

Please reply to:

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Date: 5 April 2018

Notice of Reconvened Meeting

Licensing Sub-Committee

Date: Friday, 13 April 2018

Time: 10.00 am

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Licensing Sub-Committee

Councillors:

R.W. Sider BEM (Chairman)

M.M. Attewell

S.M. Doran

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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AGENDA

Page nos.

1. Disclosures of Interest

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

2. To consider an application for a Premises Licence at "Bakshish", Thames Edge Court, Staines-upon-Thames, TW18 4BU, in the light of representations

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The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

Licensing Act 2003

Hearing procedure for Licensing Sub-Committee – premises licence applications

	Introductions
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	The Applicant or their representative will introduce themselves to the Sub-Committee.
3.	Any Responsible Authorities and/or Other Persons will introduce themselves to the Sub-Committee.
	Summary of Application and Representations
4.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
5.	The Applicant or their representative may ask the Licensing Manager QUESTIONS arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
6.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager.
7.	Any Other Persons may ask relevant questions of the Council's Licensing Manager.
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	The Applicant's Case
10.	The Applicant or their representative will present their case.*
11.	The Responsible Authorities may ask relevant questions of the Applicant or their representative.
12.	Any Other Persons may ask relevant questions of the Applicant or their representative.

13.	The members of the Sub-Committee may ask relevant questions of the Applicant or their representative.
14.	The Applicant may respond to any new issues raised.
	The Responsible Authorities case
15.	The Responsible Authorities will present their case, in turn.*
16.	The Applicant or their representative may ask relevant questions of the Responsible Authorities.
17.	Any Other Persons may ask relevant questions of the Responsible Authorities.
18.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
19.	The Responsible Authorities may respond to any new issues raised.
	The Other Persons Case
20.	Any Other Persons will present their case, in turn.*
21.	The Applicant or their representative may ask relevant questions of the Other Persons.
22.	The Responsible Authorities may ask relevant questions of the Other Persons.
23.	The members of the Sub-Committee may ask relevant questions of the Other Persons.
24.	The Other Persons may respond to any new issues raised.
	Summing Up
25.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
26.	The Chairman will invite the Other Persons to briefly summarise their case if they so wish.
27.	The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish.
28.	The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish.
29.	The Chairman will then ask all parties if they are satisfied they have said all they wish to.

	Decision
30.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
31.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision.
32.	Meeting closed.
33.	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

GUIDANCE NOTES

*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Applicant questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 10. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.

Licensing Sub-Committee

19 March 2018



Title	Application for a Premises Licence at Unit 5 Thames Edge Court, Clarence Street, Staines-upon-Thames TW18 4BU		
Purpose of the report	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Rob Thomas, Interim Principal Licensing Officer (PLO), 01784 446439		

Description and Location	<p>Unit 5 is part of a residential and commercial complex.</p> <p>There are four commercial units located on the ground floor and basement levels and the rest of the building comprises three floors of residential apartments.</p> <p>Two of the other commercial units currently operate as restaurants and one is a bar/restaurant.</p> <p>A plan of the premises is attached as Appendix A.</p>
The Application	<p>The application is to permit:</p> <ul style="list-style-type: none"> • the sale of alcohol for consumption on the premises 07:00 – 01:00, seven days a week • provision of films 08:00 – 23:00, seven days a week • provision of indoor sporting events 08:00 – 23:00 Sunday to Thursday; and 08:00 – 00:00 Friday and Saturday • provision of live and recorded music 08:00 – 01:00, seven days a week • provision of performances of dance 09:00 – 01:00, seven days a week • provision of anything of a similar description to live music, recorded music or performances of dance 08:00 – 01:00, seven days a week • late night refreshment 23:00 – 01:00, seven days a week <p>The opening hours of the premises are noted as 07:00 – 02:00 seven days a week, with mention of the premises being open until 03:00hrs 20-30 nights a year (since the application was submitted, it has been clarified that these additional 20-30 nights will be applied for using Temporary Event Notices [TENs], though the applicant has been advised that the Licensing Act 2003 only permits 12 of these a year, per premises).</p> <p>Opening hours until 05:00 on Christmas Eve and New Years Eve have been specified, though for the avoidance of confusion – no seasonal variations to licensable hours have been specified, so in order to</p>

	<p>conduct any licensable activity beyond the hours specified above the applicant would need to serve TENs for these occasions.</p> <p>The application form is attached in full at Appendix B.</p>
Representations	<p>Relevant representations have been received from the following responsible authorities: -</p> <p>Licensing Enforcement Officer, Lucy Hopkins (Appendix C);</p> <p>Surrey Police (Appendix D); and</p> <p>Senior Environmental Health Officer, Leslie Spearpoint (Appendix E).</p> <p>47 relevant representations have been received from other persons living nearby and are attached at Appendix F.</p>
Options	<ol style="list-style-type: none"> 1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits. 2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives: <ul style="list-style-type: none"> • To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or • To grant the application and modify the conditions of the licence, by alteration, addition or omission; or • To exclude from the scope of the licence any of the licensable activities to which the application relates; or • To refuse to specify a person in the licence as the premises supervisor; or • To reject the whole or part of the application.

1. Premises history

- 1.1 The premises has historically operated as several different businesses (Coco's, Kandi Klub, Diablos and Diesel), as a "nightclub".
- 1.2 In its most recent incarnation (as Soirée), it was run – according to the previous licence holder – as a "bar/restaurant". However, it would be fair to say that the operation changed over time into something which more closely resembled a business most people would regard as a "nightclub".
- 1.3 Over the years, when the premises has been open the Council and other responsible authorities have consistently received complaints in relation to the premises, commonly:
 - drunk and disorderly behaviour including shouting, swearing and fighting;
 - noise disturbance from regulated entertainment within the premises, from smokers in the alleyway adjacent to the premises and people arriving and leaving the premises;
 - anti-social behaviour;
 - lewd behaviour;
 - criminal damage to the property of residents;
 - cigarette smoke smells;
 - litter;
 - vehicles parking dangerously in Clarence Street, on the pavement and blocking access with a view to dropping off and picking customers up; and
 - the premises not being fit for use as a nightclub due to its close proximity to residential properties.
- 1.4 Whilst these complaints were received in response to operations run by former licence holders, it is important to note that in a decision notice issued to Howlaw (431) Ltd. in January 2010 with respect to an application for a Premises Licence at the address, the Sub-Committee was persuaded by the evidence that these premises are not suitable for use as a nightclub and are not suitable for any form of regulated entertainment without the imposition of conditions to ensure that noise does not cause a disturbance to residents.

2. Application Summary

- 2.1 On 6 November 2017, Spelthorne's Licensing department, Surrey Police Licensing Officer Jacquie Clark and Senior Environmental Health Officer (SEHO) Leslie Spearpoint met with a prospective applicant for a new Premises Licence at the address. The prospective applicant, Bakshish Ltd., was accompanied by Adrian Goldsmith from Howlaw (431) Ltd., an agent who purported to be the person who would co-ordinate and submit the application, and an acoustic specialist.
- 2.2 The purpose of the meeting was to discuss the history of the premises in light of a proposal for a new business which was described as a media-driven themed restaurant, similar to that found in London and Dubai – whereby projections on the wall and accompanying background music / sound effects would transport the diner to different locations through use of media-created

ambience. The applicant said they wished to “bring the London vibe” to Staines, and explained that by this they meant that they wanted to provide an executive experience, selling high-end food at an elevated price in comparison to other outlets in Staines. It was also their intention to provide facilities for local businesses to host meetings and functions.

- 2.3 Officers at the meeting were keen to divert the applicant’s attention to the history of the premises and the problems associated with it. A focus was placed on the problems with noise and the issues with the structure which exacerbated them. With this in mind, the Licensing department stressed to the applicant how contentious the application was likely to be and that it was likely to draw representations and subsequently be determined by a Licensing Sub-Committee.
- 2.4 An application was received for a Premises Licence on 21 December 2017. The application was rejected on 22 December 2017, as there were issues which needed rectifying (details were omitted from the application form, the plan was inadequate, and the consent form showed some inconsistencies with regard to the DPS’s address and personal licence number).
- 2.5 A subsequent application was submitted on 23 January 2018, validated and processed accordingly.
- 2.6 Consultation notices were displayed in accordance with the Licensing Act 2003, at the premises itself and in the 2 February 2018 edition of the Surrey Advertiser.
- 2.7 The application in its entirety was also available for inspection via Spelthorne Borough Council’s Licensing Online system, for the duration of the 28-day consultation period.

