

# Merton Council

## Licensing Committee

### Membership

Edith Macauley MBE (Chair)

Paul Kohler (Vice-Chair)

Mike Brunt

Helena Dollimore

Joan Henry

Jil Hall

Samantha MacArthur

Stephen Mercer

Stuart Neaverson

Robert Page

Michael Paterson

Martin Whelton

James Williscroft

A meeting of the Licensing Committee will be held on:

**Date: 22 February 2024**

**Time: 7.15 pm**

**Venue: Merton Civic Centre**

**Merton Civic Centre, London Road, Morden, Surrey SM4 5DX**

**This will be followed by a meeting of the Licensing Committee (miscellaneous) to deal with any licensing matters which are not within the scope of the Licensing Act 2003.**

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# Licensing Committee

## 22 February 2024

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### **Note on declarations of interest**

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# Agenda Item 3

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## LICENSING COMMITTEE

17 OCTOBER 2023

(7.15 pm - 7.43 pm)

PRESENT                      Councillors Councillor Edith Macauley (in the Chair),  
Councillor Paul Kohler, Councillor Michael Brunt,  
Councillor Caroline Charles, Councillor Helena Dollimore,  
Councillor Jil Hall, Councillor Samantha MacArthur,  
Councillor Michael Paterson, Councillor Martin Whelton and  
Councillor James Williscroft

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

Apologies were received from Cllrs Joan Henry, and Robert Page. Cllr Kohler joined the meeting online.

### 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 of 28 June were agreed as a correct record.

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

The Licensing Manager introduced the report, noting in particular that the review was required every three years. Cumulative Impact is not an indication of badly managed premises, but the outcome of the density of licensed premises in an area.

The review is required to prevent disproportionate impact on new business and to ensure that the policy remains an appropriate response to uphold the licensing objectives.

Merton has two CIAs, the report recommends to retain those areas, but no further CIAs to be implemented. If the paper was agreed, a public consultation would follow for 12 weeks, the outcome of which would be brought to the Licensing Committee and then agreed at Full Council.

In response to questions the Licencing Manager confirmed that:

- The CIA does not prevent applications, and officers are obliged to grant licenses where no objections are received.

- Applicants are able to agree measures with responsible authorities to promote the licencing objectives.
- Data on unchecked purchases include both under age purchases and those where premises should be operating a check 25 policy, provided by Trading Standards.
- Test purchases follow engagement with premises to ensure compliance.
- The Guidance on CIAs has changed slightly, it is still a rebuttable assumption that a licence would be refused in a CIA, unless the applicant can show that their business will not have a cumulative impact as part of their application.
- The data provided from now on will be based on the new ward boundaries.
- Data on domestic violence related to alcohol consumption was not included in the report, but enquiries will be made about its inclusion in future reports.

It was RESOLVED that :

- the Licensing Committee considered the proposed Cumulative Impact Assessment, attached at Appendix A, and approved it for consultation.
- the Licensing Committee considered the proposed changes made to Appendix 3 of the existing Statement of Licensing Policy, produced as appendix B to this report

**Committee: Licensing Committee**

**Date: 22<sup>nd</sup> February 2024**

Wards: All

**Subject: Three yearly review of the Council's Cumulative Impact Assessment as required under the Licensing Act 2003**

**Lead officer:** Dan Jones, Executive Director of Environment, Civic Pride and Climate

**Lead member:** Councillor Edith Macauley, Chair of the Licensing Committee

**Forward Plan reference number:** N/A

**Contact Officer:** Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

**Recommendations:**

- 
- A. To consider the comments received during the public consultation process, which took place between 23<sup>rd</sup> October 2023 and 15<sup>th</sup> January 2024;
  - B. To discuss, debate, recommend, or amend and approve the proposed Cumulative Impact Assessment for Wimbledon Town Centre and Mitcham Town Centre having regard to the responses to the public consultation;
  - C. To approve delegated authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to the Cumulative Impact Assessment following the Committee meeting and prior to submission to Council for adoption on 6<sup>th</sup> March and
  - D. To approve the draft Cumulative Impact Assessment subject to the above paragraph and recommend them for adoption by full Council on 6<sup>th</sup> March 2024.
- 

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Section 141 of the Policing and Crime Act 2017 came into force on 6 April 2018 and gave cumulative impact assessments (CIAs) a statutory basis in the Licensing Act 2003. The Act sets out what a licensing authority must do in order to introduce a Cumulative Impact Policy, including collecting, publishing and consulting on the evidential basis for its policy and the

requirement to review the CIA (including public consultation) every three years. A Cumulative Impact Assessment must be included as part of the Authority's Licensing Policy.

1.2 At its [meeting on 17<sup>th</sup> October 2023](#), the Licensing Committee reviewed the data that would form the evidential basis for introducing a Cumulative Impact Policy in any part of the borough and agreed that consultation should revolve around the proposal that:

- There is sufficient evidence available to support the retention of two of the existing cumulative impact areas, Wimbledon Town Centre and Mitcham Town Centre.
- It is not appropriate at this time to include any other area of the borough in the Cumulative Impact Assessment.

1.3 Members are asked to consider the Cumulative Impact Assessment at **Appendix A** to this report and, subject to any amendments they may consider appropriate in response to the consultation, to recommend to the Council to approve it as the Council's Cumulative Impact Policy to take effect from 7<sup>th</sup> March 2024 and to apply to applications received by the licensing authority after that date.

## 2. DETAILS

### 2.1 Consultation

The Licensing Authority is required to consult on its proposed CIA with the following:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH);
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders; persons/bodies representative of local personal licence holders; and persons/bodies representative of businesses and residents in its area.

2.2 Their views must be given appropriate weight when the Cumulative Impact Policy is determined. Subject to the statutory requirements; it is for each Licensing Authority to determine the extent of the consultation having regard to the cost and time.

2.3 At its meeting of [17<sup>th</sup> October 2023](#), the Licensing Committee considered the available evidence of cumulative impact in the Borough. The Committee approved for consultation a general indication of the parts of the Borough where it believes that the number or density of licensed premises is having a cumulative impact leading to problems which are undermining the licensing objectives. The Cumulative Impact Analysis is produced **at Appendix B** included the reasons for this belief and whether the special policy would relate to all premises licences and club premises certificates or only to those of a particular kind. The Committee also approved a list of conditional exceptions to

the Cumulative Impact Assessment for both Wimbledon Town Centre and Mitcham Town Centre, produced **at Appendix A**.

- 2.4 The public consultation of the Cumulative Impact Analysis took place between 23<sup>rd</sup> October 2023 and 15<sup>th</sup> January 2024. The consultation that was carried out included directly contacting Responsible Authorities, solicitors who regularly represent licensees in the Borough, trade associations, Ward Councillors residents' associations and other stakeholders who receive email notification of applications received by the Licensing Authority. In addition, electronic copies of the consultation documents were published on the Council's website. The consultation was also publicised in the e-newsletter and on social media by the Council. The consultation responses are produced **at Appendix D**.

### **Cumulative Impact Policy (CIP) and Assessments**

- 2.5 Cumulative impact refers to the potential impact on the promotion of the licensing objectives due to the number of licensed premises concentrated in one area. This cumulative impact may be caused despite the best efforts of responsible licence holders and is not an indication of badly managed premises. It is instead the combined effect of multiple premises in close proximity, and the overall numbers of customers being attracted to an area. Initially there was no statutory basis for a Council to introduce a cumulative impact policy, instead relying on Government Guidance which stated that a significant number of licensed premises concentrated in one area was a proper matter for the Licensing Authority to take into account when developing its policy statement. This allowed an Authority to adopt a specific 'cumulative impact' policy for particular areas of their borough if they considered that the number, type or density of licensed premises in one area was high or exceptional and serious problems of nuisance or disorder could occur outside or some distance from premises.
- 2.6 Under the amendments to the Licensing Act 2003 ("the 2003 Act"), Cumulative Impact Assessments ("CIA") were given a statutory basis, and the Government believed that this would assist transparency in decision making. Under the 2003 Act, therefore, a licensing authority can publish a CIA to help limit the number or types of licence applications granted where there is evidence showing that the number or density of premises in an area is having a cumulative impact and leading to problems which are undermining the licensing objectives. The 2003 Act sets out what a licensing authority needs to do to publish a CIA. This includes consulting with residents and businesses in the borough and reviewing the Assessment every three years to ensure that it is current and remains rooted in strong evidence.
- 2.7 The 2003 Act requires that when determining or revising its Statement of Licensing Policy, the Licensing Authority must have regard to any CIA it has published. The Statement of Licensing Policy must summarise any CIA that has been published, and explain how the Licensing Authority has had regard to the CIA. This is incorporated into the Statement of Licensing Policy as the Cumulative Impact Policy ("CIP"), which is often referred to as a Special Policy.

- 2.8 The Cumulative Impact Policy, in conjunction with publishing a Cumulative Impact Assessment has the following effect:
- a) The CIP creates an evidential presumption: namely, that it is likely that applications for the grant of any further relevant authorisations in the areas identified in the CIA would negatively impact on the licensing objectives.
  - b) It is for an applicant to rebut that presumption.
  - c) Those making representations against an application for a further relevant authorisation in respect of premises located in an area the subject of a CIP are not required to adduce evidence that there would be negative cumulative impact if the application were granted. The policy presumption applies whether or not they adduce evidence.
  - d) The likely negative impact presumed by the Policy is not limited to an impact on the immediate vicinity of the premises the subject of an application but extends to the whole of the CIA areas.
- 2.9 A cumulative impact assessment must set out the evidence for the authority's opinion. The evidential basis must show that there is a link between the issues of concern in an area and the concentration of a number of licensed premises or licensable activities in that area.
- 2.10 Cumulative Impact Assessments may relate to all relevant authorisations or only to authorisations of a kind described in the assessment e.g. for premises selling alcohol for consumption off the premises only. An Authority must consult on its assessment and must review it every three years as stated above. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application and must be sufficiently robust to withstand any appeal against the decision of the Licensing Sub Committee by a licence applicant to a court.
- 2.11 As a Licensing Authority, the council is required to ensure that any decision relating to premises licence applications for the sale of alcohol, regulated entertainment or late-night refreshments is appropriate for the promotion of the four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 2.12 Each licence application must be considered on its own merits; however, it is recognised that in some areas the cumulative effects of multiple premises in a specific area or locality may have the potential to undermine one or more of the licensing objectives. Where this is the case, the council may introduce a cumulative impact policy.
- 2.13 The cumulative impact policy to refuse an application can only be invoked if the Licensing Authority receives representations from residents, any persons or responsible authorities under the Licensing Act 2003 regarding the granting of a new premises licence application or variation of an existing licence. If

there are no representations, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.

2.13 At its meeting on 17<sup>th</sup> October 2023, the Licensing Committee reviewed the evidence regarding the number of licensed premises and the impact such premises were having on crime and disorder, nuisance and health (through ambulance call out figures) across the borough. It also reviewed the responses to the 2021 residents' survey which explored resident perceptions of their local area and council services. A copy of this Analysis is attached at **Appendix B** of this report. The Committee approved for consultation a general indication of the parts of the borough where it believed that the number or density of licensed premises was having a cumulative impact leading to documented problems which were undermining the licensing objectives. The Cumulative Impact Analysis included the reasons for this belief and whether the policy would relate to all premises licences and club premises certificates or only to those of a particular kind. The consultation revolved around the proposal that:

- There is sufficient evidence was available to support the retention of two of the existing cumulative impact areas, Wimbledon Town Centre and Mitcham Town Centre.
- It is not appropriate at this time to include any other area of the borough in the Cumulative Impact Assessment.

### **3.0 Responses received to consultation on Cumulative Impact Assessment**

#### **Wimbledon Town Centre CIA, consultation response**

3.1 72 people responded to the on-line consultation. Of these, 86% agreed or strongly agreed that there should be a special policy on cumulative impact in respect of Wimbledon Town Centre (a total of 62 people). 1 person disagreed with the policy and 13% indicated that they had no view on whether there should be a special policy in Wimbledon Town (9 people). In response to the question 'to what extent do you agree to the list of exceptions to the special policy on Wimbledon Town Centre cumulative impact?' 47% disagreed or strongly disagreed with the proposed list of exceptions (34 people recorded a view), 35% agreed or strongly agreed with the exceptions list (25 people in total) and 18% indicated that they had no view on whether the list of exceptions should be included (13 people). A copy of the responses is attached at **Appendix D**, together with responses to the free text comments where appropriate.

3.2 The Public Health Team supports the continuation of the special policy on cumulative impact in Wimbledon Town Centre on the basis of the density of premises and crime data presented in the cumulative impact analysis. Public Health Team stated that controlling the supply of alcohol and ensuring that the supply of alcohol is conducted in a way which reduces any negative outcomes are important ways in which to reduce the overall burden of alcohol related harm on the local population. Public Health Team also supports the exceptions listed in the special policy.

- 3.3 The Metropolitan Police are in support that the Cumulative Impact Policy in Wimbledon Town Centre should continue due to the reasons demonstrated in the CIA report. The Town Centre remains one of the busiest areas in the Borough and the Metropolitan Police Service identifies that London Borough of Merton are taking steps to attract businesses that would benefit from the special exceptions in the policy.
- 3.4 The Environmental Health (Noise & Nuisance) service have reported that they have seen an increase in noise complaints in the two cumulative impact zones (Wimbledon Town Centre and Mitcham Town Centre) from licenced premises over the previous years and based on this evidence they see no reason not to retain the existing cumulative impact zones.
- 3.5 Safer Merton Anti-Social Behaviour Team believe that the cumulative Impact Zone in Wimbledon Town Centre has been managed effectively and with the help of other external key partners.
- 3.6 Merton Conservative Group have raised concerns that from the datasets produced in the CIA analysis at **Appendix B**, that it is clear that the current arrangements are not working to protect residents from the adverse effects on alcohol consumption, primarily in South Wimbledon and Mitcham. The data produced by the Anti-Social Behaviour Team also indicates that the worse affected wards are in South Wimbledon, Colliers Wood and Mitcham. The data presented on these different types of alcohol driven anti-social behaviour has been reflected in the 2021 residents' survey. Merton Conservative Group has requested that the Council takes stronger action that it has to date. Instead of offering exceptions to the Cumulative Impact Policy in Wimbledon, the council must come up with new strategies to keep Wimbledon and Mitcham residents safe and protect the public from the adverse effects of alcohol consumption.
- 3.7 The majority of those that responded to the consultation were broadly in agreement that the special policy on cumulative impact should continue in Wimbledon Town Centre. However, 47% disagreed with the exceptions listed for the special policy.
- 3.8 At the Licensing Committee meetings on [28<sup>th</sup> June](#) and [17<sup>th</sup> October 2023](#), members acknowledged the significant impact of COVID on the high street and nighttime economy. For these reasons, members approved to expand the conditional list of exceptions to Wimbledon Town Centre cumulative impact policy were a new/existing business model demonstrated in their application that their proposed operating schedule would not have an adverse impact on the licensing objectives. Members also noted that a cumulative impact policy to refuse an application can only be invoked if the Licensing Authority receives a relevant representation under the Licensing Act 2003. Each application referred to the Licensing Sub Committee would still be considered on its own merits and on a case-by-case basis, and the Licensing Authority is still empowered to revoke a licence, refuse any application or



restrict hours to earlier times if it is appropriate to do so when determining a contested application, with the view to promote the licensing objectives.

- 3.9 The existing CIA for Wimbledon Town Centre attached at **Appendix C** provides the below conditional exceptions:

- Premises that are not alcohol led and
  - i. support the people visiting the area during the day; and/or
  - ii. support the wider cultural offering in the area

- 3.10 Wimbledon Town Centre is a vibrant part of the borough with a diverse entertainment offering. Not all types of licensed premises will negatively impact on the area and the existing policy addresses this. The Committee may wish to acknowledge this and expand on the following wording to the Policy with a new list of conditional exceptions:

- 3.11 The Licensing Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for the grant or variation of premises licences and club premises certificates in the Wimbledon Town Centre CIA. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, whilst large nightclubs or late-night bars and public houses might add to the problems of cumulative impact, a small restaurant or theatre may not. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:

- a. Premises that are not alcohol led and
  - i. support the people visiting the area during the day; and/or
  - ii. support the wider cultural offering in the area
- b. Small premises that only intend to operate during daytime hours, e.g. those with a capacity of fifty persons or less who only intend to operate until 11pm.
- c. Premises intending to open at night after 11pm, where:
  - (a) A comprehensive operating schedule is offered to demonstrate that there will be no negative cumulative impact and which offers a positive contribution to the Nighttime Economy, which may include:
    - i. Providing safe spaces for people late at night.
    - ii. Providing a robust Dispersal Policy to ensure minimum disruption to residents, using staff and door security outside the premises, directing customers in an orderly manner away from the premises and remaining outside until all customers have left the vicinity
    - iii. The adequacy of the applicant's proposals to prevent crime and disorder utilising CCTV and door supervisors as necessary

- iv. Providing robust staff training manuals and code of conduct to delivery drivers/riders for premises that are applying to primarily offer a delivery service, to minimise noise and disturbance.
- v. Providing clear robust management plans for outdoor areas of licensed premises to reduce noise, odour, and smoke pollution to residents.
- vi. A strong commitment to preventing violence against women and promoting women's safety at night, with steps to include and sufficient numbers of appropriately trained staff, and
- vii. Robust steps are proposed to prevent vertical drinking with restaurant style conditions to restrict alcohol to be ancillary to the service of meals.

d. Instances where the applicant is applying for a new licence on substantially similar terms to a licence they have recently surrendered for a premises of comparable size in the cumulative impact policy area

3.12 Examples of factors we will not consider as exceptional include but are not limited to:

- a) that the premises will be well managed and run
- b) that the premises will be constructed to a high standard
- c) that the applicant operates similar premises elsewhere without complaint

### **Mitcham Town Centre CIA, consultation responses**

3.13 66 people responded to the on-line consultation. However, 11% disagreed or strongly disagreed with the CIA (7 people) and 29% indicated that they had no view on whether there should be a CIA in Mitcham Town Centre (19 people). Of those that recorded a view (a total of 40 people), 60% were in favour of a special policy on Cumulative Impact relating to 'off' sales of alcohol in Mitcham Town Centre. In response to the question 'to what extent do you agree or disagree to the list of exceptions to the special policy on cumulative impact in Mitcham Town Centre?' 33% disagreed or strongly disagreed with the proposed list of exceptions (22 people recorded a view), 32% agreed or strongly agreed with the exceptions list (21 people in total) and 55% indicated that they had no view on whether the list of exceptions should be included (23 people).

3.14 In response to the question 'to what extent do you agree or disagree that the Mitcham Town Centre cumulative impact zone should be extended to other licence types?' 44% of those who had a recorded a view felt that it should be extended (a total of 28 people recorded a view), 14% disagreed or strongly disagreed (10 people in total) and 64% indicated that they had no view on whether to extend CIZ to other types of licences (59 people). 1 response stated that the Cumulative Impact Zone should only cover different licence types that enhance the overall area. Alcohol-related licences will generally lead to anti-social behaviour.

3.15 A copy of the responses is attached at **Appendix D**, together with responses to the free text comments where appropriate.

- 3.16 The Director of Public Health supports the continuation of the special policy on cumulative impact in Mitcham Town Centre, which is restricted to off-premises sales, based on data presented in the Merton Cumulative Impact Analysis. However, Public Health Team have also stated that consideration should be given to extending the Cumulative Impact Zone (CIZ) to cover on-licensed premises. This would align the CIZ with the Wimbledon CIZ and will ensure the Council can prevent any escalation in problems caused by an increase in sales from on-licensed premises. .
- 3.17 The Metropolitan Police are in support that the CIA remains in place in Mitcham Town Centre due to the reasons demonstrated in the report. The town centre still experiences high levels of street drinking causing ASB in Merton Borough. The Metropolitan Police Service identifies that Merton Council is taking steps to attract businesses that would benefit from the special exceptions in the policy and could be beneficial to the local area and residents in return.
- 3.18 Safer Merton Anti-Social Behaviour Team stated that the cumulative impact zone in Mitcham is working effectively and with the help of other partnership schemes within the area, we are seeing a massive drop in Alcohol related Anti-social behaviour.
- 3.19 The majority of those that responded to the consultation were broadly in agreement that the special policy on cumulative impact should continue. Although a number of respondents indicated that the policy should be widened to include all licenced premises there is no clear evidence given to support such a move. The current Cumulative Impact Assessment for Mitcham Town Centre only applies to premises licence applications for 'off' sales of alcohol and does not contain any exceptions to the policy. The policy works effectively well in conjunction with other multi-agency partnership schemes within the area to prevent anti-social behaviour and street drinking. Safer Merton Anti-Social Behaviour Team have commented that they are seeing a massive drop in Alcohol related Anti-social behaviour in Mitcham Town Centre. The Licensing Authority is aware that not all types of licensed premises will negatively impact on the area and the existing policy addresses this. For example, alcohol ancillary to the main business activity e.g. florist providing champagne with flowers or cheese shop selling wine to accompany cheese. The Committee may wish to acknowledge this and expand on the following wording to the Policy with a new list of conditional exceptions:
- 3.20 The Licensing Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for "off" sales of alcohol for the grant or variation of premises licences and club premises certificates in the Mitcham Town Centre. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics of their business model. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:

a) Applications with comprehensive operating schedules that meet all the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:

- i. Specialist premises selling alcohol ancillary to main activity of business e.g., florist providing champagne with flowers, cheese shop selling wine to accompany cheese.
- ii. Premises that can demonstrate that the risk of alcohol purchased from the premises being consumed on the street is minimal due to the nature and type of alcohol being sold, which could include the following:
  - I. conditions restricting the sale of high strength alcohol, single cans and miniatures.
  - II. conditions that no beer, lager, cider, ale or spirit mixers with an Alcohol By Volume (ABV) content of above 5.5% will be sold or offered for sale. I
  - III. Instances where the applicant is applying for a new licence on substantially similar terms to a licence, they have recently surrendered for a premises of comparable size in the cumulative impact policy area.

