

LICENSING HEARING PANEL

Wednesday 28 February 2018 at 10.00 am

Council Chamber - Epsom Town Hall

The members listed below are summoned to attend the Licensing Hearing Panel meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Neil Dallen (Chairman)
Councillor David Reeve

Councillor Humphrey Reynolds

Yours sincerely



Chief Executive

For further information, please contact Tim Richardson, 01372 732122 or trichardson@epsom-ewell.gov.uk

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to disclose the existence and nature of any Disclosable Pecuniary Interests in respect of any item to be considered at the meeting.

2. **SANCHOS GRILL, 67 POOLE ROAD, EPSOM, SURREY. KT19 9SQ** (Pages 3 - 38)

The Panel is requested to determine the application made under the Licensing Act 2003.

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SANCHOS GRILL, 67 POOLE ROAD, EPSOM, SURREY. KT19 9SQ

Report of the:	Head of Housing & Community
Contact:	Angela Slaughter
Annexes/Appendices (attached):	Annexe 1 - Application form Annexe 2 - Copy of Representation Annexe 3 - Environmental Health response to representation Annexe 4 - Location Map
Other available papers (not attached):	Copy of Conduct and Practice in Licensing Procedures and Hearings Statement of Licensing Policy Licensing Act 2003 Guidance Issued under Section 182 of the Licensing Act 2003

Report summary

The Panel is requested to determine the application made under the Licensing Act 2003.

Recommendation (s)

- (1) The Panel is requested to determine whether or not the application should be granted.

1 Current Position

- 1.1 An application was made for the grant of Premises Licence to the premises known as Sanchos Grill, 67 Poole Road, Epsom, Surrey. KT19 9SQ. The application form is attached as **Annexe 1**. A location map is attached at **Annexe 4**.

2 Introduction

- 2.1 The application is to allow the provision of Late Night Refreshment from 23.00 hours until 02.00 hours every day.

3 Representations from Interested Parties

- 3.1 One representation was received to the application from a local resident on the grounds of Public Nuisance, Prevention of Crime and Disorder and the Promotion of Public Safety. This is attached at **Annexe 2**. A response to points raised in this representation has been made by the Environmental Health Service. This is attached at **Annexe 3**.

4 Representations from Responsible Authorities

- 4.1 Environmental Health made a representation to the application as stated below, which the applicant has accepted. As the applicant agreed the conditions Environmental Health withdrew their representation. If the licence is deemed granted, these will be placed on his premises licence.
- 4.1.1 Monday to Saturday – close the business front door at 11:00pm and operate the kitchen for online or telephone sales by delivery only (no collect in person), till 12:30am.
- 4.1.2 Sunday - close the business at 11:00pm, with no online /telephone sales or deliveries.
- 4.1.3 Delivery drivers having vehicles being used for deliveries which are under the control of the premises shall turn off the vehicle whilst not in use.
- 4.1.4 The Premises Licence Holder shall manage delivery drivers to ensure their conduct at the premises does not cause a public nuisance to the occupiers of any residential properties surrounding the premises address.
- 4.1.5 Delivery drivers are to use the rear door to the premises to take deliveries out to the delivery vehicle.
- 4.1.6 The premises will close at 11:00pm with the front door being locked and the internal front waiting area lights turned off.
- 4.1.7 The Premises Licence Holder shall ensure that the ventilation extract ducting does not cause noise or odour nuisance to the area by taking any measures needed to minimise noise and odour.
- 4.2 No other representation was received by any other Responsible Authority.

5 Policy Considerations

- 5.1 A copy of the Statement of Licensing Policy adopted in December 2013 has been distributed to all parties. There are no Policy presumptions against the grant of the application however, Members will need to have due regard to the representations submitted and the location of the premises within Epsom and Ewell Borough Council.

- 5.2 The premises is in the Green Zone, there is policy presumption to grant the licence unless it can be shown that the application would undermine the licensing objectives.

6 Equalities and Other Legal Implications

- 6.1 The Panel must consider the application and the representations made and either modify the conditions of the licence or reject the whole or part of the application, having regard to the promotion of the licensing objectives of prevention of crime and disorder, promotion of public safety, prevention of public nuisance and the protection of children from harm.