3. Promotion of the Licensing Objectives

- 3.1 The Licensing Objectives, together with examples from Government Guidance, are set out below for information:

Prevention of crime and disorder

- Criminal behaviour on, or directly attributable to, the premises
- Under age sales
- Anti-social behaviour on, or directly attributable to, the premises

Public safety

- Overcrowding
- Fire safety
- Emergency exits
- Anything related to the safety of the public at the premises

Prevention of public nuisance

- Noise / light or odour nuisance
- Litter

Protection of children from harm

- In relation to sales of alcohol, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s

- 3.2 Section 18 of the application form (hereafter known as the ‘Operating Schedule’) at **Appendix B**, details the proposed steps to be taken to promote the licensing objectives.
- 3.3 Unfortunately, the steps put forward by the applicant weren’t clear, didn’t always make sense, and – as offered – would not have formed enforceable licence conditions. The Licensing Act 2003 provides local authorities the facility to reword points offered on the Operating Schedule so that they are clearer and more enforceable. This typically involves minor adjustments and word substitutions which do not alter the meaning of the conditions, and is done at such a time as when the licence is granted. However, given the circumstances, Spelthorne’s PLO opted to amend them in advance, and rewrote the entire Operating Schedule for consideration by the applicant.
- 3.4 Following extensive liaison between the applicant, Spelthorne’s Licensing department, Surrey Police, Environmental Health and Surrey County Council’s Child Employment & Strategy; the applicant submitted a revised version of the Operating Schedule (attached as **Appendix G**) on 21 February 2018 – having agreed to numerous suggestions by the various authorities.
- 3.5 Should the licence be granted, the points on this version of the Operating Schedule will be converted into enforceable conditions which will be attached to the licence to ensure the promotion of the licensing objectives.

4. Representations

i) Representations from Responsible Authorities

- 4.1 A relevant representation has been received from Spelthorne Borough Council’s Licensing Enforcement Officer (LEO), Lucy Hopkins and is attached at **Appendix C**. Miss Hopkins’ representation mainly cites grounds based on the prevention of public nuisance, specifying:
- a concern over how smoking will be regulated;
 - ambiguity over the intended operation, based on the licensable activities and hours applied for within the application; and
 - shared concerns with Environmental Health over the potential for noise disturbance.
- Miss Hopkins also expressed a concern about whether or not someone new to the licensing trade will possess the knowledge and ability to manage a premises of this size and scale.
- 4.2 A relevant representation has been received from Surrey Police and is attached at **Appendix D**. It explains that the Operating Schedule undermines the licensing objectives by being ambiguous and in some places, contradictory. Surrey Police are therefore unclear as to the steps the applicant is going to take to promote the objectives. Surrey Police cite the prevention of public nuisance as well, referencing the lack of a designated smoking area – amongst other points.
- 4.3 A relevant representation has been received from Spelthorne Borough Council’s SEHO, Leslie Spearpoint and is attached as **Appendix E**. It is based on the prevention of public nuisance – specifically with reference to

noise. Mr Spearpoint refers in detail to the historical issues with noise emanating from the premises, and explains measures that need to be taken in order to resolve the likelihood of recurrence if any form of regulated entertainment is to resume at the address.

- 4.4 There is a shared concern from the authorities that - in spite of the applicant's assurances that the premises is going to be a "bar/restaurant" - on paper, the licensable activities as applied for appear more suited to a "nightclub" type operation.

ii) Representations from 'other persons'

- 4.5 In total, 47 relevant representations have been received from other persons and are attached at **Appendix F**.
- 4.6 The grounds for objection are summarised below in relation to each Licensing Objective.

Prevention of crime and disorder

- Drug-taking and selling
- Anti-social behaviour, including fighting amongst customers, trespassing and criminal damage
- Public urination
- Lewd behaviour

Public safety

- Potential for drunk people to fall into river
- Cars stopping to drop off / collect customers have no alternative but to stop in an unsafe manner on Clarence Street, due to the location of the premises
- Bottles, glasses and consequent broken glass outside
- Vomit outside

Prevention of public nuisance

- Noise from music, customers, and cars respectively
- Increase in the number of cars (both taxis and private) parking inappropriately / dangerously
- Congregating smokers will cause noise and pollution
- Increased litter and cigarette stubs

- 4.7 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:
- Objections on the basis of need, or lack of need, for premises to sell alcohol
 - Parking, or other issues relating to general amenity rather than licensing objectives

5. Planning permissions

- 5.1 The PLO liaised at length with Spelthorne's Planning Officer, Vanya Popova. Ms Popova confirmed that the most recent Planning usage permission allowed use of this premises as a bar/restaurant.
- 5.2 The current Planning usage permission does **not** permit the premises to be used as a "nightclub" and anyone wishing to use it for this purpose would need to consult with the Planning department before doing so. Failure to do so may result in enforcement action.

6. Licensing Policy

- 6.1 The following sections of the Council's Licensing Policy are relevant.
- Section 24.0 - Crime and Disorder
 - Section 24.5 – Public Safety
 - Section 24.7 - Public Nuisance

7. National Guidance

- 7.1 The relevant section of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determining Premises Licence applications is relevant in the consideration of this application, and is attached at **Appendix H**.

8. Making a decision

- 8.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.
- 8.2 The Sub-Committee must give reasons for its decision.
- 8.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.
- 8.4 Conditions on licences must:
- be precise and enforceable;
 - be unambiguous;
 - not duplicate other statutory provisions;
 - be clear in what they intend to achieve; and,
 - be appropriate, proportionate and justifiable.
- 8.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.
- 8.6 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide

evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

Appendices:

Appendix A – Location Plan

Appendix B – Application

Appendix C – Representation from Spelthorne Borough Council’s Licensing department

Appendix D – Representation from Surrey Police

Appendix E – Representation from Spelthorne Borough Council’s Environmental Health department

Appendix F - Representations from other persons

Appendix G – Revised Operating Schedule submitted by applicant on 21 February 2018

Appendix H – Section 9 of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003, on Determining Premises Licence Applications

Location Map
Unit 5, Thames Edge Court, Clarence Street, Staines-upon-Thames

Appendix A



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Spelthorne
Application for a premises licence
Licensing Act 2003

For help contact
environmental.health.commercial@spelthorne.gov.uk
 Telephone: 01784 444202

* required information

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an Individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

Continued from previous page...

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

You must enter a valid e-mail address

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

Continued from previous page...

VAT number	<input type="text" value="GB"/>	<input type="text" value="243824507"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>		
Your position in the business	<input type="text" value="PRINCIPAL SOLICITOR"/>		
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.	
Agent Registered Address		Address registered with Companies House.	
Building number or name	<input type="text" value="34"/>		
Street	<input type="text" value="EASTCOTE LANE"/>		
District	<input type="text"/>		
City or town	<input type="text" value="SOUTH HARROW"/>		
County or administrative area	<input type="text" value="MIDDLESEX"/>		
Postcode	<input type="text" value="HA2 8DB"/>		
Country	<input type="text" value="United Kingdom"/>		

Section 2 of 21**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="UNIT 5 THAMES EDGE COURT"/>
Street	<input type="text" value="CLARENCE STREET"/>
District	<input type="text" value="STAINES-UPON-THAMES"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="TW18 4BU"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
------------------	----------------------

Non-domestic rateable
value of premises (£)

58,500

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

BAKSHISH LIMITED

Details

Continued from previous page...

Registered number (where applicable)

10900840

Description of applicant (for example partnership, company, unincorporated association etc)

PRIVATE LIMITED COMPANY

Address

Building number or name

SILVERBIRCH

Street

FERRY AVENUE

District

STAINES UPON THAMES

City or town

County or administrative area

Postcode

TW18 3LP

Country

United Kingdom

Contact Details

E-mail

bakshish.ltd@mail.com

Telephone number

07958595879

Other telephone number

You must enter a date of birth

* Date of birth

 / /

dd mm yyyy

You must enter a nationality

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start?

