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## LICENSING COMMITTEE

27 NOVEMBER 2014

(19.15 - 20.50)

PRESENT

Councillors:

Jeff Hanna (in the Chair), David Simpson,  
Stan Anderson, Michael Bull, Tobin Byers, Pauline Cowper,  
Joan Henry, Philip Jones, John Sargeant, Linda Taylor,  
Gregory Udeh and Jill West

Also present:

Chris Lee, Director of Environment and Regeneration, Barry  
Croft, Licensing Manager, David Ryan, Technical Officer, Street  
Trading, Paul Foster, Head of Regulatory Services, Janet  
Pinkney, Safer Merton Manager, Hilary Gullen, Democratic  
Services Officer

### 1 DECLARATIONS OF INTEREST (Agenda Item 1)

None

### 2 APOLOGIES FOR ABSENCE (Agenda Item 2)

None

### 3 MINUTES FROM THE MEETING HELD 12TH JUNE 2014 (Agenda Item 3)

Agreed

### 4 LICENSING AND GAMBLING LEGISLATION (Agenda Item 4)

#### Joint Regulatory Services Partnership

Barry Croft spoke to this item, explaining it was early days for the partnership, having come into effect on 1<sup>st</sup> August, and the purpose of the report was to identify how things have changed under licensing. Barry Croft stated that his role was purely for licensing for the two local authorities, Merton and Richmond.

**Resolved: The report was noted by the committee**

#### Review of the Statements of Merton's Licensing and Gambling Policies

Barry Croft spoke to this item, and described that he was going to suggest changes to the licensing and gambling policies with a view to making them more robust and/or flexible. A completed document would then be drafted for agreement by the committee to be taken to full council for adoption. Barry Croft will bring the proposed changes to the licensing committee meeting on 24<sup>th</sup> February.

**Resolved: The committee noted the report, and agreed that the current policy documents, together with the proposed changes, should be considered at its meeting on 24 February 2015.**

Consideration of a Cumulative Impact Zone Being Introduced in Mitcham Town Centre

The Chair introduced this part of the item by referring to the joint discussion with Cllr Draper, Barry Croft and himself, when the possibility of a No-Drinking had also been discussed. Subsequently Barry Croft had provided the Chair with copies of recent guidance documents. He had also explained this item was not technically under the jurisdiction of the licensing committee, and that it was a Safer Merton item. Chris Lee was therefore attending on behalf of Safer Merton to explain the current regulations. Chris Lee stated that it was relevant to the committee in how to restrict antisocial behaviour related to alcohol consumption.

Chris Lee gave the committee information about the Designated Public Place Order (DPPO) which gives police the power to ask anyone consuming alcohol anywhere in the borough to stop where they believe they may cause anti-social behaviour. If they refuse and continue to drink, this is then an offense where the police may issue a penalty notice or arrest the offender leading to prosecution and a level 2 fine. The legislation came to an end in October 2014, and new legislation in the form of the ASB Crime and Policing Act 2014 came in giving a range of new powers. The effect of the new legislation is to allow the DPPO to be extended for a maximum of 3 years. The current borough wide order can therefore run for up to another 3 years if the local authority and police so wish.

The new legislation provides for, amongst other things, a Public Space Protection Order (PSPO). To be designated by the Local Authority. This would require evidence to be available to show need and consultation with the Police and community representatives before being established. If a PSPO is established then Designated Local Authority Officers, PCSOs and Police Officers can enforce behaviour prohibited in the designated area in a similar way to DPPOS. If a member of the public refused to refrain from drinking then the potential sanctions available include a fixed penalty notice, or arrest by a Police Officer [leading to prosecution and a level 3 fine.

Chris Lee explained that the borough could continue with the existing order, that any new powers would need consultation, it would be debatable whether this could be a borough wide order but that it could be enforced by more people (although limited to appropriately designated officers who would require training), and that there would be a broader range of sanctions

Chris Lee clarified that the legislation is not a ban on drinking, but enforcement of those who refuse to stop when asked by appropriate officers. Some people misleadingly refer to No Drinking Zones – these are the same as CDZs but by a different name. There is no current legislation that bans alcohol from a public space. In response to member questions, Chris Lee said the current legislation had been used successfully and that the Police believed the current arrangements were

working well. Chris Lee also explained that the PSPO can be used to deal with other issues, such as dog control. The new legislation would cover an area agreed by the council and police, in consultation, and based on evidence (as there would be the potential for judicial review).

