

RUNNYMEDE BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

HEARING DECISION NOTICE

Applicant: Mr Mohammed Ahmad
Premises: Blue Ocean, Unit 2, Pycroft Road, Chertsey, Surrey, KT16 9HL
Hearing Date: Thursday 31 July 2008
Sub-Committee: Mr Chris Knight (Chairman), Mrs E Gill, and Mr R Jones

This was an application for a Temporary Event Notice (TEN).

The TEN was applied for was:

- 1) Hold an event called "Bollywood Night. DJ." from 18:00 to 00:00 (midnight) on 8 August 2008.
- 2) Provide regulated entertainment, late night refreshment and the sale by retail of alcohol.

The Applicant and his partner, Miss Shoba Gunamal attended and were not represented.

Surrey Police objected to the application and a Counter Notice had been served on the Applicant on Friday 25 July 2008 in accordance with Sections 104 and 105 of the Licensing Act 2003.

Mr Richard Medhurst, Licensing Officer for Surrey Police attended with Inspector Roger Nield, the Neighbourhood Inspector for Runnymede.

The Sub-Committee heard from Surrey Police first. Inspector Nield expressed his concern at the event going ahead without certain conditions being imposed to reduce the risk of crime and disorder. Inspector Nield informed the Sub-Committee of three incidents of assault at the Blue Ocean since the 21 June 2008. An offence of Actual Bodily Harm to a man who was forcibly removed from the premises on the 21 June 2008. An offence of Common Assault to a member of staff inside the premises on the 10 July and an offence of Grievous Bodily Harm at the premises between a male and female on the 18 July 2008.

Surrey Police also informed the Sub-Committee that they had received a number of telephone calls regarding noise complaints at the Blue Ocean from neighbouring residents. Residents complained of noise emanating from the premises and from customers congregating outside the premises with their drinks. The Police showed CCTV footage to support this.

The Applicant and his partner informed the Sub-Committee that a "Bollywood Night" was one giving people an Asian flavour, with Asian music and food. They explained that the evening would involve a two-course set

menu with drinks and dancing, and that this was generally attended, as it had been in the past, by older rather than younger customers.

It was explained by the Applicant's partner that they had received complaints regarding noise at the last Bollywood Night, but this was due to the DJ that was hired for the evening. They informed the Sub-Committee that a different DJ would be attending on the 8 August, one more suited to Asian music where the bass would not be as loud as previously and one more suited to smaller events, rather than club nights and weddings as the previous DJ had been.

The applicant and his partner presented that the three incidents that the Police had talked of were not the norm at the Blue Ocean. The offence of Actual Bodily Harm on 21 June was an uninvited guest pestering ladies at the bar. He was removed from the premises by management and because he was so inebriated he fell over a planter outside the premises. The Applicant and his partner produced two statements from two individuals on that day who praised the way the management had handled the situation. The incident of the 10 July was an assault of the restaurant's chef, after two men had entered the restaurant's kitchen from the back door. The Applicant and his partner believed that the third incident of 18 July was a personal matter between the male and female involved and could have occurred anywhere. A further letter was produced from the victim of the Grievous Bodily Harm on this night. The letter from the victim says that the incident was unavoidable and supports the restaurant's activities.

Having considered the application, the objections made by the Police and the submissions of the Applicant and his partner, the Committee's decision was as follows:

1. The TEN application was accepted with the following conditions:
 - a) A minimum of two SIA registered door staff are employed for the duration of the event and 30 minutes after the time it is scheduled to end. Such door staff should act in accordance with SIA guidelines. Their badges should be worn and visible at all times when so employed and their details including SIA badge number should be recorded by management of the Blue Ocean before the start of the TEN. These records should be retained and also include the names and contact details of all staff employed at the event to be available to the Police for reference and retained for a period of not less than one year.
 - b) No drinks to be taken outside the premises whatsoever.
 - c) No tables and chairs to be located outside the property whatsoever.
 - d) No tickets or invitations to be available for entry on the day of the event.
 - e) Doors to be kept closed throughout the event to mitigate noise pollution save for access and egress.

- f) Signs to be displayed outside the property requesting that customers are considerate to local residents and leave the premises quietly.
- g) The regulated entertainment on the day of the event to finish no later than 2330 hours.

A recommendation was made that as soon as possible a recorded CCTV system should be installed within the premises for the safety of staff and customers.

Reasons for the Imposition of the Conditions:

For the prevention of crime and disorder.

Appeals:

If the applicant wishes to appeal against this decision an appeal must be made to the North West Surrey Magistrates Court at Woking within 21 days of the date of receipt of this Notice.

Dated: 31 July 2008