Public Document Pack

Merton Council
Licensing sub-committee
14 August 2014
Supplementary agenda

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Licensing sub-committee
Report

Subject of hearing**: Khanage Indian Restaurant, 108 Broadway, SW19 IRH**

Date**: 14th August 2014**

Time**: 10.30pm**

Venue**: Council Chamber**

Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX

Date of issue of this notice**:**

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

1.1 The premises are in the special policy area.

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 (if any) 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 license 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 bundle (attached) 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 and forms part of this report.

4. Legal advice to the sub-committee

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

5. Licensing Officer Comments

5.1 This matter arises from an application for a new premises license.

5.2 The sale by retail of alcohol (for consumption on the premises) and the provision of late night refreshment are the regulated activities applied for.

5.3 The hours applied for are as follows:

Hours for Regulated Activities

The Sale by Retail of Alcohol

Monday to Sunday 12:00 to 00:00

Late Night Refreshment
Monday to Sunday: 23:00 to 00:00

Opening Hours

Monday to Sunday: 12:00 to 00:00

5.4 Two representations have been received from members of the public.

5.5 The following responsible authorities have replied to this application but not made a representation: Health and Safety, the London Fire Brigade, Environmental Health, the Merton Safeguarding Children Board.

For enquiries about this hearing please contact
Democratic Services
Civic Centre
London Road
Morden
SM4 5DX

Telephone: 020 8545 3616
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:	
Mr Anwar Sheikh Ms Sonia Patel	
Statutory Authorities	
Interested Parties:	
Mrs Lori White	
Mrs Julie Gould	

Rights of parties to the hearing

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. You should notify us if you wish to be represented or assisted in this way on the accompanying response form.

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to:

a) respond to any points of clarification detailed in the Notice of Hearing;

b) if given permission by the sub-committee hearing this matter, ask questions of other parties; and

c) address the sub-committee.

If you do not attend the hearing the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Alternatively you can send an email to democratic.services@merton.gov.uk with the relevant information.

A copy of the procedure to be followed at the hearing is attached.

A guide to licensing hearings in Merton is attached

Procedure to be followed at the hearing

This document forms part of the notice of hearing

Regulations referred to in this procedure are reproduced under Note [3] at the end of the procedure

1. Declarations of interest.
2. Welcome by Chair of the licensing sub-committee and outline of the order of proceedings.
3. The Chair will advise parties[1] that the proceedings are being recorded.
4. The papers before the sub-committee comprise this Notice of Hearing and any applications, notices or representations and include:
   - The application
   - Representations and notices
   - List of parties to the hearing.
5. Points which the authority has raised in the Notice of Hearing as points on which it will be seeking clarification
6. Comments of Licensing officers on any factual or technical aspects of the application, notices or representations
7. Any other relevant matters and requirements
8. The Chair will ask parties if they are satisfied with the accuracy of the papers issued and the sub-committee will resolve any issues on this point.
9. The Chair will ask officers and parties if there are any other procedural points to deal with and these will be resolved before proceeding.
10. The Licensing officer will advise the hearing if any representations or notices have been withdrawn since the issue of the Notice of Hearing.
11. The Chair will advise parties that if they introduce new documentary or other information in support of their application, notice or representation the consent of other parties to the consideration by the sub-committee of such information will be sought.
12. The sub-committee will consider, under regulation 22, requests from parties made under Regulation 8(2) for other persons to be permitted to appear before the hearing.
13. The sub-committee will determine the order in which parties (other than the applicant) will be heard and so advise those present.
14. The Chair will advise the parties that they have no rights to question persons appearing under the provisions of regulations 8(2) and 22 and that their right to question other parties can only be exercised with the permission of the sub-committee. The Chair will also advise the parties that under regulation 23 cross-examination is not allowed unless the sub-committee feels that this is required for it to consider the matters before it. If parties wish to put questions to other parties or persons appearing under the provisions of regulations 8(2) or 22 they should seek the permission of the sub-committee and direct such questioning via the chair.

15. Applicant

   i) The applicant will be asked if there is anything they wish to add to or clarify about their application

   ii) The applicant will address the points for clarification raised by the authority in the Notice of Hearing

   iii) Persons appearing under regulations 8(2) and 22 as notified by the applicant will address the hearing

   iv) If the sub-committee considers it necessary it may allow other parties to put questions to the applicant and persons appearing under the provisions of regulations8(2) and 22 notified by the applicant who have addressed the hearing

   v) The sub-committee members will put any questions to the applicant and persons appearing under the provisions of regulations8(2) and 22 notified by the applicant who have addressed the hearing

   vi) The applicant will be asked if they have any further points arising from points raised in questioning

16. Other parties[(2)]

   i) The party (party A) will be asked if there is anything they wish to add to or clarify about their representation or notice

   ii) Party A will address the points for clarification raised by the authority in the Notice of Hearing

   iii) Persons appearing under regulations 8(2) and 22 as notified by the Party A to address the hearing

   iv) If the sub-committee considers it necessary it may allow the applicant to put questions to Party A and persons appearing under the provisions of regulations8(2) and 22 notified by Party A who have addressed the hearing

   v) If the sub-committee considers it necessary it may allow other parties to put questions to Party A and persons appearing under the provisions of regulations8(2) and 22 notified by Party A who have addressed the hearing

   vi) The sub-committee members will put any questions to Party A and persons appearing under the provisions of regulations8(2) and 22 notified by Party A who have addressed the hearing

   vii) Party A will be asked if they have any further points arising from points raised in questioning

17. Repeat above stage for each subsequent party.

18. Licensing officer to be asked if they have any comments

19. Other parties close by summarising their points.

20. Applicant closes by summarising their points.

21. The Chair will then ask the sub-committee's licensing and legal adviser if there are any further matters to be considered prior to a determination being made. If there are such other matters they will then be disposed of as appropriate.

22. If the sub-committee is not going to determine the application at the conclusion of the hearing it will so advise those present and inform them of the date and time that their determination will be made in public. Determinations must be made in accordance with the provisions of regulation 26.

23. If the sub-committee feels that it needs to go into private session to discuss any issues with its legal adviser it will advise those present that it will resume in public session at the conclusion of any such discussion when the advice it has received from its legal adviser will be read into the public record of the meeting.

24. At the conclusion of any private session the sub-committee will return to public session and the legal adviser will inform the hearing of any advice given in private session.

25. In cases where the sub-committee is not going to make its determination at the conclusion of the hearing it will then adjourn the meeting to a specified date and time. In all other cases it will discuss and determine the matter before it.

26. The Chair will advise parties to the hearing that they will be notified in writing of the determination, thank the parties for their attendance and close the meeting.

Where this procedure is silent the sub-committee may make such arrangements as necessary to ensure the rights of parties to hearings and for the proper discharge of its duties under the Licensing Act 2003 and any guidance or regulations issued by the Secretary of State.

Notes

[1] Regulation 15 allows parties to be represented or assisted at the hearing by any person whether or not that person is legally qualified. Any reference to a party in this order of procedure should be taken to include a reference to a person assisting or representing a party.

[2] Similar objections will be grouped together as far as possible and a common spokesperson sought. The regulations treat each objector as a party in their own right. If they do not agree to being grouped they will be treated as an individual party.

[3]Extracts from the regulations:

8.(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:

(a) whether he intends to attend or be represented at the hearing;

(b) whether he considers a hearing to be unnecessary.

8. (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

26.(1) In the case of a hearing under:

(c) section 105(2)(a) (counter notice following police objection to temporary event notice),

(d) section 167(5)(a) (review of premises licence following closure order),

the authority must make its determination at the conclusion of the hearing.

26.(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

London Borough of Merton

LICENSING COMMITTEE HEARINGS
A BRIEF GUIDE

Merton Civic & Legal Services
October 2005

Introduction

The following pages of this booklet contain guidance on hearings of Licensing Applications by the Council's Licensing Sub-Committee. It is a guide only and not a statement of the law.

The law is to be found in:

1 Licensing Act 2003

2 The Licensing Act 2003 (Hearings) Regulations 2005

3 Guidance issued under Section 182 of the Licensing Act 2003.

Notice of Hearing

This booklet normally accompanies a "Notice of Hearing" as we are required by law to give you certain information with the Notice of Hearing.

Timing of Hearing

On arrival you may find that you may have to wait until the committee can deal with the application you are interested in. This is because the committee may have to deal with other applications on the same day. The committee is called to sit at the published time. There are different applications or items on the committee agenda. The committee may take the items in the order that is most efficient for managing that day's applications. You should therefore ensure that you are there in time for the beginning of the committee meeting as published.

