



Please reply to:

Contact: Matthew Williams
Service: Committee Services
Direct Line: 01784 446224
E-mail: m.williams@spelthorne.gov.uk
Date: 01 December 2022

Notice of meeting

Licensing Sub-Committee

Date: Friday, 9 December 2022

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)

O. Rybinski

C. Bateson

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

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 review of the Premises Licence at Vegan Pind, 21B Clarence Street, Staines-upon-Thames TW18 4SU**

3 - 172

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 Review

	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.	All persons present to introduce themselves to the Sub-Committee. <i>*NOTE*</i> the Applicant for a <u>review</u> is either a Responsible Authority or an Other Person. The Premises Licence Holder is a “respondent”.
	Summary of Application and Representations
3.	The Council's Senior Environmental Health 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.
4.	The Applicant for the review or their representative may ask relevant questions of the Council's solicitor/ Senior Environmental Health Manager.
5.	The Responsible Authorities may ask relevant questions of the Council's Senior Environmental Health Manager if necessary.
6.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Council's Senior Environmental Health Manager if necessary.
7.	The Premises Licence Holder may ask the Senior Environmental Health 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).
8.	The members of the Sub-Committee may ask relevant questions of the Council's Senior Environmental Health Manager.
9.	The Council's Senior Environmental Health Manager may respond to any new issues raised.
	The Applicant's Case
10.	The Responsible Authorities or Other Persons applying for the review presents their case (may include evidence of witnesses if appropriate).
11.	The Responsible Authorities who have submitted representations about the application may ask any relevant questions of the applicant for the review if

	necessary.
12.	Any Other Persons who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.
13.	The Premises Licence Holder asks questions of the Applicant for the review if necessary.
14.	The members of the Sub-Committee may ask relevant questions of the Applicant for the review.
15.	The Applicant for Review may respond to any new issues raised.
	The Responsible Authorities case
16.	The Responsible Authorities who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
17.	The Applicant for the review or their representative may ask relevant questions of the Responsible Authorities.
18.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Responsible Authorities.
19.	The Premises Licence Holder may ask relevant questions of the Responsible Authorities who have submitted representations about the application.
20.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
21.	The Responsible Authorities may respond to any new issues raised.
	The Other Persons Case
22.	Any Other Persons who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
23.	The Applicant for Review or their representative may ask relevant questions of the Other Persons.
24.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Other Persons who have submitted representations about the application.
25.	The Premises Licence Holder may ask relevant questions of the Other Persons who have submitted representations about the application.
26.	The members of the Sub-Committee may ask relevant questions of the Other Persons who have submitted representations about the application.

27.	The Other Persons may respond to any new issues raised.
	The Premises Licence Holder Case
28.	The Premises Licence Holder will present their case (may include evidence of witnesses if appropriate).
29.	The Applicant for the review or their representative may ask any relevant questions of the Premises Licence Holder.
30.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
31.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
32.	The members of the Sub-Committee may ask relevant questions of the Premises Licence Holder.
33.	The Premises Licence Holder may respond to any new issues raised.
	Summing Up
34.	The Chairman will invite the Senior Environmental Health Manager to clarify any technical points.
35.	The Chairman will invite any Other Persons who have submitted representations about the application to briefly summarise their case if they so wish.
36.	The Chairman will invite any Responsible Authorities who have submitted representations about the application to briefly summarise their case if they so wish.
37.	The Chairman will invite the Applicant for the review to briefly summarise their case if they so wish.
38.	The Chairman will invite the Premises Licence Holder to briefly summarise their case if they so wish.
39.	The Chairman will then ask all parties if they are satisfied they have said all they wish to. (NOTE – The Premises Licence Holder to have the last word.)
	Decision
40.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.

41.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with reasons (summary or full) for the decision.
42.	Meeting closed.
43.	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 Premises Licence Holder 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 28. 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

9 December 2022



Subject	Application for a review of the Premises Licence at Vegan Pind		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Tracey Willmott-French (Senior Environmental Health Manager) 01784 446271		

Description and Location	<p>A vegan restaurant/bar with a Dentist above it. The premises has a balcony which overlooks the River Colne with residential flats opposite.</p> <p>On 7 October 2022, Environmental Health, a Responsible Authority under the Licensing Act 2003 applied to the Licensing Authority to review the premises licence.</p> <p>Location Plan at Appendix A</p>
The Application	<p>The application is to review the Premises Licence under the Licensing Objectives of the prevention of public nuisance. The application was made by Leslie Spearpoint, Senior Environmental Health Officer for Spelthorne Borough Council. The Applicant for Review requests the revocation of the Premises Licence.</p> <p>The current licence is attached at Appendix B and the current plan is attached at Appendix C. The review application is attached at Appendix D.</p>
Representations	<p>Relevant representations in support of the review have been received from:</p> <ul style="list-style-type: none">• The Licensing Authority a Responsible Authority under the Licensing Act 2003 (Appendix E)• Surrey Police a Responsible Authority under the Licensing Act 2003 (Appendix F)• Representations from three Other Persons (Appendix G)
Options	<p>1. Having had regard to the application and the relevant representations, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:</p> <ul style="list-style-type: none">• Modify the conditions• Exclude a licensable activity

- **Remove the Designated Premises Supervisor**
- **Suspend the licence for up to 3 months**
- **Revoke the licence**
- **No action required**

and for this purpose, the conditions of the Premises Licence are modified if any of them is altered or omitted, or any new condition is added.

1. Background

- 1.1 The licence holder is Vegan Pind Ltd, with the sole director being Mr Bobby Dhunay. The Designated Premises Supervisor is Mr Bobby Dhunay.
- 1.2 Vegan Pind Ltd was first granted a premises licence 8 December 2021. At the time the Designated Premises Supervisor (DPS) was Ravneet Singh Laila
- 1.3 An application to change the DPS with immediate effect was made on 16 June 2022 to Mr Bobby Dhunay.
- 1.4 The current premises licence in respect of Vegan Pind allows:

The times the licence authorises the carrying out of licensable activities

The provision of Regulated Entertainment from 23:00 until 01:30 everyday

The provision of Late-Night Refreshment from 23:00 until 01:30 everyday

The Sale by Retail of Alcohol from 10:00 until 01:30 everyday

The licensable activity times include the use of the balcony which backs on to the river opposite flats (Church House, Church St, Staines TW18 4EN) which will be used as a smoking area until 11pm and then closed.

The opening hours of the premises

Every day from 07:00 until 01:30 and from 07:00 until 02:00 on public and bank holidays

- 1.5 The Licensing Authority has been made aware of an oversight when the license was granted in December 2021. Surrey Police had agreed with the applicant (Bobby Dhunay) that the supply of alcohol should cease on Friday and Saturday at 01:00. However, the licence was granted in error instead with the terminal time as 01:30 for Friday and Saturdays for the supply of alcohol.

2. Review Application

- 2.1 The Sub-Committee is asked to consider and determine an application submitted on 7 October 2022 from Environmental Health for the review of a Premise Licence for Vegan Pind held by Vegan Pind Ltd. The application for the review of the Premises Licence is attached is at **Appendix D**.
- 2.2 The Application for the Review of the Premise Licence is made under the Licensing Objective for the prevention of public nuisance.
- 2.3 Environmental Health seek revocation of the premises licence.
- 2.4 The Applicant for a Review is required to forward copies of the application to the Responsible Authorities with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.
- 2.5 Environmental Health served the Application for Review on the Premises Licence Holder in accordance with the Licensing Act 2003.

- 2.6 The Notice of Review was displayed at the licensed premises on 10 October 2022 and in the reception area of the Council Offices and the notice board outside the Civic offices, as well as the Council's website. However, Surrey Police advised when they visited on 16 October 2022 the notice was not on display. Following this, two new notices were put on display by the Licensing Authority. Several checks have been made by Licensing Officers at the premises to ensure the required notice is on display at all times.

3. Event Chronology

January 2022	EH received complaints about loud music and use of balcony after 23.00.
5 February 2022	Meeting with Mr Dhunay at premises with EH and Licensing Authority.
09 February 2022	Noise limiter calibrated
3 March 2022	Meeting with Mr Dhunay and Designated Premises Supervisor was present for part of visit.
April, May, June 2022	EH received several complaints about loud music, being after permitted time i.e. after 1.30 and use of balcony after permitted time of 23.00.
14 June 2022	PACE Interview with Mr Dhunay held due to several Premises Licence breaches being found during visits to the Vegan Pind
July 2022	EH received complaints about loud music
14 July 2022	PACE Interview with Mr Laila (DPS from December 2021 until 16 June 2022).
2 August 2022	Meeting with Mr Dhunay at premises with EH and Licensing Authority. Noise Limiter fixed.
August 2022	EH received complaints about loud music.
6 August 2022	Out of hours visit with EH and Licensing to nearby residential properties. Level of music was a statutory noise nuisance.
10 August 2022	EH served an Abatement Notice under the Environmental Protection Act 1990, Section 80, in respect of statutory nuisance.
September 2022	EH received complaints about loud music.
23 September 2022	The checking/recalibration of the noise limiter was undertaken. Noise recordings were also undertaken at the same time, as evidence to the level the noise limiter was set at.
7 October	The review application was submitted by Environmental Health (EH) acting as a responsible authority on 7 October 2022.

4. Complaints received after review application

4.1 The Licensing Authority has received complaints since the review application was submitted:

16 October 2022	Complaint to out of hours noise service at 00.05 hours complainant said they wanted to complain about the loud music as it had woken her from her sleep. They said that the situation had improved for a short time, but it has recently become worse again. Not witnessed by out of hours noise officer.
21 October 2022	Complaint to out of hours noise service at 23.18 hours complainant said that they had been woken from their sleep by loud music from Vegan Pind. Not witnessed by out of hours noise officer.
29 October 2022	“Friday 28th, the drum & bass carried on until 01.30 as usual. On Saturday 29th it started at 21.00 and carried on until 02.30, obviously as the clocks changed it was 01.30. However, this meant that the thump thump, thump, was for a total of 5 and 1/2 hours continuously. Every week whichever day or days they have their clubbing nights the continuous thump carries on for 4 1/2 hours most nights, there is no break from it during that time.” The time when summertime ends was 02.00. Vegan Pind should have stopped the music at 01.30 summertime, not wintertime i.e. at their usual time.

5. Promotion of the Licensing Objectives

5.1 The relevant Licensing Objectives, as specified in the review application and the relevant representations, are set out below for information.

- **Prevention of public nuisance**
 - Noise nuisance, stemming from both music inside the premises and patrons drinking/socialising on the balcony.
- **Prevention of crime and disorder**
- **Public safety**

6. Representations

6.1 i) Representations from Responsible Authorities

A Relevant representation in support of the review has been received from the Licensing Authority and is attached at **Appendix E**. The representation seeks revocation of the licence.

A representation has been received from Surrey Police and is attached at **Appendix F**.

Representations have been received from three other persons and are attached at **Appendix G**.

7. Licensing Policy

7.1 The following sections of the Council's Licensing Policy are relevant. These are attached at **Appendix H**.

- 3.0 Licensing Objectives and licensable activities
- 8.0 Conditions
- 17.1 Licensing Hours - General
- 18.0 Enforcement
- 19.0 The review process
- 25.0 Crime and Disorder
- 25.1 Reviews
- 25.5 Public Safety
- 25.7 Public nuisance
- 25.7.1 Noise
- 25.7.2 Smokefree
- 25.7.5 Reviews in connection with public nuisance

8. National Guidance

8.1 The Sub-Committee must also have regard to the Guidance issued in April 2018 by the Secretary of State under section 182 of the Licensing Act 2003. The following chapters are relevant in the consideration of this application and are attached at **Appendix I**:

- Paragraphs 1.2-1.5 (Introduction – Licensing objectives and aims)
- Paragraphs 1.13 (Introduction – Licensable activities)
- Paragraph 1.16 (Introduction – Licence conditions – general principles)
- Paragraphs 2.1-2.5 (Crime and Disorder)
- Paragraphs 2.7-2.9 (Public Safety)
- Paragraphs 2.15-2.21 (Public Nuisance)
- Paragraphs 3.1-3.2 (Licensable Activities)
- Paragraphs 3.35 (Unauthorised Activities)
- Chapter 10 (Conditions attached to premises licences)
- Paragraphs 11.1-11.11 (Reviews)
- Paragraphs 11.16-11.23 (Reviews - powers of a licensing authority on the determination of a review)

9. Legal Comments

9.1 The legal framework from which licensing decisions must be made, consists of the Licensing Act 2003 and regulations, the national guidance issued under section 182 of the Licensing Act 2003, case law, and the Council's own Statement of Licensing Policy.

9.2 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application, any relevant representations, the evidence provided by the parties at the hearing and within the report documentation, take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- modify the conditions of the licence.
- exclude a licensable activity from the scope of the licence.
- remove the designated premises supervisor.
- suspend the licence for a period not exceeding three months.
- revoke the licence; and/or
- take no further action.

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

9.3 The Sub-Committee must also have regard to Spelthorne Borough Council's Statement of Licensing and the Secretary of State's Guidance issued under section 182 of the Licensing Act 2003 when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive but are not binding on the Licensing Sub-Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and justifiable reasons to do so. Full reasons must be given if this is the case.

9.4 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In deciding what remedial action, if any, it should take the Sub-Committee must direct its mind to the causes or concerns which the application and representations identify. The remedial action should generally be directed at these causes or concerns and should always ensure that any response is appropriate and proportionate.

9.5 The Sub-Committee is referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

9.6 Where the Sub-Committee determines an application for review it must provide written notice and reasons for its decision to; the licence holder, the applicant, any other person who made relevant representations and the chief officer of police for the police area.

9.7 The decision made by the Sub-Committee will be subject to appeal rights to the Magistrates' Court as detailed in section 181 and Schedule 5 of the Licensing Act 2003. The licence holder, Applicant for Review or any other person that made relevant representations have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a

period of 21 days beginning with the day on which the applicant was notified in writing by the Licensing Authority of its decision.

Appendices:

- **Appendix A** – Location Plan
- **Appendix B** – Current Licence
- **Appendix C** – Current Plan
- **Appendix D** – Review Application with statements and exhibits
- **Appendix E** – Representation from Licensing Authority
- **Appendix F** – Representation from Surrey Police
- **Appendix G** – Representations from Other Persons
- **Appendix H** – Relevant sections of Spelthorne Borough Council’s Statement of Licensing Policy 2019-2024, paragraphs 3.0, 8.0, 17.1, 18.0, 19.0, 25.0, 25.1, 25.5, 25.7, 25.7.1, 25.7.2 25.7.5
- **Appendix I** – National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2002, paragraphs 1.2-1.5, 1.13, 1.16, 2.1-2.5, 2.7-2.9, 2.15-2.21, 3.1-3.2, 3.35, chapter 10, paragraphs 11.1-11.11 and 11.16-11.23

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PREMISES LICENCE

Premises licence number 21/00570/LAPRE
Issue Date 08.12.2021
Latest Revision 16 June 2022 (22/00358/LAPRE)

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
Vegan Pind 21B Clarence Street			
Post town	Staines-upon-Thames	Post code	TW18 4SU

Where the licence is time limited the dates
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Licensable activities authorised by the licence The Sale by Retail of Alcohol, The provision of Regulated Entertainment and The provision of Late Night Refreshment

The times the licence authorises the carrying out of licensable activities The provision of Regulated Entertainment from 23:00 until 01:30 everyday The provision of Late-Night Refreshment from 23:00 until 01:30 everyday The Sale by Retail of Alcohol from 10:00 until 01:30 everyday The licensable activity times include the use of the balcony which backs on to the river opposite flats (Church House, Church St, Staines TW18 4EN) which will be used as a smoking area until 11pm and then closed.

The opening hours of the premises Every day from 07:00 until 01:30 and from 07:00 until 02:00 on public and bank holidays

Where the licence authorises supplies of alcohol whether these are on and/or off supplies On
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Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Vegan Pind Ltd
1110 Elliott Court
Coventry Business Park, Herald Avenue
Coventry
CV5 6UB

info@veganpind.com

Registered number of holder, for example company number, charity number (where applicable)

13192659

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Bobby Dhunay
ADDRESS REDACTED

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

REDACTED

Signed _____

Principal Licensing Officer

Dated 4 July 2022

Annex 1 - Mandatory conditions**Mandatory Condition: where a premises licence authorises the supply of alcohol:**

1. No supply of alcohol may be made under the Premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2010

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- 2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplies having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whiskey: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
(Below Cost Selling Order)**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula:

$$P = D + (D \times V)$$

where—

P is the permitted price,

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed—

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to—

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section—

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the Operating Schedule

1. Smoking on the balcony area and to the front of the premises will be limited to a maximum permitted number of 5 persons at all times. The licence holder shall ensure that customers who are smoking, are supervised by staff (including SIA Door Staff), do so in an orderly manner, so as not to cause a nuisance to nearby residential premises. No consumption of drinks of any type will be permitted in the smoking area.
2. Provide wall or floor mounted cigarette bins in the designated smoking area for customers.
3. Customers who are waiting for a taxi, shall be encouraged to wait inside the premises until the taxi arrives.
4. Management/staff, (including SIA Door Staff), shall proactively monitor the conduct and behaviour of patrons on the public highway and within the premises smoking areas to ensure no noisy, rowdy or anti-social behaviour (this includes loud talking/shouting and people congregating in large groups on pavement obstructing the public highway). Those customers deemed to be engaging in such behaviour shall be asked to cease this activity and/or disperse from the premises quietly.
5. From 23:00hrs, staff will check periodically during entertainment that all windows and doors are kept closed.
6. The installation of an in- line Equalizer and Noise Limiter, in a tamper proof location within the venue. The audio system would need to be calibrated and the limiter and equalizer settings would then be unchanged, with a single input into the sound system.
7. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council, with an independent acoustic consultant acting as the representative of the premises holder prior to any regulated entertainment taking place at the premises. Access shall only be by persons authorised by the Premises Licence holder, in writing. The limiter shall not be altered without the written consent with Spelthorne Borough Council. No alteration or modification to any existing sound system(s) should be effected without prior notification of an Environmental Health Officer or other nominated representative of Spelthorne Borough Council.
8. The noise limit set on the noise limiter may be reviewed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council in accordance with the process set out above.

9. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
10. There would be no additional noise amplifying equipment permitted and any external systems would need to be played through the limiter system.
11. All DJs shall use the in house sound system only.
12. Speakers must not be directly supported from the building structure, if this cannot be avoided, resilient fixings must be used. If placed on surfaces then resilient mats etc. must be used to isolate the speaker from the surface.
13. All staff and security teams will be trained and briefed to **make sure are trained and briefed in the requirements of the Licensing Act 2003 and all conditions on the premises licence. Regular 6 month re-training to refresh the staff will also be conducted.** Training logs will be kept at the premises and available on demand
14. Town Centre radio to be used at the premises and be monitored by door supervisors when employed. At other times the use of the radios to be determined by the DPS.
15. DPS or person in charge and all door supervisors will have internal radios to communicate with each other
16. From 8pm daily until all patrons have left the premises there will be one SIA door supervisor at the door and one **inside managing the internal areas of the premises and balcony.** From 10pm on Friday's and Saturday's there will be an additional one door supervisor working until all customers have left the premises.
17. Last entry on Friday's and Saturday's will be 12.45am.
18. We will have SIA trained staff daily between 8pm and until all customers have left the premises.
19. CCTV will cover the licensable areas inside and the rear smoking area and the front of the premises, including the smoking area.
20. No more than 5 patrons from the premises will be permitted to smoke in **either** smoking area at any one time and there will be 2 designated areas for smoking (balcony smoking area not to be used after 11pm daily).
21. Customers attending the premises will be requested to leave the premises quietly. The security will control the front smoking area to make sure customers are not obstructing the highway and allowing pedestrians to pass by safely during their hours 8pm to close daily.
22. A written or electronic register of refusals will be kept including a description of the person refused and the time and date and reason. Such records shall be kept at the premises for a period of 12 months and available on demand.
23. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the 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) any incidents of disorder
 - e) all seizures of drugs or offensive weapons

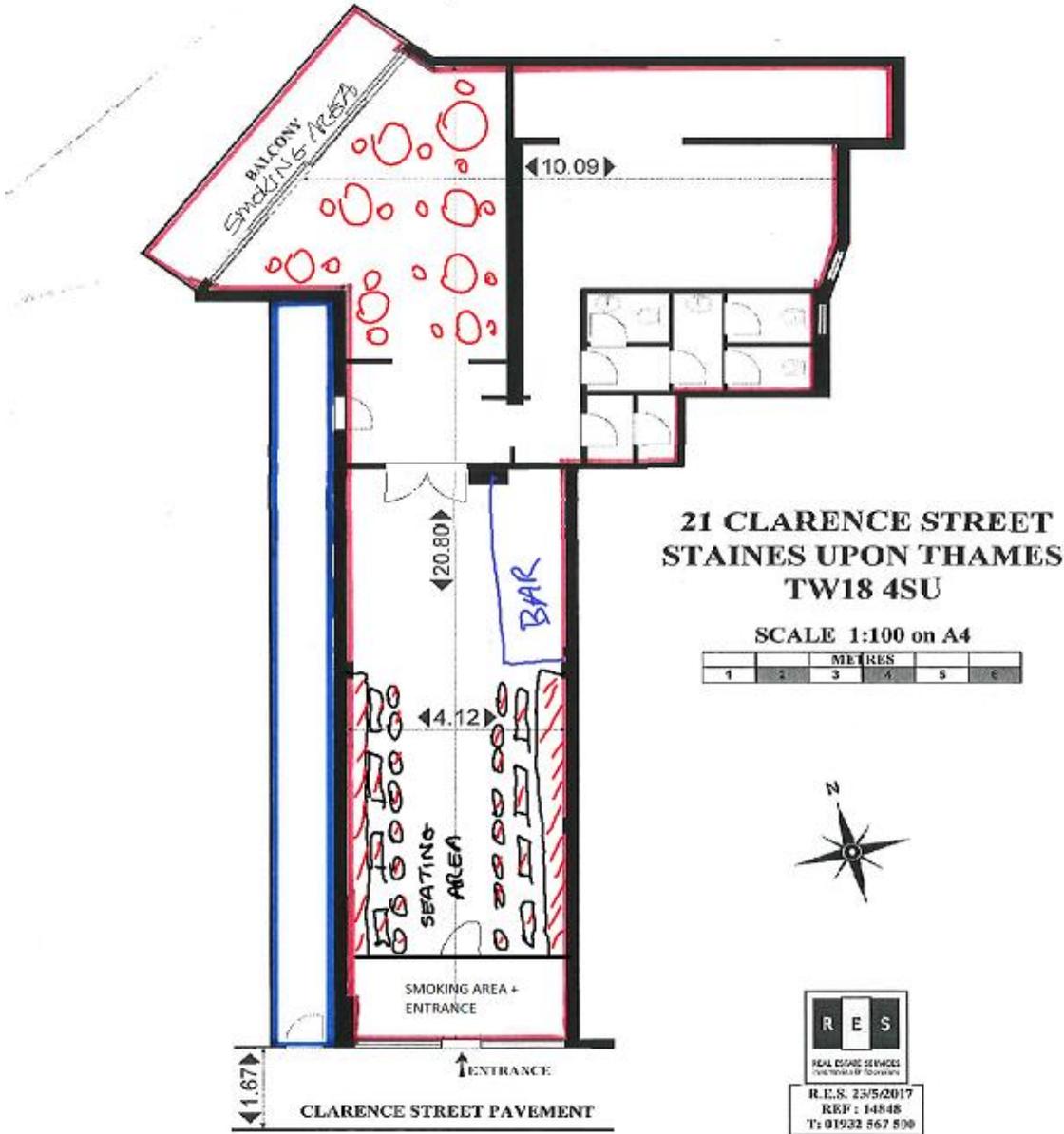
- f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol including date, time and name of staff member
 - h) any visit by a relevant authority or emergency service.
24. The premises will install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council.
25. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage
26. Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.
27. The premises shall operate a zero-tolerance policy to the supply and use of drugs
28. All security staff will be required to wear a Hi vis jacket, so they are easily identifiable.
29. Last entry will be Sunday-Thursday - 12am
30. Signage relating to Taxi services available, including phone numbers, will be displayed at the entrance to the premises.
31. The rear doors will be kept closed from 11pm onward to avoid any music noises traveling to the flats to the rear
32. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorized person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of the Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Attached

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Spelthorne Borough Council Ref: 21/00570/LAPRE

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Leslie Raymond Spearpoint

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Vegan Pind 21B Clarence Street	
Post town Staines-upon-Thames	Post code (if known) TW18 4SU

Name of premises licence holder or club holding club premises certificate (if known)
Vegan Pind Ltd

Number of premises licence or club premises certificate (if known)
21/00570/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Spearpoint

First names

Leslie

I am 18 years old or overPlease tick ✓ yes
✓**Current postal
address if
different from
premises
address**Environmental Health
Spelthorne Borough Council
Knowle Green**Post town**

Staines Upon Thames

Post Code

TW18 1XB

Daytime contact telephone number**E-mail address
(optional)**

l.spearpoint@spelthorne.gov.uk

(B) DETAILS OF OTHER APPLICANTName and address
N/A

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health Spelthorne Borough Council Knowle Green Staines Upon Thames Surrey TW18 1XB
Telephone number (if any)
E-mail address (optional) l.spearpoint@spelthorne.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Spelthorne Borough Council's Environmental Health as a responsible authority under the Licensing Act are making an application to review the Premises Licence issued under the Licensing Act 2004 in respect of the premises know as Vegan Pind, 21B Clarence Street, Staines-upon-Thames, Surrey TW18 4SU.

This application is made under the following licensing objective:

The Prevention of Public Nuisance

The premises licence was granted in December 2021. The License Holder is Vegan Pind Ltd, 1110 Elliott Court, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB

The Licence permits the following licensable activities:

The Sale by Retail of Alcohol

The Provision of Regulated Entertainment and

The Provision of Late Night Refreshment

The Licence permits the licensable activities to be undertaken at the following permitted times:

The Sale by Retail of Alcohol from 10:00 until 01:30 everyday

The provision of Regulated Entertainment from 23:00 until 01:30 everyday

The provision of Late-Night Refreshment from 23:00 until 01:30 everyday

Additionally, it has the following condition:

The licensable activity times include the use of the balcony which backs on to the river opposite flats (Church House, Church St, Staines TW18 4EN) which will be used as a smoking area until 11pm and then closed.

The opening hours of the premises are:

Every day from 07:00 until 01:30 and from 07:00 until 02:00 on public and bank holidays

The licence had the following conditions, relating to the Prevention of Public Nuisance:

1) Regulated Entertainment

1. The installation of an in-line Equalizer and Noise Limiter, in a tamper proof location within the venue. The audio system would need to be calibrated and the limiter and equalizer settings would then be unchanged, with a single input into the sound system.
2. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council, with an independent acoustic consultant acting as the representative of the premises holder prior to any regulated entertainment taking place at the premises. Access shall only be by persons authorised by the Premises Licence holder, in writing. The limiter shall not be altered without the written consent with Spelthorne Borough Council. No alteration or modification to any existing sound system(s) should be effected without prior notification of an Environmental Health Officer or other nominated representative of Spelthorne Borough Council.
3. The noise limit set on the noise limiter may be reviewed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council in accordance with the process set out above.
4. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

5. There would be no additional noise amplifying equipment permitted and any external systems would need to be played through the limiter system.
6. All DJs shall use the in-house sound system only.
7. Speakers must not be directly supported from the building structure, if this cannot be avoided, resilient fixings must be used. If placed on surfaces then resilient matts etc. must be used to isolate the speaker from the surface.
8. From 8pm daily until all patrons have left the premises there will be one SIA door supervisor at the door and one **inside managing the internal areas of the premises and balcony**. From 10pm on Friday's and Saturday's there will be an additional one door supervisor working until all customers have left the premises.
9. From 23:00hrs, staff will check periodically during entertainment that all windows and doors are kept closed.

Balcony

1. Smoking on the balcony area and to the front of the premises will be limited to a maximum permitted number of 5 persons at all times. The licence holder shall ensure that customers who are smoking, are supervised by staff (including SIA Door Staff), do so in an orderly manner, so as not to cause a nuisance to nearby residential premises. No consumption of drinks of any type will be permitted in the smoking area.
2. No more than 5 patrons from the premises will be permitted to smoke in either smoking area at any one time and there will be 2 designated areas for smoking (balcony smoking area not to be used after 11pm daily).
3. The rear doors will be kept closed from 11pm onward to avoid any music noises traveling to the flats to the rear.

Doors

1. From 23:00hrs, staff will check periodically during entertainment that all windows and doors are kept closed.

Customers Leaving

1. Customers attending the premises will be requested to leave the premises quietly. The security will control the front smoking area to make sure customers are not obstructing the highway and allowing pedestrians to pass by safely during their hours 8pm to close daily.

As required by the licence conditions, the noise limiter was calibrated on the 9th February 2022, at a premises that was in the vicinity of Vegan Pind, the noise level was adjusted to ensure that music was inaudible within the premises, we were using. The door to Vegan Pind was open and the premises window was also open.

2) Complainants

Environmental Health started to receive complaints about loud music and the use of the balcony, after 23:00, in late January 2022. There was an improvement following our visits to the premises on the 5th February 2022 and 3rd March 2022.

Environmental Health received further complaints, from the end of April 2022, from residents. The complaints were about loud music, being after the permitted time, i.e. after 01:30. Also, complaints were received about the use of the balcony, after the permitted time of 23:00, when it should not be closed.

Following complaints to the out of hours service, about loud music. On several occasions, the Council's out of hours service had made contact with Vegan Pind, concerning the loud music coming from the premises. After contact was made, they were advised the was event finishing shortly. After one contact, the level of music went down for a while, then the volume was increased.

The level of music coming from the premises, is adversely affecting nearby residents.

