



Please reply to:

Contact: Matthew Williams
Service: Committee Services
Direct Line: 01784 446224
E-mail: m.williams@spelthorne.gov.uk
Date: 19 April 2023

Notice of meeting

Licensing Sub-Committee

Date: Thursday, 27 April 2023

Time: 2.00 pm

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

To the members of the Licensing Sub-Committee

Councillors:

R.W. Sider BEM

S.A. Dunn

A.C. Harman

Substitute Members: Councillors

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.

Amended Summons

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

5 - 66

The Report of the Deputy Chief Executive is attached.

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



Please reply to:

Contact: Matthew Williams
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Direct Line: 01784 446224
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Date: 18 April 2023

Notice of meeting

Licensing Sub-Committee

Date: Thursday, 27 April 2023

Time: 2.00 pm

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

To the members of the Licensing Sub-Committee

Councillors:

R.W. Sider BEM

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3 - 68

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

Licensing Act 2003

Hearing procedure for Licensing Sub-Committee – premises licence applications

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

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

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

GUIDANCE NOTES

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

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

Licensing Sub-Committee



27 April 2023

Title	Application for a Premises Licence Applicant: Royale Grill & Dessert Ltd (CRN 14553974) Premises: "Royal Grill," 98 Windmill Road, Sunbury-on-Thames, TW16 7HB
Purpose of the report	For Determination
Report Author	Laura McCulloch (Licensing Enforcement Officer) (01784 446450)
Ward(s) Affected	Laleham and Shepperton Green

Description and Location	<p>Sumayrah Rahman, the sole director of Royale Grill & Dessert Ltd has applied for a grant of a premises licence for the provision of late-night refreshment.</p> <p>"Royal Grill" is located at 98 Windmill Road, Sunbury-on-Thames, TW16 7HB. The restaurant currently offers an eat-in and takeaway service. Alcohol is not sold at the premises.</p> <p>The location plan is attached at Appendix A.</p>
The Application	<p>The application is to determine the grant of a premises licence for:</p> <p>The provision of late-night refreshment 2300hrs till 0200hrs Monday to Sunday</p> <p>The opening times applied for. 1200hrs – 0200hrs Monday to Sunday</p> <p><u>Note:</u> 1200hrs – 2300hrs Eat in, takeaway & delivery 2300hrs – 0200hrs Takeaway & delivery only</p> <p><u>Further Note:</u> The Applicant is not seeking permission to sell alcohol at the premises.</p>

	The application form is attached at Appendix B . The licensable area plan is attached at Appendix C .
Representations	<p>Relevant representations have been received from two 'other persons'.</p> <p>No relevant representations have been received from any of the relevant authorities.</p> <p>The representations are attached at Appendix E.</p>
Options	<p>1. The Sub-Committee is requested to consider the application for the grant of a premises licence for the provision of late-night refreshment on its merits.</p> <p>2. Having had regard to the representation, the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The options are:</p> <ul style="list-style-type: none"> • To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or • To grant the application and modify the conditions of the licence, by alteration, addition, or omission; or • To reject the application.

1. Summary of the report

- 1.1 This is an application for a new premises licence for the provision of late-night refreshment for premises which is described in the Premises licence application form as a restaurant.
- 1.2 A plan of the premises is attached at **Appendix C**.
- 1.3 This restaurant is currently being run as an eat in and takeaway service. The opening hours are:

Monday – Wednesday 1200hrs - 2230hrs
Thursday - Sunday 1200hrs - 2300hrs

2. Application Summary

- 2.1 **Licensable activities proposed.**
- Late night refreshment
- 2.2 **The times proposed for the carrying out of licensable activities.**
- 2300hrs - 0200hrs Monday to Sunday, during these hours only a takeaway service is offered.

- 2.3 **The proposed opening hours of the premises**
- 1200hrs - 0200hrs Monday to Sunday
- 2.4 There are no other premises with similar opening times in the vicinity of Windmill Road or Sunbury.
- 2.5 The Applicant details in the submitted plan that the only areas they wish to be licenced are the till/counter area to the front and the kitchen area to the rear.
- 2.6 The application has been consulted upon and adverts published in line with the regulations for the Licensing Act 2003. The application was advertised in the Surrey Advertiser on 10 March 2023.
- 2.7 Details of the application have been published on the Council's website.

3. Promotion of the Licensing Objectives & conditions agreed by applicant.

- 3.1 Box M of the application form (**Appendix B**) details the proposed steps to be taken by the Applicant to promote the licensing objectives should the licence be granted.
- 3.2 However, the Licensing Authority and the Applicant have since agreed replacement conditions for the premises licence should it be granted, and these are attached at **Appendix D**.
The Applicant initially agreed to all but one of the conditions proposed by the Licensing Authority. The condition which was in contention is:

“Customers are to place orders electronically or by phone after 2300hrs, this needs to be in place to mitigate the risk people are sitting inside for long periods of time or outside disturbing residents.”

