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LICENSING SUB-COMMITTEE

14 JANUARY 2015

(10.30 AM - 12.30 PM)

PRESENT Councillors John Sargeant (in the Chair), Tobin Byers and Jeff Hanna.

ALSO Applicant: Lisa Gardshol and Marc Wentworth (area manager)

PRESENT: Metropolitan Police: Sgt Peter Sparham

Residents: Leigh Terrafranca

Licensing Officer: Stephen Beedell

Legal Adviser: Guy Bishop

Democratic Services Officer: Susanne Wicks

1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor John Sargeant be appointed chair of the meeting.

2 DECLARATIONS OF INTEREST (Agenda Item 2)

No declarations were made.

3 GARDSHOL ENTERPRISES T/A SAVANNA, UNIT 2 WIMBLEDON STATION, SW19 7NL (Agenda Item 3)

Councillor John Sargeant opened the meeting and outlined the procedure to be followed. He advised all parties that the meeting was being recorded.

All parties confirmed the accuracy of the papers circulated with regard to this application.

All parties confirmed that no resolution or further conditions had been agreed following publication of the papers.

When invited to do so by the Chair, Lisa Gardshol outlined the application. She advised that the company operates two premises in Merton, and a further four operations in London mainline stations.

Lisa Gardshol outlined the nature of the premises in the application and explained that 80% of sales would be biltong, with the remaining 20% comprising premium South African wines, priced at £15.49 or more, three types of cider and three types of beer all 5% ABV or less.

Lisa Gardshol outlined the training in place for staff and also advised that there will be no self-service facility available for customers.

Lisa Gardshol alleged that of the eleven people who made a representation, eight are linked to a business already in operation at Wimbledon station. When asked to do so by Councillor Jeff Hanna, she identified those eight people as: J Alterskye, I Chanoch, A Kulik, R McCrae, A Morrison, A Nedelia, Y Wallace and L Wheaton.

When asked to comment on the representations made by the Police, Lisa Gardshol advised that all stores have 24/7 CCTV which the managers can access upon request. All staff are trained on Challenge 25. The beers and ciders sold are no higher than 5% ABV. All stores keep incident logs and managers work very closely with station managers, Police and other tenants.

With regard to the application made by Leigh Terrafranca on behalf of WEHRA, Lisa Gardshol confirmed that staff work very closed with all relevant parties in advance of major sporting events. She also noted that the alcohol sold is quite expensive and there are no promotions or discounts offered. She also outlined the measures in place to ensure public safety.

Councillor John Sargeant pointed out that the premises are within Merton's cumulative impact zone (CIZ) and there is therefore a requirement for the applicant to demonstrate how the premises would contribute to the aims of the CIZ. In response, Lisa Gardshol advised that premises could be erected outside the barriers if required, but they aim to serve all customers within 90 seconds to avoid queues. She advised that if over-crowding became an issue the premises could be shut down entirely.

Lisa Gardshol advised that cider and beer is sold singly and in sealed packs of six. The prices are £1.50 upwards for singles and £8.70 upwards for six packs. She also explained that wine must comprise 70% of the alcohol display according to the lease.

When asked, Lisa Gardshol advised that she had not consulted with British Transport Police as they were not listed as statutory authorities for licensing purposes. At the request of the chair, Guy Bishop confirmed that there was no statutory requirement to send the application to British Transport Police.

When invited to do so, Sgt Peter Sparham presented his representation. He noted the difficulty for the applicant to show that the premises will not add to the cumulative impact already being experienced. He advised that the applicant appears to have accepted his suggested conditions, but without formally accepting them all, he could not withdraw his representation. He noted his wish to discourage the sale of single cans and bottles.

Sgt Peter Sparham reported that no issues had arisen from the other two shops in the borough. He reiterated his concern about the location of the premises; the station has the greatest footfall in the borough and therefore requires appropriate policing.

Lisa Gardshol confirmed she would accept all of the conditions suggested by the Police. She also noted her intention to work with all appropriate authorities to minimise crime and disorder and to promote public safety.