7 Conclusions

- 7.1 The Panel is requested to determine whether or not the application should be granted.

Ward(s) affected: West Ewell Ward;

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Ehh04/zd136/prem

Town Hall
The Parade
Epsom
Surrey, KT18 5BY
Telephone 01372 732000
www.epsom-ewell.gov.uk

Schedule 1, Regulation 3

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We FARSHID KARIMAGHAEI

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>67 POOLE ROAD EPSOM SANCHOS GRILL</u> <u>SANCHOS GRILL</u>			
Post town	<u>EPSOM</u>	Postcode	<u>KT199SQ</u>
Telephone number at premises (if any)	<u>0208 393 2222</u>		
Non-domestic rateable value of premises	<u>£ 6700</u>		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | | |
|-----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) | a health service body | <input type="checkbox"/> | please complete section (B) |
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a

statutory function or	<input type="checkbox"/>
a function discharged by virtue of Her Majesty's prerogative	<input type="checkbox"/>

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname KARIMAGHAE			First names FARSHID		
Date of birth 11-03-1966 I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes					
Nationality BRITISH					
Current residential address if different from premises address		FLAT 5 6 BEAUFORT ROAD KINGSTON			
Post town		KINGSTON		Postcode	KT12TQ
Daytime contact telephone number			07462388322		
E-mail address (optional)		Farshid.kaz017@yahoo.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

ASAP
DD MM YYYY

1	1	1	1	1	1	1	1
---	---	---	---	---	---	---	---

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

DD MM YYYY

1	1	1	1	1	1	1	1
---	---	---	---	---	---	---	---

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

Kebab Shop

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) LAST ORDERS AT 01:30 am NO		
Mon	2300	2 AM			
Tue	2300	2 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) NO		
Wed	2300	2 AM			
Thur	2300	2 AM	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) NO		
Fri	2300	2 AM			
Sat	2300	2 AM			
Sun	2300	2 AM			

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	02:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	11:00	02:00	
Wed	11:00	02:00	
Thur	11:00	02:00	
Fri	11:00	02:00	
Sat	11:00	02:00	
Sun	11:00	02:00	

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8) <div style="text-align: center; font-size: 1.5em;">NO</div>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) <div style="text-align: center; font-size: 1.5em;">NO</div>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) <div style="text-align: center; font-size: 1.5em;">NO</div>		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name FARSHID KARIMAGHAE	
Date of birth 11-03-1966	
Address Flat 5/6 BEAUFORT ROAD KINGSTON	
Postcode	KT12TG
Personal licence number (if known)	
Issuing licensing authority (if known)	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

CCTV IN PLACE TO RECORD FOR 31 DAYS
TO PROVIDE TO POLICE OR LOCAL AUTHORITY
ON REQUEST

c) Public safety

d) The prevention of public nuisance

SIGN ASKING people TO LEAVE quickly
SMALL BIN FOR RUBBISH

e) The protection of children from harm

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	8-12-2017 15/01/2018
Capacity	owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

15. 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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **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.
- 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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:-

