

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

in accordance with the LICENSING ACT 2003 s.39 & s.44

Licensing Sub-Committee – 10 July 2024

Application – For grant of a Premises licence for the supply of alcohol

In respect of – Kesari Kebab, 12 Woodlands Parade, Ashford TW15 1QD

SUB-COMMITTEE DECISION WITH REASONS

Grant of application

1. This Sub-Committee has before it the following application:-
 - i The Application for a grant of a premises licence for the Supply of Alcohol (on and off sales only) Monday to Sunday 11:00 – 23:00, and the opening times applied for Monday to Sunday 11:00 to 23:30.
2. The Applicant is: Jasvinder Singh Jolly

ATTENDANCE

- i. The following people have attended the Sub-Committee hearing this morning to make representations. They are:
 - a. Responsible authorities:
 - Lucy Catlyn, Principal Licensing Officer.
 - b. Applicant and Applicant Agent/Representative
 - Mr Jasvinder Singh Jolly (Applicant)
 - Mr Panchal (representative)
 - c. Representations
 - N/A

BACKGROUND

1. This is an application for a new premises licence for the supply of alcohol.
2. The Applicant's agent describes the premises as an Indian Restaurant, also to be occasionally used for Indian wedding celebrations.

3. The applicant's agent advises that the premises has seating for up to 40 people, with 14 tables in the premises.
4. There are no representations from any of the Responsible Authorities.
5. There have been ten written representations from members of the public. These representations are concerned with fear of increased levels of disturbance and an increase in anti-social behaviour in the residential area where the business is situated.
6. The Licensing Sub-Committee has heard and considered the oral representations made this morning on behalf of Jasvinder Singh Jolly by Mr Panchal. Mr Singh also made oral representations himself. Mr Panchal stated that his client had already amended his application to reduce the opening hours for Kesari Kebabs, and for the hours for the sale of alcohol. Mr Panchal stated that his client also had a personal licence.
7. Mr Panchal noted that the four licencing objectives would be promoted, and explained that the premises would include a training manual confirming staff training. Mr Panchal noted that a "right to work" checklist would be used for staff to ensure that staff were legally permitted to work. Mr Panchal noted that CCTV would be installed on the premises, that a "challenge 25" policy would be applied, and that public nuisance notices would be put up in the premises asking customers to keep quiet and ensure they do not disturb local residents on exiting the premises. Mr Panchal also noted that an incident book would be used to keep a record of incidents that take place at the premises.
8. Mr Panchal, on behalf of Mr Jolly, stated that Mr Jolly was keen to ensure the premises operated without issue and that he intended for the business to attract families and local residents as their customers. Mr Panchal made clear that Mr Jolly is keen to have the support of local residents and will do his utmost to limit any disturbance or nuisance caused to them.
9. Mr Panchal noted that others would fulfil the role of Mr Jolly, when he was absent from the premises, to ensure that the business is properly managed.
10. Mr Panchal noted that Mr Jolly would not take deliveries from suppliers between the hours of 8 pm and 7 am.
11. Mr Panchal also noted that the business would ensure that customers waited within the premises, not outside of it, when waiting for cabs/private hire vehicles to pick them up.
12. Mr Panchal noted that the business intended to take bookings for private functions but that these would be occasional only, and would take place

during the daytime, not evening. Private events would cater for a maximum of 40 people.

13. The Sub-Committee has considered all of the evidence put before it, including the report prepared by the Licensing team and in doing so has taken into account the Secretary of State's Guidance issued under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

The Licensing Sub-Committee is mindful of its duty to promote the licensing objectives and finds as follows:

Findings and Decision

14. The Sub-Committee considers that the licensing objective of the prevention of crime and disorder and prevention of public nuisance has been engaged.

15. The Sub-Committee weighed up its duty to uphold the licensing objectives and the evidence provided by all who made representations.

16. The Sub-Committee found that: -

- a) there was a fear of public nuisance and anti-social behaviour but that these concerns could reasonably be dealt with by the Applicant,
- b) The premises would bring a benefit to the community,
- c) That the service of alcohol would be with food and that a minimum spend of £15 would be required for collection or deliveries, before being allowed to purchase alcohol with their order.
- d) The additional conditions agreed in addition to the mandatory conditions would ensure a well-run and managed premises, however, three more conditions were required as follows:
 - i. *The premises will not accept deliveries from suppliers between the hours of 8 pm and 7 am, Monday to Sunday.*
 - ii. *Customers waiting for takeaway orders will wait for such orders within the premises.*
 - iii. *Customers waiting for pick up from taxis or other private hire vehicles will wait within the premises, not outside, to be picked up.*
- e) The premises could only accommodate 40 people (consumers) seated.

17. The Sub-Committee concludes on the basis of the evidence that it has heard and the findings of fact that it has made, that a premises licence for **Kesari Kebab, 12 Woodlands Parade, Ashford TW15 1QD** for:

- The supply of alcohol (on and off sales only) from Monday to Sunday 11:00 to 23:00,
- The opening hours of the premises from Monday to Sunday from 11:00 to 23:30,

Shall be granted with the mandatory conditions and additional conditions as agreed with the applicant at the hearing, a copy of which is annexed to this decision.

Conclusion

- j. 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.
- k. 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 S.A. Dunn - Chair

Councillor K. Grant

Councillor M. Lee

Date of Decision: 10 July 2024

Date of Issue: 15 July 2024

Conditions:

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police.
2. The system shall be maintained in good working order and working at all times, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days.
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises.
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment. Right to work checks to be kept at the premises at all times and be available immediately upon request to Responsible Authorities.
6. All on sales of alcohol must be made with a substantial eat in meal.
7. All off sales must be ancillary to a takeaway meal.
8. No open vessels to be taken outside the curtilage of the premises at any time.
9. At least 1 member of staff shall have a Level 2 Food Safety qualification.
10. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighbourhood
11. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
12. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
13. An refusal book (electronic or paper) shall be kept at the premises and record of refusals will be made. This must be made available for inspection on request to a Responsible Authority.

14. The Premises Licence Holder will ensure that staff are trained in respect to the Licensing Act 2003 legislation and underage sales prevention. Refresher training will be carried out yearly. Records will be made available to a Responsible Authority on request immediately.
15. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
16. The premises will not accept deliveries from suppliers between the hours of 8 pm and 7 am, Monday to Sunday.
17. Customers waiting for takeaway orders will wait for such orders within the premises.
18. Customers waiting for pick up from taxis or other private hire vehicles will wait within the premises, not outside, to be picked up.