The committee meeting is a public meeting. You are therefore entitled to remain in the committee room when other applications are being dealt with. If you remain you will see other parties participating in the hearing. Unless it is a hearing that you are interested in, you may not participate although you may feel that you can contribute in that application as well. You can only participate in the hearing if you are a "party".

The Licensing Sub-Committee

Licensing Hearings take place before a licensing sub-committee of the Council. There are three members of the sub-committee, a chairperson and two others. Also sitting with the Committee (but not part of the committee) will be the committee clerk and a Legal officer who advises the committee on legal issues. Only these two and any trainees are allowed to adjourn with the committee.

Various persons may also be in the committee room in an official capacity. Where the police have submitted representations they will be in the room as a party. They are not part of the committee. Where the Council's Environmental Health service have submitted representations they will be in the room but as a party not as part of the committee. Finally an officer from the Council's Children, Schools and Families Department may be present. They will not be part of the committee either.

A Licensing officer is usually present. The Licensing officer would have received the application and processed it to ensure that fees have been paid and that it was properly advertised. The Licensing officer is also the officer that receives representations and decides if they are in order. The Licensing officer may be asked to speak at the committee. The Licensing officer is not part of the committee and will not retire with the committee.

Attending a Licensing Hearing

Your Rights as a "Party"

You have the right:

- To attend the hearing
- To be assisted or represented by any person (whether or not the person is legally qualified)
- To address the sub-committee
- To question any party to the hearing (with the permission of the sub-committee)
- To give clarification of any issue on which advance notice of the need for clarification has been given
- To bring a witness or witnesses.

Attending the Hearing (Parties)

You do not have to attend the hearing. Where in response to the Notice of Hearing you have informed us that you do not intend to attend the hearing, then the hearing may proceed in your absence.

Where in response to the notice of hearing you say nothing about attending and you do not attend or are not represented the committee may do one of the following:

- hold the hearing in your absence
- adjourn the hearing to a specified date but only where the committee consider it to be in the public interest.

Procedure to be followed at the Hearing

The hearing will take place in public. This means that anyone whether or not they are parties to the hearing are entitled to be at the meeting and to hear all the information. The committee is allowed to exclude the public from all or part of a hearing. This will be where the committee considers that the public interest in excluding the public outweighs the public interest in the hearing taking part in public. If you believe that this exception to public hearing applies to you, you may ask the committee to consider exercising this power.

The committee will explain the procedure but a written version is included with the Notice of Hearing. Unless required by law to do it differently the committee is allowed to devise its own procedures.

The Hearing as a Discussion

The hearing is intended to be a discussion between the committee and all the parties. In order to make it an orderly discussion some element of formality exists. Consequently there will be an order in which the hearing will follow. The committee Chair will explain the order.

During the hearing the procedure is controlled by the Chair. Whilst the Chair will ensure that parties observe the procedure he or she may have to be firm in moving the hearing on to ensure that it proceeds at a pace that enables it to be dealt with within the time allocated. In particular the Chair may have to be strict in respect of ensuring that questions to witnesses keep to the issues. The committee may also put reasonable time limits on submissions.

When an application is received by us a number of persons are allowed to make "representations". This includes residents, the police, the Environmental Health service and the Local Safeguarding Children Board. Those who have made representations are called "parties".

The Law allows the applicant (the person applying for the licence) to have discussions with any of these parties before the hearing – this can lead to an agreed way of dealing with concerns relevant to the parties. (For instance, if Environmental Health is concerned about noise the applicant may offer to fit a noise limiter).

When you attend the hearing you may therefore find that some representations have been withdrawn. Where representations are withdrawn this will usually be because the person making the representations has been given satisfaction about how their concerns will be dealt with. For instance the Local Safeguarding Children Board may have concerns about the welfare of children. The applicant may then agree to accept a condition to the licence dealing with this concern and this may lead to a withdrawal of that representation.

The first thing that the committee will do is to find out what representations have been withdrawn so that the committee only concentrates on outstanding issues.

You must remember that as far as the law is concerned the applicant is entitled to do what they want with their business from a licensing point of view unless their business will offend against the four "licensing objectives" of:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Promotion of Public Safety

Although these objectives are intended for the benefits of residents and businesses, various statutory bodies are given responsibility for those objectives and it is expected that they will make representations if those objectives are under threat. These statutory bodies are called "Responsible Authorities".

The Responsible Authorities are as follows:

- The Chief Officer of Police
- The Local Fire Authority
- The Local Enforcement Agency for Health & Safety At Work Act 1974
- The Local Authority with Responsibility for Environmental Health
- The Local Planning Authority
- Another Licensing Authority
- A body representing those interested in the protection of children and recognised by the council (Local Safeguarding Children Board).

The guidance issued by central government advises that as a matter of practice the committee should seek to focus the hearing on the steps needed to promote the licensing objective which gave rise to the hearing. If your representations or application does not show how these four licensing objectives are affected, promoted or effected, then it is not likely to persuade the committee.

The hearing will probably be in two distinct parts. The first part is where the application and representations are made. The first part ends when the committee retires to consider the evidence.

The second part of the hearing is when the committee returns. The main purpose of the second part is to allow the parties to be told what legal advice (if any) has been received during the deliberations in private. The committee will then announce their decision.

This is then the end of the hearing. The decision will be communicated to the parties in writing.

The committee will then move on to consider the next application (if any).

Appeal

There is a right of appeal to the Magistrates Court. You need to take legal advice on which Magistrates Court to go to. The appeal has to be lodged with the Magistrates Court within a period of 21 days beginning on the day you were notified by the Council of the decision appealed against.

Conclusion

This is necessarily a brief guide. It is not a Statement of Law. For this you will need to take legal advice.

Contacts

(i) Licensing team:

- email: licensing@merton.gov.uk
- Tel: 020 8545 4005/3929

(ii) Meeting arrangements - Democratic Services:

- email: democratic.services@merton.gov.uk
- Tel: 020 8545 3616

(iii) All press contacts - Merton's Press office:

- email: press@merton.gov.uk
- Tel: 020 8545 3181

(iv) London Borough of Merton:

- Address: Civic Centre, London Road, Morden, SM4 5DX
- Tel: 020 8274 4901

Useful links

- Merton Council's Web site: http://www.merton.gov.uk
- Licensing Act 2003 http://www.hmso.gov.uk/acts/acts2003/20030017.htm
- Guidance issued by the secretary of State for Culture Media and Sport http://www.culture.gov.uk/Reference_library/Publications/archive_2004/guidance_issued_under_section_182_of_the_licensing_act_2003.htm
- Regulations issued by the Secretary of State for Culture, Media and Sport http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/lic_act_reg.htm
- Merton's Statement of Licensing policy http://www.merton.gov.uk/licensing/
- Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- http://www.merton.gov.uk/legal.htm
- This disclaimer also applies to any links provided here.

WK/201402396

Application for a premises licence to be granted under the Licensing Act 2003

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

RECEIVED
20 JUN 2014

We: Anwar Sheikh and Sonia Patel

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises Details

Postal address of premises:
108 The Broadway **Wimbledon** **Greater London** **SW19 1RH**
Rateable value: £28,000

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

a) an individual or individuals ☒

b) a person other than an individual
- i. as a limited company, ☐
- ii. as a partnership ☐
- iii. as an unincorporated association or ☐
- iv. other (for example a statutory corporation) ☐

c) a recognised club ☐
d) a charity ☐
e) the proprietor of an educational establishment ☐
f) a health service body ☐
g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐

ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England. ☐

h) the chief officer of police of a police force in England and Wales ☐

* If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Details of Applicant:		
Title: Mr.	**Surname:** Sheikh	**Forename(s):** Anwar
	I am 18 years or older:	☒ **(please tick)**
Address:	5 Pinfold Road Streatham Greater London SW16 2SL Daytime phone: 02086487044 Evening phone: 02086487044 Mobile: 07792266277 Email: anwar@khanage.com	

SECOND INDIVIDUAL APPLICANT (if applicable)

Details of Applicant:		
Title: Ms.	**Surname:** Patel	**Forename(s):** Sonia
	I am 18 years or older:	☒ **(please tick)**
Address:	5 Pinfold Road Streatham Greater London SW16 2SL Daytime phone: 02086487044 Evening phone: 02086487044	

Part 3 – Operating Schedule

When do you want the premises licence to start?	**20 July 2014**
If you wish the licence to be valid only for a limited period, when do you want it to end?	**N/A**

Please give a general description of the premises (please read guidance note 1)	
The premises is located on the ground floor of number 108 on the north side of The Broadway, 0.4 miles from Wimbledon Train Station, within the Wimbledon Town Centre Cumulative Impact Zone. It is situated opposite the Broadway car park in the proximity of Sainsbury's Local and other licensed restaurants/bars such as the Stage Door Steakhouse and Jimmy's World Grill & Bar. Residential flats are located above the property. 108 The Broadway, previously the internet cafe "Express Net C@fe", is in the process of being reopened as the Khanage Indian Restaurant. This will create an offshoot of the existing Khanage restaurant located at 29 London Road, Morden, SM4 5HT (Premises Licence number LN/000002082). The restaurant will offer Indian cuisine for table service, home delivery or collection. The premises is rectangular with the entrance to the left of the frontage. The main seating area is situated at the front of the restaurant with a small bar against the middle of the right-hand wall. A secondary seating area is positioned to the rear-left of the premises providing access to toilet facilities at the rear-right and a fire-exit to the rear. The kitchen is positioned to the middle-right of the restaurant with access to the main seating area. The maximum intended seating capacity is 68.	
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	**N/A**

What licensable activities do you intend to carry on from the premises?

