

From: WEHRA Chair
Sent: 28 February 2023 19:50
To: Richard Seedhouse
Subject: Application No: WK202292275

Dear Richard

Please find attached the PDF WEHRA's latest submission on the above Licencing Application.

I also enclose:

- WEHRA's email response to Ewen Macgregor which is referred to in his latest draft but not reproduced.
- WEHRA's original submission
- WEHRA's map of the existing alcohol outlets around Wimbledon station.

Please shout if you require anything further.

Regards

Lynne Gordon
WEHRA, Chair

WEHRA Chair

Feb 19, 2023, 12:29 AM (9
days ago)

to Ewen

Dear Mr Macgregor,

Thank you for your email of 14 February, WHERA notes that you are instructed by WH Smith (**WHS**).

Whilst WEHRA does not doubt that WHS conducts its retail operations responsibly, the application is for a premises licence. Thus, WEHRA does not consider your references to the individual commercial characteristics of the operator and other outlets to be relevant.

We note that your clients now propose variations to the application, to include what you term as 'conditions' that your clients would agree if a licence were granted, along with amended times for alcohol off sales.

You tell us that the amendments have been discussed with and agreed by the police.

However, the determination of whether a licence should be granted and if so, what conditions to be applied, is a decision for the licensing [sub-]committee and the Council have adopted a Special Policy that applies to Wimbledon Town Centre and published its 'Pool Conditions for Licensed Premises'.

WEHRA considers that the licensing [sub-]committee should hear the views of local residents impacted by this application.

Regards

Lynne Gordon

WEHRA, Chair

----- Forwarded message -----

Date: Mon, Feb 6, 2023 at 4:49 PM

Subject: Application No: WK202292275

To:

Dear Sir/Madam,

Application No: WK202292275

I am writing on behalf of the Wimbledon East Hillside Residents Association (**WEHRA**), in response to the licencing application for premises at **Station Approach, Wimbledon, SW19 7NL which is currently the premises of WH Smith.**

WEHRA is a formal organisation, working together for over 40 years, with the mandate to 'preserve, protect and enhance our community'. We are a stable community consisting of family homes, the majority owner occupied, with many young families with school children, plus empty nesters and older people who have resided here for many years.

WEHRA represents residents living in ten roads (c.800 households) located at northern part of Wimbledon Town Centre. The WEHRA area is close to the major transport links at Wimbledon Bridge and the Town Centre; therefore, this proposed licence will impact the WEHRA area.

THE APPLICATION:

WEHRA notes that the application seeks a **Premises Licence** for the regulated activities of the sale of **alcohol for consumption off the premises**. The **proposed operating hours** are **06.00am to 21.00pm on Monday - Friday and 0800am to 21.00pm at weekends.**

THE LOCATION:

The WH Smith premises are situated in front of public space that forms the main entrance and the ticket hall of Wimbledon main line, tube, and tram stations.

There are several sitting benches located in this public space notably close to the front of the premises.

The station forecourt is busy throughout most of the day, particularly during the main **commuter periods**. This is particularly the case for **schoolchildren** who pass through to the many schools which are situated nearby.

The area also a focal point for the growing number of **beggars** in Wimbledon Town Centre.

WIMBLEDON TOWN CENTRE CUMULATIVE IMPACT ZONE:

Currently there are 2 other retail outlets that have **alcohol off sale only licences** in the immediate vicinity - one in the same parade within approx. 3 metres and the other situated on the opposite side of Wimbledon Hill Road - as indicated on the attached plan:

- **Krystal 08.00am – 23.00pm**
- **Waitrose 07.00 – 23.00pm**

In addition to the above outlets, there are a further 5 retail outlets with alcohol off sales, within a distance of 50 metres, that include several other national and smaller retail outlets e.g., Marks & Spencer , Morrisons, Tesco, Sainsburys and Retail 24. All of these are within easy walking distance of the station entrance as can be seen on the enclosed map. Their licensing hours vary, Retail 24 is from 06.00am to 01.00am and the several others have commencement hours of 0.6.00am/07.00am and terminal hours beyond those stated in the application.

There are also a growing number of restaurants, public houses, bars, and other retail outlets, within 100 meters of the premises that also provide off sales - these are not marked on the map.

The WH Smith premises are within the **Wimbledon Town Centre Cumulative Impact Zone**, to which Merton has applied a **Special Policy** (Paragraph 9 Merton Licencing Policy approved November 2020).