 20 / 02 / 2018

dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 / /

dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Application for ON LICENCE for the restaurant/Pub/Bar/Private Restaurant Hire for parties for the following licensing activities:

Provide Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Late Night Refreshment with supply of alcohol

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

FRIDAY

Start 08:00

End 23:00

Start

End

SATURDAY

Start 08:00

End 23:00

Start

End

SUNDAY

Start 08:00

End 23:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☒ Indoors☐ Outdoors☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sound/music will be amplified.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☒ Yes☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 08:00

End 23:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 08:00

End 23:00

Start

End

WEDNESDAY

Start 08:00

End 23:00

Start

End

THURSDAY

Start 08:00

End 23:00

Start

End

FRIDAY

Start 08:00

End 00:00

Start

End

SATURDAY

Start 08:00

End 00:00

Start

End

SUNDAY

Start 08:00

End 23:00

Start

End

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sport games will be casted live on screen (i.e. football/boxing matches). Sound will be amplified.

State any seasonal variations for indoor sporting events

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End Start End

SUNDAY

Start End Start End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sound/music will be amplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start End Start End Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 08:00

End 01:00

Start

End

WEDNESDAY

Start 08:00

End 01:00

Start

End

THURSDAY

Start 08:00

End 01:00

Start

End

FRIDAY

Start 08:00

End 01:00

Start

End

SATURDAY

Start 08:00

End 01:00

Start

End

SUNDAY

Start 08:00

End 01:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors☐ Outdoors☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sound/music will be amplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

☒ Yes☐ No**Standard Days And Timings****MONDAY**Start End Start End **TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors☐ Outdoors☐ BothWhere taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Any Dance performance including Belly dance, free dancing to enhance Restaurant rights (regulated entertainment). Music will be amplified.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 7am - 5am
New Years Eve 7am - 5am

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

THURSDAY

Start 08:00

End 01:00

Start

End

FRIDAY

Start 08:00

End 01:00

Start

End

SATURDAY

Start 08:00

End 01:00

Start

End

SUNDAY

Start 08:00

End 01:00

Start

End

Give a description of the type of entertainment that will be provided

Occasional entertainments such as Jazz Night, Gazebo night, Corporate parties, Hollywood and Bollywood Nights.

Will this entertainment take place indoors or outdoors or both?

☒ Indoors☐ Outdoors☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sound/music will be amplified.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 7am - 5am

New Years Eve 7am - 5am

Continued from previous page...

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes☐ No

Standard Days And Timings

MONDAY

Start 07:00

End 01:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 07:00

End 01:00

Start

End

WEDNESDAY

Start 07:00

End 01:00

Start

End

THURSDAY

Start 07:00

End 01:00

Start

End

FRIDAY

Start 07:00

End 01:00

Start

End

SATURDAY

Start 07:00

End 01:00

Start

End

SUNDAY

Start 07:00

End 01:00

Start

End

Will the provision of late night refreshment take place Indoors or outdoors or both?

☒ Indoors☐ Outdoors☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 7am - 5am
New Years Eve 7am - 5am**Section 15 of 21****SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes☐ No**Standard Days And Timings****MONDAY**

Start 07:00

End 01:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.**TUESDAY**

Start 07:00

End 01:00

Start

End

WEDNESDAY

Start 07:00

End 01:00

Start

End

THURSDAY

Start 07:00

End 01:00

Start

End

Continued from previous page...

FRIDAY

Start 07:00

End 01:00

Start

End

SATURDAY

Start 07:00

End 01:00

Start

End

SUNDAY

Start 07:00

End 01:00

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises
 ☐ Off the premises
 ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 7am - 5am
New Years Eve 7am - 5am

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

dd mm yyyy

*Continued from previous page...***Enter the contact's address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative ar	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

No adult entertainment will be provided

Section 17 of 21**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings****MONDAY**

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 07:00

End 02:00

Start

End

WEDNESDAY

Start 07:00

End 02:00

Start

End

THURSDAY

Start 07:00

End 02:00

Start

End

FRIDAY

Start 07:00

End 02:00

Start

End

SATURDAY

Start 07:00

End 02:00

Start

End

SUNDAY

Start 07:00

End 02:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

20-30 nights in a year (only on Fridays and Saturdays), will be opened for the public till 3am for special events.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 7am - 5am
New Years Eve 7am - 5am

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Well trained staff. All staff advised of licensing law. Training will be provided on premises specific policies. Record will be kept of the date/name of the person trained and made available for inspection by police/licensing authority. Will block the hole behind the kitchen that leads the noise to the upstairs flats. No outside smoking after 11.00 pm will be permitted from Sunday to Thursday.

b) The prevention of crime and disorder

Full Equipment with CCTV Cameras will be placed both inside and outside of the premises. Recordings will be in real time. Recordings kept for a minimum 30 days. trained member of staff should be on duty to operate the system whenever the premises are open. External lighting. Security system integrated - alarm CCTV & Lighting working together/Alarm should be linked to system that notify police if required. Door Staff - licensed with (SIA) security industry authority. SIA badge will be clearly displayed. Door staff should be easily identifiable by Uniform, high visibility jackets or arm bands, Door staff sign register detailing SIA number. Effective security policies, security reviews, proper management of door, door admissions policy, Ejecting or refusing entry to person, policy to manage capacity, supervising toilet areas, calling police, effective search policies, drug awareness course (clear signage, mirrors, lost & found policy, staff training), lockable shutters, drink awareness posters, reduce potential for excessive queue lines. Acceptance of accredited proof of age cards. Effective and responsible management of premises. Training staffs for prevention of crime and disorder. No violent behavior.

c) Public safety

A full risk assessment taking into account public safety & should be carried out to identify potential hazards. First aid boxes. A recognized qualification in first aid. A first aid room. Temperature/humidity levels controlled. Documented capacity. Policy to manage capacity. Glass collection policy. Spillages/broken glass cleared immediately. Fire detection. A zero tolerance policy - drugs. Refusing entry. Discourage drink driving - designated driver posters. End of night (increased lighting). Notices warning customers of potential crime risk and not to leave bags and any personal belongings unattended. Signs will be placed on the premises stating restrictions on sale of liquor under 18. "Challenge 25 policy" to be maintained. Inform the use of CCTV cameras. The fire extinguisher to be maintained.

d) The prevention of public nuisance

Noise control - Keep windows/doors closed & ensure premises properly ventilated & emergency exit not restricted. Provide acoustically treated ventilation/air conditioning. Sounds insulation to emergency door/extracted fan. Speakers inside premises and not positioned near windows/doors. Play sound amplification systems through sound limiting device. In house speakers opposed to DJ's. Sound insulated enclosures external plan/machinery. THE DUCT/OUTLET BEHIND THE KITCHEN WILL BE CLOSED, SO THAT THAT NOISE DOES NOT TRAVEL TO THE UPSTAIRS NEIGHBOURS IN FUTURE. Use anti vibration mounting for speakers. Consider number/location and mounting of loud speakers so that Internal music levels can be kept low as possible and the transmission of structure borne noise is minimized. Use rubber matting/handling aids for movement of barrels/bottles. Ensure all staff, DJ's and artists understand the noise control requirements and remain in ultimate control. Operate at realistic times and not impact others. Use different finishing times for different parts of operation. Play calming/relaxing music towards end of night and allow customers to adjust will mean they more likely to leave quieter. Use outdoor areas at reasonable and do not move waste bottles late at night. Use signs requesting customers and staff to be quiet when leaving premises. Designate a specific taxi firm for staff/customers to use and ensure that taxi drivers do not use horn to attract attention. Arrange deliveries to be made at reasonable times. Carry out regular monitoring checks to ensure noise is being adequately controlled. Develop methods to control queuing outside premises. When noise levels increase at the frontage of licensed premises, consider alternative exit route to the rear or side street to minimize noise. Discourage and report to police any groups of youths hanging outside the premises

e) The protection of children from harm

Age limitation. Limitation on the hours when children present. Limitation on the parts of the premises to whereby children will be given access. Requirement for accompanying adults. Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place. Full exclusion of those people under 18 from the premises when any licensable activities are taking place. Especially request of age of proof cards for children. Trained staff to prevent children from any kinds of drugs or drinking. Trained staff for prevention of any kinds of incidents of violence and disorder affecting children.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

Staffs will be trained regarding the protection of children from harm, including the awareness of Child Sexual Exploitation, and on how to make a referral if any concerns are raised for children or any suspected perpetrator. This could be through watching the operation make safe video.

