

Agenda Item 3

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LICENSING COMMITTEE

20 OCTOBER 2015

(19.15 - 20.32)

PRESENT Councillors Councillor Jeff Hanna (in the Chair),
Councillor Stan Anderson, Councillor Tobin Byers,
Councillor Pauline Cowper, Councillor Joan Henry,
Councillor Philip Jones, Councillor John Sargeant,
Councillor Linda Taylor, Councillor Jill West,
Councillor John Bowcott and Councillor Nick Draper

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors Greg Udeh, David Simpson, and Michael Bull

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were received.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 9 June were agreed as a correct record.

4 LICENSING SUB-COMMITTEE - UPDATED HEARING PROCEDURE, PROCESSES AND PAPERWORK (Agenda Item 4)

The Senior Democratic Services Officer introduced the report detailing the proposed changes to the Licensing Sub-Committee paperwork and procedures. The Committee considered the new Chair's Procedure document and asked for the following changes:

- Within the Chair's procedure the sections 9,10 and 11 reverse a and b, so that Questions by the responsible authority and the interested parties come before the questions by the Sub-Committee.
- Section 7 of the Chair's procedure was seen as a useful scene setter and Members requested that it be moved up so that it happens sooner

Members then considered the new Notice Letter and asked for the wording referring to 'two packs'- to be changed as it was currently confusing.

Members asked for the numbering between the new Chair's procedure and the new procedure in the public packs to be aligned to avoid confusion.

The Senior Democratic Services Officer said he would make these changes. The Legal Advisor said he would consider the procedure for a Licensing Review.

The Committee asked the Legal Advisor about the legal requirements for a quorum at Licensing Sub-Committee. Currently Merton operates its Licensing Sub-Committee with a quorum of 3 as set by the Constitution of the Council, and so the Sub-Committee cannot meet if one member does not arrive. Members discussed the possibility of having additional members 'on-call' in case one member does not arrive, but concluded that this was a difficult option practically. The Legal Advisor explained that although the statutory requirement is 3 members for a Licensing Sub-Committee other Local Authorities have set a Quorum of 2, within their constitution, with the Chair being given a casting vote to prevent deadlock. The Committee asked the Legal Advisor to research this option and to report back to the Committee.

RESOLVED

The Licensing Committee gives approval to the refreshed Licensing Sub-Committee process and procedure, subject to the suggested amendments.

5 UPDATE OF COUNCIL'S STATEMENT OF LICENSING POLICY, PROPOSED CUMULATIVE IMPACT ZONE FOR MITCHAM TOWN CENTRE AND THE SURROUNDING AREA POST PUBLIC CONSULTATION (Agenda Item 5)

The Licensing Manager introduced the report on the Update of the Council's Statement of Licensing Policy, proposed Cumulative Impact Zone for Mitcham Town Centre and the Surrounding Area post public Consultation. He asked the Committee to consider the comments received during the public consultation when 13 representations were received: 9 from local residents, 1 from a local Designated premises Supervisor, 1 from a local Members Club, 1 from Livewell, 1 from a Responsible Authority (Merton Council Public Health).

The Committee discussed the Public Health representation and its requests for wording to be added to the Statement of Licensing Policy. They agreed to the following additions:

- To section 3.5 - in relation to promoting licensing objectives,
- To section 11 - two additions, in relation to the protection of children,
- To Section 7.15 – in relation to a CIZ

The Committee discussed some further requests from Public Health to include wording that embedded health in the policy. However, the Legal Officer advised that this could establish a 'policy within a policy' and could leave the Licensing Policy open to challenge via Judicial Review. The Committee decided not to include the Public Health additional wording at section 1.4, 1.9, 4.1, 4.2.1, 13.7 and 16.6 in the Licensing Policy

The Committee noted the following phrase in the additional wording accepted from Public Health to section 3.5 of the Statement of Licensing Policy:
'We [The Licensing Authority] would also expect all people applying for licences to install and maintain good quality closed circuit television (CCTV) in the interests of public safety and security'

Members asked if the word 'expect' should be replaced by 'require', but were given advice by the Legal Advisor that this was unnecessary. He explained that Responsible Authorities very often 'require' cctv to be installed by applicants within the conditions they seek to impose, but to include this in the Licensing Policy may leave the policy open to challenge via Judicial review. The Committee agreed to leave the word expects in the policy.

