

Merton Council

Licensing Committee

15 October 2020

Supplementary Agenda

5 Further Representations received in response to Committee Report 1 - 8

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Agenda Item 5

Dear All,

We realise that you already have an enormous amount of information with regards to the Wimbledon Village CIZ and the fact that 87.5% of survey respondents and 90.7% of direct respondents to the consultation wished for it to be retained. You already have a long submission from the Belvedere Estate Resident's Association and are aware that our area includes the Village High Street and Church Road where there are over a dozen licensed establishments.

So just a couple of additional points in response to the report:-

Point 1.3 of the report - insufficient evidence to support the retention of a special policy for Wimbledon Village. Perhaps this is true of Crime and Disorder incidents (prior to the Summer of 2020) but evidence of Public Nuisance data has not been fully taken into consideration. Residents do not want to continually complain about this so the incidents are vastly underreported.

At the BERA Zoom AGM on Sunday 11th October, we invited a member of our Local Village Policing team to speak and he warned everyone present about crime on the Common which is happening on a regular basis. He asked us to let our members know about people from outside the Village are coming to the Common to rob the teenagers who are gathering there and specifically asked everyone to ensure that no teenagers gathered on the Common for a while so that this cycle could be broken. So the Crime and Disorder incidents are, in fact, on the increase, even while the CIZ is in place, stretching an already over-burdened police force.

Point 3.2 - Litter is now being addressed via licensing applications. Particularly in relation to the Commons but relevant for our residents who live on the High Street, Church Road or in close proximity to a licensed premises - litter is a huge problem. We have yet to see what hours the new Spar on the Village High Street spur will be requesting for off-licence sales. The later the licence for shops and bars the worse this situation will be, especially for those whose houses surround the common but particularly those on the East and South side of Rushmere. The same argument applies to those restaurants and bars with a take-away licence. The 10pm closure rule has exacerbated this problem with clients leaving establishments and just carrying on drinking outside thereafter or while they are on their noisy way home, discarding their litter as they go. However, when hours return to 'normal' the later they are, the more disturbance for residents.

Point 4.21 With regards to The Ivy and Megan's Licences - we believe that these were not departures from the Licensing Policy but exemptions within it. At the time of both applications there were 2 fewer licensed premises in the Village than when the CIZ was introduced (Piccolino's and The Brewery Tap had closed and their respective premises were not replaced with licensed premises) so the overall Cumulative Impact was not increased with the addition of The Ivy and Megan's. Both these restaurants had already shown in other locations that they were high quality and well run and they accepted stringent conditions consistent with other village bar and restaurant hours.

When Carmona Steak and Tapas applied for their licence, the original 'Strada' licence hours were reduced in line with the CIZ - no hearing was necessary - they just accepted the 'norm' in the Village.

There is a new application for a large restaurant and karaoke bar within the NatWest building at the Corner of the Village High street and Belvedere Grove - Planning ref 20/P2916. This application is not from 'a known restaurant operator'. This would be a second addition to the number of licensed premises that were operating when the CIZ was formed in 2006. With the CIZ in place it is easy to request that the licensing hours are similar to all other Village establishments (with the exception of Hemingways).

The CIZ is clearly a victim of its own success, although the situation may already be worsening as highlighted above. However, we believe that the decision should be Point 6.1 (i) to RETAIN the current Wimbledon Village CIZ.

Thank you for your attention to this submission.

Kind Regards,

The Belvedere Estates Resident's Association

Dear Licensing Committee Member,

We have seen the proposed decision on the above, and are surprised you still intend to eliminate the Village CIA, thereby removing an important health and safety mechanism that protects Merton's loveliest Village, especially during the current pandemic.

It appears you have not been given any reasons why the existing Wimbledon Village CIA should be RETAINED, despite detailed information provided by a great many stakeholders to the formal Consultation.

In our view this is a grievous error by the report's author. You are an independent person, yet have been given an off-balanced summary of views, ignoring those of the primary stakeholders - the residents of Wimbledon - of whom you are elected to serve.

The Village continues to suffer a tremendous amount of Public Nuisance, and this has increased and amplified since the Covid-19 lockdowns, with serious incidents more acute since March 2020. These problems are unlikely to go away in the next 12/18 months.

As a Licensing Committee Member, please re-consider the removal of the Village CIA. The Police have been called to many open spaces on and around Wimbledon Common regularly, because of the thousands of younger people congregating and drinking alcohol in the area.

(A Section 35 order was enacted within the past month, such is the seriousness of problems; have YOU been to the Common to witness the mess after a night of outdoor drinking?! The WPCC have had to divert staff, volunteers and cash resource to deal with these problems. Merton has not provided any support; the WPCC have had to deal with the vast majority of problems themselves. NB: Issues are well-documented in the Commons' newsletters.)

By any account it would be foolish to remove the Village CIA today. You may wish to put in a clause to 'monitor the situation more carefully', and ask police to provide a full summary of ALL 'Incidents' data (not just knife crime and assaults, but all call-outs linked to ASB and public nuisance) over the past two years, month by month.