The Applicant's reasoning for rejecting the condition was that it felt that not all customers wish to place orders by electronic means and stated:

“Condition no 2 is not acceptable, every single customer cannot or don't want to place their order electronically. 90% orders will be electronically but not 100%, if we force our customers to put their orders online electronically we will be losing customers”

The Licensing Authority ultimately agreed to take this condition out and accordingly, as of 14 March 2023 the parties now have a set of agreed conditions.

- 3.3 Environmental Heath have agreed conditions with the applicant in the 8 March 2023, set out in **Appendix D**.
- 3.4 Neither the Licensing, Planning nor the Environmental Health teams have received historic complaints about the premises.

4. Representations

4.1 **Representations from Responsible Authorities**

4.2 There are no representations from any of the Responsible Authorities.

4.3 **Representations from 'other persons'**

4.4 Two relevant representations have been received and are attached at **Appendix E**.

4.5 The grounds for objection are summarised below in relation to each Licensing Objective.

Prevention of public nuisance

- Fear that the extension of hours will make the noise from customers or delivery drivers worse for residents.

Prevention of crime and disorder

- Increase in anti-social behaviour

4.6 A copy of the representations received were sent to the Applicant on 24 March 2023. The Applicant's response to this was to ask for extra time to arrange for legal representation at the hearing. The Applicant's legal representative subsequently contacted the representees in response to their representations. The response to the representees is annexed at **Appendix F**.

4.7 The representees' response to this is annexed under **Appendix G**. Neither of the representees were willing to withdraw their representations.

4.8 On the 5 April 2023, one of the representee's submitted a further representation concerning customer seating outside the premises. This has been investigated and the seating appears to be located on private land which is not owned by Surrey County Council therefore would not be licensable. There may be planning considerations which are a separate matter, not for consideration by the Licensing Sub-Committee. See **Appendix H** and the Surrey County Council Highways Map in **Appendix I**.

4.9 To date there has been no previous complaints received by the Licensing Team prior to the application regarding the Royal Grill or its operation. Environmental Health and Planning have also confirmed the same of their departments.

4.10 Issues which are not relevant to the licensing objectives and cannot be considered by a Licensing Sub-Committee:

- Objections based on the public's need, or lack of need for a late-night takeaway service.
- Parking, or other issues relating to general amenity rather than licensing objectives.
- The presence of seating outside the front of the premises, this itself is not a licensable activity under Pavement Licencing as it is not located on the public highway.

- The presence of a skip in front of the premises

5. Licensing Policy

5.1 The Sub-Committee must have regard to the Council's own Statement of Licensing Policy when determining this application. The following sections of the Council's Licensing Policy are relevant to this application and are attached at **Appendix J**:

- 17.0 Licensing Hours
- 17.1 General
- 17.3 Late night takeaways
- 25.7 Public Nuisance
- 25.7.1 Noise

6. National Guidance

6.1 The Sub-Committee must also have regard to the revised Guidance issued in December 2022 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 K**:

- Paragraphs 2.1 – 2.6 Crime and Disorder
- Paragraphs 2.15 – 2.21 Public Nuisance
- Paragraphs 3.1 – 3.2 Licensable activities
- Paragraphs 3.12 – 3.20 – Late night refreshment
- Paragraphs 9.1 – 9.10 Determining Applications
- Paragraphs 9.31 – 9.41 Hearings
- Paragraphs 9.42 – 9.44 Determining actions that are appropriate for the promotion of the licensing objectives.
- Paragraphs 10.13 – 10.15 Hours of trading
- Paragraphs 14.51 – 14.52 Licensing hours

7. Making a decision

7.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

7.2 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.

- 7.3 The Sub-Committee must consider the application, relevant representations, and evidence provided by the parties at the hearing and within the report documentation.
- 7.4 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and the Council's own Statement of Licensing Policy.
- 7.5 The Sub-Committee must give reasons for its decision.
- 7.6 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.
- 7.7 Conditions on licences must:
- be precise and enforceable.
 - be unambiguous.
 - not duplicate other statutory provisions.
 - be clear in what they intend to achieve; and,
 - be appropriate, proportionate, and justifiable.
- 7.8 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.
- 7.9 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.

Appendices:

Appendix A – Location Plan

Appendix B – Application

Appendix C - Plan

Appendix D – Proposed and Agreed conditions with Licensing Authority

Appendix E – Representations from other persons

Appendix F – Documents lodged.

Appendix G – Replies to documents lodged.