The Chair expressed surprise that the police felt that arrangements were working well, referring to a confidential police report which indicated a different view. Chris Lee stated that it would be advisable to see how the rest of the country manages with the new legislation (for around 6 months) before considering changing our arrangements. However, discussions with the Police support the belief that Merton currently has sufficient powers and were keen to see how the new legislation was utilised elsewhere before considering its use in Merton.

Members discussed Cumulative Impact Zones (CIZ), and how it was difficult for new applicants to get licences and how more data was required giving detail of the CIZ in Wimbledon and whether the issues in Mitcham differed.

Concern was expressed not to discourage businesses in Mitcham providing facilities for consumption on the premises, but possibly to address the number of off-licences, this being a factor in street drinking.

Barry Croft confirmed that a CIZ may be framed so as to target the type of licenced premises affected in this way. He stated that data would be available in February, as it formed part of the debate about the CIZ in Mitcham on which area and how many roads would be involved. Barry Croft also explained the current policies need to be under constant review, and how there was no requirement for evidence, but his advice was to gather it in support of any decisions.

Barry Croft also felt it might be possible to get data on the number of instances of relevant crime, disorder and nuisance by locality from the borough commander.

**Resolved:** The Licensing Committee noted the possibility of a PSPO, and requested a written report from Safer Merton to be brought to its June meeting, setting out the procedures and implications, and any experience gained from other authorities who had already introduced PSPOs.

The Licensing Committee also noted the possibility of a Cumulative Impact Zone for Mitcham, requested a report to its February meeting on the procedure and implications, suggesting a possible zone, and providing relevant data regarding outlets and rates of crime, disorderly behaviour and nuisance by locality.

#### Voluntary Restriction on High Strength Beers and Ciders in Mitcham Town Centre

In response to members' questions, Barry Croft stated that this was an ongoing initiative which had started in Ipswich to resolve issues with street drinking. The voluntary code had had a big effect. It had been requested by the local police and remained voluntary. The off licence trade was able to self-impose conditions on the strength of alcohol sold. If 'big players' became involved, it was felt that smaller traders might follow suit.

Barry Croft also gave the example of a street drinking problem in the London Borough of Richmond, that had been controlled via a voluntary code, and therefore it would be worth trying in Merton.

A member stated that the current licensing sub committees were imposing restrictions for new license applications for high strength beers, so action was already being taken.

**Resolved:** The Licensing Committee noted the report.

#### Updates on Licensing Legislation

Barry Croft gave the committee information on the proposed Home Office changes to the requirement for renewal of personal licences.

**Resolved:** The Licensing Committee noted the report.

#### 5 THE DESIGNATION OF PARTS OF THE HIGHWAY FOR THE PURPOSES OF STREET TRADING (Agenda Item 5)

David Ryan gave the committee information about street trading licences, that they cover a designated area, not the whole street, to enable appropriate enforcement, and that the sole reason for turning down an application was that the business could not be conducted in the space provided by the designated area.

The committee considered the following applications:

#### M & J Halal Meat (Please number these in line with the agenda)

Committee agreed the recommendation

#### Rana Food & Halal Meat

Committee agreed the recommendation

#### Nordic Style

Committee agreed the recommendation

#### Top Fashion Hair & Beauty

Committee agreed the recommendation

#### Madura Fancy & Giftware

Committee agreed the recommendation

#### Brew

Committee agreed the recommendation

Monkeys

Committee agreed the recommendation

The Old Fizzle

Committee discussed the possibility of customers straying out of the designated area on the Broadway and the benefits of an appropriate barrier was used on the Broadway frontage.

Resolved: The Licensing Committee agreed the recommendation subject to a condition requiring an appropriate barrier on the Broadway frontage of the designated area.

Patisserie Valarie

Committee agreed the recommendation

80 Morden Road

Committee agreed the recommendation

The 'Island Site'

Committee had concerns relating to the narrowness of the area, the high footfall, particularly on special event days, that horse-riders were potentially at risk from surprise from customers using the van catering service, the existence of a table and chairs outside the designated area as shown in the photograph and whether the van canopy exceeded the designated area.

David Ryan confirmed that the issue of the table and chairs has been raised, but he was unaware as to whether they had been brought back into use. He was unaware of the dimensions of the van.

**Resolved:** The Licensing Committee agreed to defer the decision to the February meeting in order to have more information on the size of the designated area, the area occupied by the van when the canopies were in use, and the possibility of de-designation of the area (without prejudice). Committee also agreed that a temporary licence be issued to the end of March.