3) Meetings

a) 5th February 2022

Meeting with Director of Vegan Pind Ltd. The Designated Property Supervisor, did not attend. We were informed that the premises officially opened on the 12th January 2022. We discussed the noise limiter and agreed a date to calibrate the noise limiter. We discussed the use of the balcony and to ensure it closed at 23:00.

b) 3rd March 2022

Visited the site, was present for the whole time and Designated Property Supervisor was present for part of the visit. Since our last visit, Environmental Health had not received any complaints about noise and late use of the balcony.

A letter, dated 17th May 2022, was sent to, see attached appendix 1. Informing of a few of the complaints the Council had received in respect of the loud music and use of the balcony.

c) 2nd August 2022

Visited the site, is now Designated Property Supervisor. Discussed the use of the limiter, fixed at a level, however volume could be changed, subject to the maximin level set. Discussed our concerns about level of music as the limiter may be over ridden. We were advised that the balcony was being cleared by 23:00.

Environmental health and Licensing have tried to work with the Premises Licence Holder Vegan Pind Ltd

See attached Appendices:

Reported Noise Incidents – Appendix 2

Noise Reported on Log Sheets – Appendix 3

4) Actions

On the 6th August 2022, I visited xxxxx, with colleagues from licensing, to listen to the music coming from Vegan Pind. We accessed 2 xxxx in a property in the near to Vegan Pind

We arrived at 22:40 and stood in Church Street Staines Upon Thames adjacent to xxxxx, and we could hear loud music from the direction of Vegan Pind. The level of the music was louder than expected.

We attended a xxxxxx at 22:42, and went into the bedroom that was xxx Vegan Pind, a subjective assessment was undertaken and at that time the noise was found to be audible and not to loud enough to be a statutory noise nuisance. When the bedroom window was closed, the level of music was inaudible.

I arrived at a xxxxx at 23:32, when I stood by the front door to the xxxx, I could hear loud music. (xxxxxx). I went into the living room to the xxx, with the patio doors open and the music could be heard loud and clear. The patio door to the room was then closed and the music was still loud and could be heard clearly and it would have been difficult for a person to sleep with that level of music in the room.

I concluded that the level of music was a statutory noise nuisance.

We went outside, to determine where we could hear the loud music from Vegan Pind. We heard music by Thames Edge Court, Clarence Street at 00:10, approximately 46m from Vegan Pind, additionally by Flamm Restaurant, Market Place, approximately 85m from Vegan Pind.

The Council, then subsequently served an Abatement Notice under the Environmental Protection Act 1990, Section 80, in respect of statutory nuisance. The notice was dated 10th August 2022. See Appendix 4

Since the notice has been served, visits are being undertaken to check that the requirements of the notice are being meet.

a) Noise limiter

The noise limiter was originally calibrated on the 9th February 2022, due to the concerns about the level of music, Vegan Pind Ltd were invited to contact the Council, for it to be checked, however they did not initially respond. The Council,

subsequently contacted Vegan Pind Ltd, informing them that the noise limiter was to be recalibrated and we would be in touch with a date and time it would be undertaken.

The checking/recalibration of the noise limiter was undertaken on the 23rd September 2022. Noise recordings were also undertaken at the same time, as evidence to the level the noise limiter was set at.

b) PACE interviews

Following visits with Licensing to the premises, of the premises when several breaches of the premises licence were found, i.e. loud music and use of the balcony outside permitted hours, it was decided to undertake interviews under caution (PACE). Interviewed where Vegan Pind Ltd, represented by Director and Designated Property Supervisor, at the time.

The PACE interview with xxxx was held on the 14th June 2022

xxxx was asked questions about the use of the balcony and the time it was due to close. Below is an extract from his PACE interview:

Interviewer Right. And how many people are allowed on the balcony at one time?

xxxxxxx Up to five.

Interviewer We have received several complaints about the balcony use after 23:00 hours so Saturday the 30th of April 2022. Saturday, Sunday, 7th and 8th of May, used until quarter to one in the morning. Saturday the 28th of May and Saturday and Sunday the 4th and 5th of June, that's the night of obviously, used until 01:10 hours in the morning.

xxxxxxx 4th of June. Was that last week?

Interviewer That was the Bank Holiday weekend, the Jubilee weekend, the 4th and 5th of June was.

xxxxxxx Okay.

Interviewer Any reason why the balcony's being used after hours?

xxxxxxx I don't know, I need to question the security. They've been told to lock the door, they know where the keys are, so I need to tell them again, I don't know why it has been done. 'Cause I've had a chat with them a couple of times about that, I think I might have to just lock that off even earlier, like ten o'clock.

Interviewer 'Cause the door under your conditions of your licence, it should be locked at 23:00 hours.

xxxxxxx Yeah, it is, they've been told to do that.

Interviewer Yeah.

xxxxxx Unless they've forgotten by mistake, it's not acceptable anyway. I'll tell them that one more time, that obviously there's gonna be a problem otherwise, yeah.

The PACE interview with xxxxxxxx was held on the 14th July 2022. xx was the Designated Premises Supervisor from December 2021 until 16th June 2022, when xxxxx became the Designated Premises Supervisor.

He was asked questions about the use of the balcony and the time it was due to close. Below relevant extracts from his PACE interview:

Interviewer Are you aware that you have a condition attached to the licence that relates to the use of the balcony?

xxxxxx That we can't use the balcony?

Interviewer Yeah.

xxxxxx Yeah.

Interviewer After what time?

xxxxxx I think it's 11. I can't remember. As I said earlier, I can't remember the timings of it. Was it 10 or 11, or was it 12? I can't remember, to tell you the truth.

Interviewer Okay, so what time must the balcony be closed, and how many people are allowed on the balcony at any one time?

xxxxxx I can't remember right now.

Interviewer Right. We have received seven complaints about the balcony use. Saturday 3rd April 2022; Saturday the 7th to the 8th – the Sunday, Monday of May '22, used until 00:45. Saturday 28th May, and Saturday/Sunday the 4th and 5th June 2022 used until 01:10. Any observations to make, comments, why the balcony was being used outside permitted hours.

xxxxxx It should be closed.

Interviewer Okay. So why was it being used?

xxxxxx I wasn't aware of these times, that they were open.

5) Summary

The premises are unsuitable to be used for night club type activities. Due to the layout and nearby residential properties. In order, to make the premises, suitable to be used for night club activity, the costs for sound insulation would be very expensive.

Environmental Health have no confidence in the management of the premises, as they cannot manage the level of music and use of the balcony. In addition, when undertaking joint visits with Licensing, poor management practices of the premises were clearly identified.

Environmental Health are asking for the Premises Licence to be revoked.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

No

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

xxxxx

Date 7th October 2022

Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) A/A	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Contact:
Service: Licensing Team
Direct line: 01784 4446450

E-mail: @spelthorne.gov.uk

Our Ref : 22/01348/LACOM
Date: 17 May 2022

Dear xxxxx

LICENSING ACT 2003

Vegan Pind, 21B Clarence Street, Staines-upon-Thames, TW18 4SU

THIS LETTER REQUIRES YOUR URGENT ATTENTION

Re: Balcony use and Noise Complaints

I need to remind you are still under caution.

We have received several complaints now regarding the use of your balcony and the noise from Vegan Pind's music. This is extremely concerning considering your recent licence breaches. The details are as follows:

1. 30.04.2022, we received a complaint that the balcony was being used past 23.00 and there was noise coming from the restaurant
2. 07.05.2022, We received a complaint that there were 10-12 persons on the balcony at 23:10. On the same night we also received a noise complaint that music could be heard when people came out the front door to smoke. Also, the balcony was used on and off between 23:15 to 00.30. The music could be heard when 2 people went to the balcony at 00.30 as the door was open.
3. 14.05.2022, We received a call regarding loud music 19:50. Bobby was spoken to by the Out of Hours team and turned the music down.

Can I remind you these points on your licence conditions consistent with the Operating schedule:

- *The licensable activity times include the use of the balcony which backs on to the river opposite flats (Church House, Church St, Staines TW18 4EN) which will be used as a smoking area until 11pm and then closed.*

- *1. Smoking on the balcony area and to the front of the premises will be limited to a maximum permitted number of 5 persons at all times.
The licence holder shall ensure that customers who are smoking, are supervised by staff (including SIA Door Staff), do so in an orderly manner, so as not to cause a nuisance to nearby residential premises. No consumption of drinks of any type will be permitted in the smoking area.*
- *5. From 23:00hrs, staff will check periodically during entertainment that all windows and doors are kept closed*
- 10. 20. No more than 5 patrons from the premises will be permitted to smoke in either smoking area at any one time and there will be 2 designated areas for smoking (balcony smoking area not to be used after 11pm daily).*
- 11. 31. The rear doors will be kept closed from 11pm onward to avoid any music noises traveling to the flats to the rear*

As per my email to you of 11 May 2022 I requested the CCTV footage. However you have advised I can see this on Friday 20th May 2022 when I visit your premises. I look forward to seeing this and the download of the footage onto a USB Stick.

I would recommend your seek independent legal advice.

I must remind you that it is a criminal offence to breach the conditions on your licence, the Council may prosecute you if you continually breach this condition and the maximum sentence is £20,000 fine or 6 months imprisonment.

Yours sincerely

Licensing Enforcement Officer

cc.
Environmental Health
Surrey Police
Designated Premises Supervisor (Mr Laila)

Appendix 2

Reported Noise Incidents

Day	Date	Time	Observations
Thursday	27/01/2022	23:00	Night of the 27/28 January Thursday/Friday, started before 23:00 and finished around 03:00. There was a group of people, talking and just getting louder. balcony has been used after 23:00, by a member of staff making a mobile phone call.
Friday	28/01/2022	00:05	Shouting swearing loud music from Vegan Pind balcony is supposed to be closed from 2300 hrs but party goers are on the balcony screaming and shouting music is very loud
Friday	28/01/2022	08:24	This client has reported a noise complaint this morning from Vegan Pind in Clarence St she has said that from 21:30to 03:00 this morning there was shouting and loud music throughout this time as the door on the balcony were open and person was using this area
Thursday	03/02/2022	23:00	Someone on the balcony with the door open and I can hear noise from the inside. They just having a smoke on the balcony and it's not on really and he's holding the door open. I mean if people are going to smoke on the balcony could there not just close the door instead of keeping it open so we hear the noise from the inside of a vegan pint or pinned.
Saturday	30/04/2022	23:30	Wanting to complain about noise from the Vegan restaurant. They are also out on the balcony past 11pm. They have gone in now but caller wants this logged for attention as there is still a lot of noise.
Saturday	07/05/2022	23:10	Reporting a licencing breach from Vegan Pind. He believes the premises licence says the balcony is to be closed at 2300hrs and there are currently about 10-12 people on there at 2310hrs
Saturday	07/05/2022	23:40	Music from the restaurant had been intermittently loud tonight as customers are permitted to use a side door to go outside and smoke
Sunday	08/05/2022	00:15	It's quarter past 12 and the balcony is still being used with the door open and close, the music blaring inside. Is that four people? Five people on the balcony now

Day	Date	Time	Observations
Saturday	14/05/2022	19:49	Loud music from Vegan Pind - Caller saying xxx can hear the words of the songs very clearly from xxxx flat.
Saturday	28/05/2022	23:15	The balcony was used from 23:15 and went on for 5 minutes. Two persons were on the balcony, one keeping door open, one of the persons outside had a yellow arm band (door supervisor!). Could hear the music. xxx is not aware if the balcony was used again afterwards.
Saturday	04/06/2022	23:48	It's 11:50 now. The doors being opened for the last 10 minutes. xxxxxxxxxxxx. cause. My life is on and cell phone about 20 to 12:00 to 11:50 in four people on the balcony. xxx gentleman as well have to zoom is one of their dog men. Uhm, who's allowed people out and then saw me and going back in and this is still not good enough? He's actually still outside on the balcony. OK. Thank you. Cheers, bye.
Sunday	05/06/2022	00:40	The noise is still going. There's a guy still on the balcony. It's 25 to one. He's walking up and down. I can hear him talking on his phone. I think it's a girl. God, I'm not 100% sure, but the door seems to be a job where he's marching up and down on his phone and something needs to be done about this. It's not there anymore.
Sunday	05/06/2022	00:41	Person from the vegan restaurant is on balcony talking on phone and can they hear music from where they have left the door open, thinks it might be a member of staff but they are talking very loud. States They are not allowed on balcony after 11pm Informant says its more annoying than loud talking and its hearing the music when the door is open
Sunday	05/06/2022	01:12	It's now 10 past one further to my call that I made to an afterhours number. Someone's been on the balcony again walking up and down left the door open so that we're hearing music again. I've just been working up. Uhm, something needs to be done about this.
Sunday	12/06/2022	00:41	It's now 12:40 AM and there's been no one on the balcony of the vegan pinned except the music is a lot louder than what it usually. And as I said, I guess it's coming through the whole new roof that needs to be looked at because it is.
Sunday	12/06/2022	01:13	Vegan restaurant is playing loud music and is keeping informant up and awake

Day	Date	Time	Observations
Saturday	18/06/2022	00:19	It's 20 past 12 on Saturday morning, the door guard or where do you want to call him is on the balcony of vegan pinned and he's walking up and down and they the light is flashing on and off as we walking up and down and yeah, I just kept them on Sabrina's and he's talking. And he's having a Fag and talking on a certain again.
Saturday	18/06/2022	00:37	It's 25 to one on Saturday am on Saturday the 18th. And the doctor is now on his phone, hands free and having a conversation with someone. Actually, I can actually hear him talking. Uhm, the light outside. An intruder life. It goes off. And every time, music, Bloomberg section and just wish people would be more considerate for others. Uhm, I it's coming up and calling all the time. Uhm, dinner is this where they just found the vessel and come to get this security guard indoors or not sitting outside on his phone.
Saturday	18/06/2022	01:05	The client has called in to say that a male who is door staff sat outside on his phone has free talking very loudly
Saturday	02/07/2022	21:40	Very loud music coming from restaurant and complaint would like xxx to hear it during opening hours
Thursday	21/07/2022	23:48	Report that the music base had been very loud tonight & she felt frustrated by the ongoing disturbance.xx believed that the restaurant would be closing imminently and xx did not want me to attend. I advised complainant that xx complaint would be logged but informed xx about the importance of witnessing the music from xx address
Sunday	31/07/2022	01:36	The noise from the vegan ping is becoming unbearable. They've now got a disco or DJ on Friday night as well as Saturday night. And as I say, it's now at 136 and it's still going. The DJ is also screaming and shouting and so are the people that are there as well
Sunday	31/07/2022	01:37	Very loud music and people shouting coming from Vegan Pind has reported this on several occasions to which xxx has been out
Sunday	31/07/2022	01:40	I just want to confirm that the music now stopped at 1:40 and they're supposed to close at 1:30. So the music's gone on.

Day	Date	Time	Observations
Thursday	04/08/2022	23:31	It's 11:30 on Thursday night and vegan pine has been playing music since 9. The same noise that spoke to you about earlier today. And I've had xxx and xx been here. The restaurant supposed to close at 11. They've been playing music till after 11:30. Then the volume goes up and down, which x noticed. Yeah, and just thought I'd update you. x said xx will send you report
Friday	05/08/2022	00:09	It's now 10 past midnight and the music still banging on it. Vegan and I have spoken to xx as well, who witnessed it going on till 20 to 12.
Friday	05/08/2022	00:45	It's 45 minutes past midnight Vegan Pind finally turned the music off. I have tried calling them seven times, but I think they've taken their phone off the hook so it's continued engaged parents. They probably knew what they were doing was not was wrong, so they took the phone hook so anyone trying to call couldn't get through
Sunday	07/08/2022	01:39	I phoned complainant who said that the case officer, xxxxx had attended at 2300 hours and x wanted to inform that after x had left at midnight, the music volume increased and it was continued until 0145 hours when it stopped just before I called xxx.
Sunday	07/08/2022	01:44	It's now Sunday morning, 1:40 and Vegan pinned is now heaving. That's full of people. And the DJ's got going again and the clients are now shouting and screaming as well and singing on top of their voices. I'll see how long this goes. I have called the afterhours number and I'm waiting for this call back.
Sunday	07/08/2022	01:45	It's now 1:45 on Sunday morning. I've just called vegan pint and the xx that answered cannot hear. I think the music blaring also saying hello. I was asking. I was trying to ask what time then to enclosing but she couldn't hear because of music sound
Sunday	07/08/2022	01:50	It's now 150. The music stopped at 1:45, although the DJ carried on talking is microphones. Pretty loud. It's at the moment. Currently, people inside are still screaming and shouting because they don't really want to leave and they want more music and it's pretty rowdy.
Saturday	13/08/2022	23:18	Security guard using his phone on balcony after 23.00

Day	Date	Time	Observations
Saturday	13/08/2022	23:18	There's been two people on the balcony as well as the door guard. The door guard is still on the balcony on his phone. I do have video and photographs him and he's on his hands free mobile so you can hear him talking with the lights flicking on and off as he's walking past. Something needs to be done. OK, I have called, waiting for xxxx to call back. They're clearly not in the least interested.
Sunday	14/08/2022	00:16	It's now 20 past 12. There's four more people on the balcony. They held the door open for a while, for music was blaring through the open door. Someone sort of told xx to go in there. They're not, so there's four of them walking up and down, which is causing the light to come on and off. Yeah, it's not good anymore. This is frustrating now. They're clearly not interested in worrying about other people that live around them
Sunday	14/08/2022	00:22	xxxxx, there's now six people on the balcony speaking loudly, swearing and using the C word. This is not on, this is really not on, and they're speaking very loudly as well and they just constantly open the door and the means. It's blaring.
Sunday	14/08/2022	00:33	It's now 1232. I did have a word with xxx and xx was going to try and call the restaurant, which I guess she has done because someone came out and called them all in and they didn't bother about worrying, about trying to get in quickly enough. So once again the noise was blaring
Sunday	14/08/2022	00:34	Lots of people on balcony with very loud music
Thursday	18/08/2022	00:03	Disco music -some kind of event and a lots of base and apparently filming is taking place Caller states xxx is always calling in and speaking with xxxx the EHO . As commercial premises have called the EHO who will now call the informant back for more info Result/ Update 00.03- Very loud bass coming from restaurant and lots of people outside.
Thursday	18/08/2022	21:29	Disco music -some kind of event and a lots of base and apparently filming is taking place Caller statesxxx is always calling in and speaking with xxx the EHO . As commercial
Thursday	18/08/2022	23:18	Vegan Pind playing loud music again, caller unable to sleep as the bass is so loud

Day	Date	Time	Observations
Thursday	18/08/2022	23:18	Vegan Pind playing loud music again, caller unable to sleep as the bass is so loud
Saturday	27/08/2022	23:56	Loud bass music from Vegan Pind Result/ Update OOH officer called and will follow up 0139hrs: Call back from Complainant advising that the music and bass volume did go up again after xxx left following xx visit earlier. xx also said that despite the music is supposed to go off at 0130hrs but it didn't go off until 0137hrs and it was 0145hrs a couple of weeks ago.
Sunday	28/08/2022	00:40	Loud music reported from Vegan Pind
Sunday	04/09/2022	01:39	Loud and bass music causing a disturbance.
Sunday	04/09/2022	01:40	Loud music and bass -EHO called and will call the info back

Appendix 3

Noise Reported on Log Sheets

Day	Date	Description of Noise and Source	Time Noise Started	Time Noise Finished	Describe How This Affected You
Saturday	11/06/2022	Loud Music from Vegan Pind	21:00	01:30	Unable to hear TV, then unable to sleep
Saturday	18/06/2022	Loud Music from Vegan Pind	21:00	01:30	Unable to hear TV, then unable to sleep
Saturday	25/06/2022	Loud Music from Vegan Pind	21:00	01:30	Unable to hear TV, then unable to sleep
Saturday	02/07/2022	Loud Music from Vegan Pind	21:00	01:30	Unable to hear TV, then unable to sleep
Saturday	09/07/2022	Loud Music from Vegan Pind	21:00	01:30	Unable to hear TV, then unable to sleep
Friday	15/07/2022	Loud Music from Vegan Pind	21:00	02:00	Unable to hear TV, then unable to sleep
Saturday	16/07/2022	Loud Music from Vegan Pind	21:00	01:30	Unable to hear TV, then unable to sleep
Thursday	21/07/2022	Loud Music from Vegan Pind	21:00	00:00	Unable to hear TV, then unable to sleep
Saturday	23/07/2022	Loud Music from Vegan Pind	21:00	02:00	Unable to hear TV, then unable to sleep
Saturday	13/08/2022	Club music (drum and bass)	20:15	01:30	Constant thump, thump disturbing the whole evening, could hear it over the television and impossible to sleep.
Thursday	18/08/2022	Club music (drum and bass)	21:00	01:00	Constant thump, thump disturbing the whole evening, could hear it over the television and impossible to sleep. Could also hear DJ's voice from time to time

Day	Date	Description of Noise and Source	Time Noise Started	Time Noise Finished	Describe How This Affected You
Thursday	18/08/2022	Loud music, (drum and bass), dep bass, customers on the balcony talking with patio doors open DJ on the mic, fast repetitive base	21:00	Gone 01:00	Difficult to get to sleep, the bass causes me elevated stress, woken up several times had to close window, despite it being very hot
Friday	19/08/2022	Club music (drum and bass)	20:30	01:55	As above, at about 01:30 the music was very loud, as well as the drum and bass, could hear the DJ shouting
Friday	19/08/2022	Loud music - turned down when we phoned and asked but thumping bass continued	22:00	Gone 11:30	Could hear bass over TV - difficult to get to sleep.
Saturday	27/08/2022	Club music (drum and bass)	21:00	01:35	As above, although it was a little quite until 22:00, then the usual thump, thump from 23:45 could hear music as well.
Thursday	01/09/2022	Loud bass, can also hear the words of the song, DJ shouting gets louder every time patio doors open	21:30	Gone Midnight - 01:00	Unable to initiate sleep - repetitive bass, is highly stressful, terrible night's sleep.
Thursday	01/09/2022	Music drum and bass, thumping constantly	21:40	01:00	Can here this over the television and unable to sleep.
Friday	02/09/2022	Music drum and bass, thumping constantly	21:15	01:45	As above, plus DJ shouting
Friday	02/09/2022	Loud bass - music quiet	21:30	?	Very annoying, while trying to sleep.

Day	Date	Description of Noise and Source	Time Noise Started	Time Noise Finished	Describe How This Affected You
Saturday	03/09/2022	Music drum and bass, thumping constantly	21:15	01:45	Can hear this over the TV and later unable to sleep because of the noise.
Saturday	03/09/2022	Loud repetitive bass, DJ shouting, loud music when balcony doors open.	21:15	01:50 - beyond permitted hours	Could hear repetitive bass over TV, unable to relax or sleep. Woken up several times throughout the night, including 01:35 (beyond licensing hours)

STAT REF: 22/00120/EPAS80

**ENVIRONMENTAL PROTECTION ACT 1990, Section 80
Abatement Notice in respect of Statutory Nuisance**

**To: Vegan Pind Ltd
Of: Vegan Pind
21B Clarence Street
Staines-upon-Thames
TW18 4SU**

A similar Notice has been served on:

xxxxx Vegan Pind, 21B Clarence Street, Staines-upon-Thames, TW18 4SU

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Vegan Pind Ltd, 1110 Elliott Court, Coventry Business Park, Herald Avenue,
Coventry, CV5 6UB

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 Spelthorne Borough Council, being satisfied of the existence of a statutory nuisance under section 79 (1) [g] of the Act at the residential premises in the vicinity of the premises known as: **Vegan Pind 21B Clarence Street Staines-upon-Thames TW18 4SU** (the premises) within the district of the said Council arising from amplified music.

HEREBY SERVE NOTICE on you as **OCCUPIER OF THE PREMISES** and **REQUIRE** you to abate the statutory nuisance **1 (one) day** from the date of service of this notice and also **HEREBY PROHIBIT** the recurrence of the statutory nuisance and for that purpose require you to

Reduce the volume of sound to ensure that amplified music and voice from your premises does not materially interfere with the use and enjoyment of any other residential premises in the vicinity of the premises.

Informative:

In that amplified music and voice will not be clearly distinguishable inside residential premises in the vicinity of the premises.

APPEALS

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

<p>the nuisance to which this notice relates is likely to be of limited duration such that suspension would render the notice of no practical effect. the expenditure which would be incurred by any person carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance</p>

PENALTIES

IF without reasonable excuse **you contravene or fail** to comply with any requirement of this notice **you will be guilty of an offence** under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine, together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale, for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED 10th August 2022 (*Signed*)

Leslie Spearpoint
Senior Environmental Health Officer

ADDRESS:

(to which any correspondence relating to this Notice should be sent)

Environmental Health
Council Offices
Knowle Green
Staines-upon-Thames
Surrey
TW18 1XB

Contact officer: Leslie Spearpoint
Telephone:
E-mail: l.spearpoint@spelthorne.gov.uk

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See attached notes .

STAT REF: 22/00120/EPAS80

**ADDRESS OF PREMISES: Vegan Pind 21B Clarence Street Staines-upon-Thames
TW18 4SU**

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("THE 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a Local Authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act;
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice;
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary.
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates;
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.
 - (f) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of;
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act, or
 - (iii) any determination made under section 67 of the 1974 Act;
 - (g) that the abatement notice should have been served on some person instead of

the appellant, being;

- (i) the person responsible for the nuisance, or
 - (ii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iii) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (h) that the abatement notice might lawfully have been served on some person instead of the appellant being;
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (i) that the abatement notice might lawfully have been served on some person in addition to the appellant, being;
- (i) a person also responsible for the nuisance.
 - (ii) a person who is also an owner of the premises, or
 - (iv) a person who is also an occupier of the premises, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(h) or (i) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.
- (5) On the hearing of an appeal the court may;
- (a) quash the abatement notice to which the appeal relates, or
 - (b) the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court;
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and,
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where:

- (a) an appeal is brought against an abatement notice served under Section 80 of the 1990 Act, and
- (b) either;
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) of the 1990 Act, the noise to which the abatement notice relates is noise caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where

- (a) The nuisance to which the abatement notice relates:
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) The expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a Magistrates' Court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

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Licensing Authority Representation in support of review**Vegan Pind Staines - Licensing Department Representation**

Please find below formal representation from Licensing Authority.

Historical:

Vegan Pind Ltd first applied for a premises licence 29 July 2021. Following negotiation with Environmental Health and Surrey Police the licence was granted 8 December 2021 with conditions on the premises licence.

The Licence:

The holder is Vegan Pind Ltd operating under Companies House number 13192659:
1110 Elliott Court
Coventry Business Park, Herald Avenue
Coventry
CV5 6UB

Bobby Dhunay is the sole director of the company. There have never been any other directors according to Companies House website.

Up until the 16 June 2022 the Designated Premises Supervisor (DPS) was Ravneet Singh Lalia. An application was submitted with immediate effect to vary the licence change the DPS to Bobby Dhunay on 16 June 2022.

The times the licence authorises the carrying out of licensable activities

The provision of Regulated Entertainment from 23:00 until 01:30 everyday
The provision of Late-Night Refreshment from 23:00 until 01:30 everyday
The Sale by Retail of Alcohol from 10:00 until 01:30 everyday

The licensable activity times include the use of the balcony which backs on to the river opposite flats (Aldous House, Church St, Staines TW18 4EN) which will be used as a smoking area until 11pm and then closed.

The opening hours of the premises

Every day from 07:00 until 01:30 and from 07:00 until 02:00 on public and bank holidays

Annex 2 Conditions

1. Smoking on the balcony area and to the front of the premises will be limited to a maximum permitted number of 5 persons at all times. The licence holder shall ensure that customers who are smoking, are supervised by staff (including SIA Door Staff), do so in an orderly manner, so as not to cause a nuisance to nearby residential premises. No consumption of drinks of any type will be permitted in the smoking area.
2. Provide wall or floor mounted cigarette bins in the designated smoking area for customers.
3. Customers who are waiting for a taxi, shall be encouraged to wait inside the premises until the taxi arrives.
4. Management/staff, (including SIA Door Staff), shall proactively monitor the conduct and behaviour of patrons on the public highway and within the premises smoking areas to ensure no noisy, rowdy or anti-social behaviour (this includes loud talking/shouting and people congregating in large groups on pavement obstructing the public highway). Those customers deemed to be engaging in such behaviour shall be asked to cease this activity and/or disperse from the premises quietly.
5. From 23:00hrs, staff will check periodically during entertainment that all windows and doors are kept closed.

