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## LICENSING SUB-COMMITTEE

1 SEPTEMBER 2016

(10.30 am - 1.00 pm)

PRESENT Councillor John Sargeant (in the Chair), Councillors Agatha Akyigyina, Pauline Cowper.

ALSO PRESENT: **Applicant**

Jon Wallsgrove, Legal representative  
Silena Dominey, Company Secretary (Co-op)  
Gareth Lewis, Head of Loss Prevention (Co-op)

### **Public Health**

Barry Causer, Public Health Commissioning Manager

### **Residents**

Briony Jones  
Mr and Mrs Kugananthajothy (Jenkins)

### **Officers**

Guy Bishop, Legal  
Stephen Beedell, Licensing  
Susanne Wicks, Democratic Services

1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor John Sargeant 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 COOP, 85 RIDGWAY, LONDON, SW19 4ST (Agenda Item 4)

The Chair opened the meeting, notified all present that the meeting was being recorded, and outlined the procedure to be followed.

All parties present confirmed they had received the bundle in advance of this meeting, as well as the additional information provided by Briony Jones and Mr and Mrs Kugananthajothy, including information supplied just prior to the meeting.

At the invitation of the Chair, the Licensing Officer, Stephen Beedell, explained that a question had been raised with regard to the advertisement of the application. He

confirmed that photographic evidence had been supplied to the Licensing Team by the applicant which was deemed satisfactory.

The Chair invited the applicant's solicitor, Jon Wallsgrove to introduce the application. His presentation covered relevant points regarding Merton's Statement of Licensing Policy, particularly those paragraphs referring to the Cumulative Impact Zone; background information to the application, the procedures that will be put in place to promote the four licensing objectives, and observations about the representations made by residents and Public Health.

Jon Wallsgrove advised that, following negotiation between the applicant and LB Merton's Public Health Officers, ten conditions had been agreed, and a list of the conditions was provided to the Licensing Sub-Committee. He advised that of the eleven conditions proposed by Public Health, the applicant had refused to accept one: "alcohol shall be sold to customers by a minimum pricing unit of 50p per unit" and outlined his view that this condition is unlawful as it is anti-competitive.

At the invitation of the Chair, Briony Jones and Mr Kugananthajothy asked a number of detailed questions, to which Jon Wallsgrove responded.

At the invitation of the Chair, Briony Jones presented her representation to the Licensing Sub-Committee. Her presentation outlined concerns about the negative impact of this application on all four licensing objectives, as well as parking and traffic in the area.

At the invitation of the Chair, Mr Kugananthajothy addressed the Licensing Sub-Committee, and highlighted the petition submitted, that was signed by more than 130 people. He also noted concerns about the negative impact on public safety, traffic, parking, noise nuisance and crime and disorder.

At the invitation of the Chair, Barry Causer, Public Health Commissioning Manger presented the representation made by Public Health. He advised that the proposed condition regarding a minimum unit price was withdrawn, but that the other conditions were sought if the Premises Licence were to be granted and that officers would be seeking advice from colleagues and other local authorities on the issue of legality.

The Licensing Sub-Committee adjourned at 12.15 pm to make their decision.

The meeting reconvened at 1.25 pm and the Legal Officer outlined the legal advice given in private session, which was encapsulated within case law, as follows: Thwaites [the decision must be evidence based], Somerfield [Conditions could only be imposed that were not covered by other statutory regimes], Blackwood [Planning considerations were outside the scope of the Licensing Sub-Committee notwithstanding Guidance], Hope and Glory [Appeals involved an assessment of whether the decision was wrong but would be de novo hearings] and Ealing [required the Licensing Sub-Committee to give reasons for their decision]. The Chair relayed

the decision of the Licensing Sub-Committee and advised that written notification would be issued to all parties.

RESOLVED: That the Sub-Committee grants the application, as detailed in the Notice of Determination, subject to the conditions listed within that document.