Displaying the operation make safe poster (or similar) in prominent positions to remind staff of the signs and symptoms and how to refer concerns about Child Sexual Exploitation.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card Issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) Issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from Immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document Issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...	
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00
* Fee amount (£)	315.00
ATTACHMENTS	
AUTHORITY POSTAL ADDRESS	
Address	
Building number or name	SILVER BIRCH
Street	FERRY AVENUE
District	STAINES-UPON-THAMES
City or town	
County or administrative area	
Postcode	TW18 3LP
Country	United Kingdom
DECLARATION	
<p>* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing act 2003, to make a false statement in or in connection with this application.</p> <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"</p> <p>* Full name</p> <p>* Capacity</p> <p>Date (dd/mm/yyyy)</p>	
<p>Add another signatory</p>	
<p>Once you're finished you need to do the following:</p> <p>1. Save this form to your computer by clicking file/save as...</p> <p>2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1 to upload this file and continue with your application.</p> <p>Don't forget to make sure you have all your supporting documentation to hand.</p>	
<p>IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</p> <p>IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED</p>	

Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Consent of individual to being specified as premises supervisor

Satinder Pal Singh

I

[full name of prospective premises supervisor]

of

**9 Meadowbank Gardens
Hounslow
TW5 9TX**

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

On Licence for the restaurant/Pub/Bar/Private Restaurant Hire for parties

[type of application]

by

Bakshish Limited

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

**"Bakshish"
Unit 5, Thames Edge Court
Clarence Street
Staines-upon-Thames
TW18 4BU**

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Bakshish Limited

[name of applicant]

concerning the supply of alcohol at

"Bakshish"
Unit 5, Thames Edge Court
Clarence Street
Staines-upon-Thames
TW18 4BU

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

H05144

[insert personal licence number, if any]

Personal licence Issuing authority

London Borough of Hounslow, The Civic Centre, Lampton Road, TW3 4DN

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

SARINDYAL SINGH

Date

23/01/18

MEANS OF ESCAPE
Fire doors to be half hour fire resisting and self closing.
Doors to satisfy BS476 Part 22: 1987 and be FD30/30 standard. Doors protecting means of escape should be fitted with intumescent strips and cold smoke seals

FIRE ALARM
Building to be fitted with a fire alarm system conforming to part L5 of BS 5839-1:2002 Fire detection and fire alarm systems for buildings. Alarm should be interphased with the entertainment system to silence music when in use.
Symbols on plan indicate rooms to be covered, and actual location of detector heads are to be advised by a specialist fire alarm consultant

FIRE FIGHTING EQUIPMENT
All fire fighting equipment to be set so that the carry handles are located 1.5m above floor level.

All equipment to be subject to annual testing by a competent person

EMERGENCY LIGHTING
Premises to be covered with emergency lighting to standard set out in BS 5266: Part 1:2002 The code of practice for the emergency lighting of premises other than cinemas.

All exits to be indicated by the use of maintained illuminated exit signs. All other areas to be illuminated by general emergency lighting

WC doors to have 150mm gap at the bottom to allow WC supervision

EXISTING EMERGENCY LIGHTING & FIRE ALARM TO BE ALTERED TO SUITE NEW LAYOUT

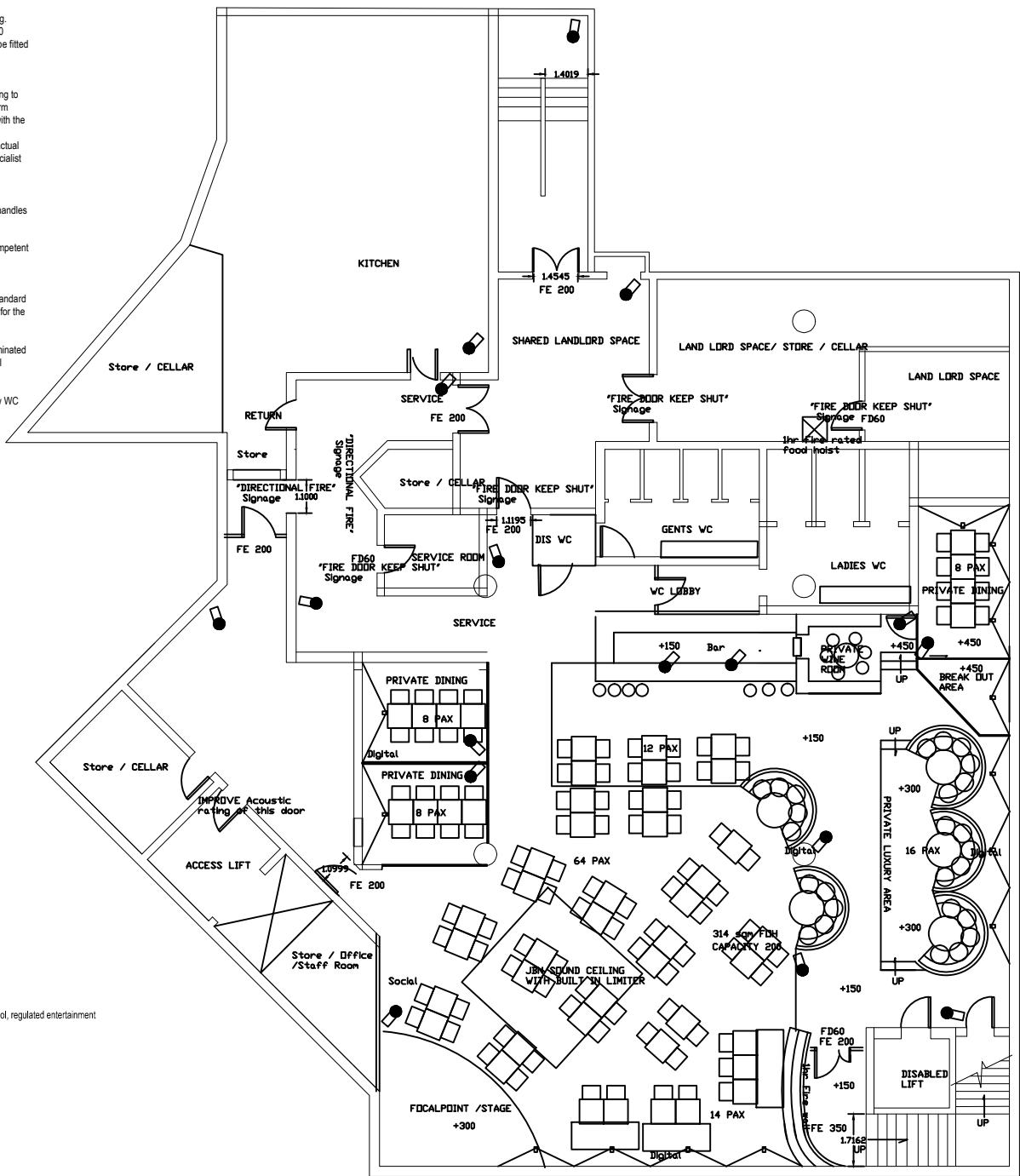
CCTV SYSTEM & CAMERA SPECIFICATION TO BE DEVELOPED WITH CRIME PREVENTION TEAM
CCTV CAMERA

Area to be used for the sale of alcohol, regulated entertainment and refreshment.

SCALE
0m 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m

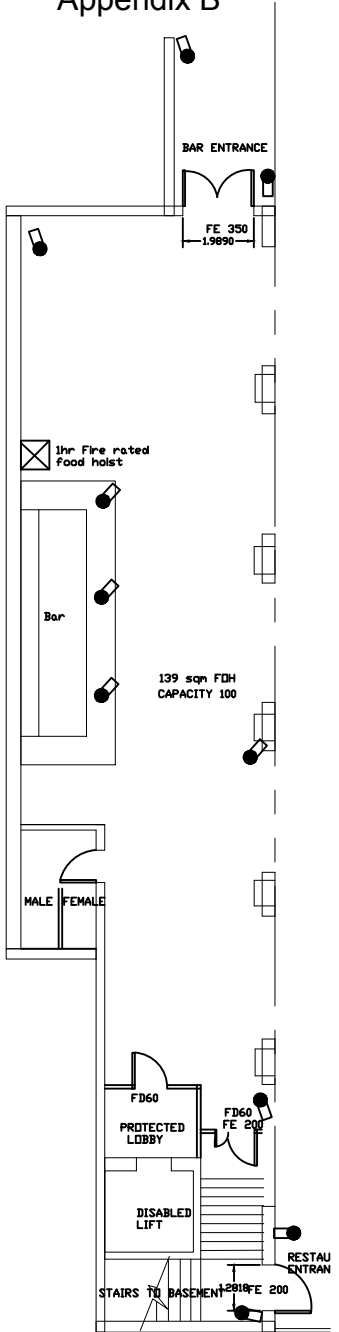
Drawing No - 7544 02G

CLIENT -Bakshish Ltd
RESTAURANT BAR
DATE 31/1/18



BASEMENT
MAX BASEMENT CAPACITY 200

Appendix B



GROUND FLOOR
MAX BAR CAPACITY 100

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From: Hopkins, Lucy **On Behalf Of** Licensing
Sent: 21 February 2018 18:15
To: Hobbs, Gillian <G.Hobbs@spelthorne.gov.uk>; Committee Services
<CommitteeServices@spelthorne.gov.uk>
Cc: Licensing <licensing@spelthorne.gov.uk>
Subject: Licensing Representation
Importance: High