6. The installation of an in-line Equalizer and Noise Limiter, in a tamper proof location within the venue. The audio system would need to be calibrated and the limiter and equalizer settings would then be unchanged, with a single input into the sound system.
7. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council, with an independent acoustic consultant acting as the representative of the premises holder prior to any regulated entertainment taking place at the premises. Access shall only be by persons authorised by the Premises Licence holder, in writing. The limiter shall not be altered without the written consent with Spelthorne Borough Council. No alteration or modification to any existing sound system(s) should be effected without prior notification of an Environmental Health Officer or other nominated representative of Spelthorne Borough Council.
8. The noise limit set on the noise limiter may be reviewed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council in accordance with the process set out above.
9. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
10. There would be no additional noise amplifying equipment permitted and any external systems would need to be played through the limiter system.
11. All DJs shall use the in house sound system only.
12. Speakers must not be directly supported from the building structure, if this cannot be avoided, resilient fixings must be used. If placed on surfaces then resilient matts etc. must be used to isolate the speaker from the surface.
13. All staff and security teams will be trained and briefed to make sure are trained and briefed in the requirements of the Licensing Act 2003 and all conditions on the premises licence. Regular 6 month re-training to refresh the staff will also be conducted. Training logs will be kept at the premises and available on demand
14. Town Centre radio to be used at the premises and be monitored by door supervisors when employed. At other times the use of the radios to be determined by the DPS.
15. DPS or person in charge and all door supervisors will have internal radios to communicate with each other
16. From 8pm daily until all patrons have left the premises there will be one SIA door supervisor at the door and one inside managing the internal areas of the premises and balcony. From 10pm on Friday's and Saturday's there will be an additional one door supervisor working until all customers have left the premises.
17. Last entry on Friday's and Saturday's will be 12.45am.
18. We will have SIA trained staff daily between 8pm and until all customers have left the premises.
19. CCTV will cover the licensable areas inside and the rear smoking area and the front of the premises, including the smoking area.
20. No more than 5 patrons from the premises will be permitted to smoke in **either** smoking area at any one time and there will be 2 designated areas for smoking (balcony smoking area not to be used after 11pm daily).
21. Customers attending the premises will be requested to leave the premises quietly. The security will control the front smoking area to make sure customers are not obstructing the highway and allowing pedestrians to pass by safely during their hours 8pm to close daily.
22. A written or electronic register of refusals will be kept including a description of the person refused and the time and date and reason. Such records shall be kept at the premises for a period of 12 months and available on demand.
23. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the 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) any incidents of disorder

- e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol including date, time and name of staff member
 - h) any visit by a relevant authority or emergency service.
24. The premises will install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council.
 25. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage
 26. Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.
 27. The premises shall operate a zero-tolerance policy to the supply and use of drugs
 28. All security staff will be required to wear a Hi vis jacket, so they are easily identifiable.
 29. Last entry will be Sunday-Thursday - 12am
 30. Signage relating to Taxi services available, including phone numbers, will be displayed at the entrance to the premises.
 31. The rear doors will be kept closed from 11pm onward to avoid any music noises traveling to the flats to the rear
 32. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorized person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of the Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

Timeline of Events

Date	Details
8 December 2021	Premises Licence issued to Vegan Pind Ltd with the DPS as Ravneet Laila
4 February 2022 Visit	<p>Licensing and Environmental Health visited Vegan Pind. There were numerous conditions not being adhered to and breaches of the Licensing Act 2003. These were:</p> <ul style="list-style-type: none"> • The appropriate weights and measures signs were not in place in line with the Mandatory Conditions • Section 57 notice under the Licensing Act 2003 was not displayed • The premises licence summary was not on display • No challenge 25 signage on display and no age verification policy on site • No staff training provided and training records could not be produced • Not having the amount of door supervisors that the conditions require them too • The door supervisors' book was not being filled out properly • No register of refusals kept • No information displayed about taxi's

	<ul style="list-style-type: none"> • In line equalizer and noise limiter to be installed, this had not happened • No Town centre radio on site • Not able to produce CCTV • No Drugs policy in place <p>Full details of what needed to be rectified were put in a letter and sent on the 7 February 2022 (Annex A)</p>
<p>27 February 2022</p> <p>Police Report</p>	<p>Email received from Surrey Police on 28 February 2022 stating</p> <p><i>“Officers attended at 3:20 am on the 27/02/22 there were in excess of 50persons inside with the owner Bobby being evasive and not wanting to allow officers in. He said it was a family party, officer has noted one member of staff working still.</i></p> <p><i>Officer has also noted that he was informed at 6:30 am there was still people leaving through half shutters.”</i></p>
<p>3 March 2022</p> <p>Visit</p>	<p>A further visit was conducted to check progress rectifying the breaches above. A lot of the points they were asked to rectify had not been, together with further points of note:</p> <ul style="list-style-type: none"> • No Section 57 notice under the Licensing Act 2003 was displayed • The premises licence summary was not on display • Not all challenge 25 signage was on display • no age verification policy on site • Training records could not be produced • The door supervisors’ book was not being filled out properly • No Drugs policy in place • The DPS (Ravneet Singh Laila) could not produce his personal licence. He went on to say that he is not at the location very often approximately 20 hours a week and he did not seem to know how to work the CCTV. He couldn’t answer any questions regarding the premises, saying he should probably be there more. He was not aware of how refusals were recorded and did not have any information about a drugs policy. • The CCTV time was 1 hour in advance. • Mr Dhunay stated he has a new member of staff who had been trained, upon asking the staff member said she had no training. <p>We asked to see the CCTV for 26-27 February 2022. The CCTV showed the last sale at 06.23 when two drinks were given and a card machine handed over. Bobby advised that he does not know how to check the records on till for the past days saying they are only held for a day. Due to this we checked the till to help and the last recorded sale on the till was 05.14am.</p>

	<p>See Annex B for full report of visit. A letter was sent to Bobby Dhunay following this which is attached at Annex C. CCTV is available but as sales of alcohol are not disputed this has not been attached, however is available for the Licensing Sub Committee if they wish to see it.</p> <p>Upon receipt of the CCTV footage of the 27 February 2022, it showed numerous sales of alcohol. The last sale of what appeared to be alcohol was at 05.23 (due to footage being 1 hour forward, the time was 06.23 on the CCTV). People started to leave at 06.07 (time on the CCTV was 07.07).</p> <p>An after-hours sale activity chart (Annex D) and till receipts (Annex E) evidences sales going past their licensable hours.</p>
5 May 2022 Complaint	Complaint to out of hours noise team at 23.30 complaining about noise and out on balcony past 23.00hours.
08 May 2022 Complaint	Complaint to out of hours noise team about 00.15hours complaining that the balcony was being used with the door open with music blaring and 5 people reported on balcony
17 May 2022 Letter	Letter sent to Mr Dhunay advising we had received several complaints regarding use of the balcony and noise from music (Annex F).
20 May 2022 Visit	<p>Licensing visited and spoke with Mr Dhunay about the complaint received on 8 May 2022. He advised he has checked the CCTV and disputes the claims there were persons out on the balcony after 23.00hrs. However, as the CCTV is still 1 hour out and this still had not been fixed I checked the CCTV and the CCTV was not working on that evening. The CCTV was checked for 7 May 2022 and people were out on balcony from 23.10 until 23.17. The CCTV was checked for 30 April 2022 and people were out on the balcony until 23.28.</p> <p>The premises licence requires that balcony is not used after 23.00.</p> <p>No section 57 notice as required by Licensing Act 2003 was on display. No further check of the licence carried out at this time.</p>
30 May 2022 Complaint	Email received to Licensing from Environmental Health advising of a complaint. Saturday 28 May 2022 balcony was used from 23.15 and went on for 5 minutes. Two persons were on the balcony, one keeping door open, one of the persons outside had a yellow arm band (door supervisor). Could hear the music.
14 June 2022 Interview	Bobby Dhunay is PACE interviewed at Council Offices.
16 June 2022 Application	Application submitted with immediate effect to vary the licence change the DPS to Bobby Dhunay on 16 June 2022.
14 July 2022	Ravneet Singh Laila is PACE interviewed at Council Offices.
6 August 2022	Licensing and Environmental Heath officers attended nearby properties to witness the noise coming from Vegan Pind.

	<p>We attended a number of properties, and the music was audible as was the base. We also walked around the area and the music from Vegan Pind was far louder than any of the other premises. Environmental Health deemed the level of music was a statutory noise nuisance.</p>
10 August 2022 Notice	<p>A noise abatement notice was served 10 August 2022 by Environmental health.</p>
13 August 2022 Email correspondence	<p>Email received from Mr Dhunay stating that:</p> <p>“I wanted to get my license requirement reviewed as the security is costing me too much and is unaffordable with the amount of customer, we get especially during the week also i don't think the amount we put originally is required.</p> <p>I've changed my opening hours and was hoping this would help allow for this to be decreased.</p> <p>Sunday-Thursday 9am-11pm - no guards as we don't get much drinkers, its mainly people for the restaurant food. Friday-Saturday 9am-1.30am - 2 guards one outside one inside - out venue only holds around 70 guests and one should be sufficient but as a extra measure we can have another.</p> <p>Please can you let me know your thoughts and if your happy with this so I can put in a variation application.”</p> <p>The Licensing Authority responded to seek clarification as on facebook a drum and bass and garage party on first and third Thursday or every month 9pm-1am with live DJ and 2 4 1 drinks.</p> <p>No application to vary the licence has been submitted.</p>
3 September 2022 Complaint	<p>Two separate complaint calls to out of hours noise service:</p> <p>22.24 regarding loud music and heavy bass 01.35 'bass booming from premises' 01.36 'loud music and bass'</p>
4 September 2022 Complaint	<p>Complaint received to Environmental Health and sent to Licensing: “almost every night, the volume of the music blasting from there is absolutely unbelievable. Considerably worse on a Thursday, Friday and Saturday night where it often goes on past 2am despite the recorded closing time on their website stating 0130.</p> <p>I think the main issue is the sheer volume they have the music with drum and bass playing and the fact they have the front door open so the noise travels.”</p>
16 September 2022 Complaint	<p>Environmental Health receive a complaint that residents stating: “Are extremely frustrated by Vegan’s Pind continual breach of their licence terms. The most recent breach was on Saturday 03rd September 2022 when they continued to play amplified music until almost 2am”.</p> <p>“We believe them to be operating a nightclub under the disguise of a Vegan restaurant. You will find that their website and Facebook</p>

	<p>page contain no information about club nights. Their website claims that the venue closes at 11pm on Thursdays but we know they remain open until at least 2am and have regular lock-in parties. A search of social media sites displays multiple flyers and promotional posters for Vegan Pind’s club nights on promoter and DJ pages.”</p> <p>“It is unreasonable for a venue to be granted an amplified music licence in a residential area until 1:30am. Vegan Pind consistently play loud music with extremely loud base that is a public nuisance and ongoing source of stress”.</p>
18 September 2022 Complaint	<p>Complaint to out of hours noise service at 01.03 hours complainant said that they had been woken from their sleep by “exceptionally loud base music”.</p> <p>Not witnessed by out of hours noise officer as restaurant was due to close at 01.30.</p>
23 September 2022 Visit	<p>Licensing and Environmental Health visited in order to do a full licensing check to re calibrate the noise limiter. Points from the visit:</p> <ul style="list-style-type: none"> • No notice on display for 125ml of wine as required by Mandatory Conditions • Training not given as per condition as it was missing training on “the requirements of the Licensing Act 2003 and all conditions on the premises licence”. • Overdue training for two members of staff. This was requested to be sent by 21 October 2022, but this has not been sent. • DPS authorisation to sell alcohol was in previous DPS name, however this was rectified at the time. • Point of note that the town centre radio was dead • No CCTV warning sign to inform customers they are being recorded. • Missing door supervisor books. • Incident record on 15 September 2022 whereby a member of the public fell off their chair due to being intoxicated and injured themselves. This was not reported as a RIDDOR. CCTV requested for 15 September-16 September from 23.00 on wards to be provided by 21 October this has not been sent. <p>The letter is attached at Annex G.</p>
7 October 2022 Application	Review application submitted by Environmental Health
10 October 2022	Public Notice signs detailing the review put up at the premises- one on the lamppost outside and one on the front of the premises on the right hand side above their menu.
16 October 2022 Information	Licensing Authority are advised by Surrey Police that they visited and the public notices signs (detailing the review) required to be displayed at the premises had been taken down. We have been provided with a statement from Surrey Police which we can provide at Licensing Sub Committee if required.

	The public notices were replaced by the Licensing Authority on 17 October 2022
26 October 2022 Visit	<p>Licensing Authority scheduled an appointment to meet Mr Dhunay, however when they turned up, he was not present, and his manager Mr Raj Heir was there who could not operate the CCTV.</p> <p>Several breaches were found on this visit, in which the manager took notes to pass to Mr Dhunay.</p> <ul style="list-style-type: none"> • No notice on display for 125ml of wine as required by Mandatory Conditions • No CCTV warning sign to inform customers they are being recorded. • SIA door staff training records absent • A point of note that the town centre radio was dead • The CCTV that had been sent by Mr Dhunay from the 15 September did not cover the incident, a number of videos had expired and our IT Department couldn't view them. I ask again for footage. This was not done. • The Incident Book / Door supervisors' books were missing dates and entire books were missing along with the full number of the door staff not being correctly filled out. Some dates were on scraps of paper and then were incorrectly retrospectively filled out in the books. Mr Dhunay was asked if we could take some of the completed books with us. He declined through text to his manager. We gave them till Tuesday 1 November 2022 to hand the missing books in to the council offices. This was not done. <p>A detailed visit inspection record can be found at Annex H.</p>

Due to several breaches of the premises licence at two visits and the afterhours activity both the then current DPS Mr Lalia and director of the Vegan Pind Ltd Mr Dhunay were invited to be interviewed separately under caution (PACE). A PACE invite letter was sent on 16 March 2022 for 14 April 2022. Various reasons were given as to why interviews planned in for that day and subsequent dates were given by them and they kept moving the interview dates. Finally, we interviewed Bobby in 14 June 2022 and Mr Lalia on the 14 July 2022. A copy of the interview transcripts are attached at **Annex I (Mr Dhunary)** and **Annex J (Mr Singh)**.

During the interview both parties were asked various questions regarding breaches of the licence and regarding an out of hours 'party on 27 February 2022. Below is an extract from his PACE interview:

L: *Right, okay. Right, we're now gonna look at the 27th of February 2022, the early hours. Your premises licence permits the sale of alcohol from 10:00am in the morning until 01:30 the following...every day. Your opening hours on your premises licence is every day from 07:00 until 01:30 hours. Is that correct?*

B: *That is correct.*

L: *Yeah. You have produced multiple till receipts showing sales of alcohol in the early hours of the 27th of February 2022. I'm now passing over copies of the till receipts covering sales of alcohol from 01:36:06 seconds, until 05:14:24 seconds on the 27th of February. They've all*

got their unique order reference numbers on, and details of what was actually purchased and who actually served the customer, and also the prices that were charged. Do you confirm that they are your receipts?

B: Yeah, they are. Yeah, they are my receipts.

L: **Yeah, okay. And we've got all the references numbers, effectively 218439?**

B: Yeah.

L: **Going in sequence up until order reference 218455?**

B: Yeah.

L: **And they're all there?**

B: Yeah.

L: **You confirm that they're all there?**

B: Yeah.

L: **And confirm was for the sale of alcohol between those hours?**

B: So, this is what I explained to you guys, because this wasn't a sale, 'cause this was a private party, not even a party, like this was a get-together with me and my friends. So these people you would have seen on CCTV that time when I explained to you lot, that all of the friends that I had there I was giving alcohol. We don't charge people, especially in our culture as well, I don't just charge, especially my friends, it's like as a gift thing we give out. But some of them were just persistent to say give me, but it wasn't for the alcohol, they were just paying. Like, I wasn't doing it as intention to sell the alcohol to them. I said to them don't pay, don't pay. But we wanna pay, we wanna pay, we wanna pay, and they did it, it's like they [unclear 32:51]. It would have got them upset if I didn't take a payment from them as well. But it wasn't for that directly, the alcohol, 'cause that's not gonna have correct prices, it was just something for them. Like if I had priced, like, doubles are like £7.50, it's different prices on here, 'cause they gave what they wanted to give.

L: **Can I just verify, how much you charge for a double, sorry, again?**

B: Now, depending on what alcohol it is. So like the cheapest one is like £5.50, the most expensive one probably about £9.50.

L: **That's for a single, is it, or double?**

B: Double.

L: **Double.**

B: Yeah.

L: **So £5.50 for a double?**

B: Yeah.

L: **That's quite reasonable.**

- B: Yeah. Our prices are not, yeah, expensive, even though it looks nice in there. Try keeping it same as...
- L: **[Over speaking]. Yeah, okay, yeah. I think some of these prices do actually come at £9.50 for a double, if you look at them.**
- B: ...which ones?
- L: **If you look at the 218441 and the 41 is a double and one's a single, so it's...**
- B: Yeah, but see these prices, these are all like that, they were given whatever they wanted. I didn't fix, like, the price on it for them, they said to me...but even though I put a description of what it is, 'cause even my till I didn't have all the products on it. I had to manually type in things, so that was a personal log thing of what is being charged for. But this wasn't, as I said, these were my friends, there were multiple given for free as well, and some that like...I would say they forced me, they say to me, I wanna pay 'cause I feel bad if I don't pay, but it wasn't like for...I know it was a mistake, and I shouldn't have even at all taken an exchange of payment 'cause it shouldn't have been a sale at all, I know that. Though it wasn't directly for the alcohol in that sense.
- L: **...right, okay. What time do you call last orders?**
- B: Around, what day, first of the week?
- L: **Let's say a weekend, let's do a weekend? Friday, Saturday and Sunday?**
- B: One o'clock, 12:40am. Well, 12:45am we start saying we're gonna close at 1:30am even as I said and we start lining people up to make sure they're ready.
- L: **How do you call last orders?**
- B: Normally we just turn the volume down and just shout it. Or we've got like a certain song we've started putting on recently, people just know that that's our way.
- L: **Right. Why are there persons still in the premises after last orders?**
- B: What days, when?
- L: **We're talking about the 27th of February?**
- B: That was when, I told you, that's my friends, all of them are friends.
- L: **Right. And what time did you intend to close for customers and have a private party?**
- B: 1:30am. We were closed, the shutters would have gone down, 100%, 'cause we knew...just unless it was [unclear 35:25] some people might have been going in and out, that's it. But it was all mates, there were never, no customers, like random people I don't know coming in and saying... 'cause that's...we never, ever done that.
- L: **So you made sure that all your customers...?**
- B: Yeah.
- L: **...had left at that time?**

B: All the customers 100% would have left, and I would have been there as well. 'Cause if they're alone, they're never allowed to do anything like after anyway, unless it's like I'm there. I need to be sure that every random's gone.

L: *Alright. Right, so who was invited to this private party? And how were they invited?*

B: So I know that day that was my brother's music show that he had, like his first ever...he's into rapping and stuff, I remember that day. So there were invited just from just like friends of his. We were all together at another venue in Chiswick, and then we came together, that's it.

L: *Yeah, okay. Who served the alcohol in the till receipts?*

B: May have been me that day. Most likely was me, I was behind the bar, yeah.

Outstanding Matters:

To date we have still not been provided these documents despite asking several times:

- Updated staff training to evidence complying with condition by Friday 21 October 2022 – not received in time, however asked to see on visit on 26 October 2022.
- CCTV for incident occurred on 15 September 2022 has only partially been sent, 3 videos were sent to us via email on the 24 October 2022, despite being requested by Friday 21 October 2022. Only one video was able to be watched and it did not cover the incident. We asked for this again on 26 October 2022 and this has not been provided.
- The missing SIA logbook was requested by 1 November 2022. This was not received.

Recommendation:

As per the section 182 Revised Guidance under Section 182 Licensing Act 2003, “the legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.”

The guidance goes on to further state “every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder”.

Mr Dhunay passed his personal licence course with a licensing agent earlier this year. His personal licence was granted by the issuing Council where he resides. Mr Dhunay therefore is a new personal licence holder and lacks experience of the Licensing Act 2003 requirements.

The complaints from residents led us to investigate if the premises was undermining the licensing objectives outlined in the Licensing Act 2003. Both the Licensing Authority and the Environmental Health Authority at Spelthorne Borough Council have worked with the premises licence holder and the previous and current DPS to try and rectify the lack of compliance to the conditions on the licence. Despite this however the complaints and compliance issues with the licence continue.

The Licensing Authority have concerns over Mr Dhunay’s ability to run a licenced premises both acting in the capacity of sole director of Vegan Pind Ltd as Premises Licence Holder and DPS. Our concerns are from the amount of complaints we have received, breaches of licensing conditions, continued noise and balcony complaints, together with a failure to keep to the licensable times and opening hours as observed

on 27 February 2022. The Licensing Authority do not have confidence that Mr Dhunay and Vegan Pind Ltd are upholding and promoting the licensing objectives.

The Premises Licence was only granted on 8 December 2021 and since it has been in force there has been multiple complaints, a noise abatement notice served, evidence provided of illegal out of hours sales outside of opening hours.

In addition, it is the Licensing Authority's view that premises is unsuitable to function like a nightclub due to the close proximity to residential properties. When the licence was applied for the application described the premises as "a vegan restaurant and bar, serving vegan food and cocktails along with standard alcohol range. We will be a seated restaurant with regulated entertainment being provided by way of recorded music." This does not appear to be the case now with drum and bass nights being regularly advertised twice a month. In addition to events on the Friday and Saturday nights.

Noise complaints are still being received following the service of the Noise Abatement Notice and the review application submission both served by Environmental Health:

Date	Details of Complaints
16 October 2022	Complaint to out of hours noise service at 00.05 hours complainant said they wanted to complain about the loud music as it had woken her from her sleep. They said that the situation had improved for a short time but it has recently become worse again. Not witnessed by out of hours noise officer.
21 October 2022	Complaint to out of hours noise service at 23.18 hours complainant said that they had been woken from their sleep by loud music from Vegan Pind. Not witnessed by out of hours noise officer.
29 October 2022	"Friday 28th, the drum & bass carried on until 01.30 as usual. On Saturday 29th it started at 21.00 and carried on until 02.30, obviously as the clocks changed it was 01.30. However, this meant that the thump thump thump was for a total of 5 and 1/2 hours continuously. Every week whichever day or days they have their clubbing nights the continuous thump carries on for 4 1/2 hours most nights, there is no break from it during that time." The time when summertime ends was 02.00. Vegan Pind should have stopped the music at 01.30 summertime, not wintertime i.e. at their usual time.

The Licensing authority has concerns that when the incident where a customer fell of chair and had injury which required an ambulance attendance, no RIDDOR was completed. The HSE guidelines state:

Injuries to non-workers

Work-related accidents involving members of the public or people who are not at work must be reported if a person is injured, and is taken from the scene of the accident to hospital for treatment to that injury. There is no requirement to establish what hospital treatment was actually provided, and no need to report incidents where people are taken to hospital purely as a precaution when no injury is apparent.

Although the incident had been written on paper, it has not been clearly put in the incident book and no incidents recorded in the incident book on the date 15 September. The Licensing Authority has requested the CCTV but this has not been provided.

The Licensing Authority are concerned about public nuisance given its location and history and have a shared concern with Environmental Health over the for-noise disturbance to residents in the adjoining properties, based on evidence which has been gained from complaints from local residents.

The premises licence already contains 32 conditions. Vegan Pind Ltd and Mr Dhunay have not demonstrated to the Licensing Authority that they can promote and uphold the Licensing Objectives and adhere to the conditions already placed on the licence.

It is the view of the licensing authority that the premise licence should be revoked.

Sincerely

Lucy Catlyn -Principal Licensing Officer, Spelthorne Borough Council
 Laura McCulloch – Licensing Enforcement Officer, Spelthorne Borough Council

Annexes:

Annex A	04.02.2022 Letter to Premises
Annex B	03.03.2022 Report of Visit
Annex C	03.03.2022 Letter to Premises
Annex D	After-hours sale CCTV Chart
Annex E	Till Receipts
Annex F	17.05.2022 Letter to Premises
Annex G	23.09.2022 Letter to Premises
Annex H	26.10.2022 Report of Visit
Annex I	PACE Interview Transcript for Mr Dhunay
Annex J	PACE Interview Transcript for Mr Singh

Bobby Dhunay
Vegan Pind
21B Clarence Street
Staines
TW18 4SU

Contact: Lucy Catlyn
Service: Environmental Health
Direct line: 01784 444202
Fax: 01784 446437
E-mail: L.catlyn@spelthorne.gov.uk
Our ref:
Your ref:
Date: 07 February 2022

Dear Mr Dhunay:

LICENSING ACT 2003

Vegan Pind, 21B Clarence Street, Staines, TW18 4SU

I write further to a visit on the 4 February 2022 with Bobby Dhunay. Present at the visit were Lucy Catlyn (Principal Licensing Officer), Yvette Lanham (Licensing Enforcement Officer) and Leslie Spearpoint (Senior Environmental Health Officer).

As discussed during the visit, there were numerous points that need urgently addressing with regards to your premises licence conditions. To assist you have I outlined them below and included the relevant sections of your licence conditions where appropriate: -

- you are required to have the appropriate weights and measures signs in place to advise customers that alcohol (not pre-packaged) is available in the following measures:

(i) beer or cider: 1/2 pint

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125ml

Whilst I appreciate you may not provide all the above, you must ensure this is rectified for the alcohol that you do provide for sale. Your licence states "these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available".

It was also noted you did not have a measure for 175ml, please rectify this and provide a measure with a stamp indicating that it is compliant with the required legislation.

- Under the Licensing Act 2003 you are required to display a notice under section 57 of the Licensing Act 2003 advising who the premises licence is under the control of. The required notice was not displayed.
- You are required to display the premises licence summary at all times. At the time of the visit this was not on display and the premises licence was available. You must ensure this is rectified and the premises licence is available at the premises at all times.

- The premises licence holder must ensure that an age verification policy is adopted in relation to the sale or supply of alcohol. When we arrived at the premises you had no 'Challenge 25' signage on display in addition you advised your agent holds your age verification policy. Your licence states "The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorized person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of the Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated".

You must ensure you adhere to the requirements of the conditions of your licence at all times and put in place a written age verification policy immediately. If you visit the following websites <http://www.challenge25.org/> and <http://noidnosale.org/> you will be able to obtain some information to assist you.

- It was unclear from our conversations what staff training has been provided. During the course of our conversation the member of staff working at the time advised they had not had any training despite alcohol being exposed for sale. Your premises licence states "All staff and security teams will be trained and briefed to make sure are trained and briefed in the requirements of the Licensing Act 2003 and all conditions on the premises licence. Regular 6-month re-training to refresh the staff will also be conducted. Training logs will be kept at the premises and available on demand". We were also advised that the floor manager (Parmjeet) has the training records on her laptop, this is unacceptable.
- You provided a Door Supervisors Incident Book, it was noted on multiple occasions (23 December 2021, 24 December 2021, 27 January 2022, 28 January 2022, 29 January 2022, 30 January 2022, 3 February 2022) you are not having the required amount of door supervisors. Your premises licence includes a condition that "From 8pm daily until all patrons have left the premises there will be one SIA door supervisor at the door and one inside managing the internal areas of the premises and balcony. From 10pm on Friday's and Saturday's there will be an additional one door supervisor working until all customers have left the premises"

Following a conversation, you admitted to us after us viewing the Door Supervisors Incident Book that you are not adhering to the required amount of door supervisors due to the cost. This is unacceptable. You advised that you intend to submit a variation to your premises licence. Please can we ask you to reply with your intentions of how you wish to vary your licence and we will contact the relevant responsible authorities before you submit the application.

- On inspection of the Door Supervisors Incident Book it was noted that not all the information is being recorded in compliance with your licence condition. Your licence states "An incident log shall be kept at the premises and made available on request to an authorized officer of the Council or the 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) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any refusal of the sale of alcohol including date, time and name of staff member
- h) any visit by a relevant authority or emergency service".

And:

"A written or electronic register of refusals will be kept including a description of the person refused and the time and date and reason. Such records shall be kept at the premises for a period of 12 months and available on demand".

You must comply with these conditions and record the additional information.

- During the visit there was no information displayed regarding Taxis. Your licence states "Signage relating to Taxi services available, including phone numbers, will be displayed at the entrance to the premises". You must rectify this.
- Your licence includes the following "The installation of an in-line Equalizer and Noise Limiter, in a tamper proof location within the venue. The audio system would need to be calibrated and the limiter and equalizer settings would then be unchanged, with a single input into the sound system"

And:

"The operational panel of the noise limiter shall then be secured by key or password to the satisfaction and agreed by an Environmental Health Officer or other nominated representative of Spelthorne Borough Council, with an independent acoustic consultant acting as the representative of the premises holder prior to any regulated entertainment taking place at the premises. Access shall only be by persons authorised by the Premises Licence holder, in writing. The limiter shall not be altered without the written consent with Spelthorne Borough Council. No alteration or modification to any existing sound system(s) should be effected without prior notification of an Environmental Health Officer or other nominated representative of Spelthorne Borough Council".

This matter will be addressed separately by Environmental Health and I understand an appointment has been arranged for 09 February 2022.

- "Town Centre radio to be used at the premises and be monitored by door supervisors when employed. At other times the use of the radios to be determined by the DPS". We have contacted the relevant team and they will be in touch with you.
- The CCTV camera covering the door was missing and you were unable to provide footage when requested as you advised it had been formatted. There was no record in the incident book of any faults. You also demonstrated the CCTV in a location that is available to the public. Your licence states "The premises will install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored

for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council” and “CCTV will cover the licensable areas inside and the rear smoking area and the front of the premises, including the smoking area”. You were unable to provide historic CCTV recordings or demonstrate that the CCTV is being retained for 31 days, this is unacceptable and you must rectify this.

- “The premises shall operate a zero-tolerance policy to the supply and use of drugs”. You were unable to provide the policy and demonstrate how this is being enforced.

I will check in with you in two weeks to see how you’re getting on with implementing these measures, but please do not hesitate to contact the office in the meantime if you have any queries about the content of this letter. I would be remiss if I did not point out that failure to comply with the conditions of your licence, is a criminal offence under Sec 136 of Licensing Act 2003.

Again, as you advised at the time of the visit that you wish to amend some of the conditions on the licence, please can you outline the revisions in an email to licensing@spelthome.gov.uk. We would then be able to contact the responsible authorities and advise if this would be a minor variation or a full variation.

Yours sincerely

Yvette Lanham
Licensing Enforcement Officer

Vegan Pind

21B Clarence St, Staines TW18 4SU

Date :03/03/2022

Time: 17:05

Attendees: Lucy Catlyn, Leslie Spearpoint, Laura McCulloch

Visit conducted; After a message from Bobby advising us that the DPS Ravneet Singh Lalia Was not able to attend 45 minutes prior to meeting commencement.

We were met by Bobby, and a new staff member Chloe who had started that day.

Previously Vegan Pind had a visit and had to action some changes to be compliant with the licence so we started to go through the letter that had been sent 7th February 2022.

1. *"You are required to have the appropriate weights and measures signs in place to advise customers that alcohol (not pre-packaged) is available in the following measures. "*

Bobby has produced a list that goes out with the Menu's upon people sitting for a meal, it was discussed with him that it should be in sign form as in the letter he had received.

