

Objection – Environmental Health

From: Liz Liesicke <Liz.Liesicke@woking.gov.uk>

Sent: Wednesday, May 29, 2024 10:10 AM

To: Jose Manuel Rocha <manuelrocha01@hotmail.com>

Cc: Derrick Laing <Derrick.Laing@woking.gov.uk>; Laura McCulloch <Laura.McCulloch@woking.gov.uk>

Subject: Premise Licence, Brazil Tropical, 56 Chertsey Road, Woking, Surrey, GU21 5BG

Dear Mr Rocha,

I refer to the above application received on 9th May 2024.

The application does not include all the conditions attached to the existing Premise licence agreed following a Licensing Hearing. I am aware that the Licensing Officer emailed you for clarification but no response has been received to date.

Whilst the new application refers to a different licensed area comprising the restaurant on the first floor only, the noise concerns raised previously still apply.

Please confirm the existing licence conditions relating to the prevention of public nuisance objective which can be added to the application under consideration.

In the absence of a reply by the end of today and agreement being reached, a representation will be submitted. The position will however, be re-considered further if amendments are subsequently made to your application and received in time for these to be fully considered before the end of the consultation period, 5th June.

I look forward to hearing from you and can be contacted today on my direct line if you would like to discuss the position.

Please note that I will be on annual leave after today.

Regards

Liz Liesicke | Senior Environmental Health Officer | Neighbourhood Services

From: Liz Liesicke <Liz.Liesicke@woking.gov.uk>

Sent: Wednesday, May 29, 2024 5:47 PM

To: Licensing <Licensing.Contact@woking.gov.uk>; Derrick Laing <Derrick.Laing@woking.gov.uk>; Laura McCulloch <Laura.McCulloch@woking.gov.uk>

Cc: Environmental Health <Environmental.Health@woking.gov.uk>; Jose Manuel Rocha <manuelrocha01@hotmail.com>

Subject: FW: Brazil Tropical, 56 Chertsey Road, Woking - Premises Licence Application.

Dear Derrick,

I understand the agent for the applicant, Mr Rocha, contacted Licensing this morning and indicated that the existing Premise licensing conditions would not be included in the new application, particularly the conditions which state no music other than background music.

In view of this, please accept this email as a representation made on behalf of Environmental Health in relation to the licensing objective, prevention of public nuisance for the following reasons.

The premises have previously been described as a Cafe and Tapas Snack Bar. The application is for opening hours up to 23.00hrs Fri/Sat/Sunday (22.30hrs Mon-Thurs) and up to 22.30hrs (Fri, Sat, Sunday) and 22.00hrs (Mon-Thurs) for the sale of alcohol. 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.

The licensable area under this application does not contain any doors or windows. It forms part of the Brazil Tropical premises which is a 2 storey mid terrace building in a block which comprises restaurant/takeaways (open in the evenings) and retail uses on the ground floor with a mix of residential and non-residential use on the first floor. Whilst in the town centre, there is residential accommodation within the block, nearby residential flats in Enterprise Place and above nearby businesses at 50 and 52 Chertsey Road.

The area the subject of this application is accessed via areas already licensed under a Premise Licence. There is no physical separation between the two and for the purposes of running a business, they are one and the same.

Approval of this application would result in two Premises licences with different conditions applying to different areas of the open plan first floor restaurant and bar leading to difficulties in application and enforcement.

For example, it would be possible for a noise disturbance to emanate from one licensed area due to breach of condition under the other licence. The playing of music other than background under a new licence could be said to result in a breach of condition attached to the existing Premise Licence.

The noise related licence proposals to meet the prevention of public nuisance objectives under the new application are;

- No vertical drinking. Table service only. *Reference to served with a substantial meal should be added.*
- Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbors

The licence conditions on the existing Premise Licence but relevant to this application due to use of the premises and its layout as a whole are;

- The business will play background music only at a volume which does not cause disturbance outside the premises. There will be no DJ's, Live Music, Recorded Music or Karaoke held on this premises at any time.

- There will be no off sales from this premises.
- Tables and Chairs outside will be removed before or by 22:00 at the latest and no drinking will take place outside after this time.
- The roof terrace area to the rear of the premises will not be used by customers or staff or as a smoking area in order to minimise disturbance to the local residents.
- Windows to be kept closed after 22:00 every day. Doors to also be kept closed after 22:00 every day (except for ingress and egress) – there are no doors or windows in the licensable area highlighted under this application.