Please find below formal representation from Licensing Authority

On 23rd January 2018, an application for a Premises Licence at Unit 5, Thames Edge Court, Staines upon Thames, TW18 4BU was received by Spelthorne Borough Council's Licensing Department. The application was validated in spite of concerns about how enforceable the conditions detailed on the Operating Schedule (OS) might be if left as they were. Nonetheless, the basis of their perceived intent seemed sufficient enough that the Principal Licensing Officer (PLO) was of the opinion that they could be reworded in a way which would make them a suitable starting point to help the applicant to promote the licensing objectives.

On 5th February a revised version of the OS (Appendix G to the report) was sent to the applicant's agent for consideration, having been rewritten to make numerous conditions clearer - & with comments querying the intent of others. On 7th February, Mr Malik of Bakshish Ltd. contacted the PLO to discuss some concerns, explain that he was intending to meet with Surrey Police on site, & advise that Bakshish Ltd. was – in principal – in agreement with the amended version of the OS. He was advised that Bakshish Ltd. would need to confirm this in writing, addressing the questions raised within the document.

On 21st February 2018, the PLO contacted the applicant to explain that Bakshish Ltd. were yet to confirm in writing that they were in agreement with the amendments sent to them on 5th February. Given the breadth of liaison with other authorities, he explained that conditions agreed with the various authorities would need to be amalgamated with those specified on the document sent on 5th February into **one concise list**, under the relevant headings. In response, a very confusing document was sent back to Mr Thomas, combining points discussed with Surrey Police, Environmental Health & Surrey County Council – littered with comments & tracked changes referencing meetings and letters/emails. As presented, these were therefore not items which could be converted to licensing conditions. Furthermore, the document was not presented in a manner which even always made it clear exactly what the applicant was happy to agree to.

At this point in time, Spelthorne Borough Council's Licensing Department is therefore unable to confirm that the Operating Schedule as offered is enforceable or adequate to allow the applicant to trade as requested without undermining the Licensing Objectives. The Licensing Department is particularly concerned about whether the conditions as presented on the whole are suitable to allow the applicant to trade without undermining the prevention of public nuisance objective.

A few examples of concerns include: -

- a failure to specify how smoking will be prohibited after 23:00 Monday to Thursday;
- perceived ambiguity of the intended operation in light of comments about “playing calming/relaxing music towards the end of the night and allowing customers to adjust so that they are more likely to leave quietly”; &

- shared concerns with Environmental Health over the potential for noise disturbance to residents in the adjoining properties, based on historical evidence suggesting the unit is unfit for its intended purpose.

Given the challenges compiling an adequate application appears to have presented them, the Licensing Department also has grave concerns over the suitability of the applicants to manage such a premises suitably in a way that doesn't undermine the licensing objectives. Mr Malik himself admitted this is new ground for them, & despite having recently sat a course to obtain a Personal Licence badge, Mr Singh seems confused about simple details such as the number of Temporary Event Notices which can be applied for over the course of a year – which in itself is concerning.

In addition, we are concerned that the Solicitor acting on behalf of the applicant took 2 attempts to submit this application. When we met with the applicants at the premises on 6 November 2017 to discuss the potential application we were led to believe by the applicants that the premises was going to be a fine dining restaurant. The application submitted does not seem to portray this due to the times and licensable activities applied for.

With a view to promoting the licensing objectives, Spelthorne Borough Council's Licensing Department is therefore objecting to the Premises Licence application for Bakshish at Unit 5, Thames Edge Court, Staines upon Thames, TW18 4BU.



■ SURREY ■
POLICE

Northern Licensing Unit,
P O Box 101,
Guildford,
Surrey,
GU1 9PE,

Licensing Act 2003
Representation in respect of a
Premises Licence Application or Variation or a
Club Premises Certificate Application or Variation.
And Temporary Event Notice.

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

I, the undersigned, hereby make representations against the following application.

Details of premises or club premises whose application you wish to make representations against.

Name of Premises or Club	
Bakshish	
Address of Premises or Club	
Unit 5 Thames Edge Court, Clarence Street	
Post town	Post code (if known)
Staines upon Thames	TW18 4BU

Type of application

Please tick ✓

Premises Licence application	<input checked="" type="checkbox"/>
Variation to a Premises Licence	<input type="checkbox"/>
Club Premises Certificate application	<input type="checkbox"/>
Variation of a Club Premises Certificate	<input type="checkbox"/>
Temporary Event Notice	<input type="checkbox"/>

This representation relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓
✓
✓

If your representation does not relate to one of the above objectives your representation will be invalid.

Please tick ✓

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

✓
✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed



TC/INS 2070

Date 20/02/2018

Address for correspondence

Contact address for correspondence if different from that given in Sections A or B, above.

LICENSING ENFORCEMENT OFFICER

ADDRESS AS ABOVE

Post town

Post code

Daytime Telephone number (if any) 01483 - 631146

e-mail address (optional)

licensingnorthern@surrey.pnn.police.uk

Dear Sirs,

Surrey Police object to the application submitted on the 23rd January 2018 in relation to Bakshish at Unit 5 Thames Edge Court, Clarence Street, Staines upon Thames TW18 4BU.

The guidance for the Licensing Act 2003 stipulates that all operating schedules should be precise and clear about the measures that they propose to promote each of the licensing objectives and to seek the views of the responsible authorities before formally submitting their application. Applicants are expected to include positive proposals in their application on how they will manage any potential risks and make enquiries about the locality that will assist them in determining the steps that are appropriate for the promotion of the licensing objectives.

The conditions in the operating schedule submitted are ambiguous and in some cases contradictory, for example the one mentioned in section e of the operating schedule. In this section, the operating schedule states "Limitations on the exclusion of the presence of children under certain ages when particular activities are taking place. Full exclusion of those people under 18 from the premises when any licensable activities are taking place. Especially request of age of proof cards for children." "Full exclusion of those people under 18 from the premises when any licensable activities are taking place will also apply during the hours of supply of alcohol as this is a licensable activity." As the applicant has stated this premises is to be a family dining establishment, this condition offered does not make sense.

The operating schedule is not clear as to the steps they are going to take to promote the licensing objectives and there is some confusion as to what type of premises this will be. In section 17 of the application they have stated "20-30 nights in a year (only on Fridays and Saturdays), will be opened for the public till 3am for special events." As written by the applicant this condition will not be enforceable and we have also noted that they have not requested seasonal variations to the individual licensable activities so this seasonal variation requested would only apply to the opening hours. We have been trying to negotiate conditions with the applicants that will make it clear as to the nature of the premises and relevant conditions to that format. They have informed us that the basement will not be a nightclub but that it will be a lounge as well as a fine dining establishment.

Prior to this application the premises was known as Soiree and was operating as a late night drinking venue which regularly attracted large numbers of young people. At closing time Police would receive calls regarding anti-social behaviour related to large groups of customers who would congregate outside the premises, many of them drunk, waiting for taxis.

The location of this premises is not ideal for a late night drinking establishment as there is no location where people can smoke without obstructing the highway or disturbing the local residents.

We do not want to prohibit new licensed premises opening but we do need to ensure that the licence granted will have clear enforceable conditions that promote the licensing objectives especially in relation to the prevention of crime and disorder and that will therefore assist the applicants in managing a responsible premises.

We have met with the applicants to find out more about the format of the premises and therefore what conditions will need to be in place to ensure that this licensed premises does not have an adverse impact on the area and the local residents. We drew up conditions to promote the licensing objective regarding the prevention of crime and disorder based on the information that the premises would be a fine dining establishment downstairs, which does have an impact on the number of SIA registered door staff required.