3.21 Examples of factors we will not consider as exceptional include but are not limited to:

- a) that the premises will be well managed and run
- b) that the premises will be constructed to a high standard
- c) that the applicant operates similar premises elsewhere without complaint

#### **4.0 Introducing a special policy on cumulative impact elsewhere in the borough-consultation responses**

4.1 9 people responded to the online consultation in relation to considering cumulative impact in other areas of the borough. A copy of the on-line responses is attached at **Appendix D**. Below is a summary of responses received:

- There is no need for more cumulative impact zones elsewhere in the borough (1 response).
- There seems to be a development of many similar retail types in Morden and given the terminus of the northern line, there may be a missed opportunity without a good CIA (1 response).
- 1 response suggested to consider Raynes park but there was no explanation for this.
- Wimbledon Village to be considered because of too many hospitality venues and occasional anti-social behaviour, but especially during Wimbledon tennis fortnight and major football tournaments (2 responses)
- Safer Mertons Anti-Social Behaviour Team believe that Morden Town Centre could benefit from cumulative impact zone because of the sudden increase in rough sleepers and street drinkers in the area.
- Public Health Team stated that they have not recently conducted a review of the spread of alcohol related harms across Merton
- Merton Conservative supports the immediate adoption of measures to tackle anti-social behaviour in other local centres of the borough such as

Wimbledon Village, Colliers Wood, Morden and Raynes Park if evidence emerges to support such measures, or local residents demand them due to increases in incidents of anti-social behaviour.

## **5.0 MATTE FOR DECISION**

- 5.1 Members of the Licensing Committee are asked to consider the responses to the consultation with regard to the adoption of a special policy on cumulative impact in any other parts of the borough.
- 5.2 Members of the Licensing Committee are asked to approve the Cumulative Impact Assessments for Wimbledon Town Centre and Mitcham Town Centre as laid out in **Appendix A**, subject to the delegation of authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to Cumulative Impact Policies following this Committee meeting and prior to submission to Council for adoption on 6<sup>th</sup> March 2024.

## **6.0 ALTERNATIVE OPTIONS**

- 6.1 Members may choose not to implement or agree to the proposed Cumulative Impact Assessment for Wimbledon Town Centre or Mitcham Town Centre.

## **7.0 CONSULTATION UNDERTAKEN OR PROPOSED**

- 7.1 A twelve week (three month) public consultation was undertaken on the proposed Cumulative Impact Analysis.

## **8.1 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 8.1 None for the purposes of this report.

## **9.0 LEGAL AND STATUTORY IMPLICATIONS**

- 9.1 As set out the report, Section 141 of the Policing and Crime Act 2017 amended section 5 of the Licensing Act 2003 placing the requirement of a cumulative impact assessment (“CIA”) on a statutory footing, instead of the adoption of Cumulative Impact Zones and Policies, as part of the licensing authority’s Statement of Licensing Policy.

- 9.2 Section 5A(1) of the Licensing Act 2003 (as amended) states:

“A licensing authority may publish a document (“a cumulative impact assessment” stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.”

- 9.3 A cumulative impact assessment must set out the evidence for the authority’s opinion as set out in the assessment in accordance with subsection (1) above and must be summarised in the Statement of Licensing Policy.

9.4 Before introducing a Cumulative Impact Assessment the Licensing Authority is required to undertake a formal public consultation process and a CIA can only be introduced where it is supported by evidence. Paragraphs 14.29 to 14.33 of the Home Office Guidance issued under section 182 of the Licensing Act 2003 sets out what evidence and other matters the Licensing Authority may wish to consider.

## **10.0 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

10.1 These are statutory functions and are applied globally.

## **11.0 CRIME AND DISORDER IMPLICATIONS**

11.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. The prevention of crime and disorder is also one of the licensing objectives as defined in the Licensing Act 2003 and in the Council's current Statement of Licensing Policy.

By examining issues raised such as the possible adoption of a Cumulative Impact Assessment covering specific areas of the borough the licensing authority is contributing to that commitment.

## **12.0 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

12.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

## **13.0 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

13.1 Appendix A – CIA Consultation responses

13.2 Appendix B – CIA Analysis

13.3 Appendix C – Draft Cumulative Impact Assessment for Wimbledon Town Centre and Mitcham Town Centre

13.4 Appendix D - Existing Cumulative Impact Assessment for Wimbledon Town Centre and Mitcham Town Centre

## **14.0 BACKGROUND PAPERS - THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT**

14.1 The Licensing Act 2003  
<https://www.legislation.gov.uk/ukpga/2003/17/contents>

14.2 Revised guidance issued under section 182 of the Licensing Act 2003, effective from 20<sup>th</sup> December 2022.

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 14.3 House of Commons Library Briefing Paper: Alcohol Licensing, Cumulative Impact assessments

<https://researchbriefings.files.parliament.uk/documents/CBP-7269/CBP-7269.pdf>

- 14.4 Merton Council Statement of Licensing Policy

<https://www.merton.gov.uk/system/files?file=licensing20policy202021-2026.pdf>

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## **Appendix A – Cumulative Impact Assessment**

1. Cumulative Impact is defined as the potential impact on the promotion of the licensing objectives of a number of licenced premises concentrated in one area. In some areas where the number, type or density of licensed premises is high, or exceptional, serious problems of nuisance, crime or disorder may occur within or some distance away from the area.
2. A Cumulative Impact Assessment may be published by a Licensing Authority to help it to limit the number or type of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
3. The Licensing Act sets out what a licensing authority must do in order to publish a cumulative impact assessment (CIA). This includes publishing the evidential basis for its opinion and consulting on this evidence. A cumulative Impact Assessment must be published, and consulted upon, every three years. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application or impose conditions.
4. The evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the particular problems identified in the specific area to be covered by the CIA. The Secretary of State's Guidance provides a list of Information which licensing authorities may be able to draw on when considering whether to publish a CIA including
  - local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
  - residents' questionnaires;
  - evidence from local councillors;
  - evidence obtained through local consultation;
  - Underage drinking statistics.

### **The steps taken to develop the Special Policy on Cumulative Impact**

5. Whilst the Statement of Licensing Policy has incorporated a Special Policy on Cumulative Impact since 2006, this has been reviewed periodically as required by the Act, including the last review carried out in 2023 to take into account the changes brought about by the Policing and Crime Act 2017.

To be inserted in the Licensing Policy document

6. For this review, a report was compiled that plotted the density of licensed premises in the borough against police, ambulance and noise data obtained between April 2020 and March 2023. This was mapped and analysed and together with the outcome of a residents survey carried out in 2019 that was presented to the Licensing Committee on the 9 June 2020. Of the three existing areas where a special policy was in place, the Committee were of the view that there was strong evidence to indicate that two should remain in place. A full consultation was then carried out with residents and business in the borough, or their representatives, as well as with the responsible authorities. A copy of the evidence considered by this Committee is available in the report of the Licensing Committee of the **TBC**, available on request or on the Council's website [www.merton.gov.uk](http://www.merton.gov.uk)
  
7. A further meeting of the Licensing Committee was held on the **TBC** when the results of the consultation were fully considered and the areas where a special policy on Cumulative Impact will apply were agreed. A copy of the evidence considered by this Committee and minutes of the discussion are available on request or on the Council's website [www.merton.gov.uk](http://www.merton.gov.uk)
  
8. **Cumulative Impact Assessments (CIA) and Cumulative Impact Policy (CIP)**
  - 8.1. Having regard to the Cumulative Impact Assessment, a Special Policy on Cumulative Impact will apply to the areas as listed in the following sections. The separate areas where Cumulative Impact Assessments have been published are referred to as Cumulative Impact Zones (CIZ)
  
  - 8.2. The Cumulative Impact Policy, in conjunction with the Cumulative Impact Assessment has the following effect:
    - a) The CIP creates an evidential presumption: namely. that it is likely that applications for the grant of any further relevant authorisations in the areas identified in the CIA would negatively impact on the licensing objectives.
    - b) It is for an applicant to rebut that presumption.
    - c) Those making representations against an application for a further relevant authorisation in respect of premises located in an area the subject of a CIP are not required to adduce evidence that there would be negative cumulative impact if the application were granted. The policy presumption applies whether or not they adduce evidence.
    - d) The likely negative impact presumed by the Policy is not limited to an impact on the immediate vicinity of the premises the subject of an application but extends to the whole of the CIA areas.

## 9. Wimbledon Town Centre CIZ

- 9.1. The area included in the Wimbledon Town Centre Cumulative Impact Assessment is shown in Figure 1 of Appendix 4
  
- 9.2. The Wimbledon Town Centre CIZ falls within four Wards, Hillside, Abbey, Wimbledon Town and Dundonald. It is a vibrant area with a diverse offering of entertainment venues. It has the highest concentrations of licensed premises in the borough.

To be inserted in the Licensing Policy document

- 9.3. The special policy relates to all applications for new licences or variations that increase the hours or capacity or add licensable activities.
- 9.4. The Cumulative Impact Assessment identified that residents of Wimbledon Town and Dundonald and Abbey Wards register high levels of concern regarding people being drunk and rowdy in public spaces and general anti-social behaviour. These Wards have high levels of complaints to the police about anti-social behaviour, as well as high levels of ambulance call outs for alcohol and assaults and police call outs for violence – non domestic. Although relatively low in numbers, the area also attracts a number of complaints to the Council's licensing and noise teams.
- 9.5. The Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for the grant or variation of premises licences in the Wimbledon Town Centre CIZ.
- 9.6. The authority considers that the number of licensed premises in Wimbledon Town Centre Cumulative Impact Area is such that is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, whilst large nightclubs or late-night bars and public houses might add to the problems of cumulative impact, a small restaurant or theatre may not. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
- 9.7. **Exceptions to Wimbledon Town Centre CIZ**
  - a. Premises that are not alcohol led and
    - i. support the people visiting the area during the day; and/or
    - ii. support the wider cultural offering in the area
  - b. Small premises that only intend to operate during daytime hours, e.g. those with a capacity of fifty persons or less who only intend to operate until 11pm.
  - c. Premises intending to open at night after 11pm, where:
    - (a) A comprehensive operating schedule is offered to demonstrate that there will be no negative cumulative impact and which offers a positive contribution to the Night Time Economy, which may include:
      - i. Providing safe spaces for people late at night.
      - ii. Providing a robust Dispersal Policy to ensure minimum disruption to residents, using staff and door security outside the premises, directing customers in an orderly manner away from the premises and remaining outside until all customers have left the vicinity.
      - iii. The adequacy of the applicant's proposals to prevent crime and disorder utilising CCTV and door supervisors as necessary.

To be inserted in the Licensing Policy document

- iv. Providing robust staff training manuals and code of conduct to delivery drivers/riders for premises that are applying to primarily offer a delivery service, to minimise noise and disturbance.
- v. Providing clear robust management plans for outdoor areas of licensed premises to reduce noise, odour, and smoke pollution to residents.
- vi. A strong commitment to preventing violence against women and promoting women's safety at night, with steps to include and sufficient numbers of appropriately trained staff, and
- vii. Robust steps are proposed to prevent vertical drinking with restaurant style conditions to restrict alcohol to be ancillary to the service of meals.

d. Instances where the applicant is applying for a new licence on substantially similar terms to a licence they have recently surrendered for a premises of comparable size in the cumulative impact policy area.

9.8. Examples of factors we will not consider as exceptional include but are not limited to:

- a) that the premises will be well managed and run
- b) that the premises will be constructed to a high standard
- c) that the applicant operates similar premises elsewhere without complaint

## 10. Mitcham Town Centre CIZ

- 10.1. The area included in the Mitcham Town Centre Cumulative Impact Assessment is shown in Figure 2 of Appendix 4
- 10.2. The Mitcham Town Centre Cumulative Impact Zone mainly falls within four Wards, Graveney, Figges Marsh, Lavender Fields and Cricket Green.
- 10.3. The special policy relates to all applications for new off licence or variation applications that increase the hours or capacity of the premises
- 10.4. Residents of the four Wards in which the Mitcham Town Centre cumulative impact area lies express high levels of concern about anti-social behaviour, people being drunk and rowdy in public places and people hanging around the streets. The area also records high levels of crime, anti-social behaviour and ambulance call outs.
- 10.5. In September 2023, the Head of Community Safety presented a report to the Overview and Scrutiny Commission which included information on street drinking delivery and Public Place Protection Order Enforcement. The report stated that in July 2023, the Council looked at available evidence, the results of a consultation with the public, Police and community representatives and an equalities impact assessment and implemented a borough wide PSPO to address alcohol related ASB. This included the PSPO which operated in five wards in the east of the borough (Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury). The borough wide Order will be in place until July 2026. A summary of the Annual Residents Survey (last conducted in 2021)

To be inserted in the Licensing Policy document

showed that residents in Mitcham saw being drunk or rowdy as a problem. Residents also expressed concerns about alcohol related ASB and street drinking

- 10.6. In view of the continuing problem with street drinking around Mitcham Town Centre and having regard to the data on levels of crime, anti-social behaviour, ambulance call outs and hospital admissions for alcohol related conditions the Authority approved the special policy on cumulative impact in Mitcham Town Centre as it relates to applications for off-sales of alcohol.
- 10.7. In publishing this cumulative impact assessment, the authority is setting down a strong statement of approach to considering applications or the grant or variation of “off-sales” premises licences in the Mitcham Town Centre CIA. The authority considers that the number of “off-sales” premises licences in the Mitcham Town Centre CIA is such that it’s likely that granting further licences would be inconsistent with the authority’s duty to promote licensing objectives. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, alcohol ancillary to the main business activity e.g. florist providing champagne with flowers or cheese shop selling wine to accompany cheese. For this reason, applications for “off-sales” of alcohol with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives
- 10.8. The Licensing Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for “off” sales of alcohol for the grant or variation of premises licences and club premises certificates in the Mitcham Town Centre. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics of their business model. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
- 10.9. **Exceptions to Mitcham Town Centre CIZ**
- a) Applications with comprehensive operating schedules that meet all the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
- i. Specialist premises selling alcohol ancillary to main activity of business e.g., florist providing champagne with flowers, cheese shop selling wine to accompany cheese.
  - ii. Premises that can demonstrate that the risk of alcohol purchased from the premises being consumed on the street is minimal due to the nature and type of alcohol being sold, which could include the following:
    - i. conditions restricting the sale of high strength alcohol, single cans and miniatures.
    - ii. conditions that no beer, lager, cider, ale or spirit mixers with an Alcohol By Volume (ABV) content of above 5.5% will be sold or offered for sale.

To be inserted in the Licensing Policy document

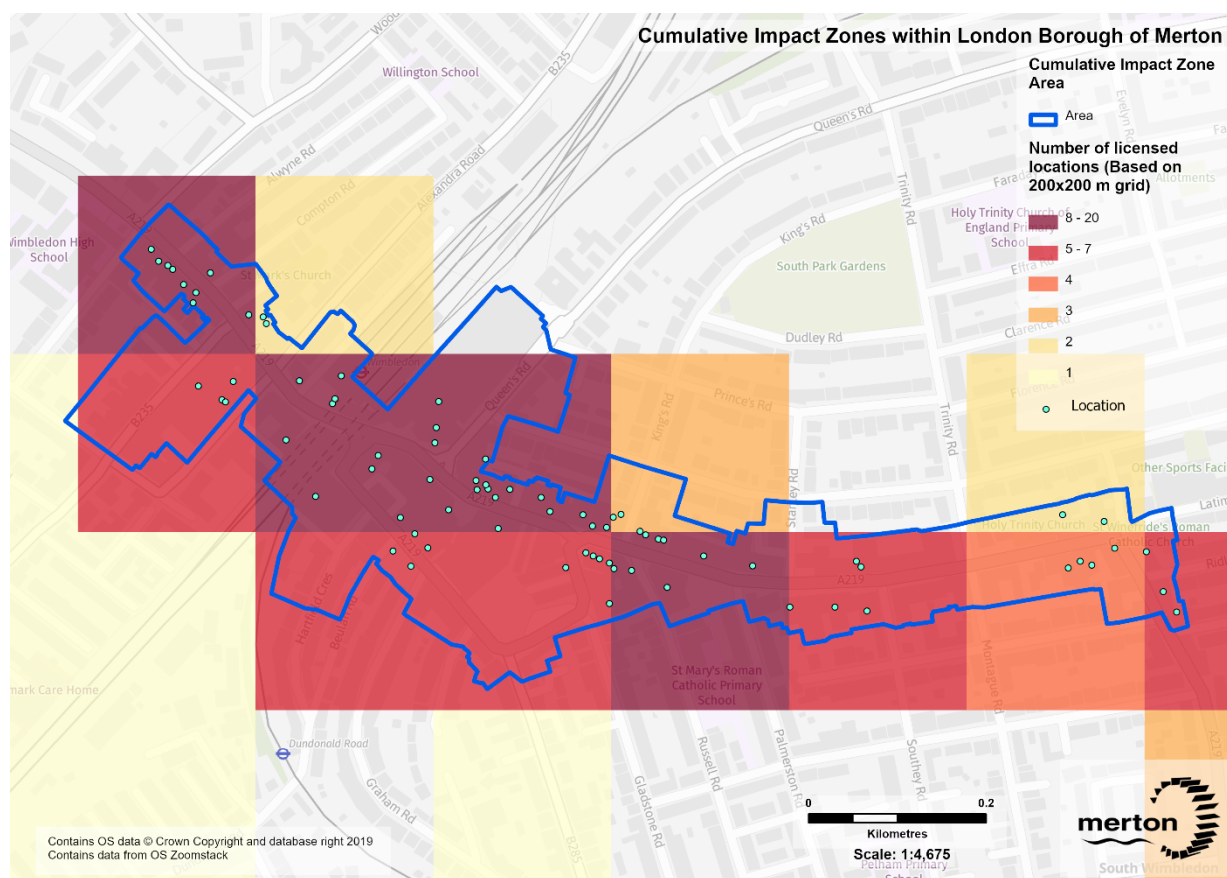
- iii. Instances where the applicant is applying for a new licence on substantially similar terms to a licence, they have recently surrendered for a premises of comparable size in the cumulative impact policy area

10.10. Examples of factors we will not consider as exceptional include but are not limited to:

- a) that the premises will be well managed and run
- b) that the premises will be constructed to a high standard.
- c) that the applicant operates similar premises elsewhere without complaint

## APPENDIX 4

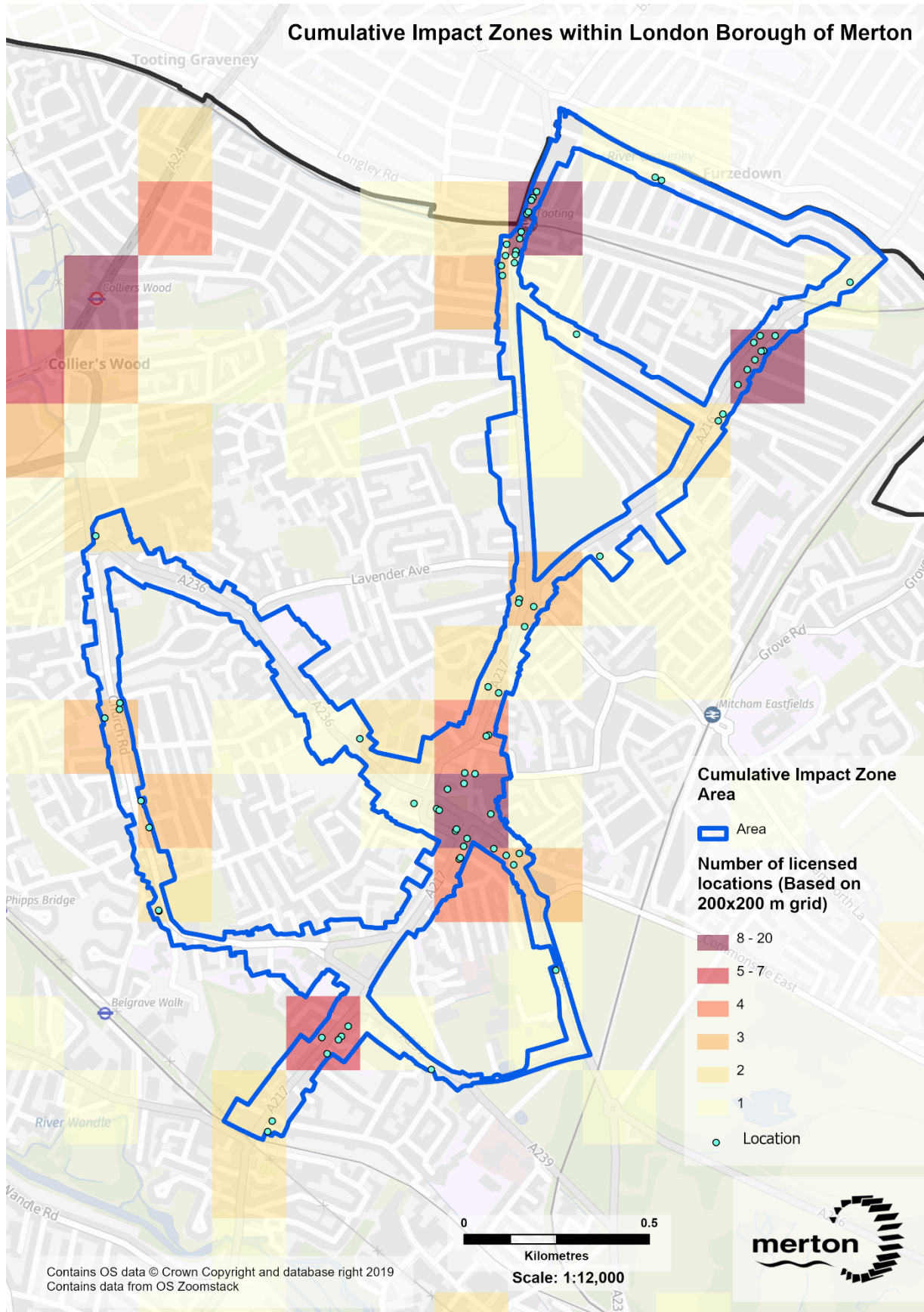
**Fig 1 Wimbledon Town Centre Cumulative Impact Zone**





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**Fig 2. Mitcham Town Centre Cumulative Impact Zone**



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## Cumulative Impact Analysis

### 1. Introduction

Cumulative Impact is defined as the potential impact on the promotion of the licensing objectives of a number of licenced premises concentrated in one area. In some areas where the number, type or density of licensed premises is high, or exceptional, serious problems of nuisance, crime or disorder may occur within or some distance away from the area.

