

LICENSING SUB-COMMITTEE

6 MAY 2020

(1.04 pm - 2.05 pm)

PRESENT Councillors (in the Chair), Councillor Oonagh Moulton, Councillor Pauline Cowper and Councillor Nick Draper

ALSO PRESENT Guy Bishop (Senior Lawyer - Litigation and Licensing), Amy Dumitrescu (Democratic Services Officer), Elizabeth Macdonald (Licensing Officer), Stella Akintan (Scrutiny Officer)

1 APPOINTMENT OF CHAIR (Agenda Item 1)

The Democratic Services Officer opened the meeting and asked for nominations for Chair.

Councillor Nick Draper proposed that Councillor Oonagh Moulton be appointed as Chair for the meeting and this was seconded by Councillor Pauline Cowper.

RESOLVED: That Councillor Moulton 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 BRS BROTHERS, 256 LONDON ROAD, MITCHAM, CR4 3HD (Agenda Item 4)

The Chair opened the meeting and all present introduced themselves. The Chair advised that the meeting would follow the procedure as set out in the agenda pack which had been sent to all parties.

Mr Panchal, the applicant's representative, stated that:

- The Applicant has experience in the retail trade industry having worked in a restaurant for 5 years, which he had managed for 3 years.
- The Applicant understood the concerns of the Police and had provided a list of proposed conditions within the application.
- The Applicant was willing to reduce the hours sought in the application by amending the terminal hour to 8.00pm (from 11.00pm) and the start time to 10am (from 08.00am). The applicant was willing to insert further more focused street drinking conditions including 'a minimum purchase would be 4 cans of beer or cider be sold per customer' (to assist with the problem of street drinkers buying single cans), 'no 5cl/10cl miniatures shall be sold from the

premises', 'no multipacks shall be sold in the premises' and that there would be 'no sale of beer or ciders which were above 6% ABV'.

- The Applicant proposed a number of conditions to manage the off-licence operation in the operating schedule to the application. These included proposed conditions such as having a staff training manual at the premises, having refusals register, having an incident book, having appropriate signage and adopting the Challenge 25 scheme, having a notice requesting customers leave the premises quietly, and having CCTV throughout the premises.
- The Applicant believed that with the additional conditions and amendments proposed they would be robustly promoting the Licensing Objectives.

The Legal Advisor to the Licensing Sub-Committee invited the applicant's representative to address the cumulative impact policy, as it had not been addressed, which resulted in the above street drinking conditions being proposed.

Following questions from the Metropolitan Police and the Licensing Sub-Committee, the applicant's representative responded that:

- 1) Refusal of the sale of alcohol to customers who are drunk would be included within staff training and the premises would comply with the law in that respect. PC Stevens was surprised that it was mentioned and included as it was a criminal offence in its own right to sell alcohol to someone who is drunk not something that you condition.
- 2) The premises has been trading for 34 years as a stationers and newsagents, having previously been a WH Smith, although it had now also added a counter providing mobile phone accessories and servicing.
- 3) The application for a Premises Licence for the off-sale of alcohol would allow the premises to continue trading selling alcohol with its usual newspapers. It was unclear whether other convenience goods would be provided with the sales of alcohol. The Applicant's representative was clear that the application would increase footfall to the store.

PC Russ Stevens, Police Licensing Officer stated that:

- The Premises is located within the Mitcham Cumulative Impact Zone and therefore subject to the Cumulative Impact Policy (CIP) within the Council's Statement of Licensing Policy. It directs the Licensing Sub-Committee to refuse such applications unless it can be shown that there will be no cumulative impact from the grant of such an application. This CIP relates specifically to 'off sales' of alcohol from these type of premises, put in place to deal with an ongoing, well documented serious issue with anti-social behaviour and crime and disorder mostly associated with the purchase of and consumption of alcohol in and around Mitcham Town Centre and by street or problem drinkers in this area.
- The Premises is located within 50m of the Mitcham Clock Tower which is an area frequently used by congregating street drinkers, who are able to purchase alcohol from any of the 10 shops located within 300m. The Police Licensing Officer noted that not all street drinkers are drunk when they purchase the alcohol. However they will go and sit by Mitcham clock tower, consume their purchases and become drunk, leaving rubbish, bottles and bags in the surrounding area, whilst being abusive and involved in anti-social behaviour associated with consuming or procuring their drink.

- There are regular reports of anti-social behaviour such as urination, littering and verbal abuse. The Police outlined in their representation the large number of incidents of crime which have occurred in the vicinity in the preceding 12 months including the serious crimes of shoplifting, robbery and assault.
- It was the view of the Police that Mitcham Town Centre could not cope with another premises selling alcohol and that it did not matter how responsible an operator was or the conditions imposed. This was because they would still be providing problem and street drinkers with another location from which to purchase alcohol, which could do nothing other than cause further cumulative impact.
- The reduction of hours proposed would not have any effect on approach of street drinkers even where they predominantly became a problem during the afternoons.
- In passing, the Police Licensing Officer noted that there had been no prior-consultation with him by the applicant prior to the submission of the application.

In response to questions from the Applicant and the Licensing Sub-Committee, the Metropolitan Police responded that:

- 1) The Police noted that the Applicant was willing to have a condition relating to the ABV of beer and cider, but it did not necessarily address the cumulative impact issues.
- 2) The Police noted that the Applicant was willing to sign up to a responsible retailer scheme. However the Police had found this scheme to be ineffective and unenforceable. It had been trialled in Mitcham and had failed. Whilst traders signed up to it, as soon as one didn't comply with part of it, the other retailers then ignored it and the scheme broke down into non-compliance. It was as a result that the Police led and sought the imposition of the CIP for Mitcham off-licences. The Police did not believe there were any conditions, which could be added to the Premises Licence, to mitigate the effect of the impact that another premises selling alcohol in the area would have.
- 3) In passing, the Police were concerned why a premises selling predominantly stationery would want to sell alcohol, especially where it trader in mobile accessories or newspapers.

In closing, the Applicant added that newsagents require alcohol sales to survive and that this was the way forward for similar premises.

The Chair advised all present that all parties would be informed of the decision in writing within 5 working days.

Post Meeting Note: The Application was refused and the full decision and the reasons for it can be found in the Notice of Determination.