

**APPLICATION FOR A PREMISES LICENCE – THE WESTFIELD BAR AND RESTAURANT, 48  
WESTFIELD ROAD, WESTFIELD, WOKING GU22 9NG**

**Executive Summary**

This report provides information to advise members of an application for a new premises licence under The Licensing Act 2003 in respect of the above premises.

**Recommendations**

The Committee is requested to determine the application having regards to the four licensing objectives and RESOLVE accordingly.

The options available to the Sub-Committee are:

- a) To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions;
- b) To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives; and
- c) To refuse the application in its entirety.

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

**Background Papers:**

Application form  
Operating Schedule  
Representations from Statutory Bodies and Interested Parties  
Sustainability Impact Assessment  
Equalities Impact Assessment

Appendices:

- 1 – Premises location
- 2 – Premises licence application
- 3 – Premises licence DPS Consent
- 4 – Premises licence Plans
- 5 – Objections
- 6 – Applicants email withdrawing live, recorded music
- 7 – Amended licensing conditions agreed with Surrey Police
- 8 – Email from Planning and Enforcement Officer
- 9 – Email response from the applicant
- 10 – Objectors information from Facebook
- 11 – Residents notice

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**Reporting Person:**

Emma Bourne, Head of Environmental Health  
Ext. 3840, E Mail: Emma.Bourne@woking.gov.uk

Derrick Laing, Licensing Officer  
Ext. 3015, E Mail: Derrick.Laing@woking.gov.uk

**Contact Person:**

Emma Bourne, Head of Environmental Health  
Ext. 3840, E Mail: Emma.Bourne@woking.gov.uk

Derrick Laing, Licensing Officer  
Ext. 3015, E Mail: Derrick.Laing@woking.gov.uk

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**1.0 Summary of Proposal**

**Application Type:** New Premises Licence

**Variation:** No.

**Site Address:** 48 Westfield Road, Westfield, Woking GU22 9NG

**Applicant** Mr Paul Jones - Innpacked Ltd 10 Whittle Road Ferndown Industrial  
Estate Wimborne BH21 7RU.

*on behalf of*

Fusion Restaurants (2020) Limited 4 Manor Way Old Woking  
Woking Surrey GU22 9JX.

**Application Ref:** 24/00044/PREMIS

**2.0 Description of Premises**

Restaurant/bar serving a full complement of hot food during breakfast, lunch and dinner with alcohol and soft drinks equally available from 11:00. The premises may be hired for private functions at which regulated entertainment may be provided.

**3.0 Details of Proposal and Operating Schedule**

3.1 The application received on 9 February 2024 was to licence the premises for:

- The application seeks to license the premises for the sale of alcohol for consumption on and off the premises.

Monday - Sunday 1100 – Midnight

- The application seeks to licence the premises for live music

Monday – Sunday 11:00 – Midnight

New Year’s Eve – 11:00 to 02:00

- The application seeks to licence the premises for recorded music

Monday – Sunday 11:00 – Midnight

New Year’s Eve – 11:00 to 02:00

- The application seeks to licence the premises for late night refreshment

Monday – Sunday 23:00 – Midnight

New Year’s Eve – 23:00 to 02:00

- The application seeks to licence the premises opening hours

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Monday – Sunday 08:00 – 00:30

New Year's Eve – 08:00 to 02:30

3.2 A copy of the Application is attached as Appendix 2 and a copy of the DPS consent form for the premises is attached as Appendix 3. A copy of the plans of the premises is attached as Appendix 4

**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 No objective carries any more weight than any other and these are the only factors in which Licensing can have regard in determining an application. Each objective is of equal importance.

4.4 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):	No objections have been received.
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.

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**Interested Parties**

Members of Public: **Eleven objections have been received.**

Other Persons: No objections have been received.