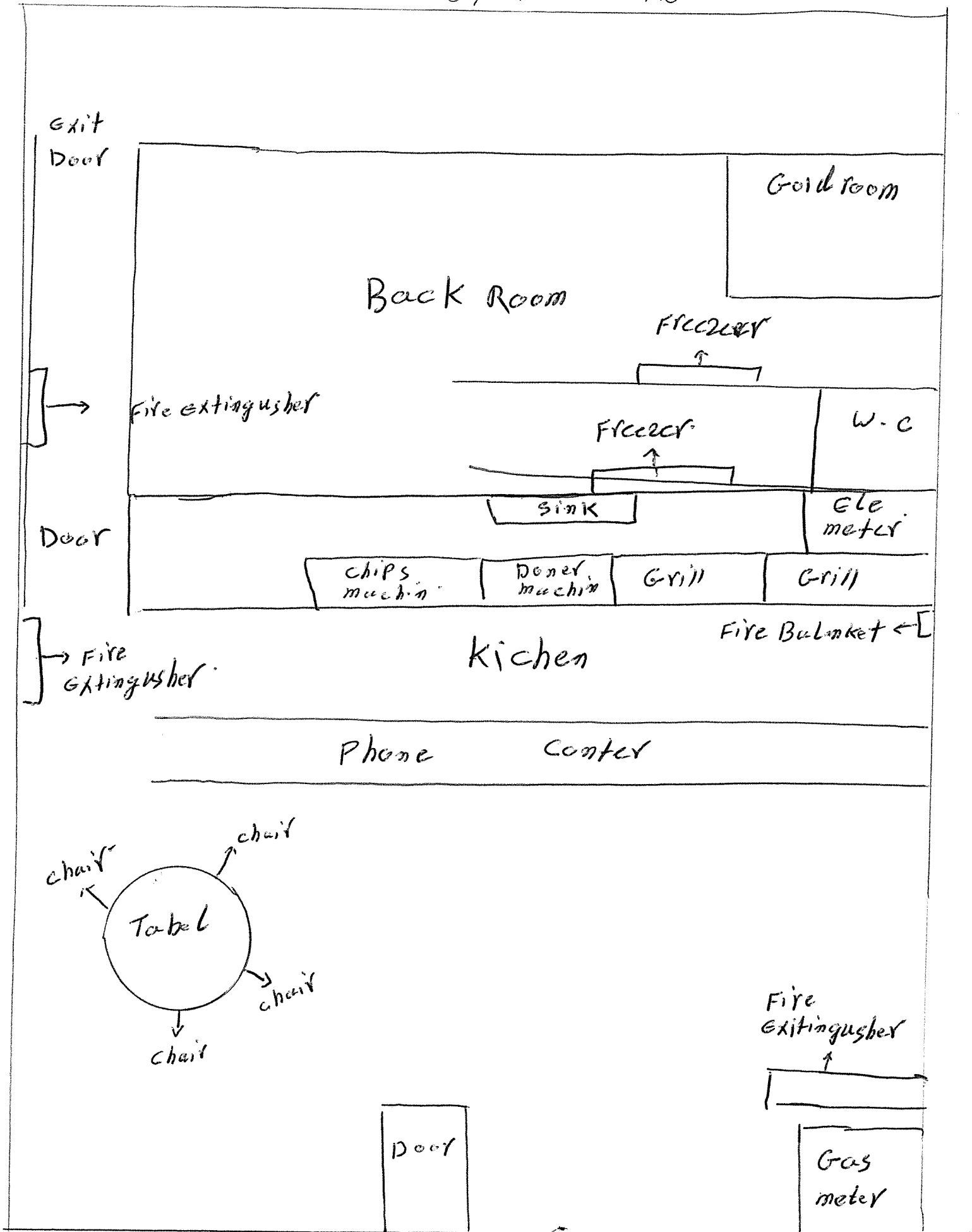
- (i) any page containing the holder's personal details including nationality;

- (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.

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.

SANCHOS GRILL
67 POOLE ROAD



From:
Sent: 28 January 2018 18:01
To: Licensing
Cc: Angela Slaughter
Subject: Sanchos Grill, 67 Poole Road, Epsom, KT19 9SQ

Dear Sirs

Objection to request for licence to operate as a takeaway food venue after 2300.

I wish to object to this licence application on the following grounds:

- The prevention of public nuisance;
- Public safety; and
- The prevention of crime and disorder.

To cite the Borough's Statement of Licensing Policy:

39. Where the premises form part of the same building structure ... the steps taken to minimise nuisance to residents by way of noise, smoke and odours entering windows and doors of the residential unit(s)*.

For many years, this establishment has discharged significant smoke and odours while cooking. There is an outlet on the roof of the single storey extension to the south side of the premises. Within the same building, above the premises there are 10 residential flats which are accessed from an open balcony. The enjoyment of these properties and the balcony which provides access to them is significantly impacted by the presence of smoke and odours. The odours enter the flats through air vents and make enjoyment of the small outdoor areas adjoining the balcony very difficult. The smoke and odours preclude drying washing outside. This is not so much of a problem in winter but on a still summer day it leads to inadequate ventilation. Provided one can leave all one's internal doors open, one is forced to choose between opening windows on the north side of the property, allowing in noise, traffic fumes and cigarette smoke from Poole Road, or to open windows on the south side, letting in cooking odours and smoke. At present, the cooking ceases at 2300, so one can open one's south facing windows at night when one retires. This will not be possible if cooking continues beyond 2300,

This concern could be mitigated by the erection of a chimney/vertical pipe to carry the smoke and fumes above the roof of the building, where they will no longer cause a nuisance and interfere with the enjoyment of land. I would be supportive of such a structure.