2. *"Have a measure for 175ml, please rectify this and provide a measure with a stamp indicating that it is compliant with the required legislation."*

Bobby stated they only sell small and large therefore he will not be getting this measure,

3. *"Under the Licensing Act 2003 you are required to display a notice under section 57 of the Licensing Act 2003 advising who the premises licence is under the control of. "*

This was not displayed, advice again given.

4. *"You are required to display the premises licence summary at all times."*

The summary was not displayed but the full premises licence was half displayed to a mirrored wall behind the bar.

5. *"The premises licence holder must ensure that an age verification policy is adopted in relation to the sale or supply of alcohol. Prominent, clear and legible signage shall also*

be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated”.”

One Challenge 25 sign has been put up behind the bar, Bobby has been advised it will need to be put up by the entrance as well.

6. *“Your premises licence states “All staff and security teams will be trained and briefed to make sure are trained and briefed in the requirements of the Licensing Act 2003 and all conditions on the premises licence. Regular 6-month re-training to refresh the staff will also be conducted. Training logs will be kept at the premises and available on demand”. We were also advised that the floor manager (Parmjeet) has the training records on her laptop, this is unacceptable.”*

Bobby advises that Parmjeet has left and has taken all staff records with her, no training logs could be produced when asked. Bobby stated that a new staff member had just started, and she had received training. However Chloe the new staff member was spoken to by Lucy Catlyn she had advised she had received no training, to which Bobby states that she had not been there very long and he had not had a chance to train her.

It was after this point the DPS turns up, he was asked to produce his personal licence, which he could not do, he states he has never received a licence from Ealing Council. He then showed us a personal licence certificate to say he had passed a course, his driving licence confirmed his ID as the DPS Ravneet Singh Lalia.

He went on to say that he is not at the location very often approximately 20 hours a week and he did not seem to know how to work the CCTV. He couldn't answer any questions regarding the premises, saying he should probably be there more. He was not aware of how refusals were recorded and did not have any information about a drugs policy.

Going back to the letter sent previously:

7. *“From 8pm daily until all patrons have left the premises there will be one SIA door supervisor at the door and one inside managing the internal areas of the premises and balcony. From 10pm on Friday's and Saturday's there will be an additional one door supervisor working until all customers have left the premises”*

From viewing the Door supervisors incident book, the log was out of sync with dates scattered over various pages. However we could see that they are not complying

with the conditions of the licence in regards to how many door staff are on and are not being recorded properly with names missing etc.

17:39 Lucy Catlyn cautioned Bobby to which Bobby replied “no Comment”

Bobby then went on to say they had recently changed door supervisors and the old company had taken the old log book with them.

I asked Bobby what is happening with his personal licence to which he said he failed the online test and will be doing another.

8. *“The premises shall operate a zero-tolerance policy to the supply and use of drugs”.*

Bobby confirmed there is still no drugs policy.

9. *“During the visit there was no information displayed regarding Taxis”*

This has been rectified and a sign has been put in the lobby area.

10. *“Town Centre radio to be used at the premises”*

This has been arranged by our department and it is fully working and operational.

The CCTV is not telling the correct time, it is 1 hour in advance . Bobby is aware of the opening hours on his licence are, he did say however that he does have friends that stay and drink after hours in the bar.

We asked to see his till record, Bobby said he doesn't know how to check the records of past days saying they are only held for the day, Lucy asks to see the till to see if she can help him. Bobby allows Lucy to check the till and the last recorded sale of alcohol on the 27th February is 05.14 am.

Bobby doesn't know how this has happened saying the times are not correct on the till.

We ask to check the CCTV at the time of the last purchase on the till, Bobby shows us the CCTV on his phone. He shows the outside shutters saying they are down, and they are closed, Lucy asks to see the camera that has coverage of the till.

Footage on the CCTV shows

Morning of the 27th February 2022

06:14 persons in the bar area, chef behind bar no sale of alcohol

So, checked

05:14 No sale at till check behind bar

05:47 Till is used by staff ember

Bobby states "I cant explain it nobody pays"

05:53 payment clearly seen, after drink being poured credit card machine handed over the bar to person and person pays with card

06:23 Sale at till two drinks given and card machine handed over.

Bobby went on to say that perhaps the persons wanted to pay out of kindness. Lucy asks for a copy of the CCTV and the till transactions.

Bobby stated that when police didn't care they had a private party if they kept the shutters and the noise down, I explained the issue wasn't the party it was the sale of alcohol that is breaching the licence.

Bobby also states that he has his friends back after a night out, Lucy explained that it is not his front room it is a licenced premises.

Lucy suggests that Bobby seeks legal advice as she is considering calling his licence in to review.

Visit concluded.

Bobby Dhunay
Vegan Pind
21B Clarence Street
Staines
TW18 4SU

Contact: Laura McCulloch
Service: Environmental Health
Direct line: 01784 446450
Fax: 01784 446437
E-mail: L.mcculloch@spelthorne.gov.uk
Our ref:
Your ref:
Date: 03 March 2022

Dear Mr Dhunay:

LICENSING ACT 2003

Vegan Pind, 21B Clarence Street, Staines, TW18 4SU

I write further to a visit on the 3 March 2022 with Bobby Dhunay and Ravneet Singh Lalia. Present at the visit were Lucy Catlyn (Principal Licensing Officer), Laura McCulloch (Licensing Enforcement Officer) and Leslie Spearpoint (Senior Environmental Health Officer).

As discussed during the visit, there were numerous points from the letter dated 4th February 2022 that needed urgently addressing with regards to your premises licence conditions. I was extremely disappointed that these points had not been rectified.

- Under the Licensing Act 2003 you are required to display a notice under section 57 of the Licensing Act 2003 advising who the premises licence is under the control of.
The required notice was not displayed.
- You are required to display the premises licence summary at all times. At the time of the visit the full premises licence was on display.
- The premises licence holder must ensure that an age verification policy is adopted in relation to the sale or supply of alcohol. When we arrived at the premises you had no 'Challenge 25' signage on display in addition you advised your agent holds your age verification policy. Your licence states "The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorized person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of the Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated". There was only one sign behind the bar not at the entrance.
- With regards to staff training again no logs have been kept and new member of staff had not had any training on the licence or the conditions.
- You provided a Door Supervisors Incident Book, this is still not being correctly filled out and not in compliance with your licence condition. It was also noted that you still do not have the amount of door staff working on some days.

- “The premises shall operate a zero-tolerance policy to the supply and use of drugs”. You were again unable to provide the policy and demonstrate how this is being enforced.
- Upon the till and CCTV being checked it appears that sale of alcohol went on during the early hours of Sunday 27th February. This breaching your licensing conditions.

I again need to point out that failure to comply with the conditions of your licence, is a criminal offence under Sec 136 of Licensing Act 2003.

Yours sincerely

Laura McCulloch
Licensing Enforcement Officer

CCTV Camera	Actual Time	Time Shown On CCTV	CATEGORY	OBSERVATIONS	TILL RECEIPT	SERVED BY WHO	key of people		
1	01-30-34	02-30-34	GENERAL	BAR AREA BUSY					
1	01-33-32	02-33-32	SALE	SALE BY BOBBY FOR A NUMBER OF GLASSES PAID BY CARD OR BY CUSTOMER 1		BOBBY			
1	01-34-46	02-34-46	SALE	SALE OF DRINKS TO MALE CARD MACHINE HANDED OVER AFTER SHE PUNCHES IN WHAT THE ORDER WAS ON THE TILL - BOBBY STILL PRESENT BEHIND BAR CUSTOMER 2 BUYS SHOTS		FML 2	FML 1	DESC -	SHORT BLACK HAIR / LONG SLEEVED BLACK TOP
1	01-36-33	02:36:33	SALE	CUSTOMER 3 PAYS FOR DRINKS ON CARD	01:36:06 - REF 218439 - 1x Courvoisier double + 2x Gordon's double - SALE BY BOBBY	FML 2	FML 2	DESC -	LONG BLACK HAIR PONYTAIL / HOOP EARRINGS BLACK JUMPER
1	01-37-28	02-37-28	SALE	SALE OF 4X VODKAS TO CUSTOMER 4 - PAID BY CARD	NO RECEIPT	BOBBY	BOBBY	DESC -	MALE BLACK SHIRT

1	same	same	SMOKE	PEOPLE SMOKING IN LOBBY AREA OUT FRONT			MALE 2	DESC -	HAIR TIED BACK IN BUN BLUE PUFFA GILLET AND BLACK TSHIRT
1	01-38-21	02:38:21	GENERAL	DOOR SUPERVISOR GETS DRINK OFF BOBBY AND HEADS FOR FRONT DOOR					
1	01-39-19	02:39:19	SMOKE /FREE DRINK	MALE 2 SMOKING CIGAR BEHIND BAR POURS HIMSELF A DRINK CLEAR SPIRIT BOTTLE AND JUICE MIXER DOESN'T PAY	DESC - BLUE PUFFER BODY WARMER AND DARK SLEEVED TSHIRT				
1	01-40-49	02:40:49	SALE	BOBBY POURS DRINK AND MIXER HANDS CARD MACHINE TO CUSTOMER AND CUSTOMER PAYS BY CARD		BOBBY			

1	01-42-10	02:42:10	SALE	CARD MACHINE		BOBBY			
1	01-43-24	02:43:24	GENERAL	NO DOOR SUPERVOR AT DOOR					
1	01-45-42	02:45:42	SALE	MALE PAYS FOR DRINKS ON CARD MACHINE OVER BAR - 3 drinks clear spirit (doubles) 1x coke from bottle 2x lemonade		BOBBY			
1	01-46-16	02:46:16	SMOKE	MALE VAPING AT BAR					
1	01-49-30	02:49:30	GENERAL	DOOR SUPERVISOR OUTSIDE					
1	01-50-29	02:50:29	SALE	FML2 CARD MACHINE TO MALE AND FML - PAYMENT MADE		FML2			
1	01-53-00	02:53:00	SALE	SALE AT CARD MACHINE		FML 2			
1	01-57-14	02:57:14	SALE	SALE AT CARD MACHINE OVER BAR FMLS		FML 2			
1	01-59-05	02:59:05	GENERAL	SOUND MAN COMES IN ?					
next hour	02:00	03:00							

2	02-00-00	03:00:00	GENERAL	FML 2 BEHIND BAR - ALL AREAS BUSY - DOOR SUPERVISOR THERE					
2	02-00-54	03:00:54	SALE	CARD MACHINE paid up front - 1 CLEAR SPIRIT + JUICE 3X SPIRIT FROM GREEN BOTTLE + COLA	NO RECEIPT	FML 2			
2		03:07	GENERAL	4 DRINKS POURED WITH ALCOHOL JUST AS PAYMENT BEING MADE DOOR SUPERVISOR COMES OVER AND SPEAKS TO FML 2					
2				door supervisor waving at male and glasses and ejects fml					
2	02-15-05	03:15:05	GENERAL	chairs brought in from outside					
2	02-17-14	03:17:14	GENERAL	shutters coming down					
2	02-18-14	03:18:14	General	shutters down bobby					

				turns lights down lower					
2	02-23-19	03:23:19	SALE	MALE PAYS OVER BAR BY CARD		BOBBY			
2	02-24-54	03:24:54	SMOKE	SMOKING AND VAPING					
2	02-27-35	03:27:35	GENERAL	DOOR MAN STILL THERE AT THE SHUTTERS ALLOWIN G PEOPLE TO COME AND GO					
2	02-27-51	03:27:51	SALE	MALE PAYS FOR DRINKS ON CARD		BOBBY			
2	02-29-22	03:29:22	SALE	MALE PAYS ON CARD FOR CLEAR SPIRIT		BOBBY			
2	02-31-18	03:31:18	GENERAL	MALE OLDER SOUND MAN?					
2	02:33:05	03:33:05	SALE	CARD PAYMENT FOR DRINK		FML 1			
2	02:33:40	03:33:40	general	2 doormen sitting inside					
2	02:36:45	03:36:45	SALE	clear spirit x2 with juice paid on card		bobby			
2	02:37:53	03:37:53	General	PEOPLE COMING IN SHUTTERS HALF UP - DOORMA					

				N SITTING INSIDE					
2	02:49: 20	03:49: 20	SALE	PAID ON CARD FOR DRINKS - 3 X SHOTS		BOBBY			
2	02:51: 38	03:51: 38	SALE	2 DRINKS SPIRT JUICE AND SODA MIX		BOBBY/CHEF MAKES			
2	02:52: 47	03:52: 47	GENER AL	SHUTTERS HALF UP					
2	02:53: 34	03:53: 34	SMOKE	SMOKING IN BAR AREA					
2	02:58: 49	03:58: 49	SALE	1 DRINK FOR FML		CHEF			
NEXT HOUR	03:00	04:00							
3	03:01: 26	04:01: 26	SALE	TALL DRINK MIXER		CHEF			
3	03:02: 36	04:02: 36	SALE	FML PAYS ON CARD		BOBBY			
3	03:03: 25	04:03: 25	GENER AL	MALE WANDERS IN AS SHUTTERS 1/2 UP, DOORMA N USHERS OUT					
3	03:05: 11	04:05: 11	SMOKE	PEOPLE SMOKING IN BAR					
3	03:13: 50	04:13	SALE	3 SHOTS HANDS CREDIT CARD MACHINE - PAYS CASH - THEN MALE		FML1			

3	03:19: 12	04:19: 12	SALE	PAYS ON CARD PAYS ON CARD MACHINE X3 DRINKS		CHEF			
3	03:24: 01	04:24: 01	GENER AL	DOORMA N SIGNS DOORLOG		from the log - which has been scribed out - appears to have written 0300			
3	03:28: 36	04:28: 36	SALE	CARD SALE TO MALE		FML 1			
3	03:31: 15	04:31: 15	SMOKE	SMOKING BY BAR					
3	03:32: 54	04:32: 54	POLICE	POLICE ENTER					
3	03:35: 49	04:35: 49	POLICE	POLICE LEAVE					
3	03:59: 04	04:59: 04	SALE	MALE BUYS CLEAR SPIRIT AND MIXERS		BOBBY			
NEXT HOUR	04:00	05:00							
4	04:03: 34	05:03: 34	SALE	5 X CLEAR SPIRIT MIXERS		CHEF			
4	04:34: 11	05:34: 11	GENER AL	BOBBY BRINGS SMALL HEATER OUT					
4	05:36: 03	05:36: 03	SMOKE	BOBBY SMOKING CIGAR					

4		05:47: 51	SALE	PAID ON CARD FOR 1 DRINKS		CHEF			
4		05:52: 37	SALE	2 CLEAR SPIRIT AND JUICE		CHEF			
NEXT HOUR	05:00: 00	06:00: 00							
5	05:02: 32	06:02: 32	GENER AL	MALE ASLEEP BOTTOM RIGHT OF SCREEN					
5	05:23: 32	06:23: 32	SALE			CHEF			
5	05:36: 35	06:36: 35	FREE DRINK	CHEF MAKES 2 DRINK BROWN LIQUOR WITH A COKE MIX TO MALE WEARING DRK SHIRT AND TROUSERS - NO PAYMENT		CHEF			
5	05:41: 34	06:41: 34	SMOKE	CIGAR SMOKING AT BAR MALE WITH GLASSES AND BEARD					
5	05:58: 40	06:58: 40	SMOKE	2 MALES SITTING OPPOSITE THE BAR BOTH WEARING GLASSES					
NEXT HOUR	06:00	07:00							

6	06:07:40	07:07:40	GENERAL	SHUTTERS UP PEOPLE STARTING TO LEAVE					
6	06:27:02	07:27:02	GENERAL	BOBBY LEAVES					
END									

Till Receipts |

TIME	date	order ref	purchased	served by	total price £
01:36:06	27.02.2022	218439	1x Courvoisier double + 2x Gordon's double	bobby	24.5
01:40:57	27.02.2022	218440	2x AU double	bobby	19
01:43:31	27.02.2022	218441	1x AU DOUBLE	Bobby	9.5
01:47:51	27.02.2022	218442	1x Tequila 1x Grey Goose Double	Bobby	14
01:51:00	27.02.2022	218443	3x Jameson single 1x Smirnoff + service charge 2.75	Bobby	24.75
01:56:07	27.02.2022	218444	4x Smirnoff Double 1x Jameson Double	Bobby	37.5
02:19:58	27.02.2022	218445	1x Smirnoff Double	bobby	7.5
02:26:45	27.02.2022	218446	2X Smirnoff Double	bobby	15
02:40:13	27.02.2022	218447	3x Tquila Rose single 2x Grey Goose double	bobby	32.5
02:49:35	27.02.2022	218448	1x smashed avo toast 1x captain spiced 1x Smirnoff double	bobby	19.95
03:05:15	27.02.2022	218449	3x shots tequila	bobby	10
03:09:52	27.02.2022	218450	3x shots JAGERMEISTE	bobby	10
03:19:09	27.02.2022	218451	1x Grey Goose double	bobby	9.5
03:49:46	27.02.2022	218452	1x Smirnoff Double	bobby	7.5
05:14:24	27.02.2022	218455	1x Smirnoff Double	bobby	7.5
				total for the night	251.7

Contact: Laura McCulloch
Service: Licensing Team
Direct line: 01784 4446450

E-mail: l.mcculloch@spelthorne.gov.uk

Our Ref : 22/01348/LACOM
Date: 17 May 2022

Dear Mr Dhunay

LICENSING ACT 2003

Vegan Pind, 21B Clarence Street, Staines-upon-Thames, TW18 4SU

THIS LETTER REQUIRES YOUR URGENT ATTENTION

Re: Balcony use and Noise Complaints

I need to remind you are still under caution.

We have received several complaints now regarding the use of your balcony and the noise from Vegan Pind's music. This is extremely concerning considering your recent licence breaches. The details are as follows:

1. 30.04.2022, we received a complaint that the balcony was being used past 23.00 and there was noise coming from the restaurant
2. 07.05.2022, We received a complaint that there were 10-12 persons on the balcony at 23:10. On the same night we also received a noise complaint that music could be heard when people came out the front door to smoke. Also, the balcony was used on and off between 23:15 to 00.30. The music could be heard when 2 people went to the balcony at 00.30 as the door was open.
3. 14.05.2022, We received a call regarding loud music 19:50. Bobby was spoken to by the Out of Hours team and turned the music down.

Can I remind you these points on your licence conditions consistent with the Operating schedule:

- *The licensable activity times include the use of the balcony which backs on to the river opposite flats (Church House, Church St, Staines TW18 4EN) which will be used as a smoking area until 11pm and then closed.*
- *1. Smoking on the balcony area and to the front of the premises will be limited to a maximum permitted number of 5 persons at all times.
The licence holder shall ensure that customers who are smoking, are supervised by staff (including SIA Door Staff), do so in an orderly manner, so as not to cause a nuisance to nearby residential premises. No consumption of drinks of any type will be permitted in the smoking area.*
- *5. From 23:00hrs, staff will check periodically during entertainment that all windows and doors are kept closed*

33. 20. *No more than 5 patrons from the premises will be permitted to smoke in either smoking area at any one time and there will be 2 designated areas for smoking (balcony smoking area not to be used after 11pm daily).*
34. 31. *The rear doors will be kept closed from 11pm onward to avoid any music noises traveling to the flats to the rear*

As per my email to you of 11 May 2022 I requested the CCTV footage. However you have advised I can see this on Friday 20th May 2022 when I visit your premises. I look forward to seeing this and the download of the footage onto a USB Stick.

I would recommend you seek independent legal advice.

I must remind you that it is a criminal offence to breach the conditions on your licence, the Council may prosecute you if you continually breach this condition and the maximum sentence is £20,000 fine or 6 months imprisonment.

Yours sincerely

Laura McCulloch
Licensing Enforcement Officer

Vegan Pind Ltd
1110 Elliott Court
Coventry Business Park, Herald Avenue
Coventry
CV5 6UB

Contact: Lucy Catlyn
Service: Licensing Department

E-mail: Licensing@spelthome.gov.uk

Date: 17 October 2022

Dear Mr Dhunay:

LICENSING ACT 2003
Vegan Pind, 21B Clarence Street, Staines, TW18 4SU

I write further to a visit on the 23 September 2022 with Bobby Dhunay. Present at the visit were Lucy Catlyn (Principal Licensing Officer) and Leslie Spearpoint (Senior Environmental Health Officer).

As discussed during the visit, there were numerous points that needs addressing with regards to your premises licence conditions.

- You are required to have the appropriate weights and measures signs in place to advise customers that alcohol (not pre packaged) is available in the following measures:
 - (i) beer or cider : 1/2 pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125ml

Whilst you were displaying the measures for point (ii), no such notice was on display for the 125ml of wine. You must ensure this is rectified.

- As advised during our visit your 25ml and 50ml measures have no hallmark on them. You had two at the visit which you advised you purchased from a bar company. We will be making Trading Standards aware of this for their follow up.
- Your premises licence requires that "all staff and security teams will be trained and briefed to make sure are trained and briefed in the requirements of the Licensing Act 2003 and all conditions on the premises licence. Regular 6 month re-training to refresh the staff will also be conducted. Training logs will be kept at the premises and available on demand". I noted from your training log that training had not been given as per your condition.

You stated that you have given training and at the moment it was on on "age verification, alcohol measurements and disperse when security is not available". As

per your licence condition, you need to ensure training is given on the requirements of the Licensing Act 2003 and all conditions on the premises licence.

I further noted that Rajveer Heir training was done on 01 March 2022 and I advised you that this was overdue but you stated she has been on holiday for 2 weeks and is back Sunday. Manhinder Mandt was also trained on 01 March 2022 and is overdue. You also had Danish Pawa trained on 01 December 2021 and 14 July 2021 however, you advised they have left..

Please send me your updated staff training to evidence you are complying with your condition by Friday 21 October 2022.

- You had at the time of my visit updated the staff on your DPS authorisation to sell alcohol but it was in the previous DPS name. This was rectified in front of me.
- The battery was dead on the town centre radio. You said that staff charge it when they come in about 3pm. I would suggest that this is fully charged at all times.
- In addition, as you have CCTV you must ensure you display the appropriate warning signs under the Data Protection Act 1998 to advise customers that they are being recorded.
- At the time of my visit you advised the door supervisor book ran out last weekend and you have now ordered 5 books. You were missing door supervisor books and you were going to speak to Raj for these. I trust you now have these. We will visit again shortly and expect to see these without gaps. It was noted that full door supervisor numbers are being noted, as advised full numbers need to be recorded.
- There was an incident recorded on 15 September 2022 whereby a member of the public fell off their chair due to being intoxicated and injured themselves. You said you said you were not there that night. You also advised this has not been reported as a RIDDOR. Environmental Health have been notified regarding this incident and will be in touch with you. I also requested CCTV for 15 September-16 September 2022 from 23.00 onwards. This has still not been sent. **I request this is sent to me by Friday 21 October 2022** which is a reasonable time frame considering I visited you on 23 September 2022.

I remind you of your condition on your premises licence which states:

"The premises will install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council."

The Licensing Authority is concerned that the Licensing Objectives are being undermined.

I again need to point out that failure to comply with the conditions of your licence, is a criminal offence under Section 136 of Licensing Act 2003.

You will be aware that Environmental Health have applied to review your premises licence.

Under the Licensing Act 2003 the local authority is required to advertise the application and invite representations about it to be made to the authority by responsible authorities and other persons. Therefore, last week two notices were put up outside your premises. We regularly check that notices are still in situ which they were last Thursday.

However, the Police have advised us that they had been taken down by the Sunday 16 October 2022. We visited this morning and indeed the notices had been taken down. Two notices have been reinstated. Taking down the notices not only delays the last day of representations (now the 13 November 2022) but it would be remis for me not to point out that this evidence will also be submitted at licencing sub-committee.

Yours sincerely

Lucy Catlyn
Principal Licensing Officer

CC. info@veganpind.com
CC. Surrey Police
CC. Environmental Health

Vegan Pind Visit with LC and LM
26.10.2022

On arrival Bobbys is not present, Raj Heir the manager is however he cannot work the CCTV and doesn't know nor explain anything to us.

Raj shows Authorisation for alcohol sales, which has been re-done to reflect Booby is now the DPS. Training authorisation sheets were given to us but only had Raj name on them dated 2.9.22. Lucy asks if they were done at this time why did Bobby not show them to her when she last visited after this date? Bobby made reference to Raj being on holiday that is why she could not see that last visit however Raj says he was not on holiday, then amends his answer to he was on holiday for a few days.

This doesn't answer why these records were not produced when asked on the last visit.

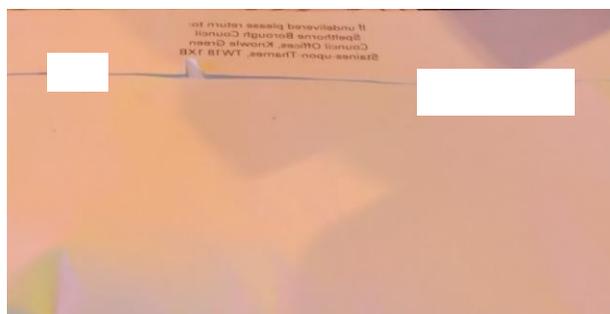
The security training records are not on site. Raj asks Bobby to supply this, Bobby says the security company hold this.

Summary is on display as is the S57 along with full premises licence however there is no plan with this.

Challenge 25 posters are up in correct places however the CCTV signs are not up.

There is no sign saying they sell wine by the 125ml however in menu it does state that they sell Prosecco at 125ml. Raj adds they are not selling wine now due to not finding a Vegan producer.

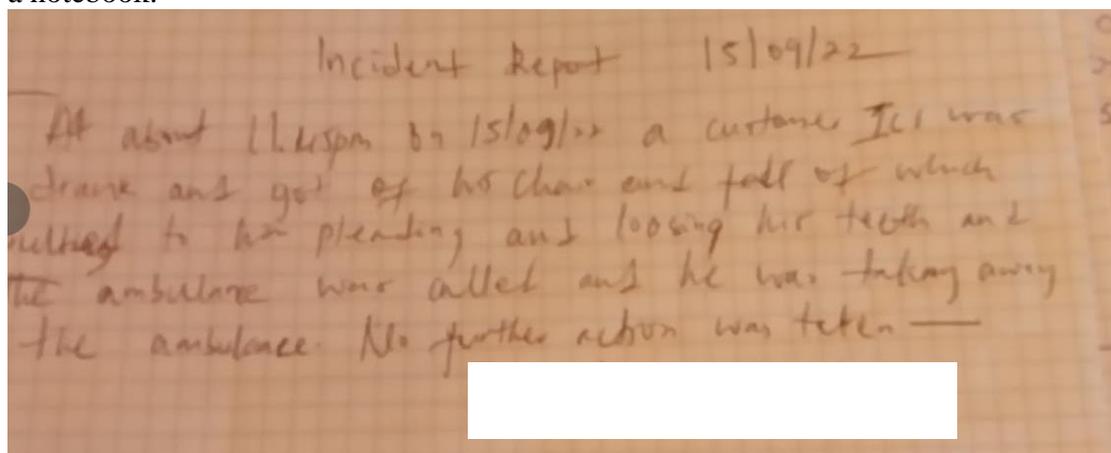
Interesting the Noise Limiter key is still in the envelope signed and sealed; however, the sound box is missing the side panel and access can be gained to the system from the side. Photos have been passed to Leslie Spearpoint SEHO.



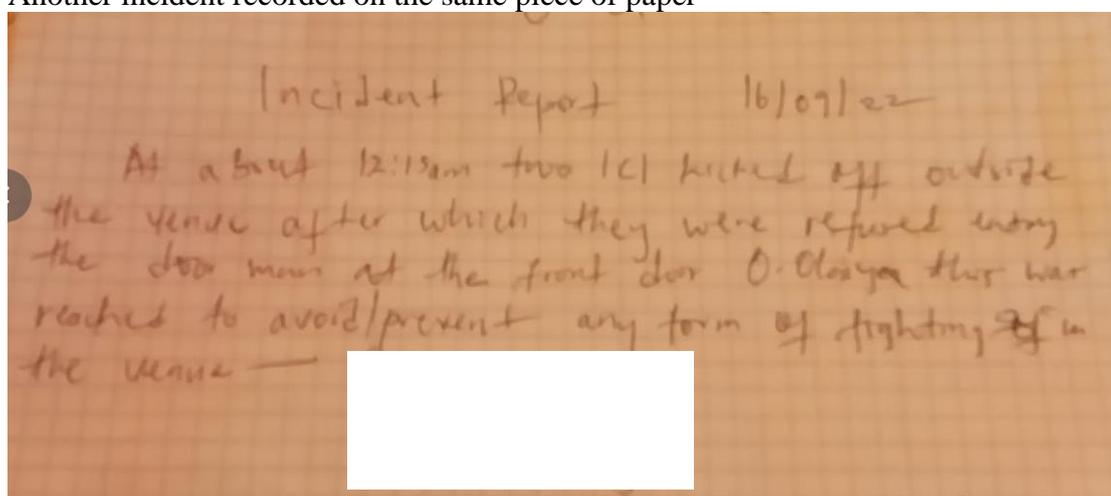
LC asked Raj to play music at top volume, it was not very loud.

Town centre radio is not charged.

The SIA door supervisor log books and incident books are not being filled out properly, 15.9.22 incident where someone fell off chair is not recorded in book but found on a scrappy bit of paper found in the back of a notebook.



