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LICENSING COMMITTEE

9 JUNE 2015

(19.15 - 20.33)

PRESENT Councillor Jeff Hanna (in the Chair), Councillor David Simpson, Councillor Stan Anderson, Councillor Michael Bull, Councillor Tobin Byers, Councillor Pauline Cowper, Councillor Joan Henry, Councillor Philip Jones, Councillor John Sargeant, Councillor Linda Taylor, Councillor Gregory Udeh and Councillor Jill West

ALSO PRESENT Barry Croft (Licensing Manager), Guy Bishop (Senior Solicitor - Litigation & Planning), Chris Pedlow (Senior Democratic Services Officer) (until the end of item 4), David Ryan (Street Trading Officer) ((Until the end of item 5), Lisa Jewell (Democratic Services Officer)

1 DECLARATIONS OF INTEREST (Agenda Item 1)

No Declarations of Interest were received

2 APOLOGIES FOR ABSENCE (Agenda Item 2)

No apologies for absence were received

3 MINUTES OF PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 24 February were agreed as a correct record subject to a correction at Page 4, Item 6: that Siobhain McDonagh is the MP for Mitcham and Morden

4 LICENSING SUB COMMITTEE - HEARING PROCEDURE (Agenda Item 4)

The Committee received a report that set out a detailed review of the Licensing Sub-Committee hearing paperwork and procedure. The Committee discussed the draft 'Summary of Procedure' and agreed that this document is of benefit to the Licensing Sub-Committee Chairman and that officers should review the wording and layout of the document. Members requested that a process to inform them of Licensing Sub-Committee decisions be included in this review of Licensing Sub-Committee hearing procedures. Members also asked if they could be kept informed of current appeals against Sub-Committee decisions, the Legal Officer agreed to do this.

RESOLVED:

The Licensing Committee endorsed the proposed holistic review of the processes and paperwork associated with Licensing Sub Committee Hearings. This review is to be run by Democratic Services, in consultation with Legal Services and the Licensing Team and the Chair of Licensing, and

a report on the outcomes of the review and a draft amended Licensing Sub Committee Hearing procedure will be brought before the Licensing Committee on 20 October 2015

5 DESIGNATION OF LICENCE STREETS (Agenda Item 5)

The Committee received the report detailing the application from a trader interested in utilising the highway outside of 3 Church Road Wimbledon for the purposes of street trading and noted that there had been no comments from residents on this application. The Chairman asked about the basis for determining the space for such trading and heard that usually the width and length of the area, are considered.

RESOLVED:

That the Licensing Committee agrees to designate the proposed area- outside of 3 Church Road, Wimbledon, for the purposes of Street Trading.

6 UPDATE OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 (Agenda Item 6)

The Committee received the report regarding the Statement of Principles under the Gambling Act 2005, and noted that there was a statutory requirement to for the Council to review and republish this Statement every 3 years. Members noted that there would be a public consultation on this Statement which was proposed to run from 22 June to 14 September 2015.

RESOLVED:

The Licensing Committee approved the recommended amendments to the revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) before the start of the public consultation

7 UPDATE OF THE COUNCIL'S STATEMENT OF LICENSING POLICY AND PROPOSED CIZ FOR MITCHAM TOWN CENTRE (Agenda Item 7)

The Licensing Manager introduced the updated version of the Council's Statement of Licensing Policy and asked members to note that the document included the amendments discussed at the Licensing Committee on 24 February 2015. The Licensing Manager asked the Committee to note that the 'model pool of conditions' referenced in the report would be available from the Institute of Licensing prior to the next Committee meeting on 20 October 2015 and could form an annexe to the Statement of Licensing Policy.

The Committee considered the model conditions document of Westminster Council as an example of what such a document might look like. Members discussed how the Sub-Committee could use these model conditions when making decisions. It was noted that this was potentially a lengthy document and that it would be for members to refer to during their decision making closed session, but that they could still request guidance from the legal representative at an appropriate time. The Senior

Lawyer advised against any form of checklist being created as any prior consideration of conditions could be deemed to be pre-determination.

Members hoped that the Institute of Licensing model conditions would be indexed or grouped for ease of use. The Licensing Manager reported that a lot of work had gone into the Institute of Licensing document and that he would circulate it when it became available. The Committee agreed to wait for the Institute of Licensing model conditions and to review this document at the next Committee Meeting, if acceptable it would be added to the Council's Statement of Licensing Policy as an annexe.

The Committee noted the addition of the Health and Wellbeing Strategy to the Statement of Licensing Policy and asked the Senior Lawyer to give advice, at the next meeting, on how much weight should be given to this strategy in comparison to the guidance from other organisations.

The Committee discussed the proposed Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area. It was noted that there were two amendments required in the report on page 60 when describing the boundaries of the proposed CIZ, the second bullet point should read London Road to Seely (not Steel) Road and Tooting station should be described as a National Rail Station (not overground). The Licensing Manager explained that the CIZ proposed covered areas where problems had been reported, and that the views of local businesses and residents gained from the consultation would provide the evidence to inform future decisions. He confirmed that there was some flexibility in moving/extending the area covered depending on the evidence gained from the consultation.

The Committee were asked if, for the purposes of the consultation, they wanted to include all licensed premises in the CIZ or just those with off sales. The Committee concluded that they would like to see all premises included, at this stage, and then review this decision based on the evidence gained from the consultation.

Members asked what residents could do about premises that they believed caused problems. The Licensing manager urged residents to report any incidents to the Police or Trading Standards particularly if it involved sales of alcohol to underage people. He also added that there were separate powers to deal with street drinking but it had to be reported in order to be dealt with. Members asked about drinking in parks and heard that this also can be dealt with by the authority, under the designated dispersal zone, and the Police if reported. The Licensing manager reminded members that they could report incidents to him and that his email address was:

Barry.Croft@merton.gov.uk

RESOLVED:

- A. The Licensing Committee approved the recommended amendments to the revised Statement of Licensing Policy, with amendments following the responsible authorities meeting, and the previous Licensing Committee meeting, which took place on 24 February 2015, before the start of the public consultation.

- B. The Licensing Committee discussed the recommendations contained within the report in respect of the proposed Cumulative Impact Zone (CIZ) Mitcham Town Centre, including the roads and areas as discussed by Members during the Licensing Committee meeting, which took place on 24 February 2015. And that these recommendations will be part of the public consultation processes for the revised Statement of Licensing Policy.