A Cumulative Impact Assessment may be published by a Licensing Authority to help it to limit the number or type of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

The Policing and Crime Act 2017 sets out what a licensing authority must do in order to publish a cumulative impact assessment (CIA). This includes publishing the evidential basis for its opinion and consulting on this evidence. A cumulative Impact Assessment must be published, and consulted upon, every three years. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application or impose conditions.

The evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the particular problems identified in the specific area to be covered by the CIA. The Secretary of State's Guidance provides a list of Information which licensing authorities may be able to draw on when considering whether to publish a CIA including

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors;
- evidence obtained through local consultation;
- Underage drinking statistics.

This report lays out the evidence underpinning the proposal to:

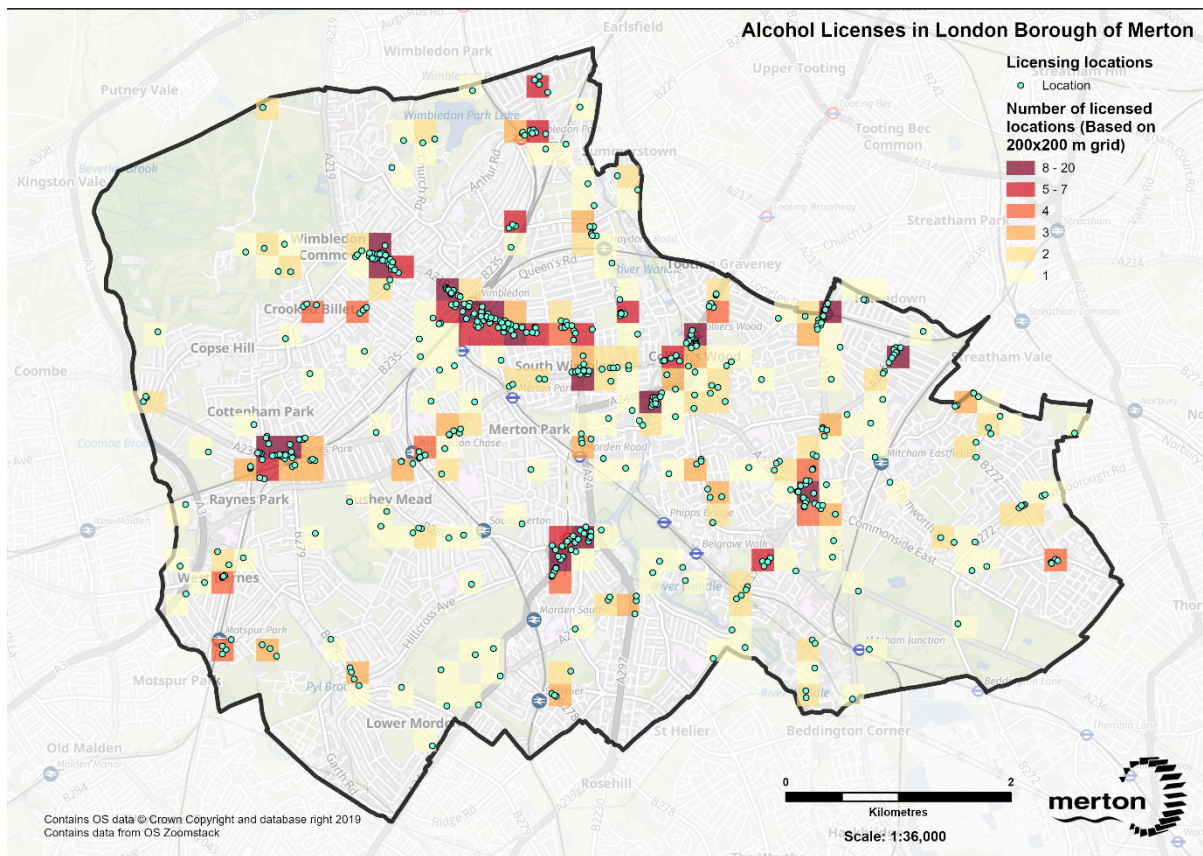
- retain the two existing cumulative impact areas, Wimbledon Town Centre and Mitcham Town Centre;
- not include any other area of the borough in the Cumulative Impact Assessment at this time.

## 2. Council Wards



## 3. Licensed premises

There are currently 559 licensed premises in Merton. The borough has five main commercial centres; Colliers Wood, Mitcham, Morden, Raynes Park and Wimbledon. From the map it can be seen that the highest concentrations of licensed premises lie within these commercial centres with Wimbledon commercial centre having the most licensed premises in the borough. However, it should be noted that not all these premises have licences to sell alcohol, some may be licensed to sell hot food only after 23.00 hours or to provide only public entertainment. A more detailed analysis of the number and type of licensed premises in each of the two exiting Cumulative Impact areas are shown later.



#### 4. Residents Survey 2021

The London Borough of Merton carried out a survey of 1,005 local residents aged 18+ and 110 young people aged 11-17 between April 6<sup>th</sup> and April 23<sup>rd</sup> May 2021. The survey explored resident perceptions of their local area and council services and, amongst other matters, measured perceptions of the local safety, levels of anti-social behaviour, and community cohesion within the borough.

The full survey results can be found on the Council’s website:

<https://www.merton.gov.uk/council-and-local-democracy/performance/annual-residents-survey>

The survey results show that most Merton residents are satisfied with their local area as a place to live (86%). This represents a small but significant 3% fall compared to 2019. Feelings of safety in the local area have declined substantially compared to 2019, with just 63% saying that they feel safe going out after dark compared to 84% in 2019. Residents in South Wimbledon and South West Merton are more likely than average to feel very or fairly safe during the day. In contrast, East Merton and Mitcham residents are significantly more likely to feel unsafe. There is a high degree of variability between ward clusters in feeling safe after dark. In North Wimbledon, South Wimbledon and South West Merton around three in four residents feel safe, but in North East Merton Hill and East Merton and Mitcham this drops to one in two or fewer.

The survey results for young people shows that they are satisfied with their local area (89%) although this represents a 6% point decline on the score in 2019 (95%). Young residents are more positive compared to 2019 about Merton Council keeping them

informed about what they are doing (47% cf. 34%) and involving young people when making decisions (36% cf. 23%). The survey result also shows that 'Merton Council does enough to protect young people' (60%).

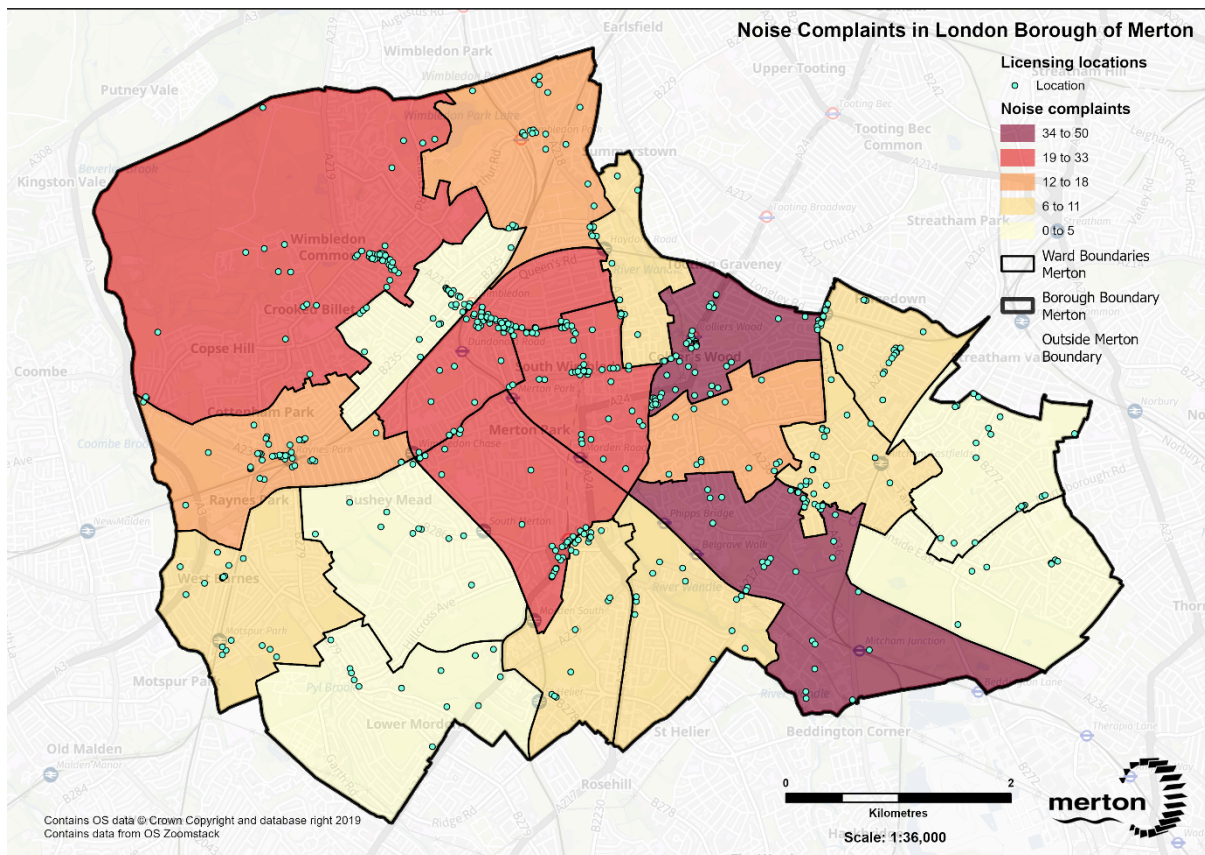
Concerns regarding some issues like drug use/dealing and anti-social behaviour are more concentrated in specific areas, notably East Merton & Mitcham and South Mitcham & Morden.

<b>Issue (% a problem)</b>	<b>Total</b>	<b>North Wimbledon</b>	<b>South Wimbledon</b>	<b>South West Merton</b>	<b>East Merton &amp; Mitcham</b>	<b>South Mitcham &amp; Morden</b>	<b>North East Merton</b>
People using/dealing drugs	31%	21%	22%	16%	53%	41%	37%
Anti-social behaviour	30%	25%	16%	22%	43%	38%	37%
People drunk or rowdy in public places	23%	15%	23%	8%	42%	25%	27%



## 5. Noise and other complaints relating to licensed premises.

Between April 2020 and March 2023 Merton Council received 330 complaints relating to 159 licensed premises or events in the borough. The number of public nuisance complaints post COVID-19 has increased in the Borough. 80 complaints were received between 2020/21 relating to 41 licensed premises, in 202/21 108 complaints relating to 58 licensed premises and in 2022/23 142 complaints relating to 60 licensed premises.



## 6. Trading Standards – Test Purchases

Between April 2020 and March 2023, Merton Trading Standards conducted 174 alcohol test purchases and challenge 25 age policy. Challenge 25 age policy make up a large proportion of these than underage sales of alcohol. Below is the breakdown of the results:

- April 2020 - March 2021 61 TPs with 52 sales
- April /2021 – March 2022 80 TPs with 39 sales
- April 2022 - March 2023 33 TPs with 1 sale

All test purchases are carried out in premises selling alcohol for consumption off the premises.

## 7. Ambulance call outs

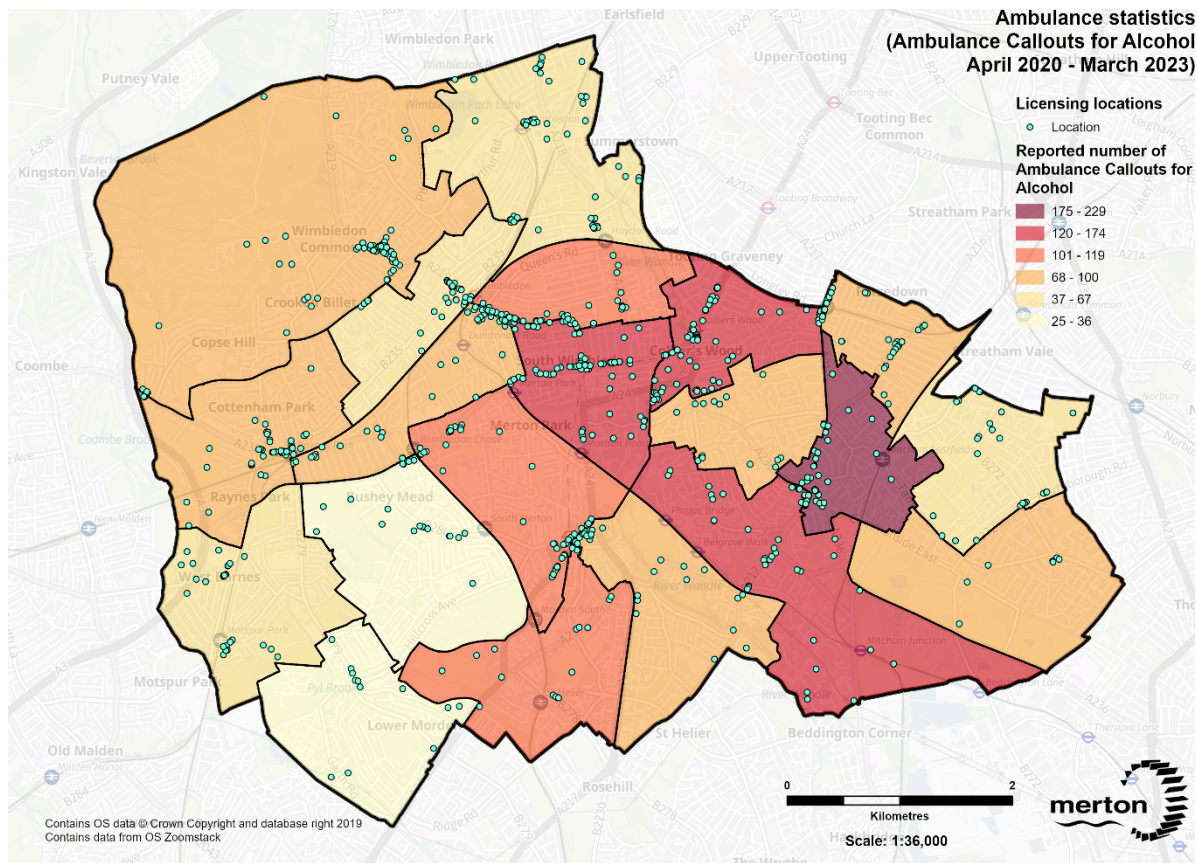
The number of alcohol –related ambulance callouts in Merton varies by time of day. Ambulance callouts for alcohol peaks between 1-2pm in day time, between 8pm and 9pm and again between 11pm and midnight, whilst ambulance callouts for assaults begin to see an upward trend from 4pm and peak between 10pm and 11pm. Calls significantly drop off from 3am. There appears to be a strong link between ambulance call outs and hours granted for the sale of alcohol.

Figges Marsh, Abbey, Colliers Wood and Cricket Green Wards have the highest ambulance call outs for alcohol over this period, with Figges Marsh also having the highest level of ambulance callouts for assaults.

### Ambulance callouts for alcohol (Paramedic derived only)

**Time Period:** April 2020 - March 2023

**Data Source:** London Ambulance Service via SafeStats



Ward Name	Count
Abbey	174
Cannon Hill	25
Colliers Wood	150
Cricket Green	146
Dundonald	87
Figges Marsh	229
Graveney	90
Hillside	58
Lavender Fields	80
Longthornton	67
Lower Morden	36
Merton Park	119
Pollards Hill	85
Ravensbury	100
Raynes Park	76
St. Helier	118
Trinity	119
Village	87
West Barnes	52
Wimbledon Park	53

From 11am paramedic-derived calls for alcohol-related incidents begin to increase steadily, peaking between 1-2pm (93 calls), between 8pm and 9pm with 125 calls and again between 11pm and 12am with 139 calls.

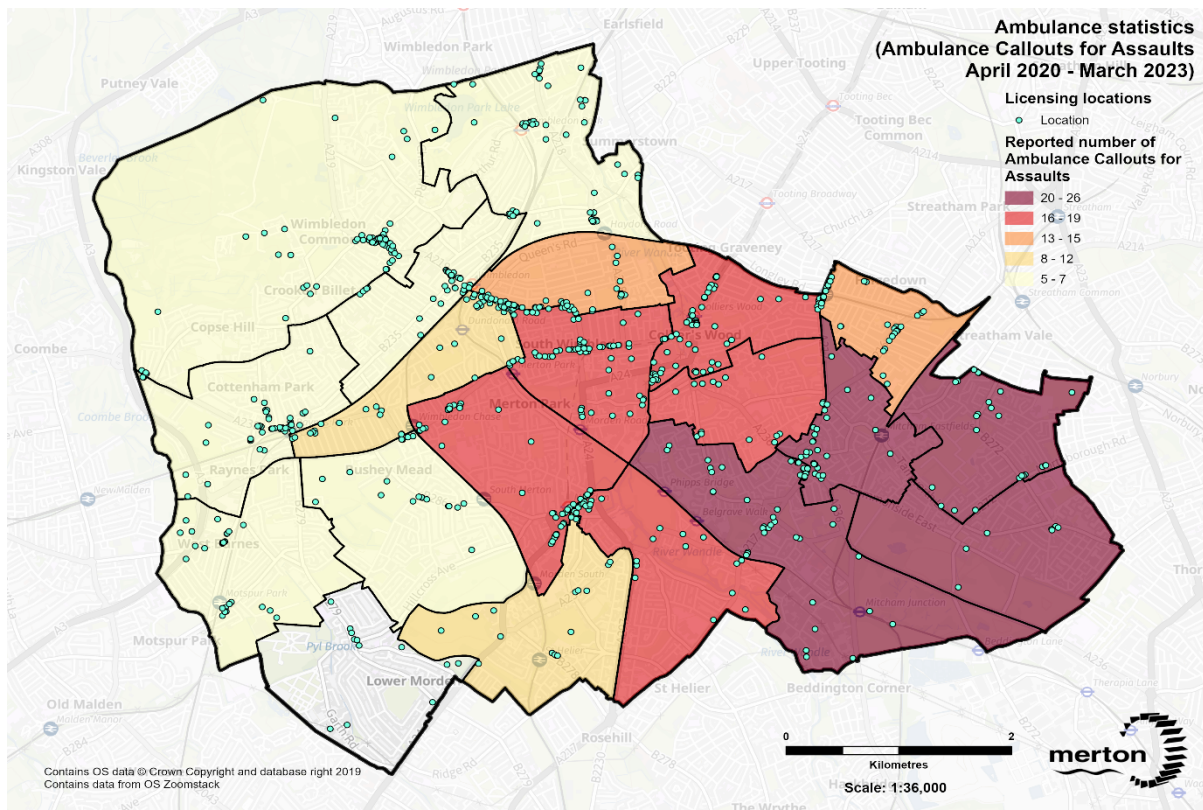
Call numbers begin to decrease significantly after 2am.



**Ambulance callouts for assaults (Caller derived)**

**Time Period:** April 2020 - March 2023

**Data Source:** London Ambulance Service via SafeStats



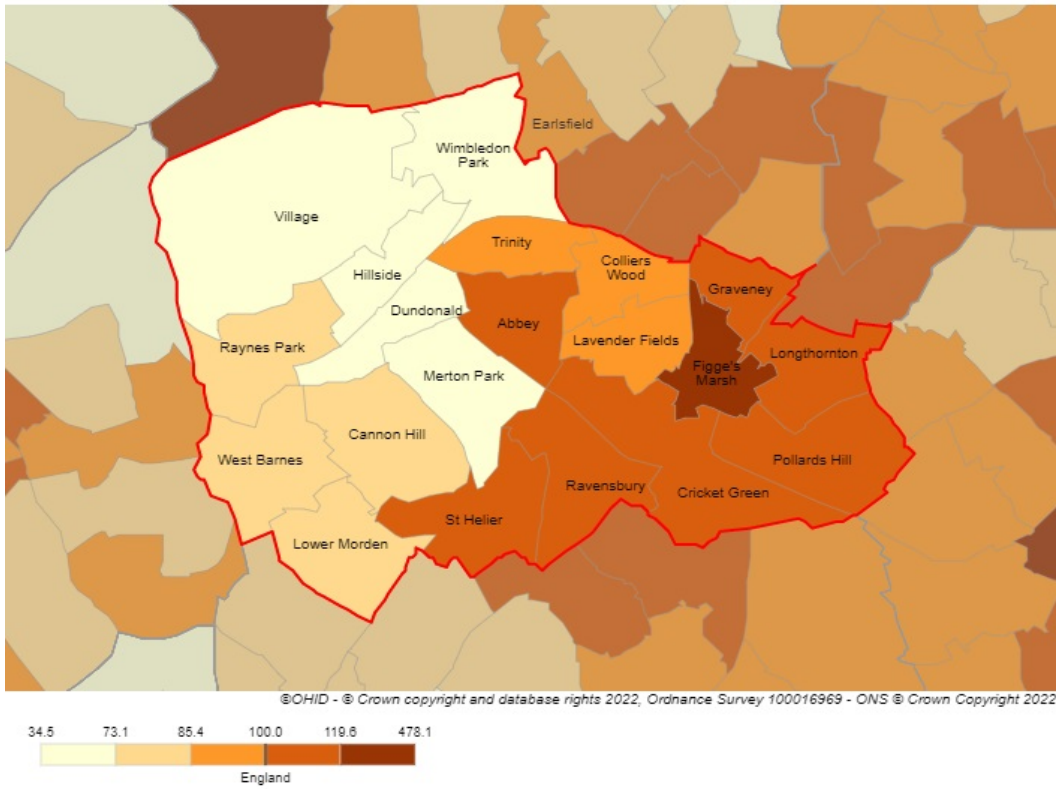
Ward Name	Count
Abbey	19
Cannon Hill	5
Colliers Wood	17
Cricket Green	25
Dundonald	10
Figges Marsh	26
Graveney	14
Hillside	6
Lavender Fields	18
Longthornton	23
Merton Park	18
Pollards Hill	23
Ravensbury	18
Raynes Park	5
St. Helier	12
Trinity	15
Village	6
West Barnes	5
Wimbledon Park	7

Caller-derived assaults see a peak between 12pm and 1pm with 14 calls across this three-year period, increasing steadily from 10am with further peaks between 4pm and 5pm (19 calls), 8pm and 9pm (20 calls) and between 10pm and 11pm (26 calls).  
  
