

Minutes of Licensing Sub-Committee

27 April 2023

Present:

Councillor R.W. Sider BEM
Councillor S.A. Dunn
Councillor A.C. Harman

In attendance for the applicant:

Sumayrah Rahman, Applicant
Rob Edge, Director, License Leader

In attendance for the Local Licensing Authority:

Laura McCulloch, Licensing Enforcement Officer
Lucy Catlyn, Principal Licensing Officer

Other parties in attendance:

Councillor Karen Howkins, representee against the application

9/23 Disclosures of Interest

There were none.

10/23 To consider an application for a Premises Licence at Royal Grill, 98 Windmill Road, Sunbury-on-Thames TW16 7HB in the light of representations

The Chairman introduced the members and officers present and welcomed everyone to the meeting.

The Chairman asked all parties present to introduce themselves. He then explained the procedure to be followed at the hearing.

The Council's Licensing Enforcement Officer summarised the application which was set out in full in the report.

The hearing continued in accordance with the procedure.

Having heard the evidence presented, the Sub-Committee retired to consider and determine the application, having regard to the licensing objectives on prevention of public nuisance, and prevention of crime and disorder.

Upon reconvening, the Chairman gave the Sub-Committee decision.

The full decision with reasons would be notified to the applicant and other parties within five working days of the hearing.

Resolved that the Premises License at Royal Grill, 98 Windmill Road, Sunbury-on-Thames TW16 7HB be granted subject to conditions in accordance with the decision notice attached.

Please reply to:

Contact: Matthew Williams
Service: Committee Services
Direct line: 01784 448576
E-mail: m.williams@spelthorne.gov.uk
Our ref: MW/LIC
Date: 2 May 2023

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the Licensing Act 2003

Date of Licensing Sub-Committee: 27 April 2023

Applicant: Royale Grill & Dessert Ltd (CRN 14553974) whose registered office is at 98 Windmill Road Sunbury-on-Thames TW16 7HB

Application: Application for a Premises Licence for the provision of late night refreshment at the Premises

Premises: "Royal Grill" 98 Windmill Road, Sunbury-On-Thames TW16 7HB

REASON FOR HEARING: Application for a premises licence under section 17 of the Licensing Act 2003

DECISION

The application for a Premises Licence is granted subject to agreed conditions

with effect from 27 April 2023

SPELTHORNE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE REASONS FOR DECISION 27 April 2023

1. The Sub-Committee followed the procedural guidelines attached to the agenda for the hearing (Item 2) and considered all of the evidence before it, which included the following:-
 - The contents of the report prepared Laura McCulloch, Licensing Officer dated 27 April 2023, together with appendices A to K (“the Report”);
 - Oral and written representations by Councillor Karen Howkins, Ward Councillor for Laleham and Shepperton Green;
 - Written representations from Ms Nichola Rose, local resident;
 - Oral representations by Licensing Officer, Laura McCulloch;
 - Oral and written representations by Rob Edge of Licence Leader Ltd on behalf of the Applicant;
 - Spelthorne Borough Council Statement of Licensing Policy;
 - National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, revised December 2022;
 - Proposed conditions which had been agreed between the Applicant and the Licensing team in advance of the hearing.

Background

2. The Sub-Committee considered all the information provided in the Report.
3. The Premises currently operates as a restaurant offering an eat-in and takeaway service on:
 - Monday to Wednesday from 12 noon to 10.30pm; and on
 - Thursday to Sunday between the hours of 12 noon and 11pm.

No alcohol is sold currently at the Premises and it was noted that application for a premises licence stated there was no intention on the part of the Applicant to sell alcohol from the Premises.

4. The Applicant seeks a premises licence for the provision of late night refreshment in order to provide 7 days a week:
 - Eat-in, takeaway & delivery between the hours of 12 noon and 11pm; and
 - Takeaway and delivery only between the hours of 11pm and 2am.

5. Following receipt of the application by the Applicant, the Authority carried out the requisite statutory public consultation and received two relevant representations from 'other persons,' who were concerned about noise, litter and anti-social behaviour.
6. No representations were received from any of the Responsible Authorities.
7. The Applicant had agreed conditions for the proposed licence with the Licensing team in advance of the hearing, which had included input from the Environmental Health team.
8. The Applicant's agent, Rob Edge from Licence Leader Ltd, had been in contact with both Ms Nichola Rose and Councillor Howkins in advance of the hearing in order to attempt to mediate, however neither of the other persons were ultimately willing to withdraw their representations.
9. During the Licensing Sub-Committee hearing conducted on 27 April 2023, the Sub-Committee heard and considered oral representations made by:
 - Councillor Howkins on behalf of for the residents of Laleham and Shepperton Green;
 - The Applicant, Royale Grill & Dessert Ltd, who was represented by its agent, Rob Edge of Licence Leader Ltd;
 - Laura McCulloch, Licensing Officer, Spelthorne Borough Council.