I note from the application that the proposal is for the business to be open until 0200 every night. However, I understand that it has been agreed with Environmental Health for the front shutters to close at 2300 with service to be 'delivery only' between 2300 and 0030, with no business after 2300 on Sundays. I have several concerns in connection with the practicalities of this proposal:

1. The starting of delivery vehicles in the street may cause disturbance. Vehicles starting in Gadesden Road will be of less concern to me, but there are residential properties immediately overlooking the roads in the vicinity of the premises.
2. Will customers calling at the store in person after 2300 be turned away? Will this be a risk to the staff? Will people congregate behind the premises while they wait for their orders?
3. The private access on the south side of the premises is in poor condition. It is unsurfaced and there is no drainage, with the result that it is muddy and slippery during all weathers, and especially after a period of rain. Recent works to provide a lean-to at the rear of Sancho's Grill have exacerbated the issue, as they do not have drainage for surface water. Works should be put in hand to provide a surfaced walkway, for the safety of staff and for hygiene reasons.
4. Staff from the shops and outlets in the building regularly stand in the street smoking and using mobile phones. The extension of opening hours, coupled with the closure of the Poole Road entrance, will therefore presumably lead to smoking and phone calls at the rear of the building until at least 0030, when the business has stopped delivering. This is not acceptable in a residential area.
5. The telephone in the premises can sometimes be heard loudly in the street, disturbing neighbours. If orders are taken later, this noise will continue later.

Finally I would note that there has been no notification that this application has been made to any of the residents in this building. As the balcony accessing the flats is double ended, it is quite possible never to walk past the front of Sancho's Grill, where the only notice is

displayed. Whilst this may not be a technical requirement, is it not appropriate to solicit the views of those within the same building who will be most affected by the granting of the licence?

I would be grateful if you could acknowledge receipt of this email, and that my comments will be considered in the determination of the application.

Yours faithfully

S Day
63A Poole Road
Epsom
KT19 9SQ

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Angela Slaughter

From: Bryony Smart
Sent: 31 January 2018 10:33
To: Angela Slaughter
Subject: Re: Sanchos Grill

Angela,

I have considered the objection to the licence application and have the following comments to make:

1. Previous complaints during July and August 2017 regarding the odour from the extract system have been resolved by intervention by Robert Moran the EHO with Mr Karimaghee at Sanchos Grill, who obtained the services of a contractor, Max Lion Service and Cleaning, to clean out the ducting, the filters, and to take advice on the location of the exhaust. This work was carried out in August 2017, and no further complaints have been received.
2. The extract ducting cannot be put to roof level due to the configuration of the parade of shops, the access balcony at the rear and the rear extensions to some of the ground floor businesses.
3. Vehicles can start at any time in the street and the parking of a delivery car in Gadesden Road at the end of the rear alley should disturb fewer people than parking at the front.
4. The applicant has agreed that customers will be turned away and orders only received over the phone from 23:00hrs. The lights being turned off in the front of the shop will demonstrate that the service has completed, and any failure to comply with the conditions could result in a licensing review and the licence being revoked. There will be no risk to staff as the doors will be locked. Customers will not be served at the rear of the premises, only by delivery from phone orders.
5. There is no requirement in any legislation (food hygiene or otherwise) to provide a surfaced walkway at the rear of the premises and in fact the shop does not own all of the rear walkway as each property in the parade owns sections of it.
6. We can request that staff do not talk on mobile phones outside the building and indeed there is a rear internal room in which calls could be made. However we have not received any complaints about the business telephone ringing and would not be able to address this without any evidence of statutory nuisance.
7. Smoking is not allowed in food premises so will have to be outside, and indeed a member of the public could be walking around at night smoking, or chatting on a phone or talking to another person.

Please do not hesitate to contact me if you wish to discuss any of the issues further.

Regards,

Bryony Smart
Environmental Health Officer
Tel: 01372 732409

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EEBC Map
Scale: 1:709