Call numbers fall significantly from 3am.

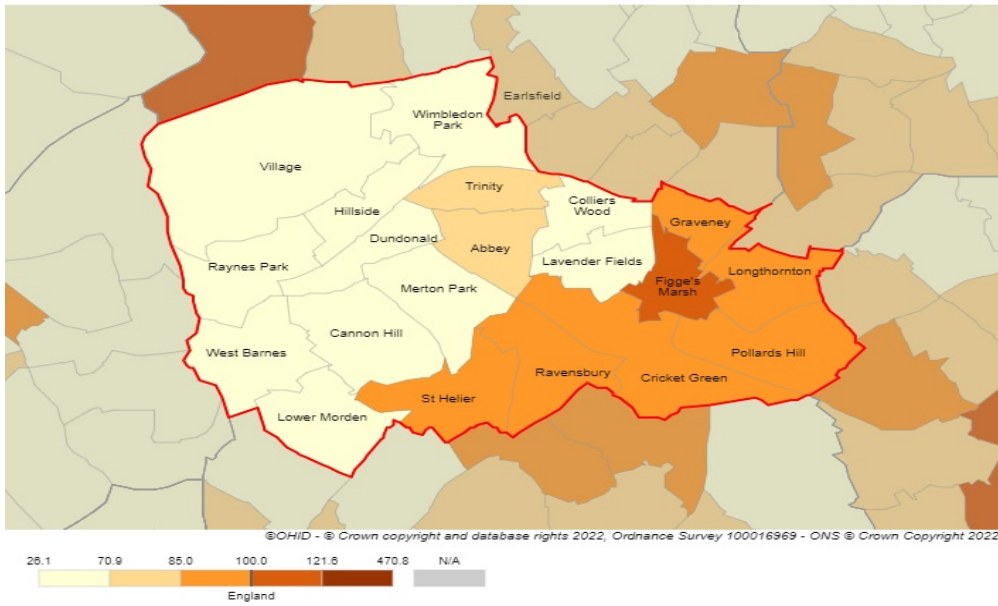


## 8. Hospital admissions for alcohol related conditions

Hospital admissions for alcohol attributable conditions (Broad definition) (SAR) - Source: Hospital Episode Statistics (HES) NHS Digital



Hospital admissions for alcohol attributable conditions, (Narrow definition) (SAR) - Source: Hospital Episode Statistics (HES) NHS Digital



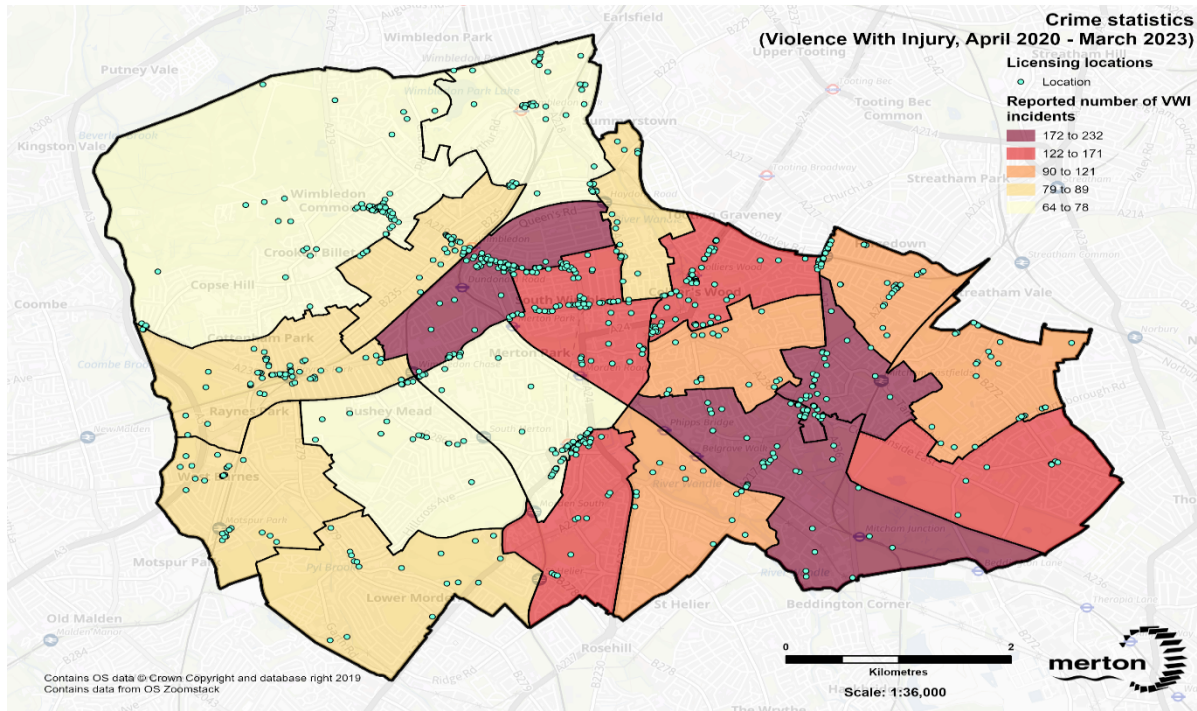
**(C) Rank of Merton Wards for alcohol-related hospital admissions, broad and narrow definitions, during the period 16/17 to 20/21**

Ward	Hospital admissions for alcohol attributable conditions (Broad definition)	Hospital admissions for alcohol attributable conditions, (Narrow definition)
Abbey	100.7	81.2
Cannon Hill	79.1	67.5
Colliers Wood	86.5	67.6
Cricket Green	113	86.1
Dundonald	54.3	47
Figge's Marsh	122.5	102.9
Graveney	111.8	99.4
Hillside	68.7	61.5
Lavender Fields	95.5	64.5
Longthornton	104.1	98.3
Lower Morden	83.7	64.5
Merton Park	67.8	53.8
Pollards Hill	111.1	97.9
Ravensbury	101.4	89.5
Raynes Park	75	58.3
St Helier	118.5	98.3
Trinity	90.7	71.5
Village	59.9	53.2
West Barnes	79.8	64.7
Wimbledon Park	71.6	53.7

**9. Violence with injury – non domestic**

Cricket Green, Figges Marsh, Wimbledon Town and Dundonald wards have the highest levels of violence with injury (non-domestic) reports. The areas of the existing Wimbledon Town Centre CIZ and the Mitcham Town Centre CIZ were seen to have high levels of violence with injury – non domestic offences.

**Violence with injury – Non-Domestic**  
**Time Period – April 2020 – March 2023**  
**Data Source – Metropolitan Police Service**



Ward Name	Non Domestic Abuse VWI Offs
Abbey	156
Cannon Hill	72
Colliers Wood	146
Cricket Green	232
Figge's Marsh	230
Graveney	113
Hillside	89
Lavender Fields	121
Longthornton	117
Lower Morden	82
Merton Park	78
Pollards Hill	171
Ravensbury	111
Raynes Park	89
St Helier	156
Village	64
Wandle	80
West Barnes	89
Wimbledon Park	75
Wimbledon Town &	224

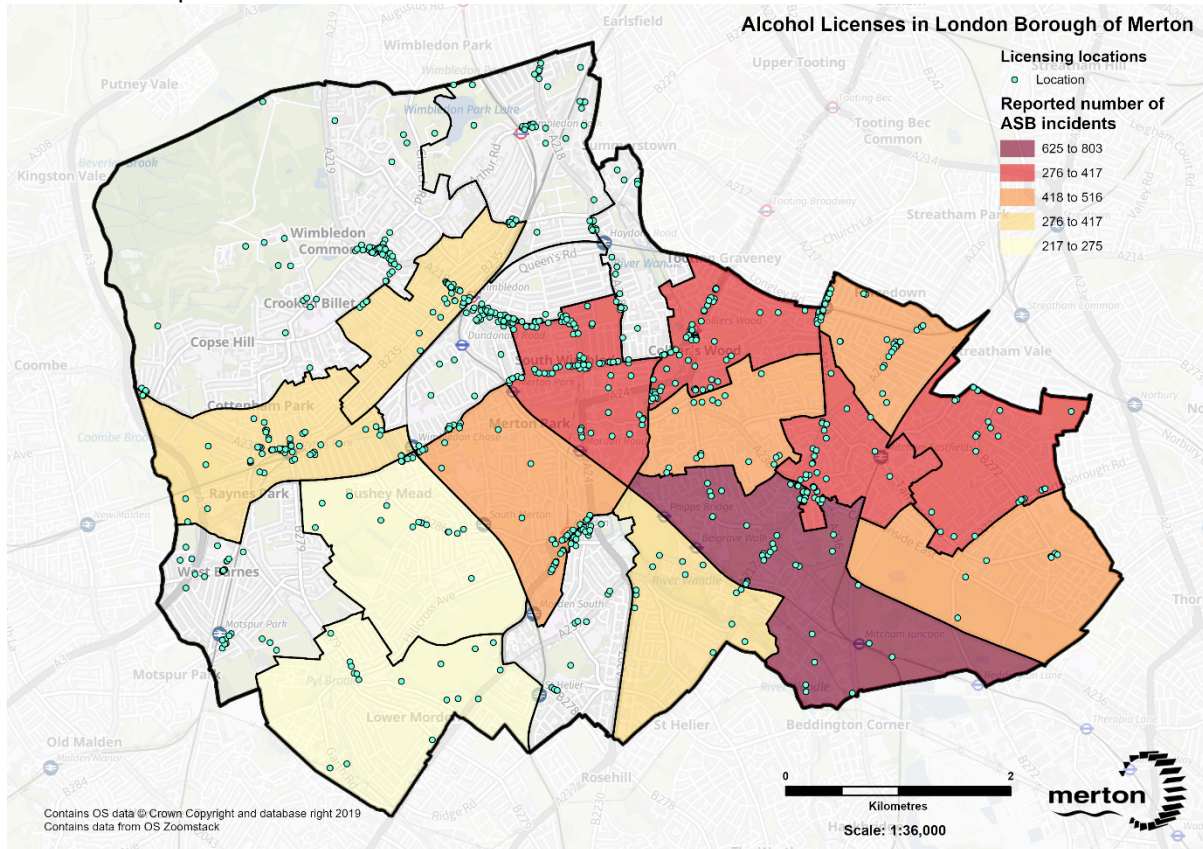
### Anti-social behaviour, rowdy and inconsiderate behaviour

Cricket Green, Wimbledon Town & Dundonald, Figges Marsh and Colliers Wood Wards have the highest levels of ASB complaints.

### ASB nuisance, rowdy and inconsiderate behaviour

Time Period: April 2020 - March 2023

Source: Metropolitan Police Service



Ward Name	ASB Calls
Abbey	543
Cannon Hill	217
Colliers Wood	624
Cricket Green	803
Figge's Marsh	563
Graveney	494
Hillside	340
Lavender Fields	515
Longthornton	556
Lower Morden	275
Merton Park	490
Pollards Hill	516
Ravensbury	404
Raynes Park	417
St Helier	477
Village	392



Wandle	217
West Barnes	336
Wimbledon Park	403
Wimbledon Town &	677

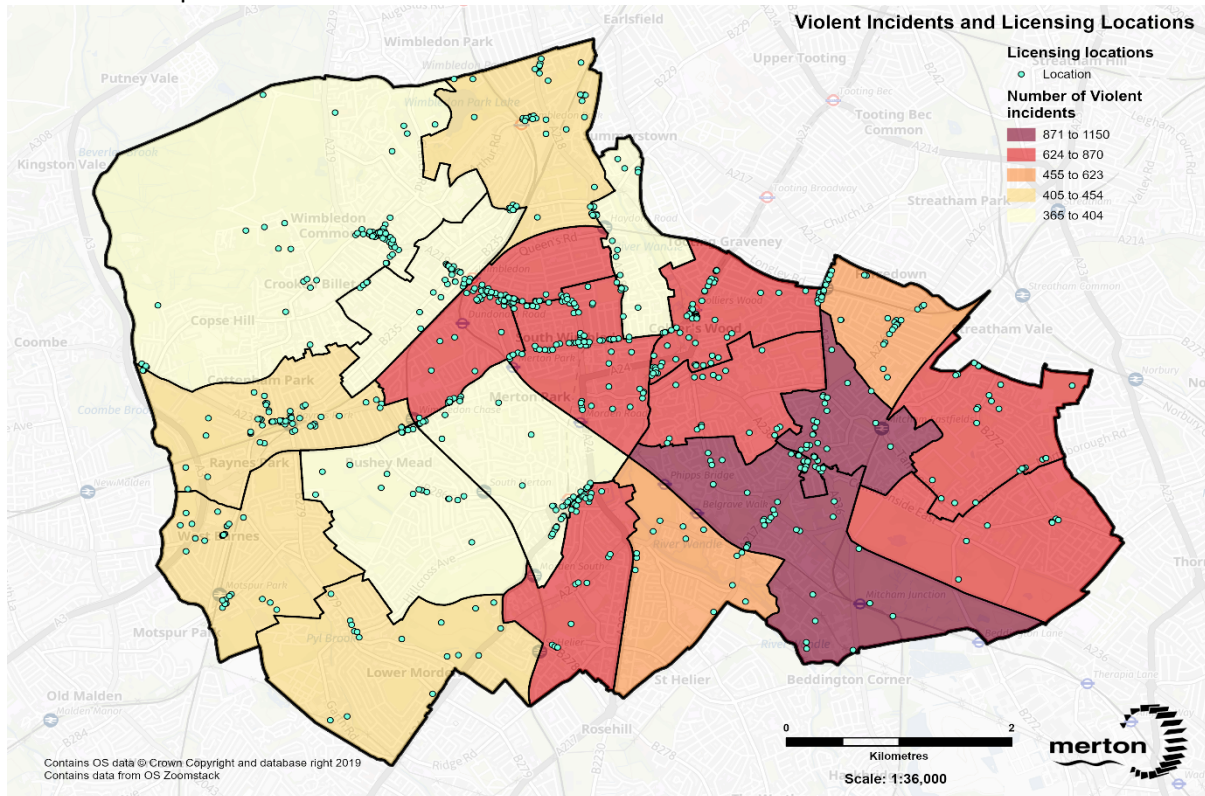
### 10. Violence against the person

Below is a map of violence against the person (with and without injury) recorded by the Metropolitan Police between April 2020 and March 2023 boundaries. This includes domestic and non-domestic calls. The map provides a more localised picture of police reports on violence than shown in the Ward analysis above but confirms that the two existing Cumulative Impact Areas of Wimbledon Town Centre and Mitcham Town Centre lie within areas of the highest police callouts for violent incidents.

#### Violence against the person

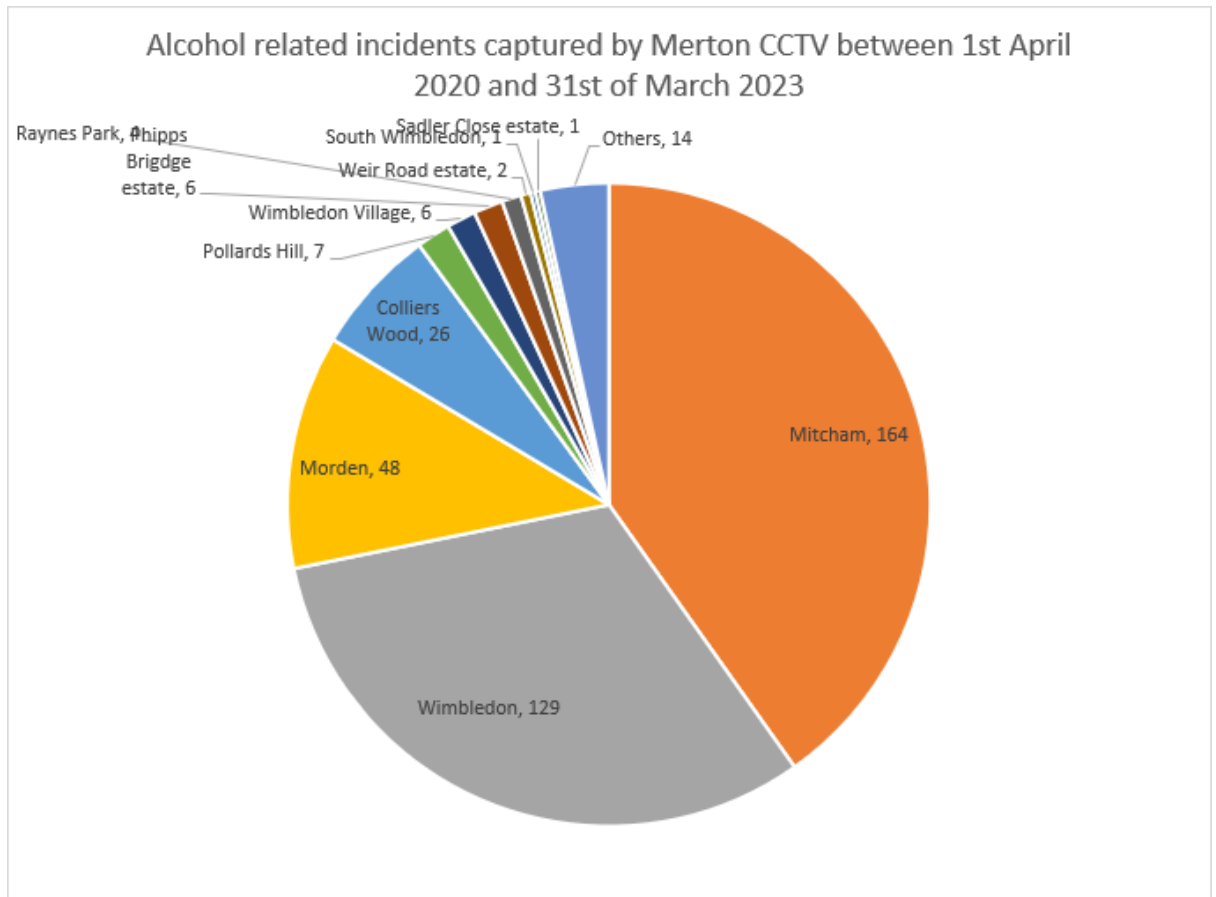
**Time Period:** April 2020 – March 2023

**Source:** Metropolitan Police Service



Ward Name	11 Violence Against the Person Offs	Violence with Injury Offs	Violence without Injury Offs
Abbey	719	234	485
Cannon Hill	365	118	247
Colliers Wood	711	231	480
Cricket Green	1120	357	763
Figge's Marsh	1150	357	792
Graveney	623	192	431
Hillside	390	128	262
Lavender Fields	746	220	526
Longthornton	783	214	569
Lower Morden	454	128	326
Merton Park	404	106	297
Pollards Hill	870	288	581
Ravensbury	576	185	391
Raynes Park	453	141	312
St Helier	707	237	470
Village	385	106	279
Wandle	398	130	268
West Barnes	436	132	304
Wimbledon Park	430	142	288
Wimbledon Town & Dundonald	783	264	518

**12. Alcohol related incidents captured by Merton CCTV**



**13. Meet Street Pastors for Wimbledon Town Centre and Mitcham**

Alcohol related incidents	2
ASB nuisance drunk and disorderly, rowdy and inconsiderate behaviour	19
Violence against the person	3

**14. Merton Council Antisocial Behaviour Team Data**

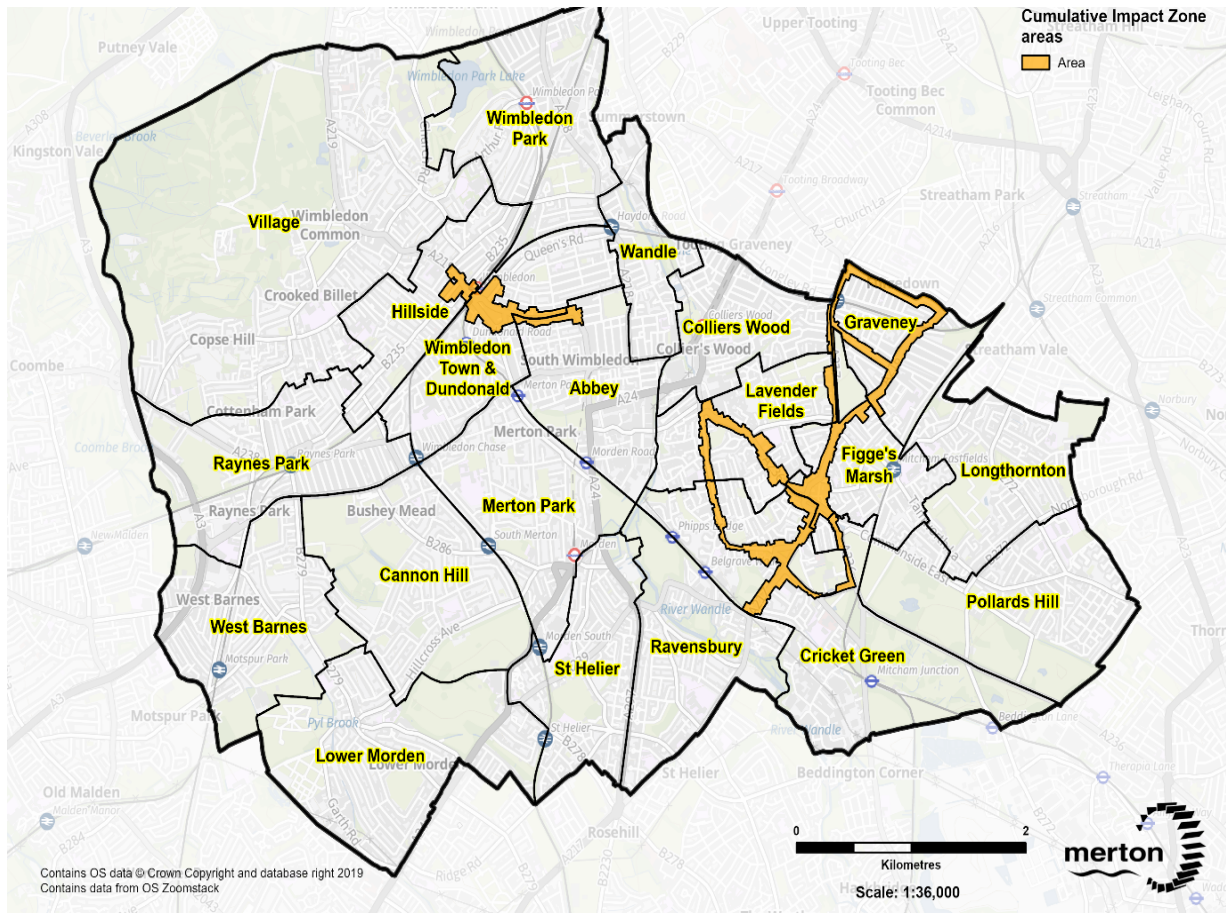
April 2022 – March 2023 alcohol related (including street drinking):

