which operate during the evening.

Outside Areas

- The rear terrace runs across the width of the block with no separation or clear demarcation between the different premises. The terrace is within 18 meters of the flats on the opposite side of the road at Enterprise Place and is accessed from the premises via double doors. Access from the street is via an external metal staircase located at the end of the terrace which serves the whole block and is unrestricted. Customers of Brazil Tropical would have to walk past the doors/windows to the other premises to reach the rear first floor doors and terrace of Brazil Tropical. The terrace is not highlighted as part of the proposed licensable area. It could however be used for non licensable purposes during the proposed opening times when customer noise could result in a potential public noise nuisance to nearby residents.
- The front outside space facing Chertsey Road is included in the proposed licensable area with tables and chairs for eating and drinking. It is a much larger area than previously proposed extending from the front of the building to the edge of the pavement providing space for an increased number of customers.
- The external areas provide the opportunity for people to congregate and loiter after opening hours with the attendant noise. The application for off sales of alcohol could increase the likelihood of people gathering close to and away from the premises. Any noise on the street would be outside the control of the premises owner.

Access to the Premises

- There are several points of access into the premises at the front from Chertsey Road and at the rear from Church Street West via a ground floor rear door and first floor rear double doors onto the terrace.

The frequency of movement in and out of the building is likely to be high taking into account the outdoor drinking and eating areas. It would not be feasible for doors to be kept closed sufficient to control noise breakout, for example from music, amplified/unamplified voice of singers and customers with the potential for late night noise disturbance. The likelihood of this is increased by the legal requirement for people to go outside to smoke.

Adjacent Businesses

The premises is mid terrace with a restaurant sharing one of the party walls. There is potential for noise transmission from unregulated amplified music and voice to adjacent premises affecting existing business.

The area of terrace permitted to be used by Brazil Tropical is not clear although appears to be defined by the building's painted black walls. This and the lack of separation could lead to Brazil Tropical customers encroaching onto areas belonging to neighbouring premises. There are also single glazed casement windows from premises unconnected to this application opening onto this area.

It is considered that the steps proposed by the applicant will not adequately address the prevention of public nuisance licensing objective and that the premises will likely draw complaint from residents if the licence is granted."

Objection – Woking CCTV Unit

My comments as before, if granted there would have to be an install of a new camera, at a cost, to cover the location.

- Although there is very good public space CCTV coverage in the town centre this location would not be able to be monitored due to existing building lines and trees.
- If granted this would be outside the area proactively patrolled by CCTV operators and could increase ASB problems in Dukes court in Duke Street.

Objection – Community Safety Team

“Thank you for forwarding a copy of the license application that has been made regarding Brazil Tropical at 56 Chertsey Road. I note the venue is described as a Café and Tapas snack bar, however, given the requested opening hours, both on and off license sales and the possibility of live amplified music linked to the alcohol license at the venue, it is my concern that in the evenings and especially at weekends the premises will be primarily alcohol sales and potentially a live music venue.

I would like to make a representation on behalf of Community Safety regarding this license based on the information that has been provided under the licensing objective that relates to public nuisance.

Location – Unsuitable for live music

Although the application is not specifically asking to have live and recorded amplified music, if the sale of alcohol is permitted, the legislation would allow the premises to have this. The venue is located close to a residential block of flats containing over 120 addresses. We are aware of complaints already from a number of these addresses where amplified music emanating from the night time economy is a contributing factor to a wider concern. The current amplified music is coming from a venue significantly further away than this venue and therefore we strongly suspect that any live amplified music played much closer will cause a substantial nuisance to all residents within Enterprise Place.

Congregation

The location of this venue causes us concern regarding the likelihood of the area being a place for people to congregate throughout the evening and after the venue has closed. Its close proximity to a fast food establishment combined with possible live music and the fact that the area has a sizeable paved area will encourage people to loiter in the area throughout the evening and after the venue has shut. Concerns have already been made regarding the noise and behaviour made by individuals and groups when leaving the town with abusive language, shouting and violence already being mentioned as an identified problem in this area. It is our view that this would be exasperated with a venue providing off premises sales and potentially providing live music which is likely to be heard from outside of the venue.

Off license

In the application it states that the intention is for both an on and off license. Alcohol related disorder that relates to street drinking is a known identified issue in Woking. Last year a Public Space Protection Order was made to specifically tackle alcohol related anti-social behaviour in the town. It is our belief that an additional premises that allows the sale of alcohol to be taken off the premises is likely to cause further alcohol related anti-social behaviour – especially when the intention is to allow the sale of alcohol until 23.00 over the weekend. It also concerns us that allowing off premises sale of alcohol could significantly

increase the likelihood of larger numbers congregating in the immediate vicinity given that there is potential for alcohol to be consumed away from the venue. It is entirely possible this will be out of sight of the venue who may be completely unaware that they would be contributing to the issue.

We note in the application itself there is very little detail regarding the intended use of the premises, or how they are going to mitigate the concerns we raise above, beyond the use of CCTV and consideration and willingness to instal sound limiter equipment. It is therefore our opinion that if this license is granted as it is there is a high likelihood that this premises will cause a nuisance to the public in the immediate vicinity and will likely draw a number of complaints from residents that are already unhappy with the current issues linked to the night time economy, without this additional venue. The close proximity of this venue to residential properties only heightens this concern.”