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## LICENSING SUB-COMMITTEE

20 NOVEMBER 2014

(14.00 - 15.20)

PRESENT: Councillor Pauline Cowper, Councillor John Sargeant and  
Councillor David Simpson

ALSO PRESENT: Mr Jeevanraj Gnanaratham (applicant)

Sgt Peter Sparham, Metropolitan Police

### Council Officers

Stephen Beedell (Licensing Officer), Guy Bishop (Legal) and  
M.J.Udall (Democratic Services).

#### 1 DELAYED START (Agenda Item )

Shortly before the scheduled start of the meeting, the police representative supplied more legible copies of the information submitted by the police on 18 November 2014 (previously published in a Supplementary Agenda). The start of the meeting was delayed by about 10 minutes in order to allow time for these more legible copies to be copied and circulated to all members of the Sub-Committee and to all parties to the hearing.

#### 2 APPOINTMENT OF CHAIR (Agenda Item 1)

Councillor John Sargeant was appointed Chair of the meeting.

#### 3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

None.

#### 4 TASTY CHICKEN LTD, 173 LONDON ROAD, MITCHAM, CR4 2JB (Agenda Item 3)

This was an Application for a Premises Licence for the above premises for late night refreshment only (excluding any alcohol sales) during the following times -  
Sundays to Thursdays – 2300 to 0100; and  
Fridays and Saturdays – 2300 to 0300.

Councillor John Sargeant opened the meeting and reminded all parties that the proceedings would be recorded.

All parties confirmed the accuracy of the papers circulated with regard to this application and statutory compliance with the notice requirements under the Licensing Act 2003.

All parties confirmed that there had been no resolution or settlement since the publication of the papers.

All parties confirmed that they had had sufficient time to read the recently circulated more legible copies of the information submitted by the Police on 18 November 2014 (referred to in Minute (1) above.)

Councillor John Sargeant then outlined the procedure to be followed.

### Applicant

Mr Jeevanraj Gnanaratham (applicant) outlined his reasons for seeking the licence, including his wish to develop the business, and serve customers later in the evening, when he had observed that there were more people on the street, including those coming from clubs and bars.

In response to queries from Sgt Peter Sparham, Metropolitan Police, about possible problems arising from more people on the street at the times that Mr Gnanaratham now proposed to trade and coping with problem customers, Mr Gnanaratham indicated that generally his customers were quiet and didn't cause a nuisance, and submitted that the training of his staff would deal with any problem customers, including keeping situations calm and avoiding arguments.

Mr Gnanaratham also indicated that the staff member, who had been the main cause of a previous incident at the premises, had been sacked.

In response to queries from Sgt Peter Sparham, Mr Gnanaratham indicated that it was proposed to serve the same food after 11pm, as was currently served before 11pm, but that alternative ways of cooking items such as chicken may be tried.

In response to queries from Sgt Peter Sparham about similar nearby establishments, Mr Gnanaratham indicated that they all closed at 11pm, apart from KFC, which was some way further down the road.

In response to queries from Stephen Beedell (Licensing Officer), Mr Gnanaratham clarified that he agreed to all of the police's recommendations (as set out on agenda pages 33/34) except for the requirement that 2 door staff be employed on the premises when open beyond midnight.

The applicant referred to this application as a variation rather than a new Premises Licence. Guy Bishop (Legal) clarified for the benefit of the Committee that this was an application for a new Premises Licence for late night refreshment but that because premises did not need a Premises Licence for late night refreshment which explained why the applicant viewed the application as a variation. A Premises Licence is required for late night refreshment after 23.00 to 05.00.