If after say 18 or more months, a decrease in Police incidents and anti-social behaviour is recorded, and by decrease we mean SIGNIFICANTLY (more than 20%), perhaps revoking the CIA could be considered.

Today, there are two major licence applications 'in process' for the Village - both applicants hoping for a 'free ticket' to attract young drinkers to flaunt public open spaces (one is the SPAR Application). The other is a bizarre proposal to open a multi-room Karaoke Bar in a recently restored, historic listed building on the perimeter of the Village High Street, with flats and homes adjoining and directly overhead. (These sorts of dedicated 'party' venues thrive in the heart of dense city centres, not on the perimeter of a charming English village.)

The sidewalks in the Village roll up after dark. The High St is a small commercial area, surrounded by homes, a dozen fine schools and gyms and shops and restaurants/cafes, all very busy during morning, lunch and evening, and serving local people, who live within metres of this site at 98 High Street. A nighttime business - one that would be VACANT during daylight hours - is simply wrong.

Neither of these applications is warranted for the Village; they both would only appear to feed Council coffers (thanks to a leader who considers Wimbledon just as a 'cash cow', without regard for the DISSERVICE this would cause to the sustainability and long- term success of Brand Wimbledon).

Thank you for reading our Representation below. Recall your duty as ward councillor and committee member, to serve the people. Vote as the intelligent, independent thinker that you are - listening, and un-biased. We trust you will agree, this is not the time to remove any CIA in the Borough.

Yours sincerely,

WEHRA licensing officer



Members of the Licensing Committee
London Borough of Merton
Civic Centre
London Road
Morden
Surrey SM4 5DX

11 October 2020

Dear Councillors,

Licensing Committee Meeting 15th October: Agenda Item 4

We have considered the Report on the recent Licensing Consultations and the recommendations you are being asked to consider under Agenda Item 4. Our comments below relate solely to the Report's summary in connection with the Cumulative Impact Assessment and the "Matter for Decision" at para 6.1 (i) (ii) and (iii) detailing options on the adoption of a special policy on cumulative impact in Wimbledon Village.

We would urge you to adopt option 6.1(i), retaining the Cumulative Impact Zone ("CIZ") in Wimbledon Village. We consider that there *is* sufficient evidence that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which undermine the Licensing Objective of The Prevention of Public Nuisance and that on this basis the special policy should be adopted. Having reviewed the Consultation responses in Appendix C it is with considerable dismay that we note that an option not to adopt a special policy (para 6.1(ii)) is being tabled at all.
Our reasons are:

1. Residents oppose the withdrawal of the CIZ

The Council is required to consult with local residents - 87.5% of survey respondents and 90.7% of those who responded directly to the Consultation (including all Village Area Residents' Associations) opposed the withdrawal of the CIZ.

2. The Licensing Objective being undermined in the Village is the Prevention of Public Nuisance

The Council is required to consider evidence of cumulative impact undermining the Licensing Objectives. The Village CIZ was designated in response to issues of Public Nuisance following evidence provided by residents. The Cumulative Impact Assessment for this Consultation and the Police and Director of Public Health's responses summarised in the Report refer to incidents which are relevant to Crime and Disorder and appear in Police and Public Health data. There is no analysis in the Report to show why the Public Nuisance which has been reported in response to this Consultation is not considered to be undermining this Licensing Objective and does not justify the retention of the CIZ.

3. Evidence of ongoing Public Nuisance has been provided by residents.

Respondents cited many examples of ongoing alcohol fuelled Public Nuisance incidents in residential areas in and around the Village – littering, anti-social behaviour, noise, disturbance, vomiting, urination etc. which are not linked to any individual premises. These matters are distressing for residents to witness from their homes but as one respondent said "*...residents are reluctant to waste Council or Police time.*" so incidents are not reported and since they do not involve criminal behaviour or lead to hospital admissions they do not appear in Police or Public Health data.

4. Evidence of ongoing Public Nuisance on Wimbledon Common has been provided.

Detailed evidence was submitted of the ongoing problem of alcohol fuelled antisocial behaviour on Wimbledon Common (my supplemental representation of 5 September refers). Illegal raves, large

gatherings, parties and drinking sessions have become a frequent and very expensive problem for the Conservators, generating noise, disturbance and large quantities of litter. Some events have required Police and ambulance attendance. The Police have also obtained at least one Dispersal Order in anticipation of a rave. Evidence is available in the Conservators' media releases and the Minutes of their Annual Open Meeting where residents expressed their concerns (see www.wpcc.org.uk) The Common is open space adjacent to the Village CIZ with its licensed premises where alcohol is available to purchase via off sales from 5 retail outlets and many of the other pubs and restaurants. These matters are only briefly noted in the Report and the website references are not included in the summary in Appendix C. Given the number of Police interventions, it is also surprising that this widely concerning issue is not referenced at all in the Police response.