Woking Planning Enforcement **A representation has been received.**

- 5.2 The representations received object to the application on the grounds of the prevention of public nuisance, public safety, prevention of crime and disorder.
- 5.3 All of the objectors are residents near the premises location in Westfield Road, Woking.
- 5.4 The Objections are attached as Appendix 5.
- 5.5 The Planning Authority did not refer to the licensing objectives in making a representation and planning permission can not lawfully be considered in making a decision in relation to this application. Nevertheless, their comments should be included as the proposed application could, if granted, result in a breach of planning conditions.
- 5.6 Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives specific to the subject premises.

**6.0 Policy Considerations**

- 6.1 In making its decision, the Sub-Committee is obliged to have regard to National Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the supporting information presented by all parties.
- 6.2 The Licensing Officer highlights the following relevant sections taken from the '**Licensing Policy for Woking Borough**' should be considered as part of this application.

<b>6.0 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 The Licensing Objectives (Prevention of Crime and Disorder)</b>

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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 licence subject to:-

(a) the conditions consistent with the operating schedule modified to the extent that the authority considers appropriate for the promotion of the licensing objectives, and

(b) the mandatory conditions under sections 19, 20 and 21 of the Licensing Act 2003

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 national and local policy then it should provide clear and detailed reasons what the 'exceptional circumstance' is that would allow a departure 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 Premises location**

7.1 The premises is set in a small row of 5 shops in Westfield Road at the junction with Granville Road Westfield, Woking. It is a two-storey end of terrace building with a bar and function room on the first floor.

7.2 There is a small free parking area in front of the shops sufficient for 3 – 4 vehicles. Westfield Road has double yellow line restrictions and the adjacent residential roads have double yellow lines for the first 10-12 metres approximately.

7.3 A map showing the location of the premises is attached as Appendix 4.

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**8.0 Site History**

- 8.1 There has been a premises licence at the location since November 2005. The premises was originally a restaurant called The Guru Restaurant.
- 8.2 On 1 November 2022 the premises licence was transferred to Fusion Restaurants (2020) Ltd (current owners). The premises was licensed to sell alcohol  
Monday – Saturday 1100 – midnight. Sunday 12:00 – 23:30.
- 8.3 On 3 November 2023 Fusion Restaurants (2020) Ltd applied for a change of premises name from The Guru Restaurant to The Westfield Bar and Restaurant. The premises licence was issued 20 November 2023.
- 8.4 On 3 November 2023 Gurmukh Singh Biring (Director Fusion Restaurants (2020) Ltd), applied for a minor variation to the plans for the premises creating a bar and function room on the first floor. There were no variations to the existing licensing conditions. The current premises licence was issued 20 November 2023.

**9.0 Licensing Application**

- 9.1 On 8 February 2024 an application for a new premises licence was received from Paul Jones Innpacked Ltd on behalf of Fusion Restaurants (2020) Ltd
- 9.2 The application is for a restaurant/bar serving a full complement of hot food during breakfast, lunch and dinner with alcohol and soft drinks equally available from 11:00. The premises may be hired for private functions at which regulated entertainment may be provided. Details of the operating schedule are outlined in section 3 of this report.
- 9.3 A copy of the application is attached as Appendix 2
- 9.4 The new application extends the licensed area to include the paved area immediately in front of the premises up to the disabled access ramp.
- 9.5 A copy of the application plans are attached as Appendix 3
- 9.6 On 7 March 2024 the applicant notified the Licensing Authority of their decision to remove 'live music and recorded music' from the operating schedule.
- 9.7 The applicant sent an email to the original list of objectors on the same day, advising them of the withdrawal of the activities requesting they contact the Licensing Authority to confirm whether they wished to withdraw their objection. Copy of the email as Appendix 6
- 9.8 The email included a list of amended conditions to the application, which they had agreed with Surrey Police. Copy of the conditions Appendix 7
- 9.9 The email includes actions taken to address the objectors concerns regarding parking in the area outside and in the residential roads.