Provision of regulated entertainment:

a) plays ☐
b) films ☐
c) indoor sporting events ☐
d) boxing or wrestling entertainment ☐
e) live music ☐
f) recorded music ☐
g) performances of dance ☐
h) anything of a similar description to that falling within (e), (f) or (g) ☐

I) Provision of late night refreshment ☒

J) Supply of alcohol ☒

I

Late night refreshment Standard days & times (Please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (Please read guidance note 2)	Indoors	☒
				Outdoors	☐
				Both	☐
Day	**Start**	**Finish**			
Mon	23:00	00:00	Please give further details here. (Please read guidance note 3) The intended Late Night Refreshment will be a continuation of the provision of Indian cuisine, prepared on the premises, for table service, home delivery or collection as per the normal operating hours.		
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment. (Please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list. (Please read guidance note 5) Christmas Eve, New Year's Eve and public holidays: 23:00-2:00		
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days & times (Please read guidance note 6)			Will the supply of alcohol be for consumption: (please tick) (Please read guidance note 7)	On the premises	☒
				Off the premises	☐
				Both	☐
Day	**Start**	**Finish**			
Mon	12:00	00:00	State any seasonal variations for the supply of alcohol. (Please read guidance note 4)		
Tue	12:00	00:00			
Wed	12:00	00:00			
Thur	12:00	00:00			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list. (Please read guidance note 5) Christmas Eve, New Year's Eve and public holidays: 12:00-2:00 the following morning.		
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	12:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor:

Details of Designated Premises Supervisor:			
Title: Mr	**Surname:** Sheikh	**Forename(s):** Anwar	
Address:	5 Pinfold Road Streatham Greater London SW16 2SL		
Personal Licence number (if known):	Pers3145		
Issuing licensing authority (if known):	Lambeth		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
There are no activities which may give concern to children.

L

Hours premises are open to the public Standard days & times (Please read guidance note 6)			State any seasonal variations (Please read guidance note 4)
Day	**Start**	**Finish**	
Mon	12:00	00:00	
Tue	12:00	00:00	
Wed	12:00	00:00	
Thur	12:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list. (Please read guidance note 5) Christmas Eve, New Year's Eve and public holidays: 12:00-2:00 the following morning.
Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	12:00	00:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- The applicants are current licensees who manage the Khanage restaurant located at 29 London Road, Morden, SM4 5HT (Premises Licence number LN/000002082, issued 25th January 2012). There have been no issues relating to the premises licence at this restaurant.

- The applicants have considered the London Borough of Merton's Statement of Licensing Policy adopted April 2011, including guidelines for applications falling within the Wimbledon Town Centre Cumulative Impact Zone.

- Legal advice has been sought in relation to this application and the following legislation has been considered as part of this application: The Licensing Act 2003 and Regulations (as amended), Section 182 Guidance, Health and Safety at Work Act 1974, Crime and Disorder Act 1998, Anti-Social Behaviour Act 2003, Clean Neighbourhoods and Environment Act 2005, Violent Crime Reduction Act 2006, Police Reform and Social Responsibility Act 2011 etc.

- Alcohol sales will be ancillary to the service of food and will be restricted to wines and/or beers only. There will be no sale of alcohol without the purchase of a substantial meal and no vertical drinking on the premises.

- The applicants are aware of and shall comply with the five new mandatory conditions introduced under the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010, namely:
  1. Prohibition of irresponsible drinks promotions (on sales only)
  2. Restrictions on one person dispensing alcohol directly into the mouth of another (on sales only)
  3. The provision of free tap water (on sales only)
  4. Requirements for age verification policies to be established in relation to the sale and supply of alcohol, including photo-identification for persons appearing to be under 18 years of age (on and off sales); and
  5. Requirements for alcohol to be sold or supplied in small measures (on sales).

- An Environmental Noise Investigation Assessment and Report dated will be carried out prior to the premises opening in consultation with Environmental Health.

- A Fire and Emergency Planning Risk Assessment will be carried out prior to the property opening in consultation with the Local Fire Authority. Locations of fire safety and other safety equipment are subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

- The premises licence will be permanently displayed on the glass front door of the premises.

- Any detail shown on the plan that is not required by the licensing plans regulations is indicative and subject to change at any time.

b) The prevention of crime and disorder

This application has been discussed with the Chief Officer of Police, PS P Sparham at Wimbledon Police Station, 15 Queens Road, London, SW19 8NN.

CCTV:

- A CCTV camera system shall be installed and maintained as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling identification of persons entering in any light condition.
- The licensees shall ensure that the CCTV is maintained in working order to the satisfaction of the Police and Local Authority and be in operation when the premises is open to the public. CCTV recordings shall be retained for a minimum period of 31 days with date and time stamping. Records will be made immediately available on request by the Police or an authorised council officer
- A member of staff conversant with operation of the CCTV system will be on the premises at all times during operating hours in order to provide Police or an authorised council officer with recent footage with a minimum of delay.
- If the CCTV becomes inoperative, the Police and Local Authority will be informed as soon as practically possible and immediate steps will be taken to put the equipment back into action.

Drunkenness and violent or anti-social behaviour on the premises:

- These shall not be tolerated and anyone suspected of or engaging in the same shall be asked to leave and, if necessary, the police contacted.

Theft:

- Crime prevention notices will be displayed warning customers of the prevalence of crime which may target them, e.g. "bags should not be left unattended", "watch out for pickpockets".

Maintenance of smoke-free environments:

- The premises shall comply with all non-smoking legislation.

Bottles and Glasses:

- No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time.
- No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.

General:

- The premises shall keep an incident book and record details of all instances of public disorder, to be made available to the Licensing Authority or police upon request.
- Staff shall receive regular training a minimum of four times a year to ensure that the prevention of disorder is kept in sharp focus.
- A policy will be in force for the management of large groups, i.e. hen and stag parties. The group will be required to nominate a responsible person to liaise with staff.
- Staff shall implement a dispersal policy outside the premises within the area under the applicants' direct control.

c) Public safety

Fire Safety:

- Emergency lighting, smoke detectors and fire cylinders shall be installed and inspected at appropriate intervals to ensure that they are in good working order.
- Internal gangways between chairs and tables are to be kept unobstructed.
- Exits will be easily identifiable and will be kept unobstructed and free of trip hazards with non-slippery, even surfaces.
- All emergency doors shall be maintained effectively, self closing and not held open other than by an approved device.

First Aid:

- Adequate and appropriate supply of first aid equipment and materials will be available on the premises.
- The first-aider will be trained to deal with drug and alcohol related problems.

General:

- Free drinking water will be made available at all times the premises is open to the public (with a sale).

d) The prevention of public nuisance

- The applicants shall conduct regular risk assessments on noise levels outside the premises.
- Staff shall implement a litter clearing policy outside the premises as within the definition of 'immediately outside'.
- A suitable receptacle will be provided for cigarette litter directly outside the premises.
- Notices to be displayed reminding customers to keep noise levels to a minimum and to respect neighbours when leaving the premises.

e) The protection of children from harm

- A challenge 25 policy will be employed whereby those who appear to be under the age of 25 are attempting to purchase alcohol will be asked to provide identification. The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards. Staff will be trained in this policy and records of training will be kept.
- A refusals book, or similar record, shall be kept at the premises in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book, or other form of record, shall be made available for inspection by any police officer, community support officer or authorised person upon demand
- Children under the age of 16 may be present in the restaurant with an accompanying adult but are otherwise not permitted beyond 19:00.