Another incident recorded on the same piece of paper

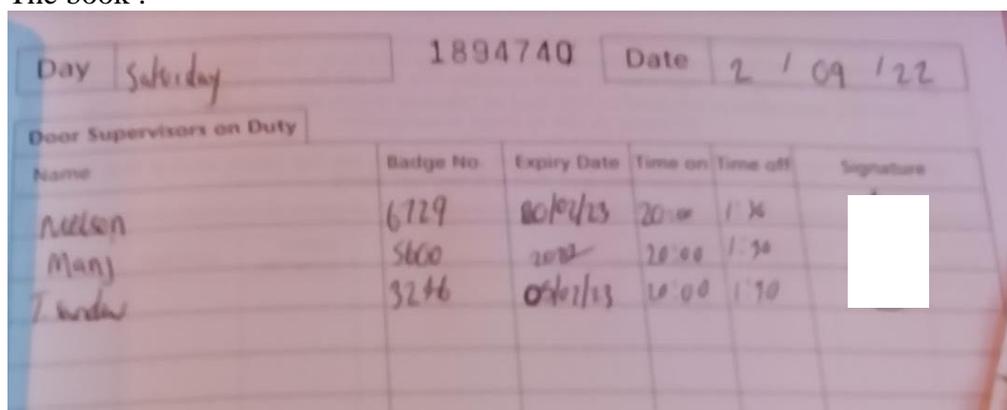


CCTV LOGBOOK NON - CONFORMANCE	DATE RANGE	AMOUNT OF SIA DOOR STAFF	DETAILS OF NON-COMPLIANCE
a	14.8.22 -- 26.9.22		This book stops halfway through due to them losing the book for some time
b	15.9.22		Incident book does not reflect the incident on this date that was witnessed on a sheet on last visit rather than in the book, sheet found at the back of a scrappy notebook
c	14.8.22- 26.9.22		The scrappy sheets found that mirror the dates put in the book, believe this book has been retrospectively filled out
d	02.09.22	3	the loose sheet say that this date is a Friday and that door staff were martha /christian/ olanrewa however in the book the day is showing as Saturday and the 3 staff are different Nielson /Manj /Tsandraw ?
e	24.4.22 /25.4.22 /26.4.22		no entry for these dates

f	31.4.22 - 1/5/22 - 2/5/22 - 3/5/22 - 4/5/22		no entry for these dates
g	15.5.22- 18.5.22		no signatures
h	19.5.22 - Thursday	1	supposed to be 2
i	30.31.05.22		only Manj signs record and other does not
j	1.6.22	1	supposed to be 2
k	02/06/2022	1	supposed to be 2
l	08/06/2022	1	supposed to be 2
m	12.6.22	1	supposed to be 2
n	14.6.22	1	supposed to be 2
o	16.6.22	1	supposed to be 2
p	19.6.22	1	supposed to be 2
q	21.6.22	1	supposed to be 2
r	22.6.22	1	supposed to be 2
s	23.6.22	1	supposed to be 2
u	25.6.22	1	supposed to be 3
v	july book		missing date 26.6.22 - 13.8.22

In point D there are 2 entries, one found on a scrap of paper dated 2.9.22. One says Friday one says Saturday. And the staff are different on the same day.

The book :



The paper

Day: Friday Date: 07/09/22

Name	Badge no.	exp date	Time on	Time off	sign
Olanrewaju	6729	20/12/23	19:00	02:00	[Redacted]
Marcus ^{Olanrewaju} Warkley	5442	07/01/24	19:00	02:00	
Christian Oppong	9542	14/12/24	19:30	02:00	

There is an entire book missing for dates 26.06.2022 – 14.08.2022, I advise that they need to produce this book to the council offices by 1.11.2022.

Lucy asks Raj to check the SIA app to make sure they are checking that the door supervisors are on there. On the details given in the books only 1 door staff member can be verified – Kirk Adam, however he is not a recent door supervisor.

We leave making sure Raj has noted points that are non-complaint.



F I N G E R T I P S
TYPING SERVICES



www.fingertipstyping.co.uk

Date: 30th June 2022

Transcribed by: Marcia Codrington

Voice file name: Interview

Type of Transcript: Intelligent verbatim with slang

Duration: 01:15:17 mins

Typist comments regarding dictation: Rapid audio. Respondent's speech unclear.

VOICE FILE NAME: INTERVIEW

- L:** Right, this interview is being recorded and it's being conducted in Goddard Room 2 in Spelthorne Borough Council offices, Knowle Green in Staines, Middlesex. And the date is the 14th of June, Tuesday, and the time is 10:14am. I, Senior Environmental Health Officer for Spelthorne Borough Council is present, and also on behalf of the Council is who is Licensing Enforcement Officer. We're interviewing who is attending as representative of Vegan Pind Limited, who the premises holder. And can you please confirm your position within the company?
- B:** I'm director.
- L:** You're director?
- B:** Yeah.
- L:** And confirm that you're authorised to speak on behalf of the company?
- B:** I am, yes.
- L:** Yes, okay. And just this is pure and simply for the record, if the other two gentlemen could [*unclear 01:10*] introduce yourselves, just for the record on the disc?
- S:** , *Citadel Chambers.*
- L:** Okay, just to confirm?
- B:** Director of Vegan Pind.
- L:** Lovely, great. And just to confirm there's nobody else present other than us four here?
- B:** Correct.
- L:** Okay. I'm just gonna give you this notice, which I'd like to ask you to sign and date, and it'll be witnessed to say that you've been interviewed.
- B:** Yeah.
- L:** I'll give you a copy just for you to read,
- S:** *Thank you very much.*
- L:** Okay. But if you sign and date it, please.
- B:** I haven't got a pen. Today is the...
- L:** 14th.
- S:** 14th.
- L:** Yeah. Can I have it back, please, thank you. And that's your copy to keep.

B: ...thank you.

L: **I'm just gonna sign it myself. Right, please can you confirm your full name, address and date of birth?**

B: Full name is address is, and my date of birth,

L: **Okay. At the end of the interview I will give you a letter explaining what will happen to the disc recorded today. You are here today for interview concerning breaches of the premises licence issued under Licensing Act 2003. In addition we are interviewing you with regard to sale of alcohol outside your permitted licensable hours.**

B: Okay.

L: **Since there's reason to suspect that you have committed offences under Licensing Act 2003, I'm required by the Police and Criminal Evidence Act to caution you. You do not have to say anything that may harm your defence, if you do not mention when questioned something which you later rely on in court, anything you do say may be given in evidence. Just to break the caution down into its three parts, you do not have to say anything, means you have the right to silence. You can choose to answer my questions or say nothing or so no comment to it. However, if you choose to say nothing during the interview, and the matter goes to Court Licensing at a later date, and you tell the Court Licensing an account of your in your defence, the Court Licensing hearing may wonder why you did not say anything at the first opportunity today. And may be less likely to believe you. Similarly, if you do give an account and then change it at the Court Licensing hearing, they may wonder why. Do you understand this caution?**

B: Yes.

L: **Yes. Is there any part of the caution you do not understand?**

B: No.

L: **And would like me to explain? I'll ask you a few questions relating to administrative matters. Do you have any language or other special needs that you would like us to take into account for the interview?**

B: No.

L: **You have a right to have a solicitor present throughout this interview, which obviously you have. So do you wish to continue?**

B: Yes, I do.

L: **Please understand that you're not under arrest and you're free to leave at any time. If you want a break during the interview, please let me know, so the interview can be adjourned. The interview is conducted in accordance with the Police and Criminal Evidence Codes of Practice, a copy of the Code of Practice is available for you to refer to at any time during the interview, and they are there in front of you.**

B: Okay.

L: Right, personal details. Please can you confirm your full name, date and place of birth?

B: Full name is
. What d'you say, date of birth?

L: Yeah, date.

B:

L: And place of birth?

B: In hospital.

L: In hospital, yeah [laughter]. Right, on the 4th of February, and myself visited you, and a letter was sent to yourself on the 7th of February. Which, did you receive the 7th of February letter?

B: What was it for, the letter?

L: Various breaches on your premises licence, and you wrote to it after our visit. I'm now going to produce a copy of this letter, it's the 7th of February, and go through each breach one by one, and ask you to explain why you're not adhering to this.

S: *D'you have another copy at all?*

La: Not on me, no. If you share, and then...

L: Shall we just confirm, d'you remember receiving the letter dated the 7th of February?

B: I'll be honest with you, I can't remember this. But I remember our meeting, the first one we had, I do remember that, I remember the points that we discussed from this meeting, the first one I can remember. But I probably did receive it, yeah.

L: Did you show the DPS, a copy of the letter dated the 7th of February?

B: If I, yeah, I'm pretty sure if I got it, I would have shown him it. I'm pretty sure I did get this, I wouldn't be surprised if I did have it, it would come to my house address, I presume.

L: No, it went to the address as detailed on the letter.

B: Oh, I should have got it, I should, 'cause it's been a little while now.

L: Which is your registered office, company registered office address.

B: Yeah. Yeah, that's actual restaurant address.

L: Yeah. You are required to have the appropriate weights and measure signs in place to advise customers that alcohol not pre-packaged is available in the following measures. Beer and cider – half pint. Gin, Rum, Vodka and Whiskey – 25ml or 35ml. And still wine in a glass at 125ml. These measures are displayed in a menu price list or other printed material which is available to customers on the premises. And when a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware of these measures available. Why are you not adhering to this?

- B: Originally I didn't know, my mistake. But since we've had our meeting, I've had this all in place, it's all been put up.
- L: **Okay. Under the Licensing Act 2003, you are required to display a notice under Section 57 of the Licensing Act 2003 advising who the premises licence is under the control of. At the time of our visit this was not displayed. Please can you explain why?**
- B: Once again, that was my mistake as well, also done that as well. That's been put in place straight away after that. I think you visited as well, seen that since.
- L: **Yeah. You are required to display the premises licence summary at all times. Please can you explain why?**
- B: Same, same thing again. All these points I'm reading, straight away they have all been corrected after our first visit, 'cause that was my mistake on that.
- L: **Okay. The premises licence holder must ensure that an age verification policy is adopted in relation to the sale or supply of alcohol. When we arrived at the premises you had no Challenge 25 signage on display. In addition, you advised your agent holds your age verification policy. Please can you explain why you are not complying? And why your agent was holding your age verification policy?**
- B: This is, well, this is my mistake again. I've put a sign up in front of the restaurant and behind the bar as well. And we've got holders in our blue folder on site, so that's been corrected.
- L: **Okay. Your licence states the premises shall operate a Challenge 25 policy, such policy shall be written down and kept at the premises. The policy shall be produced on demand by an authorised person, as defined by Section 13 of the Licensing Act 2003. Or the police or an authorised trading standards officer of the Council predominantly clear and legible signage shall also be displayed at all entrances to the premises, as well as at at least one location behind any bar advising the scheme operated. Please can you explain why you're not complying?**
- B: That's been corrected as well.
- L: **Right. All staff and security teams will be trained and briefed to make sure in the requirements of Licensing Act 2003 and all conditions on the premises licence rigour six months retraining to refresh staff will also be conducted. Training logs will be kept at the premises and available on demand. It was unclear from our conversation what staff training had been provided. During the course of our conversation a member of staff working at the time, they had not had any training despite alcohol being exposed for sale. We were also advised that the floor manager, has the training records on her laptop. Please can you confirm on your staff training...staff received training and provide these documents to us?**
- B: So the day you guys saw that staff, that was our first...that was [unclear 11:31], so I was actually just in the middle of training when you lot turned up. That staff, I was just going through training, and she never came back after that day anyway. I think you scared her off.
- L: **I don't think that was the intention.**

- B: Yeah. But, yeah, she was going...that was that particular staff member. We did have all the logs of everybody [*unclear 11:51*], since then I've now got it printed, and it's on site, I think you've seen that as well.
- La: Okay.**
- B: Yeah.
- L: Yeah, that has been checked, okay, thank you.**
- B: Yeah. I think you've got a picture of it as well, yeah.
- L: Right, you provided a door supervisors' incident book. It was noted on multiple occasions, 23rd of December 2021; 24th of December 2021; 27th of January 2022; 28th of January 2022; 29th of January 2022; 30th of January 2022; and the 3rd of February 2022 you were not having the required number of door supervisors. Your premises licence include a condition that from 8:00pm daily until all patrons have left the premises, there will be one SIA door supervisor at the door, and one inside managing internal areas of the premises and balcony. From 10:00pm on Friday and Saturdays, there'll be an additional one door supervisor working until all customers have left the premises. Please advise why you're not having the required number of door supervisors as per your licence conditions?**
- B: So that was a mix-up between me and my agent. When I asked him, he said to me only supposed to have one. But my mistake, I should have read him my licensing condition where it says I have to have two. Since then that's been resolved as well, everything's been logged in the book, so it's all up to date. But I am [*unclear 13:21*] variation, because I remember I spoke to you guys about this, you said way after the meeting's done put a variation in, 'cause that much security isn't needed for our place, 'cause it's never that busy, it's not like ram-packed. Obviously if it was busy enough to have it then it would make sense, but it's just costing me too much right now, yeah.
- L: Okay. On the inspection of the door supervisor's incident book, it was noted that not all the information is being recorded in compliance with your licence conditions. Your licence states an incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the police. It must be completed within 24 hours of the incident and record the following: all crimes reported to the venue. All ejections of patrons. Any complaints received concerning crime and disorder. Any incidents of disorder. All seizures of drugs or other offensive weapons. Any faults in the CCTV system, searching equipment or scanning equipment. Any refusal of a sale of alcohol, including date, time and name of staff member. Any visit by a relevant authority or emergency services. And a written or electronic register of refusals will be kept, including description of the person refused, and the date and time and reason. Such records should be kept at the premises for a period of 12 months and available on demand. You must comply with these conditions and record additional information. Please can you advise if you're now doing this and supply the incident logs to us?**
- B: Yeah, I briefed the security company on that and about anything that should be filled in on that.
- L: Right, okay. Right, during the visit there was no information displayed regarding taxis. Your licence states signage relating to taxi service available including telephone numbers are displayed at the entrance to the premises. Please can you advise why you're not adhering to this?**

B: That's been rectified as well.

L: **Alright. Your licence states the premises to install and maintain a comprehensive CCTV system.**

B: Yeah.

L: **All entry points, exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings should be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings to be made immediately upon request of the police or authorised officer of the Council. And the CCTV will cover the licence areas inside and the rear smoking area and the front of the premises, including the smoking area. At the time of our visit, the CCTV camera covering the door was missing. Why was this?**

B: That was the external one. But there was still one inside covering that front door. Remember, we still had the footage of the front door, we had an extra one outside. All my entrances were regardless covered even at all our visits.

L: **Right, okay. You were unable to provide footage when requested as you advised it had been formatted. Why was this?**

B: That's 'cause security company, 'cause that camera, they came to do an upgrade on the system, 'cause that camera was in and out. It turned out the camera was faulty, 'cause they were doing their checks on it, that wasn't my side of things.

L: **There was no record in the incident book of any faults?**

B: For the...?

L: **CCTV.**

B: ...that was a mistake, I should have filled that in. I didn't know it was formatted, to be honest, until we checked it, 'cause they didn't tell me it had been done. *[Unclear speech 17:22-17:23]*, there's no data on it.

L: **Right, okay. How long does your CCTV retain the recordings for?**

B: At least about 40 days, I think.

L: **40 days?**

B: Yeah. It's over what you ask for, isn't it?

L: **Yeah, okay.**

B: Yeah, *[unclear 17:36]*.

L: **The premises shall operate a zero tolerance policy to the supply and use of drugs. You were unable to provide a policy and demonstrate how this is being enforced. Why was this?**

- B: That was, once again, it was with my agent, we've got it in the folder now. That was a mistake, should have had it straight away in the folder on site, [unclear 17:58].
- L: **Right. And you are enforcing it?**
- B: I am enforcing it, yes.
- L: **Right, following a letter sent to you on the 7th of February 2022, I'm now going to go through the letter again on the points that you are not complying with on the visit on the 3rd of March 2022. I'll ask you to explain why you're not complying at the time of our visit?**
- La: This is the 3rd of March letter.*
- L: **was handed a copy of the letter dated the 3rd of March 2022. Just to confirm, d'you remember receiving that letter?**
- B: Yeah.
- L: **You do, okay. And did you show a copy to your DPS, ?**
- B: Yeah. This has been shown to him as well.
- L: **Yeah, you showed it to him as well, okay. Right, under the Licensing Act 2003 you are required to display a notice under Section 57 of the Licensing Act 2003, advising who the premises licence is under control of. You advised on our visit, on the 4th of February 2022 and a follow-up letter dated 7th of February to rectify this. Why didn't you do this?**
- B: Mistake, but it's been sorted, that's been done. That was probably a mistake on my side.
- L: **Okay. You were required to display the premises licence summary at all times. You were advised in our visit on the 4th of February 2022 and a follow-up letter of the 7th of February 2022. Why did you not do this?**
- B: No, I put the premises whole licence up when you guys told me I needed a summary, so I corrected.
- L: **Right, the premises licence holder must ensure that an age verification policy is adopted in relation to sell or supply of alcohol.**
- B: Yeah.
- L: **When we arrived at the premises, you had no Challenge 25 signage on display. In addition you advised your agent holds your age verification policy. Your licence states that the premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand by an authorised person, as defined by Section 13 of the Licensing Act 2003, or the police or an authorised trading standards officer of the Council. Predominant, clear and legible signage shall be also displayed at all entrances to the premises as well as at at least one location behind any bar advertising the scheme operated. There's only one sign behind the bar, not at the entrance. Please explain the lack of signage by the entrance?**
- B: That's been corrected.

L: Been corrected?

B: That was, yeah, one's at the front door, one's inside behind the door.

L: Right. Your premises licence states that all staff and security teams will be trained and briefed to make sure they are trained and briefed in requirements of the Licensing Act 2003 and all conditions on the premises licensed with a six month re-training to refresh the staff will also be conducted. Training logs shall be kept at the premises and available on demand. You are also advised that the floor manager, Harjit, has the training records on her laptop. This is unacceptable. Have all your staff had staff training? And when?

B: They've had, the last one they had, well, we've actually had a few new staff join in the last couple of months. The ones that were originally there are all pretty much gone, yeah, they're all gone. And they've all been trained probably between the last month, two months, in that period. But as soon as they come on they get trained and then they obviously we've got a little thing that we sign off, name, signature and date.

L: Right. Please can you explain what training you give your staff?

B: So all the measurements of alcohol, singles, doubles, age verification, if somebody looks under age, check their ID. To proofing the ID, make sure they're real, and all that, with the little test on it. The wines, we only do small and large, 125, and the little diamond measurement cups. If they see them they're drunk, anything like that, they won't serve them.

L: Good.

B: All of that, that's it, yeah.

L: Okay. Please provide the training logs. You've got logs at the premises, have you?

B: Yeah. She's got a picture of that.

L: Yeah, that's been verified has it?

La: Uh-huh.

L: Okay. Your premises licence states from 8:00pm daily until all patrons have left the premises there will be one SIA door supervisor at the door, and one inside managing the internal areas of the premises and balcony. From 10:00pm on Fridays and Saturdays there'll be an additional one door supervisor working until all customers have left the premises. At the time of our visit on the 3rd of March 2022, the log was still not being correctly filled out and not in compliance with the licence conditions. It was also noted that you still do not have the correct number of door staff working on Sundays. Why is your log not being completed correctly?

B: Yeah, I've spoken to the actual owner of the company and said to him that this [*unclear speech 23:30-23:32*]. They're on top of that, and she's checked it as well, I think last time she came.

L: Why are you not having the correct number of door staff working on Sundays?

- B: That was originally first thing, number one is obviously the agent that told me that one was alright, I corrected that, sorted that all out. But with regard to...need to get that changed, as I said, variations not feasible and too small a place for that many people.
- L: **Yeah. The premises shall operate a zero tolerance policy to the supply and use of drugs.**
- B: Yeah.
- L: **You were, again, unable to comply with this policy. Why were not complying?**
- B: Just mistake that was, that's been put on site.
- L: **Yeah. And please provide a copy of this to us. Have you got a copy on the premises?**
- B: Yeah, I think did you check it last time you were there?
- La: No, I didn't check it. But if you can get a copy.*
- B: Yeah, send you an email, picture.
- L: **Yeah, right. Right, your licence states the premises shall install and maintain a comprehensive CCTV system. All entry, exit points must be covered enabling photo-identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recording shall be stored for a minimum of 31 days – and you mentioned that's 40 days – with date and time stamping. Viewing of recordings to be made immediately upon request of police or authorised officer of the Council. At the time of our visit on the 3rd of March 2022, there's no record in the incident book of any faults.**
- B: Yeah.
- L: **You advised the CCTV is one hour fast and, again, you claimed you couldn't download the footage. Your premises licence requires you to record in your incident book any faults to the CCTV system, searching equipment or scanning equipment. Please can you explain why the CCTV not recording at the correct time was not recorded in the incident book?**
- B: That is some sort of malware on the system. 'Cause I've spoken to the CCTV company about that and he set the time on it and randomly we don't check that every day, the time itself has skipped forward again. Even now I'm waiting for this to be over so I can do a software upgrade, 'cause I have to format the whole machine to do this upgrade, so that apparently solves that problem with it. 'Cause it keeps going to some random...doesn't stick to the GMT time, it just goes one hour forward some how, don't know why.
- L: **Right. You've semi-answered the next question. Have you now fixed your CCTV to show the correct time?**
- B: It can only be fixed once I've been given the go-ahead from you guys that I can format it, then I'm gonna format it and do the upgrade.
- L: **Right. Why could you not burn a copy of the CCTV at the time of our visit?**
- B: I didn't have a USB stick with me that day.

- L:** Okay. Please can you give us the name of the company that installed the CCTV system in...
- B:** Telco.
- L:** ...in your premises?
- B:** Telco.
- L:** Telco, yeah. And can you explain how you could not fix the time on the CCTV?
- B:** We fixed it, as I said, we changed the time to the correct time, and it just somehow it would skip again. But obviously they're not the manufacturers, they're just the fitters of it, they've spoken to the manufacturers and they've told them that they need to upgrade the system.
- L:** Right, okay.
- B:** That's a phone upgrade, kind of thing.
- L:** Please explain why the CCTV dis-formated when we requested to see earlier footage on our first visit on the 4th of February 2022? That was because of the engineer did it?
- B:** Yeah.
- L:** Okay. Right, , a brief internet search has revealed that you have extensive experience working and installing CCTV prior to opening Vegan Pind.
- B:** Yeah.
- L:** Can we just...like to show you the internet searches we found. Are you familiar with those documents?
- B:** Yeah, yeah.
- L:** You are familiar, okay.
- B:** *[Unclear speech 27:58-28:01].*
- L:** Internet searches are being shown to and his barrister. Right, what is your relationship with the company that installed the CCTV system?
- B:** That's my dad's company.
- L:** Father's, yeah?
- B:** Yeah.
- L:** Why, giving your intensive background in CCTV installation, was there a delay in getting the CCTV on a watchable format?
- B:** It wasn't delayed, just didn't have time to get a USB stick. I did explain that as well before, yeah. So I *[unclear speech 28:47-28:49].*

L: Okay. And why couldn't you adjust the time on the CCTV?

B: Did adjust the time. Obviously we've been back and forth with the manufacturers. That's a malware in the actual system itself. We've resolved that, we've found out what the problem is, but *[unclear speech 29:02-29:04]*. I asked you guys as well...but I know it's gonna format it.

L: Right, okay. Right, and what d'you understand what your licence permits you to do?

B: What do you mean by that?

L: Under the terms of your licence, what can you do? Sell alcohol?

B: Sell, yeah, sell alcohol.

L: Entertainment, for example?

B: That's it, yeah.

L: What sort of times are we looking at?

B: So obviously I can only sell alcohol 'til the last sales are at twelve o'clock. Closing by 1:30am, that's on the weekends. On the weekdays, we sell the last one around about 11:30pm, 11:45pm, but we're licensed 'til later anyway. But we normally close about ten o'clock, from 10:00pm 'til 11:00pm we're closed on the weekdays, so it never falls within the timings of that. Obviously all the speaker systems they connect into the DJs and stuff, they come, that's really it on the licensing side of things of what we can do.

L: Right, okay. Right, we're now gonna look at the 27th of February 2022, the early hours. Your premises licence permits the sale of alcohol from 10:00am in the morning until 01:30 the following...every day. Your opening hours on your premises licence is every day from 07:00 until 01:30 hours. Is that correct?

B: That is correct.

L: Yeah. You have produced multiple till receipts showing sales of alcohol in the early hours of the 27th of February 2022. I'm now passing over copies of the till receipts covering sales of alcohol from 01:36:06 seconds, until 05:14:24 seconds on the 27th of February. They've all got their unique order reference numbers on, and details of what was actually purchased and who actually served the customer, and also the prices that were charged. Do you confirm that they are your receipts?

B: Yeah, they are. Yeah, they are my receipts.

L: Yeah, okay. And we've got all the references numbers, effectively 218439?

B: Yeah.

L: Going in sequence up until order reference 218455?

B: Yeah.

L: And they're all there?

B: Yeah.

L: You confirm that they're all there?

B: Yeah.

L: And confirm was for the sale of alcohol between those hours?

B: So this is what I explained to you guys, because this wasn't a sale, 'cause this was a private party, not even a party, like this was a get-together with me and my friends. So these people you would have seen on CCTV that time when I explained to you lot, that all of the friends that I had there I was giving alcohol. We don't charge people, especially in our culture as well, I don't just charge, especially my friends, it's like as a gift thing we give out. But some of them were just persistent to say give me, but it wasn't for the alcohol, they were just paying. Like, I wasn't doing it as intention to sell the alcohol to them. I said to them don't pay, don't pay. But we wanna pay, we wanna pay, we wanna pay, and they did it, it's like they [*unclear 32:51*]. It would have got them upset if I didn't take a payment from them as well. But it wasn't for that directly, the alcohol, 'cause that's not gonna have correct prices, it was just something for them. Like if I had priced, like, doubles are like £7.50, it's different prices on here, 'cause they gave what they wanted to give.

L: Can I just verify, how much you charge for a double, sorry, again?

B: Now, depending on what alcohol it is. So like the cheapest one is like £5.50, the most expensive one probably about £9.50.

L: That's for a single, is it, or double?

B: Double.

L: Double.

B: Yeah.

L: So £5.50 for a double?

B: Yeah.

L: That's quite reasonable.

B: Yeah. Our prices are not, yeah, expensive, even though it looks nice in there. Try keeping it same as...

L: [*Over speaking*]. Yeah, okay, yeah. I think some of these prices do actually come at £9.50 for a double, if you look at them.

B: ...which ones?

L: If you look at the 218441 and the 41 is a double and one's a single, so it's...

B: Yeah, but see these prices, these are all like that, they were given whatever they wanted. I didn't fix, like, the price on it for them, they said to me...but even though I put a description of what it is, 'cause even my till I didn't have all the products on it. I had to manually type in things, so that was a personal log thing of what is being charged for. But this wasn't, as I said, these were my friends, there were multiple given for free as well, and some that like...I would say they forced me, they say to me, I wanna pay 'cause I feel bad if I don't pay, but it

wasn't like for...I know it was a mistake, and I shouldn't have even at all taken an exchange of payment 'cause it shouldn't have been a sale at all, I know that. Though it wasn't directly for the alcohol in that sense.

L: ...right, okay. What time do you call last orders?

B: Around, what day, first of the week?

L: Let's say a weekend, let's do a weekend? Friday, Saturday and Sunday?

B: One o'clock, 12:40am. Well, 12:45am we start saying we're gonna close at 1:30am even as I said and we start lining people up to make sure they're ready.

L: How do you call last orders?

B: Normally we just turn the volume down and just shout it. Or we've got like a certain song we've started putting on recently, people just know that that's our way.

L: Right. Why are there persons still in the premises after last orders?

B: What days, when?

L: We're talking about the 27th of February?

B: That was when, I told you, that's my friends, all of them are friends.

L: Right. And what time did you intend to close for customers and have a private party?

B: 1:30am. We were closed, the shutters would have gone down, 100%, 'cause we knew...just unless it was [*unclear 35:25*] some people might have been going in and out, that's it. But it was all mates, there were never, no customers, like random people I don't know coming in and saying...'cause that's...we never, ever done that.

L: So you made sure that all your customers...?

B: Yeah.

L: ...had left at that time?

B: All the customers 100% would have left, and I would have been there as well. 'Cause if they're alone, they're never allowed to do anything like after anyway, unless it's like I'm there. I need to be sure that every random's gone.

L: Alright. Right, so who was invited to this private party? And how were they invited?

B: So I know that day that was my brother's music show that he had, like his first ever...he's into rapping and stuff, I remember that day. So there were invited just from just like friends of his. We were all together at another venue in Chiswick, and then we came together, that's it.

L: Yeah, okay. Who served the alcohol in the till receipts?

B: May have been me that day. Most likely was me, I was behind the bar, yeah.

L: **Yeah, right, okay.**

B: Yeah.

L: **We're now going to show you a number of excerpts from the CCTV you submitted to the Council for the morning of the 27th of February. These are, let me do the first, 01:36/02:36, the issue is because you've got your time stamp is an hour out. Which shows a video of a sale and receipt. Are you ready, Laura, for the first one?**

La: I'll do it from a couple of minutes before.

L: **Yeah.**

B: Sorry, are you showing me CCTV of the 27th now?

L: **Yeah, 27th, yeah. 27th of February.**

La: The morning of the 27th.

L: **27th, yeah.**

La: You can see time stamp up there.

B: Yeah.

L: **Just to confirm, your time stamp is...**

B: Oh yeah.

L: **...obviously an hour fast, is it?**

B: It's, yeah.

L: **An hour faster than the...**

B: Correct time, yeah.

L: **...yeah, correct time.**

B: Yeah.

L: **Yeah. So effectively your time stamp is 2:36am...?**

B: Yeah.

L: **...but that's 1:36am**

B: Yeah, that's right, yeah.

L: **Okay, just to clarify. Just like to know what, of this particular incident, what drinks are being served?**

B: Yeah. What, what d'you mean?

L: What drinks are actually been served when this transaction takes place? 1:36am or 2:36am, that is actually on the receipt, it's 218439.

