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LICENSING COMMITTEE

15 OCTOBER 2020

(7.15 pm - 8.03 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 Mary Curtin, Councillor Joan Henry,
Councillor Oonagh Moulton, Councillor Marsie Skeete and
Councillor Janice Howard

ALSO PRESENT Councillor Thomas Barlow

Caroline Sharkey (Licensing Manager), Guy Bishop (Senior
Lawyer – Licensing and Litigation), Amy Dumitrescu (Democratic
Services Officer) and Olamide Williams (Senior Electoral
Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

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 9 June 2020 were agreed as a correct record.

4 REPORT ON THE FIVE YEARLY REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY AS REQUIRED UNDER SECTION 5 OF THE LICENSING ACT 2003 FOLLOWING CONSULTATION (Agenda Item 4)

Councillor Barlow spoke at the start of the meeting on behalf of Wimbledon Village residents noting 137 opposed the proposed change in so far as the Licensing Authority proposed that the Cumulative Impact Assessment would not include Wimbledon Village. Councillor Barlow stated that there was already a large density of licensed premises within the Village and residents were concerned that with the current economic situation other unused shops might be replaced with further licensed premises. Late night drinking on the common, littering and a recent section 135 notice were also concerns that had been raised.

The Licensing Manager presented the report which provided the details of the responses to the public consultation on the draft policy.

On the 9th June 2020, the Licensing Committee had agreed the draft policy for consultation and reviewed the data sets for the Cumulative Impact Assessment. The Licensing Committee had agreed on that date that the CIA consultation should consider evidence for Wimbledon Town Centre and Mitcham and was concerned that there was insufficient evidence to retain the special policy for Wimbledon Village. Ward members, licence holders, local businesses and responsible authorities amongst others had been consulted with and details of the consultation had also been published on social media and on the Council's website.

The Licencing Manager provided a summary of the online responses, noting these had been generally positive about the Licensing Policy and proposed amendments, with the most comments relating to the proposed removal of the Wimbledon Village from the proposed CIA. It was noted that the policy was supported by the Director of Public Health and the Police Licensing Officer.

The Council is required to review the CIA every 3 years (under section 141 of the Policing and Crime Act 2017). Whilst there is no longer a rebuttable presumption that applications within a Cumulative Impact Zone would be refused, applicants have to have regard to any Cumulative Impact Policy and when determining any application The Licensing Sub-Committee should give weight to the evidence brought before them by objectors. Each application must still be considered on its' own merit, notwithstanding the existence of a CIA, taking account of the particular circumstances.

The Licensing Manager highlighted the results of the online consultation: In relation to Wimbledon Town centre, 100 people had responded and 89% agreed strongly that there should be a special policy on cumulative impact. For Mitcham Town Centre of 95 responses, 76.7% were in favour of a special policy and this was also supported by the Police Licensing Officer. For Wimbledon Village, 88 people had responded online. 12.5% of these strongly agreed there was insufficient evidence to retain the current special policy and 87.5% disagreed. 65 direct responses objecting to the removal of the Wimbledon Village CIZ had also been received, with 5 in support.

Members queried whether the removal of Wimbledon Village CIP could be reviewed in 18 months' time. The Licensing Manager advised that there was no evidence for retaining the policy at the moment, but the same data analysis could be reviewed in 18 months' time and if there was evidence to inform the Licensing Committee that there was a need to amend the CIA, there would be the opportunity to do so. Members agreed that this approach should be taken and that Morden Town Centre and potentially any other areas should also be assessed at the same time.

In response to further questions the Legal Advisor provided advice that the legislation was clear that the Licensing Authority were required to have evidence on which to base a CIA.

The Committee agreed to review the Cumulative Impact Assessment for Wimbledon Village in 18 months' time (February or June 2022 meeting) as well as some data on

Morden and to allow the Licensing Manager to consider any other locations which might also merit discussion.

RESOLVED:

A. That the Licensing Committee considered the comments received during the public consultation process, which took place between 15 June and 7 September 2020;

B. The Licensing Committee discussed, debated, recommended and approved the proposed Cumulative Impact Assessment having regard to the responses to the public consultation;

C. The Licensing Committee approved delegated authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to the Statement of Licensing Policy and/or Cumulative Impact Assessment following the Committee meeting and prior to submission to Council for adoption on 18 November 2020; and

D. The Licensing Committee approved the draft Statement of Licensing Policy and Cumulative Impact Assessment subject to the above paragraph and recommended them for adoption by full Council on 18 November 2020.