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## LICENSING SUB-COMMITTEE

4 JULY 2014

(10.30 – 12.30pm)

PRESENT Councillors Linda Taylor (in the Chair), Joan Henry, Greg Udeh

Also present: Stephen Beedell, Licensing Officer, Saima Khan, Legal Officer, Sgt Peter Sparham for the Metropolitan Police, Hilary Gullen, Democratic Services.

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

Cllr Linda Taylor was appointed chair.

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

There were no declarations of pecuniary interest.

### 3. WIMBLEDON STATION KIOSK, MAIN BOOKING HALL, WIMBLEDON STATION, WIMBLEDON, SW19 7NL (Agenda Item 3)

The Licensing Officer announced there had been a negotiated settlement with the Metropolitan Police, which Sgt Sparham confirmed. All conditions had been accepted and the police representation had subsequently been withdrawn. The chair outlined procedure and introduced everyone.

Mrs Kunjal Desai and her representative presented the application as given in the meeting documents, and explained that all the Metropolitan Police objections had been addressed. The premises were small, with no entry point for customers who were served across a counter. The alcohol was displayed and served from fridges. All alcohol for sale was under the 5.5% ABV limit requested by the police. A CCTV system was already in place that gave clear images of the person serving and the customer. It was also possible to see what items were being bought. Mrs Desai showed the panel images from the CCTV using her mobile phone. The CCTV could be remotely accessed. There was also a 'snapshot' facility by the till. An audible system was used at the till to remind staff to check for age, and this could be adjusted for the required age restriction, ie over 18 or over 21 etc. This system had proved successful in other stores.

Graham Edgely explained that training could be provided, as he was a qualified trainer. Mr Edgely said that Mrs Desai had been a licence holder for 17 years without problems. Documents were circulated to the panel, including one from Surrey County Council following a test purchase that was successfully rejected. Graham Edgely pointed out the shop closed at 8pm, but the licence application had stated 10pm to cover special events, such as the AELTC tournament etc. Panel members asked for clarification on the application form, where Mrs Desai had incorrectly ticked the on premises licence box. Mrs Desai confirmed the licence was for off sales only.

A panel member also asked about ensuring against under age sales. Mr Edgely explained the training for staff, and how they were already monitoring sales to prevent underage sales of lottery tickets. He was confident they had the right monitoring in place to avoid underage sales.

Mr Edgely confirmed, in response to a question from Panel, that an incident log would be kept, and that this was one of the police conditions.

The sub committee's attention was drawn to the written representation by WEHRA, which included concern over the potential selling of alcohol to vulnerable people. The Licensing Officer reminded those present of the cumulative impact zone rebuttal assumption and pointed out if the panel granted the licence they could give seasonal variation from 8pm –to 10pm to be decided by the applicant.

Mrs Desai summarised her application, and explained the objections raised by Wimbledon East Hillside Residents' Association (WEHRA) were covered by the police conditions.

The Legal Officer reiterated the CIZ policy, referring to section 7:10 of the meeting documents and p35 of the Licensing Code booklet.

The panel went into closed session at 11.05am and reconvened briefly at 11.35am to clarify comments from the licensing officer, and went into closed session a second time.

The panel reconvened at 11.45am to give the decision and reasons:  
The Licensing Decision for premises at Wimbledon Station Kiosk was given:  
The Licensing Sub-Committee determined that the application for a new Premises Licence for Wimbledon Station Kiosk be granted as applied for save that the terminal hour for the sale and supply of alcohol is to be 20:00 hours Mondays to Sundays and subject to 6 conditions sought by the Metropolitan Police with an amendment to condition 4 as follows and the conditions offered by the Applicant in the operating schedule:

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with the date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised Council Officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all time when the premises is open to the public.

This staff member must be able to show a Police or authorised Council Officer recent data or footage with the absolute minimum of delay when requested.

No super-strength beer, lagers or ciders of 5.5%ABV (alcohol by volume) or above shall be sold at the premises.

A proof of age scheme, namely Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport/holographically marked PASS scheme identification cards.

A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised Officer of the Council at all times whilst the premise is open.

An incident log shall be kept at the premises, and made available on request to an authorised Officer of the Council or Police, which will record the following:

- All crimes reported to the venue
- All ejections of patrons
- Any complaints received
- Any incidents of disorder
- Any faults in the CCTV system or searching equipment or scanning equipment
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service.

The reasons:

The Licensing Sub-committee considered all of the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance under section 182 of the Licensing Act 2003 and Merton Council's Licensing Policy. The Sub-Committee took into account its special policy on cumulative impact and the presumption that new applications will normally be refused unless the Applicant can show that their proposals will not add to the cumulative impact already being experienced. However, the policy is not absolute and the circumstances of each case need to be considered taking into account including the premises' style and characteristics.

The Sub-Committee noted that the Applicant had agreed to the 6 stringent conditions proposed by the Metropolitan Police and that as a result the Police had withdrawn their representation.

The Sub-Committee noted the written representation from Wimbledon East Hillside Residents' Association (WEHRA) and the Sub-Committee also heard from the Applicant that she is an experienced premises licence holder with a good track record of compliance, staff training and CCTV monitoring. The Sub-Committee felt the reduced hours and other restrictions would address WEHRA's concerns.

The Sub-Committee heard that the Applicant generally closes at 20:00 hours and felt it appropriate to grant a licence to 20:00 hours and leave it to the Applicant to apply for a licence for any special events by way of a Temporary Events Notice.

The Committee was satisfied that the presumption against refusal had been rebutted by the Applicant.

The Sub-Committee was satisfied that the conditions imposed are appropriate and proportionate to meet the licensing objectives.

4. SMAK, 1 COMMONSIDE EAST, MITCHAM, SUTTON, CR4 2QA (Agenda Item 4)

Sgt Sparham gave the representation for the Metropolitan Police as given in the meeting documents and confirmed that the premise is within the Controlled Drinking Zone, which is a difficult area for officers to police. There were issues with antisocial congregating in the town centre and there had been problems with street drinking in the past.

A panel member asked about the likelihood of problems of antisocial behaviour and street drinking increasing if the application for a licence was granted. Sgt Sparham said this was expected unless appropriate conditions and monitoring were in place. Sgt Sparham also explained that the applicant had not approached the police to discuss the licence application or conditions.

The committee went into closed session at 12.15pm.

The panel reconvened the meeting and the following decision was given:  
The Licensing Sub-Committee determined that the application for a new Premises Licence for SMAK, 1 Commonsides, East Mitcham be refused.

Reasons:

The Licensing Sub-Committee considered all of the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance under section 182 of the Licensing Act 2003 and Merton Council's Licensing Policy.

The Committee took into account representations of the police, including the crime statistics, evidence of street drinking and anti-social congregating in the area. The Committee heard from the Metropolitan Police that the premise is within the Controlled Drinking Zone which is a difficult area for officers to police.

The Committee noted the Police had suggested conditions but that the Applicant had neither responded, nor attended the Committee or sent any representative.

The Committee was therefore not confident that the licensing objectives would be upheld if the application was granted.