<b>WARD</b>	<b>No of Reports</b>
Abbey	8
Cannozn Hill	1
Colliers Wood	11
Cricket Green	13
Dundonald	5
Figges Marsh	29
Graveney	42
Hillside	6
Lavender Fields	6
Longthornton	21
Lower Morden	2
Merton	2
Merton Park	5
Pollards Hill	12
Ravensbury	5
Raynes Park	1
St Hellier	5
Trinity	9
Village	2
West Barnes	2
Wimbledon Park	3
Wimbledon Town & Dundonald	3
<b>TOTAL</b>	<b>193</b>

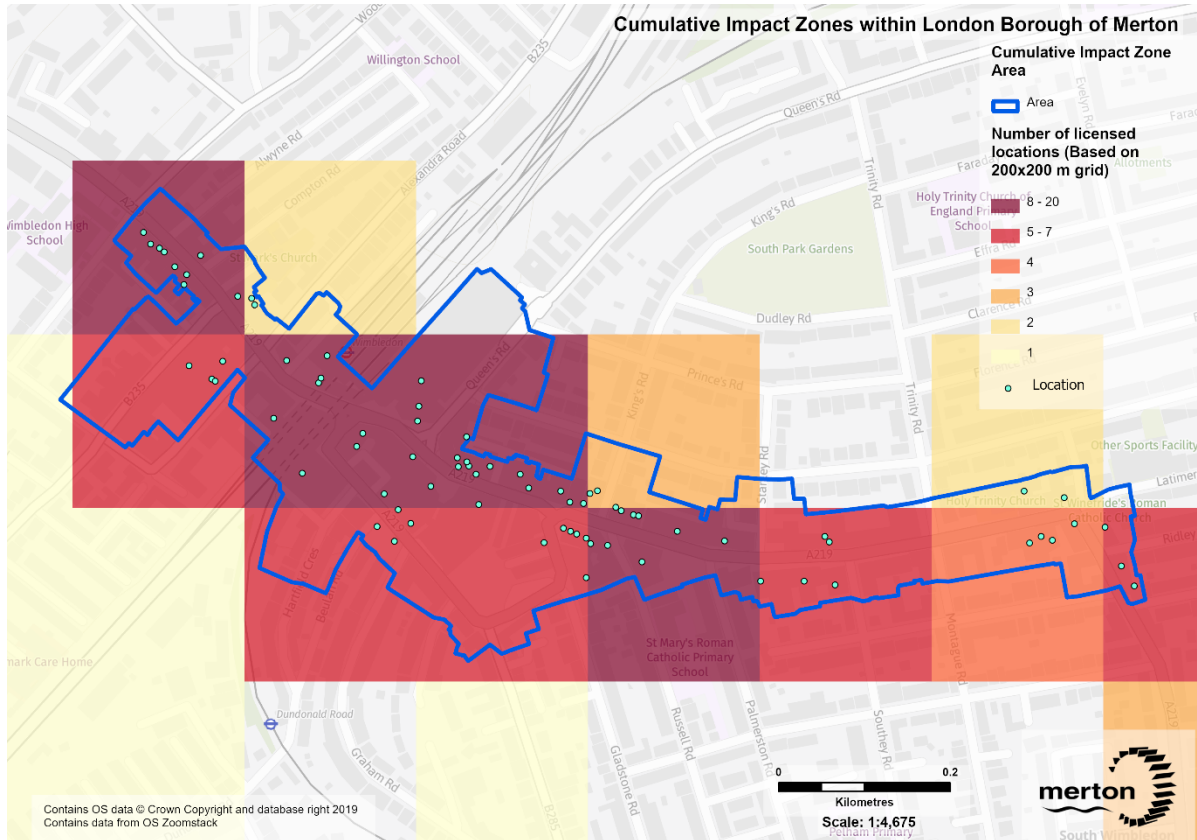


### 15. Current Cumulative Impact Zones

Currently there are 2 Cumulative Impact Zones in the Borough. Wimbledon Town Centre was adopted in 2006, shortly after the implementation of the Licensing Act 2003 and Mitcham Town Centre was approved in 2015. The areas covered by the current policy are shown in the map below.



## 16. Wimbledon Town Centre CIZ



### (a) Active licences within Wimbledon Town Centre CIZ

Type	Number
Cinema/Theatres	4
Bar/Club/Pub	19
Restaurants	34
Convenience stores/supermarkets/off licence	15
Hotels	4
Takeaways/premises selling late night food only (no alcohol)	7

### (b) Maximum terminal hour for the sale of alcohol in premises within the Wimbledon Town Centre CIZ

Total number of premises	Terminal hour up to 23.00	Terminal hour 23.01 – 00.00 hours	Terminal hour 00.01 – 02.00 hours	Terminal hour 02.01 hours – 03.00 hours	No restriction
76	39 (51%)	21 (28%)	12 (16%)	3 (4%)	1 (1%)

**(c) Maximum Terminal hour for the sale of hot food and drink only**

Total number of premises	Terminal hour up to 01.00	Terminal hour 01.01-02.00 hours	Terminal hour 02.01 – 03.00 hours	Terminal hour 03.01 hours – 05.00 hours
7	2	1	2	2

Wimbledon Town Centre CIZ falls within four Wards, Hillside, Abbey, Wimbledon Town and Dundonald. It has the highest concentrations of licensed premises in the borough.

Residents of Trinity (now merged into new Wimbledon and Dundonald ward) and Abbey Wards register high levels of concern regarding people being drunk and rowdy in public spaces and general anti-social behaviour. These Wards have high levels of complaints to the police about anti-social behaviour, as well as high levels of ambulance call outs for alcohol and assaults and police call outs for violence – non domestic. Although relatively low in numbers, the area also attracts a number of complaints to the Council’s licensing and noise teams. It is clear, therefore, that the area has a high density of licensed premises which is adversely impacting on crime and ant-social behaviour in the area. It is proposed that Wimbledon Town Centre retains the special policy with regard to Cumulative Impact as any increase in premises numbers or hours will add to the existing relatively high levels of crime and anti-social behaviour in the area, particularly later into the evening.

In publishing this cumulative impact assessment, the authority is setting down a strong statement of approach to considering applications or the grant or variation of premises licences in the Wimbledon Town Centre CIZ. The authority considers that the number of licensed premises in Wimbledon Town Centre Cumulative Impact Area is such that is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, whilst large nightclubs or late night bars and public houses might add to the problems of cumulative impact, a small restaurant or theatre may not. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:

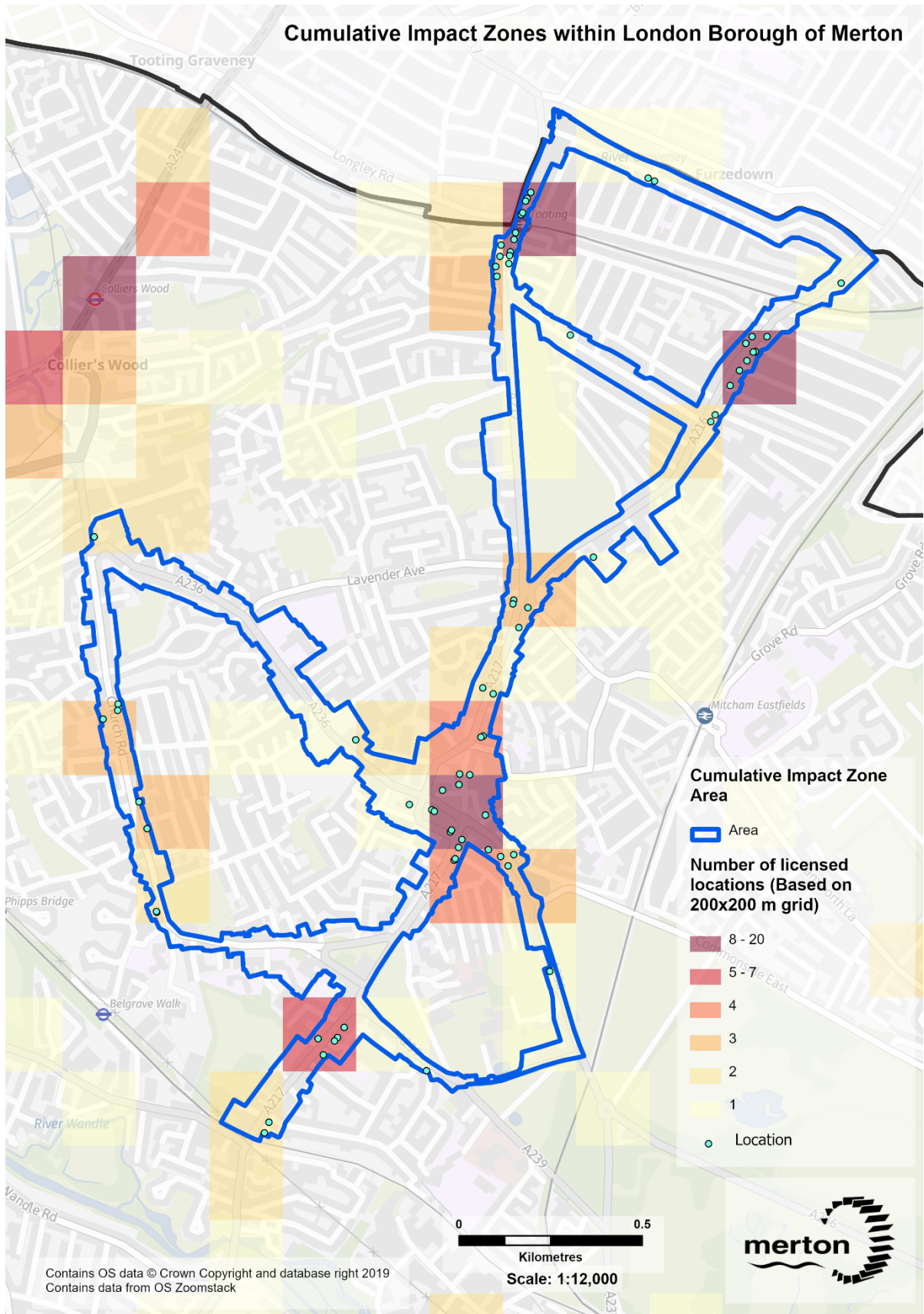
**16.1 Exceptions to Wimbledon Town Centre CIZ**

- a. Premises that are not alcohol led and
  - i. support the people visiting the area during the day; and/or
  - ii. support the wider cultural offering in the area
  
- b. Premises that are not alcohol led and
  - i. support the people visiting the area during the day; and/or
  - ii. support the wider cultural offering in the area

- c. Small premises that only intend to operate during daytime hours, e.g. those with a capacity of fifty persons or less who only intend to operate until 11pm.
  - d. Premises intending to open at night after 11pm, where:
    - (a) A comprehensive operating schedule is offered to demonstrate that there will be no negative cumulative impact and which offers a positive contribution to the Night Time Economy, which may include:
      - i. Providing safe spaces for people late at night.
      - ii. Providing a robust Dispersal Policy to ensure minimum disruption to residents, using staff and door security outside the premises, directing customers in an orderly manner away from the premises and remaining outside until all customers have left the vicinity.
      - iii. The adequacy of the applicant's proposals to prevent crime and disorder utilising CCTV and door supervisors as necessary.
      - iv. Providing robust staff training manuals and code of conduct to delivery drivers/riders for premises that are applying to primarily offer a delivery service, to minimise noise and disturbance.
      - v. Providing clear robust management plans for outdoor areas of licensed premises to reduce noise, odour, and smoke pollution to residents.
      - vi. A strong commitment to preventing violence against women and promoting women's safety at night, with steps to include and sufficient numbers of appropriately trained staff, and
      - vii. Robust steps are proposed to prevent vertical drinking with restaurant style conditions to restrict alcohol to be ancillary to the service of meals.
  - e. Instances where the applicant is applying for a new licence on substantially similar terms to a licence they have recently surrendered for a premises of comparable size in the cumulative impact policy area
- 16.2 Examples of factors we will not consider as exceptional include but are not limited to:
- a) that the premises will be well managed and run
  - b) that the premises will be constructed to a high standard
  - c) that the applicant operates similar premises elsewhere without
  - d) complaint



17. Mitcham Town Centre CIZ



**Active licences within Mitcham Town Centre CIZ**

Type	Number
Bar/Club/Pub	10
Restaurants	5
Convenience stores/supermarkets/off licence	47
Sports venue/open spaces	0
Takeaways/premises selling late night food only (no alcohol)	11

**Maximum terminal hour for the sale of alcohol in premises within the Mitcham Town Centre CIZ**

Total number of premises	Terminal hour up to 23.00	Terminal hour 23.01 – 00.00 hours	Terminal hour 00.01 – 02.00 hours	Terminal hour 02.01 – 03.00 hours	No restriction
62	39(63%)	12(19%)	8 (13%)	2 (3%)	1(2%)

**Maximum Terminal hour for the sale of hot food and drink only**

Total number of premises	Terminal hour up to 01.00	Terminal hour 01.01- 02.00 hours	Terminal hour 02.01 – 03.00 hours	Terminal hour 03.01 hours – 05.00 hours
11	4	3	1	3

The Cumulative Impact Zone covering Mitcham Town Centre and surroundings was approved in 2015. The Mitcham Cumulative Impact Zone is restricted to ‘off – premises’ sales only, as the evidence did not suggest that ‘on- premises’ sales needed to be included. The Mitcham Town Centre Cumulative Impact Zone mainly falls within four Wards, Graveney, Figges Marsh, Lavender Fields and Cricket Green

The decision to adopt a special policy on Cumulative Impact for Mitcham Town Centre and the area to be included was based on information provided by Public Health which included an audit of the area carried out by a team of Youth Inspectors (YIs) and the results of a consultation carried out with local residents in early September 2015.

On 19/20 August 2015, a team of Youth Inspectors (YIs) walked the area covered by the then proposed Cumulative Impact Zone (CIZ) around Mitcham. They noted whether premises they passed sold alcohol or fast food, and the appearance of stores and streets, noting any antisocial behaviour or litter. The Youth Inspectors noted 165 retail outlets in the Mitcham Cumulative Impact Zone area. Of these, 44 (27%) were places to buy food ingredients, 26 (16%) were fast food outlets, 3 (2%) were restaurants, 6 (4%) were cafes, 6 (4%) were pubs, 6 (4%) were betting shops and 2

(1%) were payday loan shops. The rest (72, 44%) were a mix of other uses, for example estate agents, hairdressers, garages.

Of the 44 places to buy food ingredients (i.e. convenience stores, corner shops, grocers, off-licenses, supermarkets), at least 80% (35/44) appeared to sell alcohol. Alcohol is therefore available in at least a fifth (21%, 35/165) of all premises noted by the YIs. They also noted 6 pubs in the proposed CIZ area. Of the 35 convenience stores or supermarkets that sold alcohol: at least 57% (20/35) sold super strength alcohol (i.e. beer or cider of 6.5% ABV or more); a third (31%, 11/35) did not (4 unknown). The majority (83%, 29/35) sold single cans (5 did not, 1 unknown)

In early September 2015 a consultation was carried out of residents in the area. A total of 192 people participated in the consultation. One third of respondents (64) felt that Mitcham Town Centre had too many alcohol shops. Among responses relating to the alcohol environment were concerns about street drinkers. Over half of respondents also felt that the area was littered, with comments regarding broken glass and beer cans on the streets. There was significant mention of anti-social behaviour and crime and safety during the night, with 117 and 94 respondents respectively reporting these as a concern.

Unfortunately, it has not been possible as planned, to carry out another survey of the area to compare the findings with those of 2015. However, the number of licensed premises selling alcohol off the premises remain at a similar level to that found in 2015 (38 premises selling alcohol for consumption off the premises in 2020 compared to 35 noted in 2015). The difference in numbers is likely to be due to a difference in assigning premises to a particular category rather than to a real increase in numbers.

Residents of the four Wards in which the Mitcham Town Centre CIZ lies express high levels of concern about anti-social behaviour, people being drunk and rowdy in public places and people hanging around the streets. The area also records high levels of crime, anti-social behaviour and ambulance call outs.

In September 2023, the Head of Community Safety presented a report to the Overview and Scrutiny Commission which included information on street drinking delivery and Public Place Protection Order Enforcement. The report stated that in July 2023, the Council looked at available evidence, the results of a consultation with the public, Police and community representatives and an equalities impact assessment and implemented a borough wide PSPO to address alcohol related ASB. This included the PSPO which operated in five wards in the east of the borough (Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury). The borough wide Order will be in place until July 2026. A summary of the Annual Residents Survey (last conducted in 2021) showed that residents in Mitcham saw being drunk or rowdy as a problem. Residents also expressed concerns about alcohol related ASB and street drinking.

In view of the continuing problem with street drinking around Mitcham Town Centre and in light of the actual and perceived problems associated with alcohol in the area it is proposed to retain the Mitcham Town Centre special policy on cumulative impact with no amendments to the area or to the type of premises to be included in the policy. In publishing this cumulative impact assessment the authority is setting down a strong statement of approach to considering applications or the grant or variation of “off-

sales” premises licences in the Mitcham Town Centre CIZ. The authority considers that the number of “off-sales” premises licences in the Mitcham Town Centre CIZ is such that is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives.

This CIA does not, however, fundamentally change the way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

The cumulative impact assessment does not relieve responsible authorities or any other persons of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact, or the fact that a CIA has been published.

As stated above the current Cumulative Impact Assessment for Mitcham Town Centre only applies to applications for the off sales of alcohol, However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, alcohol ancillary to the main business activity e.g. florist providing champagne with flowers or cheese shop selling wine to accompany cheese. For this reason, applications for “off-sales” of alcohol with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:

### 17.1 Exceptions to Mitcham Town Centre CIZ

- a) Applications with comprehensive operating schedules that meet all the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
  - i. Specialist premises selling alcohol ancillary to main activity of business e.g., florist providing champagne with flowers, cheese shop selling wine to accompany cheese.
  - ii. Premises that can demonstrate that the risk of alcohol purchased from the premises being consumed on the street is minimal due to the nature and type of alcohol being sold, which could include the following:
    - i. conditions restricting the sale of high strength alcohol, single cans and miniatures.
    - ii. conditions that no beer, lager, cider, ale or spirit mixers with an Alcohol By Volume (ABV) content of above 5.5% will be sold or offered for sale.
  - iii. Instances where the applicant is applying for a new licence on substantially similar terms to a licence, they have recently surrendered for a premises of comparable size in the cumulative impact policy area

### 17.2 Examples of factors we will not consider as exceptional include but are not limited to:

- e) that the premises will be well managed and run
- f) that the premises will be constructed to a high standard
- g) that the applicant operates similar premises elsewhere without complaint



## **Cumulative Impact Assessment**

1. Cumulative Impact is defined as the potential impact on the promotion of the licensing objectives of a number of licenced premises concentrated in one area. In some areas where the number, type or density of licensed premises is high, or exceptional, serious problems of nuisance, crime or disorder may occur within or some distance away from the area.
2. A Cumulative Impact Assessment may be published by a Licensing Authority to help it to limit the number or type of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
3. The Licensing Act sets out what a licensing authority must do in order to publish a cumulative impact assessment (CIA). This includes publishing the evidential basis for its opinion and consulting on this evidence. A cumulative Impact Assessment must be published, and consulted upon, every three years. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application or impose conditions.
4. The evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the particular problems identified in the specific area to be covered by the CIA. The Secretary of State's Guidance provides a list of Information which licensing authorities may be able to draw on when considering whether to publish a CIA including
  - local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
  - residents' questionnaires;
  - evidence from local councillors;
  - evidence obtained through local consultation;
  - Underage drinking statistics.

### **The steps taken to develop the Special Policy on Cumulative Impact**

5. Whilst the Statement of Licensing Policy has incorporated a Special Policy on Cumulative Impact since 2006, a full review across the whole borough was carried out in 2020 to take into account the changes brought about by the Policing and Crime Act 2017.

6. A report was compiled that plotted the density of licensed premises in the borough against police, ambulance and noise data obtained between April 2019 and March 2020. This was mapped and analysed and together with the outcome of a residents survey carried out in 2019 was presented to the Licensing Committee on the 9 June 2020. Of the three existing areas where a special policy was in place, the Committee were of the view that there was strong evidence to indicate that two should remain in place. A full consultation was then carried out with residents and business in the borough, or their representatives, as well as with the responsible authorities. A copy of the evidence considered by this Committee is available in the report of the Licensing Committee of the 9 June, available on request or on the Council's website [www.merton.gov.uk](http://www.merton.gov.uk)
7. A further meeting of the Licensing Committee was held on the 15 October 2020 when the results of the consultation were fully considered and the areas where a special policy on Cumulative Impact will apply were agreed. A copy of the evidence considered by this Committee and minutes of the discussion are available on request or on the Council's website [www.merton.gov.uk](http://www.merton.gov.uk)

### **Cumulative Impact Assessments (CIA)**

8. A Special Policy on Cumulative Impact will apply to the following areas

#### **9. Wimbledon Town Centre**

The area included in the Wimbledon Town Centre CIA is shown in Figure 1 of Appendix 4

The special policy relates to all applications for new licences or variations that increase the hours or capacity or add licensable activities.

Wimbledon Town Centre falls within four Wards, Hillside Trinity, Abbey and Dundonald. It is a vibrant area with a diverse offering of entertainment venues. It has the highest concentrations of licensed premises in the borough.

