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LICENSING COMMITTEE

24 FEBRUARY 2015

(19.15 - 20.55)

PRESENT: Councillors Councillor Jeff Hanna (in the Chair),
Councillor David Simpson, Councillor Stan Anderson,
Councillor Tobin Byers, Councillor John Bowcott,
Councillor Pauline Cowper, Councillor Joan Henry,
Councillor Philip Jones, Councillor John Sargeant,
Councillor Linda Taylor, Councillor Gregory Udeh and
Councillor Jill West

ALSO PRESENT: Guy Bishop (Legal Services), Barry Croft (Licensing Manager),
David Ryan (Technical Officer, Street Trading); and
M.J.Udall (Democratic Services).

1 MEMBERSHIP (Agenda Item)

Officers advised that since the publication of the agenda, Councillor John Bowcott had been appointed to the Committee (in place of Councillor Michael Bull).

2 APOLOGIES FOR ABSENCE (Agenda Item 1)

None.

3 DECLARATIONS OF INTEREST (Agenda Item 2)

Councillor John Bowcott declared an interest (but not a disclosable pecuniary interest) in Item 5 (The designation of parts of the highway for the purposes of Street Trading) by reason that, prior to his recent appointment to this Committee, he had made representations pointing out defects in the proposal for a new licence streets designation for an area on the "Island Site" opposite 54 High Street, Wimbledon, SW19. He indicated that he felt able to take part in discussions on the proposal but would not vote on the proposal.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item)

Officers circulated a paper detailing a revised version of Minute (5) (The designation of parts of the highway for the purposes of Street Trading) including paragraph nos. for each site (as shown in the November agenda). It was also noted that in Minute (5) "Fizzle" should read "Frizzle".

RESOLVED: That the Minutes of the meeting held on 27 November 2014 be agreed as a correct record, subject to the existing Minute (5) being replaced by the revised version now circulated, subject to "Fizzle" reading "Frizzle".

5 LICENSING ACT 2003 POLICY WITH PROPOSED CHANGES INCLUDING CUMULATIVE IMPACT POLICY FOR MITCHAM (Agenda Item 4)

1. Barry Croft (Licensing Manager) introduced the report, including advising that, in order to obtain more evidence to justify introducing a Cumulative Impact Zone (CIZ) for Mitcham Town Centre, it was proposed to engage an organisation to do a survey of low level anti-social behaviour in the area.

2. The Committee then considered the recommended amendments to the revised Statement of Licensing Policy (as shown in Appendix A of the report), including seeking advice from officers on various queries. The Committee's comments and any further amendments are detailed below.

(a) Officers confirmed that if the Committee agreed to the recommended amendments, this would include the changes suggested by Counsel (also detailed in Appendix A)

(b) para. 3.11.2 (page 22) - Guy Bishop advised that the use of the word "appropriate" instead of "necessary" reflected the wording in the 2011 Act.

(c) para. 4.2.4 (top of page 25) – Barry Croft advised that the wording "extended police family" referred to the Metropolitan Police and other police bodies such as the Transport Police, but undertook to look at this wording.

(d) para. 7.1 (page 28) – A member suggested that the current wording of this paragraph implied that planning control could take account of "need" which was not the case except in relation to out of town shopping centres. The Committee agreed that the wording needed to be clarified.

(e) para. 7.10, line 3 (page 32) – A member suggested that "one or more" should read "any". Guy Bishop advised that this wording reflected the legislation, but could be altered if desired. The Committee agreed that "one or more" should read "any".

(f) para. 13.3 (page 41) – The Committee agreed that the 3rd sentence be deleted which reads -
"Residents can tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are higher but find it increasingly intolerable as ambient levels fall later at night when they expect to sleep."

(g) para. 14.1.5 (page 43) - A member suggested that this long section (relating to irresponsible drinks promotions) was difficult to understand. Barry Croft advised that this wording reflected the legislation and government guidance, but undertook to look at making this section clearer.

(h) para. 17.1, line 1 (page 48) – In response to a members query, Barry Croft advised that as the Council's enforcement policy was due to be upgraded, the wording "longstanding Enforcement Policy" should be in lower case and the word "longstanding" deleted. The Committee agreed to this change. Barry Croft also agreed to cross reference this section to the new enforcement policy when feasible.

