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## LICENSING SUB-COMMITTEE

23 JANUARY 2017

(1.30 pm - 3.20 pm)

PRESENT                    Councillor David Simpson (in the Chair),  
                                  Councillor John Sargeant and Councillor Judy Saunders

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

RESOLVED: That Councillor David Simpson be appointed Chair of the meeting.

### 2        APOLOGIES FOR ABSENCE (Agenda Item 2)

There were no apologies for absence.

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

There were no declarations of interest.

### 4        AKWABA CHERI'S MINI MARKET, 45 UPPER GREEN EAST, MITCHAM,                                   SURREY, CR4 2PF (Agenda Item 4)

The Chair introduced the panel and outlined the procedure to be followed.

Mr Koffi Emmanuel N'Guessan, the Applicant, spoke to outline his application. The applicant stated that he felt this was a good opportunity for customers to purchase food and alcohol, as they could not purchase that type of alcohol in the local area currently. The applicant stated that he believed this would be good for the local community.

The Police were invited to ask questions of the Applicant, and they asked for clarification on the type of alcohol that the Applicant was intending to sell and how long the Applicant had been trading for. The Applicant responded that he would be looking to sell a range of drinks and that he had been trading for two years.

Councillor John Sargeant asked the Applicant how he could demonstrate that by selling alcohol he would not be adding to the Cumulative Impact in that Zone. The Applicant responded that he would be guided by the law and that the police would visit and check on him.

Councillor Judy Saunders asked for clarification on the number of staff working at the premises. The Applicant answered that currently only he worked in the shop, with his wife occasionally assisting, but that should he receive the licence, he would employ a further two members of staff in addition to himself.

Sgt Russ Stevens, Metropolitan Police Licensing Officer, spoke to outline the Police's representation. Mr Stevens outlined that their main concerns were with the location of the premises, and the premises itself.

In relation to the location, Sgt Stevens explained that the shop is in the middle of the CIZ, which was formed specifically because there was a saturation of shops selling alcohol for consumption off the premises in the immediate area around the premises. The Police had also put a number of other measures in place including a Controlled Drinking Zone, and received regular complaints in relation to street drinkers and their behaviour in that area. Mr Stevens expressed concern that any additional retailer would contribute to an already increasing problem.

In relation to the premises itself, Sgt Stevens described his visit to the premises in December 2016, and advised that he was concerned by the lack of pricing, labels and descriptions for products, as well as the lack of business plan. Sgt Stevens stated that whilst he felt that the Applicant had the best of intentions, he was not convinced that the applicant was confident enough to refuse sales to underage customers or those wanting to purchase outside of trading hours. Sgt Stevens reiterated his concern that, especially with the premises placed two doors down from another off licence, he felt that providing extra supplies of alcohol to the area would add to the problems there.

The Applicant stated that the Police had visited at the wrong time, on a day when the shop was being re-decorated.

Barry Causer, Public Health, London Borough of Merton, spoke to outline their objections to the application. Mr Causer quoted the Public Health Authority's Health and Wellbeing Strategy for Merton, and advised that a substantial number of Merton residents were already drinking over safe levels, and that 48% of those surveyed in a residents survey expressed concern about the issue. Mr Causer stated that the current assertive outreach to street drinkers had only limited success, and that adding to that would increase the level of alcohol related harm in the area. Mr Causer expressed concern that the Applicants intention to hire an additional two members of staff if an alcohol licence was granted, suggested a significant increase in sales, and that although Public Health had proposed possible conditions, they recommended that the application be declined.

At the invitation of the Chair, all parties were given the opportunity to sum up. The Applicant stated that once he was licensed he would bring in the plans, and that he would work within the law. He stated that the work that was being undertaken when the Police had visited in relation to decorating the shop had now been completed, and that he wanted the Council to help his business. The Applicant asked if it was possible to grant the licence, and then to revoke it if it was not undertaken successfully, and that he felt that he would prove the Police wrong.

At 2:30pm, the Sub-Committee retired into private session to take legal advice and make their decision.

The meeting was reconvened at 3:17pm and the Chair relayed the decision of the Licensing Sub-Committee and closed the meeting.

**RESOLVED:** That the application is rejected.