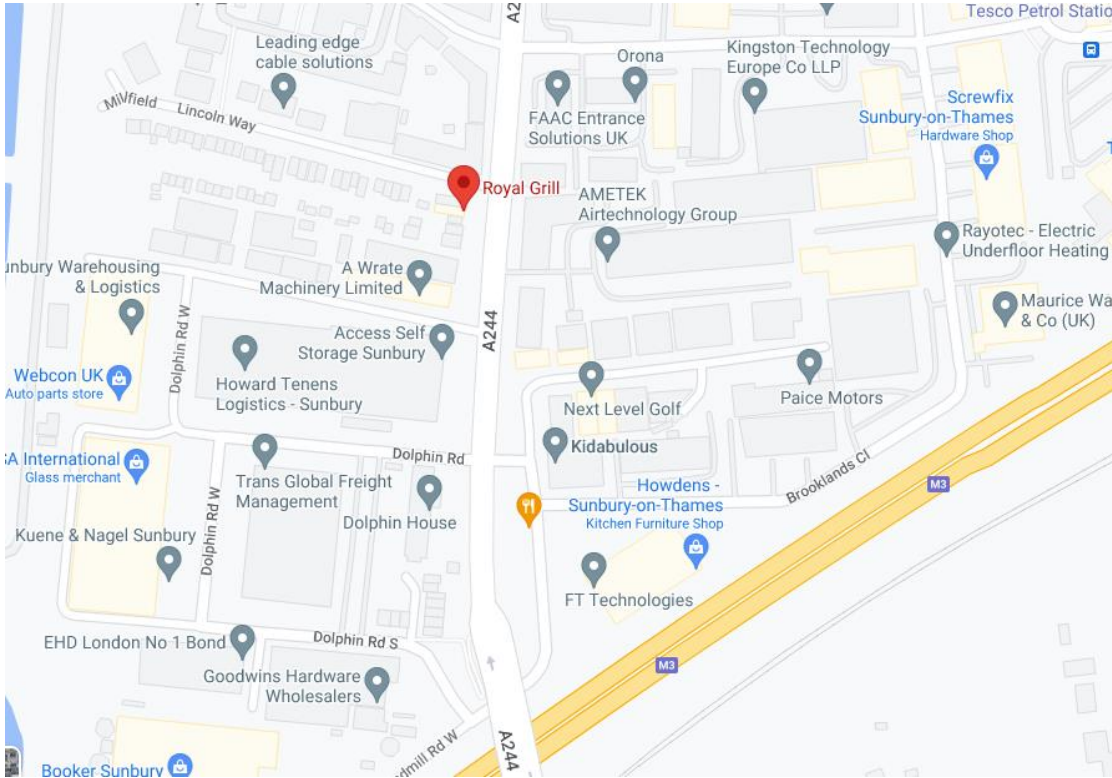
Appendix H – Email regarding seating

Appendix I – Surrey County Council map of public highway.

Appendix J- Relevant sections of Spelthorne Borough Council's Statement of Licensing Policy 2019-2024, paragraphs 17.1,17.2,17.3, 25.7,25.7.1

Appendix K – National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 revised guidance December 2022: 2.15-2.21, 3.1,3.2, 3.12-3.20, 9.1 -9.10, 9.31-44. 10.13-10.15, 14.51, 14.52

Location



The restaurant is located on the A244, this is a mixture of industrial units and residential. The Royal Grill has residential properties either side and Lincoln Way where there is the only parking available opposite the flats on the road as pictured below.



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Spelthorne Borough Council

**Application for a premises licence to be granted
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/We Royale Grill & Desserts Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises Details

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

Telephone number at premises (if any)	01932 781818
Non-domestic rateable value of premises	£5700

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name	Company name: Royale Grill & Desserts Ltd / Director name: Sumayrah Rahman
Address	98 Windmill Road Sunbury-on-Thames TW16 7HB
Registered number (where applicable)	14553974
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited company
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	0
2	2	0
2	3	

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

DD	MM	YYYY
D	D	D
D	D	D
D	D	D

Please give a general description of the premises (please read guidance note 1)

Our restaurant is based in 98 windmill Road and it shares wall with two neighbouring properties, its situated in sunbury-on-thames, facing main road A244. The restaurant serves as a eat-in and takeaway service, the counter is at the front of the shop and the kitchen at the back, with various size tables seatings two to eight. The shop has a large open area in front of the shop and we put out tables and chairs outside during the day in warm months. The shop does not sell any alcohol and we do have no intentions in the near or distant future to change this decision.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00pm	23:00pm	Please give further details here (please read guidance note 3) 12:00pm to 23:00pm - Eat in, takeaway & delivery 23:00pm to 02:00am - Takeaway & delivery only		
	23:00pm	02:00am			
Tue	12:00pm	23:00pm			
	23:00pm	02:00am			
Wed	12:00pm	23:00pm	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
	23:00pm	02:00am			
Thur	12:00pm	23:00pm			
	23:00pm	02:00am			
Fri	12:00pm	23:00pm	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
	23:00pm	02:00am			
Sat	12:00pm	23:00pm			
	23:00pm	02:00am			
Sun	12:00pm	23:00pm			
	23:00pm	02:00am			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol! (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri								
Sat								
Sun								

