

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

LICENSING ACT 2003

HEARING DECISION NOTICE

Applicant: Mr Ali Badr-Safdali and Mr Mehdi-Ghafoori Hashjin

Premises: Units 1A and 1B, Phoenix Plaza, Guildford Street, Chertsey, Surrey, KT16 9GU
to be known as Caspari Restaurant

Hearing Date: 27 November 2007

Sub-Committee:

Councillors: Mr J. Edwards, Mrs P. Broadhead and Mr D. Parr

This was an application for a premises licence under Sections 12 and 17 of the Licensing Act 2003.

The applicants appeared in person.

A relevant representation was received from the Environmental Health Department of Runnymede Borough Council and Mr Peter Burke appeared. There were no other relevant representations from responsible authorities or interested parties. A relevant representation from the planning authority had earlier been discussed between the authority and the applicants and resolved before hearing.

The Sub-Committee heard from the applicants that what was intended was a high class restaurant. The application was for a supply of alcohol and the provision of late night refreshment only. The Sub-Committee heard that the hours of operation had been agreed with the Planning Authority.

The Sub-Committee had no concerns as to the operation of the restaurant save as to the disposal of bottles after 23.00 hours. There were concerns, however, as to the use of the area shown on the plan of the premises and marked "dining forecourt". The Sub-Committee was concerned that the use of this area would lead to nuisance to adjoining residents and noted that the restaurant was at the ground floor level and above were flats. Bedroom windows were directly above the outside dining area and there was concern that the noise of patrons talking, perhaps boisterous behaviour, smoking and food smells would cause a nuisance to the residents of these properties. It was noted that the nearby Blue Ocean Restaurant did not have an outdoor dining area and on the application for a premises licence in respect of it there had been a number of representations as to concerns about noise and odours emanating from an outside area.

The Committee was also concerned as to whether the applicants would be providing takeaway meals and how they would deal with late comers. The Members were reassured to be told that there was to be no takeaway facility, that persons coming to the restaurant would not be able to simply come in and have a drink and depart. It was intended that the lounge area shown on the plan would be a waiting area for

persons coming to have a table meal and whilst they could have a drink while waiting there was no intention to use this area as a bar for anyone other than diners. The applicants assured the Members of the Committee that what was intended was a high class facility. They made the point that they did not anticipate their clientele to cause nuisance and pointed to the levels of nuisance already caused by children and young persons on bikes shouting and screaming and riding and running through the public square. They claimed to have a good relationship with their neighbours and there had been no complaints expressed to them.

The Sub-Committee were satisfied the use of the outside dining forecourt and persons coming out of the premises to smoke could give rise to a public nuisance and in particular to the occupants of the premises adjoining and above the restaurant. They were also concerned that persons coming to the premises late in the evening, perhaps having been drinking first at other licensed premises, could cause nuisance by noise and anti-social behaviour. They were also concerned to ensure an orderly and measured departure of patrons from the premises and not a rush of patrons at the terminal hour for the premises to be open to the public. Again, this to ensure minimum nuisance by noise to neighbours and to minimise the risk of crime and disorder.

The decision of the Licensing Sub-Committee is as follows:

The application is approved subject to the following conditions:

- i) The hours for the supply of alcohol to be 12.00 hours until 23.00 hours Monday to Saturday and 12.00 hours to 22.00 hours on Sundays;
- ii) The terminal hour for the provision of late night refreshment to be 12.00 hours to 24.00 hours Monday to Saturday and 12.00 hours to 22.30 hours on Sundays;
- iii) The hours the premises to open to the public to be 12.00 hours to 24.00 hours Monday to Saturday and until 22.30 on Sundays;
- iv) The terminal hours for the use of the outside dining forecourt to be 22.30 hours Monday to Sunday, May to end of August, with last meals to be ordered not later than 21.30 hours and at all other times the outside dining forecourt to be clear of patrons no later than 21.00 hours;
- v) The outside dining forecourt to be clearly marked out when in use.
- vi) There to be no smoking in the outside dining forecourt or in the area immediately adjacent to the premises. Patrons to be encouraged to move away from the premises to smoke and appropriate signage to be provided at exits to the building and in the area of outside dining area to provide suitable instruction and encouragement to comply and to have regard for the interests of neighbours;

- vii) Such signage should also make provision for concerns as to noise and patrons to be requested to have due consideration for neighbours;
- viii) Litter bins to be provided for smokers and restaurant staff to clear litter in the area immediately surrounding the premises to an extent of 10 metres at appropriate intervals during hours the premises are open to the public;
- ix) No disposal of empty bottles before 08.00 hours and after 23.00 hours.
- x) External doors and windows to be kept closed from 23.00 hours with the exception of ingress and excess.

Reasons for Imposition of Conditions:

1. The prevention of public nuisance: The Sub-Committee was satisfied that the use of the outside dining area had the potential for causing nuisance to neighbouring properties and residents thereof whether by way of noise or from smoke.
2. The prevention of crime and disorder and public nuisance: The Sub-Committee was concerned to ensure that patrons left the premises in an orderly manner and felt that a "drinking up" period would be helpful in assuring this.

Appeals

If the applicant or any person who made relevant representations 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.