

Licensing Sub-Committee Report

Subject of hearing: **Elys (Wimbledon) PLC, 16 St Georges Road, Wimbledon, SW19 4DP**

Date: **Monday 19 August 2019**

Time: **15.00**

Venue: **Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX**

1. Special Policy Area (premises licences and club certificates)

1.1 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 sub-committee is to have regard to the policy as a whole.

2. Type of hearing and powers of the sub-committee

2.1 The sub-committee is required to determine the application by taking such of the steps set out below as it considers necessary for the promotion of the licensing objectives.

2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.

2.3 New premises licence: s18

(i) To grant the licence subject to conditions

(ii) To exclude from the scope of the licence any of the licensable activities to which the application relates

(iii) To refuse to specify a person in the licence as the premises supervisor

(iv) To reject the application.

3. Hearing papers

3.1 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundles together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing.

4. Legal advice to the sub-committee

4.1 A legal officer appointed by the Assistant Director of Corporate Governance and Head of Legal Services will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer Comments

5.1 This application is for the grant of a new premises licence. The store already has a premises licence covering the third floor only.

- 5.2 The applicant is applying for the sale by retail of alcohol on and off the premises between 8am to 9pm Monday to Saturday and 11am to 5pm Sunday.
- 5.3 The application's operating schedule would offer conditions that the Subcommittee may choose to consider.
- 5.4 On the 4th of July 2019 the Licensing Authority received an email from the applicant amending their application following a meeting with the police. They are now seeking a licence to cover the sale of alcohol on the ground and third floor only. They also stated that if their application is granted they will surrender the current licence. This email forms part of this report.
- 5.5 We have received one representation from WHERA against the application. This representation stated it requested two conditions be added to the licence.
- 5.6 The applicant stated they would not accept the first condition regarding being responsible for the cleanliness of the public highway - WHERA have accepted this.
- 5.7 The applicant agreed to having the second condition attached. This would show the licence falling should the premises go out of the applicant's ownership.
- 5.8 This condition cannot be attached as it is unenforceable. A premise licence is transferable property. If the licence was surrendered, the Licensing Act allows for a surrendered licence to be transferred.
- 5.9 Both the applicant and WHERA have been informed of this.

For enquiries about this hearing please contact

Democratic Services
 Civic Centre
 London Road
 Morden
 SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

Applicant
Elys Wimbledon PLC
Statutory Authorities

None	
Interested Parties	
Wimbledon E Hillside Residents Association	

This page is intentionally left blank