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
			12:00pm to 23:00pm - Eat in, takeaway & delivery 23:00pm to 02:00am - Takeaway & delivery only
Day	Start	Finish	
Mon	12:00pm	23:00pm	
	23:00pm	02:00am	
Tue	12:00pm	23:00pm	
	23:00pm	02:00am	
Wed	12:00pm	23:00pm	
	23:00pm	02:00am	
Thur	12:00pm	23:00pm	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
	23:00pm	02:00am	
Fri	12:00pm	23:00pm	
	23:00pm	02:00am	
Sat	12:00pm	23:00pm	
	23:00pm	02:00am	
Sun	12:00pm	23:00pm	
	23:00pm	02:00am	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We believe that we will be providing a low-risk service as past 11pm as we will not allow socialising because the eat-in service will be closed. The only operating areas of the restaurant will be the counter and till to take orders and payments and the kitchen to prepare the hot and cold food. Last orders will be taken by 01:45am.

b) The prevention of crime and disorder

we do not have alcohol license and as a company we will never apply for to sell alcohol in our business nor will customers be allowed to bring alcohol. Customers/drivers are usually only in the shop for a matter less than 10 minutes, during this time their food is packaged for them whilst they pay for their order. CCTV is in operation for 24 hrs and monitor will be placed to review images and videos with access available for police at any given time or upon request.

c) Public safety

Public safety is very important, our staff have adequate training and certificates for food hygiene, safety for catering and health and safety. Litter bins will be cleared located in the premises and routine checks will be completed adjacent to the building to ensure no littering is made outside. Eat in will be only allowed until 23:00hrs.

d) The prevention of public nuisance

We will not have any nuisance as there will be no entertainments in the forms of live music, films, indoor sporting events, recorded music etc. prominent and clear signage will be posted for delivery drivers and customers to respect the local residents and turn off idle engines and leave the premises quietly. Staff will be comprehensively trained in the conditions of the premises license and ensure customers waiting outside or in the premises after 23hrs do not cause any disturbance.

e) The protection of children from harm

This question is not relevant to the application, our application is to provide a late night hot food and refreshment takeaway service, there is no provision for children inside the restaurant past 11pm as the eat-in area will be closed. All orders will be takeaway or deliveries only.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	01/03/2023
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

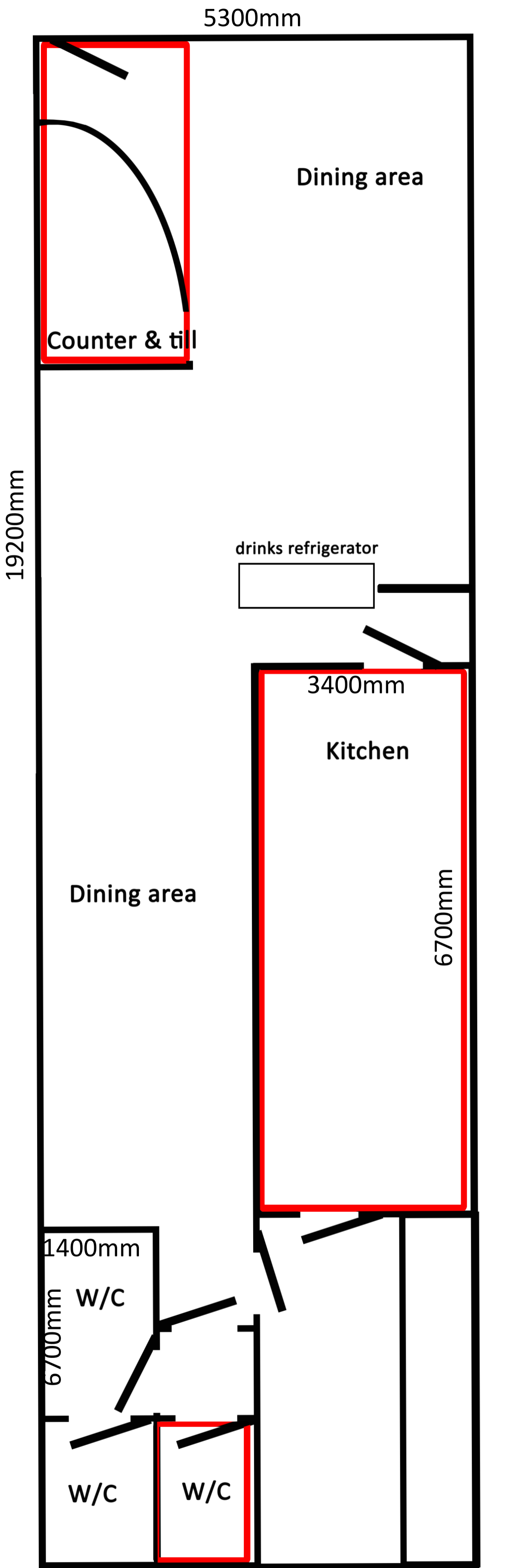
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Premises Plan

Appendix C

Royal Grill & Desserts

98 Windmill Road, Sunbury-on-Thames, TW16 7HB



proposed operating area
11pm-2am Page 35

Scale 1:389

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Royal Grill proposed conditions by the Licensing Authority.