La: *Yeah, so...can you see that okay?*

B: That's Smirnoff.

L: Yeah. What's the time on the clock there? I can't read it, that's all.

La: *Can you guys see the time on the clock?*

L: Yeah.

B: 2:36am.

L: 2:36am, okay. Then a little while afterwards we did have another at 2:37am, another sale and no receipt has been produced for that one. And it's 2:39am there is evidence of smoking within the premises, and also a free drink.

B: Smoking?

L: Yeah, someone is smoking on the premises.

B: Nobody's smoking. It could be a vape, it'll not be a cigarette.

L: Yeah, I think we're satisfied it is smoking.

B: A cigarette?

L: Yeah.

B: Okay.

L: Yeah, it'll be on the video.

B: I'll check it, there's no way.

[General laughter].

L: Oh no, no, I'm not...yeah.

B: I would no way allow that.

L: You may not have realised.

B: Yeah.

La: *Okay. Have you seen the transactions?*

L: Just confirm, 2:36am we had the receipt, 2:37am we had no receipt. At 2:39am there is smoking, and you confirm free drink given.

B: 2:30...what time is smoking?

L: 2:39am.

B: Okay. I wanna see this one as well, 'cause I'm pretty sure there's no way there's anybody smoking in that place. We don't allow cigarettes inside the building.

La: *D'you want me to skip it to the 2:39am, the free drink?*

L: Yeah, if it's...

La: *We've not got to that yet. Oh, we're gonna be there soon anyway.*

L: Yeah, we're gonna be there in a couple of seconds.

La: *Move this back, I can't really see the time.*

L: Yeah.

La: *So this is the guy pouring himself a drink.*

B: That's my brother.

La: *And he's smoking something.*

B: That's a vape. That's what I'm saying, that's a vape, there's no way that's my brother.

L: **Okay. So your brother uses vapes?**

B: Yeah. As I say, there's no way, 'cause I know there's no...I'm so...I don't like cigarettes myself, yeah.

L: **And we appreciate that...**

B: Yeah. I know you can miss things here...

L: **...yeah, you can miss things.**

B: ...but if I smelt it I would have been like who's smoking, get out, kind of thing.

L: **Yeah.**

B: Yeah.

L: **Right.**

La: *Shall we just skip to the next one, are you happy with that?*

L: **Yeah. This one's at time stamp three o'clock.**

La: *Okay.*

L: **Where there's a video shows a sale with no receipt. Just want to know what is the drink being poured from the coloured bottle?**

B: Do I know what drink it is?

L: **Yeah.**

B: Okay.

L: **Three o'clock.**

La: Sorry, not a very big screen.

B: Can you just pull the screen a little bit forward, I can't see it.

L: **Yeah.**

B: Yeah, that's it.

La: Yeah. Is that better for you?

B: Yeah.

L: **Any idea what it was?**

B: What, no, well it hasn't been poured yet, I can't see.

L: **Oh sorry, I can't see the time yet.**

B: Yeah. She looks like she's drinking something behind the counter. Who pours, do I pour it?

La: No.

L: **Who poured the drink?**

La: A female.

B: She hasn't poured it yet. Think it's a Jameson. Clock, would be on there, wouldn't it?

La: Haven't got a receipt.

B: It's taken, yeah, two o'clock.

L: **Right, that's 'cause it got the hour out of your timing.**

B: Yeah.

La: She's pouring something from a green bottle.

B: That's probably, oh, it's some sort of Whisky, or something. 'Cause what else is...yeah, Whisky, green bottle. Yeah, it's not Gordon's I know that, 'cause that's a different shape.

L: **Okay, so we've confirmed, we've seen the drink being poured now, okay. Has the drink been poured?**

La: Uh-huh.

L: **Okay. Go through to the next one which is at 3:36am. This was a video showing a sale. Again, we have not receipt for that particular transaction.**

B: When you class it as a sale, is that something being poured?

L: **Something which we can actually witness a transaction being carried out with a card machine.**

B: Oh, okay.

L: **Some form of exchange is taking place, it's your card. 3:36am. Close it down. Reopen it.**

La: Okay, gonna have to move onto the next one.

L: **Unfortunately, we've got an IT issue.**

B: Oh dear.

L: **So we can't actually show you that particular transaction.**

B: What time is that?

L: **That was 03:36.**

B: That's technically 2:36am.

L: **Yeah. It's 02:36/03:36. It's because the time stamp is an hour out...**

B: Yeah.

L: **...depending on...so I'm doing 3:36am, 'cause that's what the time stamp shows, and it's easier to find.**

B: Yeah.

L: **We do acknowledge that, yes, you are an hour out, yeah.**

B: Yeah, got it.

L: **Yeah, we do acknowledge that particular issue.**

La: None of them are playing.

L: **Oh dear. They were all working, I can assure you before we started [laughter].**

B: Yeah.

L: **'Cause we checked them all, didn't we.**

La: Hmm.

L: **Okay. Let me just...oh dear, I'm gonna have to apologise, we have got complete failure. Okay, just try and...no. Sorry, something's gone wrong, I completely...we can't show you the videos, unfortunately.**

B: Okay.

L: They were working, 'cause I check, we check them all this morning...

B: Yeah.

L: ...just to make sure that they were working for everyone's sake. Okay, we were gonna show you another four videos, time stamped at 4:13am, 4:59am, 6:32am and 6:36am. The first three were sales with no receipt produced. And the last one was showing that a free drink was given out. So those are what we were gonna show you.

B: Okay.

L: Okay. Please can you explain why alcohol was sold outside of your permitted licensable hours as stated on your premises licence?

B: As I say, I wasn't intending on sale, it was more like they were giving it to me as...I wasn't trying to sell it them. All these people that I knew, especially my brother's friends, *[unclear 50:00]* give it to them free 'cause they're friends it's different. That's how it works in our culture, we don't go...they say it to us like they are...different story, but otherwise that's how we are, because whether it could have been food, if the kitchen was open I would have done the same thing with food. The thing is the kitchen wasn't open, the chef was home, so that, like, everybody was *[unclear 50:20]* was the only thing that I could offer.

L: Right, okay.

B: So yeah.

L: So okay. So can you explain your interpretation of a private party?

B: People that we've called down, like we've invited down and we've obviously obviously we're closed we've stayed open, like not open, but like we're there after hours.

L: Right. And how often do you hold private parties?

B: Since we've had this, never. I haven't held anything after that.

L: So that was a one-off private party?

B: No, there were probably like two or three around that period, but that's it, they were nothing...like I think that was our only late, late one.

L: Right.

B: Yeah.

L: So that's the 27th of February was the latest one?

B: Yeah. Yeah, otherwise we would have maybe stayed there half an hour more. Everybody goes home around 1:30-ish anyway, like normal. It's just sometimes our few friends, like we...like chill. Like same people, these kind of people would chill at home together, maybe not as many of us, it would be like groups of us, different story, but it's the same scenario going on.

L: Right, okay. Did you serve any hot food during the early hours of the 27th

B: No.

L: **...of February 2022? No. You submitted a till receipt for the sale of mashed avo toast at 02:40 hours on the till receipt. You do not hold a late refreshment licence for the sale of hot food during the hours of 23:00 hours and 05:00 hours.**

B: The mashed toast, firstly, I know it was probably a mistake on the system like when they tap something random. That's definitely not...they wouldn't have given it 'cause they wouldn't have been able to make it, number one. And that's a cold dish anyway, it's a toast with...it's cold toast with avocado on top, cold avocado as well.

L: **Right. So you think it's an error on the input?**

B: Yeah.

L: **As opposed to actual sale of food?**

B: Yeah.

L: **Okay.**

La: Got this working now, Les.

L: **You got it working, okay. We've now got the video working, so we'll go back to the 03:36 one.**

La: Just before.

L: **There's obviously a little glitch somewhere.**

La: This is a clear spirit with some juice, believed paid on the card. And that was you that served.

[Viewing video 53:03-54:50].

You guys happy you've seen the transaction?

B: No, when? I haven't seen one just now, but...

[Viewing video 54:56-55:02].

L: **D'you wanna see that again?**

B: Yeah, I wanna see it again.

La: Could we wind it?

B: But what are we looking at?

L: **There was a sale taking place. Just replay it back, 3:37 there. Looks like a card reader in your hand there, or someone's hand.**

B: What now?

La: *So this is the pour of the drinks. We'll go from the start. I think you're popping it into the till here. This is the card reader. Okay, and you hand it over.*

B: Yeah.

[Viewing video 56:13-56:48].

La: *Okay, and that's the transaction there. Are you happy?*

B: Yeah, I'm not denying any of the, like...

La: *No, no, no.*

B: ...yeah, like all of these I know.

La: *That's fine.*

L: **Yeah, making sure you saw it.**

B: Yeah, I saw it, yeah.

La: *It's quick, but you saw it.*

B: Yeah.

La: *Okay.*

L: **The next one is at 04:13, that's the time it's date stamped on the CCTV.**

B: Okay.

L: **I appreciate the true time is actually 3:13am.**

[Lining up video 57:20-57:41].

Could I ask you to put your phone down, please?

B: Yeah, these are work calls.

L: **That's why I turn mine off. 4:13am.**

La: *Okay. Okay, so this is the female. It looks like there are some shots, they handed the credit card machine, looks like they offered to pay cash and then they paid on card.*

[Viewing video 58:21-59:23].

Are you happy you saw that transaction?

B: Yeah, I saw it, yeah.

La: *Yeah, okay.*

L: **4:59am.**

La: **4:59. Okay, this one, male purchases a clear spirit and mixers.**

[Viewing video 59:55-01:00:26].

B: [Unclear 01:00:26] at that time of day.

L: **Any idea what drinks are being served?**

B: I haven't seen anything yet, it's quite dark.

[Viewing video 01:00:41-01:01:13].

Something's happened to your player.

La: **That's the end of it. That's the end. Did you see the purchase?**

B: I saw it, yeah, I think.

La: **Okay, lovely. The next one...**

L: **6:23am. This shows a video of a sale with no receipt.**

La: **...there's a drink getting poured.**

L: **Any idea what drinks are being served?**

B: Looks like lemonade in his hand. That is lemonade in his hand right now.

[Viewing video 01:02:07-01:02:54].

Vodka.

La: **Sorry, what was that?**

B: I think that's a Vodka, I think, I don't know. Looks like it's clear anyway, so it must be.

[Viewing video 01:03:04-01:03:41].

La: **Are you happy you've seen the transaction, as putting it in now?**

[Viewing video 01:03:45-01:04:07].

Okay.

L: **This one's, last one's 06:36. This one shows a free drink being served.**

[Lining up video 01:04:18-01:04:33].

L: **Yeah, 35. Any ideas what drink is being served again?**

[Viewing video 01:04:39-01:06:03].

La: **So any idea what he's pouring now?**

B: I'm pretty sure it's gonna be some sort of Cognac, that's all he drinks, I know him.

L: Okay. Right, on the 3rd of March 2022 when we visited, officers had to help you use the till. Why have you not got full training on the till?

B: What do you mean, help use till?

L: We had to help you use your till on the 22nd, 23rd of March.

B: 'Cause I've never had to do previous records, that's all it is. Normally get end of day, I've been trained on that.

L: Right, but not the historical stuff?

B: Yeah, 'cause I never need to use that.

L: Right, okay. You were advised at the time of our visit that the timings on your till were out. If the timings out has not been fixed, why, if the timing out has not been fixed and documented?

B: Oh no, it has been fixed now.

L: It's been fixed now, has it?

B: Yeah, but I didn't even know it was out and then, yeah, until we checked it.

L: Right, okay. Why haven't you moved the chairs to the front area of the premises, that front recessed area?

B: Why do we need to move those?

L: Move chairs because it's been taken away, asked them to be moved to stop people sitting there?

B: I don't know, 'cause what's that, why's that?

L: 'Cause that's part of your smoking area?

B: No, it's not anymore.

L: Not anymore?

B: Yeah. Yeah, 'cause I think one of you guys came said it can't be used as a smoking area, so we used to have that...some people go out there and have a coffee.

L: Okay, right, so [unclear 01:08:03]. Right, are you aware that you have a condition attached to licence so it relates to the use of the balcony?

B: Yes.

L: Yes. What is the requirement of the...?

B: 11 o'clock cut-off point.

L: ...cut-off point 11 o'clock.

- B: Yes.
- L: **Right. And how many people are allowed on the balcony at one time?**
- B: Up to five.
- L: **We have received several complaints about the balcony use after 23:00 hours so Saturday the 30th of April 2022. Saturday, Sunday, 7th and 8th of May, used until quarter to one in the morning. Saturday the 28th of May and Saturday and Sunday the 4th and 5th of June, that's the night of obviously, used until 01:10 hours in the morning.**
- B: 4th of June. Was that last week?
- L: **That was the Bank Holiday weekend, the Jubilee weekend, the 4th and 5th of June was.**
- B: Okay.
- L: **Any reason why the balcony's being used after hours?**
- B: I don't know, I need to question the security. They've been told to lock the door, they know where the keys are, so I need to tell them again, I don't know why it has been done. 'Cause I've had a chat with them a couple of times about that, I think I might have to just lock that off even earlier, like ten o'clock.
- L: **'Cause the door under your conditions of your licence, it should be locked at 23:00 hours.**
- B: Yeah, it is, they've been told to do that.
- L: **Yeah.**
- B: Unless they've forgotten by mistake, it's not acceptable anyway. I'll tell them that one more time, that obviously there's gonna be a problem otherwise, yeah.
- L: **Okay, right. On the 24th of May 2022 you were requested to submit CCTV for the following dates and times.**
- B: Yeah.
- L: **The 1st of May 2022, 01:00 hours to 05:00 hours. 8th of May, 01:00 hours to 05:00 hours.**
- B: Yeah.
- L: **Despite being requested again on the 26th of May, and the 1st of June 2022, you have still not provided the necessary CCTV.**
- B: I have, it was in that folder, show you right now.
- L: **So you brought it with you today?**

- B: No, it was on my Google Drive. 'Cause the file was too big 'cause of how many hours you lot wanted and you wanted it on mp4 as well, I had to put it into a Google Drive and share you the link.
- L: **Yeah. Unfortunately, when we checked it, we couldn't find it.**
- B: That, yeah...
- La: It's a very small amount of time that we've got.**
- B: ...yeah. No, 'cause it's 10 different files on, and each file is an hour, by the way, they're all in there though.
- La: It's not what we've received.**
- B: I can show you. I shared this one folder with you guys, CCTV has got 10 files on there, and they're all available.
- L: **For the purposes of the recording...**
- B: 26th of May is *[unclear 01:10:57]*.
- L: **... is showing us his mobile with the detail, showing icons of video and it being download onto it. He's now showing a video, which date is that?**
- B: That is the 1st.
- L: **The 1st, what, the 1st of June?**
- B: Yeah. So that's 12 of this is technically gonna be...
- L: **1st of May.**
- B: ...one, yeah.
- L: **01:00 hours.**
- B: And then *[unclear speech 01:11:31-01:11:34]*, that's it.
- La: That's not what we've received.**
- B: That's the same file. It's only one link I've sent you lot, it's only that one, that's the only file I've got CCTV-related on my Google Drive. Every file is an hour, so I don't know why that's...there's no way of me changing that.
- L: **After a visit by on Friday the 27th of May 2022, your CCTV confirmed that there were people on the balcony after 23:00 hours...**
- B: Yeah.
- L: **...on Saturday the 30th of April 2022, and Saturday the 7th of May 2022. Do you have any comments regarding this?**
- B: No, I've spoken to the security...I have, since that, 'cause *[unclear 01:12:25-01:12:26]* 'cause I didn't know, I was on holiday in that little period. I did speak to the security

company, but there's no justification or anything at all. I've told them that you've messed up, and I should be closed at 11 o'clock.

L: Right. Who should control the use of the balcony?

B: That's the security team, they've been briefed to close it at 11 o'clock. Because the staff are behind the bar usually serving drinks at that time of day, so that's their job 'cause there are enough of them *[unclear 01:12:49]* lock the door.

L: Okay, right. Can you explain why the Council received noise complaint on Sunday the 12th of June 2022 at 01:20 hours from music?

B: Sunday the 12th, that's like the other day?

L: That's just gone, the weekend just gone?

B: I don't know. At what time?

L: At 01:20 hours. Twenty past one in the morning?

B: I don't know. I didn't think we were there, we close at 10 o'clock on Sundays.

L: No, this is 01...the Sunday morning?

B: Oh, Sunday morning.

L: The night of Saturday...

B: Yeah, Saturday, okay.

L: ...Saturday the 11th and Sunday the 12th.

B: At what time did you get a...?

L: 01:20 hours.

B: Which is what time would that...?

L: Twenty past one.

B: ...'cause music can be on that time.

L: Sorry?

B: My music can be on at that time, can't it?

L: Yeah. The issue is we had a noise complaint.

B: I don't know why.

L: That's the question I'm asking you.

B: Oh yeah. Oh no, we had a call about this, my guy told me at 1:24am, yeah. But I don't know why, the music wasn't loud.

L: **Okay.**

B: Yeah, there's nothing different, I don't know why.

L: **Right. What time d'you prevent customers entering the premises during the week and at weekends?**

B: Weekdays, that's [*unclear 01:14:04*] we close at 11-ish, ten to eleven, well, 10-ish or 11-ish, depending on how busy we are weekends, so probably about half an hour before we know we're gonna...we just say that's it, like, we're not taking any more sit downs people. Weekends is around about I say 12:45pm we let the last person in.

L: **Right, Okay. That's all I want to ask at the present time, we may in future invite you to a further interview. But in the meantime thank you for your cooperation answering my questions. Before you finish, is there anything you want to ask me?**

B: No.

L: **No. Is there anything else you want to say?**

B: No.

L: **D'you wish to make a written statement?**

B: Do I wish to make a written statement? No.

S: *At this stage.*

L: **Okay. In a moment I'm gonna turn off the tape recording, this recorder, and I'll give you a notice explaining what happens to the tape recorded today. And the time is now 11:28am. I'm now turning off the recorder.**



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Date: 17th August 2022

Transcribed by:

Voice file name:

Duration: 01:15:06 mins

Transcript type: Intelligent verbatim.

Typist comments regarding dictation: Multi speaker interview

VOICE FILE NAME: interview cd 1

Key:

LS: Right. This interview is being disc recorded and it's being conducted in the Trevor Baker Room at Spelthorne Borough Council offices, Knowle Green, Staines, Middlesex. The date is Thursday 14th July 2022 and the time is 14:10. Senior Environmental Health Officer for Spelthorne Borough Council, and also present is Principal Licence Officer for Spelthorne Borough Council. I'm

RL: yeah.

LS: Yeah, *[unclear 00:00:50]* who was the DPS of the Vegan Pind, 21B Clarence Street, Staines-upon-Thames until there was a change in DPS on the 16th June 2022, when became the DPS. Can I just ask to confirm that's correct?

RL: Yeah, it's all correct.

LS: Good. Can you please confirm your full name, address, and date of birth?

RL:

LS: Right. I see you've brought a friend with you. Just to say that he's here purely and simply for moral support. You cannot, of course, talk to each other, communicate with each other whatsoever. Yes, do you understand that? Okay. At the end of the interview I'll give you a letter explaining what will happen to the discs recorded today. You're here today for interview concerning breaches of the premises licence issues under the Licensing Act 2003. In addition, we are interviewing you regarding the sale of alcohol outside the business *[unclear 00:02:05]* hours as detailed in the premises licence. Since there's reason to suspect that you may have committed offences under the Licensing Act 2003, I am required by the Police and Criminal Evidence Act, 1984, to caution you. You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. To break the caution down into its three parts, you do not have to say anything, means you have the right to silence.

You can choose to answer my questions, or say nothing, or say, "No comment," to them, however if you choose to say nothing during the interview and the matter goes to court licensing hearing at a later date and you tell the court licensing hearing an account in your defence, the court licensing hearing may wonder why you did not say it during the interview at the first opportunity, and may be less likely to believe you. Similarly, if you do give an account and change it at the court licensing hearing, they may wonder why. Do you understand the caution?

RL: Yeah.

LS: Good. Is there any part of the caution that you do not understand and wish me to explain?

RL: No.

LS: I must ask a few questions relating to administrative matters. Do you have any language or other special needs that you would like us to take into account for the interview?

RL: No.

LS: You have the right to have a solicitor or a friend present throughout this interview. If now, or any time during the interview, you decide you'd like to have someone present during the interview, the interview can be stopped and continued at a later date to enable you to have someone present. I'm quite happy to put this off, the interview, until such time as you get a solicitor. Do you wish to continue without a solicitor?

RL: Yes, we can continue, yeah.

LS: Yes, you do?

RL: Yeah.

LS: Yeah, okay. Please understand that you're not under arrest and are free to leave at any time. If you want a break during the interview, please let me know so the interview can be adjourned.

LC: *Do you want to get name on the tape?*

LS: Sorry?

LC: *Do you want to get on the tape, to say he's present?*

LS: Yeah. Yeah. just for the purposes of the tape, I'm going to ask everyone present just to say who they are, and that makes sure – yeah, you can say who you are.

BD: Oh,

LS: Yeah, is here purely and simply on – as a supportive role to Ravneet, and we've got myself, and and fully aware that he cannot say anything. And I also must ask you to make sure your mobile phone at least is on silent mode.

RL: It is.

LS: Yeah, at least on silent. Okay, yeah.

RL: Yeah.

LS: Right, okay. This interview is conducted in accordance with the Police and Criminal Evidence Act Codes of Practice. A copy of the Code of

Practice is available for you to refer to at any time during the interview. They're both – that's over there. Right, first of all, can you please confirm your full name, date and place of birth again?

RL:

LS: Can you confirm that you are the DPS – you were the DPS for Vegan Pind, 21 Clarence Street, Staines, until the 16th June 2022?

RL: Yeah.

LS: What do you understand your responsibilities of a DPS to be?

RL: To serve at the right times, the right measurements, check for ID, security, just everyday running of the business.

LS: And do you have one big responsibility as well?

RL: Well, checking CCTV as well, if that's operating. I think that is the main thing, isn't it?

LS: And the other one, the big one is, you're responsible for authorising the alcohol sales.

RL: Yeah.

LS: Yes?

RL: Yes.

LS: Yeah. That's the main one.

RL: Main one.

LS: [Unclear 00:06:36]. Right, how often did you go to the premises? Details of days and times you attended.

RL: I used to go in the mornings, mainly for stock and just checking if everything's okay and there wasn't any damage. Mainly it was to go in the morning to check stock [unclear 00:06:56] open, if they needed anything for the business, see everything was okay, and then I used to go in the evenings every other day, I was there, just checking and seeing, making sure everything's okay, the staff was there.

LS: You mentioned every other day. Do you mean Monday, Wednesday, Friday, or was it Tuesday, Thursday, Saturday, or did it –

RL: It could be Monday, Tuesday sometimes; it could be Monday and Thursday; it could even just be that Friday, Saturday, Sunday when I knew it was busy, I would pop in a bit more.

LS: And what times did you attend in the evening?

RL: Evening could be – it could vary from about five to six or seven, or it could be

from eight to ten, but like peak timings. Even sometimes from three 'til the end of the night.

LS: What time would you leave normally?

RL: What time I used to leave the premises normally?

LS: Yeah.

RL: I would leave by ten, 10:30, because would normally close up, normally after, so I didn't have to worry about that. That was sometimes. I sometimes would've left about seven, eight.

LS: Seven, you left seven or eight, what, in the –

RL: Evening. Well, it's all different. Depending how busy it was – if it was busy, I'd stay for longer. If it was quiet, I would just leave, because everything's under control.

LS: Did you ever leave in the early hours of the morning?

RL: No. I left before – at all times –

LS: You left before the early hours.

RL: Yeah, our licensing time, yeah.

LS: Right, okay. You've already explained what you do there anyway, haven't you?

RL: Yeah.

LS: So, yeah. On the 4th February, myself and the Principal Licensing Officer, and Licensing [unclear 00:08:45] Officer visited the premises and a letter was sent out to on the 7th February 2022. Have you seen and read this letter? For the purposes of the recording, we're handing Ravneet a copy of the letter dated the 7th February 2022.

RL: Yeah, so he showed me this, and he said he's going to take action, and take it from there as well.

LS: Right, okay, so you confirm you have read that letter?

RL: Yeah, so I read the letter, but that person in the picture was 18+ and all that [unclear 00:09:27] was required.

LS: Right, okay. Do you want to carry on?

LC: Okay, so you're required to have the appropriate weights and measures signs in place to advise customers that alcohol, not pre-packaged, is available in the following measures. Beer or cider, half pint; gin, rum, vodka or whiskey, 25ml or 35ml, and still wine in a glass, 125ml. These measures are displayed in a menu, pricelist or other printed material which is available to customers on the premises, and where a customer

does not, in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available. Why were you not adhering to this?

RL: Well, that was – my job was to tell them that, the staff, and then they should all have been aware of it, and I thought they were following the rules at the time.

LC: *Sorry, so you made your staff aware of this?*

RL: Yeah, so I teach them all these things, yeah. The staff should've been aware of everything, of all the measurements, like you just started, 25ml, 35ml. All the staff members should've known.

LC: *Okay, but that's not what I've just read out to you. So the measures have to be in a menu, price list or other printed material. So it's great that you tell your staff as business practice, but why did you not have that in a menu, pricelist, or other printed material?*

RL: Yeah, I should've got that printed out and put it on display, yeah.

LC: *You should have done that?*

RL: Yeah, I should've put it on display, yeah.

LC: *Okay. Under the Licensing Act 2003, you're required to display a notice under Section 57 of the Licensing Act 2003 advising who the premises licence is under control of. At the time of our visit, this was not displayed. Please can you explain why?*

RL: It was displayed, I think, when we started. I think it was – I think it fell, but that was my role to check if it was still there, to see if it was –

LC: *It was displayed, do you say?*

RL: It was, I think, at the beginning when we first opened. I think it must've come off, and I should've been checking on that. It must have slipped my mind because there was just so much going on, and it wasn't probably there. And you are right, I should've been checking if it was there. But originally when we started and we opened up, everything was there on the wall where the customers could see the licensing time, and my name and everything on there, the premises licence.

LC: *So how often do you check, then, that you're in compliance with your licensing conditions and the Licensing Act?*

RL: Sorry, what was that?

LC: *How often do you check that you're in compliance with the licensing conditions and the Licensing Act?*

RL: So I do – we do check quite – we should be checking every day, really, about all these kind of things as well, but I think it was just so hectic, because stuff was going on, it slipped my mind on these things, to check that. We had a few problems at the beginning, teething problems at the beginning, because we'd

just opened up, so everything was a bit everywhere.

LC: *So can you, just for the benefit of the tape, can you advise when you opened the premises?*

RL: I can't remember the exact date right now.

LC: *Roughly?*

RL: I couldn't remember –

LC: *Month?*

RL: So we opened December – in December 2021. Yeah, 2021.

LC: *Okay, so it was December 2021 that you opened, so when I visited on the 4th February, you'd been open maybe a couple of months, then.*

RL: A couple of months, so it was there, yes, at the beginning when we first opened, everything was there, and it should've still been there but we was just going through a lot, I'd been having a bit of electric problems throughout the phase, and then just stuff was going on, and it should've been there. It still doesn't make any excuse for me not to have it there, and it was my role to check it, but it wasn't there at the time you came, no, sorry.

LC: *So the premises shall operate – so your licence states that the premises shall operate a Challenge 25 policy. Such policy should be written down and kept at the premises. The policy shall be produced on demand of an authorised person as defined by Section 13 of the Licensing Act 2003, or the police or an authorised trading standards officer of the council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises, as well at, at least one location behind any bar advertising the scheme operated. Please can you explain why you're not complying?*

RL: So at that time, it was there, I think, behind the bar. It just wasn't in the front of the premises. We didn't have the signage was there where the door is, we didn't have a sign there, but the under-25 [s.l. act 00:14:23] was there behind the bar.

LC: *So you're saying that you had one at the bar.*

RL: Mm.

LC: *But why didn't you have one at the entrance to the premises?*

RL: I thought it was just – that the main was the bar one, and that was – I thought that was –

LC: *You thought it was just the bar?*

RL: I thought it just needed the under-25 one, like a sign there saying, "Challenge 25," because I thought people can walk in, not drink, but if they come to the bar, they'll see the Challenge- 25, because we do offer stuff where there's just food, and people come for soft drinks, so I didn't think that you needed it at the

front of the shop.

LC: *Have you read the premises licence and the conditions?*

RL: I have, yeah. I have. I have read it, yes, when I was doing all [s.l. the test 00:15:19] stuff, yes –

LC: *So why did you think it was something different to a document that you read, the premises licence?*

RL: I thought this is more of a restaurant, it's more than a pub, I thought it'd be OK, but as soon as you told us it isn't, then we did change it.

LC: *Okay, but when you have a premises licence it's got conditions on it, yeah? And those conditions have to be complied with and you've just advised me that you have read those conditions, and you're saying, "Oh, you thought it was more a restaurant," yeah? But you're saying that you thought it was just the bar for the sign, yeah? But if you're read the conditions on the licence, it says you need to have it at the entrance.*

RL: Okay.

LC: *So can you not see how that's a bit contradictory?*

RL: Yeah, sorry, I should've reread it properly.

LC: *Okay, we're on to the next one. so all staff and security teams will be trained and briefed to make sure – or trained and briefed in the requirements of the Licensing Act 2003, and all conditions on the premises licence. Regular six month retraining to refresh the staff will also be conducted. Training logs will be kept at the premises and available on demand. It was unclear from our conversation with Bobby what staff training had been provided. During the course of our conversation, a member of staff working at the time advised that they had not had any training, despite alcohol being exposed for sale. We were advised that the floor manager, has the training records on her laptop, at the time. Could you confirm when your staff received training?*

RL: So, like I started in the first question, like how they should've known on the 25mls, 35mls, all the staff should have been trained before they start actually working, but I think on the day you came, the girl just started literally that day, and we should've trained her beforehand, but she literally just started, and we had a meeting coming up, and we had no customers at the time either, so we were going to train her then. But then we had a meeting with you, and it just [unclear 00:17:19] the meeting.

