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LICENSING SUB-COMMITTEE

5 AUGUST 2016

(2.30 pm - 3.30 pm)

PRESENT Councillor Linda Taylor (in the Chair), Councillor John Bowcott, Councillor Marsie Skeete.

ALSO PRESENT: Graham Hopkins and Linda Potter, GT Consulting
Mr Navinchandra Patel, proprietor of Mitcham News and the applicant

Guy Bishop (Legal Officer)
Stephen Beedell (Licensing Officer)
Susanne Wicks (Democratic Services Officer)

1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor Linda Taylor 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 MITCHAM NEWS, 25 UPPER GREEN EAST, CR4 2PE (Agenda Item 4)

The Chair opened the meeting, notified all present that the meeting was being recorded, and outlined the procedure to be followed.

All parties present confirmed they had received the bundle in advance of this meeting.

The Chair invited the applicant's representative, Graham Hopkins to introduce the application. Mr Hopkins advised the Licensing Sub-Committee that the application had been amended as follows:

Retail Sale of Alcohol (off sales only) to be from 09:00 to 21:00 hours Monday to Sunday.

Opening hours of the premises to be from 05:30 to 21:00 hours Monday to Saturday and 06:30 to 21:00 hours on Sunday.

Mr Hopkins advised that the applicant had owned the shop for 13 years and described the main function of the premises and type of clientele who used it. Mr

Hopkins explained that he had discussed the application with Sgt Tristan Paoli, who had suggested some conditions that were contained within the application.

Mr Hopkins suggested a further condition could be added to the licence, if granted, imposing a maximum of 20% of the retail display to be used for alcohol sales. He also indicated that the applicant was willing to accept a condition imposing a minimum sale of four cans or bottles of beer, lager or cider.

Mr Hopkins advised the Licensing Sub-Committee that the application had been made in such a way as to 'design out' any attraction to street drinkers, for example, by excluding the sale of any beer, lager or cider over 5.5% ABV, and by not stocking any small bottles of spirits. He reassured the Licensing Sub-Committee that the premises was a community shop, not an off-licence only and would not add to the cumulative impact in the area.

At the invitation of the Chair, Councillors put their questions to the applicant.

Councillor Marsie Skeete asked how Mr Patel would manage working alone in the shop and he replied that he will lock the door when he needs to take a break.

Councillor John Bowcott noted that Merton's Statement of Licensing Policy imposes a rebuttable presumption that all off-licence applications located within the Mitcham Cumulative Impact Zone shall be refused and asked the applicant how he would rebut that presumption. In response, Mr Hopkins advised that the problems within the CIZ are related to street drinkers, and this application has been designed so the premises will not appeal to street drinkers, due to the amended hours, and other suggested conditions.

Councillor Linda Taylor expressed concern about the applicant's ability to deal with groups of people in the shop, particularly those who may be under the influence of alcohol and want to buy more. In response, Mr Hopkins suggested that the applicant would be prepared to accept a condition imposing a minimum level of staffing on the premises, and advised that any new staff would be fully trained on all alcohol related issues. He also indicated that Mr Patel would be prepared to fit locking shutters on the fridge in which the alcohol would be stored, which he would lock and unlock when required.

At the invitation of the Chair, Mr Hopkins made his closing statement.

The Licensing Sub-Committee adjourned at 2.55 pm to take legal advice and make their decision.

The meeting reconvened at 3.25 pm and the Legal officer outlined the legal advice given in private session. The Chair relayed the decision of the Sub-Committee and advised that written notification would be issued to all parties.

RESOLVED: That the Sub-Committee refuses the application, as detailed in the Notice of Determination.