Summary of Oral Representations

Laura McCulloch, Licensing Officer

10. Laura McCulloch set out the contents of the Report and explained to the Sub-Committee members that no representation had been put forward by the Licensing team because the Applicant had worked with the Licensing and Environmental Health teams to agree conditions to be put on the licence, which were felt to be sufficient to deal with the representations received. No previous complaints had been received about the premises.

Rob Edge of Licence Leader Ltd on behalf of the Applicant

11. Mr Edge reiterated that the Applicant had no intention of selling alcohol from the premises. The company had been set up by Sumayrah Rahman in December 2022. The Premises was undergoing refurbishment and had been rebranded with new signage. Mr Edge noted that none of the Responsible Authorities had put in a representation, so all appear to be happy with the application. Conditions had been agreed in advance with the Licensing Team. The

Applicant has been happy to receive his advice and he has addressed the points raised in the representations in training with staff. Policies had been put in place, including a noise management policy and a policy for assisting delivery drivers. It is a key premises in the area and the Applicant intended to work with local residents to find harmony. Mr Edge pointed out that residents could call for a review of the licence if they believed the Applicant was not upholding the licensing objectives.

12. In answer to questioning by the Sub-Committee Members, Mr Edge stated that his client, Sumayrah Rahman, had little experience of running a business, save that her father has knowledge of the takeaway business. She is a paralegal and a trainee solicitor, so she had enlisted Licence Leader Ltd to assist her in how to run the business and uphold the licensing objectives. There is a great demand for takeaways in the locality, the demand for such greatly outweighs the need for dine in. In total there are 5 members of staff, not less than 2 will be working at any one time, so one member of staff can monitor noise whilst the other deals with the orders. It is difficult to control noise, but staff would do their best to mitigate noise with the noise management plan in place. Mr Edge had comprehensively trained all the staff and a staff training record is available. Suitable signage reminding delivery drivers to keep quiet would be put up in a prominent place. The premises is located on a busy main road but at 11pm there would be less traffic.
13. In response to points raised by Councillor Howkins who told the Sub-Committee she had a background in licensing and queried how staff were trained, Mr Edge said that training for late night refreshment was very different to that of a premises that sold alcohol and in 40 to 45 minutes he had comprehensively trained the staff. Councillor Howkins further queried how staff could be properly trained in such a short period of time and before today's hearing had been completed. Councillor Howkins felt the training given would be insufficient.
14. Mr Edge voluntarily offered up modifications to the agreed conditions for the licence on behalf of the Applicant as follows:
 - staff would encourage the delivery drivers not to park on the pavement outside the neighbouring residential houses
 - the Premises would close at 1am instead of 2am
 - no rubbish would be removed from the Premises between the hours of 10.30pm and 8am
 - last orders would be taken at 12.45am instead of 1.45am.

A copy of the amended conditions is appended to this decision.

15. In summing up, Mr Edge reminded the Sub-Committee that none of the 8 Responsible Authorities had submitted objections to the application. His attempts at mediation with the 'other persons' showed that the Applicant intended to run the business in a professional manner and demonstrated acting with due diligence throughout the application

process. The extraction fan identified as an issue by Councillor Howkins had been inspected by the Environmental Health team and given a 5 star rating and the skip which had been outside the premises during the refurbishment had been removed. It was very difficult for the Applicant to control the behaviour of others outside the Premises, including where people chose to park.

Councillor Karen Howkins

16. Councillor Howkins, Ward Councillor of Laleham and Shepperton Green, represented local residents at the Sub-Committee hearing. She explained to the Sub-Committee that she had been contacted by a number of residents who have concerns about noise, shouting, motorbikes and the Premises generally not being kept in order. It was not a quiet establishment and was interrupting people's quality of life. All of her residents wished to remain anonymous as they live close to the Premises. The Premises is in a residential area and had undergone extensive refurbishment. The noise emanating from the Premises was leaving residents feeling very stressed.
17. Councillor Howkins stated there was no parking available for the Premises and delivery drivers were driving up to the window of the adjoining residential premises, picking up food and driving off or parking directly outside the adjoining residential property and revving their engines.
18. Councillor Howkins had personally conducted a site visit of the Premises on Sunday 23 April 2023 at around 4pm to 5pm and witnessed delivery drivers parking outside the neighbouring residential premises on the pavement and the staff members parking on double yellow lines. Parking is an issue.
19. Councillor Howkins also raised issues about a noisy extraction unit at the premises, but noted that the mess at the rear of the shop had been tidied up and the red clothes collection box had been removed. She was concerned about people under the influence of alcohol coming to the premises and wanted a condition added to the licence that alcohol could not be brought to the premises.