Final Checklist

- I have made or enclosed payment of the fee ☑
- I have enclosed the plan of the premises ☑
- I have sent copies of this application and the plan to responsible authorities and ☑
- others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☑
- I understand that I must now advertise my application ☑
- I understand that if I do not comply with the above requirements my application will be rejected ☑

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	18th June 2014
Capacity	DIRECTOR

For joint applications signature of other applicant(s), their solicitor(s) or other authorised agent(s). (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	18th June 2014
Capacity	Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)		
Title: Mr.	**Surname:** Sheikh	**Forename(s):** Anwar
Address:	5 Pinfold Road Streatham Greater London SW16 2SL Daytime phone: 02086487044 Evening phone: 02086487044 Mobile: 07792266277	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional);		
Email:	anwar@khanage.com	

Consent of Individual to be Specified as Premises Supervisor

RECEIVED
20 JUN 2014

Full name of prospective premises supervisor	I: Mr Anwar Sheikh
Address of prospective premises supervisor	Of: 5 Pinfold Road Streatham Greater London SW16 2SL hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a Premises Licence by Anwar Sheikh and Sonia Patel
Address of premises	Concerning the supply of alcohol at: 108 The Broadway Wimbledon Greater London SW19 1RH
	I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below:
Personal licence number (if any):	Personal licence number: Pers3145
Personal licence issuing authority (if any):	Personal licence issuing authority: Lambeth

Signed: A. Sheikh

Print Name: Anwar Sheikh

Date: 18th June 2014

Certificate of Posting to Responsible Authorities of an Application under the Licensing Act 2003

I/we: Anwar Sheikh and Sonia Patel hereby certify that on,

Date: 19th June 2014

I served the following Responsible Authorities with a copy of my application for the Grant of a Premises Licence under the Licensing Act 2003:

(Provide addressee and address details below as appropriate)

- Police:

- Fire Services:

- Planning department:

- Environmental health:

- Trading Standards:

- For the premises of address:

108 The Broadway, Wimbledon, Greater London, SW19 1RH,

Certificate of Advertising of Premises Licence Application and Newspaper Notice

I/we: Anwar Sheikh and Sonia Patel hereby certify that on,

Date:

that I/we advertised the proposed application of a Premises Licence for a period of 28 consecutive days on or at the premises of address:

108 The Broadway, Wimbledon, Greater London, SW19 1RH,

where it could be conveniently read by the public.

I/we also advertised the said notice in the following newspaper:

Newspaper details:

On the following date:

Signed:

Print Name: Anwar Sheikh

Date: 16th June 2014

Khanage Indian Kitchen
29 London Road
Morden SM4 5HT

Environmental Health, Trading
Standards and Licensing
London Borough of Merton
Merton Civic Centre
Morden SM4 5DX

19th June 2014

Dear Sir / Madam

Premises Licence Application - Licencing Act 2003

Please find attached application forms for Premises Licence Application duly filled for 108 The Broadway, Wimbledon, SW19 1RH and cheque to support this application.

In line with your instruction copies have been sent to :

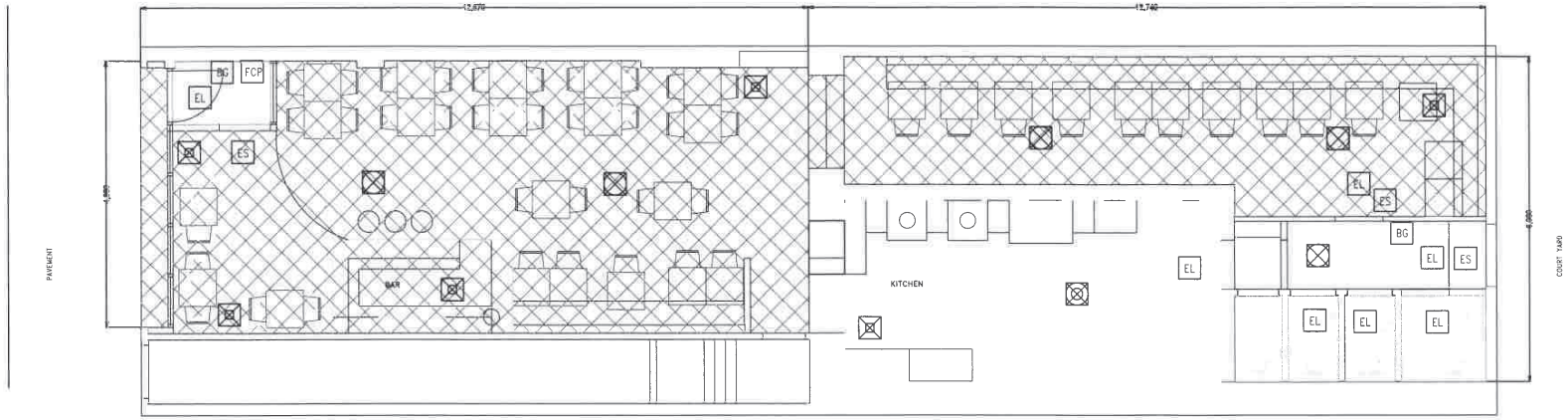
- The Chief Officer – Wimbledon Police Station
- Chief Inspector Weights and Measures
- London Fire and Emergency Planning Authority
- Commercial & Trading Standards Manager
- Planning Manager
- Merton Local Safeguarding Children Board
- Environmental Health Manager (Commercial)
- Environmental Health Manager (Pollution)
- Director of Public Health

RECEIVED
20 JUN 2014

Yours sincerely

Anwar Sheikh
Khanage Indian Kitchen

Encl: Floor Plan
Application form
Newspaper Notice



KEY

- ALL LICENSED AREAS IE BAR AREAS, DRINKING/SITTING AREAS
- LOBBY AREA
- BAR AREA
- TOILET AREA
- KITCHEN AREA
- ES EMERGENCY EXIT SIGN
- EL EMERGENCY LIGHT
- FCP FIRE CONTROL PANEL
- SMOKE DETECTOR
- HEAT DETECTOR
- BG BREAK GLASS ALARM
- CCTV CAMERA

MarshallBlack

Client: Mr Anwar Sheikh
108 The Broadway
Wimbledon

Project: Khanage
Site: Wimbledon

Drawing Title: Final Floor Plan

Scale	Area	Drawing No.
1:100	78 SQ M	
Date: May '14	Dwn: PM	Checked: PM

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Licensing sub-committee
Report and Notice of Hearing

Subject of hearing**: Korea House, 257 Burlington Road, New Malden, KT3 4NE**

Date**: 14th August 2014**

Time**: 10.30am**

Venue**: Council Chamber**

Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX

Date of issue of this notice**:**

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

1.1 The premises are not in the special policy area.

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 (if any) 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 license 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 bundle (attached) 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 and forms part of this report.

4. Legal advice to the sub-committee

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

5. Licensing Officer Comments

5.1 This matter arises from an application for a new premises license.

5.2 The sale by retail of alcohol (for consumption on the premises), regulated entertainment and the provision of late night refreshment are the regulated activities applied for.

5.3 The regulated entertainment provisions applied for are as follows: the showing of films, live music, recorded music, the performance of dance and anything similar to live music, recorded music and the performance of dance.

5.4 The hours applied for are as follows:

Hours for Regulated Activities

The Sale by Retail of Alcohol

Monday to Saturday 12:00 to 00:30

Sunday: 12:00 to 23:30

Late Night Refreshment

Monday to Saturday 23:00 to 02:30

Sunday: 23:00 to 23:30

Regulated Entertainment

Monday to Saturday 12:00 to 00:30

Sunday: 12:00 to 23:30

Opening Hours

Monday to Saturday 12:00 to 02:30

Sunday: 12:00 to 23:30

5.5 Four representations have been received: two from members of the public, two from ward councillors.

5.6 The following responsible authorities have replied to this application but not made a representation: Health and Safety, the London Fire Brigade, Environmental Health, the Merton Safeguarding Children Board.

For enquiries about this hearing please contact
Democratic Services
Civic Centre
London Road
Morden
SM4 5DX

Telephone: 020 8545 3616
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:	
Hankook House Limited	
Chan Soon Park	
Statutory Authorities	
Interested Parties:	
Mr J R Tait	
Susan Hamilton	
Cllr Mary-Jane Jeanes	
Cllr Gilli Lewis-Lavender	

Rights of parties to the hearing

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. You should notify us if you wish to be represented or assisted in this way on the accompanying response form.

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to:

a) respond to any points of clarification detailed in the Notice of Hearing;

b) if given permission by the sub-committee hearing this matter, ask questions of other parties; and

c) address the sub-committee.

