

**Committee:** Licensing Committee

**Date:** 20 October 2015

**Wards:** All.

**Subject: Update of the Council's Statement of Licensing Policy, proposed Cumulative Impact Zone for Mitcham Town Centre and the surrounding area post public consultation.**

**Lead officer:** Chris Lee, Director of Environment and Regeneration.

**Lead member:** Councillor Nick Draper, Cabinet Member for Community and Culture.

**Forward Plan reference number:** N/A

**Contact Officer:** Barry Croft, Licensing Manager, London Boroughs of Merton and Richmond upon Thames Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

## **Recommendations:**

---

- A. To consider the comments received during the public consultation process, which took place between 22 June and 14 September 2015;
  - B. To discuss, debate, recommend or refuse to approve the proposed Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area based on the evidence obtained during the public consultation period;
  - C. To approve delegated authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to the Statement of Licensing Policy following the Committee meeting and prior to submission to Council for adoption on 18 November 2015; and
  - D. To approve the draft Statement of Licensing Policy subject to the above paragraph and recommend it for adoption by full Council on Wednesday 18 November 2015.
- 

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 There is a statutory requirement under section 5 (1) of the Licensing Act 2003 (as amended) for the Council to review and re-publish its Statement of Licensing Policy every five years.

- 1.2 Combined with the review and re-publication of the Council's Statement of Licensing Policy, consideration is to be given to the adoption of a new Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area as discussed during the meetings which took place on the 24 February and the 9 June 2015. Members are asked to consider the type of licensed premises the CIZ is to cover and to recommend or refuse the proposal for adoption by full Council on 18 November 2015.

## **2. DETAILS.**

### **2.1 Review of the Statements of Licensing Policy for the London Borough of Merton.**

- 2.2 At the Licensing Committee meeting on Tuesday 9 June 2015 the draft Statement of Licensing Policy for public consultation was presented showing the proposed changes to the document brought about by updates to legislation, and suggested changes put forward by the legal advisor to the Licensing Sub-Committee, Mr Gary Grant Counsel appointed to check the draft Statement of Licensing Policy and the Licensing Manager. An updated copy of the draft Statement of Licensing Policy with proposed track changes and comments can be found at **Appendix "A"**.

- 2.3 The public consultation of the draft Statement of Licensing Policy took place between 22 June and 14 September 2015. An electronic copy of the draft document was published on the Council's website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors who receive a weekly e-mail notifying them of applications received by the Licensing Authority were notified of the public consultation. The Council's consultation team also circulated details of the public consultation.

- 2.4 During the consultation period the Licensing Authority received thirteen responses, nine of which were received from local residents, one from a local licensed premises operator, one from a local club premises certificate holder, one response from Live Well Merton and one from Public Health (including a Healthy High Street Consultation and a Youth Inspectors High Street Survey) as a responsible authority. Copies of the consultation responses can be found at **Appendix 'B'**. Members of the Licensing Committee are asked to consider the points highlighted in each of the letters and to consider, if necessary, to make further changes to the draft Statement of Licensing Policy before adoption by full Council. Legal advice will be offered by the legal advisor to the Licensing Sub-Committee and the Licensing Manager during the open debate and discussion.

### **2.5 Consideration of a proposed Cumulative Impact Zone (CIZ) to be introduced for Mitcham Town Centre and the surrounding area.**

At the previous Licensing Committee meetings held on the 24 February 2015 and on the 9 June 2015 a section of the reports published covered a proposal to introduce a Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area.

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

There are currently two CIZs in the borough, one in Wimbledon Village, the other in the Wimbledon town centre area.

The adoption of a CIZ requires that it be included in the Statement of Licensing Policy, following the procedure described in this report, meaning that the matter must effectively be decided by Full Council.

The steps that must be followed when considering the adoption of a CIZ are governed by Chapter 13 of the Guidance issued under Section 182 Licensing Act 2003. Those steps are as follows:

1. Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm;
2. Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
3. If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
4. Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise); and

Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Paragraph 13.23 stipulates that “... *There must be a clear evidential basis for the decision to include a special policy within the statement of licensing policy ...*” The Guidance then goes on to list the information from which the necessary evidence can be gleaned, which includes crime and disorder statistics; complaints made to the police and local authorities regarding anti-social behaviour and environmental health issues; complaints made to the local authority by local residents; residents’ questionnaires; evidence from local councillors and evidence obtained from local consultation.

The Guidance also states that the authority can also take into consideration such matters as trends in licensing applications, for example the type of application and terminal hours; changes in terminal hours to premises and the capacity of premises at various times of the day.