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 will be cleared located in the premises and routine checks will be completed adjacent to the building to ensure no littering is made outside.
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. Customers are to place orders electronically or by phone after 23:00hrs, this needs to be in place to mitigate the risk people are sitting inside for long periods of time or outside disturbing residents.
6. Last orders to be taken by 01:45hrs.
7. 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.
8. Have signage displayed in the customer area to advise that CCTV is in operation.

EH agreed conditions.

1. Delivery drivers to respect the needs of residents whilst outside the premises and to leave the premises and the area quietly.
2. Whilst delivery drivers wait for order collections, they must turn off engines and turn down their radios.
3. 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.
4. Staff will ensure that customers waiting outside do not cause a disturbance to local residents.
5. All outside seating and furniture must be removed by 23:00hrs.

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**Premises Licence Application
Documents lodged on behalf of
- Royale Grill & Desserts Ltd**

Licensing Sub-Committee - 27 April 2023 1000 hrs

Documents lodged on behalf of Applicant.

Acting for the Premises Licence Holder, I have given full regard to:

- The licensing objectives set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The Guidance issued under Section 182 of the Act.
- Those who have objected to this application.

Attached to this pack are the following Annexes in support of the application for this premises licence :

- A. Response letters to those who have objected to the application.
- B. Noise Management Plan.
- C. Incident Log
- D. Customer/Driver signage

On behalf of the applicant, I have continued to attempt mediation since the subcommittee hearing date was set and I was appointed to act on behalf of the applicant.

Rob Edge (Director)
Alcohol Premises Licensing Services
Licence Leader Ltd.
Email. rob.edge@licence-leader.co.uk
Web. www.licence-leader.co.uk
Tel. 07982917819

From: Rob Edge. (Agent for the applicant)
Licence Leader Ltd
rob.edge@licence-leader.co.uk
Mob. 07982917819

To: Cllr.Howkins@spelthorne.gov.uk

4 April 2023

CC. Licensing Authority. licensing@spelthorne.gov.uk

Dear Councillor Howkins,

Premises Licence Application- Licensing Act 2003. Royale Grill & Desserts Ltd

Good afternoon,

Many thanks for your email in relation to this premises licence application. I am the licensing agent acting on behalf of the applicant for this premises licence and would like to communicate with a view to mediation.

I am hopeful that I am able to answer the concerns you have raised and that once you see what policies, procedures and additional measures that are in place, this will allay any concerns you may have.

The application for the hours requested does not mean that the premises will be open for all of these hours and that when it is, this will only be for "Late Night Refreshments" i.e. The delivery/collection of hot food and drinks; and does not include any sale of alcohol during these additional hours.

There will be very robust set of conditions within the premises licence application in order to uphold the licensing objectives, along with Policies and Procedures in place for the safe and efficient running of the premises, including, not least:

- Noise Management Plan
- Staff training and operations manual (Licensing Act 2003)
- Refusals log
- Challenge 25 and policy
- Signage to show respect for our neighbours/car parking.
- 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.
- 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.
- Customers will not be permitted to bring alcoholic drinks into the premises.
- Litter bins will be located in the premises and routine checks will be completed adjacent to the building to ensure no littering is made outside.
- CCTV to be in operation for 24 hrs and monitor will be placed to review images and videos with access available for Responsible Authorities at any given time or upon request. CCTV will be kept for 31 days.
- Last orders to be taken by no later than 01:45hrs.

There is a strong management team at the premises, and the effective management can and will resolve any areas of concern and ensure that the conditions within the operating schedule are fully met.

I would like to think that I have fully addressed your concerns and that you may now consider withdrawing your representation.

If you would like to discuss the matter further, I am available via email or telephone.

Kind regards

Rob Edge (Director)

Licence Leader Ltd

From: Rob Edge. (Agent for the applicant)
Licence Leader Ltd
rob.edge@licence-leader.co.uk
Mob. 07982917819

To: Nichola & James Rose. (**Via Licensing Authority**) 4 April 2023

CC. Licensing Authority. licensing@spelthorne.gov.uk

Dear Nichola & James Rose.

Premises Licence Application- Licensing Act 2003. Royale Grill & Desserts Ltd

Good afternoon,

Thank you for your email in relation to this premises licence application. I am the licensing agent acting on behalf of the applicant for this premises licence and would like to communicate with a view to mediation.

I am hopeful that I am able to answer the concerns you have raised and that once you see what policies, procedures and additional measures that are in place, this will allay any concerns you may have.

The application for the hours requested does not mean that the premises will be open for all of these hours and that when it is, this will only be for "Late Night Refreshments" i.e. The delivery/collection of hot food and drinks; and does not include any sale of alcohol during these additional hours.