I have attached the conditions that we feel are necessary to promote the prevention of crime and disorder and as the applicants have not agreed to these conditions fully, we object to the application as we do not feel that they have demonstrated a full understanding of the potential risks at this locality. I have attached their response to the conditions we recommended for your information.



The basement of the premises shall only operate as a restaurant.

- a) in which customers are shown to their table,
- b) where the supply of alcohol is by waiter or waitress service only,
- c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery and cutlery,
- d) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premise as ancillary to taking such meals.

The premises shall install and maintain a comprehensive CCTV system.

All entry and exit points will be covered enabling evidential identification of every person entering in any reasonably expected lighting condition and fitted to the standard as required by the Surrey Police operational requirement. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping including GMT and BST.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. Viewing of recordings shall be made available immediately upon the request of Police throughout the entire 31 day period. A staff member must be able to provide Police with CCTV images or data when requested.

All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale and lighting shall be sufficient in these areas so that staff can easily check ID. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time and reason for the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police at all times when the premises is open and the record to be verified by the DPS weekly.

Maintain active membership of any local Pubwatch.

Maintain a radio system that is compatible with other systems being used by licensed premises in Staines town centre.

There shall be a personal licence holder on duty on the premises from 21:00 hours until to the premises is closed for business and patrons dispersed from close proximity on Friday and Saturday nights and function nights and seasonal variations.

The licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway and are not affecting nearby residential accommodation. The number of patrons temporarily permitted to leave to smoke, shall be limited to ten persons after 22:00 hours.

An incident log shall be kept at the premises and made available on request to police. It must be completed within 24 hours of the incident and will record the following:

- a) All crimes reported to the venue
- b) All ejections of patrons
- c) Any complaints received concerning crime and disorder
- d) All drugs seized or found
- e) Any incidents of disorder
- f) Any faults in the CCTV system, including action taken to remedy

**Environmental Health Representations
for an Application for a Premises
Licence in respect of**

**Bakshish Ltd
Unit 5 Thames Edge Court
Clarence Street
Staines Surrey
TW18 4BU**

History

Spelthorne's Environmental Health service has had considerable involvement with the premises over the years, concerning noise.

The complaints made were concerning loud music from these premises in 2005/06. Environmental Health investigated the noise complaints.

This investigation concluded that the noise emanating from the premises to be causing a statutory noise nuisance. This resulted in noise abatement notices being served on "Holaw (431) Ltd", the leaseholder of the premises and the two occupiers of the premises, who were operating Diablos. In total three notices were served in January 2007. The noise abatement notice, served on Holaw (431) Ltd, is still in force as they are the leaseholders for the premises.

It is understood that the premises closed in February 2007.

In the licensing sub committee meeting held on the 11th January 2010, following an application made by Holaw (431) Ltd (Leaseholder) for a premises licence at this property. The Spelthorne Environmental Health Officer who attended the meeting, informed members that Holaw (431) Ltd had advised Environmental Health there was inadequate noise insulation to the premises which would need to be dealt with to ensure the abatement notice could be complied with.

Environmental Health approached Holaw (431) Ltd for their proposals and to date the company has not submitted details of any noise insulating works proposed or undertaken at the premises, despite previously agreeing to do so.

Mr Goldsmith, the representative from Holaw (431) Ltd, advised the committee that the company wanted to let the premises on conditions that would work for the residents as well as the business. Mr Goldsmith advised that there would also be a covenant in any lease to a tenant that the property would not be used as a nightclub.

Also, a noise consultant, engaged by Holaw (431) Ltd, stated in his report that the noise levels from this establishment were unacceptable and that works would be required to the structure of the building to improve sound insulation.

The premises were closed from 2007 until Soiree Restaurant Ltd (the last occupier) took over the premises in March 2011. No noise complaints were received by Environmental Health until February 2012. Soiree Restaurants Ltd surrendered their licence in 2015. The premises have been closed since then.

Whilst Soiree Restaurants Ltd were the premises licence holder the Council's Environmental Health Service had considerable involvement in respect of noise complaints about the premises from 2012 until they surrendered their licence: These consisted loud live music/bass sound. In addition, lacked adequate noise insulation to prevent loud music being emitted from the premises. There were also complaints about customers leaving the premises causing anti-social behaviour.

Environmental Health did a considerable amount of work with the Licence holder to resolve the problem. It investigate the noise complaints received. At the time, conclusion was that noise from amplified music was not at loud enough for the Council to take any further action because it was not at a level to be determined as a statutory noise nuisance under the Environmental Protection Act 1990. The noise from people in the footpath that runs alongside the premises is very difficult to control and also difficult to determine any link with the premises. As the footpath is a public right of way. In addition, the Council can only take action for nuisances where one property directly affects another property. A public right of way is not defined as a premise, as defined by the Environmental Protection Act 1990.

A number of the representations made to the Council, have raised concerns about antisocial behaviour from the Slug and lettuce that join's Unit 5 Thames Edge Court. Since 2012 to 2018, Environmental Health have received seven complaints from the Slug and Lettuce, comprising of loud music, broken glass, doors not being closed, people congregating and smoking outside the premises, urinating and vomiting. Car engines running. The more recent ones, were as a result of this application for Unit 5.

Soiree had 8 complaints recorded during the period of 2012 – 2014, from noise from customers leaving the premises, excessive number of smokers outside and loud music.

Environmental Health are not aware of any noise insulation works being undertaken at the premises. Noise insulation measures need to be undertaken. The previous Licence Holder of the premises, failed to manage customers using the premises.

Current Position

In October 2017, the proposed licence holder made approaches to the Council to discuss the premises and their proposals for the premises. There was a site meeting, when various concerns were raised about the premises, including noise, acoustic insulation works and customers leaving the premises. The proposed usage of the premises was to be a restaurant,

located downstairs in the basement, with computer generated digital themes projected onto walls and floor. The proposed licence holder advised that a business plan would be forwarded to the Council. To date, no business plan has been received.

In January 2018, Bakshish Ltd made an application to Spelthorne Borough Council for a premises licence for the following uses:

- Restaurant
- Pub
- Bar
- Private Restaurant Hire for Parties

Including the following licensing activities:

- Indoor Sporting Events
- Live Music
- Recorded Music
- Performance of Dance
- Late Night Refreshment with Supply of Alcohol
- Films

The application gives a distinct impression that it is going to be restaurant with a night club with ancillary activities. Environmental Health is aware of the statement made “also it is not a night club”. It may not be a night club, however there is regulated entertainment and restaurant will be hired for parties. This does indicate night club type activities. The plans show that a ceiling mounted sound system is to be installed in the premises.

Environmental Health have raised its concerns with the application, by way of a letter to the applicant’s agent (See Appendix 1).

There was a site meeting held on the 15th February 2018, where concerns were discussed with the applicant and their design consultant, together with Environmental Health and Surrey Police.

The application details an operating schedule showing that the premises could be open for up to 20 hours a day. It asked for an explanation of the following, for clarification and understanding of the following activity free dancing to enhance restaurant nights. The applicant has indicated that customers may dance on impulse by the customers. They are having party nights.

Concerning the themed nights: Gazzle – is where Indian poetry is read, with background music. Bollywood/Hollywood are themed party nights, where customers dress up.

The concerns covered the following:

- Noise control

Acoustic insulation

Sound limiting device

Explanation on limiting the impact on others, and

Management of queues, smoking area, and customers departing from the premises.

Impact on nearby residential premises.

Odour and fumes of cigarette smoke

The operating schedule, for the following licensable activities, i.e. live music, recorded music, performance of dance, alcohol, provision of anything of a similar description to live music, recorded music or performance of dance end at 01:00.

However, the standard opening hours show that the premises will close at 02:00, and on 20 – 30 nights (Friday and Saturday) per years close at 03:00 for special events. The licence application does not cover licensable activities after 01:00. There is no indication on the operating schedule about activities after 01:00. However the applicant during the meeting was very clear about the opening hours: the opening hours would 07:00 – 01:00 (application states 09:00 – 02:00). No licensable activities will be permitted after 01:00. The Ground Floor will operate primarily as a café between the hours of 07:00 – 10:00. In the morning alcohol could be sold. For the rest of the day the Ground Floor will be a high class bar/pub.

In addition, on 20 - 30 nights per year, only Friday/Saturday nights they will be having corporate bookings.

The applicants have stated, that the basement will be used as a restaurant, however, there is an exemption for private parties for corporate bookings. These type of booking indicates that the basement would be used for parties or similar activity.

