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## LICENSING COMMITTEE

22 FEBRUARY 2024

(7.15 pm - 8.21 pm)

PRESENT Councillors Councillor Edith Macauley (in the Chair),  
Councillor Paul Kohler, Councillor Michael Brunt,  
Councillor Helena Dollimore, Councillor Joan Henry,  
Councillor Jil Hall, Councillor Samantha MacArthur,  
Councillor Stuart Neaverson, Councillor Robert Page,  
Councillor Martin Whelton and Councillor James Williscroft

ALSO PRESENT Caroline Sharkey (Licensing and Trading Standards Team  
Manager), Sara Quinn (Commercial Services Manager), Jayde  
Watts (Democratic Services Officer)

PRESENT Guy Bishop (Lawyer), David Ryan (Licensing Officer)  
ONLINE

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies for absence were received.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 17 October 2023 were agreed as an accurate record.

### 4 THREE YEARLY REVIEW OF THE COUNCIL'S CUMULATIVE IMPACT ASSESSMENT AS REQUIRED UNDER THE LICENSING ACT 2003 (Agenda Item 4)

Caroline Sharky presented the report and confirmed that there was a requirement, as part of the accumulative impact assessment, to carry out a consultation every three years.

Accumulative impact was a combined effect of multiple premises in close proximity which attracted customers to the area.

Initially there was no statutory basis for accumulative impact policy, instead the government issued guidance under Section 182 of the Licensing Act as explained in section 2.5 of the report.

The introduction of the accumulative impact assessment falling into a statutory footing was to address concerns from the Home Office, one of which was that the system could have led to disproportionate restrictions on new businesses.

The accumulative impact for Wimbledon Town Centre and Mitcham Town Centre was presented at the last committee meeting where it was agreed to go out for consultation. It was important to note that the accumulative impact policy would only be enforced if they received representation to an application.

In order to carry out an accumulative impact policy assessment, data sets were explored and agreed at the last committee meeting and were set out in pages 25-28 of the agenda. An exception list to the accumulative impact policy was included for Wimbledon Town Centre and Mitcham Town Centre.

The public consultation took place between 23 October 2023 and 15 January 2024 and included contacting all responsible authorities, solicitors, trade associations, ward councillors and other key stakeholders. In addition, information was put on the Councils website and newsletter. Responses to the consultation could be found in Appendix D of the agenda.

The majority of responses to the consultation broadly agreed that the special policy for Wimbledon Town Centre should continue.

The Director of Public Health and Metropolitan Police supported the accumulative impact policy for Mitcham Town Centre. Safer Merton and the Social Behaviour Team expressed that the accumulative impact policy has had a positive impact in the area. The majority of responses to the consultation were in agreement for the special policy to continue.

Further responses to the consultation stated that there was no need for more accumulative impact zones in the Merton.

In response to questions raised from members, the following was confirmed:

- The consultation was robust and it was right to put in exceptions.
- Although responses were not received from everyone, the main players did respond.
- Increase of complaints, mainly 2021 during covid? – The last review was in 2020 but they reviewed complaints from 2020 – 2023 so some if this time would have included Covid.
- Will provide figures on number of licenses in Mitcham.
- Recommendation C is a list of guidelines that people need to take into account and were not restrictive, other factors for consideration would be the business model. The aim was to balance the nighttime economy. Each premises would not necessarily have these standard conditions.
- Guy Bishop explained that during a licensing sub committee, members would consider whether the application would cause extra cumulative impact and was why recommendation C was drafted in the way that it was. Recommendation C was drafted in a way which allowed it to cover most of the

different types of premises committee would see. You would look at all of the points in recommendation C normally, you would normally consider if you were promoting the licensing objectives by allowing a particular application, considering public nuisance or crime and disorder on the basis of the representations received. The exceptions help to cut out applications which would go to committee that would be allowed through as it would be unlikely to cause accumulative impact.

- If there was an objection to an application within the Cumulative Impact Zone, it would then come to committee.
- Agreed to double check and provide an update on if Lower Morden was missed from appendix B.
- The exception list within recommendation C sets a baseline in required areas. Whether the exceptions were met or not, the application would only come to a sub committee meeting if there was an objection.
- Recommendation C was approved at the last committee meeting which was why they went out for consultation.
- The first part of recommendation C addresses that if there was to be accumulative impact, a license could not be granted.
- Paragraph 9.6 of the report provided more information in relation to recommendation C.
- It was a legal requirement for an applicant to display notice at the premises for 28 consecutive days and to advertise the application in the local newspaper within 10 working days of submission of the application. The application also had to be published on the Merton website.

The committee agreed to amend Recommendation C to include wording from 9.7a.

**RESOLVED:** That recommendations A, B, C and D were approved with amendments to recommendation C as discussed

## 5 THE DESIGNATION OF PARTS OF THE HIGHWAY AS LICENCE STREETS FOR THE PURPOSES OF STREET TRADING (Agenda Item 5)

David Ryan introduced the report.

There were two areas they would like to designate as a licenced street in the borough. Merton followed a process which involved designating small sites rather than whole streets to enable them to retain control over the licenses which were issued.

The two sites in the report were in Wimbledon Village and Mitcham Town Centre. The sites had previous designations.

The site in Wimbledon Village had expanded to the unit next door. They currently had designation over one unit and would like to increase this to cover both sites.

For the site in Mitcham Town Centre, the owner of two establishments previously held a license for one site and would like designation for the shop next door.

No representations were received other than comments from the Highways Team in relation to the width of the pavement in Wimbledon Village. This was considered within the report and they therefor put forward a recommendation to reduce the area requested in the application as they try to operate a two metre clearance on the highway outside of shops. With agreement from the Highways Department, there was a reduction to 1.8 metres which was considered sufficient space. They were asking members to reduce this space further to 1 metre.

Mitcham Town Centre had a wide pavement which was all contained under a canopy.

Both have been put out for consultation and notices placed in the paper. They received no representations from other interested parties other than the Highways Department.

In response to questions raised from members, Caroline confirmed the following:

- The area next to Gales Bakery was not part of the licence area and would be dealt with by enforcement action under the current license.

**RESOLVED:** That committee resolved to grant the proposed designation for Venus Homeware and granted the reduced designation for Gardenia.