Adjournment

20. The Sub-Committee took an adjournment of 30 minutes to review and consider the evidence before it and the modified conditions proposed by the Applicant.

Findings

The prevention of crime and disorder and the prevention of public nuisance

21. The Sub-Committee has carefully considered all the evidence before it, including both the written and oral representations, together with its Statement of Licensing Policy and the Secretary of State's Guidance issued under the Licensing Act 2003. The impact of the Human Rights Act 1998, the Equality Act 2010 and s17 of the Crime and Disorder Act 1998 have been considered whilst making this decision. The Sub-Committee is mindful of its duty to promote all the licensing objectives and particularly in this case: the prevention of crime and disorder and the prevention of public nuisance.
22. In reaching its decision, the Sub-Committee took into account that not one of the Responsible Authorities had made a representation objecting to the grant of the premises licence and no previous complaints about the Premises had been received by the Licensing, Planning or Environmental Health teams.
23. The Sub-Committee also took account the fact that the Applicant had sought professional help with setting up her business and training her staff and had taken reasonable steps to mitigate noise during licensable hours.
24. The Sub-Committee regards that the conditions proposed for the premises licence, as varied by the proposals offered up by the Applicant at the hearing, are proportionate, reasonable and promote the licensing objectives and it did not consider that such conditions needed any further modification or amendment. The Sub-Committee did not consider it appropriate or proportionate to refuse the application on the basis of the evidence presented. Local residents can be reassured that where the grant of an application leads to an adverse impact on the licensing objectives, a review of the licence can be brought.

Decision

25. The application for a premises licence is granted subject to the agreed amended conditions, a copy of which is annexed to this decision.

Right of Appeal

26. You have a right to appeal this decision to the Magistrates' Court under Section 181 of the Licensing Act 2003. The circumstances in which parties may appeal are detailed in Schedule 5 to the Licensing Act 2003. You must appeal within 21 days of receipt of the date of this Decision Notice. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Surrey Courts Administration Centre can be contacted on 01483 405 300.

Councillors: R.W. Sider BEM (Chairman), S Dunn & T Harman

Date of Decision: 27 April 2023

Date of Notice: 2 May 2023

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SPELTHORNE BOROUGH COUNCIL

Council Offices, Knowle Green,
Staines, TW18 1XB

PREMISES LICENCE

Premises licence number 23/00088/LAPRE
Issue Date 27.04.2023
Latest Revision 27.04.2023

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Royal Grill 98 Windmill Road Sunbury-on-Thames TW16 7HB			
Post town	Sunbury-on-Thames	Post code	TW16 7HB

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Late Night Refreshment
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The times the licence authorises the carrying out of licensable activities Late Night Refreshment - Every Day from 23:00 until 01:00
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The opening hours of the premises Every day from 12:00 until 01:00
--

Where the licence authorises supplies of alcohol whether these are on and/or off supplies N/A

Part 2

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

Royale Grill & Dessert Ltd
Sumayrah Rahman
98 Windmill Road
Sunbury-on-Thames
TW16 7HB

Royalgrill.deserts@gmail.com

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

14553974

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

N/A

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

N/A

Signed _____

Principal Licensing Officer

Dated 27 April 2023

Annex 1 - Mandatory conditions

None apply

Annex 2 - Conditions consistent with the Operating Schedule

1. Comprehensive Training will be given to staff in relation to the conditions of the Premises Licence and in crime prevention measures. A record of everyone training will be always maintained and be available for inspection at the premises by a Responsible Authority.
2. Customers will not be permitted to bring alcoholic drinks into the premises.
3. Litter bins located in the premises will be cleared regularly and routine checks will be completed adjacent to the building to ensure no littering is made outside and rubbish will not be removed from the Premises between 22:30hrs and 08:00hrs.
4. Eat in is only to be permitted till 23:00hrs after this hour only delivery is permitted. The only access after 23:00hrs will be food pick up.
5. Last orders to be taken by 00:45hrs.
6. CCTV to be in operation for 24 hrs and monitor will be placed to review images and videos with access available for police and council at any given time or upon request.
7. Have signage displayed in the customer area to advise that CCTV is in operation.
8. Delivery drivers to respect the needs of residents whilst outside the premises and to leave the premises and the area quietly.
9. Whilst delivery drivers wait for order collections, they must turn off engines and turn down their radios.
10. Prominent clear and legible notices displayed at all exits and outside requesting the public to respect the needs of local residents and to leave the premises and the area quietly and to turn off engines and turn down their radios.
11. Staff will ensure that customers waiting outside do not cause a disturbance to local residents.
12. All outside seating and furniture must be removed by 23:00hrs.
13. Delivery drivers shall be advised not to park outside the neighbouring residential premises whilst waiting to collect their orders.

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

Annex 4 – Plans

Attached

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