The Special Policy advises applicants to consider **cumulative impact**, when drawing up their operating schedule (Paragraph 10.2 page 16) and expects applicants, to *'demonstrate in the operating schedule that they would not be adding to the cumulative impact.'* (Paragraph 9.4). This application makes no reference the Special Policy in their Operating Schedule, which includes only standard proposals as to CCTV, Age Restrictions etc.

Nor does the Operating Schedule include a rationale for commencement of a licence at 06.00am. Whilst the Special Policy does not set hours, it observes that the operating hours of an outlet, are relevant to the **cumulative impact** and **potential for crime and disorder, and public nuisance**.

As the Council is aware, there has recently been anti-social behaviour, disturbance and nuisance caused by moped take-away delivery drivers congregating along Wimbledon Bridge, in the immediate vicinity of the applicant premises.

Granting yet another alcohol off sales licence only adds to the **cumulative impact** and increases the potential for crime and disorder and public nuisance, in an area that is frequented by the public including children. There are many schools within walking distance of Wimbledon station and the children use this public space when travelling by train, tube, tram to and from school mainly at the beginning and end of the school day.

This WH Smith premises is primarily a newsagent (magazines, comics etc) and confectionary unit and as such is particularly attractive to children. To date, the shop usually only has minimal staffing with shoppers often having to wait until sales staff appear from the storeroom – this type of staffing is not conducive with displays of alcohol even if they are held in sealed units.

THE WEHRA VIEW:

Whilst WEHRA supports a changing business economy, residents, and visitors (including children) must be safeguarded from adverse impacts of anti-social behaviour and the increased risk of crime and disorder, and public nuisance, with the grant of yet another off-sale licence in this already crowded area.

For these reasons, WEHRA must regrettably **object** to this application, which we believe is contrary to the Special Policy, as for the reasons stated above, it adds to the **cumulative impact**.

Further, the proposed operating hours commencing at 6am cannot be said to promote the licensing objectives, including the Prevention of Crime and Disorder and Public Nuisance.

If the licence were to be granted notwithstanding the Council's Special Policy, then we would seek to have reduced sales hours, particularly around those times when the area is full of school children using the transport facilities and effective CCTV surveillance outside the premises on the station forecourt.

Please let us know the date of any licensing hearing.

Yours faithfully,

Lynne Gordon
WEHRA, Chair

SAINSBURY'S LICENSING HOURS
00.00am - 00.00pm
Mon to Sun
(i.e 24 hours permitted)

PUBLIC SPACE WITH SEATING AREAS

WH SMITH APPLICATION HOURS
06.00am - 21.00pm Mon to Fri
08.00 am - 21.00pm Sat & Sun

KRYSTAL LICENSING HOURS
08.00am - 23.00pm
Mon to Sun

WAITROSE LICENSING HOURS
07.00am - 23.00pm
Mon to Sun

TESCO LICENSING HOURS
06.00 - 00.00pm
Mon to Sun

RETAIL 24 LICENSING HOURS
06.00am - 01.00am
Mon to Sun

MORRISONS LICENSING HOURS
06.00am - 23.00pm
Mon to Sun



In the Matter of an Application by WH Smith Travel Holdings Limited

For the Grant of a Premises Licence under the Licensing Act 2003

Premises known as WH Smith Station Approach Wimbledon SW19 7NL

RESPONSE OF WEHRA TO SUBMISSIONS ON BEHALF OF THE APPLICANT

1. These comments are made by Wimbledon East Hillside Residents Association (**WEHRA**), in response to written submissions dated 24 February 2023, made to the Licensing Sub-Committee (**subcommittee**) on behalf of the applicant WH Smith Travel Holdings Limited (**WHS**), relating to an application for a Premises Licence, for the premises known as WH Smith Station Approach Wimbledon SW19 7NL (the **Premises**).
2. For ease, WEHRA's comments will follow the same order as the submissions made by WHS.

The Applicant

3. The submissions refer in paragraphs 3 to 16, to the identity of the applicant, its operational/trading style, and existing outlets at train stations, that the applicant states have a premises licence to sell alcohol.
4. WEHRA is not challenging the reputation of WHS, nor that it is a responsible retailer – see WEHRA's email of representation dated 6 February 2023.
5. WEHRA's view is that commercial considerations concerning the identity of the operator is not a determinant as to whether the licence ought to be granted.
6. The application concerns a premises licence, and WHS may not always be the lessee of the Premises.
7. WHS refer in paragraphs 6 and 7 of the submissions, to other outlets, which they state have premises licences. It is noted that all the outlets referenced are major main line stations, other than Twickenham, which presumably caters to passengers attending sporting events at the stadium.
8. WEHRA does not consider the reference to other outlets to be of any relevance to this application, as the pertinent issues are specific to the location in which the Premises are situate.