If you do not attend the hearing the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Alternatively you can send an email to democratic.services@merton.gov.uk with the relevant information.

A copy of the procedure to be followed at the hearing is attached.

A guide to licensing hearings in Merton is attached

Procedure to be followed at the hearing

This document forms part of the notice of hearing

Regulations referred to in this procedure are reproduced under Note [3] at the end of the procedure

1. Declarations of interest.
2. Welcome by Chair of the licensing sub-committee and outline of the order of proceedings.
3. The Chair will advise parties[1] that the proceedings are being recorded.
4. The papers before the sub-committee comprise this Notice of Hearing and any applications, notices or representations and include:
   - The application
   - Representations and notices
   - List of parties to the hearing.
5. Points which the authority has raised in the Notice of Hearing as points on which it will be seeking clarification
6. Comments of Licensing officers on any factual or technical aspects of the application, notices or representations
7. Any other relevant matters and requirements
8. The Chair will ask parties if they are satisfied with the accuracy of the papers issued and the sub-committee will resolve any issues on this point.
9. The Chair will ask officers and parties if there are any other procedural points to deal with and these will be resolved before proceeding.
10. The Licensing officer will advise the hearing if any representations or notices have been withdrawn since the issue of the Notice of Hearing.
11. The Chair will advise parties that if they introduce new documentary or other information in support of their application, notice or representation the consent of other parties to the consideration by the sub-committee of such information will be sought.
12. The sub-committee will consider, under regulation 22, requests from parties made under Regulation 8(2) for other persons to be permitted to appear before the hearing.
13. The sub-committee will determine the order in which parties (other than the applicant) will be heard and so advise those present.
14. The Chair will advise the parties that they have no rights to question persons appearing under the provisions of regulations 8(2) and 22 and that their right to question other parties can only be exercised with the permission of the sub-committee. The Chair will also advise the parties that under regulation 23 cross-examination is not allowed unless the sub-committee feels that this is required for it to consider the matters before it. If parties wish to put questions to other parties or persons appearing under the provisions of regulations 8(2) or 22 they should seek the permission of the sub-committee and direct such questioning via the chair.

15. Applicant

i) The applicant will be asked if there is anything they wish to add to or clarify about their application

ii) The applicant will address the points for clarification raised by the authority in the Notice of Hearing

iii) Persons appearing under regulations 8(2) and 22 as notified by the applicant will address the hearing

iv) If the sub-committee considers it necessary it may allow other parties to put questions to the applicant and persons appearing under the provisions of regulations8(2) and 22 notified by the applicant who have addressed the hearing

v) The sub-committee members will put any questions to the applicant and persons appearing under the provisions of regulations8(2) and 22 notified by the applicant who have addressed the hearing

vi) The applicant will be asked if they have any further points arising from points raised in questioning

16. Other parties[(2)]

i) The party (party A) will be asked if there is anything they wish to add to or clarify about their representation or notice

ii) Party A will address the points for clarification raised by the authority in the Notice of Hearing

iii) Persons appearing under regulations 8(2) and 22 as notified by the Party A to address the hearing

iv) If the sub-committee considers it necessary it may allow the applicant to put questions to Party A and persons appearing under the provisions of regulations8(2) and 22 notified by Party A who have addressed the hearing

v) If the sub-committee considers it necessary it may allow other parties to put questions to Party A and persons appearing under the provisions of regulations8(2) and 22 notified by Party A who have addressed the hearing

vi) The sub-committee members will put any questions to Party A and persons appearing under the provisions of regulations8(2) and 22 notified by Party A who have addressed the hearing

vii) Party A will be asked if they have any further points arising from points raised in questioning

17. Repeat above stage for each subsequent party.

18. Licensing officer to be asked if they have any comments

19. Other parties close by summarising their points.

20. Applicant closes by summarising their points.

21. The Chair will then ask the sub-committee's licensing and legal adviser if there are any further matters to be considered prior to a determination being made. If there are such other matters they will then be disposed of as appropriate.

22. If the sub-committee is not going to determine the application at the conclusion of the hearing it will so advise those present and inform them of the date and time that their determination will be made in public. Determinations must be made in accordance with the provisions of regulation 26.

23. If the sub-committee feels that it needs to go into private session to discuss any issues with its legal adviser it will advise those present that it will resume in public session at the conclusion of any such discussion when the advice it has received from its legal adviser will be read into the public record of the meeting.

24. At the conclusion of any private session the sub-committee will return to public session and the legal adviser will inform the hearing of any advice given in private session.

25. In cases where the sub-committee is not going to make its determination at the conclusion of the hearing it will then adjourn the meeting to a specified date and time. In all other cases it will discuss and determine the matter before it.

26. The Chair will advise parties to the hearing that they will be notified in writing of the determination, thank the parties for their attendance and close the meeting.

Where this procedure is silent the sub-committee may make such arrangements as necessary to ensure the rights of parties to hearings and for the proper discharge of its duties under the Licensing Act 2003 and any guidance or regulations issued by the Secretary of State.

Notes

[1] Regulation 15 allows parties to be represented or assisted at the hearing by any person whether or not that person is legally qualified. Any reference to a party in this order of procedure should be taken to include a reference to a person assisting or representing a party.

[2] Similar objections will be grouped together as far as possible and a common spokesperson sought. The regulations treat each objector as a party in their own right. If they do not agree to being grouped they will be treated as an individual party.

[3]Extracts from the regulations:

8.(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:

(a) whether he intends to attend or be represented at the hearing;

(b) whether he considers a hearing to be unnecessary.

8. (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

26.(1) In the case of a hearing under:

(c) section 105(2)(a) (counter notice following police objection to temporary event notice),

(d) section 167(5)(a) (review of premises licence following closure order),

the authority must make its determination at the conclusion of the hearing.

26.(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

London Borough of Merton

LICENSING COMMITTEE HEARINGS
A BRIEF GUIDE

Merton Civic & Legal Services
October 2005

Introduction

The following pages of this booklet contain guidance on hearings of Licensing Applications by the Council's Licensing Sub-Committee. It is a guide only and not a statement of the law.

The law is to be found in:

1 Licensing Act 2003

2 The Licensing Act 2003 (Hearings) Regulations 2005

3 Guidance issued under Section 182 of the Licensing Act 2003.

Notice of Hearing

This booklet normally accompanies a "Notice of Hearing" as we are required by law to give you certain information with the Notice of Hearing.

Timing of Hearing

On arrival you may find that you may have to wait until the committee can deal with the application you are interested in. This is because the committee may have to deal with other applications on the same day. The committee is called to sit at the published time. There are different applications or items on the committee agenda. The committee may take the items in the order that is most efficient for managing that day's applications. You should therefore ensure that you are there in time for the beginning of the committee meeting as published.

The committee meeting is a public meeting. You are therefore entitled to remain in the committee room when other applications are being dealt with. If you remain you will see other parties participating in the hearing. Unless it is a hearing that you are interested in, you may not participate although you may feel that you can contribute in that application as well. You can only participate in the hearing if you are a "party".

The Licensing Sub-Committee

Licensing Hearings take place before a licensing sub-committee of the Council. There are three members of the sub-committee, a chairperson and two others. Also sitting with the Committee (but not part of the committee) will be the committee clerk and a Legal officer who advises the committee on legal issues. Only these two and any trainees are allowed to adjourn with the committee.

Various persons may also be in the committee room in an official capacity. Where the police have submitted representations they will be in the room as a party. They are not part of the committee. Where the Council's Environmental Health service have submitted representations they will be in the room but as a party not as part of the committee. Finally an officer from the Council's Children, Schools and Families Department may be present. They will not be part of the committee either.

A Licensing officer is usually present. The Licensing officer would have received the application and processed it to ensure that fees have been paid and that it was properly advertised. The Licensing officer is also the officer that receives representations and decides if they are in order. The Licensing officer may be asked to speak at the committee. The Licensing officer is not part of the committee and will not retire with the committee.

Attending a Licensing Hearing

Your Rights as a "Party"

You have the right:

- To attend the hearing
- To be assisted or represented by any person (whether or not the person is legally qualified)
- To address the sub-committee
- To question any party to the hearing (with the permission of the sub-committee)
- To give clarification of any issue on which advance notice of the need for clarification has been given
- To bring a witness or witnesses.

Attending the Hearing (Parties)

You do not have to attend the hearing. Where in response to the Notice of Hearing you have informed us that you do not intend to attend the hearing, then the hearing may proceed in your absence.