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- Signage to show respect for our neighbours/car parking.
- 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.
- 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.
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There is a strong management team at the premises, and the effective management can and will resolve any areas of concern and ensure that the conditions within the operating schedule are fully met.

I would like to think that I have fully addressed your concerns and that you may now consider withdrawing your representation.

If you would like to discuss the matter further, I am available via email or telephone.

Kind regards

Rob Edge (Director)

Licence Leader Ltd

Noise Management Plan - Royal Grill

1. Purpose of the Noise Management Plan

This noise management plan is to consider the management and control of noise from the premises, in order to uphold the licensing objective of Public Nuisance.

The management team of this premises are committed to proactive management of noise and the purpose of this document is to identify and implement procedures, which will minimise disturbance to residents and other noise sensitive receptors. The intentions of those responsible to manage noise is shown in this commitment.

This plan is a “live document” which will evolve as the business moves forward and the operational requirements become clearer. Any review will be undertaken in full consultation with the relevant regulatory authorities to ensure compliance with the relevant licensing objectives in the longer term.

The Licensing Act 2003

The Act introduced a single integrated system for regulating the provision of entertainment and late-night refreshment. The provision of regulated entertainment to the public is relevant in terms of noise and in doing so those responsible must carry out their functions with the view to promoting the prevention of public nuisance being relevant in this instance.

In Summary

Overall, the approaches set out above are designed to balance the potential for disturbance in the local community against the enjoyable experience of the customers. The Regulated Entertainment will always be conducted to allow customers to hold a conversation, without the need to raise their voices – therefore the music will always be at a very reasonable level, ambient background music.

Noise Monitoring Procedure

Throughout the time that Regulated Entertainment takes place, staff will ensure that they carry out regular noise monitoring; and these will be recorded at Annex A. This will be carried out by conducting subjective / objective measurements at predetermined locations both internally on the site, and externally at the boundaries.

Delivery drivers

Whilst there is no formal mechanism for evaluating noise made by delivery drivers, consideration will be given to minimising such by briefing drivers on such topics as:

- a. Drivers must not leave engines running whilst they wait to collect their orders.
- b. Drivers must not use their horn, to attract anyone’s attention.
- c. Drivers must not slam car doors.
- d. Drivers are not to play their radio/discs and leave vehicle windows open whilst parked outside the restaurant.

Staff will always monitor the entrance and egress from the premises including the behaviour of those within the vicinity of the premises. This will help achieve orderly arrival and departure of persons and will reduce the risk of nuisance occurring.

Signage will also be in place requesting that patrons leave quietly and respect neighbours.

Procedure for Responding to and Dealing with Enquiries

Should any noise complaints be received, a member of staff will investigate the complaint and if noise levels are deemed unacceptable, immediate action will be taken to reduce the levels of the noise source.

Conclusion

The implementation of this Noise Management Plan is a pragmatic way of bringing the venue to life, understanding its relationship with neighbours. Likewise, it also looks to proactively engage with the community and relevant Responsible Authorities.

Noise Monitoring

Noise Observation Reporting

Monitoring Location	Date and Time	Subjective Assessment Measurements	Remedial Action Required and Taken
E.G., main site entrance	01/04/2023 2230 hrs	Noise from the venue, largely inaudible, occasional low bass beat detectable between lulls in traffic noise – unlikely to be audible to residential units	No action taken, but will continue to monitor at intervals

Complaints received.

Complainants address	Date and Time	Nature of complaint	Subjective assessment	Time of Visit	Remedial Action Required and Taken
E.G., xxxxx	01/04/2023 2345 hrs	What are they hearing, when and how affecting property? If this is regular, how long has it been happening		1. 2345 hrs	No action taken, Action taken to reduce noise levels to minimise any potential impact as levels at source can accommodate such reductions.

Incident Log Book Royal Grill

**Please use a separate page in this log for each incident.
Do not put yourself or staff at risk, call 999 or 101 when
appropriate.**

Staff should write an entry whenever an incident occurs.

Incident Report Log		
Date of incident	Time of incident	
Location	Value of Losses/Damage	
Description of Incident		
Images available	YES/NO	Are still images available
Was it reported to West Midlands Police	YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-		
Which staff member was involved with this incident		
What further action has been taken by Premises Licence Holder		
Final comments;		

**LICENSING ACT 2003
CUSTOMER NOTICE**

**When leaving the premises
customers are requested to respect
the needs of local residents &
leave the premises quietly avoiding
any unnecessary disturbance
Thank You**

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Replies to solicitor from representees

Cllr Karen Howkins

Sent: 05 April 2023 12:45

Dear Mr Edge

Thank you for taking the time to write to me.

I take on board your comments and look forward to discussing it on the 27th April.