The Cumulative Impact Assessment identified that residents of Trinity and Abbey Wards register high levels of concern regarding people being drunk and rowdy in public spaces and general anti-social behaviour. These Wards have high levels of complaints to the police about anti-social behaviour, as well as high levels of ambulance call outs for alcohol and assaults and police call outs for violence – non domestic. Although relatively low in numbers, the area also attracts a number of complaints to the Council's licensing and noise teams

The Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for the grant or variation of premises licences in the Wimbledon Town Centre CIA. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example large nightclubs or late night bars

and public houses might add to the problems of cumulative impact, a small restaurant or theatre may not. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:

Premises that are not alcohol led and

- i. support the people visiting the area during the day;  
and/or
- ii. support the wider cultural offering in the area

## 10. Mitcham Town Centre

The area included in the Mitcham Town Centre CIA is shown in Figure 2 of Appendix 4

The special policy relates to all applications for new off licence or variation applications that increase the hours or capacity of the premises.

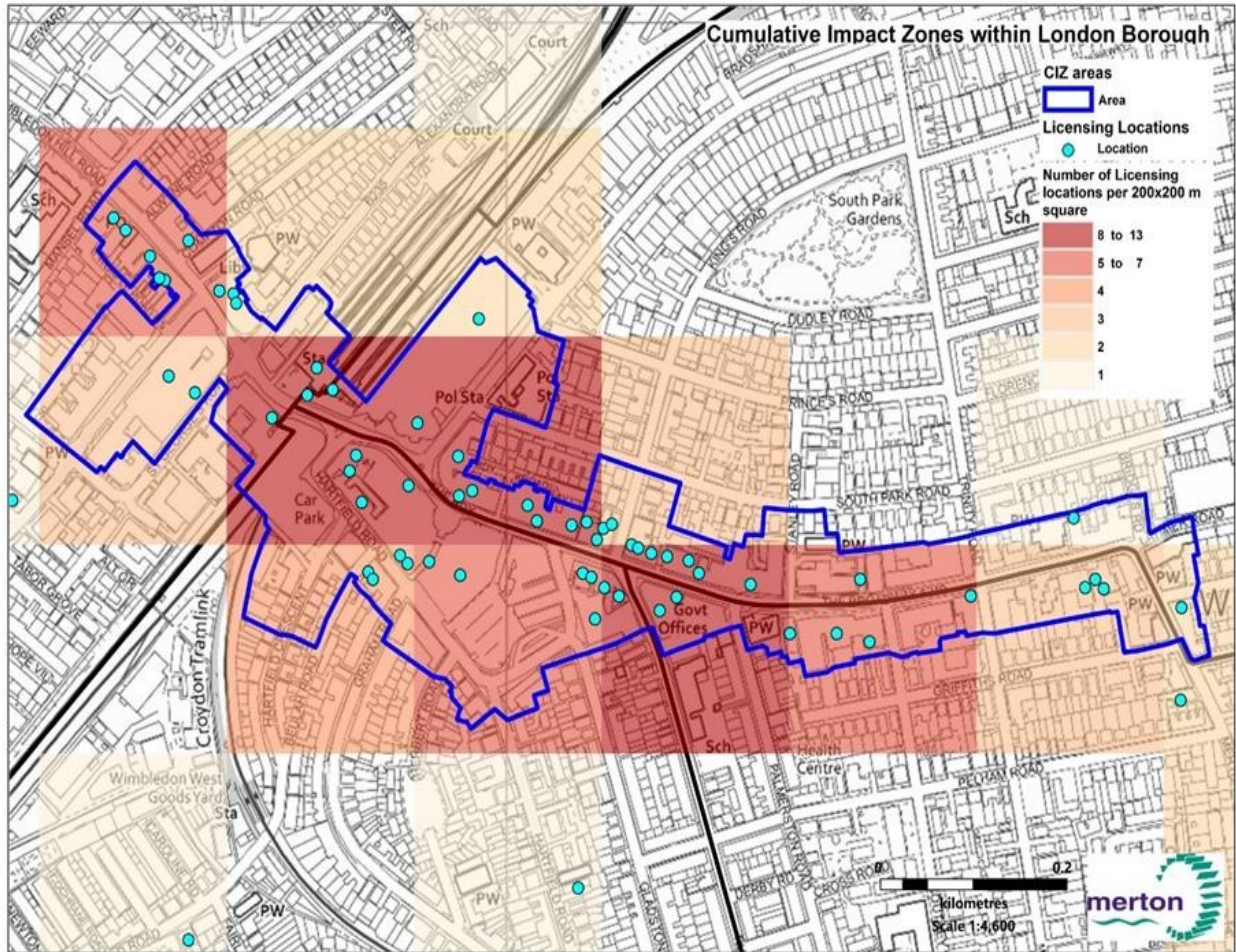
The Mitcham Town Centre Cumulative Impact Zone mainly falls within four Wards, Graveney, Figges Marsh, Lavender Fields and Cricket Green

Residents of the four Wards in which the Mitcham Town Centre cumulative impact area lies express high levels of concern about anti-social behaviour, people being drunk and rowdy in public places and people hanging around the streets. The area also records high levels of crime, anti-social behaviour and ambulance call outs. In September 2019, a report the Head of Community Safety presented a report to the Overview and Scrutiny Panel which included information on street drinking delivery and Public Place Protection Order Enforcement. The report stated that the majority of enforcement action on street drinking was taking place in and around the wards of Figges Marsh and Cricket Green, with proactive enforcement around Mitcham Town Centre which had resulted in a reduction in visible street drinking in Mitcham Town Centre but with an element of displacement. In addition data from the Director of Public Health shows high levels of hospital admissions for alcohol related conditions in the wards which fall into the CIA, for example, Cricket Green has the highest standardised admission ratio (SAR) for alcohol attributable conditions in Merton (102.0) and is higher than the average for England (100.0).

In view of the continuing problem with street drinking around Mitcham Town Centre and having regard to the data on levels of crime, anti-social behaviour, ambulance call outs and hospital admissions for alcohol related conditions the Authority approved the special policy on cumulative impact in Mitcham Town Centre as it relates to applications for off-sales of alcohol.

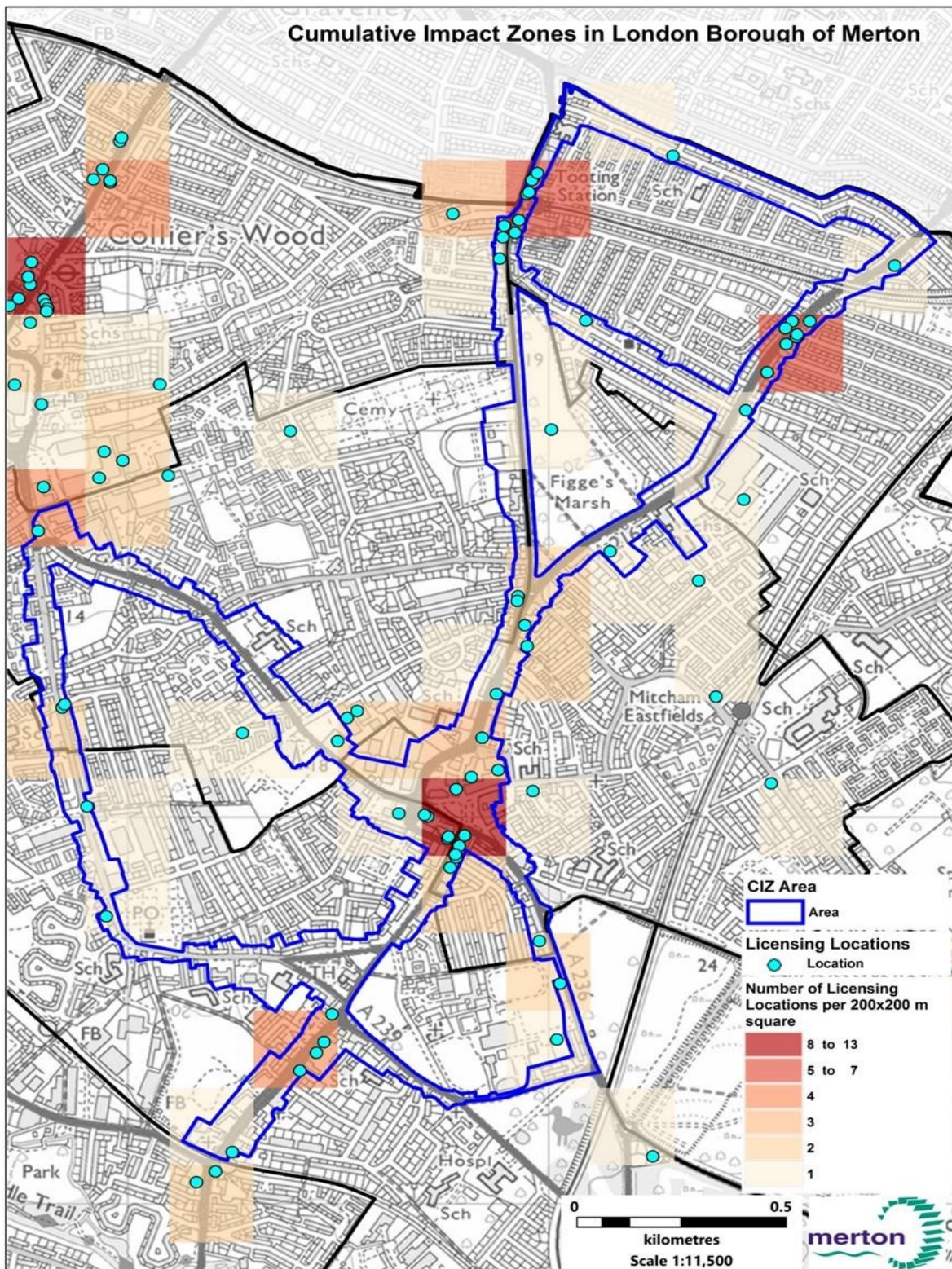
In publishing this cumulative impact assessment the authority is setting down a strong statement of approach to considering applications or the grant or variation of "off-sales" premises licences in the Mitcham Town Centre CIZ. The authority considers that the number of "off-sales" premises licences in the Mitcham Town Centre CIZ is such that is likely that granting further licences would be inconsistent with the authority's duty to the licensing objectives.

**APPENDIX 4**  
**Fig 1 Wimbledon Town Centre Cumulative Impact Zone**



**Fig 2. Mitcham Town Centre Cumulative Impact Zone**





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1. WIMBLEDON TOWN CENTRE CUMULATIVE IMPACT ZONE

(a)

Please tell us to what extent you agree or disagree that the Council should retain its special policy on cumulative impact in Wimbledon Town Centre to include all licence types?		
72 respondents		
Response	Number of respondents	% of respondents
Strongly agree	48	65%
Agree	14	19%
Disagree	1	1%
Strongly disagree	0	0%
Don't know	9	13%

(b)

Please tell us to what extent do you agree or disagree to the list of exceptions to the special policy on cumulative impact in Wimbledon Town Centre.		
72 respondents		
Response	Number of respondents	% of respondents
Strongly agree	9	13%
Agree	16	22%
Disagree	8	11%
Strongly disagree	26	36%
Don't know	13	18%

(c)

Please tell us if you have any comments about the Wimbledon Town Centre Cumulative Impact Zone? (Free text)	
Comments	Response
1(a) There is no need to license sale of alcohol after 1am. Westside tennis club, otherwise great, became noisier in the evenings (after 8pm) with the players becoming too excited about their games.	<ul style="list-style-type: none"> <li>Noted. Before a premises licence can be granted, the applicant is required to prominently display a notice (on a pale blue paper) on the premises</li> </ul>

## Consultation Responses - APPENDIX D

<p>(b) Are there any measures the council can impose to reduce that i.e. requesting the club to plant trees around their perimeter for noise reduction</p>	<p>containing a summary of the application for 28 consecutive days to allow any person to make a representation. For a representation to be considered as relevant the person making the representation is required to demonstrate to the Licensing Authority that granting the application would undermine any of the four licensing objectives under the Licensing Act 2003, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The applicant is required to advertise the application in a local newspaper. A copy of the application is also sent to Responsible Authorities under the Licensing Act 2003 to comment on the application.</p> <ul style="list-style-type: none"> <li>• If a relevant representation is received which cannot be resolved to the satisfaction of all parties, the matter is referred to the Licensing Sub Committee to determine the best course of action with the view to promoting the four licensing objectives (The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).</li> <li>• People living across the borough are encouraged to contact the Council's noise service if they experience noise nuisance from any premises. Relevant enforcement action can be taken which may include additional conditions to be added to the premises by way of variation of a premises licence. The Council Environmental Health Section (Noise and Nuisance Team) works collaboratively with Licensing Officers to resolve issues relating to public nuisance emanating from a licensed premises.</li> </ul>
<p>2. As a resident of Compton Road, Wimbledon I think that the Council should retain its present Cumulative Impact Zone, however if the Council considers the new list of exceptions, this new exception policy, will have an adverse impact on the present Cumulative Impact Zone and on our life as residents. It is important that a careful balance is retained.</p>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• The cumulative impact policy to refuse an application can only be invoked if the Licensing Authority receives representations from residents, any persons or responsible authorities under the Licensing Act 2003 regarding the granting of a new premises licence application or variation of an existing licence. If a relevant representation is received, the matter is referred to the Licensing Sub Committee to determine the best course of action. Each application would be considered on its own relative merits with the view to promote the Licensing Objectives.</li> </ul>



## Consultation Responses - APPENDIX D

	<ul style="list-style-type: none"> <li>• If no representations are received, the Licensing Authority is legally required to grant the application in terms that are consistent with the operating schedule submitted by the applicant.</li> </ul>
<p>3(a) As the number of licenced premises continue to grow at an increasing rate in Wimbledon, the need for a clear and robust Cumulative Impact Zone policy becomes ever more essential. The geography of Wimbledon, which is really a long high street, means that commercial premises are located cheek by jowl with many residential properties, therefore , it is essential that the impact of the growing number of licenced premises are managed effectively in terms of the noise, disturbance and public nuisance which they can easily generate if not clearly controlled and monitored. Therefore, we very much support the continuation of the CIZ, however, we consider that the new exceptions policy will undermine the effectiveness of the CIZ and urge you to maintain your current exceptions policy.</p> <p>(b) In addition to this, we would urge you to redefine your interpretation of daytime ( REF: 3.2.b) to 9/10 pm rather than 11pm given the proximity of many of these licenced premises to family homes. We also do not see the relevance of ' former licence owners' as their new premises should be assessed on their new merits. ( REF: 3.2.d) We would also comment that the conditions you quote on REF: 3.2.c are those that would be expected in the normal course of events and should be regarded as the basic standard not the basis of an exception.</p>	<ul style="list-style-type: none"> <li>• People living across the borough are encouraged to contact the Council's noise service if they experience noise nuisance from any premises. Relevant enforcement action can be taken which may include additional conditions to be added to the premises by way of variation of a premises licence. The Council Environmental Health Section (Noise and Nuisance Team works collaboratively with Licensing Officers to resolve issues relating to public nuisance emanating from a licensed premises.</li> <li>• A conditional exception to the cumulative impact policy is proposed, with a time of 11pm. This does not mean every application before 11pm will be granted. As advised above, each application will still be considered on its own merits and on a case-by-case basis, and the Licensing Authority is empowered to refuse any application or restrict hours to earlier times if it is appropriate to do so when determining a contested application.</li> <li>• The time of 11pm is proposed in the Policy to be consistent when other relevant requirements that come into force at 11pm, and where trading after that hour has been considered to carry a greater risk of undermining the licensing objectives. This includes the requirement to be licensed for Late Night Refreshments between 11pm and 5am, and exemptions for Regulated Entertainment that is carried on before 11pm.</li> <li>• The Licensing Authority may propose an alternative time for the Cumulative Impact conditional exceptions but does not currently have evidence to demonstrate what alternative time would be more appropriate to promote the licensing objectives.</li> </ul>
<p>4.By introducing the list of exceptions, I am concerned that some of the exceptions will effectively negate the cumulative impact zone, in particular the exceptions which relate to premises intending to open at night after 11pm. It would seem sensible to maintain the exceptions for premises that are not alcohol led and support daytime visitors.</p>	<p>Please refer to the response above.</p>

## Consultation Responses - APPENDIX D

<p>5. By now we have too many restaurants, bars etc. The local economy has become one-sided.</p>	<p>Noted. By adopting a Cumulative Impact Policy, the Council has recognised the potential impact on the promotion of the licensing objectives due to the number of licensed premises concentrated in one area. If relevant representations are received to premises licence applications, which cannot be resolved to the satisfaction of all parties, the application will be referred to the Licensing Sub Committee for determination as advised above.</p>
<p>6(a) Had thought key remit of CIZ was to CONTROL licensable activity in a delegated area. However, there seems to be a constant stream of licence applications, so the Town Centre (in particular) &amp; even at base level of Wimbledon Hill are awash with licenced outlets. (b) NB Unable to comment on Question 2 as have no idea what the list of exceptions are. The background detail to allow respondents to make an informed comment is sparse in the extreme.</p>	<p>Noted. See above response.</p>
<p>7. Safer Merton Anti-Social Behaviour Team believe that it is currently been managed effectively and with the help of other external key partners</p>	<p>Noted.</p>
<p>8. I believe that the Council should be encouraged to maintain its existing exceptions policy that is limited to premises that are not alcohol led and support daytime visitors or the wider cultural offering (e.g., a concert hall, etc). In addition, the Council could add to an exception premises that operate in the daytime but defining as up to say 9pm. Former Licence Holders, however well behaved, still add to volume.</p>	<p>Noted. See above response</p>
<p>9. It is vital that the impact on local residents is kept under close scrutiny given the ever-increasing number of hospitality venues around Wimbledon.</p>	<p>Noted</p>
<p>10. It needs to be better policed for bad and anti-social behaviour.</p>	<p>Noted</p>
<p>11. Keep it as it currently is!</p>	<p>Noted</p>
<p>12. Licences should be severely restricted as the local impact and cost of drinking resulting in anti-social behaviour is unacceptable. I have had bricks through my front window, people urinating in my front garden, and people running up and down the cars parked in the road. All due to ant-social behaviour at closing time.</p>	<p>Noted. Residents are encouraged to report any anti-social behaviours issues linked to a licensed premises to the Council or Met Police for any criminal damage to property. Officers from the Council's Licensing Section work collaboratively with Responsible Authorities under the Licensing Act 2003 e.g., Met Police, Environmental Health Section (Noise and Nuisance Team) to resolve issues on licensed establishments that are causing crime and disorder and public nuisance to their neighbours. It should be noted that a premises licence can be reviewed at any time if there is evidence to demonstrate that the operation of a premises is undermining any of the four licensing objectives under the Licensing Act 2003.</p>

## Consultation Responses - APPENDIX D

13. More anti-social behaviour, drinking/drunken already being seen and vomit on streets. No more licences needed to encourage this.	Noted
14. Need to ensure not many late licences for bars and not many betting shops	Noted. The regulation of Betting Shops is controlled under the Gambling Act 2005 and not the Licensing Act 2003.
15. Resident need to be consulted fully.	Noted.
16. Retaining the CIZ without the exceptions (which exceptions would really negate CIZ) is vitally important given the nuisance caused by ever growing number of hospitality venues licensed to serve alcohol. There is increasing drunkenness and disorderly behaviour in the area.	See above response.
17. The plan to demolish a central part of Wimbledon, opposite the station, replacing it with much larger construction, is not helping the residents and businesses in that town.	The Council local plan is considered by the Planning Authority.
18 (a) The proposed expanded exceptions policy would negate the effect of the CIA as it i) refers to 'daytime' premises as those operating until 11pm - impact (noise, disturbance, crime etc) often occurs from 10pm ii) refers to 'small' premise as 50 or less iii) contains an exception for premise operating post 11pm simply requiring measures such as door staff, CCTV which are 'normal' requirements for licensed bars, nightclubs etc. (b) The executions policy should be reconsidered and limited, for example to seated restaurants serving alcohol post 11pm.	Please refer to the response above.
19. There has been an increase in noise complaints in the cumulative impact area from licenced premises and therefore there the existing cumulative zone should be retained.	Noted
20. This CIA is extremely important to retain. The Town Centre needs to be analysed on a cumulative basis given the high number of similar retail types - especially alcohol sales and restaurants.	Noted
21. Too many shops have closed and then reopened as bar or restaurant. Very noise at night.	Noted. People living across the borough are encouraged to contact the Council's noise service if they experience noise nuisance from any premises
22. We need to have more places for entertainment in the evening in Wimbledon	Noted
23. (a) We often empty cans, smoking and drug garbage and public urination and vomit around the public library & St Marks Church. St Marks Place is unusable as a street on warm evenings because it is used by the Alexandra as a licensed premises.	