The Council has no history in respect of the applicants for having a licensable premises within Spelthorne Borough Council's area. It is unable to comment on the applicant's ability to manage the premises.

Recommendations

Environmental Health wish to make the following recommendations:

1. The premises licence is not to be granted as the premises are not fit for purpose as a night club or party venue. This is because the premises have a lack of sound insulation which results in the unacceptable disturbance to residents.

2. The premises licence not to be granted until all concerns have been fully resolved and noise control and acoustic works have been completed sound tested and passed by the Environmental Health at Spelthorne Borough Council. This is to ensure that residents are not disturbed by the music or other noise coming from the premises.
3. If the Committee is minded to grant a premises licence, in the interim, prior to the completion of noise control and acoustic works. Then regulated entertainment, i.e. live and recorded music should not be permitted, until all noise control and acoustic works have been completed, sound tested and passed by the Environmental Health at Spelthorne Borough Council. Background music will be permitted only.

Environmental Health would recommend the following conditions, be attached to the Premises Licence, if a Licence is granted for the premises.

1. The opening hours of the premises:

Monday to Sunday (inclusive) 07:00 – 01:00

2. The times the licensable activities to be authorised by the licence to be restricted as follows:

Provision of Regulated Entertainment to be restricted to the following:

Sunday to Thursday (inclusive)	10:00 – 23:00
Friday and Saturday	10:00 – 01:00
New Year's Eve	10:00 – 01:00

Late Night refreshment:

Monday to Sunday (inclusive) 23:00 01:00

Supply of Alcohol:

Monday to Sunday (inclusive)	10:00 – 01:00
New Year's Eve	10:00 – 01:00

3. The premises shall not be used at any time for the activity of a nightclub or similar activity.

Management

4. The only customers' to be permitted access to the basement, of the premises, shall only be those who are having a substantial table meal that is prepared and served on the premises. This includes private parties' e.g. corporate bookings. (Advisory Note: This is to prevent the premises becoming a night club. This would stop the licence being

transferred to another party and using it as a night club or similar activity.)

5. No customer shall be permitted to access the basement for the purposes of being sold and consuming alcohol only.
6. The smoking area, is to be located near to the base of the access to the side entrance. Smoking will not be permitted after 22:00 Sunday to Thursdays. On Friday and Saturday's smoking will be permitted, after 22:00, only whilst the restaurant is open. The maximum permitted number will be 4 persons at all times. The licence holder shall ensure that customers who are smoking, are supervised by staff, do so in an orderly manner, so as not to cause a nuisance to nearby residential premises and obstruct the public right of way. No consumption of drinks of any type will be permitted in the smoking area.

Provide wall or floor mounted cigarette bins in the designated smoking area for customers.

7. Notices shall be prominently displayed at both exits, requesting customers to leave quietly and respect the needs of the local residents.
8. Any queue that forms outside the premises, shall be supervised, to ensure those queueing do so in an orderly manner, so as not to cause a nuisance to nearby residential premises and obstruct the public right of way.
9. Customers who are waiting for a taxi, shall be encouraged to wait inside the premises until the taxi arrives.
10. Customers shall not be permitted to take drinks outside, at any time.
11. Door staff to ensure that large gatherings of patrons are dispersed and that patrons depart from the premises and area quietly
12. Only background music will be permitted to be played in the Ground Floor of the premises. No noise from music, television or other means of amplification will be audible outside the licensed premises.
13. Staff will check prior to the commencement of entertainment (being live and/or recorded music) and periodically during such entertainment that all windows and doors at Ground Floor are closed at all times.

Sound System

14. The only permitted sound system, will be one that is installed onto the ceiling and uses plane wave technology and directional control, which confines the sound within a specific area in the premises. The only permitted speakers will be these installed as part of the sound system.

No other sound system/speakers will be permitted, nor will additional free standing speakers/cabinets be permitted on premises.

The system will have a noise limiting function inside the software to ensure that a pre-set threshold level cannot be exceeded. The noise limiter shall be linked to all electrical sockets used to power amplification equipment used for the purposes of the regulated entertainment and shall be capable of switching off the power to those sockets in the event that the agreed noise limit is exceeded.

Reference levels for the noise monitoring equipment will be established and agreed by an Environmental Health Officer or other nominated representative of the Spelthorne Borough Council with an independent acoustic consultant acting as the representative for the premises licence holder prior to any regulated entertainment taking place at the premises. The acoustic consultant shall be a corporate member of the Institute of Acoustics. Where the agreed limit requires access to residential premises to determine the acceptability of the limit, such access shall be arranged by the representative of the Spelthorne Borough Council with the owner or occupier of those premises. The representative of the Spelthorne Borough Council will then be present in the residential premises to establish the setting of the noise limiter that meets the criteria of Spelthorne Borough Council. Once the agreed limit has been established, the noise limiter shall be locked and the settings shall not be altered without the written consent of Spelthorne Borough Council.

The sound system shall be adjusted/isolated so as not to permit bass music to travel through the building.

The limit set on the noise limiter may be reviewed by an Environmental Health Officer or other nominated representative of the Spelthorne Borough Council in accordance with the process set out above

15. All bands and DJs shall use the in house sound system only.

Sound Insulation

16. The ceiling in the basement will be acoustically treated to ensure that noise from amplified music and sound is inaudible, in the residential properties at Thames Edge Court, at all times.
17. This is to be tested and signed off by an Acoustic consultant and Environmental Health, prior to the premises operating.
18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Informative

Any proposed extensions to the normal opening hours, on a Friday and Sunday that are 07:00 – 01:00, shall only be permitted by the application of a Temporary Event Notice, giving the appropriate statutory timescales to the Licensing Authority.

The purpose of these conditions is to reduce the impact on nearby residential premises from the activities being undertaken in the premises.

L R Spearpoint
Senior Environmental Health Officer
Spelthorne Borough Council
21st February 2018

Soma Solicitors
24 Eastcote Lane
South Harrow
Middlesex
HA2 8DB

Please reply to:
Contact: Mr L Spearpoint
Direct Line: 01784 446292
Fax: 01784 446437
Email: EH.domestic@spelthorne.gov.uk
Our Ref:
Your Ref:
Date: 1st February 2018

Att: Ms Chandra Somasuntharam

Dear Madam

**Application for Premises Licence
Unit 5 Thames Edge Court, Clarence Street, Staines TW18 4BU**

I have looked at the Application for a Premises Licence at Unit 5 Thames Edge Court, Clarence Street for which you are the agent for.

I do have concerns about the application in particular the length of time the premises will be in operation for, i.e. up to 20 hours a day. The activities will have an impact on the residents who live in the flats immediately above the premises and the residential properties in the surrounding area. The application gives a distinct impression that it is going to be restaurant with night club and ancillary activities.

I would like to know what does free dancing to enhance restaurant nights mean. Additionally, please could you explain what are Gizzle Night, Hollywood and Bollywood Nights. In addition, what are the implications for noise?

Although the application makes reference to undertaking acoustic works: to a hole in the kitchen, acoustically treated ventilation, air conditioning, sound lobby to the two entrances, sound insulation to emergency door, extractor fan, and sound insulation to ventilation ducts and outlets. There is no mention of the specification of works, to cover this. I would like to see a copy of the specification for the proposed acoustic works. Additionally, how are the premises to be noise insulated to ensure that there is no sound transmission, airborne and structurally, to the residential accommodation above the premises from the amplified music and other noise being generated within the premises.

APPENDIX E

The air handling units for ventilation were are they to be positioned? How will they be acoustically treated to avoid noise affecting the residents?

The Council will be looking for the sound limiting device to be used at all times when amplified music and sound is being used for what ever activity that is being undertaken at the time. This device will have to be calibrated before the premises opens for business.

I note that there is an intention that the premises are to be in operation for up to potentially 20 hours a day. How do you intend to operate at realistic times and not have an impact on others?

I am pleased to see that there will be no smoking outside after 11:00 pm and additionally no outside smoking on Fridays and Saturdays. Where will smoking be permitted outside these hours? How will this be managed to control the noise from the smokers.

You are expecting queues to be present outside the premises during the activities being undertaken at the premises. I would like to see a copy of your policy for the proper management of door, door admissions and reduce the potential for excessive queue lines, together with noise control measures.

