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LICENSING COMMITTEE

23 FEBRUARY 2016

(7.15 pm - 8.15 pm)

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

ALSO PRESENT Barry Croft – Licensing Manager
David Ryan – Street Designation Officer
Lisa Jewell – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Jill West
Apologies for being late were received from Councillor Greg Udeh

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were received.

In the interest of openness and transparency Councillor David Simpson declared that he had written a letter of objection to the application to the application for Street Trading Designation outside of Waffle Jacks. He made a short statement to the Committee and took no further part in discussions, removing himself from the Committee table.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The Minutes of the previous meeting on 20 October 2015 were accepted as a true record.

4 INFORMATION ON QUORUM FOR LICENSING SUB-COMMITTEE (Agenda Item 4)

The Committee noted the information in the report, provided as requested at the last meeting. Members asked if any Licensing Sub-Committee meeting had been cancelled on the day owing to a the quorum of three not being met. The Democratic Services Officer replied that this had not happened in the last year; no meetings had been cancelled for this reason, but one meeting had been delayed by the late arrival of one member. Committee members expressed the view that they did not see a need to change the 'status quo'. It was also questioned whether having a two member panel would be advisable for decision making.

The Committee asked for further advice on whether a place on the Sub-Committee could be taken by another member at the 'last-minute'.

RESOLVED

The Licensing Committee noted the information on the quorum required for a licensing sub-committee and decided that no further action was required

5 LICENSING LEGISLATION - UPDATES AND AMENDMENTS OF THE LICENSING ACT 2003. (Agenda Item 5)

The Licensing Manager presented his report which provided members of the licensing committee with information concerning the following matters:

Community and Ancillary Sellers Notices (CAN's) – the Committee noted this new authorisation and that further detail and clarification of definitions would be expected from the Home Office at some point in the future

Deregulation of Late Night Refreshment as a licensable activity – The Committee discussed the points raised in the Officers report and concluded that they did not wish to take any further action on Deregulation of Late Night Refreshment. The Chair explained that by not deregulating local businesses could still provide late night refreshment but they would still need a licence.

Amendment -Temporary Event Notices (TEN's) – The Committee noted this change.

The Policing and Crime Bill – Proposed amendments to the Licensing Act 2003 (published on Wednesday 10 February 2016). – The Committee noted the following proposed amendments:

- Amending the definition of alcohol to ensure that powered alcohol and vaporised alcohol fall within the definition;
- Amending the summary review process to allow licensing authorities to keep interim steps in place between the review hearing and the outcome of any appeal. Also amending section 53b to limit the number of times a licensee can make representations against the interim steps before the review hearing;
- Giving licensing authorities the power to revoke or suspend a personal licence when the holder is convicted of a relevant offence;
- Adding to the list of relevant offences; and
- Removing the requirement to lay the section 182 Guidance to Licensing Act 2003 document before Parliament when it is revised.

RESOLVED

The Licensing Committee noted the information in the Officers report

6 DESIGNATION OF LICENCE STREETS (Agenda Item 6)

The Street Trading Officer presented his report on the designation of parts of the highway for the purposes of Street Trading

The Committee noted Officers recommendations that 1 and 3 be designated but that 2 be refused designation.

This report concerns applications for 3 new licence street designations.

- 1) An area of 3m x 0.6m outside Chango, 12 High Street Wimbledon SW19 5DX, 7am – 8pm Monday –Sunday inclusive
- 2) An area of 4.2m x 2.5m on The Causeway, midway between Camp Road and Cannizaro Road SW19, 7am – 7pm Monday –Sunday inclusive
- 3) An area of 5.7m x 2m outside Waffle Jacks, 8 Merton Park Parade London SW19 3NT, 7am – 11pm Monday –Sunday inclusive

The Committee considered 2) - The Causeway first and heard a representation from the Applicant Mr Peters who wished to operate a food catering van on The Causeway Wimbledon Common. However the Committee noted that the following sections of the Officers Report:

‘Under several bylaws, the Conservators of the Common have refused permission for the business to use any part of the common. As these bylaws prevent the use of the common itself, we do not feel any legal trading can take place. The site would not be accessible as any serving hatch would need to be facing onto Wimbledon Common. It should also be noted there are steps being taken to review the parking restrictions in the area. It is not possible to issue a street trading licence in a designated parking bay. Therefore, if the parking restrictions come into force and the licence street designation is granted, we would not be able to grant a licence to use it.’

The Committee decided that in view of the above information regarding the refusal by the Conservators and the probable introduction of parking restrictions they had no choice but to refuse the application for a street trading licence at The Causeway, Wimbledon Common.

The Committee then considered the application 1) Chango, 12 High Street Wimbledon and decided to allow this street designation.

Finally the Committee considered 3) Waffle Jacks. Councillor David Simpson made a short statement before the Committee debate stating that he was now happy with the reduced area applied for but was still unhappy about the 11pm finish given that this was a residential area. The Committee discussed the application and Councillor Sargeant reported that he was happy with the reduced width of the application but he was still very concerned about safety given that cars travel at speed around the corner close to the application site. He had already asked highways for a further bollard on this corner.

The Committee agreed this street designation but with reduced opening hours of the designated area of 7am – 9pm Monday –Sunday inclusive.

RESOLVED

The Licensing Committee resolved:

- 1) AGREED - An area of 3m x 0.6m outside Chango, 12 High Street Wimbledon SW19 5DX, 7am – 8pm Monday – Sunday inclusive
- 2) REFUSED - An area of 4.2m x 2.5m on The Causeway, midway between Camp Road and Cannizaro Road SW19, 7am – 7pm Monday – Sunday inclusive
- 3) AGREED - An area of 5.7m x 2m outside Waffle Jacks, 8 Merton Park Parade London SW19 3NT, 7am – 9pm Monday – Sunday inclusive