## Consultation Responses - APPENDIX D

<p>(b) Wimbledon library regularly hosts events with music that disrupts the nearby residential community.</p> <p>(c) I enjoy a drink too - but want to live and work in a community that offers multiple kinds of activities, not only alcohol.</p>	
<p>24. (a) Wimbledon town and Hillside have increasing numbers of licensed premises, and this will further increase with the addition of two hotels ( Bank Buildings, with a roof terrace, the old Lidl building, possibly with a roof terrace.</p> <p>(b) The proposed new exceptions would massively weaken the ability of the council to control alcohol sale and distribution in the area, which is potentially damaging to the neighbourhood, where residential accommodation sits cheek by jowl with a increasing number of off sales and hospitality offerings.</p>	<p>See comments above re: Cumulative Impact Policy (CIP) and how applications within the CIP are determined.</p> <p>See above comments.</p>
<p>25. Wimbledon Town Centre has become too noisy and too dirty. Dangerous place now.</p>	<p>Noted. People living across the borough are encouraged to contact the Council's noise service if they experience noise nuisance from any premises. Contact the Met police for issues relating to crime and disorder.</p>
<p>26. We are awash with licensed premises with more applying (seemingly) every week. Residents awake to find vomit/bottles by the side of the road ...sometimes even in their front gardens. Premises might close at set time, but customers meander back (chatting) to their cars parked in nearby roads so there is a lot of late-night noise.</p>	<p>Noted. See comments and advice provided above.</p>
<p><b>Comments from Responsible Authorities under the Licensing Act 2003</b></p>	
<p>Merton Public Health supports the ongoing use of a CIZ in Wimbledon town centre as controlling the supply of alcohol and ensuring that the supply of alcohol is conducted in a way which reduces any negative outcomes are important ways in which to reduce the overall burden of alcohol related harm on the local population. The Public Health Team supports the exceptions.</p>	<p>Noted</p>
<p>The Metropolitan Police Service are in support that the CIZ remains in place in Wimbledon Town Centre due to the reasons demonstrated in the report. The town centre remains one of the busiest areas in Merton Borough and The MPS identifies that LBM are taking steps to attract businesses that would benefit from the special exceptions in the policy.</p>	<p>Noted</p>
<p>The Environmental Health (Noise &amp; Nuisance) Team; There has been seen an increase in noise complaints in the two cumulative impact zones (Wimbledon Town Centre and Mitcham Town Centre) from licenced</p>	<p>Noted</p>

premises over the previous years and based on this evidence they see no reason not to retain the existing cumulative impact zones.	
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**2. MITCHAM TOWN CENTRE CUMULATIVE IMPACT ZONE**

**(a)**

<b>Please tell us to what extent you agree or disagree that the Council should retain its special policy on cumulative impact in Mitcham Town Centre to include only off license premises?</b>		
66 respondents		
Response	Number of respondents	% of respondents
Strongly agree	28	42%
Agree	12	18%
Disagree	4	6 %
Strongly disagree	3	5%
Don't know	19	29%

**(b)**

<b>Please tell us to what extent you agree or disagree to the list of exceptions to the special policy on cumulative impact in Mitcham Town Centre.</b>		
66 respondents		
Response	Number of respondents	% of respondents
Strongly agree	9	14%
Agree	12	18%
Disagree	8	12%
Strongly disagree	14	21%
Don't know	23	35%

## Consultation Responses - APPENDIX D

(c)

<b>To what extent do you agree or disagree that the Mitcham Town Centre cumulative impact zone should be extended to other license types?</b> 66 respondents		
Response	Number of respondents	% of respondents
Strongly agree	18	27%
Agree	11	17%
Disagree	7	11%
Strongly disagree	3	3%
Don't know	59	64%

(d)

<b>If you would like the cumulative impact zone in Mitcham town centre to cover different licence type, please tell us which licences you think it should cover and what evidence do you have for this?</b> (Free text)
Comments
Consideration should be given to extending the CIZ to cover on-license premises. This would align the CIZ with the Wimbledon CIZ and will ensure the Council can prevent any escalation in problems caused by an increase in sales from on-licenses.
Mitcham needs anything, literally ANYTHING, to make it more attractive to people who have jobs & want to spend their money locally. The CIZ should only cover different licence types that enhance the overall area. Alcohol-related licences will generally lead to anti-social behaviour. How is this going to be policed?
No this part of the borough is too much of a high crime area

(e)

<b>Please tell us if you have any comments about the Mitcham town centre Cumulative Impact Zone?</b> (Free text)	
Comments	Response
Keep the CIZ	Noted
1. Mitcham Town Centre urgently needs time, money and resources to make it a more attractive place for business and social engagement. Currently, when passing through it (as there's nowhere nice to stop inside it), you are	Noted

## Consultation Responses - APPENDIX D

<p>confronted by the sense that it is a socio-economically poor area, where non-tax paying, benefit-claiming, fly-tipping individuals go with no pride, no sense of ownership and absolutely zero ambition to make it better. It's really such a shame</p>	
<p>2. Safer Merton Anti-Social Behaviour Team - The cumulative impact zone in Mitcham is working effectively and with the help of other partnership scheme within the area, we are seeing a massive drop in Alcohol related Anti-social behaviour.</p>	<p>Noted</p>
<p>3.(a) The idea that an existing license holder, however responsible (or not) should be able to expand their alcohol offering without consideration by the licensing committee strikes me as unwise - sometimes proliferation will be damaging to the neighbourhood however good the existing license holder.</p> <p>(b) I have no objection to florists being able to sell champagne, but I would not be equally sanguine about party shops being able to sell alcohol, for example, and I think it is better for the council to retain its powers and exercise discretion appropriately, rather than to reduce the powers it has to protect Mitcham centre where necessary.</p>	<ul style="list-style-type: none"> <li>• An existing licence holder can apply to vary their licence to change their operating schedule. The applicant is legally required to advertise the application at the premises (on a pale blue notice) for 28 consecutive days to allow any person to make a representation. For a representation to be considered as relevant, the person making the representation is required to demonstrate to the Licensing Authority that granting the application would undermine any of the four licensing objectives under the Licensing Act 2003, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The applicant is also required to advertise the application in the newspaper. A copy of the application is also sent to Responsible Authorities under the Licensing Act 2003 to comment on the application.</li> <li>• If a relevant representation is received which cannot be resolved to the satisfaction of all parties, the matter is referred to the Licensing Sub Committee to determine the best course of action with the view to promoting the four licensing objectives.</li> <li>• If there are no representations, the Licensing Authority is legally required to grant the application in terms that are consistent with the operating schedule submitted by the applicant.</li> </ul>
<p><b>Comments from Responsible Authorities under the Licensing Act 2003</b></p>	
<p>4. The Metropolitan Police Service are in support that the CIZ remains in place in Mitcham Town Centre due to the reasons demonstrated in the report. The town centre still experiences high levels of street drinking causing ASB in Merton Borough. The MPS identifies that LBM are taking steps to attract businesses that would benefit from the special exceptions in the policy and could be beneficial to the local area and residents in return.</p>	<p>Noted</p>
<p>5. The Director of Public supports the continuation of the special policy on cumulative impact in Mitcham Town Centre, which is</p>	<p>Noted.</p>



## Consultation Responses - APPENDIX D

<p>restricted to off-premises sales, based on data presented in the Merton Cumulative Impact Analysis. However, Public Health Team have also stated that consideration should be given to extending the Cumulative Impact Zone (CIZ) to cover on-licensed premises. This would align the CIZ with the Wimbledon CIZ and will ensure the Council can prevent any escalation in problems caused by an increase in sales from on-licensed premises.</p>	
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### 3. INTRODUCING A SPECIAL POLICY ON CUMULATIVE IMPACT IN ANOTHER AREA OF THE BOROUGH

Please tell us where you think new cumulative impacts zones should be and what evidence you think there is for this? (Free text)	Comments
No need.	
Around Morden station - again there seems to be development of many similar retail types and given the terminus of the northern line, there may be a missed opportunity without a good CIA in place.	
Safer Merton Anti-Social Behaviour Team believe that Morden Town Centre could benefit from cumulative impact zone because of the sudden increase in rough sleepers and street drinker in the area.	
Perhaps Raynes Park?	
I think for any Town Centres, the new cumulative impacts zones need to be very carefully considered. We already have high levels of anti-social and unruly behaviour at night-time in our town centres, driven by alcohol and drugs. Who is going to police the rules? Who is going to clear up the vomit and rubbish, the morning after? Think carefully before letting this genie out of the bottle...!	
Just have Lidl's and Aldi's in Mitcham town centre for cumulative zones.	
Wimbledon village - again too many hospitality venues and charity shops	
Wimbledon Village. Occasional anti-social behaviour, but especially during Wimbledon tennis fortnight and major football tournaments.	
Merton Council Public Health Team have not recently conducted a review of the spread of alcohol related harms across Merton	

**RESPONSE STATISTICS:**

**91% of those that answered stated that they lived in the borough (50 respondents).**

**11% of those that answered stated that they were replying on behalf of a resident or community organisation (6 respondents).**

**No responses were received from a business or commercial organisation**

**Responses from Responsible Authorities under the Licensing Act 2003:**

- **Metropolitan Police**
- **Public Health Authority**
- **Environmental Health Pollution (Noise and Nuisance)**

## Consultation Responses - APPENDIX D

**From:** Alan Gibbs

**Sent:** Monday, January 15, 2024 4:59 PM

**To:** Licensing [Licensing@merton.gov.uk](mailto:Licensing@merton.gov.uk)

**Subject:** Review of cumulative impact assessments

### **Sent on behalf of the Conservative Group**

From the evidence presented in the consultation report it is clear that the current arrangements are not working to protect residents from the adverse effects on alcohol consumption, primarily in South Wimbledon and Mitcham.

The report shows a clear correlation between the locations of licensed premises and noise complaints, alcohol related ambulance call outs, ambulance call outs for assaults, hospital admissions for alcohol related conditions, violence with injury (non-domestic), anti-social behaviour and violence. This is also confirmed by the data from the Anti-social Behaviour Team which shows that the worse affected wards are in South Wimbledon, Colliers Wood and Mitcham.

The data presented on these different types of alcohol driven anti-social behaviour has been reflected in the 2021 residents' survey. This survey shows that people in Merton feel far less safe going out after dark than they did when asked the same question in 2019, with a 21% drop in the two years between the surveys. Additionally, a general feeling of the area being unsafe is far more pronounced in Mitcham and the East of the borough which are known hotspots for alcohol fuelled disorder.

Clearly the council needs to take stronger action that it has to date. Instead of attempting to go into reverse gear by offering exemptions to the CIZ in Wimbledon, the council must come up with new strategies to keep Wimbledon and Mitcham residents safe and protect the public from the adverse effects of alcohol consumption. The council must look at tightening the existing regulation and consider what more can be done to combat alcohol related anti-social behaviour which has continued to create negative consequences for Merton residents.

Merton Conservative would also support the immediate adoption of measures to tackle anti-social behaviour in other local centres of the borough such as Wimbledon Village, Colliers Wood, Morden and Raynes Park if evidence emerges to support such measures, or local residents demand them due to increases in incidents of anti-social behaviour.

## **Committee: Licensing**

**Date: 22<sup>nd</sup> February 2024**

Wards: All

### **Subject: The Designation of parts of the highway as licence streets for the purposes of Street Trading**

Lead officer: James Armitage

Lead member: Cllr Eleanor Stringer

Contact officer: David Ryan

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#### **Recommendation:**

That committee resolves to grant the proposed designation for Venus Homeware and grants the reduced designation for Gardenia.

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report relates to requests for the designation of licence streets and summarises comments received through a consultation process with interested parties.

## **2 DETAILS**

- 2.1. The Licensing Team has received two applications from traders interested in utilising the highway for the purposes of street trading.
- 2.2. This report concerns the applications for those licence street designations.
- 1) An area of 2.8m x 1.6m outside Gardenia of London, 10a High Street, Wimbledon, SW19 5DX.
  - 2) An area of 4.5m x 2m outside Venus Homeware and Dry Cleaners, 276 London Road, Mitcham, CR4 3NB.
- 2.3. Plans and photographs of the proposed area are included in Appendix B.
- 2.4. Street Trading is regulated by the London Local Authorities Act 1990 as amended.
- 2.5. All street trading is administered and regulated by the Council using this legislative framework. The London Local Authorities Act 1990 permits a street trading licence to be granted for “not less than six months and not more than three years”. There are two types of street trading licence granted in the Borough. A permanent licence that is valid for 1 year and a temporary licence valid from 1 day to 6 months to facilitate market trading and temporary events. It is unlawful to trade on the street without a valid street trading licence.
- 2.6. A one year Street Trading Licence can only be granted for areas designated as licence streets.
- 2.7. Merton licences specific locations (pitches) within a street rather than the street as a whole. The designation of specific locations on the street as opposed to the entire street gives greater control to the Council in regulating street trading and its impact on the environment. Street trading licences are renewable annually.

2.8. Comprehensive regulations and standard conditions are in place to facilitate regulation and enforcement of street trading in the Borough and provide a framework for all aspects of trade. These regulations are included for information as Appendix C.

2.9. Street trading licence fees for the year 2023-2024 are shown in Appendix E.

### **3 ALTERNATIVE OPTIONS**

3.1. The designations are refused.

3.2. The final designation can be reduced in size from the requested area.

3.3. A Temporary Licence can be issued where there are specific concerns requiring further assessment.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. The consultation process and consultees are defined by the London Local Authorities Act 1990.

4.2. A notice was placed in the Wimbledon & Wandsworth Times newspaper, in paper and digital form, advising the public of the consultations and inviting representations. A copy of the notice is included in Appendix A.

4.3. As part of the consultation process comments were invited from both external and internal agencies.

4.4. Future Merton Highways team requested the area outside Gardenia be reduced in size to permit safe passage and to follow the sizing of the neighbouring designated site at 1m in depth.

4.5. The Licensing Team comments –

1. **Gardenia** – An area has been requested directly outside the premises for the placement of flowers plants and associated goods. The application has asked for 2.8m x 1.6m but due to restrictions on highway clearance, it is recommended the area be reduced down to 2.8m x 1m. By reducing the size of the area, the site will provide greater clearance for pedestrian access on High Street. The 1m size will also match the existing designation for the original shop unit next door. The existing designation has been in place for 16 years. There are a number of designations along both sides of High Street, and the area requested would be in keeping with those sites and the space left for pedestrian movement. The operators have had the benefit of a Temporary Licence for a number of months and there have been no issues associated with it. It is felt there are no valid reasons to refuse the designation or the accompanying licence if reduced to 1m. We would have concerns for pedestrian safety if this alteration were not made.

2. **Venus Homeware** – The area requested sits in a particularly wide section of the pavement. Several licences are in place on this particular part and the designation requested is in keeping with those. The trader has had the use of a Temporary Licence whilst this application is considered, and we have received no complaints. It is felt there are no valid reasons to refuse the designation or the accompanying licence.

## **5 TIMETABLE**

- 5.1. If granted, notice of a designation resolution must be published in a locally circulating newspaper for two consecutive weeks.
- 5.2. The first publication shall be no later than 28 days before the designation comes into force.
- 5.3. Most traders operate under Temporary licences during this time and start dates are agreed with officers under delegated authority to issue street trading licences.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The cost of placing notices in the local newspaper is accounted for in the licence application procedures in place.
- 6.2. Regulatory and enforcement costs will be met from within the street trading budget.
- 6.3. The collection of licence fees will assist the Councils ability to fund the necessary budget requirements for the provision of the service.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Part III of the London Local Authorities Act 1990 (as amended), hereinafter in these implications referred to as the "Act", regulates trading on the street and provides a statutory consultation framework.
- 7.2. Unless provided for in the Act, Section 23 states that it is unlawful for a person to engage in street trading in any licence street within a borough unless the person is authorised to do so by a street trading or a temporary licence.
- 7.3. Under section 21 of the Act, a street trading licence means a licence granted for no less than 6 months and no more than 3 years. Regulations made by the London Borough of Merton pursuant to section 27(3) of the Act prescribe that these types of licences are only granted for a year. Temporary licences are defined as licences granted for a single day or such period as may be specified in the licence not exceeding 6 months.
- 7.4. It would also be unlawful for street trading to take place if the street or part of the street that is being licensed for these purposes have not first been designated by resolution as a "licence street" pursuant to section 24 of the Act.
- 7.5. Section 24(4) to (8) of the Act prescribes the consultation process which has to be carried out before a resolution can be passed to designate a licence street and this process has been carried out by the Council. This includes the advertisement in a local newspaper, service of notice on the local Highway Authority, and receipt of the necessary consent from the local Highway Authority.
- 7.6. The officer recommendation in this report is for the Committee to grant the designations, one with an reduction from the size requested. The Committee should decide to grant or refuse the designation after considering the officer recommendations, representations that have been made and all relevant facts before them.

7.7. The Committee would be expected to consider some of the following issues:

- highway safety,
- highways obstruction,
- street furniture or bus stop safety,
- volume of traffic,
- access for emergency services,
- over use of area,
- risk of danger to pedestrians and other road users with the presence of a trading unit/stall,
- detriment or annoyance to residents from the proposed street trading

7.8. Each application must be considered on its own merits and be reasonable. In making a balanced and reasonable decision, it should be considered whether an 'unsightly' pitch or a site with an issue involving enough 'space', is sufficient reason to refuse a designating resolution. A decision could reasonably be made to address those issues through the conditions of the licence e.g. the trading days and times permitted.

7.9. The Council is legally obliged to consider all applications and to only refuse on the grounds set out in the London Local Authorities Act 1990 (as amended).

7.10. It should be noted that many representations received during the consultation phase relate to the type of trading and not the designation of a licence street to which Committee is concerned.

7.11. Under Section 24 (9) of the Act, after the Borough Council have considered those representations, they may if they think fit, pass such a resolution relating to the street.

7.12. Under section 24(3) of the Act, if a Borough Council passes a designating resolution, the designating of the street takes effect on the day specified in the resolution. This date must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.

7.13. Under section 24(10) of the Act, the Borough Council has to publish a notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks. Under section 24(11) of the Act, the first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

7.14. The issuing of the street trading licence and associated conditions are to be taken by officers under delegated powers. The designation of licence streets has followed this process since the Act was enacted, with some sites previously designated under the Highways Act 1980.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. It is important that the Council carefully considers all the representations made during the consultation process.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1. Enforcement and advisory visits will be made regularly to the premises to ensure compliance with licence terms and conditions. The police are consulted on all applications for designations.

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. Failure to discharge its duties under the Act and make proper regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A – Public Consultation Notice
- Appendix B - Plans and photographs of proposed areas
- Appendix C – Street Trading Regulations
- Appendix D – London Local Authorities Act 1990 Section 24 – Designation of Licence Streets
- Appendix E – Street Trading Licence Fees
- Appendix F – Representations

**12 BACKGROUND PAPERS**

12.1. None.



## APPENDIX A

### LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

#### PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 2 areas (hereinafter referred to as "the street") as licence streets where trading will be permitted by the Council subject to obtaining a Street Trading Licence. Applications have also been received under Section 25 of the Act for 2 licences to use the street for the purposes of street trading.

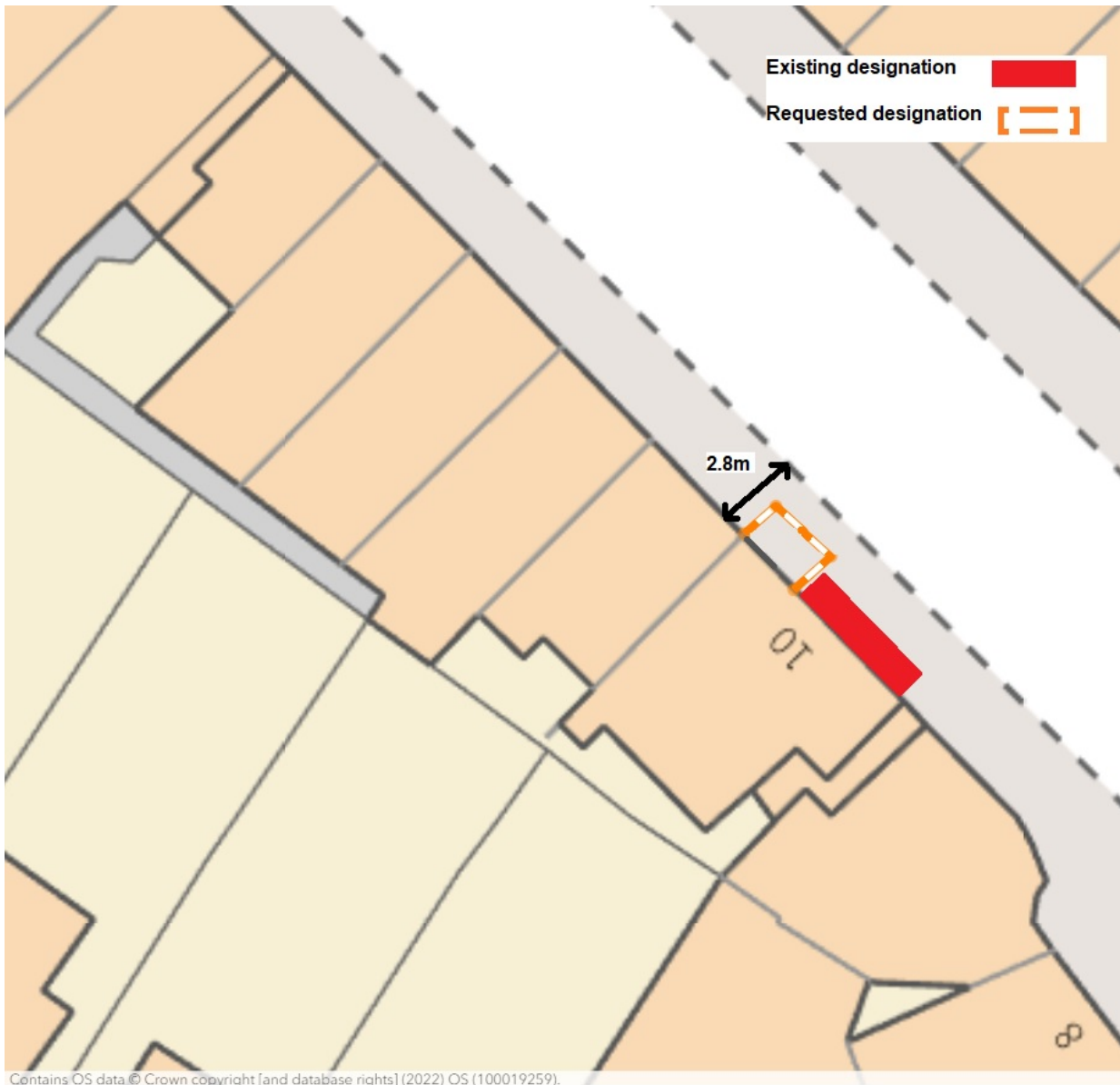
- 1) An area of 2.8m x 1.6m outside Gardenia of London, 10a High Street, Wimbledon, SW19 5DX. The Council has also been requested by Mr James Grant, C/O the above address, to vary a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of shop-based goods (flowers and plants), in an extension to the existing licence outside 10 High Street, between 7.30am – 6.30pm Monday – Sunday inclusive **Reference WK/202302431.**
- 2) An area of 4.5m x 2m outside Venus Homeware and Dry Cleaners, 276 London Road, Mitcham, CR4 3NB. The Council has also been requested by Mr Muhammad Dilawar, C/O the above address, to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of shop-based goods outside between 9am – 7pm Monday – Sunday inclusive. **Reference WK/202380635.**

If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Licensing, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** or email [licensing@merton.gov.uk](mailto:licensing@merton.gov.uk) quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the **8<sup>th</sup> February 2024**. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as licence streets and whether to issue licences for street trading.

Dated this the 11<sup>th</sup> of January 2024.