The Committee noted that one of the respondents had mentioned the 'late night levy'. The Licensing Manager explained that this was an additional charge paid by premises with licences that allow them to open from 0.00 to 03.00am. 70% of the charge goes to the Metropolitan police to pay for additional policing but it is not Borough specific and could be spent anywhere in the London area. The Committee agreed that they were not interested in this levy at this time.

The Licensing Manager presented the section of the report dealing with the proposed CIZ (Cumulative Impact Zone) for Mitcham Town Centre and the surrounding area. The Committee agreed that the Proposed CIZ should cover all the roads shown on the map at appendix 3 attached to the report – those highlighted by a solid line and those highlighted by a dotted line. The Committee agreed to restrict the Mitcham CIZ to 'Off – premises' sales only, as the evidence did not suggest that 'On- premises' sales needed to be included. Members asked if 'On' sales could be included in the future if necessary. The Licensing Manager confirmed that such a change would need to go back out to consultation.

The Committee noted the information presented by Public Health in their representation, that showed concerning levels of alcohol related issues in areas of the borough not covered by a CIZ or proposed CIZ. No action was proposed at this time.

The Committee asked the Licensing Manager to ensure that the following amendments were made to the Statement:
Page 42 – Seely Road (not Steel) and Tooting Station - National Rail Station (NOT overground)
Page 38 –account taken of Counsel note on Equality Act 2010
Crossed out sections(including those on page 53) to be removed

RESOLVED

The Licensing Committee:

- A. Considered the comments received during the public consultation process, which took place between 22 June and 14 September 2015;
- B. Discussed and Recommend for approval to Council on 18 November the proposed Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area based on the evidence obtained during the public consultation period, for off sales only,

- C. Approve delegated authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to the Statement of Licensing Policy following the Committee meeting and prior to submission to Council for adoption on 18 November 2015; and
 - D. To approve the draft Statement of Licensing Policy subject to the above paragraph and recommend it for adoption by full Council on Wednesday 18 November 2015.
- 6 UPDATE OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 POST PUBLIC CONSULTATION (Agenda Item 6)

The Licensing Manager presented the report on the update to the Council's Statement of Principles under the Gambling Act 2005, and the results of the public consultation. He asked Members to note that a recent change in Gambling Commission guidance, requiring a local area profile of the borough to be included in this statement of principles had come too late to be incorporated in the current version. A revised version of the Council's Statement of Principles, including a detailed local area profile of the borough will be brought to the Licensing Committee in early 2016. Members noted that the local area profile has to be prepared 'from scratch' as each licensing authority covers a unique area.

The Committee noted that the consultation had generated only one response from a local resident and two from the Gambling industry.

The Committee were happy with the Statement of Principles and did not request any further changes. Accordingly there was no need for them to give delegated authority to the Licensing Manager to make further changes.

RESOLVED

That the Licensing Committee

- A. consider the comments received during the public consultation process, which took place between 22 June and 14 September 2015;
 - B. approved the draft Statement of Principles subject to the above paragraph and recommend it for adoption by full Council on Wednesday 18 November 2015.
- 7 INSTITUTE OF LICENSING'S GUIDANCE ON PREMISES LICENCE CONDITIONS (Agenda Item 7)

The Committee noted the draft guidance from the Institute of Licensing on Premises Licensing Conditions and that this contained list of conditions which could be used by an applicant, responsible authority, interested party or a licensing Sub-Committee who may oppose conditions to address one or more of the licensing objectives.

Members noted that this draft version had been consulted on but that the consultation was now closed, and agreed that they would wait to see the final version of the document before making any decisions on whether or not to recommend use of the guidance.

RESOLVED

The Licensing Committee noted the draft version of the Institute of Licensing's Guidance on Premises Licence Conditions (Licensing Act 2003) and agreed that when the final version of this document is published it should be brought to the Licensing Committee for further consideration

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