

Merton Council

Licensing Committee

Membership:

Councillor David Simpson CBE - Chairman

Councillor Stan Anderson

Councillor John Bowcott

Councillor Richard Chellew

Councillor Nick Draper

Councillor Chris Edge

Councillor Philip Jones

Councillor Logie Lohendran

Councillor John Sargeant

Councillor Linda Scott

Councillor Sam Thomas

Councillor Greg Udeh

A meeting of the Licensing Committee will be held on:

Date: 28 February 2013

Time: 7.15 pm

**Venue: Committee Rooms B & C, first floor
Merton Civic Centre, London Road, Morden**

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process, contact democratic.services@merton.gov.uk or telephone 020 8545 3574.

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Licensing Committee

28 February 2013

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Note 1

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

LICENSING COMMITTEE
25 OCTOBER 2012

7.15 TO 8.10 PM

PRESENT: Councillor David Simpson (chairman). Councillors Stan Anderson, John Bowcott, Richard Chellow, Chris Edge, John Sargeant, Linda Scott, Sam Thomas, Martin Whelton.

ALSO PRESENT: Annalise Elliott (Head of Safer Merton), Marc Dubet (Environmental Health (Pollution & Licensing) Manager, Susanne Wicks (Democratic Services Officer).

1 DECLARATIONS OF INTEREST

No declarations were made.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Philip Jones, Logie Lohendran and Gregory Udeh.

3 MINUTES OF THE MEETING HELD ON 12 JUNE 2012

RESOLVED: That the minutes are agreed as an accurate record of the meeting.

4 ORDER OF THE AGENDA

RESOLVED: To take item 5 before item 4.

5 CONTROLLED DRINKING ZONES – ESTABLISHING AN ACCEPTABLE TRIGGER POINT

Councillor David Simpson reminded the committee of the Council resolution made at their July meeting, as follows:

“Council agrees to the introduction of an automatic trigger point to be determined by Merton’s Licensing Committee in consultation with the police, so that once the level of incidences of drink-related disorder or nuisance reported to the police or the local authority exceeds a specific number in any particular part of the borough, officers are obligated to bring forward a report on a possible Controlled Drinking Zone in that area for consideration by Scrutiny, General Purposes Committee and then Council, thereby ensuring that decisions on Controlled Drinking Zones follow a clear and transparent, evidence-based process”.

Annalise Elliott introduced her report and explained that she had not suggested a trigger point in her report, because it would be impossible to find a trigger point to cover all of the different areas in the borough. She advised that 13 requests for CDZs had been made, and each of those would require a “buffer zone” around them.

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Annalise Elliott suggested that both the Mitcham and Wimbledon CDZs should be reviewed to see if they are operating successfully.

Annalise Elliott suggested to the committee that the best way forward may be to conduct consultation on a pan-borough CDZ, which would be the most cost-effective option. She advised that Police crime figures could be used as evidence for such a proposal, together with data from the London Ambulance Service and from Safer Neighbourhood Teams. She explained that the consultation period must be 28 days, and every resident in the borough must be given the opportunity to respond. Furthermore, all challenges to the proposal must receive an individual response.

In response to questions, Annalise Elliott confirmed that that the Borough Commander would support a borough-wide CDZ. In response to points made by committee members, she noted that consultation would be required with the Mitcham and Wimbledon Common Conservators regarding the inclusion of both areas in a CDZ.

After some discussion, it was moved by Councillor David Simpson, seconded by Councillor John Sargeant and unanimously

RESOLVED: That the Licensing Committee understands that a number of communities in the borough would like a local controlled drinking zone in place. The Licensing Committee agrees that it would be simpler and more cost-effective to undertake consultation on the implementation of a pan-borough controlled drinking zone.

6 GAMBLING POLICY REVIEW AND CHANGES TO THE LICENSING ACT/
MUSIC ACT 2012

Marc Dubet introduced this report.

Gambling Policy Review

Marc Dubet advised the committee that there had been only few replies to the public consultation on the review of the Gambling Policy. In the replies that were received the main concern was the proliferation of betting shops in the borough. Marc Dubet advised the committee that there is no provision in the Act to limit the number of betting shops in a particular area. However, he undertook to ascertain if there is any way to do so via the implementation of a local Planning policy.

Marc Dubet advised that there were changes proposed to the Gambling Policy, apart from administrative ones.

Changes to the Licensing Act and Music Act

Marc Dubet explained that the Statutory Instruments and guidance relating to Early

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Morning Restriction Orders (EMRO) and Late Night Levies (LNL) are yet to be published. He advised that any imposition of an EMRO must be evidence based, and he has therefore requested supporting crime data from the Police.

He also explained that the Late Night Levy would apply to 70 premises in the borough, bringing in £83,699 in fees. 70% of the net income must go the Police and 30% of the net income can be retained by the Council to be used for the reduction or prevention of crime and disorder: the promotion of public safety: the reduction or prevention of public nuisance and/or the cleaning of any highway or relevant land.

As there is a Business Improvement District (BID) for Wimbledon Town Centre an exemption to the Late Night Levy can apply. There are 24 premises in the BID area and therefore would reduce the total amount of levy to £55,46 before it is split between the Police and the Council.

Marc Dubet reminded the committee that any administrative costs must also be covered by the local authority.

Marc Dubet undertook to provide an update to the committee, including any information received from the Police, to the February meeting.

Marc Dubet advised that no guidance has been published to support the Live Music Act 2012. However, early indications suggest that it's likely to impact most upon the Environmental Health Noise Team. As a result, this could mean more reviews will be brought before Licensing Sub-Committees.

RESOLVED:

1. That the Licensing Committee approve the recommended amendments to the Gambling Policy and that it be placed before Full Council for adoption on 21 November 2012.
2. That the Licensing Committee approve the renewal of the policy that no casinos be permitted in the London Borough of Merton and that it be placed before Full Council for adoption on 21 November 2012

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