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LICENSING COMMITTEE

9 JUNE 2020

(7.15 pm - 8.01 pm)

PRESENT Councillors Councillor Nick Draper (in the Chair),
Councillor David Simpson, Councillor Agatha Mary Akyigyina,
Councillor Stan Anderson, Councillor Pauline Cowper,
Councillor Nigel Benbow, Councillor Paul Kohler,
Councillor Nick McLean, Councillor Mary Curtin,
Councillor Joan Henry and Councillor Oonagh Moulton

ALSO PRESENT Helen Clark (Commercial Services Manager), Saima Khan
(Lawyer), Louise Fleming (Senior Democratic Services Officer)
and Amy Dumitrescu (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Marsie Skeete.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting of 6 February 2020 were agreed as a correct record.

Order of Items

The Chair announced that item 5 would be taken first on the agenda, followed by item 4. The minutes remain in agenda order.

4 DRAFT STATEMENT OF LICENSING POLICY 2021- 2026, INCLUDING PROPOSED CUMULATIVE IMPACT ASSESSMENT (Agenda Item 4)

The Commercial Services Manager presented the report, giving an overview of the changes which had been made from the current policy, including the option of introducing a set of Model Licensing conditions for Merton in the future which could be used by Applicants or imposed by Licensing Sub-Committees.

The Committee then reviewed the Cumulative Impact Assessments (CIAs). The current policy currently designated three areas in the Borough as Cumulative Impact Zones (Mitcham Town Centre, Wimbledon Town Centre and Wimbledon Village), however updated section 5A(1) of the Licensing Act 2003 and (section 182) Home Office Guidance introduced in 2018 now introduced Cumulative Impact Assessments and these were being introduced as part of the updated policy. These assessments required evidence to show any issues in particular areas. The CIAs include a

statement that the number of licensed premises in the area described is such that it is likely that granting of further licences would be inconsistent with the authority's duty to promote the licensing objectives. However each application would now be taken on its' own merits, whilst considering the CIAs, rather than the current rebuttable presumption of refusal which was in place for applications in CIZs.

This did not prevent any party from objecting to any applications and providing evidence of cumulative in relation to other areas and premises outside of the prescribed zones for Licensing Sub-Committees to consider.

The Committee discussed each of the current zones, agreeing that the Mitcham Town Centre Zone which covers "off-premises" sales only should remain, noting the high number of premises licensed for off-sales and the large amount of evidence of issues of street drinking, anti-social behaviour and crime arising in that area.

In regards to the Wimbledon Village zone, members noted that there was currently little evidence of any issues with crime and disorder in relation to licensed premises and agreed that the zone should be removed. Members noted that removal of the zone does not prevent any party from objecting to an application for a new premises licence or a variation of an existing licence in Wimbledon Village on the basis of cumulative impact with evidence for Licensing Sub Committees to consider.

For the Wimbledon Town area, members felt strongly that this should remain in place, noting the high concentration of licensed premises and evidence of the negative impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance in that area.

The Cumulative Impact Assessments were required to be reviewed every 3 years.

RESOLVED:

A. That the Licensing Committee approved, for consultation, the draft Statement of Licensing Policy 2021-2026 as previously approved by the Licensing Committee on the 6th February 2020, attached at Appendix A .

B. That the Licensing Committee considered the proposed Cumulative Impact Assessment, attached at Appendix B, and approved it for consultation

5 LONDON LOCAL AUTHORITIES ACT 1991, REVIEW OF SPECIAL TREATMENT LICENSING (Agenda Item 5)

The Commercial Services Manager presented the report, advising that a number of policies were now being reviewed to enable more consistency across the three-borough partnership as well as reviewing the current fee structure. The Commercial Services Manager noted that the treatments provided by such premises were often quite invasive and potentially dangerous and therefore it was important that the current policies were reviewed.

In response to questions from members, the Commercial Services Manager advised that the model conditions within the report stated what would be expected of any relevant premises including requirements on insurance.

It was noted that due to the current Covid-19 pandemic, MST premises were currently closed and therefore any consultation with premises would need to be undertaken later in the year, with a further report brought to the October 2020 meeting of the Committee. The policy would come into force as soon as practicable for new businesses, and for established businesses once their licences were due for renewal. Whilst there was no statutory requirement to consult, the Council wished to consult with businesses before implementing any new policy.

In response to further questions it was clarified that there would be some movement on fees, with the charging structure being amended from levels set in relation to the size of the premises to now being linked to the risk level associated with the services provided.

There were currently 50 licensed MST premises within the Borough, however there were also thought to be a number of premises which were currently unlicensed and there was an additional strand of work being undertaken to investigate these.

RESOLVED:

- A. That The Licensing Committee adopted the standard conditions for Special Treatment Premises Licences as set out in Appendix A to this report, subject to any amendments arising from consultation with existing licence holders;
- B. The Licensing Committee approved the regulations governing applications for the grant, renewal, transfer and variation of special treatment licences and their determination;
- C. The Licensing Committee approved the proposal to licence broad categories of treatments;
- D. The Licensing Committee noted the proposed fee structure subject to consultation with existing licence holders;
- E. The Licensing Committee agreed that the above changes will take effect from 1st April 2021;
- F. The Licensing Committee confirmed the current list of approved health practitioners of special treatment establishments whose members are exempted from the need for licensing and to delegate authority to the Head of the Regulatory Services Partnership to approve or reject any application to the Council for inclusion on the list in the future.