(i) Pool of Conditions (Appendix 1, page 55) – Officers explained that it was proposed that (1) the Appendix detailing a Pool of Conditions be deleted from the Statement of

Licensing Policy, as this meant not having change the Statement when the Pool of Conditions was changed; and (2) a separate document be compiled detailing a Pool of Conditions. The Committee agreed to this suggestion as indicated below.

(j) Map showing the Proposed Area to be covered by the Mitcham Town Centre Cumulative Impact Zone (Appendix B, page 59) - *See later discussion below.*

3. Licensing Sub-Committee – Hearings Procedure – The Chair referred to the need for consistent arrangements for the conduct of Sub-Committee hearings (including more detail on the procedure once a Sub-Committee withdraws to make its decision), and suggested that such arrangements could be included as an Appendix to Statement of Licensing Policy. Officers explained that it was preferable that such arrangements not be an Appendix, but for a separate document (i.e. a code of conduct) to be compiled as required as this would meant not having change the Statement when adjustments were made to the arrangements for the conduct of Sub-Committee hearings. The Committee agreed to the officer suggestion as indicated below.

3.1 Officers also noted a member’s suggestion that a one page aide memoire summarising the procedure at hearings be also compiled for Sub-Committee Chairs.

4. Meeting with Responsible Authorities (para. 2.1, page 8) – The Committee agreed a suggestion that in relation to the revised Statement of Licensing Policy, the officers meeting with Responsible Authorities, also include the Chair and Vice-Chair.

5. Licensing Committee – Change of Autumn date – It was noted that
(a) the Statement of Licensing Policy was scheduled to go out to public consultation after the Committee’s next meeting on 9 June 2015; and
(b) the results of that public consultation would need to be considered at a meeting of the Licensing Committee prior to Statement’s submission to the Council meeting on 18 November 2015.

5.1 In the circumstances, the Committee agreed that its meeting scheduled for 26 November 2015 be brought forward to 20 October 2015 for this purpose.

6. Map showing the Proposed Area to be covered by the Mitcham Town Centre Cumulative Impact Zone (CIZ) (Appendix B, page 59)

6.1 The Chair advised that he had received various e-mails, mostly earlier the same day, from Ward Councillors and the local MP, including requests that the following additional areas be included in the proposed CIZ: -

Figges Marsh Councillor Geraldine Stanford - Extend the London Road north area as far as the junction with Armfield Crescent, so that the shops in Monarch Parade are included also.

Graveney Ward Councillor Linda Kirby -

(a) Streatham Road Shopping Parade. This is between Rustic Avenue and Elmhurst Avenue one side and Ashbourne Road and St Barnabas (Road) on

the other side.

(b) London Road from Inglemere Road to Seely Road. The other side of the street is Colliers Wood before the station bridge and Wandsworth after the bridge. The Colliers Wood bit needs to be included.

(c) There a couple of other shopping parades in Graveney Ward – Gorringe Park avenue – a small parade that already includes an off licence. Plus Seely Road at the junction of Eastbourne (Road) where there are two shops selling alcohol already.

Cricket Green Ward Councillor Ian Munn -

(a) Include all of London Road (south from Raleigh Gardens) up to the Mitcham Tram stop.

(b) Consider extending cover to include Western Road and Church Road.

Merton and Morden MP Siobhain McDonagh –

(a) Extend the (CIZ) boundary on the London Road down as far as the junction with Armfield Crescent.

(b) Extend the (CIZ) boundary down to the junction with Seely Road which is the Borough boundary. This would include the area around Tooting overground station.

6.2 As indicated below, the Committee agreed that the area proposed to be assessed by officers for a possible CIZ be extended as detailed above. It was noted that any final decision on the boundaries of the proposed CIZ to be put out to public consultation was not due to be made until the Committee's next meeting in June.

6.3 Following discussion, the Committee also agreed that, at this stage, the proposed CIZ, should cover all premises selling alcohol, and not just one category such as off licences, subject to any final decision being made at the Committee's June meeting when the evidence of need for a CIZ (and the type of premises to be included) would be considered prior to any public consultation.

6.4 The Committee also agreed that officers be authorised to pursue any further amendments to the proposed CIZ that might raised at the meeting with Responsible Authorities (referred to in para. 2.1, page 8) prior to the Committee's June meeting.

RESOLVED : That (1) the Licensing Committee approves the recommended amendments to the revised Statement of Licensing Policy for the purposes as set out below subject to the following being prepared as separate documents (and not included as appendices to the Statement) -

(a) a draft Pool of Conditions; and

(b) the arrangements for the conduct of Sub-Committee hearings.

