

# Agenda Item 3

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## LICENSING COMMITTEE

6 FEBRUARY 2020

(7.17 pm - 8.16 pm)

PRESENT Councillors Councillor Nick Draper (in the Chair), Councillor David Simpson, Councillor Stan Anderson, Councillor Pauline Cowper, Councillor Nigel Benbow, Councillor Paul Kohler, Councillor Nick McLean, Councillor Mary Curtin, Councillor Joan Henry and Councillor Oonagh Moulton

ALSO PRESENT Barry Croft (Licensing Manager), Helen Clark (Commercial Services Manager) and Amy Dumitrescu (Democratic Services Officer)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Agatha Akyigyina and Councillor Marsie Skeete.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting of 9 October 2019 were agreed as a correct record.

### 4 THE DESIGNATION OF PARTS OF THE HIGHWAY AS LICENCE STREETS FOR THE PURPOSES OF STREET TRADING (Agenda Item 4)

The Licensing Manager presented the report on the designation of part of the highway for the purposes of street trading. The Licensing Manager gave an overview of the report which concerned one application for the following:

- 1) An area of 10.86m x 1.4m outside Megan's Deli High Street Wimbledon SW19 5DX.

The Licensing team had no immediate concerns with the application and the concerns of the Highways department had been addressed with the reduction in the size of the area applied for. The site was being regularly monitored by officers to ensure it did not extend out of the agreed area and the reduction in size of the application now complied with the requirements of the highways department. There had been one complaint which had been addressed by the reduction in size.

In response to member questions regarding wheelchair access, the Licensing Manager responded that the requirement is two metres of clear space and this application achieved this.

In response to further questions, officers and members were satisfied that the area would be able to cope with increased footfall during the Wimbledon Championships, however this area is closely monitored during that time as part of ongoing compliance checks for street traders during the tournament.

RESOLVED: That Committee resolved to grant the proposed designation:

- 2) An area of 10.86m x 1.4m outside Megan's Deli High Street Wimbledon SW19 5DX.

5 DRAFT STATEMENT OF LICENSING POLICY 2021- 2026, INCLUDING PROPOSED CUMULATIVE IMPACT ASSESSMENT (Agenda Item 5)

The Licensing Manager presented the report advising that the Licensing Act 2003 requires that the Council's Statement of Licensing Policy should be reviewed every 5 years. The Committee noted that following the legislative change to the Policing and Crime Act 2017 Cumulative Impact Assessments had been introduced into the Home Office Section 182 Guidance and therefore evidence was now required for special policy areas, with Merton currently having three Cumulative Impact Zones in place. The Licensing Manager stated that to retain these areas or to add additional ones, evidence would need to be provided and assessed. Data would be obtained from various sources including Safer Merton, Metropolitan Police and Public Health from across the Borough and this data would be brought to Committee in June. It was noted that the Cumulative Impact Assessments were required to be reviewed every 3 years. A twelve week public consultation on the proposed policy would follow the June meeting.

The Commercial Services Manager advised members that outside of any Cumulative Impact Assessments, the usual options would still apply for enforcement and/or the review of any premises licence where required.

Members made comments on the report including:

- CIZs can become a barrier to responsible new entrants to an area and there are a number of other ways in which to control problem traders – these should be used sensibly and this should be considered particularly in respect of current issues with struggling High Streets.
- Changes to the type of premises in an area can and have made a difference in relation to crime and disorder, for example a number of premises on Wimbledon Broadway had changed over recent years and this had led to a reduction in issues which had arisen from previous premises and it could be expected that this would be reflected in the evidence received.
- The new policy could be seen as an opportunity to consider what the Committee wanted to see in the Borough and to influence it do better and to improve the night-time economy.

In response to member questions, the Licensing Manager responded:

- There was an argument to suggest that the absence of anti-social behaviour and other issues within a Cumulative Impact Zone was evidence that the zone was successful, and it was possible that the removal of a CIZ could lead to an increase in applications, however the evidence would have to be assessed. Any evidence produced could be subject to legal challenge as could the policy and therefore Counsel's opinion would be sought prior to the Council approval of any policy.
- Cumulative Impact Assessments did not apply to Parks and open spaces (such as Figges Marsh) – these would be covered if required by a PSPO (Public Space Protection Order) which are covered by the Safer Merton team.
- There was currently no legislation in England to impose minimum unit pricing, however work had been undertaken in a number of premises where agreements had been reached between the Police, Licensing Authority and the Premises selling alcohol to not sell drinks with a certain %ABV alcohol strength.

RESOLVED:

- A. That the Licensing Committee approved, for preliminary consultation, the draft recommended Statement of Licensing Policy 2021-2026 as laid out in Appendix A.
- B. That the Licensing Committee approved the review of the existing Cumulative Impact Zones in light of the introduction of legislation in 2018 governing Cumulative Impact Policies.
- C. That the Licensing Committee approved the data streams to be explored to establish a robust evidence base for adoption of a Cumulative Impact Assessment for the Borough.

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