Regards

Karen

Cllr Karen Howkins
Ward - Laleham & Shepperton Green

Nicola Rose

Sent: 10 April 2023 11:38

Dear Mr Edge,

Thank you for your communication and the contents therein.

I would counter with the following observations –

I am assuming that, in order to operate the business, as it currently is, the owners must have applied and been granted a licence with similar stipulations to those listed in the application for the extension of opening hours.

You have helpfully set out the conditions for the licence extension. I query your paragraph that states ‘the application for the hours requested does not mean the premises will be open for all these hours’. I find this somewhat ambiguous as they would need to be open in order to serve ‘late night refreshments’, and to quote - i.e. delivery and collection of hot food and drinks and this does not include any sale of alcohol during these additional hours. I would point out that there is currently no alcohol on sale at these premises.

Also there is no mention of the ‘Al Fresco’ dining area that was outside on the pavement all of last summer. As a matter of interest has the council granted this area a licence and, what will happen to all these tables and chairs after 11 O’clock? Will the owners be putting the furniture away or will all the delivery people be able sit outside while waiting to collect their deliveries?

It would appear you miss one of my main objections, which is the coming and going of delivery bikes past my front door, which, currently provides an extreme noise nuisance, particularly as my bedroom is at the front of the house. This ‘noise pollution’ is only going to increase into the early hours of the morning if this extension is granted.

I would also like to comment on your list of increased robust measures accompanying this application, as I must presume these should already be in place under the conditions of the current licence.

I therefore comment as follows:-

- 1) Noise management plan – this needs to be explained in full as to how this will be managed, as there is no management of the noise at present.
- 2) Staff training and operations manual – Surely there should already be one.
- 3 & 4) Refusals log and Challenge 25 policy. Please explain what this means.
- 5) Signage to show respect for neighbours/carparking. There currently is no signage and there is no car parking, apart from bikes left on the pavement outside my front door.
- 6) Eat in – My comments above cover this and I re iterate my remarks concerning the 'Al Fresco' dining area.
- 7) Comprehensive training – I would assume this would already have been carried out.
- 8) Litter bins – There are currently no litter bins and no routine checks. As a matter of interest I pick up a lot of the litter.

I do not feel this has alleviated any of my concerns. It is just the usual rhetoric associated with this type of application and I have no intention of withdrawing my objections.

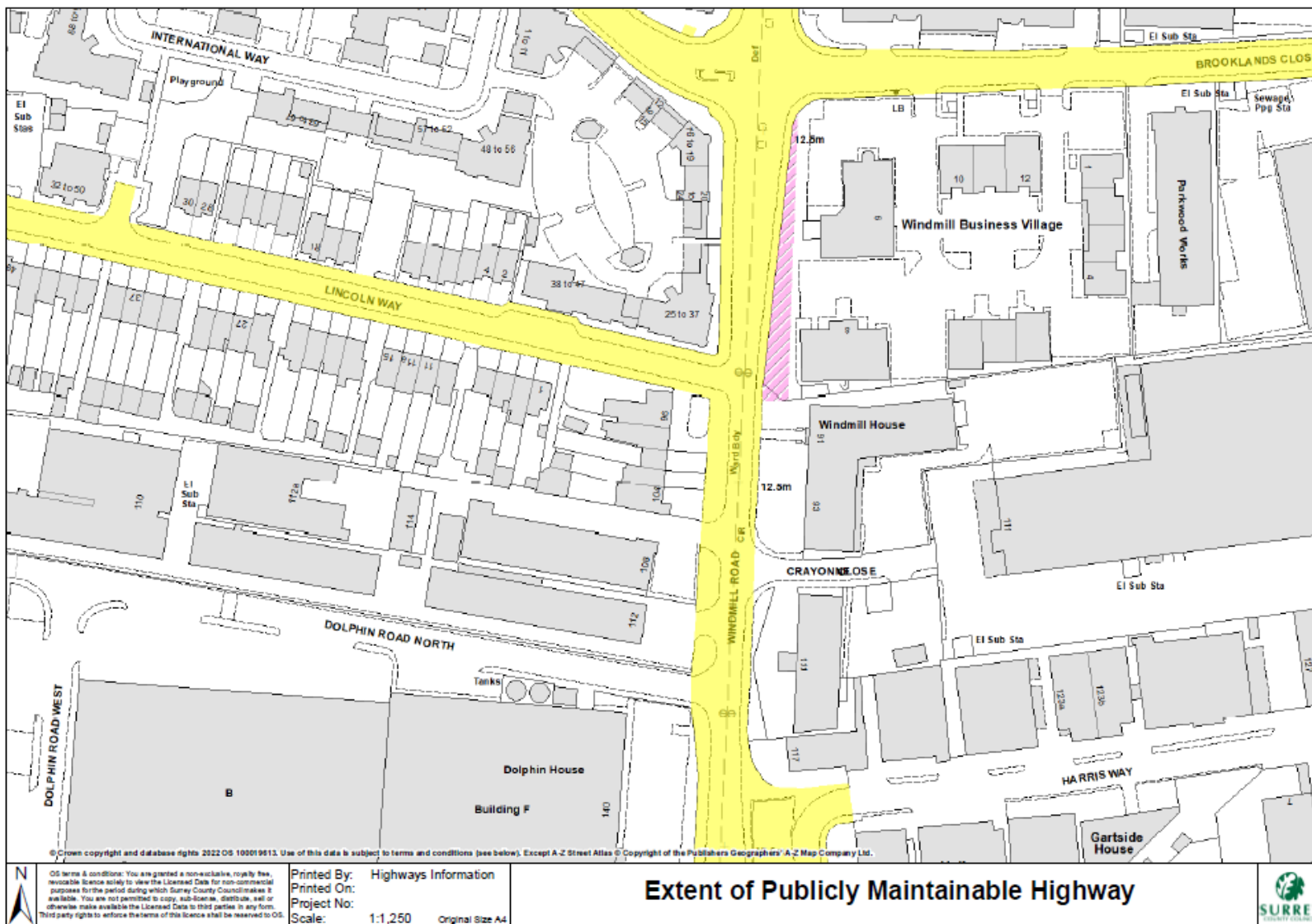
Yours sincerely
Nichola Rose.