Where in response to the notice of hearing you say nothing about attending and you do not attend or are not represented the committee may do one of the following:

- hold the hearing in your absence
- adjourn the hearing to a specified date but only where the committee consider it to be in the public interest.

Procedure to be followed at the Hearing

The hearing will take place in public. This means that anyone whether or not they are parties to the hearing are entitled to be at the meeting and to hear all the information. The committee is allowed to exclude the public from all or part of a hearing. This will be where the committee considers that the public interest in excluding the public outweighs the public interest in the hearing taking part in public. If you believe that this exception to public hearing applies to you, you may ask the committee to consider exercising this power.

The committee will explain the procedure but a written version is included with the Notice of Hearing. Unless required by law to do it differently the committee is allowed to devise its own procedures.

The Hearing as a Discussion

The hearing is intended to be a discussion between the committee and all the parties. In order to make it an orderly discussion some element of formality exists. Consequently there will be an order in which the hearing will follow. The committee Chair will explain the order.

During the hearing the procedure is controlled by the Chair. Whilst the Chair will ensure that parties observe the procedure he or she may have to be firm in moving the hearing on to ensure that it proceeds at a pace that enables it to be dealt with within the time allocated. In particular the Chair may have to be strict in respect of ensuring that questions to witnesses keep to the issues. The committee may also put reasonable time limits on submissions.

When an application is received by us a number of persons are allowed to make "representations". This includes residents, the police, the Environmental Health service and the Local Safeguarding Children Board. Those who have made representations are called "parties".

The Law allows the applicant (the person applying for the licence) to have discussions with any of these parties before the hearing – this can lead to an agreed way of dealing with concerns relevant to the parties. (For instance, if Environmental Health is concerned about noise the applicant may offer to fit a noise limiter).

When you attend the hearing you may therefore find that some representations have been withdrawn. Where representations are withdrawn this will usually be because the person making the representations has been given satisfaction about how their concerns will be dealt with. For instance the Local Safeguarding Children Board may have concerns about the welfare of children. The applicant may then agree to accept a condition to the licence dealing with this concern and this may lead to a withdrawal of that representation.

The first thing that the committee will do is to find out what representations have been withdrawn so that the committee only concentrates on outstanding issues.

You must remember that as far as the law is concerned the applicant is entitled to do what they want with their business from a licensing point of view unless their business will offend against the four "licensing objectives" of:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Promotion of Public Safety

Although these objectives are intended for the benefits of residents and businesses, various statutory bodies are given responsibility for those objectives and it is expected that they will make representations if those objectives are under threat. These statutory bodies are called "Responsible Authorities".

The Responsible Authorities are as follows:

- The Chief Officer of Police
- The Local Fire Authority
- The Local Enforcement Agency for Health & Safety At Work Act 1974
- The Local Authority with Responsibility for Environmental Health
- The Local Planning Authority
- Another Licensing Authority
- A body representing those interested in the protection of children and recognised by the council (Local Safeguarding Children Board).

The guidance issued by central government advises that as a matter of practice the committee should seek to focus the hearing on the steps needed to promote the licensing objective which gave rise to the hearing. If your representations or application does not show how these four licensing objectives are affected, promoted or effected, then it is not likely to persuade the committee.

The hearing will probably be in two distinct parts. The first part is where the application and representations are made. The first part ends when the committee retires to consider the evidence.

The second part of the hearing is when the committee returns. The main purpose of the second part is to allow the parties to be told what legal advice (if any) has been received during the deliberations in private. The committee will then announce their decision.

This is then the end of the hearing. The decision will be communicated to the parties in writing.

The committee will then move on to consider the next application (if any).

Appeal

There is a right of appeal to the Magistrates Court. You need to take legal advice on which Magistrates Court to go to. The appeal has to be lodged with the Magistrates Court within a period of 21 days beginning on the day you were notified by the Council of the decision appealed against.

Conclusion

This is necessarily a brief guide. It is not a Statement of Law. For this you will need to take legal advice.

Contacts

(i) Licensing team:

- email: licensing@merton.gov.uk
- Tel: 020 8545 4005/3929

(ii) Meeting arrangements - Democratic Services:

- email: democratic.services@merton.gov.uk
- Tel: 020 8545 3616

(iii) All press contacts - Merton's Press office:

- email: press@merton.gov.uk
- Tel: 020 8545 3181

(iv) London Borough of Merton:

- Address: Civic Centre, London Road, Morden, SM4 5DX
- Tel: 020 8274 4901

Useful links

- Merton Council's Web site: http://www.merton.gov.uk
- Licensing Act 2003 http://www.hmso.gov.uk/acts/acts2003/20030017.htm
- Guidance issued by the secretary of State for Culture Media and Sport http://www.culture.gov.uk/Reference_library/Publications/archive_2004/guidance_issued_under_section_182_of_the_licensing_act_2003.htm
- Regulations issued by the Secretary of State for Culture, Media and Sport http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/lic_act_reg.htm
- Merton's Statement of Licensing policy http://www.merton.gov.uk/licensing/
- Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- http://www.merton.gov.uk/legal.htm
- This disclaimer also applies to any links provided here.

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25 JUN 2014
LIC

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Hankook House Limited
(Insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Korean House 257 Burlington Road			
Post town	New Malden	**Post code**	KT3 4NE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£20,500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

		Please tick yes	
a)	an individual or individuals *	☐	please complete section (A)
b)	a person other than an individual *		
	i. as a limited company	☒	please complete section (B)
	ii. as a partnership	☐	please complete section (B)
	iii. as an unincorporated association or	☐	please complete section (B)
	iv. other (for example a statutory corporation)	☐	please complete section (B)

c)	a recognised club	☐	please complete section (B)
d)	a charity	☐	please complete section (B)
e)	the proprietor of an educational establishment	☐	please complete section (B)
f)	a health service body	☐	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	☐	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	☐	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	☐	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

	Please tick yes
• I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or	☒
• I am making the application pursuant to a	
○ statutory function or	☐
○ a function discharged by virtue of Her Majesty's prerogative	☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			**First names**		
I am 18 years old or over				☐ Please tick yes	
Current postal address if different from premises address					
Post Town				**Postcode**	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			**First names**		
I am 18 years old or over				☐ Please tick yes	
Current postal address if different from premises address					
Post Town				**Postcode**	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Hankook House Limited
Address Registered Office: Unit 97 Kingspark Business Centre 152-178 Kingston Road New Malden Surrey United Kingdom KT3 3ST
Registered number (where applicable) 09004132
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
2	4	0	7	2	0	1	4

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

Please give a general description of the premises (please read guidance note1)

A restaurant situated at Korean House, 257 Burlington Road, New Malden, KT3 4NE providing food alcohol and karaoke entertainment.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment		**Please tick yes**
a)	plays (if ticking yes, fill in box A)	☐
b)	films (if ticking yes, fill in box B)	☒
c)	indoor sporting events (if ticking yes, fill in box C)	☐
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	☐
e)	live music (if ticking yes, fill in box E)	☒
f)	recorded music (if ticking yes, fill in box F)	☒
g)	performances of dance (if ticking yes, fill in box G)	☒
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	☒

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			**Will the performance of a play take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for performing plays** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			**Will the exhibition of films take place indoors or outdoors or both – please tick** (please read guidance note 2)		
Day	Start	Finish		Indoors	☒
				Outdoors	☐
				Both	☐
Mon	1200	0030	**Please give further details here** (please read guidance note 3) Karaoke involves the showing of films		
Tue	1200	0030			
Wed	1200	0030	**State any seasonal variations for the exhibition of films** (please read guidance note 4)		
Thur	1200	0030			
Fri	1200	0030	**Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	1200	0030			
Sun	1200	2330			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			**Please give further details** (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			**State any seasonal variations for indoor sporting events** (please read guidance note 4)
Wed			
Thur			**Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list** (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			**Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for boxing or wrestling entertainment** (please read guidance note 4)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			**Will the performance of live music take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☒
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	1200	0030	**Please give further details here** (please read guidance note 3) Live music will be limited to karaoke entertainment		
Tue	1200	0030			
Wed	1200	0030	**State any seasonal variations for the performance of live music** (please read guidance note 4)		
Thur	1200	0030			
Fri	1200	0030	**Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	1200	0030			
Sun	1200	2330			

F

Recorded music Standard days and timings (please read guidance note 6)			**Will the playing of recorded music take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☒
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	1200	0030	**Please give further details here** (please read guidance note 3) Recorded music will be limited to backing music for karaoke entertainment and ancillary background music		
Tue	1200	0030			
Wed	1200	0030	**State any seasonal variations for the playing of recorded music** (please read guidance note 4)		
Thur	1200	0030			
Fri	1200	0030	**Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	1200	0030			
Sun	1200	2330			