LC: *I'm very sorry, but that wasn't the question that I asked you.*

RL: You asked me about –

LC: *No. So all staff and security teams need to be trained in the requirements of the Licensing Act 2003 and all conditions on the premises licence, and regular six month refresh – regular, sorry, six month retraining to refresh staff, and you're supposed to have training logs at the premises and*

available on demand. But when we spoke to Bobby when we went and did the visit, it was unclear what staff training had been provided, and there was obviously a breach of the premises licence, that the records weren't there, and that the training records were on a laptop.

RL: So the training, it was my role to teach and the staff which were there. On that day there was a new staff member so was meant to teach her about all the stuff beforehand, so that's that, and then the training logs and all that stuff was on laptop, but has left by then, so –

LC: *Okay, just unpicking that, because you're not really answering the question, yeah? So just unpicking that, why were the training records on someone's laptop when your licence requires you to have them at the premises?*

RL: It was on that person's laptop because that laptop was more for the work laptop. It was meant to be at the premises, so I'm not sure why she took that with her. That laptop should've been there.

LC: *Okay, so that answers that questions.*

RL: Yeah, sorry, yeah.

LC: *No, that's alright. It's okay, we –*

RL: Sorry, so many questions in one thing and –

LC: *No, it's okay. That's fine. So you're not sure why a laptop wasn't there. It was supposed to be there.*

RL: No.

LC: *Okay.*

LS: *Have you obtained that laptop back from*

RL: We have got it back, yeah. Yeah, I've got the laptop, yeah.

LS: *You've got it back with the training records on.*

RL: Yeah, everything's on there, yeah, on the laptop.

LS: *And that's now kept – where's that laptop kept?*

RL: The laptop's at the premises now, but I think we're moving more to handwritten, all the stuff in the blocks and that. But the laptop's there, yeah.

LS: *So you're now doing it on paper, are you?*

RL: We're going to stick to paper, yeah. It's just more easier to maintain, I think, and it's just there, so – and laptops sometimes crash and they have problems, so – and paper, it's more traditional, but it's better.

LC: *So when you opened the premises up, who was in charge of the staff*

training?

RL: Me and were in charge of staff training, yeah. I told and then was going to teach the staff after that, but I was there initially, at the beginning, when the first lot of staff did come.

LC: *So when were the staff trained?*

RL: Staff were training when they came in for the interview. After the interview, if they got the job, before they started working, they were meant to be taught all the stuff about, how you said, the measurements, the last times for drinks, and the Challenge 25.

LC: *So when we came and did the visit, why – so the member of staff working at the time advised had not had any training.*

RL: Yeah, so I was saying, as started earlier, she literally just started, before you walked in, she literally just came in. There was no customers at the time, if you can remember, so we were going to teach her then as well. But when you started interviewing, you started interviewing us and then you asked her the question, unfortunately, but we were going to – that was our job to teach her because we had just opened then as well, so she was just cleaning a bit, and all that stuff. She wasn't serving, so we were just trying to – we were going to teach her, but then the interview came.

LC: *Thank you.*

LS: *You provided a door supervisor's incident book. It was noted on multiple occasions, the 23rd December 2021; the 24th December 2021; 27th January 2022; 28th January 2022 and the 29th January 2022, and the 30th January 2022, and finally, the 3rd February 2022, you not having the required number of door supervisors. Your premises licence includes a condition from eight PM daily until all patrons have left the premises, there would be one [s.l. SIA 00:21:19] door supervisor at the door, and one inside managing the internal areas of the premises and balcony. From ten PM on Fridays and Saturdays, there would be an additional one door supervisor working until all customers have left the premises. Please advise why you're not having the required number of door supervisors as required by the licence condition?*

RL: So I thought that there was all the staff, the security was there on time, and I think it was in the books – I think some of the books' dates don't match up because we were using the laptop as we was just talking about now, some of the stuff was on there, but then we were going back and forth on what we were using, the laptop and handwriting all the supervisor books – that was one problem. But when I was – we hired enough staff like you required, one inside on the balcony, and one outside, so they should've been writing it down because it was their role to. Of course, it was mine to over check as well.

LS: *Yeah, so obviously you failed to check that they had completed the time they arrived and time they left in the incidence book.*

RL: In that – yeah, so I think they were doing it, but then I think it was, like I was saying, it was handwritten sometimes, then it was on the laptop sometimes

which is, yeah, it is initially our fault, it should've just been on one platform or on the laptop.

LS: Right, because it is a book, which means the book has to be filled in, and not on the laptop, so we go by what's recorded in the incident book, not what you've got on your laptop.

RL: No, you're right, yeah.

LS: Right, okay. On inspection of the door supervisors' incident book, it was noted that not all the information is being recorded in compliance with your licensing condition. Your licence states an incident log shall be kept at the premises and made available on request to an authorised officer of the council or the police. It must be completed within 24 hours of the incident, and will record the following. All crimes reported to the venue, all objections of patrons, any complaints received concerning crime and disorder, any incidence of disorder, all seizures of drugs or *[s.l. effective 00:23:46]* weapons, any faults of a CCTV system, searching equipment or scanning equipment, any refusal of a sale of alcohol including day, time and name of staff member, any visit by a relevant authority or *[unclear 00:24:01]* service, and a written or electrical register of refusals will be kept including a description of the person refused, and the date and time and reason. Such records should be kept at the premises for a period of 12 months, and available on demand. You must comply with these conditions and record the information. Please can you advise if you're now doing this, and supply a copy of the incident log to us?

RL: We are, yes.

LS: You are doing it, are you?

RL: Yeah, since then everything's been on top.

LS: Okay. During the visit, there was no information displayed regarding taxis. Your licence states, "Signage relating to taxi services available including telephone numbers will be displayed at the entrance to the premises." Please can you advise why you are not adhering to this?

RL: So, we had business cards for a taxi service at the bar initially, but then it wasn't displayed normally. And then there was taxi problems, so we took the original poster down because the local taxi firm which we used to use were not giving us a great service and it was just terrible, so then we put the cards out, and then I think that's all we did, stick to the business cards. And then even they weren't working too well, either, because they're just the local taxi, they're not doing a great service because everyone's using Ubers now. But now we have got the taxi services and everything up, all sorted.

LS: So the signage for the taxi service is now clearly displayed.

RL: Yeah. Yeah, yeah, we have got a taxi service with one number at the bottom. Obviously I don't know how good the service is, but our role is to do that, just put the sign up and... Yeah.

LC: *Can I just ask? When you say that the taxi service weren't providing a*

good service, what do you mean?

RL: So like, you would phone them and they'd say, "We're coming in four, five minutes," but then they'd be there, in 30 minutes then they're still not there, so it was just – so then we were changing taxi firm again, and just – there was so much times you could do it, and then customers are getting angry with us because it's our role to get the taxi once they phone, but – so then we just [*unclear 00:26:10*] and then we used another service, and that's why I'm saying the service was not that great.

LC: *What were the names of these taxi companies?*

RL: One was Swan and one was Sunrise, the ones which we'd been using for a while. But yeah, I think they've now all closed. So, Uber, everything's just been closing down and no one's got any drivers, so everything is just – they're not the greatest of things right now.

LC: *Your licence states the premises – sorry, not your licence, the premises licence states the premises will install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling front identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings should be stored for a minimum of 31 days, with date and time stamping. Viewing of recordings should be made available immediately upon the request of police or authorised officer of the council. CCTV will cover the licensable areas inside, and the rear smoking area, and the front of the premises, including the smoking area. At the time of our visit, the CCTV camera covering the door was missing. Why was this?*

RL: So it was missing, because that's – at the beginning we were having a lot of technical issues, and then there was an electrical problem as I stated earlier, and that was the one reason why it wasn't there. But if you go now and check, everything, all the cameras and the CCTV system is running *with up to 28 days* CCTV, we get up to.

LS: *28 days?*

RL: Yeah.

LS: *Not 31, as required –*

RL: I'm sorry, 31. 31, yeah, my – yeah, sorry.

LC: *You weren't able to provide footage when requested as you advised it'd been formatted. Why was this?*

RL: As I was saying, it was just everything, it was just – we had a lot of teething problems at that time, and everything, it wasn't going too great staff-wise, electric, everything was – it wasn't a great time at that time. But as I can state, now everything is – now if you go, everything is how you want it to be and it's running operational, following all licensing.

LC: *So, at the time, there was no record in the incident book of any faults. Why was that?*

RL: Because that fault was literally – it should've been sorted out straight away. It wasn't even a fault because we phoned the company straight away, they said they're going to come out and they're going to get it all sorted out. It should've been sorted there and then because they said they're coming to us.

LC: *Okay, but it should've been put in the incident book, so why wasn't it put in the incident book?*

RL: Yeah, it should've been in the incident book, sorry.

LC: *Okay. And how long does the CCTV retain for?*

RL: 31 days.

LC: *Do you recall who the CCTV provider is?*

RL: Telcam.

LC: *Sorry?*

RL: Telcam.

LC: *Can you spell that for me?*

RL: T, E, L, C, A, M.

LC: *T, A –*

RL: T, E, L, C, A, M.

LC: *T, E – Telcam? Oh, sorry.*

RL: Yeah.

LC: *Right okay.*

LS: *Okay, the premises shall operate a zero tolerance policy to the supply and use of drugs. You were unable to advise the policy and demonstrate how this is being enforced. Why was that?*

RL: It should've been in the toilets as well, but there's the zero tolerance on drugs around the – we've got those posters printed out and put in there. They were in the toilets at the time. And well, we never saw – there hasn't ever been a situation yet where there has been drugs on the premises or anything – we would immediately call the police and kick the person out as well.

LS: *So how many times did you ring the police?*

RL: We haven't had a problem with any drugs yet, or anything.

LS: *Right, okay.*

RL: So no, zero.

LS: And do you have a copy of the policy at the premises now?

RL: Where they should be, yeah. Before I left on the 16th June, everything was there, yeah.

LS: Okay. Following the letter sent to dated the 7th February, I'm now going to go through the letter again on the points that you're not compliant with on the visit on the 3rd March 2022, and ask you to explain why you're not compliant at that time of the visit. Under the Licensing Act 2003, it requires displaying those under Section 57 of the Licensing Act, advising who the premises licence is under control of. You were advised on our visit on the 4th February and the follow-up letter on the 7th February to rectify this. Why didn't you?

RL: Sorry, what was that, the... ?

LS: Under the Licensing Act, you are required to display a notice under Section 57 of the Licensing Act 2003 advising who the premises licence is under control of. You were advised on our visit on the 4th February 2022, and our follow-up letter on the 7th February to rectify this. Why wasn't it rectified?

RL: So when I went there a few days before that, because I was there – I went – when we got the original letter, everything was there, everything was placed in on that time. I think you said that under Section 25 act as well, that it wasn't there, that we put that all around the bar. We had it all ready. It should've been there and did go check because I was there, I think, a day and a half before or something, before you came – the premises licence was stuck on the wall.

LC: Sorry, I don't –

LS: That's the Section – we're talking about Section 57 notice.

RL: Where the premises licence should've been –

LS: Who it actually – who the premises licence is under control of.

RL: It should've been there. It was there when I was there.

LS: It wasn't, unfortunately, on the 3rd March, it wasn't there.

RL: Okay, I wasn't aware of that 3rd March, but when I was there – because I was – when I was there, it was on the wall, unless it was taken down.

LS: Whereabouts on the wall do you recall this?

RL: So you know when you go in the bar, you've got that archway under the TV? It was there, just there, premise licence.

LS: I don't recall seeing it at all.

RL: Hm. Should've been there.

LC: *When you were at the premises after the visit, after the letter we sent you to check all of this?*

RL: I came – as soon as I found out about the letter, I came in within the next day or two when I found out about the letter and got everything arranged which is required for all the stuff. And I went – and I was staying there quite a bit as well, so...

LC: *Right. And you can't explain then why, even though you checked, it wasn't there?*

RL: I can't explain why that – yeah, I can't explain why, because I was there the day before. I'm pretty sure I was there the day before, as well, you came, that it was there. Unless it got wet or someone accidentally took it off and the staff member went on the wall [unclear 00:32:42] but it should've been there.

LC: *You are required to display the premise licence summary at all times. You were advised in our visit on the – sorry, Bobby was advised in our visit on the 4th February and our follow-up letter as well. Why was that not done?*

RL: The summary with –

LC: *The summary.*

RL: Yeah, it was there. Everything was there next to the premises licence. Everything should've been there.

LC: *So can you explain why it wasn't there?*

RL: That's what I'm trying – I don't – I'm not sure why it wasn't there on that day. But everything was there when I went and found out all the stuff, all that checklist which was required which you wanted us to do.

LC: *It was there when you checked?*

RL: Yeah. Yeah.

LC: *Right, okay. So your licence states the premise shall operate a Challenge 25 policy. Such policy should be written down and kept at the premises. The policy should be produced on demand of an authorised person as defined by Section 13 of the Licensing Act 2003, or the police or an authorised trade and standards officer of the council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated. There was only one sign behind the bar, and not at the entrance. Please can you explain the lack of signage by the entrance?*

RL: Yeah, sorry, it should've been at the entrance.

LC: *Okay. So that should've been at the entrance, okay.*

RL: Yes. It was behind the bar, like I said earlier, which I thought it was, but you're –

LC: *Can I ask, Bobby, if you're going to be in the interview, could you stop checking your phone because it's quite distracting? Would that be okay?*

BD: *Yeah, it's fine.*

LC: *Yeah, sorry, just to be respectful to everyone here, if that's okay.*

BD: *That's fine.*

LC: *Thank you.*

LS: **The premises licence states all staff and security teams will be trained and briefed to make sure they are trained and briefed in the requirements of the Licence Act 2003, and all conditions on the premises licence. Regular six month retraining to refresh the staff will also be conducted. Training lots will be kept at the premises and available on demand. We were also advised that the floor manager, has the training records on her laptop. This is unacceptable. Have all your staff had staff training, and when?**

RL: Yeah, all our staff had the training while I was there in December before we started, and like you said, after six months as required again, just before I left, so it was just under six months, all the staff got training, which has been, yeah, about a month ago, before I left. So all the staff were *[unclear 00:35:25]* right now, and they should be, yeah. They should be up to date because I think it is the same staff, still, yeah.

LS: **Please can you explain what training you give your staff?**

RL: Timings, that they're allowed to serve; the Challenge 25, the alcohol measurements, the 25ml, 35ml and the 125 for wines. If they think someone is over the limit, not to serve them as well, but yeah, the main things is the timings, and then also check the toilets frequently as well, the drug use, and just check who's walking around, checking things like that.

LS: **Right, okay, and you can provide the training logs?**

RL: Uh hm.

LS: **Okay. Right, the premises licence states from eight PM daily until all patrons have left the premises, there would be one SIA door supervisor at the door and one inside managing internal areas of the premises and the balcony. From ten PM on Fridays and Saturdays, there would be an additional one door supervisor working until all customers left the premises. At the time of our visit on the 3rd March, the log was still not being correctly filled out, and not in compliance with your licence condition. It was noted that you still didn't have the correct number of door staff working on some days. Why is your log not being completed correctly?**

RL: I think there's just a bit of confusion on how the log was getting filled, but since then everything has been filled correctly, and after that, because I've been more – I was more there at the premises, so it should've – it is now getting all done

properly.

LC: *Sorry, why was there confusion over how the log should be completed, after we spoke –*

RL: I think the security guards –

LC: *Sorry.*

RL: I'm sorry.

LC: *Sorry, if we both talk, it won't pick it up on the tape.*

RL: Oh, okay.

LC: *So why was there confusion over how the log should be completed when we visited and spoke to about it, say approximately a month before, why was there then confusion over how that should be completely?*

RL: It's because, I think, the security team changed. We use a new security firm, and that's where it got the confusion from, because they start filling in incorrectly.

LC: *But you're the DPS. You're the person running the premises at the time, and Bobby, obviously, as the owner of the premises as well, so even though you changed security company, why didn't you tell the new security company how to fill the records out properly?*

RL: So, we did do it initially in the first beginning. They were filling it in properly. I think after that, they weren't doing it properly, and like you said, obviously, it is our role to check that as well, but...

LS: **Why didn't you check the book was being filled in correctly?**

RL: Yeah. Because at the beginning, it was getting filled, everything was getting done properly, and we should've carried on checking. We did carry on checking anything, we just more focussed on the business. It wasn't doing too well, so we were just trying to pick that up. But it is now, if you go and check now, everything is getting filled in properly.

LS: **Right, so why were you not having the correct number of door staff working on some days?**

RL: I think they was – everything was on the – all the staff was there on the days I was there, everything, even when I found out – when we were paying the staff, we paid for the full amount that was required, one in the front, and one inside the premises. They were all getting paid, so the full staff was there.

LC: *You mentioned that you changed security companies.*

RL: Mm.

LC: *What company were you using to start with?*

RL: One was Knight Security.

LC: *Nine?*

RL: Yeah.

LC: *Nine Security?*

RL: Knight.

LS: *Knight, K, N, I, G, H, T.*

LC: *Oh, Knight, oh, sorry, [unclear 00:39:01], sorry. Knight Security, and what was the name of the second company you changed to?*

RL: The one we use now, what was it called?

BD: VK.

RL: VK, yeah.

LS: *Sorry –*

RL: I'm sorry, yeah.

LS: *must keep quiet.*

RL: Yeah, yeah, sorry, so it is, yeah, NK Security.

LC: *Sorry, what's the new company called?*

RL: NK Security.

LC: *AK?*

RL: NK. NK.

LC: *NK?*

RL: Yeah.

LC: *And when were they appointed?*

RL: They were appointed – can't tell you the exact date. I think when we changed team during February because that's when they weren't doing too – they weren't doing a professional job. I think it could've been end of February that they changed.

LC: *And I assume that the premises or the business owner would have evidence of the change in security company.*

RL: Yeah. Yeah.

LC: *The premises shall operate a zero tolerance policy to the supply and use*

of drugs. You were, again, unable to provide this policy. Why were you not complying?

RL: Sorry, what was that? Can you repeat the question?

LC: So the premises is required to have a zero tolerance policy to the supply and use of drugs, and at the time of the visit you were again unable to provide the policy. Why is that?

RL: I think because we had all the signs displayed inside the toilets, and we always were checking so the right signage was up, and we were – and all the staff, as we taught them in their training, to check as well, drug use and everything like that.

LC: I have to say, though, I don't recall seeing the signs in the toilets, and the person who did the visit at the time, which was and please don't talk, , didn't highlight this to us and say, "Oh, no, we are complying with that. Go and check the toilets. The notice is in there." Do you know why that is?

RL: I think there must've been notices – I think there should – might've been something must've been going on in his head or something – there was everything. He must've heard something else but it was –

LS: I don't recall seeing anything at all –

RL: They should – yeah, I remember there being a sign in each toilet.

LC: Okay, so why wasn't that highlight to us when we – because obviously we had a conversation with Bobby at the premises, saying that you're not complying, so why didn't he say, "Oh, no, I am. Go and look in the toilet"?

RL: Well, he should've. Yeah, he should've. I'm not sure why he didn't at the time, but if I was there I would've told you to go and have a look. I'd have shown you.

LS: And the other thing is, why were you unable to provide the copy of the policy?

RL: The policy?

LS: Your drugs policy?

RL: Oh, because we – ah, yeah, like, that's all done now, but at the time it wasn't, no, sorry. It's all there now.

LS: Right, your licence states the premises will install and maintain a comprehensive CCTV system. All entry and exit points must be covered, and enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record while the premises are open. All recordings should be stored for a minimum of 31 days, with date and time stamping. Viewing of recordings shall be made available immediately upon the request of police or authorised officer of the council. At the time of our visit on the 3rd March 2022, there was no record in the incident book of any faults. Why was that?

RL: I think because the fault got sorted out pretty quickly at that time, and then it didn't have the backlog, so the fault did get sorted, so...

LS: Right. Please can you explain why CCTV, when it was not recording the correct time – at the correct time, was not recorded in your incident book? Because, the CCTV was now out.

RL: I'm not too sure about that. I wasn't there. Because every time I'd ever really needed to use the CCTV, everything was working perfectly on my phone, and –

LS: When we actually viewed it, the timing was an hour out.

RL: I think, oh, yeah, because of the times changing, and it only changed – as well, so yeah, it is our role to check it, and it has changed. It is all correct now, the timing.

LS: When was it changed?

RL: We changed it as soon as – after you left, all the CCTV has been working, everything's been working fine the last few months.

LS: Can you burn a copy of the CCTV at the time of our visit?

RL: Well, not now, because it's over 31 days, but yeah –

LS: No, but can you burn a copy of it? I'm not asking for [unclear 00:43:30] over 31 days. If we walked into the premises today –

RL: Oh, yes, yes, yeah, yeah. Yeah, yeah, now everything's, yeah, how you wanted it, yes, yes, yes, 100%.

LC: So you can put it on a CD?

RL: If you wanted, yeah, or USB if you wanted us to burn it, yeah, up to date [unclear 00:43:44]. Yeah.

LS: What do you understand, what your licence permits you to do?

RL: Sorry, what was that?

LS: What do you understand, what your licence permits you to do?

RL: Serve alcohol, after a certain time you can't do, and like...

LS: Open up times?

RL: Opening up times, yeah, so you've got to follow your timings, you can't make any sale after –

LS: What times?

RL: Our timings.

LS: Specifically, what times are we talking about?

RL: Well, you can't sell after, like, 12:30 or something, or one o' clock, on – well, you [unclear 00:44:12], but yeah.

LS: What about during the week?

RL: Sorry?

LS: What about during the week?

RL: During the week, I think, what was it? [Unclear 00:44:21] time zone, half an hour, 12 o' clock, I think it was. I can't remember now because I'm not there anymore, so I'm focussing on another new venture.

LS: Okay. Right, we're now looking at the 27th February 2022, the early hours of. The premises licence permits the sale of alcohol from ten o' clock in the morning until 01:30 every day. Your opening hours of the premises licence is every day from 07:00 until 02:00. We have been provided with multiple till receipts showing sales of alcohol in the early hours of the 27th February 2022. We have copies of these till receipts which clearly show, when you look at them, that there's alcohol was being sold later than what it should be. Under order reference 218439 for a double [unclear 00:45:36] and two Gordon's, the time of the sale was at 01:36. For the purposes of the tape, I'm showing Ravneet a copy of the receipt. We also have another order reference, 218440 for two [AU 00:46:00] doubles, and the sale took place at 01:40. For the purpose of the tape, I'm showing Ravneet a copy of the till receipt. And we have another till receipt of 218441 and the time of the same was 01:43 for, again, for one single AUW, and the time of the sale was 01:43. For the purpose of the tape, I'm handing over a copy of the till receipt.

And we have another order, reference 218442 for a tequila single, a Grey Goose double, and the timing of this transaction was at 01:47, and for the purposes of the recording, I'm handing over a copy of the till receipt to Order number 218443 was for a single Jameson and a Smirnoff single, and the time of the transaction was on 01:51 hours. Purpose of the tape, I'm handing a copy of the receipt. Order number 21844, for four Smirnoff doubles and one Jameson double, and this took place at 01:56. For the purposes of the recording, I'm handing over a copy of that order to. Order reference 218445, for one Smirnoff double, and the time of the transaction was 2:19. For the purposes of the recording, I've handed a copy of it. Then we had another one at reference number 218446, two Smirnoff doubles. Transaction time was at 2:26. For the purposes of the tape, I'm handing over a copy of that order reference. Order reference 218447, Tequila [Rose 00:48:12] single, and a Grey Goose double. The time of the transaction was 02:40.

For the purposes of the recording, I've handed over to a copy of the order. 218448, order number, here we have Smirnoff double, Captain Spice single, and also a smashed avo toast. This was a transaction that took place at 02:49, and I'm now passing over a copy of it to. And we've got another one at number 218449, three tequila shots. This transaction took

place at 03:05, and for the purposes of the recording, I'm passing a copy of the order reference. And 21845, order number, we have three Jager shots, or Jagerbombs, three shots, apologies. Again, this order was placed at 3:09, and I've passed a copy of the order to Another order number, 218445, we have a Grey Goose double, this transaction took place at 03:19, again I'm passing a copy of the order reference to And we have 218452 for a Smirnoff double, and this one took place at 03:49, a copy has been passed over to again. Order reference 218445, this took place at 05:14 for a Smirnoff double. Again, I'll pass that over to for [unclear 00:50:07]. Can you please confirm that all the transactions took place on the 27th February 2022 as dated on the till receipts?

RL: Yeah.

LS: Yes. Right, okay. So what time do you call last orders?

RL: So we call last orders around quarter past one, 1:15, depending on what day it is because if we've got until 1:30, it takes a bit of time to serve up, so if we've got until 1:30, then by two o' clock everyone's gone. And then this, I think, was friends after, so I wasn't aware of this. I think I was there earlier on that day anyways, and I think by 12, 12:30, I was gone. So it was pretty quiet, I think came after, or something, with his friends and they – well, they stayed after, but I think it was more of a friends' thing, really. So I wasn't aware of all this thing.

LS: Yes, but you are responsible for alcohol sales.

RL: No, I'm responsible for alcohol – but I didn't know about –

LS: As a DPS, you are responsible.

RL: No, 100%.

LS: So how do you account for all these transactions?

RL: I didn't know about these transactions. I didn't know about all these sales or anything until after – until – so I didn't know, it was – I think it was his friends. I think he'd just done it like a token – because he was giving a lot of things for free, I think he was telling me, but I wasn't – and I think some people just felt bad, and just were like, "Can we just pay for some of our drinks?" Not like that we wanted to, but I wasn't aware of this.

LC: *When did you first become aware of this, this evening on the 27th February?*

RL: I only became aware of it when you told me. I didn't know about all these transactions, so I wasn't aware of these sales.

LC: *Until when?*

RL: Until, like, when you had that meeting, when you came to [unclear 00:51:51].

LC: *What meeting, sorry?*

RL: When I came to – when you were there, when there was me, you, and when I was there and we spoke –

LC: *When we were at the premises, right?*

RL: Yeah, yeah, yeah.

LS: **3rd March.**

RL: 3rd March, yeah, I wasn't aware until then.

LC: *Okay.*

LS: **Right, has out of hours sales occurred since this date?**

RL: No. Until I was there, until 16th June, no, nothing's – we've followed all of *[unclear 00:52:16]* changed all the stuff which is required, and followed all the rules.

LS: **Right, okay. So what time do you call last orders?**

RL: Maybe if it's quiet, we even close way before our opening time, so if it's – and then recently in the last – before the build-up before I – because I haven't been there for a month now – before I left, even the whole month before that, we were *closed by 12, because* it just hasn't been as busy, I think, since everything's – all the prices *[unclear 00:52:43]* so I could say 12 o' clock to you really, they're gone.

LC: *Just so I've got this, I understand this completely, yeah? So what you're alleging has happened is, on the 27th February, are you saying that came with his friends?*

RL: I think he came with – I know he can't talk right now, so yeah, sorry. I think he – I think he came with his friends after I was there, his friends there, but I was there 'til 11:30, 12 o' clock, and it was pretty quiet so I left and the staff was going to close it up, so I left by then.

LC: *So you were there on the 26th February, you left at about half 11.*

RL: Yeah. Yeah, I was gone, yeah.

LC: *And then obviously this is going into the hours of the 27th February.*

RL: Yeah, so I was – yeah.

LC: *Right okay.*

RL: It's every time – it was only this one day which you saw it, but every time I've been there and stuff, we've always been closed and followed our licensing times *[unclear 00:53:35]* alcohol. I think this was just a one day, as well, *[unclear 00:53:39]* a one off as well. I don't think he's ever done it before or done it after ever since as well. Definitely not after, and I don't think he's ever done it before either. I think it was just that one off. And obviously as DPS we shouldn't *[unclear 00:53:49]*, yeah.

LC: *You are aware that it is an offence, to sell alcohol out of hours?*

RL: It is offence, yes, you're right, yes. No, yeah, -

LC: *And also, there is a late night refreshment offence as well for the avocado toast.*

RL: I think that was an accident. It was just that one night and one day. Our kitchens weren't even open anyway, so we can't – we don't even have food at that time. There's literally nothing on. I mean, that must've been an accident pressing that one button. There's literally – it was impossible to have food at that time. That, I'm very sure of. That I can guarantee. Alcohol, yes, you're correct and all the stuff, it could be [unclear 00:54:22], but the food is definitely not –

LC: *Right, so you didn't do food?*

RL: No, no, 100%, we can't be – I can't cook. None of us can cook.

LC: *So was there with his friends, have you – I appreciate it's hard for to keep quiet, and I do apologise but it is a question to So when you asked about this, obviously after we'd left, what time did– what time did it stop that the customers were there, then, and that friends were there, because I'm a bit confused?*

RL: So I was there until 11:30. It was pretty quiet. I don't know, after that, unless they came after because they were still open, they might've come after and carried on, so that's all I can – that's all I know.

LC: *But do you know what time the customers left?*

RL: What, not his friends, the other customers? Or his... ?

LS: **The customers that arrived during the course of the evening.**

RL: What, who were getting served at this time? I don't -

LS: **What time did the normal customers leave?**

RL: Normal customers were gone by 12 o' clock.

LS: **Gone by 12 o' clock?**

RL: Yeah.

LS: **And what time are you aware that the customers or the guests, whatever you're going to call them, what time did they arrive after the –**

RL: These guests here?

LS: **Yeah.**

RL: I don't know.