5. Retaining the Village CIZ will help maintain controls.

The premise of the Cumulative Impact Assessment and the recommendation for the cancellation of the Village CIZ is that after 14 years the CIZ has achieved its objectives and so is no longer needed because problems are no longer occurring. In our view this is incorrect; whilst the CIZ has undoubtedly worked well over the years in achieving restrictions on late night opening (as well as refusals of inappropriate applications) evidence has been provided that Nuisance continues and controls need to remain to ensure that matters do not become worse. In this context we note the Police view in para 4.8 of the Report supporting the retention of the Wimbledon Town Centre CIZ: *"the existing cumulative impact policy for [Wimbledon Town Centre] has enabled the Licensing Authority to heavily restrict new Licences to negate the risk of further impact on crime and ASB"*. Also, at para 4.15, supporting the retention of the Mitcham Town Centre CIZ: *"From my observations and experience over the last 4 years, there is clear evidence that the CIZs have been effective in Mitcham and Wimbledon Town Centres* Why should a different view be taken in relation to retaining the Village CIZ?

Conclusion

In summary, the CIZ has served Wimbledon Village well, as the Consultation responses confirm but as noted above, there is a great deal of evidence that Nuisance continues. Controls must remain in place to restrict the expansion of unsuitable premises and/or inappropriate operating arrangements which will exacerbate existing problems. For the reasons we have outlined, there are good grounds to select option 6.1(i) in the Report and retain the special policy on cumulative impact in Wimbledon Village.

However, if despite our representations, it is your view that further evidence needs to be provided before you are able to accept that the special policy should re-apply to Wimbledon Village, then option 6.1(iii), allowing a review after 18 months, must be your choice. In that event, we would be happy to work with Ward Councillors, the Licensing team and if necessary the Police to agree a suitable framework within which the evidence reporting should operate.

Yours sincerely


Chairman

Cc Village Ward Councillors



Wimbledon And Putney Commons

Chief Executive
Simon Lee BSc (Hons)

12 October 2020

Members of the Licensing Committee
London Borough of Merton
Civic Centre
London Road
Morden
Surrey SM4 5DX

Dear Councillors,

Licensing Committee Meeting 15th October: Agenda Item 4

I am writing to express serious concerns regarding the proposed withdrawal of the CIZ covering Wimbledon Village, and to express strong support for its retention.

As owners and managers of Wimbledon and Putney Commons, our land includes areas immediately adjacent to Wimbledon Village. For a number of years, these areas have seen large gatherings of young people in the evenings - not just through the summer but also during the spring and autumn months. In past years, these gatherings have numbered over 200 people; this year we estimate numbers reached anywhere between 500 and 1,000 people. Crowds usually start to congregate in the late evening and remain on the Common right through until the early hours of the morning. Alcohol is invariably involved and most of the drinkers appear to be underage.

Throughout summer 2020, we have received regular complaints from residents neighbouring the Common regarding these large groups who are drinking, taking drugs and playing loud music. Whilst the problems are always worse on Fridays and Saturdays, they are not confined to the weekends. It is important to note the gatherings are not always good-natured. For instance, on Friday 26th June this year, the police were called to deal with fighting which had broken out amongst the crowds that had congregated on the Common. This fighting was undoubtedly fuelled by alcohol; when the police arrived, they were attacked. I understand from a senior police officer that a number of his officers were injured.

On innumerable occasions throughout the summer we have experienced drinkers smashing empty glass bottles on the Common, creating a serious hazard for people

using the Common (particularly small children), as well as for dogs. In addition, the lack of public toilets in the Village means that people congregating on the public open space to consume alcohol are urinating and defecating on the Common, creating a further hazard for other users and for our staff and volunteers who clean up the site the following day.

In response to these problems, we requested support from the police in dealing with drunken crowds gathering on our land, but were told that they did not have the resources to provide any assistance. As a result, we stopped reporting problems to the police. Therefore, although the police's records may not show a pattern of alcohol related anti-social behaviour on the Common, under reporting has hidden the scale of the problem

Whilst it could be argued that licensing laws already exist to deal with underage drinking and anti-social behaviour, these laws are clearly not effective. The young people who gravitate to the Common are obtaining and consuming significant quantities of alcohol. If the licensing laws are not succeeding in preventing young people from purchasing alcohol, and the number of premises where alcohol is available to purchase increases, then it seems logical that there is the potential for an associated increase in underage and/or anti-social drinking. The impact that this would have on the Commons, and on the residents living in the immediate vicinity, would be intolerable.

In conclusion, even with a CIZ in place, there is drinking of a problematic level and nature occurring. Removal of controls is extremely unlikely to improve the situation, and there is good reason to believe that it would worsen the problems being experienced as a result of excessive/underage drinking and related anti-social behaviour. We therefore ask you to retain the CIZ.

Yours sincerely



Chief Operations Manager