## Police

Sgt Peter Sparham drew attention to the information submitted by the police on 18 November 2014 (also referred to in Minute (1) above) including

(a) the statement submitted by Sector Inspector Stuart Buchan giving an overview of policing across Mitcham:-

(b) the statement submitted by Siobhian McDonagh, MP;

(c) the statement submitted by Sgt Sparham with details of the four offences specifically linked to these premises on

(i) 30/5/14, 2250-2252 – Criminal damage

(ii) 13/6/14, 2110-2120: Attempted Robbery

(iii) 13/6/14, 2115: Grievously bodily harm

(iv) 4/8/14, 2345: Criminal damage

Sgt Peter Sparham read out the sections of his statement detailing these four offences. He advised that the incident on 13/6/14, where following the altercation relating to an attempted robbery, a member of staff had repeatedly thrown boiling oil over the victim causing severe burns, which were life changing injuries, and had resulted in the member of staff being arrested for grievously bodily harm.

Sgt Peter Sparham noted that two of the above incidents had been around or after 11pm, and detailed the police's concerns that with more people on the street as the pubs close (after that time), there could be further similar incidents to the above, and for this reason the police recommended during any late night opening of the premises, 2 door staff be employed on the premises to deter to possible criminal activity. Sgt Peter Sparham also referred to the proposed provision of CCTV, but advised that this was only useful after any incident.

When invited to question the police, Mr Gnanaratham (applicant) reiterated that the incident on 13/6/14 had been due to one staff member (also involved in other incidents) who had since been sacked. He also referred to an incident two doors down from his premises which had been due to bad customer service, and not related to drugs/drinking.

Councillor David Simpson queried why staff had still been at the premises at 23.45 on 4/8/14, some time after the premises closing time of 23.00. Mr Gnanaratham explained that after the premises closed, staff stayed behind to do cleaning, and the incident had occurred after a man had been told that the premises were closed.

Councillor John Sargeant noted that of the 12 incidents in the local post code of these premises referred to in the police's statement (on agenda page 33), 4 related to these premises, and queried whether this premises was exceptional or similar to others. Sgt Peter Sparham advised that most of the incidents related to the application premises and another premises, a nearby restaurant almost opposite this premises. Sgt Peter Sparham also referred to problems with late night refreshment outlets generally in Mitcham (towards Tooting) when the pubs closed.

In response to a query from Councillor John Sargeant about the 4 incidents at the premises being clustered in a short period, but with no incidents in previous 6 months, Sgt Peter Sparham indicated that he couldn't comment.

There was discussion of the section in the police statement (on agenda page 33) reading "If these premises are permitted to remain open later into the night, these statistics (ie crime reports) and the associated public nuisance will increase."

In response to queries, Mr Gnanaratham stated that he disagreed with this statement, referred to the area's bad crime rate, but contended that if the premises opened later, this didn't mean that the crime rate would rise.

There was then discussion about whether if the premises opened later, the increased numbers of people on the street at that time, would lead to them being drawn to these premises, as it would be the only one open. Mr Gnanaratham again referred to KFC (some 4/5 minutes walk away) being open later, but agreed that there were no other similar hot food takeaway outlets in the area open after 11pm.

Mr Gnanaratham (applicant) also suggested that there were a number of off-licence outlets open after 11pm in the area. Stephen Beedell (Licensing Officer), advised that most off-licences in the area didn't open beyond 11pm.

#### Closing Comments

Sgt Peter Sparham and Mr Gnanaratham were both invited to make closing remarks to summarise their points, but both made no further comments. Stephen Beedell (Licensing Officer) and Guy Bishop (Legal) were both invited to comment further, but also made no further comment.

The Sub-Committee then retired into private session at about 2.40pm to make a determination.

The meeting reconvened at about 3.15pm, and made the following decision -

RESOLVED: That -

The Licensing Sub-Committee has considered the application based on the licensing objectives of prevention of crime and disorder, prevention of public nuisance and promotion of public safety.

The Licensing Sub-Committee has decided not to grant the application for a new Premises Licence for Tasty Chicken Mitcham Ltd, 173 London Road, Mitcham, CR4 2JB.

The Sub-Committee is mindful of the incidents that have occurred on or near the premises in the year to 23 October 2014, especially the incident on 13 June 2014 in the premises.

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