

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## LICENSING SUB-COMMITTEE

2 OCTOBER 2017

(2.02 pm - 3.36 pm)

PRESENT Councillors (in the Chair), Councillor John Sargeant,  
Councillor Philip Jones and Councillor Stan Anderson

ALSO PRESENT Ali Mahmoud – Applicant  
Amira Mahmoud – Owner  
Ninus Khako – Manager  
Steven Newman – Company Representative  
PC Russ Stevens, Metropolitan Police  
Leigh Terrafranca, WEHRA

Elizabeth Macdonald – Licensing Officer  
Guy Bishop – Legal Officer  
Amy Dumitrescu – Democratic Services Officer

### 1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor John Sargeant be appointed Chair of the meeting.

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

There were no apologies for absence.

### 3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest.

### 4 NOTICE OF DETERMINATION (Agenda Item 4)

The Chair opened the meeting and all present introduced themselves. The Chair advised that the meeting would follow the procedure as detailed in the agenda pack.

The Licensing Officer confirmed that they were not aware that there had been any discussions between parties.

Steven Newman, speaking on behalf of the Applicant, presented the Application, advising that the Applicants were local residents who owned 5 restaurants within the Borough, had operated over 8 years without any issues at any of their premises and had received awards for their restaurants.

The Applicant stated that there was a fast turnaround at the Restaurant, with mainly wraps and soft drinks being served. These were provided mainly in napkins and not in cartons or other packaging which would be found in other refreshment venues.

The Applicant advised that they would be happy to provide CCTV coverage and whilst there was presently some on site, the current system would require upgrading. In relation to the provision of security guards as suggested by the Police, the Applicant was prepared to supply security, however they felt that to supply them for the entire period of 23:00 – 05:00 would be economically unviable and that if this was required, it should be for a shorter period.

The Applicants' representative noted that the Applicants had made significant investment in the premises and provided an excellent service to their customers. During the period of extension requested, they would be expecting 30-40 customers over the two hour period, which would be those waiting for mini cabs and therefore would not cause any further disturbance as the customers were already in the area currently.

The Applicant requested that in the event that the Committee were minded to refuse the application, a temporary licence could be granted for a year to trial the variation.

PC Russ Stevens asked if, in view of the fact that granting a licence until 5am would allow the premises to then trade all night and into the day, the Applicant intended to stay open after the 5am time requested. The Applicant responded that no, the premises currently opened at 11:00am and therefore the premises would close at 05:00am should the variation be granted.

Councillor John Sargeant asked for clarification on the dining area shown in the plan. The Applicant responded that there was a small section for 8 people to be seated at the front of the premises however this could be closed.

In response to further questions regarding the plan, the Applicant advised that the plan was incorrect and therefore the Licensing Officer undertook to resolve this with the Applicant following the meeting to replace the plan which was currently on file.

PC Russ Stevens presented his representations to the Committee, advising that whilst Aya was well operated, the issues was the location within Wimbledon Town Centre and in the middle of the night time economy and therefore opening later would give a facility for people to loiter. PC Stevens gave an overview of the location, highlighting that the premises was located close to 2 clubs and 3 pubs and would be the finishing point for many people at the end of the evening, keeping people in the area. PC Stevens stated that most anti-social behaviour and assaults occur at night after leaving alcohol premises.

PC Stevens advised that he had searched police records and found that 22 assaults (that he had assessed were relevant to the night time economy) had occurred in the last year, and an additional report had happened over the previous weekend outside another Late Night Refreshment venue.

PC Stevens explained that as people are arrested following incidents, the team would diminish in size as officers would be transferred out of the borough to deal with those in custody. It was therefore a dangerous time of the evening where police resources are stretched, and police would struggle to respond to any additional calls.

PC Stevens recounted a complaint received in July 2017 regarding people going in and out of Aya and loud music disseminating from the premises at around 4am. PC Stevens had visited the premises and spoken to the staff and left a card but had received no response. The Applicant responded that they had attempted to call but had got a voicemail.

The Applicant asked PC Stevens if there was any history of incidents at that time, to which PC Stevens responded that yes there were in that area at that time, advising that the remaining police car on duty in the area would park nearby at the end of the night to watch the area.

Leigh Terrafranca spoke for Wimbledon E Hillside Residents' Association (WEHRA), advising that the premises was located next to a highly residential area full of working families who would need to get up early to go to work. Ms Terrafranca advised that the area had issues with litter, urine and other issues resulting from the night time economy and that the street cleaners had to clear this by hand in the early hours, and should premises be open later this would not give them sufficient time to clean the streets before the morning rush of commuters.

Ms Terrafranca expressed her concern that should the licence variation be granted, other late night refreshment venues in the vicinity would also be requesting later opening hours.

The Applicant responded that they were a family restaurant who were working hard to improve the area, noting that they did not sell alcohol at their premises.

In summary, PC Stevens advised that whilst he had respect for the premises, it was already the latest opening late night refreshment provider in the area and that providing food to those loitering who the police wanted to leave the area would extend the potential for anti-social behaviour.

The Applicant responded that they would offer security guards if the licence variation was granted and that there would not be vast numbers of people using the shop, only the few who were already in the area. They explained that there was a fast turnaround and that they would be serving those walking past or waiting for a cab – those who were already there.

The Committee retired to make their decision at 14:55.

The Committee reconvened at 15:34. The Legal Officer advised that he had reiterated the Cumulative Impact Policy and has briefly discussed Thwaite sin passing with the Committee during the private session.

The Chair then relayed the Committees' decision and closed the meeting at 15:36.

**RESOLVED:** That the Licence variation is refused.