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LICENSING SUB-COMMITTEE

2 OCTOBER 2014

(10.15 - 12.00)

PRESENT Councillor Pauline Cowper, Councillor David Simpson and Councillor Jill West

Also present:

Guy Bishop, Legal Advisor, Stephen Beedell, Licensing Officer, Sgt Peter Sparham, Metropolitan Police, Hilary Gullen, Democratic Services Officer.

For the applicant: Leon Thompson with representative Jon Payne of Licensing Lawyers

1 APPOINTMENT OF CHAIR (Agenda Item 1)

Cllr David Simpson was appointed chair.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

None

3 26 EVELINE ROAD, MITCHAM, CR4 3LE (Agenda Item 3)

The notices and paperwork were agreed to be complete and accurate.

Jon Payne introduced the application for premises, describing the unusual circumstances of the application. There would be no customers on the property, as this was a delivery service with alcohol being taken from the site to customers' addresses. Customers would be turned away should they appear on the premises. Mr Payne corrected the draft conditions, item 5, which should read 5.5% alcohol by volume. Mr Payne also gave more detail on item 8 in the terms and conditions, regarding ID checks, which he felt was a more secure system than the snap decision taken in a standard face to face encounter. There would be a Challenge 25 policy and as delivery was to the customer's address they should be able to produce ID. Mr Payne explained that street drinking was not possible with this business model, and that delivery would not take place if the customer appeared intoxicated or aggressive in any way (item 17).

Mr Thompson explained the ambience of the street, which had industrial workshops two doors down. There was a track at the back of the property, past allotments. There was one neighbour who had not lodged an objection.

Cllr West asked for clarification as to why minimum age signs were needed on the property if no customers were going to arrive. Mr Payne responded that there would not be any signs and the property would look no different to a normal residence.

Cllr West also asked about who would be delivering the alcohol, to which Mr Thompson replied that it would be himself or other appropriately trained staff.

Sgt Sparham asked for clarification as to the licensable area, and Mr Payne explained it was only the shed that required a licence. No alcohol would be kept in the property itself unless there was an emergency. Sales would take place from the shed. Sgt Sparham also queried the hours given in the application, to which Mr Payne said section L should have been left blank and asked the members to strike this out. Sgt Sparham also asked about the customer demographic. Mr Thompson said the customers would all be adults over 18, people who were late night drinkers, and went on to explain how he would be helping the police by keeping delivering to people's houses and thereby not adding to outdoor drinking. Sgt Sparham also stated the problem of houses with back tracks being burgled, and asked about measures that would be taken to stop this. Mr Thompson explained there would be CCTV and alarms fitted, and that he had lived in the property for 9 years and not seen any criminal activity.

Sgt Sparham also asked about the additional conditions for unloading or loading between certain hours and how this would be enforced. Mr Thompson said this would not be difficult as the business was small, and when it grew he would look for alternative premises. He also explained the van would be loaded during the day with a certain amount of stock and then restocked each day. Mr Payne added that the goods would be loaded before the 'curfew' and that this start up business could be run effectively.

Mr Payne added that the £25 minimum order would help stop younger people purchasing alcohol.

Sgt Sparham gave details of the allegations in the Eveline Road area, as described in the meeting papers, and expressed concern that the stock would be burgled. Sgt Sparham felt that this business would 'add fuel to the fire' of alcohol related problems in the area. Sgt Sparham felt that none of the conditions satisfied the concerns raised and asked the Licensing Sub-Committee to reject the application.

Mr Payne summarised by saying he thought that the measures put forward met the licensing objectives, and that although this was an unusual business for a residential property, it was not unprecedented. The home delivery principle was recognised. Mr Payne felt the police evidence did not give the statistics weight in the determination to be made. Mr Payne also pointed out that alcohol would not be more attractive to burglars than a high value vehicle. Mr Payne also explained that Mr Thompson would move the business to alternative premises if it grew. Mr Payne felt the council should be supporting local enterprises such as this, and reiterated that it was an unusual business model, but this was not grounds to refuse the licence.

The Licensing Sub-Committee went into closed session at 10.35am.

On reconvening at 11.20am, the Legal Advisor explained the advice given to the Licensing Sub-Committee had been a reminding them of the Thwaite's case in respect of their consideration of the evidence, and that they must make a decision that was appropriate, proportionate and of benefit to the community.

The decision was announced as follows:

The application was not granted as the Licensing Sub-Committee did not believe that by granting the application it would promote the licensing objectives.

The Licensing Sub-Committee did not consider the conditions offered assisted the panel to grant the licence.

The Licensing Sub-Committee felt the application invited the consumption of alcohol at times in the night when other licensed premises would often have ceased to trade, thus elongating the potential hours of drinking in residential areas. This gave rise to concerns related to the licensable objective of crime and disorder

The Licensing Sub-Committee were concerned the crime reports from the Metropolitan Police over the last six months indicated a number of incidents in the location of the premises and crucially they felt it was proper evidence that influenced their decision, in promoting the licensing objectives, especially around crime and disorder. This gave rise to concerns related to the licensable objective of crime and disorder

The Licensing Sub-Committee considered that the hours of business, including the use of vehicle(s) both at the premises in Eveline Road and with deliveries would inevitably result in public nuisance at such late hours, especially where there were no food sales taking place. This gave rise to concerns related to the licensable objective of public nuisance

The Licensing Sub-Committee also felt that fire risk was a minor concern, but nevertheless an issue of public safety in a residential area that also had some industrial units nearby. This gave rise to concerns related to the licensable objective of public safety.