From: Nichola Rose
Sent: Wednesday, April 5, 2023 11:22 AM

Good morning,
With regards to the up coming hearing on 27th April . I apologize if this is not an issue you would deal with but I would like it bought to the councils attention the 'al fresco' dining that took place last year outside the Royal Grill.
I xxxxxxx am badly affected by the noise and passage of people outside my house. My assumption is that where they have set up their tables and chairs is a public pathway and no permission has been granted for this to happen.
I feel this should be bought to the councils attention in connection with my objection to the extension of opening hours at the Royal Grill.
Thank you
Nichola Rose
PS. I will be sending a photograph of the current state of the pavement outside the Royal Grill on a separate email.
Thanking you again.



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**Relevant sections of Spelthorne Borough Council's Statement of
Licensing Policy 2019-2024**

- 17.0 Licensing Hours
- 17.1 General
- 17.3 Late night takeaways
- 25.7 Public Nuisance
- 25.7.1 Noise

17.0 Licensing Hours

17.1 General

Longer licensing hours can help to avoid the concentration of customers leaving premises at the same time, leading to friction at late night food outlets, taxi ranks and other sources of transport. It is also recognised that licensing hours should not restrict the development of safe evening and night-time entertainments that are important for investment and employment locally. However, providing consumers with greater choice and flexibility must always be balanced carefully against the rights of local residents to peace and quiet.

There is no general presumption in Spelthorne in favour of lengthening licensing hours: the overriding principle will be the promotion of the four licensing objectives.

Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas and/or where there has been a history of noise complaints. Please also see measures outlined under the "Public Nuisance" heading below.

Consideration will always be given to the individual merits of any application.

17.3 Late night takeaways

Applications for premises offering late night take away food and drink will be considered on their individual merits. However, such premises can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The density and closing times of other licensed premises in the vicinity will therefore be taken into consideration. Applicants for late night takeaways in Staines Town Centre will also be encouraged to include the provision of CCTV and use of town centre radios on their operating schedules.

25.7 Public Nuisance

Licensed premises can have a significant impact on communities from noise, litter, light, odour and anti-social behaviour.

25.7.1 Noise

It is recommended that operating schedules contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to

cause a problem to people living nearby. Applicants should provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

Measures could include:

- A simple requirement to keep doors and windows at the premises closed when music is being played
- Limiting amplified music to a particular area of the building
- Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
- Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- Fitting self-closing devices on doors so that they do not stay open.
- Monitoring noise levels at the perimeter of premises and taking action to reduce the volume if it is likely to disturb nearby neighbours, e.g. it could be too loud if the words of the song are clearly audible
- Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)
- Prominent clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises

**National Guidance issued by the Secretary of State under section 182 of
the Licensing Act 2003, December 2022**

2. Licensing Objectives

Public Nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

3. Licensable activities

3.1 A premises licence authorises the use of any premises (see Chapter 5) for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.

3.2 The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Late Night Refreshment

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of

23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises

to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or hot drink at any time from

23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.

3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.

3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.

3.16 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.

3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.

3.18 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as "free of charge". Supplies by a registered charity or anyone authorised by a registered charity are also exempt.

3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are

not exempt (see section 3.34 below for more detail on provisions for ‘Vessels, vehicles and moveable structures’).

3.20 Supplies of hot food or hot drink from 23.00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:

- a member of a recognised club supplied by the club;
- persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
- an employee of a particular employer (for example in a staff canteen);
- a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
- a guest of any of the above.

9. Determining Applications

General

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

Where representations have been made

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

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that

nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from a responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Hearings

9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.

9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the

licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Licensing Hours

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