(2) the Licensing Committee approves the proposal for officers to meet with the Responsible Authorities (as in para. 2.1) to include the Chair and Vice-Chair, and with a view to also considering any further amendments to be

incorporated into the revised Statement of Licensing Policy for consideration at the Committee's meeting on 9 June 2015.

(3) the Licensing Committee agrees to bring forward its meeting scheduled for 26 November 2015 to 20 October 2015, in order to consider comments and proposed amendments resulting from the public consultation prior to submitting the final draft of the Statement of Licensing Policy to Full Council on Wednesday, 18 November 2015 for adoption.

(4) the Licensing Committee requests officers to undertake a study to assess the need for a Cumulative Impact Zone (CIZ) covering the area of Mitcham town centre as shown in Appendix B of the officer report (as set out in para. 2.1), extending this to those areas requested by Ward Councillors and the local Member of Parliament (as detailed in para. 6.1 above).

(5) the Licensing Committee agrees to consider the revised draft of the Statement of Principles under the Gambling Act 2005 at its meeting on 9 June 2015, with a view to public consultation on this draft, the results of which will come to its meeting on 20 October 2015, in order to consider comments and proposed amendments resulting from the public consultation prior to submitting the final draft of the Statement of Principles under the Gambling Act 2005 to Full Council on Wednesday, 18 November 2015 for adoption.

6 THE DESIGNATION OF THE HIGHWAY FOR PURPOSES OF STREET TRADING (Agenda Item 5)

1. "Island Site" opposite 54 High Street, Wimbledon, SW19 5AX (para's 2.2 (b) & 4.7 (2))

1.1 David Ryan introduced the report on this proposal and indicated that he had with him, available for inspection, representations received later than the submission of the report, and the original petition included in the report without redactions.

1.2 The Committee then heard oral representations from Mr Headley, a resident in the Belvedere Estates area and a local business operator, in support of the application.

1.3 There was extensive discussion of the proposal. Officers advised that the Island Site currently included two sites designated for street trading as shown on Appendix B (page 72), namely -

- (a) Site 1, 3.6m x 3.6m, used as a flower stall; and
- (b) Site 2, 1.83m x 1.55m, currently vacant.

1.4 Officers advised that the current application was for a new area, 3.9m x 1.9m, which would partly overlap Site 2, and was proposed to be used by a food operator using a Citroen van converted to operate as a pizza van.

1.5 Members raised various concerns, including the type of vehicle to be used, the kind of food to be sold and the height of the canopy. Officers confirmed that if the

proposed designation was agreed, then officers could consider such issues when considering any licence application for the new pitch. Some members also raised other concerns, including its effect on the appearance and openness of the area.

1.6 Some members were concerned that if the proposal were granted, then there would be effectively three designated sites on the Island Site. Officers advised that as new proposal partly overlapped existing designated Site 2, it would be difficult for an operator to use Site 2. It was also noted that possible rescinding of licence streets designations was the subject of item 6 on this meeting's agenda.

1.7 The officers recommendation to grant designation in this case was carried by 6 votes to 2 (Councillors Linda Taylor and Jill West dissenting; and Councillor John Bowcott abstaining.)

RESOLVED: That the officers recommendation to grant the following new licence street designation be agreed -
A new area, 3.9m x 1.9m, on the Island Site" opposite 54 High Street ,
Wimbledon, SW19 as shown on Appendix B (page 72).

2. The Royal Surrey, 9 Abbotsbury Road, Morden SM4 5LH (para's 2.2 (a) & 4.7 (1))

David Ryan introduced the report on this proposal for an extension of the area outside The Royal Surrey PH to 11.7m x 2m.

RESOLVED: That the officers recommendation to grant this licence street designation be agreed as shown on Appendix B (page 71).

7 THE RESCINDING OF LICENCE STREETS DESIGNATION (Agenda Item 6)

Following on from the Committee's discussion of the previous item above relating to the "Island Site" opposite 54 High Street, Wimbledon, SW19, it was

RESOLVED: That (1) the licence street designation of Site 2, 1.83m x 1.55m, on the Island Site" opposite 54 High Street, Wimbledon, SW19 as shown on Appendix B (page 72) of agenda item 5, be rescinded, since the site has been replaced in another way (by the above designation of a new area on the Island Site); and

(2) the report be noted.