For the reasons given, it is recommended that the application as submitted be refused.

If further clarification, comment or information is required please email copying in environmental.health@woking.gov.uk as I will be on leave until 10th June.

Regards

Liz Liesicke | Senior Environmental Health Officer | Neighbourhood Services

Agent Negotiation

From: Jose Manuel Rocha <manuelrocha01@hotmail.com>

Sent: Wednesday, May 29, 2024 7:17 PM

To: Liz Liesicke <Liz.Liesicke@woking.gov.uk>; Derrick Laing <Derrick.Laing@woking.gov.uk>; Erica Medeiros <erika7923@hotmail.com>; Erica medeiros <braziltropicaluk@gmail.com>

Subject: Re: Brazil Tropical, 56 Chertsey Road, Woking - Premises Licence Application.

Dear Miss Liz

Thanks for your reply

Regarding the current application the applicant agree with the following conditions to be added

- No vertical drinking. Table service only. *Reference to served with a meal should be added.*
- Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbors
- Tables and Chairs outside will be removed before or by 22:00 at the latest and no drinking will take place outside after this time.
- The roof terrace area to the rear of the premises will not be used by customers or staff or as a smoking area in order to minimise disturbance to the local residents.

- Windows to be kept closed after 22:00 every day. Doors to also be kept closed after 22:00 every day (except for ingress and egress) – there are no doors or windows in the licensable area highlighted under this application.

In relation the existing License, I'm waiting for the Premises License Holder to tell me if he wants to submit a Minor Variation Application (To updated the Plan of the facilities) or a Full Variation to (add OFF License sales+ Updated the Plan of the Premises and have the same hours, activities as we ask for in this new application.

In this new application we would like to have Record and Live Music from 14:00 Until 23.00 (This hours are not licensable any more). Is not intention to have this Entertainment every day of the week, but specially during weekends will be important for our business financially.

Kind Regards

Manuel Rocha

From: Liz Liesicke <Liz.Liesicke@woking.gov.uk>

Sent: 11 June 2024 10:04

To: Jose Manuel Rocha <manuelrocha01@hotmail.com>

Cc: Laura McCulloch <Laura.McCulloch@woking.gov.uk>; Derrick Laing <Derrick.Laing@woking.gov.uk>

Subject: FW: Brazil Tropical, 56 Chertsey Road, Woking - Premises Licence Application.

Dear Mr Rocha

Thank you for your reply. Apologies for the delay in responding as I have been on leave.

Unfortunately, the additional conditions given in your email do not adequately address concerns regarding the prevention of public nuisance objective.

To clarify the EH position, the proposed licensable area can only be accessed through areas already licensed under a Premise Licence.

Approval of this application would result in two Premises licences with different conditions applying to different areas of the open plan first floor restaurant and bar. There is no physical separation between the two 'areas' and for the purposes of running a business, they are one and the same. This would also lead to difficulties in application and enforcement.

It is therefore considered necessary for the same licence conditions applied to the existing Premise Licence to be attached to the new premise licence, amended to remove reference to doors and use of the rear terrace which is not accessed under the current application, shown below

- There will be no off sales from this premises.
- Sale of alcohol will cease at 22:30 and there will be no public on site after 23:00

- Alcohol sold or supplied to persons for consumption on the premises will be served with a substantial table meal and only and whilst customer is seated.
- There will be no DJ's, Live Music, Recorded Music (i.e. regulated entertainment) or Karaoke held on this premises at any time.
- The business will play background music only at a volume which does not cause disturbance outside the premises.
- Windows to be kept closed after 22:00 every day.
- There shall be no vertical drinking.

Without agreement to the above, the representation remains in force.

Regards
Liz

Liz Liesicke | Senior Environmental Health Officer | Neighbourhood Services

From: Jose Manuel Rocha <manuelrocha01@hotmail.com>

Sent: Tuesday, June 11, 2024 7:18 PM

To: Liz Liesicke <Liz.Liesicke@woking.gov.uk>

Subject: Re: Brazil Tropical, 56 Chertsey Road, Woking - Premises Licence Application.

Dear Mr Liz

Thanks for your reply

Maybe the best solution is to a sliding door separate the 2x business

Kind Regards

Manuel Rocha