## Appendix B

### 1.1 Gardenia 10 & 10a High Street SW19 5DX



1.2 Front view of proposed site with indication of reduced area size (yellow line)

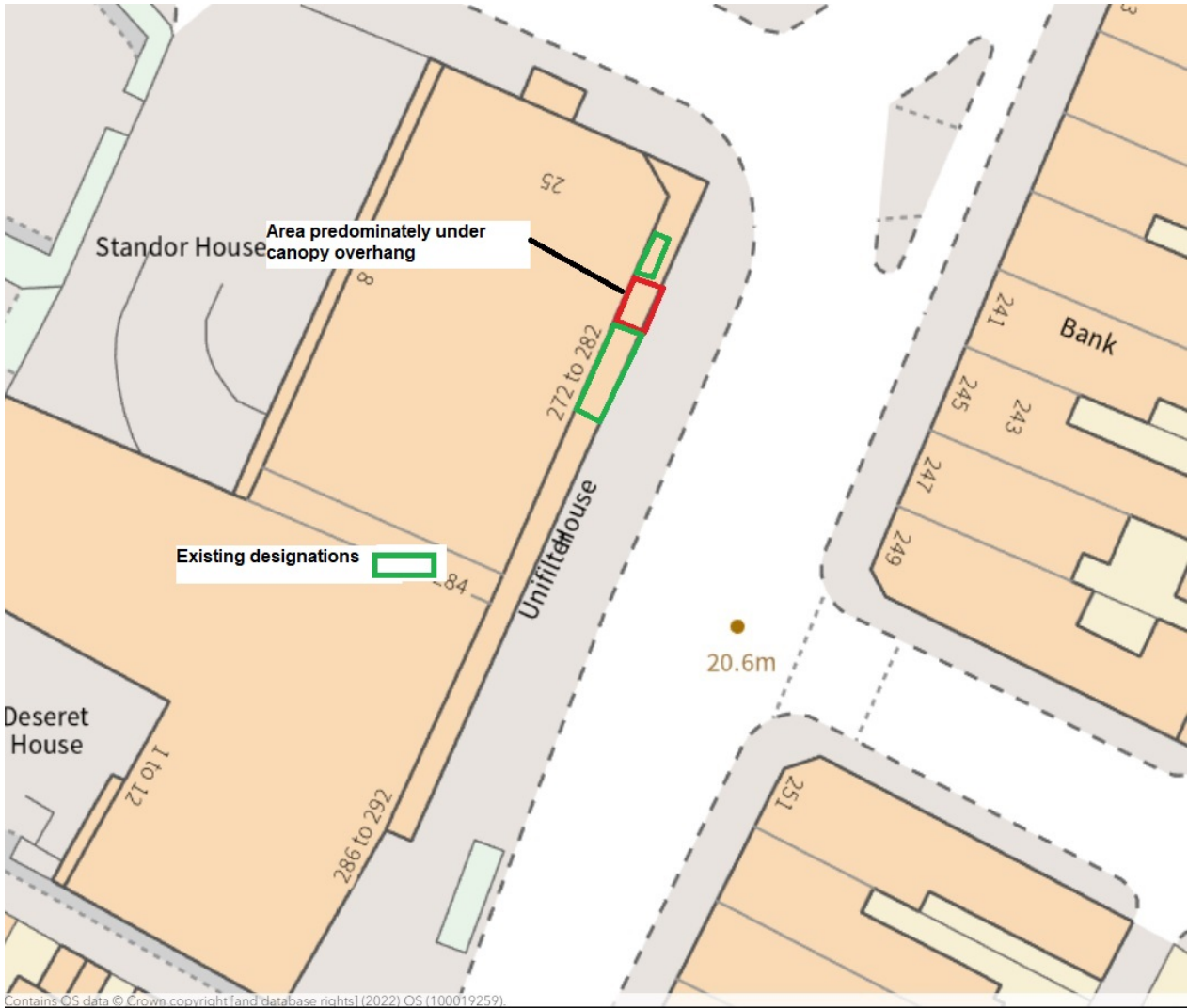


1.3 Proposed site under Temporary Licence alongside existing designation





## 2.1 Venus Homeware 276 London Road Mitcham



## 2.2 Street view of site with neighbouring designations in use.



## Appendix C

### STREET TRADING LICENCE CONDITIONS

#### Part III of the London Local Authorities Act 1990 (as amended)

#### Regulations Prescribing Standard Conditions for Street Trading Licences

##### GENERAL

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment, or Regulation other than under the Act.

The possession of a street trading licence does not confer any special rights for use of a vehicle, and in particular does not exempt the Licence Holder or any assistants from the requirements of parking and/or traffic regulations currently in force.

The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include but are not limited to General Health and Safety, Food Safety, Trading Standards, Fire Prevention, and Highways Regulations.

It is the responsibility of the Licence Holder to ensure compliance with the conditions. This includes making appropriate arrangements for assistants to comply with any requirement or restriction imposed by a condition.

Failure to comply with conditions of the Street Trading Licence or Temporary Licence may result in the trader being liable for prosecution. I.E. being issued with a *fixed penalty notice* (F.P.N.) and/or, revocation of licence

##### 1. INSURANCE

- a) The Licence Holder shall be responsible for holding appropriate public liability insurance, with a minimum liability of at least £5 million throughout the period where the Street Trading Licence is in force.

##### 2. DAYS AND TIMES

- a) The Licence Holder shall only engage in Street Trading on the days of the week and during the times specified in the Licence or otherwise authorised by the Council except that there shall be no trading on Christmas Day.

##### 3. CHARGES AND FEES

- a) Where the Council has agreed that Licence fees may be paid by instalments, the Licence Holder shall adhere to the schedule of payments specified by the Council, which may include additional fees specified in the Councils published fees, and any instruction to set up a direct debit where payments are missed.

- b) If the Licence Holder is not able to pay the fees due for a period of four weeks or more after they become due, they shall contact the Council in writing as soon as reasonably practical. The Licence Holder shall explain any circumstances that they wish to be taken into account prior to the Council beginning proceedings to revoke the licence.

#### **4. LICENCE AND INSPECTION OF LICENCE ETC.**

- a) The Licence Holder shall prominently display a copy of their Licence at the Licensed Site so that it is clearly visible.
- b) The Licence Holder shall produce the current Licence for inspection when requested to do so by an Authorised Officer of the Council or Police Officer.

#### **5. POSITION**

- a) The Licence Holder shall ensure that only the Licensed Site prescribed in the Licence is used, (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 5(c) shall arise
- b) The Licence Holder shall inspect the Licensed Site whilst in use at least every hour to ensure that any receptacles or tables and chairs are not outside of the licensed area.
- c) If the licensed site is obstructed by roadworks or other hazard, the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence holder.

#### **6. SIZE**

- a) The Licence Holder shall not place or cause to be placed on the street, a stall or any other object that exceeds the dimensions prescribed in the Street Trading Licence.
- b) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- c) The sizes and numbers of receptacles, tables & chairs, parasols or other objects shall not exceed those prescribed in the Licence.

#### **7. PERMITTED GOODS AND SERVICES**

- a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.

- b) No advertisement shall be displayed on a stall or licensed site which relates to any goods or services other than those offered for sale or provided on the stall or licensed site.
- c) All commodities offered for sale will conform to the lists contained in Appendix 6 of the Street Trading Policy, and no commodities appearing in the banned list may be offered for sale. Special consideration will be given for items not included on any of the commodity lists in this document should applications be received.
- d) Commodities are divided into categories: Licence holders may trade up to three commodities from two categories on their street trading Licence

## **8. DEALING WITH THE PUBLIC**

- a) The Licence Holder shall ensure that the public, Council officers and the Police are treated fairly and with courtesy.
- b) Admission or service shall not be refused to any person on the grounds of any protected characteristics as defined by the Equality Act 2010, including gender, race, ethnic origin or the grounds of sexual orientation.
- c) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business that will cause harassment to any person on the grounds of any protected characteristics.
- d) The serving of customers shall not take place in the road.
- e) All goods offered for sale shall be clearly priced and sold in accordance with all relevant consumer protection laws or requirements
- f) A Licence Holder offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licensed area.

## **9. RECEPTACLES & CONSTRUCTION OF STALL**

- a) Only those stalls and receptacles approved by the Council shall be used by the Licence Holder and assistants.
- b) Goods must not be placed directly on the street unless specified in the Licence.
- c) Stalls shall be constructed so as not to become unbalanced or otherwise unstable and shall be maintained in good order and free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- d) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street and shall not be bolted or otherwise secured to any street furniture or anything in the street.
- e) The Licence Holder shall not provide or use any form of seating facility outside of the licensed site (other than street furniture provided by the Council for public use) unless they have the written consent of the Council. Such permission may restrict their use to the licence holder and assistants and prescribe the number of seats, their construction, size and positioning together with other conditions.

- f) The Licence Holder shall remove the receptacle and goods at the end of each trading day with the exception of those receptacles that have written consent from the Council to remain overnight on the designated pitch or other agreed location. Any receptacle left without permission may be removed and a cost recovery fee charged for removal and storage.
- g) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthestmost point from passing vehicular traffic.

#### **10. ROOFING OF STALLS ETC.**

- a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- b) The Licence Holder shall not permit the awning or roof of the stall to project outside the area of the pitch, except for 0.6m over the footway unless otherwise specified or restricted by a further condition of the Licence.
- c) The roof or awning shall be safely constructed and must not shed water over customers or passersby.
- d) The Licence Holder shall immediately remove any roof on the instruction of an Authorised Officer or a police constable and shall, in any case, remove any Awning outside the permitted hours for Street Trading.

#### **11. ELECTRICITY SUPPLY ETC.**

- a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power, for the operation of electronic scales, measuring equipment and cash registers and the testing of low wattage electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable, and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.
- b) Where the Council provides an electrical supply system to the stall, the Licence Holder shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.
- c) All electric power supplies shall have the appropriate consent from the Council before seeking installation of the supply by an electricity supplier.
- d) All electrical wiring and components shall comply with the basic Electricity Supplier Specification and be earthed and insulated accordingly.
- e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.
- f) Any suspended lighting shall be safely protected and shall not expose the public, Licensed Holders or assistants to any form of risk.
- g) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.



- h) Licensed Holders shall ensure that electricity bollard supply covers and water points are secure at the close of each trading day.

## **12. GENERATORS , APPLIANCES ETC**

- a) Mobile electrical generators, portable cooking appliances, bottled gas or other services shall not be used without the written consent of the Council.
- b) Electrical generators shall not be used at the location of Shop Front Licences
- c) When mobile electrical generators are permitted, they shall be so positioned that:-
  - d) they do not present a danger to the public, and
  - e) they do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and
  - f) they do not cause a statutory noise nuisance or pollution nuisance, and
  - g) any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- h) Heat producing equipment shall be so placed within the licensed site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be agreed with the Council in writing.

## **13. Noise and Nuisance**

- a) The Licence Holder shall not cause or permit a nuisance to be created by noise or smell from the Licensed Site or type of display.
- b) The Licence Holder shall not use a megaphone, amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- c) Radios or other audio equipment shall not be used in or around the licensed site other than by written agreement of the Council.

## **14. IMPROVING AIR QUALITY - USE OF VEHICLES FOR STREET TRADING**

- a) The Licence Holder shall only use vehicles that meet Euro 6 emissions standards where the engine is required to be kept running for the purpose of providing power in connection with the licensed Street Trading activities.
- b) The holder of a licence first issued prior to **31<sup>st</sup> December 2022** will not be required to comply with this condition until 1<sup>st</sup> January 2024

## **15. LOADING AND UNLOADING**

- a) Loading and unloading shall be carried out as quickly as possible and the vehicle shall be removed immediately on completion, unless that vehicle is used as the permitted receptacle for Street Trading.

- b) Any cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at appropriate storage facilities and shall not be kept on the street.
- c) The Licence Holder shall not place, keep or use a vehicle at or near the Licensed pitch in contravention of any legal parking or loading
- d) Loading or unloading shall be abandoned, or vehicles moved, for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.

#### **16. REMOVAL OF STALLS ETC.**

- a) The Licence Holder shall remove the stall, including any associated furniture, and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service.
- b) Stalls, goods, tables and chairs etc., shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.
- d) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.

#### **17. PROVISION OF STALL BY THE COUNCIL**

- a) The Licence Holder shall use any stall provided by the Council.
- b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not willfully or otherwise cause to it any damage.
- c) The stall shall not be used for street trading or any other purpose elsewhere.
- d) The stall when not in use shall be placed within any storage unit provided by the Council for this purpose.
- e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.
- f) The Licence Holder shall keep the storage unit free from accumulations of refuse.
- g) The Licence Holder shall make the storage unit available for inspection by an Authorised Officer of the Council and to enable its general maintenance.

## **18. REFUSE**

- a) The licence holder shall ensure that all refuse arising as a result of their activities, including wastewater and oil, is placed in suitable covered containers that are kept within the designated pitch exclusively for that purpose and that are approved by the Council. Such refuse containers shall be provided by the licence holder, unless otherwise provided by the Council specifically for the use by licence holders and shall be kept as clean as is reasonably possible.
- b) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.

## **19. ATTENDANCE BY LICENSED LICENCE HOLDER**

- a) The Licence Holder is required to make full personal use of the street trading licence, which means that the licence holder must personally attend at the stall during the hours and on the days that the licence authorises street trading to be carried on. A registered assistant can be present when the licence holder is temporarily unable to attend at the stall or if the licence holder can provide exceptional reasons as to why he or she was unable to be present for a longer period but a failure to make full personal use of the licence is a ground for revoking the street trading licence in its own right.
- b) Where, in accordance with Section 26 of the Act, the Licence Holder has nominated a relative as his successor and that holder dies then the nominated successor may continue to engage in Street Trading within the terms of that Licence for a maximum period of 28 days provided that successor pays any charges due.
- c) The Licence Holder shall not sub-let the stall or any part of the stall or the licensed site or install a manager to operate the Licence.

## **20. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.**

- a) The Licensed Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be on a form prescribed by the Council.
- b) The Licence holder shall give any other information regarding assistants as required by the Council.
- c) The maximum number of assistants per licence should be no more than 5.
- d) A licence holder shall not have as an assistant any child in the business of street trading including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity.
- e) A licence holder or Assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.
- f) The failure of an Assistant to comply with the conditions of the Street Trading Licence held by the employer shall be deemed to be a failure by the licence holder.

## **21. ADMINISTRATION**

- a) The Licence Holder shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.
- b) All notifications (excluding payments of weekly/monthly charges) given by the Licence Holder to the Council shall be to the Council's address as it appears on the Licence or that subsequently amended and notified in writing to the licence holder.

## **STANDARD CONDITIONS SPECIAL PROVISIONS**

### **Conditions Specific to Shop Front Licences**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to Shop Front Licences only.

- SF1. A copy of the licence must be displayed in the window of the premises outside which trading is permitted. The licence is to be displayed so as to be clearly visible and legible from the street.
- SF2. Payment for goods or services shall be carried out within the shop premises and not within the licensed site or road.
- SF3. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the Public Highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
- SF4. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises, or to any part of the building to which the licence applies that is under separate occupation.
- SF5. Only those commodities or services sold or offered within the premises can be displayed outside, provided they are not excluded items as defined by the Councils regulations.
- SF6. Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables & chairs to be placed on the street.
- SF7. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose shall be used by the Licence Holder for shop front trading or ancillary to shop front trading.
- SF8. Any barriers approved by the Council must be in place around the trading area during licensed hours. The barriers must be placed within the total space/area permitted by the licence and not take any more space than stipulated on the licence. They must be removed outside of the hours permitted by the licence.
- SF9. No Awning other than a parasol may be used as part of a stall for shopfront licences.

- SF10. Mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.
- SF11. Licence holders or assistants shall replenish Shop Front Licences from stocks held within the shop premises and not directly from any vehicle.

## **STANDARD CONDITIONS SPECIAL PROVISIONS**

### **Conditions Specific to Local Authority Markets:** Mitcham and Morden (Abbotsbury Road)

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to the Authority run markets at Mitcham and Morden.

- AM1. The market is open for trading between the hours of 8.30am and 5.30pm Monday - Saturday
- AM2. The Licence Holder shall only trade on the days agreed on their registration.
- AM3. The Licence Holder shall only trade from the agreed and allocated pitch.
- AM4. The Licence Holder only trade in those articles or services referred to on their registration.
- AM5. The Licence Holder shall sweep that part of the street from which they trade, and the area within a metre of their trading area at the end of each trading day. They shall keep that part of the street referred to on their registration in a tidy condition and to the Council's satisfaction.
- AM6. The Licence Holder shall ensure they have public liability insurance cover for £5,000,000 or hold a valid membership to the National Market Traders' Federation.
- AM7. The Licence Holder shall not use any equipment involving naked flames without the express permission of the Council.
- AM8. The Licence Holder shall not engage in any auction of any kind whatsoever.
- AM9. The Licence Holder shall only use the loading area (Mitcham) between 6am – 9am and between 3pm – 6pm.
- AM10. The Licence Holder shall remove their vehicle from the loading area as soon as unloading or loading has been completed, only returning at the close of trading.

## **Appendix D**

### **London Local Authorities Act 1990 Section 24**

#### **Designation of licence streets**

24 (1) If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions:—

- (a) a resolution (in this Part of this Act referred to as a “designating resolution”) designating any street within the borough as a “licence street”;
- (b) a resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will, or other than which they will not, prescribe in any street trading licence granted by them in respect of that street; and may from time to time by subsequent resolution rescind or vary any such resolution:

Provided that a borough council shall—

- (a) before passing a designating resolution, consult with the Commissioner of Police of the Metropolis on their proposal; and
- (b) before rescinding or varying a designating resolution, consult with the licence holders trading in the street in question, or a body or bodies representative of them, on their proposal.

(2) At the appointed day for the purposes of this Part of this Act in a borough, the streets prescribed by any licences granted by the council of the borough in pursuance of powers contained in any of the enactments referred to in column (2) of Schedule 2 to this Act and then in force shall be deemed to have been designated as licence streets under a designating resolution.

(3) If a borough council pass a designating resolution the designation of the street shall take effect on the day specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(4) A borough council shall not pass a resolution or rescind or vary a resolution under this section unless—

- (a) they have published notice of their intention to do so in a local newspaper circulating in their area;
- (b) they have served a copy of the notice on the highway authority for that street (unless they are that highway authority); and
- (c) where subsection (5) below applies, they have obtained the necessary consent.

(5) This subsection applies—

- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
- (b) where the resolution designates as a licence street any street maintained by a highway authority; and in subsection (4) above “necessary consent” means—
  - (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and

(ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(6) The following are relevant corporations for the purposes of this section:—

(a) British Railways Board;

(b) London Regional Transport;

\* \* \* \* \*

(d) Network Rail Infrastructure Limited; and

(e) Transport for London.

(7) The notice referred to in subsection (4) above shall—

(a) contain a draft of the resolution to which it relates; and

(b) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

(8) As soon as practicable after the expiry of the period specified under subsection (7) above, the borough council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(9) After the borough council have considered those representations, they may if they think fit, pass such a resolution relating to the street as is mentioned in subsection (1) above.

(10) The borough council shall publish notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks.

(11) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.



## Appendix E

### Merton Street Trading Licence Fees

<b>Shop front licences</b>			
<b>Type of licence</b>	<b>2023/24 application charge</b>	<b>2023/24 enforcement and compliance charge</b>	<b>2023/24 total charge</b>
New Street Trading Licence (existing designated site) *	£186	£186 + 50% of enforcement and compliance fee indicated by size below*	<b>Variable</b>
Licence Street Designation Fee (new sites)***	£1,133	£1,612	<b>£2,745</b>
<b>Annual Shop Front Licence</b>			
Up to 1sqm	£63	125	<b>£188</b>
1 to 6sqm	£63	679	<b>£741</b>
6 to 12sqm	£63	1030	<b>£1,093</b>
12 to 18sqm	£63	1384	<b>£1,447</b>
Over 18sqm	£63	2055	<b>£2,118</b>
Variation of licence	£119	*	<b>£119</b>
* includes 6 month Temporary Licence fee charged at 50% of annual area rate.			
*** Additional newspaper notice fees to be recharged to applicants c.£600			

<b>Designated Sites</b>			
<b>Type of licence</b>	<b>2023/24 application charge</b>	<b>2023/24 enforcement and compliance charge</b>	<b>2023/24 total charge</b>
New Street Trading Licence (existing designated site) *	£186	742	<b>£928</b>
Following successful temporary licence (above)	£0	£1,612	<b>£1,612</b>
Licence Street Designation Fee (new sites)**	£1,133	£1,612	<b>£2,745</b>
Renewal of Annual licence	£63	£1,612	<b>£1,675</b>
Variation of licence	£119	£0	<b>£119</b>
* includes 6 month Temporary Licence fee			
** Additional newspaper notice fees to be recharged to applicants c.£600			

<b>Temporary Licences</b>			
<b>Type of licence</b>	<b>2023/24 application charge</b>	<b>2023/24 enforcement and compliance charge</b>	<b>2023/24 total charge</b>
1 to 2 days	£63	£60	<b>£123</b>
3 to 4 days	£63	£120	<b>£183</b>
5 to 6 days	£63	£180	<b>£243</b>
7 days	£63	£240	<b>£303</b>

<b>Type of licence</b>	<b>2023/24 charge</b>
<b>Mitcham and Morden Markets (Per pitch per day)</b>	
Market Registration Fee	<b>£34</b>
Regular Market non-food stalls	<b>£10</b>
Regular Market food stalls	<b>£12</b>
Casual Market trader non-food	<b>£17</b>
Casual Market trader food stalls	<b>£21</b>

<b>Type of licence</b>	<b>2023/24 charge</b>
<b>Specialist Market – Other Areas</b>	
Market trader per month	<b>£75</b>
Market event up to 4 days	<b>£605</b>

<b>Type of licence</b>	<b>2023/24 charge</b>
Temporary Licence Extension (existing licence holders only)	<b>£119</b>
Request for Copy of Licence, loss/theft, change of name/address on licence	<b>£40</b>
Second renewal reminder letter administration charge	<b>£29</b>

**Appendix F**  
**Representations**

1. Future Merton Highways team. Details as outline in report point 4.4

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