Referring to the representation submitted by Leigh Terrafranca, Councillor Jeff Hanna asked for Sgt Sparham's view on the accuracy of her description of the state of Wimbledon Station. In response, Sgt Sparham advised that the station is a very important junction for the late night economy but the Police are not called on a regular basis. He was not able to comment on the accuracy of the calls, nor on the frequency of fights occurring. Councillor John Sargeant noted that it would have been very helpful for the sub-committee to have received details of incidents in and around the station from the Police.

Councillor Tobin Byers asked if the sale of alcohol at Unit 1 at the station has led to an increase in crime and disorder. Sgt Sparham gave the view that it had not, but

noted it is a very small kiosk with only a small amount of alcohol for sale. Lisa Gardshol added that Unit 1 is not next door to Unit 2 and allows for self-service of alcohol which this premises will not.

When invited to do so, Leigh Terrafranca outlined her representation. She outlined her remit as a representative of WEHRA and explained the background to the CIZ.

Leigh Terrafranca questioned why the application had been submitted at all, given the proposed location. She also questioned the veracity of the cost of the wine to be sold. She advised that she had spoken to staff in the station on a number of occasions who had expressed concern about this application. She asked how this shop will add to the station, given that biltong is already sold there. She also stated that the number of suicides is higher than reported in the media and suggested an additional licensed premises could lead to an increase in such incidents.

Leigh Terrafranca urged the sub-committee to consider crowding on the station when major sporting events are taking place, and reminded them Crossrail2 will add to the congestion at the station. She noted that central London stations are much larger with a continual Police presence. She stated that there are alcohol-related incidents of crime and disorder at Wimbledon Station occurring all the time.

In response, Lisa Gardshol advised that Southwest Trains approached her. She was not able to comment on the level of suicides at the station, but advised that whilst there may not be permanent Police presence, the retailers would support each other when required.

When asked to comment, Stephen Beedell advised that of those who made representations, many lived in Wandsworth or Putney. He suggested that the onus was on the applicant to persuade the sub-committee that they worked for a competitor.

In response to a question from Councillor John Sargeant, Lisa Gardshol confirmed that she would be prepared to sell beers and ciders only in sealed packs of six and would remove single cans and bottles from the display.

The sub-committee retired into private session at 11.20 am to consider their decision and take legal advice.

The meeting reconvened at 12.25 pm.

Guy Bishop reported that his advice was limited to paragraph 7.10 of London Borough of Merton's Licensing Policy, as follows:

"This special policy is not absolute. The circumstances of each application will be considered properly and it is possible for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. As a consequence of the presumption that underpins the special policy such cases are likely to be exceptional. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Licensing Authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case".

Other advice it was limited to looking at general understanding of evidence.

RESOLVED: That the Licensing Sub-Committee grants the application, subject to the following conditions:

1. 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 date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to Police recommendations.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are 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.
3. No spirits, super strength beer, lager or cider of 5.5% ABV or above shall be sold at the premises.
4. No single cans/bottles of beer, lager or cider will be sold at the premises. Such cans or bottles to be sold only sealed packs of four or more.
5. A proof of age scheme, such Challenge 225 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, or holographically marked PASS scheme identification cards.
6. 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 council officer at all times whilst the premises are open.
7. An incident log shall be kept at the premises and made available on request to the Police or an authorised council officer, 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 or scanning equipment
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service.

8. The rear display of alcohol shall be limited to the left hand shelving display and one third comprising the extreme right shelving display, as shown on plan SA1114.02. No alcohol shall be displayed other than in those areas.
9. The premises will close at the Station Manager's or Police request or where disorder or congestion occurs if the manager or DPS or personal licence holder shall think fit to avoid disorder or public nuisance.

The Applicant offered to put in place a barrier in front of the premises on the concourse to protect customers and station users respectively, but in the absence of advice from Responsible Authorities the Licensing Sub-Committee recommended that the applicant discuss the issue with the Station Manager, Police, British Transport Police or South-West Trains, as appropriate.