The Guidance also states that where the local authority believe that where there are problems in an area resulting from the cumulative impact of licensed premises, and where the information to support that assertion is insufficient or not readily available, it can consider undertaking or commissioning a specific study to assess the position.

The consultation process involves contacting various parties, namely:

- The Chief Officer of Police for the Licensing Authority's area;
- The Fire and Emergency Planning Authority for that area;
- Such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority;
- Such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
- Such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
- Such other persons as the Licensing Authority consider being representative of business and residents in its area.

During the twelve week (three months) public consultation process a number of residents wrote in support and offered comments for the proposed introduction of a CIZ for Mitcham Town Centre and surrounding areas. The Public Health Team have provided as part of their submission evidence, which includes a Health High Street Consultation document and a Youth Inspectors High Street Survey, which may help Members with their deliberation when make a decision to recommend or refuse the adoption of the proposed CIZ for the Mitcham Town Centre and surrounding areas. Attached to this report at **Appendix "C"** is a map showing the proposed area of the CIZ for Mitcham Town Centre, the surrounding area as well as the roads which are proposed to be covered, these include:

- London Road (north) to junction of Armfield Crescent to include retail premises on Monarch Parade;
- London Road to Steel Road as far as Tooting Over Ground Station and borough boundary;
- London Road south from Raleigh Gardens up to Mitcham Tram Stop;
- Western Road and Church Road;

- Streatham Road Shopping Parade between Rustic Avenue and Elmhurst Avenue (one side) and Ashbourn Road and St Barnabas Road;
- Gorringe Park Avenue and Seely Road at the junction of Eastbourne Road;
- Holborn Way; and
- Upper Green.

Members are asked for their views on this proposal to ensure the area and roads suggested to be covered by the Mitcham Town Centre and surrounding area CIZ (revised following the meetings which took place on 24 February 2015 and on the 9 June 2015). Members should also note the map attached at **Appendix “C”** shows a dotted line for the following roads:

- Cricket Green;
- Madeira Road;
- Common Side West; and
- The top end of Streatham Road where it joins Seely Road.

Officers have indicated these possible changes to join the road and areas to complete the proposed Mitcham Town Centre and surrounding area CIZ.

Members are also asked to consider, if the decision is to recommend the adoption of the proposed CIZ for Mitcham Town Centre and the surrounding area to full Council, what licensable activities the CIZ is to cover. For example the CIZ could cover premises which sell alcohol for consumption off the premises (off licensed premises) only or it could cover all types of licensed premises including pubs, bars, restaurants and late night refreshment premises.

### **3. Alternative options.**

- 3.1 Members may choose not to implement or agree to the proposed Cumulative Impact Zone for Mitcham Town Centre and surrounding area at this time.

### **4. Consultation undertaken or proposed.**

- 4.1 A twelve week (three month) public consultation was undertaken on the proposed revisions to the Statement of Licensing Policy and the proposed Cumulative Impact Zone for Mitcham Town Centre and surrounding area.

### **5. Timetable.**

- 5.1 Statement of Licensing Policy under the Licensing Act 2003 to go to Full Council meeting for adoption on Wednesday 18 November 2015.

### **6. Financial, resource and property implications.**

- 6.1 None for the purposes of this report.

- 7. Legal and statutory implications.**
- 7.1 None for the purposes of this report.
- 8. Human rights, equalities and community cohesion implications.**
- 8.1 These are statutory functions and are applied globally.
- 9. Crime and Disorder Implications.**
- 9.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. The prevention of crime and disorder is also one of the licensing objectives as defined in the Licensing Act 2003 and in the Council's current Statement of Licensing Policy.
- 10. Risk management and health and safety implications.**
- 10.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.
- 11. Appendices – the following documents are to be published with this report and form part of the report.**
- 11.1 **Appendix “A”** Draft revised Statement of Licensing Policy showing proposed changes using track changes and Counsels opinion.
- 11.2 **Appendix “B”** Copies of the responses received during the public consultation period from local residents, one local business, one club premises certificate holder, Public Health as a responsible authority under the Licensing Act 2003 and a response from Live Well Merton.
- 11.3 **Appendix “C”** A map showing the proposed area (revised following the comments received during the meeting on 24 February 2015 and 9 June 2015) of the Cumulative Impact Zone for Mitcham Town Centre and surrounding area.
- 12. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.**
- 12.1 The Licensing Act 2003; and
- 12.2 Revised guidance issued under section 182 of the Licensing Act 2003.