G

Performances of dance Standard days and timings (please read guidance note 6)			**Will the performance of dance take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☒
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	1200	0030	**Please give further details here** (please read guidance note 3) The performance of dance will be restricted to those partaking in karaoke		
Tue	1200	0030			
Wed	1200	0030	**State any seasonal variations for the performance of dance** (please read guidance note 4)		
Thur	1200	0030			
Fri	1200	0030	**Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	1200	0030			
Sun	1200	2330			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			**Please give a description of the type of entertainment you will be providing**		
Day	Start	Finish	**Will this entertainment take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☒
Mon	1200	0030		Outdoors	☐
				Both	☐
Tue	1200	0030	**Please give further details here** (please read guidance note 3) Regulated entertainment will be limited to karaoke		
Wed	1200	0030			
Thur	1200	0030	**State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)** (please read guidance note 4)		
Fri	1200	0030			
Sat	1200	0030	**Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sun	1200	2330			

I

Late night refreshment Standard days and timings (please read guidance note 6)			**Will the provision of late night refreshment take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☒
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	2300	0230	**Please give further details here** (please read guidance note 3)		
Tue	2300	0230			
Wed	2300	0230	**State any seasonal variations for the provision of late night refreshment** (please read guidance note 4)		
Thur	2300	0230			
Fri	2300	0230	**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	2300	0230			
Sun	2300	2330			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			**Will the supply of alcohol be for consumption (Please tick box)** (please read guidance note 7)		
				On the premises	☒
				Off the premises	☐
Day	Start	Finish		Both	☐
Mon	1200	0030	**State any seasonal variations for the supply of alcohol** (please read guidance note 4)		
Tue	1200	0030			
Wed	1200	0030			
Thur	1200	0030	**Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Fri	1200	0030			
Sat	1200	0030			
Sun	1200	2330			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name CHAN SOON PARK	
Address 52 Priory Close High Path London	
Postcode	SW19 2TG
Personal Licence number (if known) Awaiting for Personal Licence	
Issuing licensing authority (if known) Awaiting for Personal Licence	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	1200	0230
Tue	1200	0230
Wed	1200	0230
Thur	1200	0230
Fri	1200	0230
Sat	1200	0230
Sun	1200	2330

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

1. The venue will install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31 days with date and time stamping. Recordings shall be made available, subject to compliance with Data Protection legislation, to the police or authorised officer from time to time. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.

2. All deliveries for the premises shall be made between the hours of 08:00 and 18:00 hours.

3. Waste collection from the premises shall not be carried out before 07:30 hours or after 18:00 hours.

4. No external waste disposal or bar management activity which is audible beyond the boundary of the site shall be carried out after 23:00 hours.

5. The volume of recorded/live amplified music will be monitored and controlled at an acceptable level. Particular attention will be paid to base levels.

6. When necessary external windows and doors to the function rooms will be kept closed other than for entry and exit.

7. Loudspeakers will be positioned effectively to direct/confine sound to the function area.

8. Volume checks shall be carried out at the nearest noise sensitive boundary and a log of actions shall be kept by the licence holder.

9. The supply of alcohol shall be to persons seated at tables only and service will be by waiter/waitress only.

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the hours permitted for the sale of alcohol.

11. Alcohol may only be ordered and paid for by a member of Korean House.

12. Access to the premises will be restricted to persons working at the premises, members of Korean House and their bona fide guests.

13. Persons may not be admitted to membership without an interval of at least two days between their nomination and their admission.

14. No member may introduce more than 10 guests on any one day.

15. All guests must be signed in by a member on entry to the premises.

16. The full terms and conditions of membership of Korean House will be made available to the licensing officer, police licensing officer or other authorised officer on request.

17. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises;
- details of occasions when the police are called to the premises.
- any noise complaints made by neighbours

This book/register will be available for inspection by a police officer or other authorised officer on request.

c) Public safety

d) The prevention of public nuisance

1. A notice shall be displayed at the exit to the premises with words to the effect that customers will be asked to depart quietly so as not to disturb nearby residents.

2. A contact telephone number shall be made available to local residents which they can use to report any noise disturbance.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

   - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
   - Refresher/reinforcement training at intervals of no more than 6 months.

   Training records will be available for inspection by a police officer on request.

3. Persons under the age of 16 must be accompanied by an adult over the age of 18.

4.	No persons under the age of 16 will be permitted on the premises after 22:00 hours.

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	Inskeewood LLP
Date	24 June 2014
Capacity	Solicitors duly authorised on behalf of the Applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Winckworth Sherwood LLP (Ref:CVE/34972/1/RPB) Minerva House 5 Montague Close			
Post town	London	**Post code**	SE1 9BB
Telephone number (if any)	020 7593 0277		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) cedwards@wslaw.co.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR

I CHAN SOON PARK

Of 52 Priory Close, High Path, London, SW19 2TG

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for premises licence for Hankook House Limited

relating to a premises licence (no.)

for Korean House, 257 Burlington Road, New Malden, KT3 4NE

and any premises licence to be granted or varied in respect of this application made by Hankook House Limited

concerning the supply of alcohol at

Korean House, 257 Burlington Road, New Malden, KT3 4NE

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence No: Awaiting

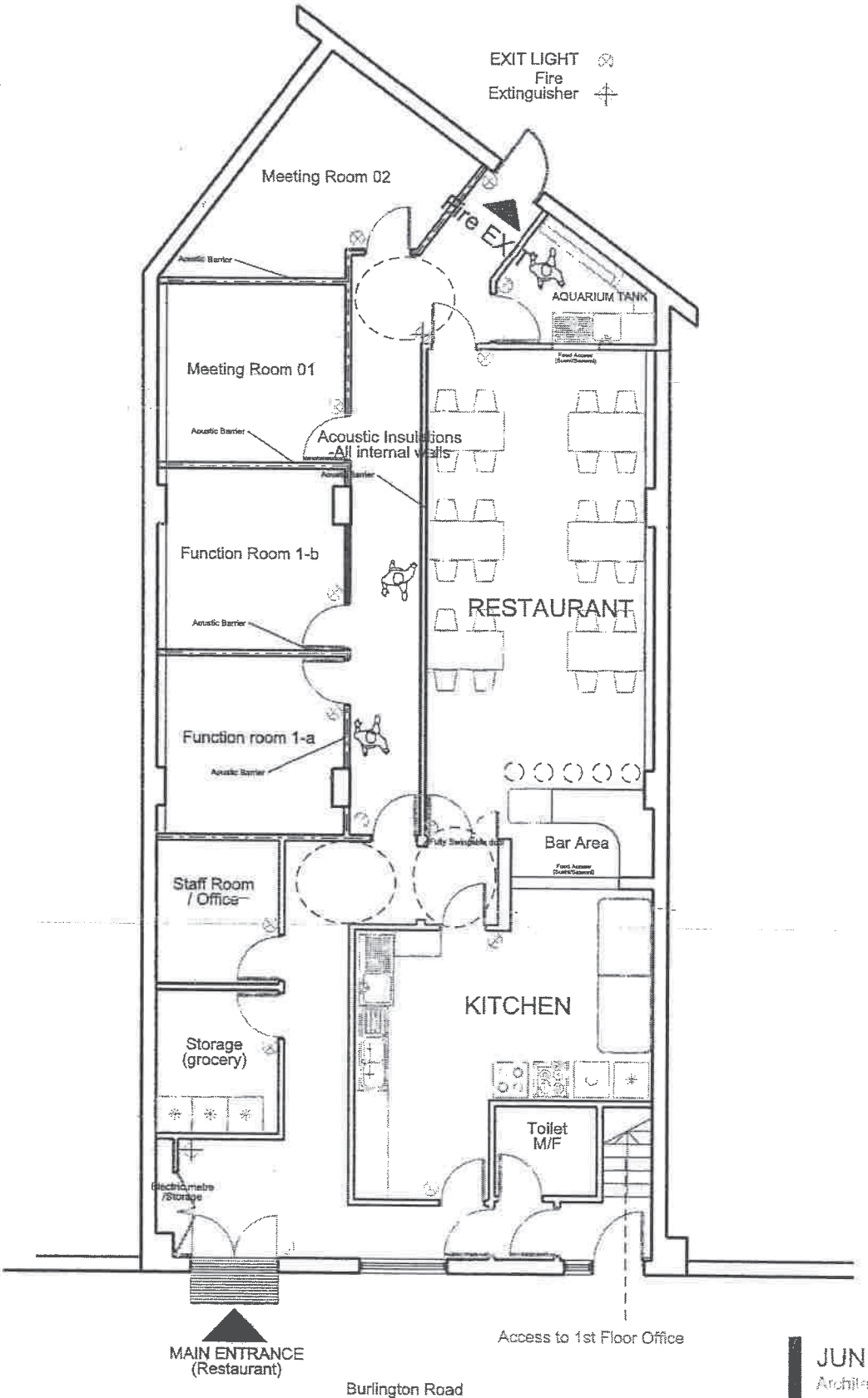
Personal Licence Issuing Authority: Merton London Borough Council

Signed: .....

