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LICENSING SUB-COMMITTEE
29 APRIL 2014
(18.45 - 21.30)

PRESENT: Councillors Chris Edge (Chair), Philip Jones and Logie Lohendran
Legal adviser: Guy Bishop
Licensing Officer: Stephen Beedell
Democracy Services Officer: Hilary Gullen

Just Drinks, 15-17 Leopold Road, London SW19 7BB

Applicant: Satish Chandarana represented by Robert Jordan

Responsible Authority: Metropolitan Police – Sgt Peter Sparham

Interested Parties:

J Padley, S Delaney, S Hovell, B McDermott, M Potts, K Grant, K Nuutinen and Councillor Linda Taylor representing Wimbledon East Hillside Residents' Association (WEHRA)

1. DECLARATIONS OF INTEREST (Agenda item 1)

None.

2. Just Drinks, 15-17 Leopold Road, London SW19 7BB (Agenda item 2)

Mr Jordan, on behalf on the Applicant, introduced the proposed operation of the premises as a 'high-end' specialist off licence with limited sales of other general goods and that permission for on and off sales of alcohol was requested to include 8 tasting events per year. This shop would not compete with existing premises as it would be a specialist shop. The applicant had 13 years experience in running similar premises without incident. In response to concerns raised by the police, he was prepared to restrict sales of particular products, if requested. The premises would have CCTV with recording, an alarm system and staff would be fully trained in their responsibilities not to sell to those underage or who were already intoxicated, or how to check identity/age, or the use of a refusal register, and the consequences of not following these instructions.

The Licensing officer confirmed that tasting sessions not linked to sales were not licensable; therefore the request was for off licence only sales of alcohol. If the tasting sessions were linked to sales, a temporary event notice would need to be requested for each session. The Applicant amended the application to be off sales only.

Sgt Sparham, on behalf of Metropolitan Police, informed the hearing that of the 14 offences committed in the immediate area from 15 March 2013 to 17 March 2014, five of them were related to commercial premises and the remainder to private residential dwellings. The Local Police team for the ward had observed that there are issues in relation to street drinking in the area, as well as problems with local youths. Any CCTV system installed on the proposed premises would need to have someone who is proficient to operate the system on site, so as to protect staff as well as the public.

The Licensing Sub-Committee then from the other interested parties which included experience of and concerns about future issues regarding:

- The length of the opening hours;
- How the premises would be staffed;
- An increase in vandalism to garages and property and people urinating in gardens;
- Increased street drinking;
- The impact of alcohol sales advertising, the 9am opening, and the double fronted shop, on children from local schools;
- Whether any changes to the frontage would detract from the conservation area status and the nature of the area generally in terms of crime and disorder and public nuisance;
- What action would be taken to ensure no sales to underage people took place
- How often the proprietor would be on site;
- Whether the premises would remain 'high end' and concern that Mr Chandarana's other premises in Fulham Palace Road was not 'high end';
- The proposed late opening hours would result in a decline in public safety in the evenings;
- That there were already 9 out of 26 premises serving alcohol in the Leopold Road area;
- That the police had already worked to reduce crime in the area and residents did not want to see an increase again;
- An interested party quoted from a report (Alcohol Concern 2011) that linked the greater the availability of alcohol to those under 18, the greater the risk to young people;
- One interested party expressed concern that the statutory notices were not adequate to inform interested parties of applications, and that more time would have enabled more people to register their concerns (but it was explained that the applicant had advertised and placed notices as he was required to do).

Katja Nuutinen, representing a group of local businesses, had heard that some staff didn't feel safe walking home late in the evening, and that that family orientated area might decline with an additional alcohol retail premises with late opening hours. There was a problem with people consuming alcohol on Leopold Road and surrounding area, sitting on walkways and steps and drinking the alcohol they have purchased from the outlets in Leopold Road. They urinate and leave litter. The people can be hostile and scare passers by. Customers loitering after closing time caused noise nuisance. Ms Nuutinen's premises had been damaged by vandalism on several occasions.

Councillor Linda Taylor, representing Wimbledon East Hillside Residents' Association (WEHRA) spoke of the need to protect the character of the parade, supporting a range of local independent traders, and the need to protect the conservation area. Local people had worked hard to improve the area with planting and upgraded shop fronts. There was a good balance of outlets and the application to open a shop dedicated entirely to alcohol was not appreciated. The parade serves young families and more licensed premises would be detrimental to the community with an increase in antisocial behaviour. There was also evidence of underage drinking. Councillor Taylor also expressed concern about the effect on parking and increased traffic to the area.

The Sub Committee invited the Applicant to respond to objectors' concerns. Mr Jordan explained that: the applicant's staff would be thoroughly trained in sales procedure as detailed in the application. The premises would not have any changes in frontage or appearance that would detract from the conservation area ambience. There would always be someone on site to work the CCTV. There would be an alarm system fitted. The store would not be low end. With regard to the proposed 9am opening time, this was comparable to Waitrose, and would not be an issue for school children as they would have arrived at school by that time. Mr Jordan felt no evidence was put forward not to grant the licence and reiterated that Mr Chandaran was a responsible retailer.

After retiring to take legal advice and consider their decision the Licensing SubCommittee resumed in public session.

Legal Advice

Guy Bishop said that his advice to the sub-committee in closed session had been in relation to the evidence and assessment of evidence with in regard to the Thwaites judgement .

The Committee must make a decision that is proportionate and appropriate and balances the evidence it hears from the applicant, responsible authorities and local residents and residents associations, with the aim of promoting the licensing objectives.

The Committee felt that the conditions offered would not address its concerns about street drinking problems and that the grant of this application would not address the problem in this area.

RESOLVED:

The Licensing Sub Committee has therefore decided to refuse the application.

Reasons

The Licensing Sub-Committee were concerned at the evidence provided to it that there was a street drinking problem in the Leopold Road area, that was outlined by the Police and some residents, including evidence of vandalism and damage to property and problems with local youths.

There was evidence of a street drinking problem from the Police and residents in the representations. The committee took into account the Police evidence related to 14 incidents, and also noted the evidence from the SNT team provided to Sgt Sparham.

The Committee had carefully considered the position in terms of evidence and the case law governing premises licence application decisions, especially the Thwaites case.