**14.0 Planning and Enforcement**

- 9.10 On 9 February 2024, as part of the application process Planning and Enforcement Officer Russell Ellis raised the following issues, which was emailed to the applicant:
- 9.11 While we understand the planning permission in place at the property does not prevent issue of a licence, we would like you to make the applicant aware of the following planning restrictions on opening hours:

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94/0650 - Original unit from A1 to A3 restaurant. Opening restricted to Mon-Sat 11am-11pm, Sun 11am-10.30pm

97/0078 - Neighbouring unit added A1 to A3. Opening restricted to Mon-Sat 11am-11pm, Sun 11am-10.30pm

The holding of a Premises Licence will not remove or supersede these restrictions and Planning will take precedent.

Any application the applicant makes needs to allow for extra hours (e.g. Note they wish to extend at New Years) as again, a Licence or TENS will not remove any planning condition. This also applies if Privately hired.

Similarly they make reference to use of outdoor area but no area is marked on their plans and again, this may need a planning application on it's own for Change of Use as merely owning/leasing an area does not necessarily define how it can be used.

A copy of the email as Appendix 8

9.12 In response Paul Jones emailed the following comments;

Thank you for the update. Please be advised that my client is aware of the requirement to comply with both licensing and planning legislation. The intention is to vary the planning permission in accordance with the permissions afforded by the new premises licence, assuming it is granted. Gaining licensing approval first is the cheapest and quickest option. There would be little point in obtaining planning permission in advance if a premises licence application is subsequently refused.

A copy of the email as Appendix 9.

**10.0 Objections and representations received: i) Public Objections**

10.1 As part of the application process, the Premises Licence Application was advertised both in a local paper (within the first ten days) and on the premises itself (for the full 28 days following the application) in line with legislation.

10.2 This gives members of the public time in which to make any relevant representations or objections to the application.

10.3 As part of this application, the Licensing Authority initially received twenty-six objections from members of the public who reside within the vicinity of the premises. Following the removal of live and recorded music from the application there are a total of eleven objections.

10.4 An overview of the Objections is attached as Appendix 5.

10.5 One of the objectors has provided copies of promotions at the premises and information obtained from Facebook, promoting activities at the premises Appendix 10. The Licensing Authority were made aware of the existence of CCTV footage taken by one of the objectors. However, the applicant has discussed the legitimacy of the CCTV as it fails to comply with General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). It has not been included in the report.

10.6 The Licensing Authority received two independent emails supporting the application.

10.7 A copy of a notice circulated by a local resident is attached as Appendix 11.



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10.8 On 12 March 2024 the eleven named objectors were sent Hearing notification letters by recorded delivery and by email.

**11.0 Negotiations with the objectors**

11.1 Pursuant to legislation, objections to an application for a premises licence are passed to the applicant so that they have the opportunity to contact those objectors and attempt to negotiate an amendment or a proposal of conditions to the application so that they would be happy to withdraw their objections and the licence could be issued without the need for a hearing.

11.2 All objections have been forwarded to the Applicant in line with the legislation.

11.3 There were a number of objectors who failed to respond within the timeframe as to whether they wished to continue or withdraw their objections.

11.4 It is the understanding of the Licensing Authority that the applicant has made attempts to contact those raising an objection to the application. It is not known how successful these engagements have been.

**12.0 Implications**

Finance and Risk

12.1 There are no financial implications. A nationally set application fee is charged to defray the cost of processing applications.

12.2 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.

12.3 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

12.4 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected

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12.5 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation characteristics and persons who do not share it.

Legal

12.6 A right of appeal lies to the Magistrates Court within a period of 21 days from when the written decision is issued.

12.7 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

12.8 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.

**12.0 Reference material**

12.1 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 A, and the Supporting Guidance, "Pool of Conditions," has been attached as Appendix B.

**13.0 Conclusions**

12.9 The Sub Committee is requested to consider the report, the evidence it will hear, representations made, responses to question made and give its decision with reasons and determine the application with a view to promoting the licensing objectives.

12.10 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