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LICENSING SUB-COMMITTEE

17 NOVEMBER 2016

(2.00 pm - 3.10 pm)

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

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 CO-OP, 85 RIDGWAY, LONDON, SW19 4ST (Agenda Item 4)

The Chair opened the meeting and advised all present of the purpose of the meeting being to provide the Licensing Sub-Committee with evidence to assist it in considering an offer made in an appeal of the Licensing Sub-Committee's decision by the applicant, Southern Co-Operative Ltd, which had not been presented to the Licensing Sub-Committee Meeting on 1 September 2016.

The Chair asked all present to introduce themselves, and confirmed that those in attendance would have the opportunity to address the Licensing Sub-Committee.

At the invitation of the Chair, the Legal Adviser presented the report in detail. He advised that a Licensing Sub-Committee met on 1 September 2016 to consider an application from the Southern Co-operative for a premises at 85 Ridgway, SW19 4ST. That application was granted with a Premises Licence for supply of alcohol (off sales only) 07.00 – 21.00 and opening hours 07.00 – 22.00. Following the meeting, the applicant submitted an appeal. A compromise offer has since been made, which if granted would result in the withdrawal of the appeal. The applicant has proposed that the hours for the supply of alcohol should be amended to 07:00 to 22:00 Monday to Sunday.

The Legal Advisor presented information on the licensing hours and opening for a few licensed premises in the immediate area surrounding 85 Ridgway. The Legal Advisor updated the Licensing Sub-Committee on the condition in the planning permission, granted to the Applicant for 85 Ridgway, confirming the operational hours the premises could trade were between 07.00 to 22.00 which had been agreed by the Planning Authority as mutually acceptable operating hours. The Legal Advisor pointed out that this information had not been made available to the Licensing Sub-Committee when they considered the application on 1 September 2016.

At the invitation of the Chair, Ms Jones, Ms Barnes, Barry Causer and Rebecca Spencer (LB Merton Public Health) and Mr Wallsgrove (Legal representative for the Southern Co-operative) addressed the Licensing Sub-Committee.

Ms Jones, Ms Barnes and Public Health outlined the reasons why the proposed offer should be rejected by the Licensing Authority.

Mr Wallsgrove detailed the reasons why the proposed offer is reasonable and proportionate, in the context of other licensed premises in the vicinity and Merton's Cumulative Impact policy.

At 2.45 pm, the meeting was adjourned so that the Licensing Sub-Committee could take legal advice.

At 3.10 pm the meeting reconvened. The Chair advised that the Licensing Sub-Committee had considered the offer made by the applicant, in the context of the legal advice and new evidence supplied, and recommended that the local authority accept the compromise offer made by Southern Co-operative Limited, and amend the hours for the supply of alcohol to 07:00 to 22:00 (Monday to Sunday).

The Legal Advisor advised that the notice of determination published following the Licensing Sub-Committee meeting on 1 September 2016 will be updated in due course to reflect the reasons for the appeal being settled.