Who will be responsible for undertaking the regular monitoring checks to ensure noise is being adequately controlled? Where will the noise be monitored from? How frequent will the checks be undertaken? The checks will have to be logged and any remedial action undertaken recorded. The person undertaking the monitoring must have the authority to deal with the noise by requiring the noise level to be reduced and prevent it for reoccurring.

When noise levels increase at the frontage of licensed premises, consider alternative exit route to the rear or side street to minimise noise. The concern I have is that there is no rear exit route from the premises and the side entrance opens up into pedestrian access way that leads away from the premises and towards the front of the premises. How are customers leaving the premises to be managed?

When will the playing of calming/relaxing music commence to allow customers to adjust?

I look forward in hearing from you, concerning the points raised. You can contact me on the above telephone number.

Yours faithfully

Leslie Spearpoint
Senior Environmental Health Officer

Licensing Objectives (Section 18-21)

a) General

All four licensing objectives (b,c,d,e)

Basement floor –Will be operated as fine restaurant/lounge (not a night club) – between the hours stated on the application form- where the guest will be directed to the tables where food and drinks will be served via the kitchen and bar provision downstairs

The basement of the premises shall only operate as a restaurant/lounge

- a) in which customers are shown to their table
- b) where the supply of alcohol is by waiter or waitress service only and some people will also have sitting at the basement bar
- c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table.
- d) Music/Live band will be played via inhouse speakers but will always be controlled via sound limiters/ceilings shown on the plan.

Ground Floor –

from 7-10am as relaxed café/bar. Please note Ground floor is high class pub/bar which will also become a partly waiting area for the downstairs restaurant. This floor will only have background music played during the operating hours.

b) Prevention of Crime and disorder

- 1) Staff will be well-trained, advised of licensing law & have premises-specific policies outlined for them.
- 2) Records will be kept indicating the date on which individual staff members have been trained on all aspects of training as illustrated in the operating schedule- including (but not limited to) all security policies, drink & drug awareness, & CCTV.
- 3) Furthermore, a copy of these records will be available on inspection by Surrey Police &/or Spelthorne Borough Council's licensing department on request.
- 4) The premises shall install and maintain a comprehensive CCTV system – recording will kept for 30 days and available to surrey police on request-time difference including GMT and BST. (with a provision of one hour lag during time change)
- 5) All entry and exit points will be covered enabling evidential identification of every person entering in any reasonably expected lighting condition and fitted to the standard as required by the Surrey Police operational requirement via CCTV and CCTV coverage will be provided to Surrey policy by management team on request
- 6) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale and lighting shall be sufficient in these areas so that staff can easily check ID
- 7) Maintain active membership of any local Pubwatch
- 8) There shall be a personal licence holder on duty on the premises from 21:00 hours until to the premises is closed for business and patrons dispersed from close proximity on Friday and Saturday nights and function nights and seasonal variations.
- 9) The licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway and are not affecting nearby

residential accommodation. The number of patrons temporarily permitted to leave to smoke, shall be limited to ten persons after 22:00 hours on Fridays and Saturdays.

- 10) An incident log shall be kept at the premises and made available on request to police. It must be completed within 24 hours of the incident and will record the following:
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. Any complaints received concerning crime and disorder
 - d. All drugs seized or found
 - e. Any incidents of disorder
 - f. Any faults in the CCTV system, including action taken to remedy
- 11) A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until all patrons have left the premises and dispersed from the close proximity on Friday and Saturday nights and function nights and seasonal variations.
- 12) SIA registered door staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
- 13) Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and leave the area quietly.
- 14) The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised to ensure that there is no public nuisance or obstruction. On Friday and Saturday to be done post 8pm by SIA trained staff
- 15) Patrons will not be permitted to take their drinks outside with them at any time or in any container.

c) Public Safety

- 1) A full risk assessment taking into account public safety & will be carried out to identify potential hazards.
- 2) First aid boxes will be available on site with adequate stock of required items as per standard
- 3) A staff member with a recognized qualification in first aid will be on site at all times the premises is open to the public.
- 4) Temperature and humidity levels will be controlled with effective temperature controls including thermostats and humidity controllers
- 5) The capacity of the premises will be managed in accordance with the policy specified in the section above, and documented accordingly.
- 6) A policy will be in place with regards to glass collection, including detail of spillages and broken glass – which will be cleared immediately.
- 7) A working fire detection system will be in operation at all times, and checked periodically.
- 8) There will be zero tolerance policy for drugs and IF anyone is found in possession in drugs, it will be immediately reported, and the individuals will be refused entry/re-entry and CCTV footage will be recorded and provided to authorities if requested.

- 9) The licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway and are not affecting nearby residential accommodation. The number of patrons temporarily permitted to leave to smoke, shall be limited to ten persons after 22:00 hours on Fridays and Saturdays.
- 10) The premises licence holder will take steps to discourage drink driving through the display of designated driver posters.
- 11) Notices will be displayed warning customers of potential crime risks, and not to leave bags and personal belongings unattended.
- 12) Signs will be placed on the premises stating restrictions on sale of liquor under 18.
- 13) A "Challenge 25 policy" will be maintained.
- 14) Customers will be informed about the use of CCTV cameras.
- 15) Fire extinguishers will be regularly maintained and agreed with Fire policy at all times.
 - a. All fire exits will be alarmed and unobstructed at all times
 - b. There will be regular inspected

d) The prevention of public Nuisance

- 1) Prominent and clear notices will be displayed at the exit to the premises requesting the public the needs to local residence and to leave the premises and the area quietly
- 2) There is a hole at the back of the kitchen to be sealed to avoid any noise travelling up to the residence
- 3) Special Sound ceilings will be installed to reduce any noise coming outside the property
- 4) As the nature of the business will predominantly be a fine dining restaurant with a bar/lounge, we are expecting guests to mostly attend on a prior booking basis compared to walk ins, therefore queues will be reduced and waiting area is mostly on the ground floor. However, on occasions where the guests attend exceed the capacity, there is a waiting area downstairs by the stairs just before the entrance of the restaurant. Should queues extend past this, trained door staff will be present to manage the guests.
- 5) Guests will not be permitted to smoke after 11pm from Sunday-Thursday, however there will be no time restriction on Friday and Saturday for smoking until closing time.
 - a. We aim to ensure that the smoker's area does not become a social gathering and therefore drinks will not be allowed outside the premises to control the noise aspect.
 - b. As it is fine dining/lounge is the prime nature of the business, regular smoke breaks is not anticipated to be frequent anyhow.
- 6) Customers leaving the premises will be advised to exit via the front entrance during closing hours as the front entrance leads towards the car parking area, making it more convenient for the guests. Door security staff will be present to monitor this to ensure sound levels are not high.
 - a. If for any instance any guest is waiting for the taxi – will be asked to wait inside on the ground floor to avoid any public nuisance
- 7) The premises will predominantly be playing controlled music throughout the night. However, on occasions where there are themed nights, calming/relaxing music will be played towards the end of the night up before the close of business to let the guests settle down before exiting the premises.
- 8) A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until all patrons have left the premises and dispersed from the close proximity on Friday and Saturday nights and function nights and seasonal variations.
- 9) Entrance door of the premises will be closed at all times except entry and exit to avoid noise travelling
- 10) We will attending neighbors/management committee meetings to take regular feedback related to only our premises –Unit 5

e) Protection of children from harm

- 1) Staff will be trained regarding the protection of children from harm, including the awareness of Child Sexual Exploitation, and on how to make a referral if any concerns are raised for children or any suspected perpetrator. This could be through watching the operation makesafe video
- 2) Displaying the operation makesafe poster (or similar) in prominent positions to remind staff of the signs and symptoms and how to refer concerns about Child Sexual Exploitation
- 3) Following increased awareness of the dangers to children due to child sexual exploitation (CSE) we wish to ensure the responsibilities they we have to protect children from harm with specific regard to child sexual exploitation (CSE),
- 4) Surrey police have recently launched 'Operation Makesafe', providing information which managers can access and use to make their staff aware of the signs and know how to report concerns. Further details are available from <http://www.surreycommunitysafety.org.uk/operation-makesafe/> which we will use for training purposes.
- 5) Challenge 21/25 policy will be adopted.
- 6) Under 18 proof of id will be taken for anybody before being given alcohol – only id which will be accepted is a legal photo id.
- 7) No children will be allowed at Bar severy

9. Determining applications

General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

Representations from the police

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

⁵ Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.33 Regulations made under the 2003 Act require that representations must be withdrawn

24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

- 9.34 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule.

Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