9. The same comment applies to the statements relating to the absence of 'regulatory' enforcement, or licence review, in paragraph 9 of the submissions.
10. In paragraph 15 of the submissions, the applicant refers to use of Solo Protect as an additional security measure. This is apparently a system to protect lone workers, indicating the presence of lone workers in the shop.

The Application

11. WEHRA has no comments on the application, save as mentioned elsewhere in this response, and/or in the email of representations dated 6 February 2023.
12. The application dated 10 January 2023 is stated to be made on behalf of WH Smith Retail Holdings Limited, whereas in the submissions dated 24 February 2023, the applicant is stated to be WH Smith Travel Holdings Limited. Which is it?

The Application Site

13. In paragraph 20 of the submissions, the applicant states that the Premises sit within Wimbledon Train Station. In fact, the shop is outside the station, in a group of shops that front an open public area, which has seating including immediately outside the Premises.
14. The area (known as Station Approach) is one of two main accesses into the station and frequented by the public, including children attending several local schools within walking distance of the station, at the beginning and end of the school day.
15. WEHRA notes from paragraph 24 of the submissions, that the applicant proposes an amendment to the application, to alter the proposed commencement time for the sale of alcohol, from 0600 to 0700 on Monday to Saturday, with Sundays changing from 0800 to 0900.

CIA

16. The Premises are situated within the Wimbledon Town Centre Cumulative Impact Zone, to which the Council has applied a Special Policy (effective from 6 January 2021).
17. Paragraph 4.3 of the Special Policy makes it clear that it applies to all types of licences under the Licensing Act 2003, including premises licences for *'the sale by retail of alcohol'*.
18. In paragraph 27 of the submissions, the applicant states: *'It is worthy of note that the Council has also identified a further CIA in Mitcham Town Centre. This specifically identifies, and is targeted at, all applications for new off licences in a way that the Wimbledon CIA does not (and which specifically references on licenced premises).'*

19. WEHRA believes this is an incorrect view. The Special Policy expressly states in paragraph 9.2, that it applies to **all licence types within Wimbledon Town Centre**, whereas in Mitcham Town Centre, the policy only relates to 'premises selling alcohol for consumption off the premises'.
20. The applicant refers in paragraph 29 of the submissions, to outlets it operates in other areas of the country, where it says a CIA applies. WEHRA does not believe this to be relevant to this application.
21. The decision whether to apply the Special Policy, is solely one for the licensing subcommittee. It follows that the statements in paragraphs 30 to 32 of the submissions are not a determining factor.
22. The applicant has not produced any evidence as suggested in paragraph 32 of the submissions, as to cumulative impact, as this refers to the concentration of existing premises licences within an area.
23. A map showing existing premises licences for alcohol off sales only, was attached to WEHRA's email of representations dated 6 February 2023. This shows only the retail premises. There are also other licenced premises in the vicinity, where alcohol off sales is permitted (e.g., restaurants, pubs and take away premises).

Operating Schedule

24. WEHRA does not propose to comment on the conditions that the applicant indicates would be acceptable, were the licence granted, noting that the Council has issued Pool Conditions For Licensed Premises.

The Responsible Authorities

25. The applicant has sought to rely in its written submissions, on the fact that the police/ 'responsible authorities' have not made any representations and that therefore the subcommittee should grant the application. However, the Special Policy makes it clear in paragraph 4.5, that *'any person or body... is entitled to make representations to the licensing committee in relation to applications for the grant of a premises licence and that appropriate weight will be given to them'*.

Representations

26. The applicant states in paragraph 47 of the submissions, that: *'WHS has sought to address the specific concerns raised by the association'*. Unfortunately, the submissions do not do so.

Summary

27. In paragraph 49 of the submissions, the applicant proffers the view that: *‘There is only one question of significance here – will this application, by the applicant at these premises, be likely to undermine the licensing objectives?’*
28. WEHRA believes that the subcommittee must consider the applicability of the Special Policy where the Premises is situated and then if departing from it, to have regard to the licensing objectives.
29. The applicant refers in paragraph 53 of the submissions, to ‘evidence’ presented to the subcommittee. Several matters mentioned are not ‘evidence’, rather statements by, and opinions of, the applicant. It also includes a number that concern the individual characteristics/identity of the applicant, whereas this is a Premises Licence application.
30. If following the hearing on 2 March 2023, the subcommittee determines to depart from Special Policy, WEHRA requests that written reasons for its decision are circulated.

Lynne Gordon
Chair, WEHRA

28 February 2023

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