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LICENSING SUB-COMMITTEE

12 JUNE 2017

(1.29 pm - 2.41 pm)

PRESENT Councillors Linda Taylor (in the Chair), Councillor Philip Jones and Councillor Mary Curtin

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.

4 323-323A LONDON ROAD, MITCHAM, CR4 4BE (Agenda Item 4)

The Chair opened the meeting, outlined the procedures to be followed, and all present introduced themselves.

Mr Graham Gover, representing the Applicant advised the Committee that this would be the 4th premises that the Applicants had owned and operated, all of these solely being specialist Polish food stores. The store for which the application was being considered was due to open the following weekend after the hearing and would sell all authentic Polish foods including wines and beers. Mr Gover noted that representations had been received from the Police regarding their application in Torquay, but the Premises Licence had been granted. Mr Gover advised that given that this area had similar issues, the Applicants had submitted the Application with a number of proposed conditions being offered, noting that there were several proposed which were not in force at any other premises locally to his knowledge.

Mr Gover outlined each condition proposed, noting where the alcohol would be sold in the store and advising that this area would be under constant supervision and monitoring by staff and CCTV had already been purchased with a TV monitor facing staff.

Mr Gover stated that he had undertaken surveys in the area and found 6 retailers in the area already selling Polish alcohol at a higher strength than the Applicant was proposing and this was the reasoning behind proposed Condition 1.

Members questioned the enforceability of the conditions. The Metropolitan Police responded that it would be enforceable, noting that the proposed prices were not such a concern and would become redundant in time.

Councillor Philip Jones asked about the Applicants previous experience to which their representative advised that they had one store in Exeter, one in Torquay and one in Exmouth, all of which were specialist Polish shops.

Councillor Linda Taylor asked if there were any other shops close by selling similar products and was advised by Mr Gover that there was one store two doors down from the Applicants shop which was selling Polish beer at a very cheap price.

PC Russ Stevens presented his Representation against granting the Premises Licence on behalf of the Metropolitan Police. PC Stevens advised that when he had received the application he had been concerned, noting that it was a basic application and the plan was in Polish and so areas were not clear what was being sold and where. PC Stevens stated that when he had made contact with and visited the Applicants, although they had been very helpful whilst they were setting up, he had explained to them that the premises was in a Cumulative Impact Zone and explained the consequences of that to them as the Applicant had not been aware of this. PC Stevens advised that he was grateful that the conditions proposed had been included in the application and that they were responsible retailers, but the issue for PC Stevens was with the location of the premises. PC Stevens outlined the issues in Mitcham where the premises was located and advised that a number of measures were being used to try and combat the issues with Anti-Social Behaviour and Crime and Disorder related to street drinking. PC Stevens confirmed that there were no conditions on local licences as they had been issued prior to the Cumulative Impact Zone being introduced. The overarching point was that all the premises were contributing collectively to the issue.

PC Stevens gave an outline of the surrounding area to the premises. It was next to a job centre which had loitering issues. It was near the Burn Bullock pub which had issues with squatters and Anti-Social Behaviour. It was within a small parade of shops which already contained one off-licence on one side and with another opposite the proposed site as well as a bookmakers. Also opposite the proposed site was a hand car wash, at which there had been reports of drinking by the staff. PC Stevens expressed his concern that the premises was also a short walk from Mitcham Town Centre (principally from the effect of the Mitcham CIP causing outlets and street drinkers and others to resort to this area as the town centre is being addressed). PC Stevens was concerned about such displacement and stated that there were too many risk factors in this small parade of shops where the premises was located.

Mr Gover asked for details from the Police about the content of a Responsible Retailer Agreement and PC Stevens advised that this would incorporate the conditions suggested, noting that from experience that street drinkers would always be drinking alcohol with a higher than 6% ABV which is why the condition was suggested at 5.5%.

Mr Gover asked if there were any other conditions that PC Stevens would suggest to which PC Stevens responded that the conditions proposed were as much as he would ask for, if he were not objecting to the application.

Keith Daley presented the case on behalf of the Public Health department advising that although some issues had been addressed, they could not say that the premises wouldn't add to the Cumulative Impact. Mr Daley cited statistics from the area included within their representation which showed that the ward had the highest percentage of people with health problems related to alcohol or drugs in the borough. Mr Daley advised that the conditions were in excess of what they would usually tolerate.

Parties were given the opportunity to sum up and PC Stevens reiterated that whilst he was very happy with the conditions proposed, it was the matter of an additional premises in that area which was the concern.

Mr Gover advised that it was specialist Polish food being sold with supplementary alcohol and advised the Licensing Sub-Committee that he had visited the store and found that the fittings and fixtures were all to a high quality.

The Licensing Sub-Committee retired into private session to take legal advice and make their decision at 14:13.

The meeting was reconvened at 14:39 The Legal Advisor confirmed that he had given advice on the Brewdog exception case and the Thwaites case in respect of consideration of evidence. The Legal Advisor has also confirmed that the Police evidence must be carefully considered in the light of the Guidance (paragraphs 1.8, 2.1, and 9.12).

The Chair relayed the decision of the Licensing Sub-Committee and closed the meeting.

RESOLVED: That the application is refused.