

## **Meeting: Council**

**Date:** 18 November 2015

**Wards:** All.

**Subject:** Adoption of the Council's new draft Statement of Licensing Policy, Cumulative Impact Zone for Mitcham Town Centre and the surrounding area.

**Lead officer:** Chris Lee, Director of Environment and Regeneration.

**Lead member:** Councillor Nick Draper, Cabinet Member for Community and Culture.

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

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

### **Recommendations:**

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- A. To adopt the new draft Statement of Licensing Policy and a Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area as approved by Members of the Licensing Committee on the 20 October 2015.
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#### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 There is a statutory requirement under section 5 (1) of the Licensing Act 2003 (as amended) for the Council to review and re-publish its Statement of Licensing Policy every five years.
- 1.2 Combined with the review and re-publication of the Council's Statement of Licensing Policy, consideration is to be given to the adoption of a new Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area.

#### **2. DETAILS.**

- 2.1 The public consultation of the draft Statement of Licensing Policy took place between 22 June and 14 September 2015. An electronic copy of the draft document was published on the Council's website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors were notified of the public consultation. The Council's consultation team also circulated details of the public consultation.

2.2 During the consultation period the Licensing Authority received thirteen responses. Copies of the responses received were presented to Members of the Licensing Committee for their consideration at the meeting held on Tuesday 20 October 2015. Having considered the comments received Members of the Licensing Committee decided to approve the draft Statement of Licensing Policy with a recommendation for adoption by full Council. A copy of the final draft is attached at **Appendix "A"**.

2.5 **Consideration of a proposed Cumulative Impact Zone (CIZ) to be introduced for Mitcham Town Centre and the surrounding area.**

At the previous Licensing Committee meetings held on the 24 February 2015 and on the 9 June 2015 a section of the reports published covered a proposal to introduce a Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area.

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

There are currently two CIZs in the borough, one in Wimbledon Village, the other in the Wimbledon town centre area.

The adoption of a CIZ requires that it be included in the Statement of Licensing Policy, following the procedure described in this report, meaning that the matter must effectively be decided by Full Council.

The steps that must be followed when considering the adoption of a CIZ are governed by Chapter 13 of the Guidance issued under Section 182 Licensing Act 2003. Those steps are as follows:

1. Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm;
2. Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
3. If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
4. Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise); and

Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Paragraph 13.23 stipulates that “ ... *There must be a clear evidential basis for the decision to include a special policy within the statement of licensing policy ...*” The Guidance then goes on to list the information from which the necessary evidence can be gleaned, which includes crime and disorder statistics; complaints made to the police and local authorities regarding anti-social behaviour and environmental health issues; complaints made to the local authority by local residents; residents’ questionnaires; evidence from local councillors and evidence obtained from local consultation.

The Guidance also states that the authority can also take into consideration such matters as trends in licensing applications, for example the type of application and terminal hours; changes in terminal hours to premises and the capacity of premises at various times of the day.

The Guidance also states that where the local authority believe that where there are problems in an area resulting from the cumulative impact of licensed premises, and where the information to support that assertion is insufficient or not readily available, it can consider undertaking or commissioning a specific study to assess the position.

The consultation process involves contacting various parties, namely:

- The Chief Officer of Police for the Licensing Authority’s area;
- The Fire and Emergency Planning Authority for that area;
- Such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority;
- Such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
- Such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
- Such other persons as the Licensing Authority consider being representative of business and residents in its area.

During the twelve week (three months) public consultation process a number of residents wrote in support and offered comments for the proposed introduction of a CIZ for Mitcham Town Centre and surrounding areas. The Public Health Team, as part of their submission to the consultation document, provided further evidence which helped Members of the Licensing Committee in their deliberations. Having considered the

comments received during the consultation period, the Licensing Committee decided to approve the new CIZ to cover new and variation applications for sales of alcohol for consumption off the premises only, with a recommendation it be adopted by full Council as part of the revised Statement of Licensing Policy.

Attached to this report at **Appendix “B”** is a map showing the area of the CIZ for Mitcham Town Centre, the surrounding area as well as the roads which are proposed to be covered, these include:

- London Road (north) to junction of Armfield Crescent to include retail premises on Monarch Parade;
- London Road to Seely Road as far as Tooting National Rail Station and borough boundary;
- The top end of Streatham Road where it joins Seely Road;
- London Road south from Raleigh Gardens up to Mitcham Tram Stop;
- Western Road and Church Road;
- Streatham Road Shopping Parade between Rustic Avenue and Elmhurst Avenue (one side) and Ashbourn Road and St Barnabas Road;
- Gorringe Park Avenue and Seely Road at the junction of Eastbourne Road;
- Holborn Way;
- UpperGreen;
- Cricket Green;
- Maderia Road; and
- Common Side West.

**3. Alternative options.**

3.1 None for the purpose of this report.

**4. Consultation undertaken or proposed.**

4.1 A twelve week (three month) public consultation was undertaken between the 22 June and the 14 September 2015 on the proposed revisions to the Statement of Licensing Policy and the proposed Cumulative Impact Zone for Mitcham Town Centre and surrounding area.

**5. Timetable.**

- 5.1 Following adoption by full Council the Statement of Licensing Policy including the new CIZ for Mitcham Town Centre and the surrounding area will be published on the Council's website from 5 January 2016.

**6. Financial, resource and property implications.**

- 6.1 None for the purposes of this report.

**7. Legal and statutory implications.**

- 7.1 None for the purposes of this report.

**8. Human rights, equalities and community cohesion implications.**

- 8.1 These are statutory functions and are applied globally.

**9. Crime and Disorder Implications.**

- 9.1 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.

**10. Risk management and health and safety implications.**

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

**11. Appendices – the following documents are to be published with this report and form part of the report.**

- 11.1 **Appendix "A"** Draft Statement of Licensing Policy.

- 11.2 **Appendix "B"** Map showing the Cumulative Impact Zone for Mitcham Town Centre and surrounding area.

**12. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.**

- 12.1 The Licensing Act 2003; and

- 12.2 Revised guidance issued under section 182 of the Licensing Act 2003.

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