- LS:** You've got no idea what time they arrived?
- RL:** No, I don't know, obviously, yeah. Because it was very quiet, there's no point of us staying open at that time, so I'm not too sure.
- LS:** Right. And are you aware of how they got invited to the premises?
- RL:** No. I don't know.
- LS:** And on the till receipts, it shows that Bobby was the person who served the alcohol. Is that correct?
- RL:** Yeah. I think it could've been his friend, but I think it was Bobby, yeah.
- LS:** Right, we're now going to show you a number of excerpts from CCTV that's been submitted to the council for the morning of the 27th February 2022. Just bear with me a couple of seconds. Bear with me. We're now showing you video one which, on the screen shows a time of 02:34 for the 27th February, and there is a sale that took place at 2:36 according to the video. What would be interesting to know is what drinks were being served at that time.
- RL:** Yeah, because I don't know if this is an hour that was when the – it could've been an hour back at this time. I don't know –
- LS:** The actual true time is 1:36 but your video, your CCTV time is 2:36. We're working on the basis that that is the time I'm referring to, is 2:36. Your CCTV video was one hour in advance of the normal standard time.
- RL:** Uh hm. And that's all be changed now anyway –
- LS:** Well, yeah. That's been acknowledge, yes, you've mentioned that. But obviously there was a sale which took place on the video recording at 2:36. We'd be interested to know what drinks were being sold.
- RL:** I think that's vodka.
- LS:** I'm going to carry on the recording because there's another one at 2:37 on the video time. There was a sale here which is quite clear. you please leave the documents alone? For the purpose of the tape, was handling the documents. So we do have a sale here. It's quite clear. Do you confirm that was a sale at 2:37?
- RL:** Yeah.
- LS:** Yeah? And I'm going to let the video run because there is a – there was actually at 2:39 on the video time, there was actually a free drink handed out. When we get to it, could you confirm that it was a free drink there though?
- RL:** Okay.
- LS:** Unfortunately I can't do anything about this image for some reason. I'm not sure what the problem is. And you'll note there's also a member of

the public, or a customer who is smoking in that duration as well.

RL: Where is someone smoking?

LS: There's someone smoking on this length of the video at 2:39.

RL: I think it's a vape.

LS: Okay, that's fair enough. Was there a free drink supplied during the course of this, at 2:39?

RL: Yeah, but it keeps cutting out quite a bit, so yeah, it's pretty unclear.

LS: Yeah, unfortunately. I'm not sure why it cuts out, unfortunately, it's –

LC: [Unclear 01:02:44].

LS: Yeah, I'm going to – yeah. And then I'm going to stop that.

LC: So three o' clock.

LS: Yeah, I'm now going to the – we've got one at three o' clock on the video time, and this shows a sale taking place. Just for your information, we have no receipt of that sale, by the way. We'd like to know what drink is being poured from the coloured bottle. There's obviously a sale to take place. Could you confirm that a sale has taken place in that length of video we've just seen, at 03:00?

RL: Well, yeah, it was unclear, but yeah.

LS: Yeah, okay. Right, okay, I'm now going to go through to, on the video of a transaction which took place at 03:36. Just bear with me while I find it. Right, we're now showing the 03:36 transaction on the video. We don't have a receipt for this transaction. Do you know what drinks were being served and who was being served?

RL: No, I couldn't tell you. It's not really clear.

LS: So you can't say what drinks were being served then, but was there a sale taking place at this time?

RL: It's not done yet, but...

LS: That was paid by card. Yeah, so –

RL: Yeah, I think it happened where it just got blurry, yeah.

LS: Yeah, OK. And we're now going to go to another video. This took place at 04:13 on the video time. The true time would've been obviously at 3:13 in the morning.

LC: 4:13 on that.

LS: Yeah. It's alright, I'm just finding the length of video. Yeah, here we are,

4:12 we're starting the video at. Here was a *[unclear 01:07:28]* confirm in a minute that there was a sale taking place, if possible, what drinks are being sold, and we don't have a receipt for this transaction?

RL: I couldn't tell you about the drinks, it's too dark to –

LS: **Okay, no, that's fair enough. That's a good observation. That's a card transaction.**

RL: Yeah.

LS: **Yeah?**

RL: Yeah.

LS: **I'm now going to show you another one at 4:59. Oops. The recording is starting at 04:57 and the transaction took place at 04:59. If possible, we'd be interested to know what the drinks were being served, and we don't have a receipt for this transaction.**

RL: Again, I couldn't tell you the drinks, but...

LS: **But obviously drinks were being sold.**

RL: Yeah. Could be water. No, I'm joking.

LS: **Was there a transaction there, a sale?**

RL: Yeah.

LS: **Yes? Yeah, okay. *[unclear 01:11:02]* just turn this off, and this one took place at 06:23 on the video time. Yeah, the recording's starting at 06:22. As we can see, there are still people in the premises on a video time of 6:23, and the true time is 05:23. If possible, do you know what drinks are being sold, and confirm that there was a sale that took place.**

RL: Yeah.

LS: **Yeah? So a sale did take place then? Thank you. And the last one is at 06:36. We're starting the recording at 06:35. And this shows what appears to be a free drink being served. Just confirm that it was a free drink, or otherwise. That's a warning sign to say that the recording's getting low, so if you could – we'll just stop in a minute and change the discs over. Nothing to worry about.**

RL: Yeah.

LS: **There was a free – so yeah, you confirm there was a free supplied drink.**

RL: The drink, yeah.

LS: **Okay, I'm now going to pause the interview while we change the recording media over, and while we are changing the media over, please could everybody remain quiet? I'm now pausing it.**



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Date: 17th August 2022

Transcribed by:

Voice file name:

Duration: 00:10:43 mins

Transcript type: Intelligent verbatim.

Typist comments regarding dictation: Multi speaker interview

VOICE FILE NAME: interview cd 2

Key:

LS: For the purposes of the recording, this is disc number two. The interview is taking place in the Council Borough offices, room, Trevor Baker, and during the change of the recording media, there was limited conversation relating to supply of a drink and someone saying they was hungry., could you please confirm that is true?

RL: Yes.

LS: Thank you. Right, we're going to carry on with the interview. Who was being served the alcohol?

RL: I don't know. Who was serving the alcohol, or who was getting served the alcohol?

LS: Who was being served the alcohol?

RL: So these were – I don't know who these people are.

LS: Okay. Why is the till on if the alcohol is free?

RL: I don't know.

LS: And could you explain your interpretation of a private party?

RL: Interpretation of a private party, there's no sale, it's just friends or family, people who you know, just you're not serving any alcohol, you're just there.

LS: Right, okay. And how often do you hold private parties?

RL: I don't. I don't hold any private parties.

LS: And when, when?

RL: Sorry?

LS: When were they held? Any idea when they were –

RL: I don't have any parties so I don't know.

LS: Okay.

LC: *So you've already stated that on the till receipts that you didn't serve smashed avocado toast, so can you explain why smashed avocado toast was put on the receipt if you didn't sell it?*

RL: No, we sell it. We didn't sell it then. As you could tell, there was no food there or anything. No, we sell food. I said we didn't sell anything at that time. There's no chef, there's nothing on or in the kitchen, it's not –

LC: *Yeah. So why have we been provided with a receipt saying –*

RL: I think he must've accidentally pressed a button. That's what I reckon, because I wasn't there that time, and as you could tell, obviously there's no food there.

LC: *And charged the customer accidentally as well?*

RL: The customer, it might've been a similar price for the item, or I'm not sure. Or he might've said I want avocado for the next day or something, or might owe them avocado – I couldn't tell you.

LC: *In the 3rd March 2022 when we visited, officers had to help use the till. Why's he not got full training on the till?*

RL: There should be full training on the till. What was the help which was required?

LS: Bring up historical data.

RL: Oh. [*Unclear 00:02:59*] even I've been taught ever to go back on history. Normally once you do a Z reading on a till, you never need to go back onto the till.

LC: Do you know how to work the till?

RL: Unless he's got a new one now, I don't remember how to use that new – the old till, yes, I knew, but I think he's changed the till over now.

LC: You've changed the till?

RL: Yeah, he's changed the till so I don't know how to use the current till.

LS: When was the till changed over?

RL: I think when I left as DPS or something.

LC: So it changed recently.

RL: Yeah, so I don't have any CCTV or I don't have anything right now [*unclear 00:03:29*].

LC: Well, I'm curious as well to also ask, when you turned up for the visit when we were there in March, you referred to earlier in the conversation that you came, you arrived late for the meeting – I can't recall why you were late, but you were – if my memory serves me correctly, you were quite keen to go. I was just wondering, why didn't you stay for the duration of the visit considering you're the designated premises supervisor at the time?

RL: I thought that my job, my role there was done. I thought that everything that we'd spoken about was done, you said you were going as well, I think, after that. I thought you'd left more or less straight away after me as well.

LC: If my memory serves me correctly, jump in, we were in the middle of looking at loads of CCTV on the system and you were keen to leave.

RL: I was there at the time of the CCTV. I was keen to leave because I had to go back to the other premises, but I was there throughout most of the duration.

LC: So you had to leave to go to another premises.

RL: I had to go back to another [*unclear 00:04:32*], yeah.

LC: Right, okay. Yeah.

LS: You advised at the time of our visit that the times on the till were out. Why if the timing's out it has not been fixed and documented? Why has it not been fixed and documented in the incident –

- RL: It hasn't been documented but it's been fixed now and it's *[unclear 00:04:53]*.
- LS: Why haven't you moved the chairs to the front area of the premises?**
- RL: Everything's been done now as well.
- LS: Correction, I was there last Friday, I think it was, and –**
- RL: Oh, I wasn't – I'm not there –
- LS: Well, I'm just pointing out the fact, you're just telling me it'd been removed, the fact was that there were chairs in the front's recessed area still.**
- RL: Okay, sorry, sorry, yeah, unless it's been back there again – while I was there, everything was gone.
- BD: [Unclear 00:05:23].*
- LS: you've been warned that you cannot talk in this interview. If you talk once more you'll be asked to leave. Alright? I've made it quite clear. Your role is supportive only. You cannot talk. Are you aware that you have a condition attached to the licence that relates to the use of the balcony?**
- RL: Sorry, what was that?
- LS: Are you aware that you have a condition attached to the licence that relates to the use of the balcony?**
- RL: That we can't use the balcony?
- LS: Yeah.**
- RL: Yeah.
- LS: After what time?**
- RL: I think it's 11. I can't remember. As I said earlier, I can't remember the timings of it. Was it 10 or 11, or was it 12? I can't remember, to tell you the truth.
- LS: Okay, so what time must the balcony be closed, and how many people are allowed on the balcony at any one time?**
- RL: I can't remember right now.
- LS: Right. We have received seven complaints about the balcony use. Saturday 3rd April 2022; Saturday the 7th to the 8th – the Sunday, Monday of May '22, used until 00:45. Saturday 28th May, and Saturday/Sunday the 4th and 5th June 2022 used until 01:10. Any observations to make, comments, why the balcony was being used outside permitted hours.**
- RL: It should be closed.

LS: Okay. So why was it being used?

RL: I wasn't aware of these times, that they were open.

LS: After a visit by on Friday 20th May 2022, your CCTV confirms that there were people on the balcony after 23:00 on Saturday the 30th April 2022, and Saturday 07 May 2022. Do you have any comments regarding this?

RL: I don't know, no. No comment.

LS: Who should control the use of the balcony?

RL: Security, as well as the staff, and

LS: Right, okay. Please can you explain why the council received a noise complaint on Sunday 12th June 2022 at 01:20 from music coming from the premises?

RL: No, I don't know about that one.

LS: What time do you prevent customers entering the premises during the week and at weekends?

RL: I think while I was there, it's 11 on weekdays – I think it was 11, and then weekends, 12.

LS: Right, okay. Have you got any more questions you want to ask?

LC: *I have nothing further to ask you at this time. Do you have anything that you want to say or add to the interview?*

RL: All I can say is, as soon as I was aware of these changes and all the stuff which was required, we changed. As soon as I could, whatever much I could do at the time I was DPS – obviously I'm not now – it's been over a month, but yeah, I tried doing everything I can while we were there together. So obviously sometimes some things get put away and all that stuff, but obviously I wanted to make sure everything's on top. But yeah, if you come now, everything – well, I don't know now, but it should all be running pretty smoothly, how you want it to be running, and we shouldn't be getting into this meeting again.

LS: Right. That is all I want to ask at the present time. We may in future invite you to attend a further interview, but in the meantime, thank you for your cooperation in answering my questions. Before we finish, is there anything you want to ask me?

RL: No, nothing.

LS: Is there anything else you want to say?

RL: No.

LS: Do you wish to make a written statement?

RL: Sorry, what was that?

LS: Do you wish to make a written statement?

RL: No.

LS: I'm now going to give you a copy of a notice of persons being interviewed, which I'm going to ask you to date and sign that please.

RL: Sorry, do you have a pen?

LS: Yeah.

RL: Thanks.

LS: Thank you. I'll witness it. And we'll give you a copy for your records.

RL: Thank you.

LS: Okay. In a moment, I'm going to turn off the tape recorder and I'm going to give you a notice explaining what happens to the tapes that've been recorded today, and here's a copy of that letter, that tells you what's going to happen to them. That's for you to keep.

RL: Thank you.

LS: And the time is now 15:38, and I'm now going to turn the recording off.

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Surrey Police Representation in support of review

**Spelthorne Borough Council Licensing Authority
Licensing Act 2003
REPRESENTATION FORM FROM INTERESTED PARTIES**

Your name/organisation name/name of body you represent	Maxine Cilia 2099 Spelthorne Borough Commander
Organisation name/name of body you represent (if appropriate)	Surrey Police
Postal and email address	
Contact telephone number	
Name of the premises you are making a representation about	Vegan Plnd
Address of the premises you are making a representation about	21b Clarence Street, Staines upon Thames, TW18 4SU.

Your representation must relate to one of the four Licensing Objectives (see note 4)

<i>Licensing Objective</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	Attached.
Public safety	Yes	Attached.
To prevent public nuisance	Yes	Attached.
To protect children from harm	No	

<p>Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.</p>	
--	--

Signed

Date:9/11/2022

Please see notes belowVegan Pind

Surrey Police support the review application submitted by Environmental Health at Spelthorne Borough Council.

The application was received by Surrey Police on the 7th October 2022 and on the 16th October at approx. 10:10 hours Ms Jacquie Clark 9143 checked the premises to see whether the notice re the review application was displayed because there had been problems with the displaying of notices when the Premises Licence application was submitted. The premises was closed and the shutters were down and there was no notice visible. I informed the licensing department at Spelthorne Borough Council on the same day. They subsequently conducted a check and confirmed that no notice was displayed.

Spelthorne Borough carried out a licensing check on the 4th February 2022, they identified numerous points that were not being adhered to regarding legislation under the Licensing Act 2005 and breaches of their Premises Licence.

One of these being that the CCTV camera covering the door was missing and that staff were unable to provide historic CCTV recordings or demonstrate that the CCTV is being retained for 31 days when requested by Spelthorne Borough Council licensing department.

CCTV is a vital tool in the prevention of crime and disorder, which is one of the four licensing objectives. CCTV is a deterrent and evidence produced by CCTV is pivotal in prosecutions.

On the 7th November we searched the Information Commissioner's Office website and we could find no record that they have registered their CCTV system with them. On the 7th August 2022 at 20:06 Surrey Police received a call from Raj Heir, staff at the premises calling from the landline at Vegan Pind, stating "customer at the location who is a bit drunk and is not leaving. There is security at the location but is not a door supervisor and as such is not allowed to touch the persons" Whilst Raj was still on the phone to Surrey Police he stated that the male had left and police were no longer required.

According to their Premises Licence "from 8pm daily until all patrons have left the premises there will be one SIA door supervisor at the door and one inside managing the internal areas of the premises and balcony."

From what Raj stated on the phone this Premises Licence condition was not being adhered to at this time.

There have been two incidents that required several units from Surrey Police to attend to deal with the large crowds on each occasion.

On the 24th February 2022 at 2:30 hours Surrey Police were called to a disturbance in Clarence Street, Staines, this occurrence was a violent robbery.

Statements attached by officers that attended and investigated the occurrence to detail the incident. (Statements 2, 3 and 4).

This incident required attendance from several units and officers noted that there was a lack of staff to deal with the crowds and the dispersal appropriately.

On the 27th February 2022 at 3:20 hours officers attended the premises as they noted when passing that there were a lot of persons still inside the premises when they should have closed at 1:30am. Officer that attended stated that they “found in excess of 50 persons inside the premises with the owner Bobby being evasive initially and not wanting to allow officers inside. Bobby informed officers that all the persons inside were not customers but friends and family who had gathered for a small party. Officer has also stated that he was informed at 6:30am there was still people leaving through half shutters.”

This information was shared with the licensing department at Spelthorne Borough Council on the 28th February 2022, who undertook investigating the incident.

On routine visits made by officers they have noted that the staff have not always been receptive to these visits, attached is a statement provided by an officer re visits he has conducted to the premises. (Statement 1).

Surrey Police were concerned that they were accepting photo id via a phone rather than insisting on the actual id as they are then unable to check whether the id is fake or not and the person could be underage.

A visit was carried out by PC Redwood 40950 and PC Carr 41315 on the 25th February 2022 at 20:50, PC Carr noted that the “owner gave his details as Bobby Dhunay. His father was also present (details not taken) who was quite rude and not particularly welcoming of police being in the premises. Repeatedly asking why police are in the premises, saying he had never seen police in a bar or restaurant before. He described police presence as hostile despite all interactions with other staff members being positive.”

Surrey Police explained to Bobby Dhunay that Surrey Police officers pay periodic visits to licensed premises to show a visible presence and support licensed premises and that they are authorised to do so.

Jacque Clark 9143 suggested to Bobby that he attend a Staines pubwatch meeting so that he could liaise with other premises and increase his knowledge regarding managing a licensed premises as he stated that this is his first licensed premises and he only obtained his Personal Licence on the 3rd May 2022, which was after the premises had opened. Pubwatch is not a condition of their Premises Licence but is a valuable tool in promoting the licensable objective of the Prevention of Crime and Disorder. To date nobody from Vegan Pind has attended any Staines Pubwatch meeting.

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MG11

WITNESS STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
URN	
Occurrence Number: 45220020433	
Statement of: SAMUEL LILLYWHITE	
Age if under 18: Over 18 <small>(if over 18 insert 'over 18')</small>	Occupation: Police Constable
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature:	Date: 11/03/2022 10:21
Tick if witness evidence is visually recorded <input type="checkbox"/>	

This statement is in relation to an incident of robbery and GBH I attended on Thursday 24th February 2022 at the VEGAN PIND on CLARENCE STREET in STAINES UPON THAMES.

I am PC 41241 Lillywhite from Staines police station for Spelthorne D rota response team. On the above date I was in uniform, double crewed with PC 41701 KIRBY and under call sign SL 71.

We had been tasked by the FCR (FORCE CONTROL ROOM) to attend 17a CLARENCE STREET in STAINES in relation to a possible disturbance or fight in progress. The information received was that the informant could hear what they thought to be a person being beaten up. They could hear this but had not seen anything. They have then further said that they believed to have heard someone say "KILL THEM". Due to this information I have attended on emergency response

PC KIRBY and I arrived at approximately 0221 hours where I have activated my body worn video and seen that there was a large gathering of vehicles and people outside of a restaurant and bar called the VEGAN PIND.

As I have approached the venue I have seen a male who had significant facial injuries. He was stood outside and appeared to be very disorientated and lost. After dealing with this male and assisting in calling an ambulance for him. I have walked inside the VEGAN PIND to complete some enquiries. Whilst walking to the venue I would estimate there to be at least 30 + people outside. Various people were holding drinks vessels/containers which looked as if they had come from the VEGAN PIND as this was the only bar open at the time of police arrival. As I have walked up to the front door of the venue, I have then seen further people leaving with drinks in hand which I believe to be purchased from within the venue. These glasses had straws in them and would not be practical outside drink vessels, further leading me to believe that these

10/2017

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MG11

drinks had been purchased from within inside the premises. The shutter to the premises was also raised which would indicate that the business was open.

When I have entered the premises I have seen what I believe to be 10 – 12 people inside (members of the public) excluding the four that had left prior to me entering. I can not recall any music being played at the time but the large groups of people were making a lot of noise for the time of the morning, and considering the business closing time was 0130 hours. Which was now over 1 hour ago. I have then spoken to a IC4 male who was close to the door, and was locking and opening it since police arrival. He identified himself as someone who worked at the VEGAN PIND but did not disclose his role. He was not wearing any high visibility jacket, and there was no sign of a SIA badge on either arm. There was also no identifiable logo or anything which would identify himself as an employee there. If I hadnt of asked, he would simply look like a member of the public. I asked what was going on and he said that they had been closed for some time and had been trying to get people to leave, indicating that this was not a private party/function. I have then instructed this male to get everyone out and close the premises. Shortly after this the shutter was shut/pulled down, which has stopped people from entering, however there was some people still inside (unknown amount)

A short time later an intoxicated female has approached me and was hysterical and crying. She has informed me that she had been at the party inside the VEGAN PIND and that someone was trying to take her bag/handbag. She stated that she had left her bag in the venue kitchen, after a member of staff offered to store it for £10. She has then since tried to get this back but they wouldn't let her have it. After requesting further units, who arrived a short time later. PC 41106 DAVIES and myself have entered into the premises again when the shutters have been lifted. A staff member stated several times that they had searched for her bag and were certain that it was not in there. Despite what the staff member had said, PC 41106 DAVIES had later found her bag in the exact place the female had said it was. This was returned to the female who has then compliantly left the area. When engaging with this female she presented as extremely intoxicated and possibly intoxicated from another substance. At points it was difficult to speak with her and explain what was happening. Her mood would change from hysterical crying, to extreme anger directed at staff members due to them stating that they didn't have her bag.

The shutters were then closed again with some people still inside. I would estimate at least 3 persons. I do not know who these people were (staff or members of the public) however they appeared to be drinking inside. Whilst dealing with this incident I did not enter the entirety of the premises and therefore did not see any clear fire exit.

10/2017

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MG11

POLICE STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
NICHE Ref No: 45220020433	
Statement of: 41577, Con Hagan ADAMSON-WOODS	
Age (if under 18): N/A	
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature of Witness:	Date:24/02/2022
<p>This statement is in relation to an incident I witnessed at the "VEGAN PIND" on CLARENCE STREET in STAINES SURREY on the 24th FEBRUARY 2022.</p> <p>The incident took place at VEGAN PIND, CLARENCE STREET, STAINES, SURREY. This is a new bar/restaurant which does vegan food and is directly opposite 7BONE on CLARENCE STREET in STAINES.</p> <p>Whilst reviewing CCTV footage for an unrelated incident, I have seen on the stores CCTV that they appear to be doing what I have been made aware is called "LOCK IN's", I believe this because during the footage I could see that the staff within the store/restaurant put the shutter gate at the front halfway down and then eventually down with people still inside drinking and smoking. On the stores own CCTV you can see males and females sitting on the chairs closest to the front door and can see them smoking and drinking.</p> <p>At one point in the footage I saw a group of males standing between the stores front door and the closed shutter chatting, drinking and smoking cigarettes. This is around 1am on the stores CCTV however I am told this is 1 hour out of sync.</p> <p>A male who I know to be the owner of the store was behind the bar and on the phone to me stated that the persons on the footage were his mates.</p> <p>Upon entering VEGAN PIND I have seen evidence shisha use, which I am aware does need a license to operate in a business, Nitros Oxide balloons and canisters but only from customer use not staff use or sale, and a big hole in the rear of the lobby to VEGAN PIND which was heavily leaking water and staff told me it had been like this for a while.</p> <p>I have later reviewed CCTV from SPELTHORNE BOROUGH COUNCIL and can see on their CCTV that the front shutters to the store are closed upon Police arrival around 2:15am on the 24th FEBRUARY 2022 but then are opened to halfway and people do sporadically leave from the front.</p>	
Signature of Witness:	Date:24/02/2022

Witness name: 41577, Con Hagan ADAMSON-WOODS
Statement started: 21-11-2021 06:01:03 Statement completed: 21-11-2021 06:21:39
Form ID: Doc1637474463734-2121-BJNQLDQAAAAXHI7JVNMDFAQAW

2010/11

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MG11

WITNESS STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
URN	
Statement of: PC Inderpreet SINGH	
Age if under 18: Over 18	(if over 18 insert 'over 18') Occupation: Police Constable 41809
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature: Inder SINGH PC 41809	Date: 06/11/2022 18:04 hrs
Tick if witness evidence is visually recorded <input type="checkbox"/>	

I am PC 41809 SINGH and I am based at Staines Police Station where I work within the Safer Neighbourhood Team. My role covers the borough of Spelthorne and as part of that role I conduct high visibility patrols, monitor on-going local neighbourhood issues, tackling chronic and persistent problems and carry out licensing checks.

This statement is in relation to licensing checks I have carried out at VEGAN PIND, 21B CLARENCE STREET, STAINES-UPON-THAMES, TW18 4SU between 28/05/2022 and 15/10/2022. The location has one public entrance which can be accessed off CLARENCE STREET. There is normally door staff at the entrance who carry out id checks and there is no id scanner being used at the premises. As you enter the premises, there are several tables and, in the middle, there is a bar where people can order drinks. Behind the bar, there is more seating area.

On SATURDAY, 28/05/2022 I was on duty in uniform when I carried out a licensing check at VEGAN PIND at 20:10 hrs with PC 41552 SIMPSON. The DPS – Designated Premises Supervisor was not present at the premises when the check was carried out. The person in charge at the time was Raj HEIR. I asked HEIR to produce the premises refusal or incident book which he could not. I questioned HEIR about risk assessment or fire safety plan as part of my licensing checks, but he had no knowledge of these. HEIR stated that he had recently become a supervisor and had no knowledge of the paperwork side of things. I spoke with Bobby DHUNAY on the phone, and he was not happy with officers carrying out licensing checks at 20:00 hours. Mr DHUNAY seemed angry on phone with police officers being at the premises and stated that officers should come back in the morning when there are no customers there. He stated he had the relevant paperwork which he could produce if officer attended at a different time. After this, I left the premises with PC SIMPSON.

On FRIDAY, 03/06/2022 I was on duty in uniform with PC 41315 CARR when I carried out a licensing check at VEGAN PIND at 23:10 hrs. The DPS was not present during this check, but Bobby DHUNAY was present and in charge of premises. I carried out a random ID check on a male who showed me a photo of his driving licence on his phone. The male was aged 18 years old and had no physical proof of age in his possession. I raised this issue with Bobby DHUNAY who stated they allow people in who have photos of ID on their phone. DHUNAY seemed unhappy with the officers attending to carry out a check and he informed me that the presence of police officers might scare customers. DHUNAY stated there is no need for officers to come inside the premises to carry out checks. I explained to DHUNAY that Surrey Police carry out comprehensive checks which include coming inside the premises. After completing the check, PC CARR and I left the premises.

On SATURDAY, 15/10/2022 I was on duty in uniform with PC 41808 SANGWAN when I carried out a licensing check at VEGAN PIND at 19:50 hrs. Upon my arrival, Raj HEIR was in charged but Bobby DHUNAY arrived shortly afterwards. I checked the incident book which started from the 26th of September 2022 and no incidents or refusals were recorded on the book. I asked Bobby DHUNAY about their last incident which he stated was

05/2022

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MG11

about a month ago when someone fell off a chair and they called an ambulance. But according to DHUNAY, there has been no incidents between 26/09/2022 and 15/10/2022. On this occasion, there were only four customers inside the premises. After this, PC SANGWAN and I left the premises.

During my first two licensing checks, DHUNAY did not appear supportive of police presence or did not want police officers to enter the premises. However, during my last visit on 15/10/2022, DHUNAY attitude was different, and he appeared supportive. This could be because of very few customers being present inside the premises on my visit on 15/10/2022 whereas during my first two visits, the premises was busy and there were several people inside.

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WITNESS STATEMENT	
<small>(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)</small>	
Statement of:	URN <input type="text" value="45"/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
Age if under 18:	Simon Egan <input type="text" value="Over 18"/> (if over 18 insert 'over 18') Occupation: <input type="text" value="Police Officer"/>
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.	
Signature: <input type="text" value=""/>	Date <input type="text" value="08/11/22"/>
Tick if witness evidence is visually recorded <input type="checkbox"/> (supply witness details on rear)	
<p>I am a Detective Sergeant and work within the Criminal Investigation Department at Staines Police Station. On the 24/02/2022, I was made aware of a violent robbery that occurred outside Vegan Pind in Staines Town – Surrey Police crime reference 45220020433 relates. The incident itself took place at approximately 0215 hours on the same day. I gathered the following information from my review of the crime report –</p> <p>1/ The victim had travelled to Vegan Pind with others he met in London. The victim told police that when he arrived at the venue, the owners didn't like that he was American and asked him to leave. As a result, he left and was then subjected to a violent robbery outside.</p> <p>2/ On the 24/02/22, PC Adamson-Woods attended Vegan Pind to obtain CCTV from the owner (pre-arranged). The owner was not present at the time of her attendance even though he stated he would be. With the assistance of a staff member present she was able to view the CCTV.</p> <p>I viewed the Body Worn Video of PC Lillywhite who arrived at the venue at 02:22 hours, soon after the incident. I have the following observations –</p> <ul style="list-style-type: none"> • A significant number of individuals were outside Vegan Pind. It is my view that these persons had come from the venue which was in the process of closing. • Given the number of patrons, I was surprised to see no security. • There was one individual who appeared to be the owner that spoke to police briefly. • Patrons were permitted to re-enter the venue to gather belongings and use the toilet. • There seemed to be a lack of staff at the venue to deal with the crowd and dispersal appropriately. • The main suspect (based on description) and remained inside the venue and there was no effort by staff to remove him or his associates. This avoided the opportunity of the victim pointing him out to police who was outside the venue. • There was a distressed female who said her bag was inside the kitchen of the venue and it was stolen. This was subsequently retrieved by police who said there was cannabis inside the bag. 	
Signature:	Signature Witnessed by: