



Please reply to:

Contact: Christeen Abee
Service: Committee Services
Direct line: 01784 446224
E-mail: c.abee@spelthorne.gov.uk
Date: 31 March 2026

Notice of meeting

Licensing Sub-Committee

Date: Tuesday, 14 April 2026

Time: 10.00 am

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

To the members of the Licensing Sub-Committee

Councillors:

S.A. Dunn (Chair)

S.M. Doran

J.A. Turner

Note: In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

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

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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

AGENDA

Page nos.

1. Disclosures of Interest

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

2. To consider an application for a Premises Licence at 21b Clarence Street, Staines-upon-Thames TW18 4SU, in the light of representations

3 - 102

The Report of the Deputy Chief Executive is attached.

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

Licensing Sub-Committee

14/04/2026



Subject	Application for a new Premises Licence 21b Clarence Street Staines TW18 4SU		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Hannah McCully Licensing Enforcement Officer 07939256077		

Description and Location	<p>The premises is located at 21b Clarence Street, Staines, TW184SU. Clarence street is the A308, closely located to Staines bridge connecting the North and South side of the river Thames.</p> <p>The premises is flanked by businesses on both sides and residential properties are located above and directly opposite.</p> <p>Map of location Appendix A</p>
The Application	<p>The application is for a new premises licence to permit the sale of alcohol for consumption on the premises, Late night refreshment and regulated entertainment (recorded music).</p> <p>The hours proposed for the sale of alcohol are:</p> <p>Sunday to Wednesday 1100 – 2300</p> <p>Thursday to Saturday 1100 - 0000</p> <p>The hours proposed open to the Public are:</p> <p>Sunday to Wednesday 1100 – 2330</p> <p>Thursday to Saturday 1100 – 0030</p> <p>The hours proposed for Late night refreshment are:</p> <p>Thursday, Friday, Saturday 2300 – 0000</p> <p>The hours proposed for the provision of recorded music are:</p> <p>Thursday, Friday, Saturday 2300 - 0000</p>

	<p>An extract of the relevant pages regarding hours applied for from the application form is attached at Appendix B.</p> <p>Full Application and plans Appendix C (Received 16/02/2026)</p>
<p>Representations</p>	<p>Relevant representations received from:</p> <p>Licensing Spelthorne Borough council Appendix D (Received 16/03/2026)</p> <p>Environmental health Spelthorne borough Council Appendix E (received 16/03/2026)</p> <p>Surrey Police Appendix F (Received 16/03/2026)</p> <p>Home office Immigration Appendix G (Received 16/03/2026)</p> <p>Other Persons Appendix H (Received 16/03/2026)</p> <p>Letters of representation are attached at Appendices D - G</p>
<p>Options</p>	<ol style="list-style-type: none"> 1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits. 2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives: <ul style="list-style-type: none"> ▪ To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or ▪ To grant the application and modify the conditions of the licence, by alteration, addition or omission or ▪ To reject the whole or part of the application.

1. Background

- 1.1 The Applicant is Mr Bobby Dhunay, applying as a business, Bando Bar Staines Limited registered on companies' house under number 13192659, Private limited company.

The applicant has used an agent to process the application. Mr Peter Mayhew of Beyond the Blue Limited, private limited company, registered with companies house number 05556483.

The Premises licence holder is Bando Bar Staines Limited, Limited company registered on companies house number 13192659.

2. Application Summary

- 2.1 The new application was received by Spelthorne borough council on 15th February 2026 and is described by the applicant as a "relaxed lounge wine bar experience" serving wine, beer, cocktails with small plates and snacks. The applicant does discuss the history of the premises and the lessons learnt from the experience.

- 2.2 Licensable activities applied for are Sale by retail of alcohol on the premises only , Regulated entertainment (recorded music) and Late-night refreshment Hours of activities and operation applied for can be viewed in **Appendix B**

- 2.3 Non-standard timings requested are on any day preceding a Bank Holiday the hours for Licensable Activities at the premises will reflect those for a Saturday

- 2.4 No DPS has been suggested on the application as they will be appointed on the issue of the premises licence

- 2.5 Consultation/notices

The application was received by Spelthorne Borough council on the 16th of February 2026.

The application was served to Responsible authorities on 16th of February 2026.

The applicant displayed the notice in The Gazette newspaper 26th February 2026.

The Public statutory Blue notice notification was displayed at the premises on 26th February 2026. and checks were carried out twice weekly by Licensing enforcement Officers to ensure it was sufficiently displayed.

An additional Blue notice was placed outside Aldous house due to the previous history of complaints

3. History of Premises

- 3.1 The Applicant Mr Bobby Dhunay has been involved with the premises, previous named Vegan Pind a restaurant / bar since 2021. He held responsibility as the Designated Premises Supervisor (DPS) and was also the sole director of Vegan Pind Ltd, the company that held the premises licence (PLH). This premises licence was revoked on 9th December 2022 by a Licensing Review hearing. Decision notice see : **Appendix K**.

4. Promotion of the Licensing Objectives

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

Prevention of crime and disorder

- Criminal behaviour on, or directly attributable to, the premises.
- Underage sales
- Anti-social behaviour on, or directly attributable to, the premises.

Public safety

- E.g. overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

Prevention of public nuisance

- Noise/light or odour nuisance
- Litter

Protection of children from harm

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

4.2 Section P of the application form, at **Appendix C**, details the proposed steps to be taken to promote the licensing objectives. Should the licence be granted, these will be translated, where appropriate for the promotion of the licensing objectives, into enforceable conditions which will be attached to the licence.

5. Representations

5.1 i) Representations from Responsible Authorities

5.2 Relevant representation has been received from Licensing Spelthorne Borough council and is attached at **Appendix D**.

Summary

The Licensing Authority objects to the application for a new premises licence at 21B Clarence Street, Staines for The Rose Bar, submitted by Mr Bobby Dhunay (Bando Bar Staines Ltd). The objection is based on a significant history of non-compliance at the same location under the same operator.

A previous premises licence at this address—also held by Bobby Dhunay under a former business name—was revoked in December 2022 following serious and repeated breaches, including excessive noise, failure to manage the balcony area, and the serving of a Noise Abatement Notice. Environmental Health, Surrey Police, members of the public, and the Licensing Authority all supported that Review. An illegal gaming machine was also found on the premises in February 2025.

Although the applicant claims this is a “new concept,” the licensable activities sought are similar, and management remains unchanged. The Authority has no confidence that the issues previously experienced—particularly noise disturbance and poor compliance—would not reoccur. Concerns are heightened by the absence of an appointed DPS and the likelihood that Mr Dhunay could assume this role.

The Authority also questions the effectiveness and clarity of several proposed conditions. Despite 37 conditions being offered, many are poorly drafted or insufficient, including those relating to CCTV coverage, door supervision, admissions control, staff management, and balcony noise mitigation. The balcony has historically been a key source of nuisance, and the proposed controls are considered inadequate.

Given that the location, proximity to residents, and management remain the same as during the previous problematic operation, the Licensing Authority does not believe the premises can be operated without undermining the licensing objectives. If granted, any future issues could only be addressed through a formal review process, during which the premises would be legally permitted to continue operating, posing an ongoing risk to local residents.

For these reasons, the Licensing Authority maintains its objection and recommends refusal of the application.

5.3 Relevant representation has been received from Environmental Health Spelthorne borough Council and is attached at **Appendix E**

Environmental Health Spelthorne Borough Council object to the application for a premises licence in relation to The Rose Bar, 21B Clarence Street, Staines, TW18 4SU on the following grounds:

The premises is located very close to residential flats, particularly at the rear overlooking the balcony area, making it highly sensitive to noise from music, patrons, and customer dispersal. The applicant previously operated a licensed premises at the same address which caused significant noise disturbance.

Previously and despite licence conditions intended to control noise—such as a noise limiter, balcony restrictions, and limits on patron numbers—Environmental Health received persistent complaints throughout 2022 relating to loud amplified music (especially bass), late-night entertainment, and balcony use after permitted hours. This accumulated in August 2022, with officers witnessing noise at a level constituting a statutory nuisance, leading to the service of a Noise Abatement Notice. Further complaints continued even after adjustments to the noise limiter and engagement with the operator.

Environmental Health have reviewed the current application and proposed conditions but remain unconvinced that the issues were due to a lack of conditions rather than poor management. The proposed operation is like the previous licence, and it is considered that noise disturbance will recur, particularly given concerns around inadequate supervision—such as the proposal for only one door supervisor to control the premises and balcony.

Environmental Health concur that the applicant has not demonstrated that the premises can be operated without undermining the licensing objective of preventing public nuisance.

- 5.4 Relevant representation has been received from Surrey Police and is attached at **Appendix F**

Summary

Surrey Police object to the application for a new premises licence for Rose Bar, 21B Clarence Street, on the basis that the Director, Bobby Dhunay, previously held a licence at the same location and has a significant history of non-compliance.

Despite the applicant referring to “lessons learned,” reduced hours, and additional conditions, Police remain unconvinced. Under the previous licence the premises repeatedly breached conditions, including operating after hours, selling alcohol beyond permitted times, and using the balcony outside authorised hours. Police also found over 50 people on the premises at 03:20 on 27 February 2022, noted incorrect CCTV timing, uncooperative behaviour from staff, and acceptance of phone-based ID.

The 2022 Review Hearing led to the licence being revoked, with the Committee identifying poor management and repeated breaches. Mr Dhunay admitted he failed to ensure compliance by the former DPS, raising concerns about his ability to responsibly act as Premises Licence Holder.

Police note that the applicant has not demonstrated how the premises would now be managed differently. He did not attend Pubwatch as previously advised, nor has he evidenced further training or experience. Concerns also remain about the premises layout, particularly the lack of seating shown at the rear, which may indicate space for dancing.

If the licence is granted, Surrey Police request strengthened conditions, including 24-hour CCTV covering all areas, a minimum of two door supervisors, mandatory Pubwatch/radio scheme participation, six-monthly staff training, and plastic containers only in external seating areas.

Given the repeated breaches, poor cooperation, and lack of evidence of improved management, Surrey Police have little confidence in the responsible operation of the premises and therefore object to the licence being granted.

- 5.5 Relevant representation has been received from Home Office Immigration and is attached at **Appendix G**

Summary

Immigration Enforcement object to the application for a premises licence in relation to The Rose Bar, 21B Clarence Street, Staines, TW18 4SU on the following grounds

History of Non-Compliance: A visit conducted by immigration Officers from the South-Central Immigration Compliance and Enforcement (ICE) Team on 6th February 2025 identified one individual was working illegally at the premises. Checks completed detailed that the worker was remunerated through free food and rent being paid on his behalf in return for his work contribution. The illegal worker had not left the UK on expiry of his visa, nor did he submit any further applications to regularise his immigration status and became an overstayer as result.

The illegal worker employer was Mr Bobby Dhunay. After an interview was conducted it was established that no employee records were kept for the illegal workers hours, and he admitted that HMRC had not been informed. Mr Dhunay also claimed he was unaware that the worker did not hold a legal right to work in the UK. This contradicts his later statement that employee checks are carried out approximately every six months. Following on from this, A £45,000 penalty was issued to Bando Bar Staines Ltd on 17 March 2025 in respect of 1 individual with no right to work. The penalty was due for payment on 26 May 2025. No payments have been received; the penalty was referred to a third-party debt collection agency.

Considering that an illegal worker has been found at the premises previously for which a civil penalty was issued and remains unpaid, coupled with the revocation of the licence in December 2022. The Home Office considers that allowing the application would prejudice the licensing objectives.

ii) Representations from ‘other persons’

Four relevant representations have been received from other persons and are attached at **Appendix H**.

Summary of representations from Other Persons include:

- Concerns around Exceeding licencing hours causing unacceptable noise and nuisance as previously experienced
- Impact on neighbourhood and lack of understanding on the nuisance caused by the premises and lack of respect
- Noise disturbance especially from the balcony with shouting, swearing, door staff radio noise and general disruption
- Since previous licence has been revoked, the area has been noticeably quieter and more peaceful. Residents would like to maintain this improved environment as opposed to the previous two years of ongoing disturbance.
- Concerns about levels of crime in the Staines area being increased by a venue such as this. Staines town receiving negative press.
- Increase of litter, discarded bottles and antisocial behaviour associated by alcohol consumption

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

General – all four licensing objectives

- There has been a history of non-compliance when various breaches of the Licensing Act 2003 have been identified and the licence holder/DPS has been made aware of these on many occasions and failed to take rectify them. These breaches have been noted by the Licensing Authority and Surrey police.

Prevention of crime and disorder

- There has been a history of non-compliance surrounding an illegal worker that has not been closed, and no payments have been received for the issued £45,000 penalty. the Premises licence holder / DPS did not carry out right to work checks and ignored correct procedure as an employee. This PLH /DPS mentioned is one and the same as the applicant for the new licence, Mr Bobby Dhunay.

Prevention of public nuisance

- The premises (operating as has a history of causing noise disturbance to nearby residential properties associated with the operation of the previous licensed premises at this address.
- Previous premises was issued with a noise abatement notice due to the extreme noise disturbance. Noise continued until the premises licence was revoked and the venue closed down.

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

- Objections based on need, or lack of need, for premises to sell alcohol
- Parking, or other issues relating to general amenity rather than licensing objectives

6. Licensing Policy

6.1 The following sections of the Council's Licensing Policy are relevant.

- 16.32 Prevention of Public Nuisance, applicants' consideration for Proximity to residents for late night venues
- 16.33 Prevention of Public Nuisance, applicants' consideration for Smoking location considerations
- 16.34 Prevention of Public nuisance, applicants' consideration for potential causes of nuisance
- 19 Licensing conditions consideration for conditions suggested, enforceable, speak with responsible authorities, no duplications

See Appendix I

7. National Guidance

7.1 The following sections of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant in the consideration of this application:

- List Paragraphs of Guidance and to what each relates J
- Paragraph 9.1 General determining applications

- Paragraph 9.42, 9.43, 9.44 - Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraph 2.15, dispersal and safe departure from premises, reducing impact on residents

See Appendix J

8. Making a decision

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

Appendices:

Appendix A Map of location

Appendix B Extract of relevant pages regarding hours

Appendix C Full Application

Appendix D Local Authority representation

Appendix E Environmental health representation

Appendix F Surrey Police representation

Appendix G Home office immigration representation

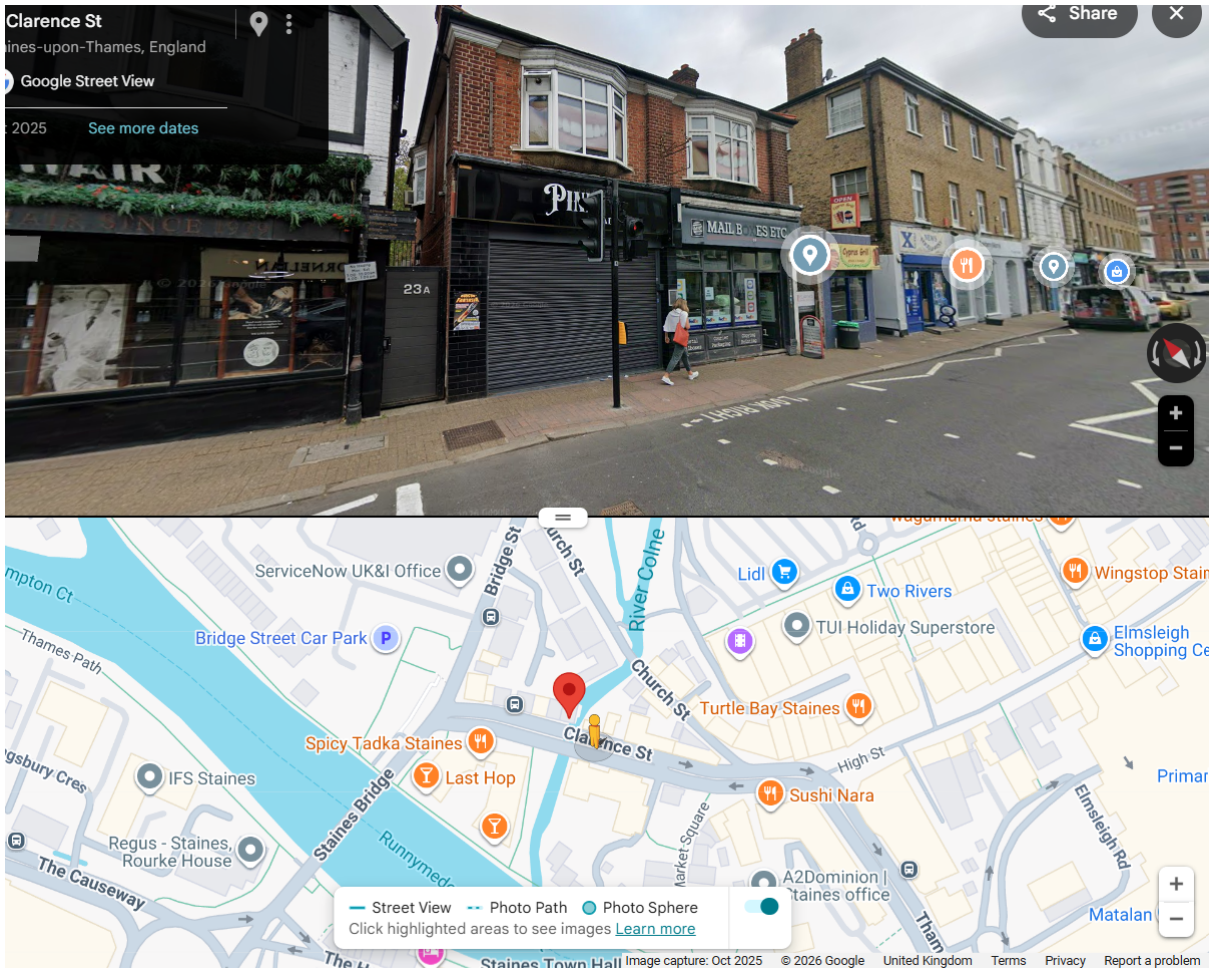
Appendix H Other persons representations

Appendix I Relevant sections of Spelthorne Statement of licensing policy

Appendix J Relevant sections of Guidance issued by the Secretary of State

under section 182 of the Licensing Act 2003
Appendix K Decision notice see link [SPELTHORNE BOROUGH COUNCIL](#)

APPENDIX A



This page is intentionally left blank

Appendix B

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

© Crown copyright

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

© Crown copyright

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

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

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

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

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

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

Provide a general description of the premises

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.

The Rose Bar is a new concept for the currently vacant lot at 21b Clarence Street.

The proposed premises will offer a relaxed lounge wine bar experience, serving a selection of drinks, including cocktails, wine, and beer. There will also be a food menu, primarily consisting of small plates and snacks.

Continued from previous page...

The premises is located on the ground floor of the property, with a small balcony to the rear.

The applicant is aware of the difficult history of the premises and the review that led to the revocation of a previous Premises Licence.

The lessons learned from that experience guide this new application, and the applicant offers significantly more conditions than usual on a Premises Licence of this size, to demonstrate that the new chapter for these premises will be a more positive and professional approach.

The hours applied for are also more sensitive to the area and aim to support the different approach the applicant is taking.

A suitably experienced manager will be employed if the Premises Licence is granted, and they will be appointed as the DPS. Currently, no DPS is nominated, and the applicant understands that no alcohol can be sold until such time as a variation to nominate an individual as the DPS has been completed.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

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

Indoors Outdoors Both

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

Continued from previous page...

State any seasonal variations for playing recorded music

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

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

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

On any day preceding a Bank Holiday the hours for Licensable Activities at the premises will reflect those for Saturdays.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

See guidance on regulated entertainment

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

State any seasonal variations

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

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

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

Continued from previous page...

On any day preceding a Bank Holiday the hours for Licensable Activities at the premises will reflect those for Saturdays.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

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

Continued from previous page...

State any seasonal variations

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

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

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

On any day preceding a Bank Holiday the hours for Licensable Activities at the premises will reflect those for Saturdays.

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

Continued from previous page...

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

On any day preceding a Bank Holiday the opening hours of the premises will reflect those for Saturdays.

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

1. Appropriate induction training shall be undertaken by all staff involved in the Sale of Alcohol who do not hold a Personal Licence, covering relevant subjects for their role, including:

- a. The responsible sale of alcohol.
- b. The prevention of underage sales of alcohol, the Challenge 25 policy, and the checking & authenticating of accepted forms of identification.
- c. The responsibility to refuse the sale of alcohol to any person who is drunk.
- d. Fire safety & emergency evacuation procedures

All training shall be documented, and records shall be made available upon request to an authorised officer of the Licensing Authority or the Police.

Refresher training shall be undertaken and recorded at least once every 12 months.

All staff training records shall be retained for a minimum of 24 months after they leave their employment.

2. The premises shall keep written records for a minimum of 12 months and make these available to the Police or an authorised officer of the Licensing Authority upon request, with a minimum of delay. Written reports must include all of the following:

- a. Any complaint against the premises in respect of any of the four Licensing Objectives
- b. Any crime reported at the premises
- c. Any seizure of suspected illegal drugs or offensive weapons

Continued from previous page...

d. Any temporary or permanent exclusion from the premises of customers

e. Any fault in the CCTV system

All written reports shall be reviewed by the DPS a minimum of once every three months, and where necessary, shall specify in writing any follow-up actions taken.

3. Police Officers and Authorised Officers of the Licensing Authority shall be granted access to the Premises at any time staff are present at the premises.

4. On any day immediately before a Bank Holiday, the operating hours and the hours for all licensable activities shall be the same as the hours permitted on Saturdays.

b) The prevention of crime and disorder

5. The venue shall maintain a functioning CCTV system. The CCTV system shall continuously record whenever licensable activities are taking place at the premises and customers are present. All recordings shall be date and time-stamped, retained for 31 days, and shall be made available to the Police or an authorised officer of the Licensing Authority upon request and without delay. The CCTV system shall:

a. Cover all entry points used by the public.

b. Enable frontal identification of any person entering in any light conditions.

c. Be checked by the DPS or a suitably authorised employee at least once every month to ensure that the required cameras are working properly and that the system maintains a minimum of 31 days of recordings. These checks shall be recorded, the records kept for a minimum of 12 months and shall be made available to the Police or an authorised officer of the Licensing Authority on request and without delay.

6. Sufficient competent persons shall be authorised by the premises licence holder to provide the Police or an authorised officer of the Licensing Authority with downloaded CCTV data (footage and / or images) in an appropriate recorded format (usually to a disc, memory stick or data file sent electronically) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained within 48 hours of a formal request being made.

7. Sufficient competent persons shall be authorised by the premises licence holder to ensure that at all times the premises is open to the public, the Police or an authorised officer of the Licensing Authority, when formally requesting to do so, can view any images / footage from the CCTV system with a minimum of delay.

8. A Zero Tolerance Policy towards the use, possession, and supply of illegal drugs shall be adopted and enforced.

9. Door Supervisors shall be employed at the premises when licensable activities are taking place under the following criteria:

a. On Thursdays, Fridays and Saturdays from 21:00 until the last patron has left the premises and dispersed from the area immediately to the front of the premises.

b. On any day before a Bank Holiday where the Premises Licence grants additional hours on these days and those hours are used by the Premises Licence holder, from 21:00 until the last patron has left the premises and dispersed from the area immediately to the front of the premises.

c. On all other occasions, the need for door Supervisors shall be risk assessed to identify requirements, with particular attention given to high-footfall dates such as Bank Holidays, Christmas, New Year, Halloween, National Holidays, National Sporting Events and any occasion when the premises is used for a private or corporate event.

d. When door supervisors are deployed, a minimum of one SIA Registered Door Supervisor shall be deployed per 100 customers or part thereof.

A register of employed door supervisors shall be kept. This register shall record their name, SIA Door Supervisor Licence number, contact details, and be signed by the Door Supervisor and an authorised member of the premises management team.

10. No new admissions or re-admissions shall be allowed to the premises after 23:00 from Sunday to Wednesday and 00:00 on Thursdays, Fridays, and Saturdays, with the exception of those patrons who have temporarily left the premises for the purpose of smoking.

Continued from previous page...

11. No self-service of alcohol shall be permitted at the premises.

12. After 23:30 from Sunday to Wednesday and 00:30 on Thursdays, Fridays, and Saturdays, no person other than staff members rostered for duty that day or members of the management team shall be permitted to remain on the premises.

13. As soon as possible, and in any event within 3 months of the premises being operational, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

14. The Police and Licensing Authority shall be notified of any private event booked at the premises no later than seven (7) days prior to the date of the event. For the purpose of this condition, a 'Private Event' is one where the premises is only open to invited guests and not open to the general public on a walk-in basis. This shall not include those events operated under a Temporary Events Notice.

c) Public safety

15. A fire risk assessment shall be conducted and regularly reviewed. In line with the Fire Risk Assessment:

- a. An integrated fire detection and alarm system is installed, inspected, regularly tested, and maintained by a competent person.
- b. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
- c. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
- d. All emergency exits are marked on the premises plan.

16. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed 80.

17. Adequate & suitable first aid boxes shall be maintained.

d) The prevention of public nuisance

18. No commercial waste shall be left on the street; all waste shall be stored in commercial bins before collection.

19. Glass set aside for recycling shall not be transferred from one receptacle to another in any external area of the premises between 22:00 and 09:00 on any day.

20. Deliveries related to the permitted Licensable Activities shall not take place between 22:00 and 09:00.

21. The area immediately outside the premises shall be kept tidy and free from litter, ensuring that any litter generated by the premises or its customers is regularly removed.

22. All external windows and doors shall be kept shut, except for entrance and egress, after 22:30.

23. The number of customers permitted on the rear balcony at the premises shall not exceed 8 people (excluding staff) at any time.

24. The doors to the rear balcony at the premises shall be closed every day at 22:30, and no patrons shall be permitted to use this area after 22:30 on any day. Signage to this effect shall be displayed.

25. Telephone contact details for the premises or an on-call staff member shall be displayed outside the premises, so they can be easily seen at all times the premises is open, and licensable activities are taking place.

26. No amplification system or audio speakers shall be used in the external areas of the premises at any time.

27. No amplified music shall be played at the premises after 23:00 from Sunday to Wednesday and 00:00 on Thursdays, Fridays, and Saturdays.

28. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following

Continued from previous page...

criteria:

- i. the limiter shall be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
- ii. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
- iii. The limiter shall not be altered to increase the maximum volume without prior agreement from the Environmental Health Consultation Team,
- iv. No alteration or modification to any existing sound system(s) shall be affected without prior knowledge of the Environmental Health Consultation Team, and
- v. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

29. A sign asking customers to respect local residents and keep noise to a minimum shall be displayed on the balcony to the rear of the premises.

30. A sign instructing customers not to take drinks outside the premises when leaving to smoke shall be displayed at every exit to the building.

31. An ashtray shall be affixed to the wall in the designated smoking area outside the front of the premises and shall be emptied by staff regularly.

32. No more than 5 customers shall be permitted to smoke outside the front of the premises after 22:30.

33. Patrons shall not be permitted to leave the licensed area of the premises (as delineated within the red lines on the associated plans) with open containers of alcohol at any time, including when leaving for the purpose of smoking.

34. A sign requesting customers to respect local residents and leave the premises quietly shall be displayed at each public exit from the premises.

35. The premises shall adopt an appropriate Dispersal Policy, and all relevant staff shall be trained in its implementation. A copy of the policy shall be kept at the premises and made available to the Police or an authorised officer of the Licensing Authority upon request.

e) The protection of children from harm

36. A Challenge 25 policy shall be enforced, where any person reasonably appearing to be under the age of 25 shall be asked to prove their age when attempting to purchase alcohol; signs to this effect shall be displayed at the premises. The only acceptable forms of identity shall be those photographic identification documents recognised in the Home Office guidance, including passports, photo-card driving licences or proof of age cards bearing a PASS hologram. Only original copies of identity documents shall be accepted or those presented through a government-approved DVS provider.

37. A register of refusals or an electronic equivalent, designed to record all refusals of the sale of alcohol, shall be maintained on the premises and made available to police and any authorised officer of the Licensing Authority upon request, with a minimum of delay.

The register of refusal shall be kept for a minimum of 12 months.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

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

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

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

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

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

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

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

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix D

Rose Bar Staines - Licensing Authority Representation

Spelthorne Licensing Authority are objecting to this application due to previous actions which have undermined the Licensing Act 2003 and a serving of a Noise Abatement Notice which resulted in a Review Application by Environmental Health.

The Licensing Authority is concerned that due to the history of poor adherence to legislation by the proposed Premises Licence Holder and disturbance to nearby properties that there will be a repeat occurrence(s) which would undermine the licensing objectives.

Previously there was a premises licence at the location which resulted in a review application by Environmental Health and was also supported by two members of the public, Surrey Police and the Licensing Authority.

It is noted that the Designated Premises Supervisor (DPS) has not yet been appointed – therefore there is nothing to stop Bobby becoming DPS later. In any event, Bobby will be in control of the premises if the licence was to be granted as the Premises Licence Holder. The only people who can object to a change of DPS is the Police on the grounds of crime and disorder.

Current Application for a Premises Licence

Application for a new premises licence at 21B Clarence Street Staines, TW18 4SU under the name of The Rose Bar.

The application has been made by Mr Bobby Dhunay under his business Bando Bar Staines Limited company number 13192659 registered at 1110 Elliott Court, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB.

The premises licence application requests:

- Recorded music and late-night refreshment 23.00-00.00 Thursday-Saturday
- Supply of Alcohol
 - o 11.00-23.00 Sunday-Wednesday
 - o 11.00-00.00 Thursday – Saturday
- Opening Hours:
 - o 11.00-23.30 Sunday – Wednesday
 - o 11.00-00.30 Thursday – Saturday

Previous Premises Licence

The director of Bando Bar Staines Limited Bobby Dhunay previously held a premises licence at this address under the name of Vegan Pind Ltd (same companies house 13192659) which was granted from 8 December 2021. This company is now called

Bando Bar Staines Ltd on Companies House and Bobby Dhunay is the sole director and always has been.

At first Bobby was not the DPS on the previous premises licence, however he was changed to DPS on 16 June 2022.

The previous premises 'Vegan Pind Ltd' was a bar offering vegan food and regulated entertainment. The new premises application states that this is a 'new concept' for the premises and it will offer a 'relaxed lounge wine bar experience, serving a selection of drinks, including cocktails, wine and beer. There will also be a food menu, primarily consisting of small plates and snacks'.

The Licensing Authority does not agree that the new premises 'concept' is vastly different to what was previously granted. In addition, it could be argued it is irrelevant what the 'concept' is as licensable activity is defined under the Licensing Act 2003 as:

- Regulated entertainment
- Supply of alcohol
- Late night refreshment

Environmental Health previous review

Due to complaints to Environmental Health noise monitoring equipment was installed. Later a Noise Abatement Notice was served on 10 August 2022. However, despite this, complaints about the noise level continued to be received.

The decision notice of the Licensing Sub Committee states a noise recalibration was carried out on the noise limiter on 23 September 2022 and noise complaints continued to be received.

The premises licence was revoked at a Licensing Committee hearing on 9 December 2022. The decision was appealed by Vegan Pind Ltd, however they later withdrew their appeal before it got to Court. The Licensing Authority at the time still prepared for Court and timeline of events was prepared which has been attached at **Appendix C**.

It should also be noted that on 6 February 2025 an illegal gaming machine was found at the premises.

Conditions offered on New Premises Licence application

37 Conditions have been offered on the premises licence application under the Operating Schedule quoting that 'lessons learned' from the history of the premises and review and revocation. They have stated on the application form that they have offered these conditions to 'demonstrate that the new chapter for these premises will be a more positive and professional approach' and the hours are more 'sensitive to the area'.

The previous premises licence which can be found at **Appendix A** page 17 onwards had 32 Conditions. Despite this the premises still was not operated promoting the licensing objectives.

The Licensing Authority question the need in the first place for so many conditions to be on a premises licence. Having too many conditions on a licence can lead to a risk of them not being complied with.

The Licensing Authority have several comments and concerns on the conditions offered in the Operating Schedule:

- Condition 5 CCTV
 - o The Licensing Authority believe that CCTV should be continuously recording 24/7. There is a history at this premises of complaints and breach of licensable hours. Thus, it is imperative that we have recordings available.
 - o The CCTV offered does not include the balcony. To uphold the licensing objectives this should be included on the CCTV.

- Condition 9 Door Supervisors:
 - o The Licensing Authority does not believe that only one door supervisor is sufficient for the control of the front, inside and balcony of the premises.
 - o Part C – if the licence was to be granted the Licensing Authority would expect that Risk Assessments are done in writing and shared with the Licensing Authority 7 days prior if additional door supervisors are not employed.
 - o Part D states that where door supervisors are deployed it will be ‘per 100 customers or part thereof’ – it is not clearly worded what is meant by this?
 - o How will they ensure they have under 80 people and what measures will be in place to ensure another door supervisor arrives to comply with the condition?

- Condition 10 Admissions:
 - o If you only have one door supervisor, how will they stop no new admissions or re-admissions at the front (condition 10) if the one working is by the balcony?
 - o The Licensing Authority notes that the stop time is at the terminal hour for licensable activity so no one would be able to buy an alcoholic drink.

- Condition 12 Staff on premises
 - o There needs to be extra wording on this condition to specify in writing who the ‘members of management are’ and the duty roster. Both of which should be available on the premises or on demand by a Responsible Authority. This is due to previous situations where Bobby has had people on the premises past ‘licensable hours’ and claimed they are his friends.
 - o This condition needs to apply to ‘private events.’

- Condition 14 Private Events
 - o It is confusing why the Licensing Authority would need to be notified of private events that are presumably operating during the licensing hours.

The Licensing Authority would expect any events to only be during licensable hours.

- Condition 24 Balcony
 - o The Licensing Authority deems it unacceptable that the balcony door would be opened until 22.30. This door should only be opened and closed for access.
 - o There is no condition offered to control the noise on the balcony which has been the source of complaints in the past, other than a notice which could be easily missed. The balcony is not very big and having 8 people plus staff is a lot of people with potential for noise disturbance.

Conclusion

Given that below is still true:

1. Location is still the same
2. Close to residential properties
3. Management is the same. The new premises licence application has been submitted by the same company with the sole Director - Bobby Dhunay.

The Licensing Authority have no confidence the proposed licence holder will operate in a way that does not undermine the licensing objectives.

The previous review application from Environmental Health states that *'the premises are unsuitable to be used for night club type activities. Due to the layout and nearby residential properties. In order, to make the premises, suitable to be used for night club activity, the costs for sound insulation would be very expensive. Environmental Health have no confidence in the management of the premises, as they cannot manage the level of music and use of the balcony. In addition, when undertaking joint visits with Licensing, poor management practices of the premises was clearly identified.'*

Should the licence be granted and Bobby given another opportunity to operate the premises, the Licensing Authority has significant concerns that the issues previously experienced will be repeated. The Licensing Sub-Committee will be aware that once a licence is granted, it can only be brought back before a Committee through a formal review process. Furthermore, if a subsequent appeal is lodged by the licence holder, they are legally permitted to continue operating during the appeal period. The Authority is therefore concerned that this could result in ongoing detriment to local residents should similar problems arise again.

REDACTED
REDACTED

Appendix A – Licensing Sub Committee Reports Agenda Pack¹ (online link only in footnote)

Appendix B – Licensing Sub Committee Decision Notice² (online link only in footnote)

¹ [\(Public Pack\)Agenda Document for Licensing Sub-Committee, 09/12/2022 10:00](#)

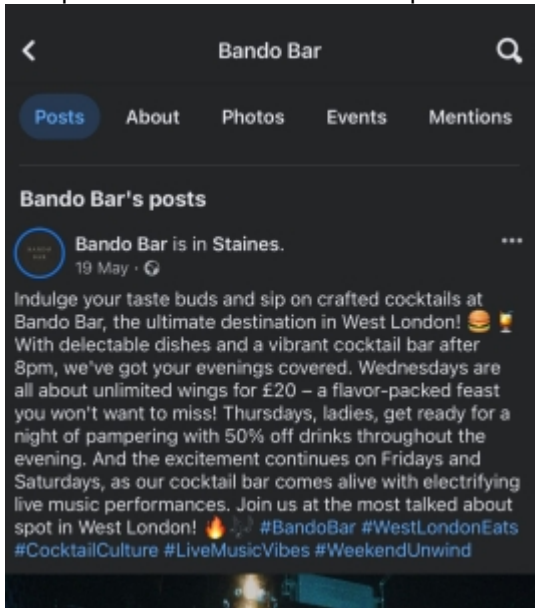
² [SPELTHORNE BOROUGH COUNCIL](#)

Appendix C – Timeline after revocation of Premises Licence

Timeline of Events after Committee

Date	Details
9 December 2022 Sub-committee	Licensing Subcommittee decide to revoke the premises licence
9 December 2022 Complaint	Complaint from member of public that “Club music finished at 0200hrs”
10/11 December 2022 Complaint to Out of Hours team	<p>Complaint from member of the public Saying loud music was being played after finishing time, D&B music playing till 0200hrs and after this time starting again 0215hrs. Music going quiet at 0300hrs.</p> <p>Out of hours report at 0238hrs, call to them saying music was loud and customers on balcony, out of hours officer goes out and witnesses’ music noise from residents dwelling however not deemed statutory nuisance. Customers over served in the restaurant by out of hours officer after closing time.</p> <p>The out of hours officer reports the following. <i>“I went inside at 0255 hours and spoke to the manager, Bobbie. I informed him about the complaints received and said that it was very disappointing to witness further evidence of a breach of his licensing agreement & for him to show such contempt for the situation, in spite of the result of his recent licence review. He offered no apology and for a few seconds as I walked away, the music volume increased significantly although it had reduced again by the time I got to my car. I left the site.”</i></p>
15 December 2022 Decision notice	Decision notice received by premises
22 December 2022 Visit to premises for Licensing Check	<p>Licensing visit following above complaint.</p> <p>A licensing agency that Mr Dhunay was in contact with at the time (but we understand they were not formally instructed) was on the phone whilst the officers were at the premises to clarify regarding the opening after hours. The legal advisor clarifies that when 01.30am the customers need to be out and so done the staff, business has to close. Bobby feels he and his friends can stay in the premises after it closes.</p> <p>The door supervisor books were incorrectly filled out.</p> <p>Bobby advises despite his licence conditions around door supervision in the weekdays, he is not having them and says he is not selling alcohol in the week.</p> <p>Bobby has been opening for late night refreshment via app-based deliveries, this has been past the 0130hrs time on the licence. He has been given clarity and advised that all late-night refreshment must cease at 01.30 as per the licence.</p> <p>The inspection was left with Bobby saying he would seek legal advice.</p>

3 January 2023	Driving past Vegan Pind, they have rebranded to Bando Bar and are selling chicken
4 January 2023	Email from Premises saying they are submitting an appeal to magistrates
30 January 2023 Licensing Visit	Concerns over the cleanliness of the food preparation area, have passed to Environmental Health Commercial to follow up Number of things not being followed or unable to be shown to inspectors on this visit <ul style="list-style-type: none"> • SIA log books – not present • Staff training not up to date
3 February 2023 Out of hours Enforcement	Friday evening walk by, 21.30hrs, no door staff seen
14 March 2023 Complaint	Complaint to EH officer regarding “continuous loud dnb on a Friday and Saturday which continues until around 01.45-01.50”
15 March 2023 Complaint/incident	incident that occurred on the 11 March 2023. Whereby customers fighting Bando Bar door staff unable to control and it spills out on to clarence street. Slug and Lettuce staff assist, and 2 members of slug and lettuce door staff get assaulted and Bando Door staff come out with a metal pole. Also, intel received about regular lock ins at Bando. No complaints received in writing (Verbal complaint/intel).
18 March 2023 Out of hours enforcement - Licensing	Out of hours town centre visit: Premises busy, not causing noise disturbance. They have people inside after 01.30hrs, ask for police assistance to go with us to close them down. Cannot get unit to come with us. We ask for police to attend when they can, this has not been done. We leave at 0300 – premises still has people inside shutters half down
20 March 2023 Email	Email to Bobby requesting CCTV and incident book covering the 11/12 and 17/18 March which would cover the incident we have intel on and the late-night observations. This incident book was never given
29 March 2023 Drinks promotion complaint	Drinks promotion that is in breach of mandatory condition. “Bando Bar were giving away free drinks which included alcoholic cocktails for 2 hours on Saturday. The “event” was advertised on a poster in their entrance” Emailed Bobby who advises they did have a promo running but there is terms and conditions, and we limit what cocktails and how many they can have. I ask for the terms and conditions. This email was not replied to by Bobby.
CCTV footage	From the CCTV footage viewed we have the following offences 21.01.2023 – people still inside past closing time of 01.30 18.03.2023 – 7 payment for drinks after 01.30 – 01:40, none after this time, however people still inside dancing till 0300 – after this time x4 persons inside

	<p>19.03.2023 – lobby being used as smoking area, people still inside 01:30 – 02:00, 02:00 - 0300 shutters down however staff sat smoking in the area between the lobby and shutters</p> <p>Not all the CCTV asked for was provided and some of the footage was 1 second long</p>
8 April 2023 Out of Hours Complaint	OOH complaint – playing music which was clearly audible until 0200 hours
14 April 2023 CCTV	ICT confirm although 4 we transfer videos have been given only 2 of them are valid the others are duplications. Email to Bobby asking for these again and incident logs which also have not been received. Bobby's reply "Give me until tomorrow as it's busy Friday today"
17 April 2023 Email	Email asking Bobby to provide further CCTV footage and receipts 8 April 2023 at 0130-02:30
21 April 2023 CCTV	2 We transfer files received, 6 files in total only one works without error 18.3.23 – 0100-0200 footage finishes, and they are not closed Lots of evidence of vaping and shisha use inside the premises
21 April 2023 Out of hours Visit – Licensing and Environmental Health	Noise monitoring with Environmental Health. No noise witnessed from nearby properties. Witnessed 2300 -01:45 Premises still open at 01:45 however quiet and 3-4 persons inside, shutters not down, request police attend if possible.
31 May 2023 Complaint about late opening	Complaint: Thurs 25th May, noise finished at 02.05 Sat 27th, finished at 01.55 Sun 28th, finished at 02.10 Mon 29th, not at home Tues 30th, finished at 02.20 Their lights in the back part of the bar (which is by the balcony overlooking our flats) are usually dimmed as it gets late and then when the music finishes all the lights go out.
2 June 2023 Complaint	<p>Complaint - concerns over drinks promotions</p> 
2 June 2023 Email to Bando	Asking for CCTV and ask about drink promotions

	Date	Times	Areas Covered
	26.05.2023	01:30 – 02:30	1. Bar Area 2. Foyer
	27.05.2023	01:30 – 02:30	1. Bar Area 2. Foyer
	27.05.2023	2300 - 2330	3. Balcony
	28.05.2023	01:30 – 02:30	3. Bar Area 4. Foyer
	29.05.2023	01:30 – 02:30	5. Bar Area 6. Foyer
	30.05.2023	01:30 – 02:30	7. Bar Area 8. Foyer
7 June 2023 Premises emails	<p>Email from Mr Dhunay:</p> <p>Hi I don't know why there false complaints are being doing. I will be sending you the cctv shortly anyway.</p> <p>But everyday our eat in closes at 11pm except Friday and Saturday which we are open until 1.30am</p> <p>Only our deliveries are running till 1.30 weekdays. I really don't understand this whoever is complaining is just got nothing better to do by the looks of it.</p> <p>And we hardly have any customers Sunday to Thursday maybe 2-3 throughout the week if we're lucky rest is deliveries.</p> <p>The only people that are in the premises until later are the kitchen staff which clean up and leave around 2-2.15.</p> <p>Last night I was personally there till 1.30am anyway and then the shutters were closed and the kitchen team left after me. That was 2 people</p> <p>I really don't get what is going on we are just simply trying to run the business I have nothing with the neighbours.</p> <p>Funnily enough a couple came from the flats behind who were at the meeting and specifically said that there is 2 ladies that told every flat that they should complain about us. I'm sure that can't be allowed? We don't even have anything going on throughout the week. Literally lucky to have anyone dining in....</p>		
12 June 2023 Complaint about late opening	<p>Thurs 1st June - finished next morning 02.00</p> <p>Fri 2nd June - finished 02.00</p> <p>Sat 3rd June - finished 01.56</p> <p>Mon 5th June - finished 01.50</p> <p>Tues 6th June - finished 02.30</p> <p>Wed 7th June - finished 02.20</p> <p>Thurs 8th June - finished 02.45</p> <p>Fri 9th June - finished 02.20</p>		
22 June 2023	<p>Good afternoon,</p>		

No CCTV received email chasing sent by Licensing	We requested CCTV from yourselves to be into us 16.06.2023 . We have not yet had this; can you comment why this is? Kind Regards																					
27 June 2023 CCTV received	Not all cctv received, however what we do have shows the premises closed and nobody inside. What cctv was given (red not received, green was received) : <table border="1" data-bbox="501 472 1318 1227"> <thead> <tr> <th>Date</th> <th>Times</th> <th>Areas Covered</th> </tr> </thead> <tbody> <tr> <td>26.05.2023</td> <td>01:30 – 02:30</td> <td>1. Bar Area 2. Foyer</td> </tr> <tr> <td>27.05.2023</td> <td>01:30 – 02:30</td> <td>1. Bar Area 2. Foyer</td> </tr> <tr> <td>27.05.2023</td> <td>2300 - 2330</td> <td>3. Balcony</td> </tr> <tr> <td>28.05.2023</td> <td>01:30 – 02:30</td> <td>3. Bar Area 4. Foyer</td> </tr> <tr> <td>29.05.2023</td> <td>01:30 – 02:30</td> <td>5. Bar Area 6. Foyer</td> </tr> <tr> <td>30.05.2023</td> <td>01:30 – 02:30</td> <td>7. Bar Area 8. Foyer</td> </tr> </tbody> </table>	Date	Times	Areas Covered	26.05.2023	01:30 – 02:30	1. Bar Area 2. Foyer	27.05.2023	01:30 – 02:30	1. Bar Area 2. Foyer	27.05.2023	2300 - 2330	3. Balcony	28.05.2023	01:30 – 02:30	3. Bar Area 4. Foyer	29.05.2023	01:30 – 02:30	5. Bar Area 6. Foyer	30.05.2023	01:30 – 02:30	7. Bar Area 8. Foyer
Date	Times	Areas Covered																				
26.05.2023	01:30 – 02:30	1. Bar Area 2. Foyer																				
27.05.2023	01:30 – 02:30	1. Bar Area 2. Foyer																				
27.05.2023	2300 - 2330	3. Balcony																				
28.05.2023	01:30 – 02:30	3. Bar Area 4. Foyer																				
29.05.2023	01:30 – 02:30	5. Bar Area 6. Foyer																				
30.05.2023	01:30 – 02:30	7. Bar Area 8. Foyer																				
31 July 2023 Complaint	A report of ASB at BANDO BAR on at 23:30 on 22/07/2023. A group of females were harassed by a group of males and upon asking bar staff for security's assistance they were informed that they do not have security and that they must deal with it themselves.																					
7 August 2023 Email requesting sia log and cctv	Good afternoon, We have received a complaint regarding door staff on the 22.7.23 . Please send screen shots of your door supervisor book for who was working on this date, can we also ask for CCTV for this date times 23:00 – 00:00.																					
9.08.2023 Licensing visit with EH	No staff there (only kitchen staff) so could not conduct full licensing check Mr Dhunay on the phone says they only sell alcohol Fridays and Saturdays <ul style="list-style-type: none"> • New dj table • New bar in rear of premises Will need Minor variation The section 57 has crossing outs and Mr Dhunays name instead of vegan pind ltd																					

	<p>Cannot view any sia log books / incident books</p> <p>Smashed window to the front bobby on phone says that it happened 4 weeks ago and it wasn't criminal damage it was someone not opening door properly</p> <p>Bobby says he's in premises this evening and will get things requested to me by the morning.</p>
10.08.2023 EMAIL	Email to premises asking for INCIDENT BOOK/MV PLAN / CCTV AND SIA book again and update S57
11.8.23 Email from premises CCTV	<p>emails 3 screenshots of the log books showing staff – saved 23/02672/LAGEN</p> <p>CCTV obtained for 22/7/23 23.00</p> <p>Observations</p> <p>Males outside possibly SIA – no visible badge on arms or anything to indicate they are door staff</p> <ul style="list-style-type: none"> • No incident book received. <p>23.15 – lady talking to man through door</p>
19.8.2023 Complaint – Police	Licensing are advised of a Police incident on Clarence Street, CCTV was requested from premises to assist with criminal investigations this was never received by police.
02.09.2023 Anonymous Complaint	<p>States</p> <ul style="list-style-type: none"> • 19.8.23 although hazy on date he walked past premises between 23.00-00.00 and there were no door staff • States they know they open past premises closing times however cannot give dates and appears more hearsay.
06.9.2023 Email	Email to premises asking for proof of door staff 12.8.23 / 19.8.23
11.9.2023 Email	Email to premises asking where Minor Variation to plan is
6.10.2023	Mr Dhunay emails back saying it will be done by the 15.9.23
	Companies House shows the company name was changed from Vegan Pind Ltd to Bando Bar Staines. The company number has stayed the same 13192659 with Mr Dhunay as director. Also of note Mr Dhunay has 7 appointments registering him as the director.

Appendix E

26/00425/NOILIC The Red Rose, 21B Clarence Street, Staines-upon-Thames

1

Licensing Act 2003 - Representation against Premises Licence Application

Premises: The Rose Bar, 21B Clarence Street, Staines-upon-Thames

1. Introduction

Environmental Health submit this representation in respect of the application for a new

Premises Licence at the above premises.

This representation is made under the Licensing Objective of:

Prevention of Public Nuisance

The premises (operating as has a history of causing noise disturbance to nearby residential properties associated with the operation of the previous licensed premises at this address and given this background Environmental Health therefore oppose the

granting of a Premises Licence.

2. Location and Sensitivity of the Area

The premises are located within a mixed commercial and residential area. Importantly,

residential flats are located in close proximity to the rear of the premises, including properties overlooking the balcony area facing the River Colne.

Due to this close proximity, the premises are particularly sensitive to noise associated

with:

amplified music

patron noise

use of the rear balcony area

dispersal of customers late at night

3. Relevant Licensing History

The premises previously was previously operated by the applicant, Mr Dhunay, under a

Premises Licence held by Vegan Pind Ltd and that licence permitted:

- Sale of alcohol

- Regulated entertainment

- Late night refreshment until 01:30 daily.

The licence also included conditions intended to prevent nuisance including:

- installation of a noise limiter

- closure of the rear balcony after 23:00

- restrictions on the number of patrons using the balcony

- requirement for staff supervision of smoking areas.

These conditions were specifically imposed to mitigate the impact of the premises on nearby residential properties.

4. History of Noise Complaints

Shortly after the premises began operating, Environmental Health began receiving complaints from nearby residents concerning:

- loud music, particularly low frequency bass

- music continuing beyond permitted hours

- use of the balcony after 23:00

- disturbance from patrons.

Despite engagement by Environmental Health and the Licensing Authority, complaints

continued throughout 2022. The Council's Environmental Health team undertook visits

to nearby residential premises and confirmed that music from the premises was clearly

audible within nearby dwellings, particularly where windows or patio doors were open.

5. Statutory Nuisance and Enforcement Action

On 6 August 2022, Environmental Health officers witnessed music from the premises within a nearby residential property at a level considered sufficient to constitute a

statutory nuisance. As a result, a noise abatement notice was served under Section 80

of the Environmental Protection Act 1990 on 10 August 2022. This issuing of the abatement notice clearly demonstrates that the operation of the premises was causing

unacceptable disturbance to local residents.

6. Continued Non-Compliance

Despite enforcement action and engagement by Environmental Health and Licensing officers, further complaints continued to be received including:

- loud bass music late at night

- regulated entertainment continuing after permitted hours

- use of the balcony beyond permitted times

- excessive numbers of customers using the balcony area.

These issues persisted even after adjustments were made to the noise limiter and discussions were held with the operator.

7. Previous Licence Review

Due to the persistent nature of the complaints and breaches of licence conditions, Environmental Health applied for a review of the premises licence under the Licensing

Act 2003. That review ultimately resulted in revocation of the premises licence.

8. Current Application

Environmental Health have carefully considered the operating schedule and conditions

proposed within the current application. The applicant states that lessons have been learned from the previous operation of the premises however it noteworthy that the previous Premises Licence application (2021) stated, in relation to 'steps you will take to

promote all four licensing objectives', that the "The premises will operate to a high standard" and clearly this was not the case.

The applicant has proposed additional conditions to be implemented however

Environmental Health remain concerned that the measures proposed do not address

the fundamental issues previously experienced at this location. The premises previously operated under a licence which already contained a number of conditions specifically designed to control noise breakout and minimise disturbance to nearby residential properties, including:

- the installation and calibration of a noise limiter
- restrictions on the use of the balcony after 23:00
- restrictions on the number of patrons permitted on the balcony
- requirements for supervision of external smoking areas
- requirements for windows and doors to remain closed during regulated entertainment.

Despite these controls being in place, as noted above, Environmental Health received

repeated complaints from nearby residents regarding loud music, particularly low frequency bass, as well as disturbance arising from the use of the balcony outside permitted hours. which resulted in the service of an Abatement Notice under Section 80

of the Environmental Protection Act 1990.

In Environmental Health's opinion, the issues experienced historically were not attributable to a lack of licence conditions, but rather to failures in the management and

operation of the premises and compliance with those conditions. Given this history, and

similar nature of the application i.e. food offering, sale of alcohol, late night regulated entertainment, it is therefore reasonably foreseeable that similar issues may arise, despite the earlier terminal hour(s) proposed. There is still potential for disturbance to be caused up to this time, particularly given the proposed ratio of one door supervisor

per 100 patrons, to control the front, inside and balcony. In the case where is only one

door supervisor the closing of the door to the balcony when people are smoking is unlikely to be monitored, leading to likely regular break out noise from inside the

premises. Also, realistically, one door supervisor is unlikely to be ensuring the balcony

is not used at all after 22:30 as they're likely to be busy monitoring the front and inside

premises as well.

Environmental Health do not consider that the additional conditions proposed within the current application provide sufficient reassurance that the licensing objective of the

prevention of public nuisance will be upheld.

Paragraph 2.15 of the Guidance issued under Section 182 of the Licensing Act 2003 states that licensing authorities should seek to prevent public nuisance arising from licensable activities and that noise nuisance from premises can have a significant impact on local residents. Furthermore, Paragraph 11.23 of the Guidance advises that

where licensing objectives are being undermined, licensing authorities should take appropriate steps, including refusal of an application, where necessary to promote the

licensing objectives.

Environmental Health consider that the history of noise complaints, breaches of licence conditions and the service of a statutory nuisance abatement notice demonstrates that the operation of licensable activities at this location has previously undermined the licensing objective of the prevention of public nuisance and demonstrates that the operation of licensable activities at this location has previously undermined the licensing objective of the prevention of public nuisance and for this reason oppose the granting of a Premises Licence.

REDACTED

Senior Environmental Health Regulatory Officer

16 March 2026

This page is intentionally left blank

Appendix F

Surrey Police object to the application of the Premises Licence applied for in the name of Rose Bar.

The applicant for this premises is Bando Bar Staines Ltd and the Director is Bobby Dhunay who is the same person who obtained a premises licence at this location in 2021.

On the application for Rose Bar the applicant has stated he is aware of the difficult history of the premises and the review of the revocation of a previous Premises Licence. He has stated that the hours applied for are also more sensitive to the area and that the applicant has offered more conditions than usual on a Premises Licence of this size.

We welcome the reduced hours and conditions submitted but previous history of the premises was that it was operating outside of their permitted hours, sometimes behind closed shutters, an obvious health and safety risk and there were repetitive breaches of the Premises Licence conditions.

We are not reassured that the same will not occur under this Premises Licence.

Although the application states a suitably experienced manager will be employed if the Premises Licence is granted, our experience across the county is that a DPS will follow instructions given by the Premises Licence Holder / owner therefore although experienced they may be influenced by the directions given to them by the Premises Licence owner who has employed them.

A the applicant mentioned, a review application for the location when it was known as Vegan PIND and Bobby Dhunay was the director of Vegan PIND Ltd the Premises Licence Holder (The name of this company was changed on the 6th October 2023 to Bando Bar Staines Ltd) was heard on the 9th December 2022 and the decision of the Licensing Committee at that time was to revoke the Premises Licence.

This decision notice refers to the breaches of the Premises Licence conditions on several occasions despite guidance and support from the Licensing Authority.

On the 27th February 2022 when police visited at 03:20 and had observed over 50 people within the premises, till receipts showed sales of alcohol beyond the terminal hour of 01:30 and that the balcony was being used outside of the hours authorised on their Premises Licence. CCTV was incorrect by one hour.

It was clarified that the sale of alcohol on the 27th February 2022 when police visited was not permissible.

The additional concerns raised by Surrey Police in this review application included

Staff not receptive to the presence of police and that Mr Dhunay had been uncooperative on more than one occasion.

The premises was accepting photos of identification on phones rather than physical documents and as such the premises had no way to check if the ID was real or fake.

It is relevant that in this decision notice Mr Dhunay stated that the premises were under the supervision of the previous Designated Premises Supervisor and he had been shown the letter and asked to address the issues. Mr Dhunay stated that he did not follow-up to ensure that everything had been addressed.

This demonstrates that as a Premises Licence Holder he was not responsible in assuring that the premises complied with legislation and the licensing objectives.

The licensing authority informed us of numerous allegations they received re this premises that they investigated.

Apart from adding licence conditions and reducing hours Mr Dhunay has failed to demonstrate what plans he has made to ensure that the premises will not be as poorly managed as previously, and how he will ensure that the premises if granted a licence will comply with legislation and the licence conditions and will work with Surrey Police to promote the licensing objectives.

Previously under the former Premises Licence Mr Dhunay explained these instances had occurred through lack of knowledge and experience. I suggested previously to Mr Dhunay that he attend Staines pubwatch so that he could liaise with other premises and increase his knowledge regarding managing a licensed premises as he stated that Vegan PIND was his first licensed premises. Neither Mr Dhunay nor anyone else from the premises attended a Staines pubwatch meeting. Mr Dhunay has not detailed any further training or experience he has obtained in the Licensing Act 2003 or how he will ensure that the premises is managed responsibly and as such Surrey Police have little confidence that the premises will be managed responsibly or with greater control and therefore object to this Premises Licence being granted.

Re application form dated the 16/02/26.

The description given for the premises is a relaxed lounge wine bar, but little seating shown to support this.

Re the plan submitted for this application we note that the rear seating area on the plan does not show any furniture but the seating area inside at the front of the premises does, which raises whether this area is going to be used for dancing rather than seating.

Presumably the bench seating at the front of the premises is fixed, not known whether the tables are also or included for context. It may be that the seating in the rear seating area of the premises is not fixed and therefore not included in the plan. If this is the case, and that at times the seating in the rear is going to be removed to allow dancing, the furniture needs to be stored in an area that will not be an obstruction within the premises or in the alleyway.

Should the Licensing Committee grant this licence we would like to raise the following comments re the conditions offered on this Premises Licence application and request that they are adjusted accordingly to ensure that the premises complies with the licensing objectives and does not have an adverse impact on the area.

Refresher training shall be undertaken and recorded at least once every 6 months, not 12 as offered on the application.

CCTV condition offered is that the system shall continuously record whenever licensable activities are taking place at the premises and customers are present.

We request that the CCTV operates 24 hours daily considering previous reports that the premises was operating after hours and that all the licensable area is covered, to avoid doubt this includes the rear balcony and the seating area outside the front of the premises. CCTV to be fully operational and compliant to Premises Licence conditions prior to opening.

Regarding door supervisors condition offered the number to be changed to a minimum of two door supervisors and to be easily identifiable as door supervisors.

The premises to join the pub watch and local radio scheme prior to opening.

The pubwatch condition to include that the premises as a member of pubwatch will comply with the pubwatch rules and ensure that persons banned by the Staines Pubwatch are not permitted into the premises.

The radio scheme condition to include that the premises will maintain a town centre radio and ensure that it is kept in a good working order and in a secure location at the premises. The radio to be monitored by a responsible member of staff at all times

that the premises are open to the public. A daily record to be kept at the premises who is responsible, including dates and times. Instances of crime or disorder to be reported via the radio link by the responsible person at the premises at the time.

Plastic glasses and no bottles to be permitted in the seating area outside at the front of the premises.



Immigration representation in respect of an application for a premises licence

On behalf of the Secretary of State, Immigration Enforcement makes representations for the following premises licence application, relating to the crime prevention objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a new premises licence.

Licensing authority application reference number	
Immigration Enforcement reference number	
Applicant name	Bando Bar Staines Limited
Address of premises	The Rose Bar 21B Clarence Street Staines TW18 4SU
<i>Immigration Enforcement Contact 1</i>	
Name	Immigration Enforcement Licensing Compliance Team
Address	
Telephone no.	
Email address	
<i>Immigration Enforcement Contact 2 (If applicable)</i>	
Name	
Telephone no.	
Email address	



Immigration Enforcement

Representations are being made for the following reasons:

Immigration Enforcement formally object to the application for a premises licence in relation to The Rose Bar, 21B Clarence Street, Staines, TW18 4SU on the following grounds:

History of Non-Compliance:

On 06 February 2025, Immigration Officers from the South Central Immigration Compliance and Enforcement (ICE) Team conducted a visit to the premises following intelligence indicating the employment of illegal workers. At the time, the premises was trading as the Bando Bar. Officers gained entry under fully informed consent. During the visit, one individual was identified as working illegally.

_____ was encountered in the kitchen area of the premises, which is restricted to staff only. During interviewing, _____ stated that he had been employed at the premises for approximately three months, working Wednesday to Saturday from 15:00 to 23:00. He explained that his duties consisted of working in the kitchen, specifically cooking wings and burgers.

_____ reported that he is remunerated through free food and by having his rent of £400 per month paid on his behalf. _____ claimed that the employer had carried out right to work and immigration checks at the time of his employment by inspecting his BRP card.

Home Office checks confirmed that _____ entered the UK on a student visa valid from September 2022 until January 2024. This visa permitted him to work up to 20 hours per week during term time. _____ did not depart the UK upon expiry of his visa, nor did he submit any further applications to regularise his immigration status. As a result, he became an overstayer, and his right to work ended on the date his visa expired.

Employer Interview – Bobby DHUNAY

An illegal working employer interview was conducted with DHUNAY, during which consent was read back to him. During the interview, DHUNAY stated that he had been helping out at the premises for just under a year, primarily assisting in the kitchen. He explained that ! _____ works on an ad-hoc basis, depending on



Immigration Enforcement

when he is needed, and was unable to provide specific working hours or days. He added that [redacted] s remunerated with free food.

DHUNAY confirmed that he is responsible for offering the employment and allocating [redacted] working days and hours. He also stated that he does not keep employee records "as such." DHUNAY admitted that HMRC had not been informed of [redacted] employment and that he had not checked [redacted] right to work or immigration status, nor requested a share code. He claimed he was unaware that [redacted] did not hold a legal right to work in the UK. This contradicts his later statement that employee checks are carried out approximately every six months.

There are strong grounds to object to DHUNAY applying for a licence due to his demonstrated disregard for employment and compliance obligations. During the interview, he admitted to employing an individual ([redacted]) for almost a year without conducting any right to work checks, without maintaining employee records, and without notifying HMRC. DHUNAY also accepted that he did not verify immigration status or obtain a share code, and he allowed the individual to work despite having no legal right to do so. DHUNAY's statement that he conducts employee checks every six months contradicts his earlier admissions, raising concerns about honesty and reliability. These factors collectively demonstrate poor management, a lack of due diligence, and an unwillingness to comply with legal requirements, all of which undermine his suitability to hold a licence.

Civil Penalty

A [redacted] penalty was issued to **Bando Bar Staines Ltd** on 17 March 2025 in respect of 1 individual with no right to work. Bando Bar Staines Ltd objected to the penalty which was considered and on 24 April 2025 the penalty was maintained. The penalty was due for payment on 26 May 2025. No payments have been received; the penalty was referred to a third-party debt collection agency.

On 10 February 2021, **Bando Bar Staines Ltd** was first incorporated on Companies House with the company number 13192659. **BOBBY DHUNAY** was appointed as director on the same date and is showing as currently active.

It is also noted that Bando Bar Staines Ltd was previously registered as Vegan Pind Ltd. It is understood that a previous licence held by this company was revoked on 09 December 2022.

Right to work checks and the prevention of crime and disorder

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.



Immigration Enforcement

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

The employer could have protected themselves and prevented crime and disorder by completing a straightforward right to work check. In this case the employer had not conducted the right to work checks. Should they have attempted these checks, they would have quickly and easily confirmed that [redacted] did not hold the relevant right to work.

All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the GOV.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. A key draw for illegal immigration is work and low-skilled migrants that are increasingly vulnerable to exploitation by unlawful enterprises, finding themselves in sub-standard accommodation and toiling in poor working conditions for long hours.

Considering that an illegal worker has been found at the premises previously for which a civil penalty was issued and remains unpaid, coupled with the revocation of the licence in December 2022. The Home Office considers that allowing the application would prejudice the licensing objectives.

Date:16 March 2026.....

Appendix H

Other persons

Received 11.03.2026

Hi

I am writing in response to a premises licence application for Rose Bar, 21B, Clarence Street, Staines TW18 4SU.

This premises was previously known as Vegan Pind, then Bando Bar. We had issues with them from November 2022 until March 2024 when their licence was revoked.

The issues included music constantly thumping every night often as late as 01:30/02:00 plus noise disturbances from the balcony which backs on to the River Colne and is directly opposite Aldous House flats, Church Street, Staines

REDACTED

We made many complaints and had many visits from the Out Of Hours team.

My concern is that although the hours they have listed are on their own quite reasonable, will they gradually extend them. The main worry is the noise disturbance from the balcony and the level of the music. In their application they have listed "regulated entertainment (recorded music) Thursday to Saturday start 23:00 finish 00:00". Are they really only going to have music playing for one hour?

The whole experience back then was very stressful and I'm dreading it all starting up again, maybe it won't be as bad as before, ever hopeful!

Many thanks

REDACTED

REDACTED

REDACTED

Received 16/03/2026

Objection to Bando Bar / Rose Lounge Licence Application

I, **REDACTED**, wish to formally object to the licence application for Bando Bar / Rose Lounge. My objection is based on the ongoing issues previously experienced when Bobby Dhunay was responsible for the Vegan Pind and Bando Bar operations, which caused significant disturbance to the local community.

Concerns and Issues

- Exceeding licensed hours: Recorded music frequently escalated to DJ-led events taking place several times a week, continuing beyond the permitted licensing hours.
- Noise disturbance: Balcony was routinely used after the designated closing time, resulting in excessive noise from customers, including shouting, screaming, and swearing. Additionally, security staff often held loud mobile phone conversations after midnight, further contributing to the disruption.
- Impact on the neighbourhood: These behaviours showed a clear lack of consideration for local residents and repeatedly caused significant nuisance within the surrounding area.

Furthermore, the new licence application states that the premises will be open until 00:30 on Thursdays, Fridays, and Saturdays. Based on past experience, I have serious doubts that music will cease at 00:00 as required. Since the previous Bando Bar licence was revoked, the area has been noticeably peaceful. I would strongly prefer to maintain this improved environment rather than return to the almost two years of ongoing disturbance previously experienced.

Kind regards

REDACTED

Received 15/03/2026

Hi,

I'm writing to make a formal representation objecting to the application for the sale of alcohol at Rose bar, 21b Clarence Street Staines, tw18 4su.

Having lived opposite through the previous nightmares of vegan pind and Bando bar, I'm quite frankly shocked that their application would even be considered given the complete disregard for licensing laws and distinct lack of respect for their neighbours. These include constant loud music into the early hours and people out on the riverside balcony way after they're permitted to do so.

It's my understanding that the applicant had the previous license revoked because of these issues. I fail to see how the licensing objectives would be properly upheld should a further license be granted, as the previous revocation shows there have been serious issues relating to the management of licensed premises.

Given these concerns, I respectfully request that the application be refused.

Yours faithfully,

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

Received 16/03/2026

Good morning

I wish to make representation against the Licence Application for Rose Bar, 21B Clarence Street, Staines TW18 4SU

My name is **REDACTED** . This is adjacent to the proposed bar.

I have been resident at his property nearly twenty years, and have seen both good **times and bad on this street after hours**. Sadly, **anti-social behaviour is on the rise** once again here and another licenced bar on the street will only make things worse again. Every Saturday morning, evidence of the night before is everywhere to see : **discarded bottles, broken glasses, fast food boxes and the occasional pool of vomit**. **Church Street has become the de facto** after hours meeting place, so another licenced premises is only going to exacerbate these issues.

On a tangential note, Staines High Street saw a reported stabbing in Staines High Street last week, and the town received negative press claiming to be the most **dangerous place in Surrey**. Although I'm sure any permanent resident of Staines would take that statement with a large grain of salt. While we all wish to see business and trade brought in to the **area** - its hard to see how another licenced premises achieves that without the negative consequences it also brings.

[Two further arrests after teenage boy stabbed in Staines - BBC News](#)

[The stats that rank the Staines area as the most dangerous place to live in Surrey | Surrey Live](#)

Two years ago, the same proposed property (even if under different ownership) caused unacceptable levels of noise at weekends, and I understand their licence was **discontinued in large part to this**. It is hard to see how a similar business on the same location would be any different.

There is also the World Cup taking place later this year from the US, with late matches on TV. Are late night licence extensions going to be granted over this period?

Kind Regards

REDACTED



This page is intentionally left blank

Appendix I

Spelthorne statement of licensing policy

Full Access via link

[Licensing Policy 2024-2029](#)

Prevention of Public Nuisance

16.31

Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.

16.33

Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations

16.34

We expect applicants to consider the following non-exhaustive list of risks associated with the public nuisance licensing objective when preparing their operating schedule:

- a) amplified music: noise from music played on the premises.
- b) customer noise: this takes many forms, but the following are of concern:
 - 1) customers queuing to enter or leave the premises
 - 2) customers loitering outside the premises waiting for transport
 - 3) alcohol-related drunken behaviour and shouting
 - 4) customers eating, drinking, or smoking in external areas such as beer gardens, forecourts, and other open areas adjacent to the premises
 - 5) car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises Page | 25
 - 6) use of external play equipment and noise from children using the provided facilities.
- c) deliveries: deliveries outside daytime hours, especially early morning and late evening or night
- d) collections: early morning and late night clearing up and collection of waste. We are particularly concerned about the noise associated with the movement and collection of glass

waste as this may cause significant noise nuisance and can be heard over a wide area e) lighting: excessive artificial lighting near licensed premises f) litter/waste: litter and waste generated by the carrying out of licensable activities, for example, food wrappers and cigarette butts g) obstruction: customers blocking footpaths when eating, drinking and smoking near to the premises h) plant and machinery: noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

19 Licence Conditions

19.1 The authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate: • knowledge of best practice; • that they understand the legal requirements of operating a licensed business; and • a knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003.
Page | 38 19.2

There is a mandatory condition on all premises licences that permit the sale of alcohol that all such sales must be authorised by a person who holds a personal licence. It is recommended that this authorisation be given in writing and that this written authorisation be available for inspection by Responsible Authorities.

19.3 Measures offered by applicants on their operating schedule will normally become licence conditions. They therefore must be enforceable and the meaning must be clear and unambiguous. The authority may alter the wording of a condition to achieve this. The context or meaning of the condition will not be changed.

19.4 Where responsible authorities or other persons do not make any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.

19.5 The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.

19.6 It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.

19.7 To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when

preparing their operating schedules so that they can offer appropriate conditions as part of their applications.

19.8 The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.

19.9 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 came into force on 6th April 2010 (with the exception of paragraphs 4 & 5 of the Schedule which came into force on 1st October 2010).

This page is intentionally left blank

Appendix J

Access to full guidance via link

[Revised Guidance issued under section 182 of the Licensing Act 2003](#)

The following sections of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant in the consideration of this application:

9 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.

Determining actions that are appropriate for the promotion of the licensing objectives 9.42 , 9.43, 9.44

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. 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. 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.

Ensuring safe departure of those using the premises

2.15 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

in accordance with the LICENSING ACT 2003 s.52

Licensing Sub-Committee – 9 December 2022

Application for Review – Leslie Spearpoint, Senior Environmental Health Officer

In respect of – Vegan Pind, 21B Clarence Street, Staines-upon-Thames TW18 4SU

SUB-COMMITTEE DECISION WITH REASONS

Revocation of Premises Licence

With effect from the end of the period given for appealing against the decision or, if the decision is appealed against, the date on which the appeal is disposed of.

1. This Sub-Committee has before it an application for Review of the Premises Licence at Vegan Pind, 21B Clarence Street, Staines-upon-Thames TW18 4SU. The Review is brought by Leslie Spearpoint, Senior Environmental Health Officer.
2. The Respondent is Vegan Pind Ltd which are the Premises Licence Holder at Vegan Pind.

ATTENDANCE

3. A number of people have attended the Sub-Committee hearing this morning to make representations. They are:
 - a. Leslie Spearpoint, Senior Environmental Health Officer- Applicant for the Review
 - b. Tracey Willmott-French, Senior Environmental Health Manager

- c. Bobby Dhunay, Director of Vegan Pind Ltd, the Premises Licence Holder
- d. Satpal Heir, representation for Vegan Pind
- e. Deborah Hunt, member of public
- f. Dr Sacha Grimes, member of public
- g. Responsible authorities:
 - *Lucy Catlyn, Principal Licensing Officer*
 - *Laura McCulloch, Licensing Officer*
 - *PC Inder Singh 41809, Surrey Police*

EVIDENCE

4. The Licensing Sub-Committee has considered all of the relevant evidence made available to it, and in doing so has taken into account the regulations and national guidance under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

Applicants for Review

5. Leslie Spearpoint, Senior Environmental Health Officer, explained the circumstances which had resulted in the submitting of the application for review under the prevention of public nuisance.
6. The Applicant explained that the current premises licence has 32 conditions on it which related to noise control, door staff, staff training, CCTV, customer entry times, and record keeping.
7. Environmental Health began receiving complaints regarding noise and use of the balcony at the premises in late January and on 9 February 2022 a Noise Limiter was installed and calibrated to ensure that music was inaudible within a nearby premises.
8. Noise complaints resumed in April 2022, which included noise after hours and use of the balcony beyond 23:00.
9. On 6 August 2022, the Applicant visited Aldous House to review the level of music from Vegan Pind. Music from Vegan Pind could be heard despite doors

and windows being closed. The music was also monitored from other spots in the Town Centre and was completely audible. The Applicant concluded that the level of music coming from Vegan Pind was a statutory nuisance. The Applicant demonstrated the level of noise he observed through noise recordings taken after 23:00.

10. On 10 August 2022 a Noise Abatement Notice was served on Vegan Pind.
11. Complaints about the noise level continued to be received after the Noise Abatement Notice was served.
12. On 23 September 2022, a noise recalibration was carried out on the noise limiter. Noise complaints have continued to be received after this.
13. The Applicant concluded that the premises is unsuitable for night club-type activities due to its proximity to residential properties and stated that Environmental Health has no faith in the management. Environmental Health asked for the licence to be revoked.
14. Upon questioning, the Applicant confirmed that despite multiple visits and advice given, no improvements had been made by the premises licence holder. The abatement notice was served as a last resort.

Responsible Authorities

Licensing Authority

15. Lucy Catlyn, Principal Licensing Officer, presented the representation on behalf of the Licensing Authority.
16. On 4 February 2022 the Licensing Authority, accompanied by Environmental Health, visited Vegan Pind and identified that many of the Licence Conditions were not being adhered to and there were breaches of the Licensing Act 2003.
17. On 28 February 2022, the Licensing Authority was informed by the police, that they had visited on 27 February and had observed over 50 people within Vegan Pind at 03:20. CCTV was obtained, along with till receipts, which showed sales of alcohol beyond the terminal hour of 01:30. The CCTV also showed that the balcony was being used outside of the hours set out in the conditions.

18. The Sub-Committee were informed that when the CCTV was viewed it was observed that the time on it was incorrect by 1 hour.
19. Mr Dhunay and Mr Laila were PACE interviewed on 14 June 2022 and 14 July 2022 respectively. In the PACE interviews, both parties admitted that sales of alcohol had taken place on the night in question but that a private party was taking place.
20. On 23 September 2022, Licensing and Environmental Health carried out a full licensing check and further breaches of the licence conditions were identified.
21. A meeting was scheduled with Mr Dhunay on 26 October 2022 by the Licensing Authority. Mr Dhunay did not attend. Further breaches of the licence conditions were observed. It was also explained that the manager present, Raj Heir, was unable to operate the CCTV upon request.
22. The Licensing Authority identified that the SIA Door Supervisor Log Book and CCTV had been requested but had not been received. A number of reasons had been given by the premises for not being able to provide CCTV upon request.
23. The Licensing Authority outlined the visits they had made to the premises since it opened and explained that at each visit to the premises, breaches of the licence were observed. This includes visits on 4 February 2022, 3 March 2002, 20 May 2022, 23 September 2022 and 26 October 2022. Advice was given to the Premises both verbally and in writing and stated what needed to be corrected and the consequences of not doing so.
24. The Committee members asked if the Licensing Authority could clarify if the incident on 27 February 2022 was a private party and if so was the sale of alcohol allowed. The Licensing Authority stated that the premises licence allows the sale of alcohol from that premises for a specific time period, and any sales outside of that time, even if to friends and family, would not be permissible.
25. The Licensing Authority explained that there is a staged enforcement policy. They had visited, wrote letters, interviewed both Mr Laila and Mr Dhunay regarding their roles as DPS and that there were only so many times that they can advise. They were concerned that the licensing objectives were not being upheld.

26. Upon clarification regarding the CCTV, it was explained to the Sub-Committee that there had been many conversations about the incorrect time on the CCTV. The Licensing Authority had been told by the premises licence holder that if he were to change it and get it fixed, he would lose the CCTV footage. However, the Licensing Authority told the Sub-Committee that Mr Dhunay had won awards for being a CCTV engineer in the past but despite this, there was an issue with the CCTV.
27. The Licensing Authority supported the application by Environmental Health and requested that the Licence be revoked.

Police

28. The Police representation covered three of the Licensing Objectives; prevention of Crime and Disorder, Public Safety, and prevention of public nuisance.
29. Prevention of Crime and Disorder:
 - At the Licensing Authority visit on 4 February 2022, CCTV covering the rear door was missing and staff were unable to provide historical recordings or demonstrate that recordings were being kept for the required 31 days.
 - On 7 August 2022, police received a call from Vegan Pind and were informed that a drunk customer was refusing to leave the premises. Police were informed there was no door supervisor on duty. This was in breach of the licence conditions.
 - The police advised that Vegan Pind's CCTV system had not been registered with the Information Commissioner's Office Website, as of 7 November 2022.
30. Public Safety:
 - 24 February 2022, police were called to an incident outside Vegan Pind. Police observed a lack of staff at Vegan Pind to deal with the number of customers coming out of the premises.
31. Public Nuisance:

- 27 February 2022, Police attended at 3:20am and found that there were over 50 persons on site. The police were informed it was a family party.
32. PC Singh stated that on routine visits to the premises, staff have not been receptive to the police's presence.
 33. PC Singh identified that the premises were accepting photos of identification on phones rather than the physical documents and as such had no way to check if the ID was real or not.
 34. PC Singh concluded stating that at every licensing check the police have carried out, Mr Dunhay had not been receptive to the visit and had been uncooperative. Surrey Police supported the application by Environmental Health and requested the licence be revoked.
 35. The Committee members asked if any further breaches of licence conditions had been found on any further visits. PC Singh explained that when Surrey Police attended on 15 October 2022, Mr Dhunay had produced an incident book upon request. Records began from 26 September 2022 and pages were not completed properly. Advice was given that all sections should be filled out correctly.
 36. The Committee asked for PC Singh's view on the Nitrous Oxide canisters that had been found at the premises. PC Singh explained that there is a Public Space Protection Order in place in Spelthorne in relation to legal highs.

Other persons

37. The Sub-Committee received written representations from three other parties: Deborah Hunt, Dr Sacha Grimes, and Dr Rikesh Patel.

Deborah Hunt

38. Ms Hunt explained that she started to keep a log of incidences of noise in June 2022 after contacting the Council, however she added that she was aware of the noise being an issue from the early months of the year.
39. Ms Hunt explained that the noise was a problem mostly on Friday and Saturday nights, but some weeks Thursday was an issue as well. The noise would start

from 9:00pm and continue until 1:30am. On occasions it would continue past 1:30am.

40. The noise disturbance was mainly from the music being played by the venue, but would sometimes include customers on the balcony talking, shouting and using their phones. Ms Hunt described the noise as thumping drum and base and stated that she would experience four and a half hours of constant thumping noise with no break.
41. Ms Hunt explained that the noise was so loud it could be heard over the TV and that it was impossible to go to sleep, even with windows and doors closed. It resulted in her dreading the end of the week, not knowing if she would have one, two or three nights of noise. Ms Hunt went on to say that she found it really difficult to relax and that you should be able to relax in your own home without dreading these days.
42. Ms Hunt stated that she had not noticed any improvement in the noise.

Dr Sacha Grimes

43. Dr Grimes supported the evidence provided by Ms Hunt and added that residents were very distressed about the ongoing noise and the lack of sleep caused by it. Dr Grimes stated that she dreaded the weekends and that is sometimes occurred on random weeknights. She stated that it made getting up for work extremely difficult after being up until 1.30am or even later. She explained she first began to experience disturbances in January 2022.

Premises Licence Holder

44. The current premises licence holder is Bobby Dhunay.
45. Mr Dhunay apologised to residents and stated he had not received their complaints, as they had never been in contact directly and that he would have done something about it if they had. Mr Dhunay stated that he has seen other premises that are louder than Vegan Pind.
46. Mr Dhunay explained that the problem with the time on the CCTV had now been rectified. There had been a problem with the chip and had to go to the manufacturer for help. He also explained that the security staff have been told to

fill in the log books but there has been an issue with the books, as the space in the books is not big enough to log their full numbers.

47. Mr Dhunay stated that the event the police referenced as taking place on 27 February 2022, was a private function for friends and family and that payment was not taken for alcohol.
48. Mr Dhunay went on to state that he is new to the hospitality industry and still needed to learn what needed to be done in respect to the conditions on the licence. He explained that he had made a mistake, and that he had hired an experience DPS, but that DPS did not guide him in the correct way. He explained that he has become the DPS but is still adapting.
49. Mr Dhunay explained that he could not afford to have the number of security persons as stated in the conditions on the licence. He described how he was under a lot of stress financially due to the premises, although stated that it did not excuse the failure to follow the licence conditions.
50. He stated that he did not want to annoy his neighbours and reiterated that no one had contacted him directly. He declared that the noise level was kept to the level of the noise limiter but that it was obviously not enough.
51. The Applicant asked Mr Dhunay whether the premises was a restaurant or a night club. Mr Dhunay stated that it was a restaurant and bar, not a night club and that it is not promoted as a night club. However, upon Mr Dhunay asking what the difference was between a bar and a night club, the Applicant asserted that night club activities were being carried out at the premises in the form of loud music and dancing, as a bar would have background music.
52. Mr Dhunay was asked by the Applicant why music was being played beyond 1:30am. Mr Dhunay explained that it would have been a mistake if music had gone past 1.30am. He stated that music was played while clearing up but it would be at a much lower volume.
53. Mr Dhunay was then asked why the side panel was missing from the noise limiter. Mr Dhunay responded that the box that contained the noise limiter also contained the wi-fi router which they needed access to. The Applicant stated that

it appeared the noise limiter had been re-set to a significantly louder volume than it should have been. Mr Dhunay responded saying that they play music to the maximum volume of the noise limiter and that the DJ cannot override it.

54. Mr Dhunay was asked by the Licensing Authority if he knew what the closing time for the premises was and why on CCTV viewed of 20 November 2022 and 26 November 2022, the premises was still open 30 minutes past closing time. Mr Dhunay stated that he knew the closing time was 1:30am but admitted that on occasions it took a long time to get customers of the premises.
55. Mr Dhunay was asked why the Incident Logs, SIA Logs and the Training Logs had not been provided. Mr Dhunay claimed he was unaware that he needed to provide them. The Licensing Authority drew the Committees attention to a series of e-mails to Mr Dhunay requesting these items.
56. In respect of why training logs were not available when the Licensing team visited, Mr Dhunay stated that it was a mistake and that the logs should have been updated. The Licensing Authority explained that she had observed staff on CCTV that there were no training records for. Mr Dhunay explained that when he was short staffed, his friends would sometimes work at the premises and would have been given training on the day.
57. When asked to clarify how many door supervisors he had. Mr Dhunay repeated that he was unable to afford the number of door supervisors as outlined in the licence conditions and stated that on days when he had no door supervisors, alcohol was not sold.
58. PC Singh pointed out to Mr Dhunay that on 7 August 2022, the police had been called by Raj Heir at Vegan Pind who stated that there was an intoxicated customer on site who refused to leave and that there was no door supervisor on the premises. Mr Dhunay refuted this claim and explained that Mr Heir was new at the time and may have been confused.
59. Mr Dhunay was questioned by the Committee members who enquired whether Mr Dhunay was aware of the four Licensing Objectives and whether he felt they were being followed. Mr Dhunay stated he was aware of the objectives and in the case of the noise complaints felt that the objectives had not been met.

60. Mr Dhunay was asked what strategies would be put in place to deal with the issues that had been identified. Mr Dhunay stated that they would turn on the lights earlier to indicate to customers it was nearing closing time. Bi-weekly checks would be carried out to ensure everything was working properly and Mr Raj Heir was being trained to manage the premises in Mr Dhunay's absence.
61. Mr Dhunay was asked to address his statement regarding complaints from members of the public by Dr. Grimes. Dr Grimes explained that she sometimes called the premises 2-3 times an evening to complain about the noise to the manager, and was aware that her neighbours had done the same. Mr Dhunay stated that if he was aware of a noise complaint, he would request the music to be turned down.
62. Mr Dhunay was asked in relation to the incident on 15 September 2022, as outlined in the Licensing Authorities representation, if he was aware of RIDDOR. Mr Dhunay admitted that he was unaware until the Licensing Authority had brought it to his attention.
63. Mr Dhunay was asked how he familiarised himself with what the Council required when the licence was granted. He explained that he was unaware of the conditions imposed on the licence when it was granted as this had been done through an agent. He attempted to familiarise himself with the conditions. The premises was intended to mainly serve food, but profited mainly from its sales of alcohol, particularly from patrons who have visited another local licensed premises.
64. Mr Dhunay was asked how he reacted to the visits from the Council and what steps were taken to resolve the identified issues. Mr Dhunay stated that the premises were under the supervision of the previous Designated Premises Supervisor and he had been shown the letter and asked to address the issues. Mr Dhunay stated that he did not follow-up to ensure that everything had been addressed. He said when a further visit was made in March, he realised that the issues were not being addressed and applied for his own personal licence to become the designated premises supervisor. He was still getting used to how to run a business. He realised he should ask for help but he could not afford to do so.

65. Mr Dhunay was asked about the levels of noise emitting from Vegan Pind and if he recognised the amount of distress he was causing neighbouring residents. He replied that he felt that people were complaining because they had a personal agenda against the premises. When asked to address the representations from residents, Mr Dhunay explained that he only recently had found out about the calls.
66. Mr Satpal Heir spoke on behalf of Mr Dhunay and apologised to the residents. He explained that his son works for Vegan Pind and has offered to work as a consultant at no cost to help put the business back in shape and to ensure the conditions are being met.

FINDINGS

67. The Licensing Sub-Committee has carefully considered all of the evidence before it, including the written and oral representations made by the Applicant, the Responsible Authorities, other persons and the Premises Licence Holder.
68. In considering all of the evidence put before it, the Sub-Committee has had regard to the Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under the Licensing Act 2003 ("National Guidance"). The Sub-Committee finds as follows:
 69. The Sub-Committee is mindful of its duty to promote all the licensing objectives and on the basis of the evidence it has heard, considers that the licensing objectives of the prevention of public nuisance, prevention of crime and disorder and public safety have been engaged.
 70. The Sub-Committee notes that three Responsible Authorities have supported the revocation of the premises licence and each have spent considerable time and effort in trying to assist the Premises Licence Holder. Despite this, the Premises Licence Holder has failed to take notice of this advice.
 71. The Sub-Committee finds the Responsible Authorities have exhausted their expertise in guiding the Premises Licence Holder to comply with the licence conditions and adhere to the licensing objectives. With regard to the Premises Licence Holder's failure to adhere to the licence conditions in respect of record keeping, the Sub-Committee viewed this to be a display of poor management.

72. The Sub-Committee is of the view that Mr Dhunay has failed to demonstrate that he has any plan in place to alleviate the concerns raised before the Sub-Committee. Along with failing to adhere to the many warnings of the Responsible Authorities over the course of the past year, Mr Dhunay was ill prepared for the Sub-Committee hearing and failed to set out an action plan or sufficient measures as to how he would resolve the issues raised. The Sub-Committee has no sense of confidence that Mr Dhunay would rectify any of the issues raised or adhere to the licence conditions.
73. The Sub-Committee is sympathetic to the pleadings of Mr Heir in relation to this son and his offer to help, however no details were provided in terms of how he would assist. It was also unclear as to what would happen if Mr Heir's son no longer worked at the premises.
74. The Sub-Committee is also conscious of human rights implications when considering and balancing licensing issues, in particular, Article 1 of the First Protocol and Article 8. Article 1 relates to the peaceful enjoyment of possessions and Article 8 provides that every person has the right to respect for their private and family life and home.
75. The Sub-Committee notes that the evidence relates to the prevention of public nuisance, public safety and crime and disorder. Taking each of those licensing objectives in turn, the Sub-Committee finds as follows:

Crime and Disorder

76. The Sub-Committee are persuaded by the evidence of the Police and the Licensing Authority that the premises is not being run in accordance with the Licensing Objectives in relation to the prevention of crime and disorder due to the ongoing issues relating to CCTV, lack of drugs policy and the acceptance of ID's on phones over originals.
77. The Sub-Committee considers the premises ongoing failure to provide access to CCTV recordings upon request to be contrary to the conditions on the existing licence and evidence of serious mismanagement of the Premises Licence Holder. CCTV is a means of deterring crime and disorder, however, the effectiveness of it as a tool will be seriously undermined if Responsible

Authorities are unable to retrieve it on request or the footage contains incorrect timings.

78. The Sub-Committee further considered that by not checking patron's ID correctly and instead just viewing photos of ID, the Premise Licence Holder was not upholding the principles of Challenge 25, which is an incredibly serious and dangerous matter.
79. The Sub-Committee is extremely concerned that cannabis was found in the possession of customers at the premises by the Police, along with Nitrous Oxide canisters. The discovery of this during spot checks is evidence of ill-practice at the premises in the view of the Sub-Committee. This is supported by the lack of drugs policy in place, which demonstrates that the Premises Licence Holder has not taken this issue seriously.
80. The Sub-Committee has also given regard to the fact that Surrey Police, who are the main source of advice in relation to the prevention of crime and disorder licensing objective, have not only submitted a representation but verbally confirmed their support for the revocation of the premises licence.

Public Nuisance

81. The Sub-Committee considering the National Guidance at paragraph 2.15 focussed on the effect of the licensable activities at the premises. It is persuaded by the evidence of the Applicant that the premises is not being run in accordance with the Licensing Objectives in relation to the prevention of public nuisance, due to excessive noise from music and from customers using the balcony outside the permitted time and the frequency of the noise complaints received.
82. The Sub-Committee considers there is consistency in the evidence of noise disturbance provided by the Applicant, the Licensing Authority and the Other Persons and finds that these disturbances have arisen as a result of the operation of the premises.
83. The Sub-Committee upon hearing the recordings of the noise generated from the premises, along with the representations provided, is persuaded that the premises has caused a statutory noise nuisance which has continued after and in despite of, a Noise Abatement Notice having being issued and the application for review being submitted.

84. The Sub-Committee notes that the numerous conditions contained on the premises licence to prevent public nuisance have been ignored.
85. The Sub-Committee is persuaded by the Applicant's assertion that the premises is acting as a night club in the guise of a restaurant and bar.
86. The Sub-Committee is sympathetic to the representations of the Other Persons and finds the effect on the residents due to noise from music to be disproportionate and unreasonable.

Public Safety

87. The Sub-Committee is persuaded by the evidence of the Police and the Licensing Authority that the premises is not being run in accordance with the Licensing Objectives in relation to public safety due to the lack of awareness of management relating to RIDDOR, and the lack of commitment to engaging the use of the correct number of Door Supervisors.
88. In respect of the failure to report and record the incident that occurred at the premises, the Sub-Committee considers the failure of management to be aware, understand or accept their requirements under RIDDOR to be a very serious issue. It is the view of the Sub-Committee that Mr Dhunay grossly underestimates his responsibilities for the safety of people while they are on the premises.
89. The Sub-Committee considered the lack of the correct number of door supervisors, in violation of the conditions of the licence, to put public safety at risk. The Sub-Committee are concerned that Mr Dhunay relies on potentially intoxicated patrons arriving from other licensed premises to financially bolster his business, whilst not understanding his health and safety requirements. It is the view of the Sub-Committee, that this appears to be a risk that Mr Dhunay is willing to take, but it is to the detriment of everyone else around him.

CAUSES OF CONCERN

90. The Sub-Committee is advised by National Guidance paragraph 11.20, to identify the causes of concern established by the representations. Remedial

action can then be directed to those causes. In this case the causes of concern may be summarised as follows:

- (a) There is poor management and supervision of the premises by the Premises Licence Holder;
- (b) The DPS is not controlling or adequately managing the premises and those attending;
- (c) The Licensing Objectives are not being addressed so that residents suffer from public nuisance.

LEGAL POSITION

91. By virtue of the Licensing Act 2003 the Sub-Committee is entitled to consider on a review application whether it should:

- ⇒ Modify the conditions
- ⇒ Exclude a licensable activity
- ⇒ Remove the Designated Premises Supervisor
- ⇒ Suspend the licence for up to 3 months
- ⇒ Revoke the licence

Written Warnings

92. The Sub-Committee considered the advice set out in the National Guidance at paragraph 11.17 that a Sub-Committee could consider written warnings to a Premises Licence Holder and to recommend improvement within a particular period of time.

“It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warning should be issued in writing to the holder of the licence.”

93. A written warning was sent to the Premises Licence Holder by the Licensing Authority on 17 May 2022. The letter advised Mr Dhunay that he was still under caution and outlined how the licence was being breached. The letter advised Mr Dhunay to seek independent legal advice.

94. The Sub-Committee finds that advice and guidance had been given to Mr Dhunay both verbally and in writing at numerous visits to the premises by the Licensing Authority and Environmental Health, which detailed the points he needed to address in order to comply with the premises licence conditions.

OPTIONS

95. The Sub-Committee has considered which of the remedies available to it would be most proportionate and appropriate to meet the Licensing Objectives on prevention of public nuisance, public safety, and prevention of crime and disorder to address the concerns outlined above.

Modification of conditions

96. The Sub-Committee considered if the problems at this premises could be remedied by the imposition of conditions.

97. Given that so many of the current conditions on the licence are not being complied with and the serious concerns about the lack of proper management at the premises, the Sub-Committee finds that the addition of further conditions would neither be effective, appropriate or sufficient to promote the licensing objectives.

Exclusion of Licensable activity

98. The Sub-Committee then went on to consider the removal of a licensable activity. There are 3 licensable activities at the premises; sale by retail of alcohol; provision of regulated entertainment; and the provision of late night refreshment.

99. The Sub-Committee views that there is serious evidence of mismanagement of the premises and has such little confidence in the Premise Licence Holder rectifying those issues. It does not consider the removal of a licensable activity as an appropriate or proportionate step to address the concerns raised by this review application and promote the four licensing objectives.

Removal of DPS

100. The Sub-Committee is persuaded a cause of public nuisance at the premises has been a lack of proper control by the DPS.

101. The Sub-Committee considered if removal of the DPS would be an appropriate response. The Sub-Committee is of the view that Mr Dhunay recognised there were issues with the premises and that in becoming the DPS on 16 June 2022, he believed it would be sufficient to put things right. However, despite personal

intervention, he failed to remedy the many violations that had been highlighted to him in his time as the DPS.

102. The Sub-Committee views that Mr Dhunay appears not only inexperienced but also incapable of getting to grips with the issues highlighted by the Licensing Authority in their various letters.
103. The Sub-Committee notes paragraph 11.22 of the National Guidance and finds that the problems observed are as a result of poor company practice and that the removal of the DPS would not correct the issues presented.

Temporary Suspension of Licence

104. The Sub-Committee also considered temporary suspension of the premises licence.
105. A suspension serves as a severe form of warning to the Premises Licence Holder that there is a risk that if things do not improve then more serious action is warranted. The Premises Licence Holder has had warnings since February 2022 about the numerous breaches of the licence conditions and he has not taken the opportunity to remedy these.
106. Mr Dhunay failed to persuade the Sub-Committee with any confidence as to the measures he would put in place to rectify the causes of concern and adhere to the licence conditions. The Sub-Committee are not convinced that by imposing a temporary suspension, that Mr Dhunay will do anything to change the current situation.
107. The Sub-Committee notes Mr Dhunay's comments that he is aware that he needs help but cannot afford to do so. The Sub-Committee is of the view that Mr Dhunay has failed to seek help and that he is bending the rules to keep the business afloat.
108. The Sub-Committee is of the view that Mr Dhunay had sufficient time to adhere to the licence conditions and yet he has continued to run the premises in breach of those conditions, at the expense of the residents which is unacceptable.
109. The Sub-Committee therefore considers a suspension to be neither an appropriate or proportionate step to promote the licensing objectives.

Revocation of Licence

110. The Sub-Committee is mindful that three Responsible Authorities are in favour of revoking the premises licence. When looking at the evidence placed before it, the Sub-Committee views that the Licensing Authority has clearly not taken this decision lightly. The communication with the premises licence holder has been measured, constructive and designed to show him a path to put things right. Yet sadly, he appears either unwilling or incapable of taking advice.
111. The Sub-Committee is mindful of the seriousness of revocation, not only in removing an amenity from the community but in the detrimental financial impact that may result. However, this must be balanced against the massive impact this premises is having on residents and also Responsible Authorities. The Sub-Committee is of the view that this premises is severely impacting the residents home life and is straining the resources of the Responsible Authorities.
112. Despite ample opportunity to rectify the issues that have been put before the Sub-Committee, the Premises Licence Holder has failed to provide evidence of how the situation can be improved. The Sub-Committee notes paragraph 11.23 of the National Guidance which states:
- “where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”*
113. On the evidence presented, the Sub-Committee considered whether revocation of the premises licence was appropriate and proportionate. It has concluded that on the basis of the evidence before it that revocation is the only option available that is both appropriate and proportionate.

DECISION

114. The Sub-Committee has reached a decision about this matter and in doing so has taken into account the National Guidance on Reviews, paragraph 11.20, which encourages Sub-Committees to identify the problems at licensed premises and then to take a proportionate view to the remedies which are available and might be necessary to promote the licensing objectives.

115. The Sub-Committee has decided to revoke the premises licence, as set out at Paragraph 113 above.

Conclusion

116. You have the right to appeal against this decision to the Magistrates' Court within 21 days of receipt of this decision notice. The relevant provisions are set out in section 181 and Schedule 5 of the Licensing Act 2003.

117. 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, Guildford Magistrates Court can be contacted on 01483 405 300.

Councillor R.W. Sider BEM (Chairman)

Councillor O. Rybinski

Councillor C. Bateson

Date of Decision: 9 December 2022
Date of Issue: 16 December 2022

This page is intentionally left blank

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.

