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LICENSING SUB-COMMITTEE

17 JULY 2017

(1.30 pm - 3.26 pm)

PRESENT Councillors (in the Chair), Councillor Linda Taylor
Councillor Agatha Mary Akyigyina, Councillor Judy Saunders
and Councillor Linda Taylor

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)

Apologies for absence were received from Councillor Philip Jones. Councillor Judy Saunders attended in his place.

3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest.

4 SUBWAY, 6 HARTFIELD ROAD, WIMBLEDON, SW19 3TA (Agenda Item 4)

The Chair opened the meeting and all present introduced themselves and confirmed that the paperwork had been received by all parties.

The Applicant, Mr Kadir presented his application to the Committee, advising that the store sold healthy food, did not serve alcohol and that he wanted his store to be treated equally as other businesses in the area who had licences.

PC Russ Stevens questioned the application advising that he had a record of an assault on a member of Subway staff in March 2017; Mr Kadir responded that this was correct however this had happened during the daytime.

Councillor Agatha Akyigyina asked what had been done about the premises trading illegally during the visits from PC Stevens. PC Stevens recounted the events as detailed in his representation advising that he had requested Mr Kadir visit him at the police station to discuss this but this had not taken place.

Councillor Linda Taylor asked Mr Kadir for his comments on the events. Mr Kadir advised that he had taken over the store a year ago and thought that he had a Premises Licence that allowed him to trade until 2am that had been put in place by Head Office, and apologised that this had turned out not to be the case. He advised that he had informed Head Office, leaving it for them to take action as required in regards to trading without a licence.

The Legal Advisor confirmed with the applicant that his statement was that he was told that he could trade until 2am when he took over the store, which he confirmed. PC Stevens advised that he had spoken to Head Office who had stated to him that they had no responsibility for individual stores licensing requirements, which should be dealt with by individual store owners.

Councillor Judy Saunders asked the applicant if he had CCTV in place and whether he would consider hiring security guards as had been suggested by the Police in their representations. Mr Kadir responded that the cost of the doormen would be hard to maintain, but he would think about it if it was made mandatory.

When questioned on the numbers of staff in the store and whether he had analysed the area the store was in, to match the levels of staff accordingly, Mr Kadir advised the committee that he currently had 2 staff, did not go to the store everyday, and felt that if anything happened in the area, it was not due to his store as customers would only visit his store for a short time, take their food, and leave.

PC Russ Stevens presented his representations to the Committee, advising that the premises was located within the Wimbledon CIZ (Cumulative Impact Zone) between the Slug bar and the Prince Regent Pub and experienced heavy footfall at night when the number of pubs in the area closed. PC Stevens added that Burger King was also nearby which had employed 2 SIA security staff after 9pm, and that KFC had a condition on their licence regarding security after 11pm. PC Stevens disagreed with the applicants comments that late night refreshments did not contribute to the cumulative impact in the area as this premises provided a facility for people to loiter in rather than go home. PC Stevens advised that since he had submitted his representation there had been an incident in Burger King where a police officer had sustained an injury due to violence from an intoxicated person and advised that another premises in such a small saturated area was concerning and putting further strain on police resources.

Leigh Terrafranca, attending on behalf of WEHRA, presented WEHRA's representation, advising that this was a challenging location and reiterating their concern about the cumulative impact of another premises in the area opening for late night refreshment.

All parties were invited to sum up, and the Committee then retired into private session to make their decision at 14.07.

The Committee reconvened at 14.30 and relayed their decision to refuse the application and the reasons for that.

The Chair closed the meeting at 14:31.

RESOLVED: That the Licence application is refused.

5 CHANGO, 12 HIGH STREET, WIMBLEDON, SW19 5DX (Agenda Item 5)

The Chair opened the meeting at 14:41, outlined the procedure to be followed and all present introduced themselves.

The Applicant, Mr Neville, advised that he had owned the premises for 2 years and was seeking an extension to the hours to enable him to provide a second sitting to make it more viable. Mr Neville noted that he had experienced no trouble having had a Premises Licence since 2016 and that patrons only had alcohol with a meal.

Residents present making representations advised that the premises was in a CIZ (Cumulative Impact Zone) and that there had been conditions put on the licence in the previous year for that reason, and that a year on nothing had changed. They advised that whilst they understood the need to expand they needed to strike a balance. It was noted that they had suggested 22:30 as a closing time to help provide a compromise and that nevertheless he could not serve food after 11pm without a licence.

The Legal Advisor explained to the applicant the requirement for a Late Night Refreshment Licence to serve hot food after 11pm (and how food was an unlicensed activity out the period of 5am – 11pm) to which the applicant responded that he had not been aware of that but was happy to modify his application to have the retail sale of alcohol end at 22:30 and said he understood the concerns of the residents.

Mrs Cooke and Ms Elkin raised concern over the application for off-sales of alcohol and advised that they would request that this was restricted to takeaway deliveries as part of that package.

The Committee retired to make their decision at 15:00.

The Committee reconvened at 15:25 to relay their decision, and the Chair closed the meeting at 15.26.

RESOLVED: That the Licence variation is granted with conditions as detailed on the Notice of Determination.