

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.

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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	Good afternoon,		

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
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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.