

## **Committee: Licensing Sub-Committee**

**Date: 17 November 2016**

Wards: Hillside

**Subject: Licensing Application, The Southern Co-operative, 85 Ridgway, SW19 4ST**

Lead officer: Barry Croft, Licensing Manager

Lead member: Councillor Nick Draper, Cabinet Member for Community and Culture

Contact officer: Susanne Wicks, Senior Democratic Services Officer

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### **Recommendations:**

1. That the Licensing Sub-Committee consider an offer made on appeal regarding the decision the Licensing Sub-Committee made regarding the Premises Licence application for the "Co-Operative" at 85 Ridgway, London, SW19 4ST
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. Following the submission of an appeal by the Applicant, Southern Co-Operative Limited, against the decision made by the Licensing Sub-Committee on 1 September 2016, the Licensing Sub-Committee are asked to consider an offer made by the Applicant that if agreed would result in the appeal being withdrawn and an amendment to the decision.

## **2 DETAILS**

- 2.1. A Licensing Sub-Committee comprising Councillors Agatha Akyigyina, Pauline Cowper and John Sargeant met on 1 September 2016 to consider a new Premises Licence application from the Southern Co-operative for the premises at 85 Ridgway, London, SW19 4ST.

- 2.2. The Licensing Sub-Committee granted the application with conditions for the following licensable activity and opening hours as follows:

- Hours of opening: 07:00 to 22:00 Monday to Sunday
- Supply of alcohol: 07:00 to 21:00 Monday to Sunday

The Notice of Determination of the Licensing Sub-Committee is attached as Appendix A.

- 2.3. The Appeal was submitted on 13<sup>th</sup> September 2016. The Summons was issued on 28<sup>th</sup> September 2016. An offer of compromise was made on 8<sup>th</sup> October 2016, after which another proposed compromise counter offer was made and rejected. The Applicant's solicitor has put forward a compromise offer that if granted will result in the withdrawal of the appeal. The Applicant's solicitor has agreed to keep the original offer open until 21<sup>st</sup> November 2016. The offer of compromise is as follows:

“In the interests of seeking an early resolution to the appeal [the Applicant] is willing to propose that the sale of alcohol is restricted to 10pm each day in line with the opening hours (which is in line with the current planning permission). The premises in the local area selling alcohol for consumption on the premises will all still be open at 10pm (indeed they will still be open at 11pm)”.

- 2.4. Representations submitted to the Licensing Sub-Committee suggested that the other off-licence premises on Ridgway closed at 21.00 Monday to Sunday. Research undertaken by the Licensing Authority indicates that:
  - 2.4.1 There are two other off-licences on Ridgway that have the licensable activity of the supply of alcohol until 23.00.
  - 2.4.2 There are two other on-licences on Ridgway that have the licensable activity of the supply of alcohol until 00.00, including the Swan PH where the licensable activity of the supply of alcohol ends at 00.00 on weekdays or 01.00 on the weekend.
- 2.5. The Applicant has proposed that the Licensing Sub-Committee consider whether to amend their decision, to permit the licensable activity of the supply of alcohol as follows:

07:00 to 22:00 Monday to Sunday.

### **3. Special Policy Area (premises licences and club certificates)**

- 3.1 The premises are in the special policy area. Accordingly the relevant section of Merton’s Licensing Policy is particularly relevant to this application though the Licensing Sub-Committee is to have regard to the policy as a whole.
- 3.2 The premises at 85 Ridgway, London, SW19 4ST previously had the benefit of a Premises Licence for a public house until 23.00.

### **4. Legal advice to the Licensing Sub-Committee**

- 4.1 A legal officer appointed by the South London Legal Partnership will attend the hearing to advise the Licensing Sub-Committee on statutory provision and legal matters.
- 4.2 The offer proposed is appropriate and proportionate and if accepted would result in a significant saving in legal costs in defending the decision of the Licensing Sub-Committee on Appeal. If the offer is accepted the interests of Interested Parties would be protected and the enforcement powers of Responsible Authorities could address any public nuisance by use of the Review procedure under the Licensing Act 2003.
- 4.3 The Licensing Sub-Committee were unaware of the planning permission and the hours of surrounding premises at the time of the original application.

## **5. Licensing Officer Comments**

- 5.1 An open hearing will allow the Licensing Sub-Committee to consider the offer made and to afford interested parties the opportunity to understand the consideration of the offer.

### **For enquiries about this hearing please contact**

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