

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.