

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

HEARING DECISION NOTICE

Premises: Favourite Chicken and Ribs, 16 High Street, Egham, Surrey TW20 9DD

Hearing Date: 19 June 2006

Sub-Committee: Councillors Davis, Haylor and Gill

This was an application made by the local planning authority, Runnymede Borough Council, for a review of the premises licence held by Mr Ratman Inthrivel under Section 51 of the Licensing Act 2003.

The premises trades as a fast food shop with takeaway facilities and was licensed for the provision of late night refreshment only. The licence was granted by Runnymede Borough Council, as the Licensing Authority for the purposes of the Licensing Act 2003, on 19 January 2006 following a hearing.

The Licence had been granted subject to the premises closing to the public at midnight on Mondays to Saturdays and 2300 hours on Sundays. The premises were not licensed for the sale of alcohol or any other licensable activity.

The license holder Mr Inthrivel attended together with his Manager, Mr. Sutharsan.

Representations were received from the Police and three local residents, of which Mr D Richards and Jasmine O'Brien were at the hearing.

The Licensing Committee heard from the planning authority's representative, Mr Colin Harrison, that the premises had a planning condition restricting opening hours to 23.00 and that there had been a number of complaints made to the Planning Authority of the premises remaining open beyond 23.00, and indeed beyond the midnight closing (23.00 on Sundays) which had been permitted by the Licensing Authority. There had also been complaints of noise and anti-social behaviour arising from the conduct of patrons coming to the premises. The complaint of anti-social behaviour was supported by the Police who provided a list of telephone complaints received as to the premises remaining open beyond the permitted opening hours and of anti-social behaviour. Two residents, Mr Richards and Miss O'Brien spoke of the disturbance suffered by them on account of patrons coming to the premises, after 23.00 (and particularly after 24.00) and of noise generally, from shouting, motor vehicles, motorbikes and of litter. They confirmed that patrons were being served after closing time and beyond midnight and Mr Richards produced a DVD of video camera footage he had taken in support of this on a night in February 2006.

The Committee heard that numbers of patrons came to the premises particularly on Wednesdays, Friday and Saturday nights after the closing of a local Public House which held music nights.

Mr Inthrivel did not dispute the problems being suffered by Mr Richards and Miss O'Brien but claimed the nuisance was beyond his control and he had instructed his manager to close at 23.00. Mr Inthrivel agreed that customers were being served after the closing hour imposed by the planning condition but that this was being done without payment in an attempt to keep the goodwill of his customers and to try and get them to come to the premises earlier.

The Committee was satisfied that the premises were remaining open in breach of the license conditions as to closure and that there was nuisance being caused by persons coming to the premises.

Decision

The Committee considered that having regard to the Council's Licensing Policy, in particular paragraphs 7.1, 7.2, 7.3 and 7.4 and the licensing objective – the prevention of nuisance, it was appropriate to suspend the premises licence for 3 months as provided for by Section 52 (4) Licensing Act 2003.

Reasons:

The Committee was satisfied there was public nuisance, and were concerned at the disregard being shown by the Licensee for the closing hour.

Consideration was given to revocation of the licence but in all the circumstances suspension was considered to be a reasonable alternative and would provide the proprietor a time to arrange for better management by staff. The Licensee and manager were reminded that the planning condition prevented opening beyond 23.00 Mon – Sat, 22.30 Sunday.

Appeal

If the applicant the Licensee or any person who made a relevant representation wishes to appeal against this decision an appeal must be to the North West Surrey Magistrates Court at Woking within 21 days of the date of receipt of this notice.

Dated:- 19 June 2006