Name: CHAN SOON PARK

Dated: 24/6/14

THE SALE OF ALCOHOL, PROVISION OF REGULATED ENTERTAINMENT AND THE PROVISION OF LATE NIGHT REFRESHMENT MAY TAKE PLACE IN ANY PART OF THE PREMISES.



B PROPOSED PLAN

JUN HEO
Architecture & Planning

PLAN 34972/1 DATED 2

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Sent at the request and on behalf of Councillor Gilli Lewis-Lavender

For the attention of Licencing

Re: 247 Burlington Road, New Malden KT3 4NE (Korean House)
Application Reference WK/201402880

Further to our telephone conversation yesterday afternoon I wish to make a representation to the Licencing Committee on the following grounds:

> The Korean House is directly opposite (40 metres) from the houses a the bottom of Claremont Avenue. Also flats are currently being build at the bottom of Claremont Avenue that will be even closer to the Korean House. The licencing request refers to an application for sale of alcohol that ends at 12.30am. It is possible that guests of the restaurant will be leaving even later than 12.30am. It is quite likely that there will be situations where the guests will be bidding each other goodnight and shutting their car doors quite loudly. Since the roads are quite at night each sound appears to be much louder. Also car engines will need to be turned on. This increased noise will disturb the residents and families of those who live in these nearby houses, some of whom have young families and others who start work very early.

Thus my representation is based on that of public nuisance and possible disorder.

I am quite happy to attend the Licencing Committee and present these facts myself.

Yours sincerely

Councillor Gilli Lewis-Lavender
West Barnes Ward

From Cllr Mary-Jane Jeannes

Dear Sir or Madam

On behalf of residents who live on the other side of Burlington Rd, at the top of Claremont Avenue, I wish to object to the closing times proposed in application WK/201402880 for the Korean House restaurant at 257 Burlington Rd KT3 4NE.

There are several other restaurants in the vicinity: Il Camino, Curry Leaves and Gin Go Gae. All these other restaurants close at 11pm, which is an appropriate time for this residential area.

Many of the restaurants' customers park in Claremont and Cavendish Avenues, as well as on Burlington Rd. These residents' sleep would be disturbed by customers getting into their cars after 2.30am. However well-meaning, people do talk loudly, bang their car doors and drive off noisily.

If the restaurant is allowed to show films and play music (recorded or live), is there sufficient sound insulation to ensure that no noise is heard from outside? This is especially a concern in summer months when restaurant staff might wish to have open windows. Please can the Licensing Committee check this?

I suggest that it would be fairer for Korean House to have the same closing time of 11pm as the other restaurantrs nearby.

Yours faithfully

Councillor Mary-Jane Jeanes
35 Linkway SW20 9AT
West Barnes ward

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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London Borough of Merton

Licensing Act 2003
Notice of Determination

Date of issue of this notice: 20th August 2014

Subject: Korea House, 257 Burlington Road, KT3 4NE

Having considered relevant applications, notices and representations together with any other relevant information submitted to any Hearing held on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

Parties to hearings have the right to appeal against decisions of the Licensing Authority. These rights are set out in Schedule 5 of the Licensing Act 2003 and Chapter 12 of the Amended Guidance issued by the Home Secretary (April 2012). Chapter 12 of the guidance is attached as Annex B to this notice.

For enquiries about this matter please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3616
Fax: 020 8545 3226 **(Please telephone 020 8545 3616 to notify faxes sent)**
Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003
http://www.hmso.gov.uk/acts/acts2003/20030017.htm

Guidance issued by the Home Secretary
http://www.homeoffice.gov.uk/

Regulations issued by the Secretary of State for Culture, Media and Sport
http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy
http://www.merton.gov.uk/licensing/

Annex A

Determination

The Licensing Sub Committee considered the application Hankook House Limited for "Korean House" at 257 Burlington Road, New Malden, KT3 4NE for a premises licence to permit the retail Sale of Alcohol, provision of Late Night Refreshment and Regulated Entertainment.

The Premises Licence was **granted**, subject to following modification to permitted hours and the conditions proposed by the applicants in their submission, subject to the indicated modification, and additions:

Retail Sale of Alcohol

12.00 - 23.00 Monday to Thursday,

12.00 - 00.30 Friday and Saturday,

12.00 - 23.00 Sunday

Film, Live Music, Recorded Music, Dance, Anything of a Similar to Live Music, Recorded Music, or Dance

12.00 – 00.30 Monday to Thursday,

12.00 – 01.30 Friday,

12.00 - 23.30 Sundays.

Late Night Refreshment

23.00 – 00.30 Monday to Thursday,

23.00 – 01.30 Friday,

23.00 - 23.30 Sundays.

Opening Hours

12.00 – 00.30 Monday to Thursday,

12.00 – 01.30 Friday,

12.00 - 23.30 Sundays.

Conditions:

1. The venue will install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31 days with date timing and stamping. Recordings shall be made available, subject to compliance with Data Protection legislation, to the police or authorised officer from time to time. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
2. All deliveries for the premises shall be made between the hours of 08.00 and 18.00 hours.
3. Waste collection from the premises shall not be carried out before 07.30 hours or after 18.00 hours.
4. No external waste disposal or bar management activity which is audible beyond the boundary of the site shall be carried out after 23.00 hours.
5. The volume of recorded/live amplified music will be monitored and controlled at an

acceptable level. Particular attention will be paid to base levels.

6. When necessary external windows and doors to the function rooms will be kept closed other than for entry and exit.
7. Loudspeakers will be positioned effectively to direct/confine sound to the function area.
8. Volume checks shall be carried out at the nearest noise sensitive boundary and a log of actions shall be kept by the licence holder.
9. The supply of alcohol shall be to persons seated at tables only and service will be by waiter/waitress only.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the hours permitted for the sale of alcohol.
11. Alcohol may only be ordered and paid for by a member of Korean House.
12. Access to the premises will be restricted to persons working at the premises, members of Korean House and their bona fide guests.
13. Persons may not be admitted to membership without an interval of at least two days between their nomination and their admission.
14. No member may introduce more that **5** guests on any one day
15. All guests must be signed in by a member on entry to the premises.
16. The full terms and conditions of membership of Korean House will be made available to the licensing officer, police licensing officer or other authorised officer on request.
17. An incident book/register shall be maintained to record:
    - All incidents of crime and disorder occurring at the premises;
    - Details of occasions when the police are called to the premises
    - Any noise complaints made by neighbours

    This book/register will be available for inspection by a police officer or other authorised officer on request.
18. A notice shall be displayed at the exit to the premises with words to the effect that customers will be asked to depart quietly so as not to disturb nearby residents.
19. A contact telephone number shall be made available to local residents which they can use to report any noise disturbance.
20. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce , before being sold alcohol, identification, being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
21. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
    - Induction training which must be completed and documented prior to the sale of alcohol by the staff member
    - Refresher/reinforcement training at intervals of no more than 6 months

    Training records will be available for inspection by a police officer on request
22. Persons under the age of 16 must be accompanied by an adult over the age of 18.
23. No persons under the age of 16 will be permitted on the premises after 22.00 hours.

<u>New condition:</u>

24. The DPS, manager and/or door staff shall monitor and manage the customers leaving the premises, so as to avoid noise and disturbance to residents.

Recommendations:

1) The Licensing Sub-Committee would prefer that any smoking shall take place at the rear of the premises or where there are no noise sensitive premises.
2) The Licensing Sub-Committee suggests that the manager and/or door staff shall ask waiting minicabs to switch off their engines whilst they are waiting for customers.

Reasons

The Licensing Sub-Committee considered all of the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance under section 182 of the Licensing Act 2003, its Regulations, case law (including specific consideration of the Luminar Leisure and Somerfield cases in respect of the extent of noise being outside the premises and the validity of conditions dealt with by other legislation respectively), and Merton Council's Licensing Policy.

The reasons for the decision were as follows:

Reasons

The Licensing Sub-Committee had to consider the application against all the licensing objectives, taking into account the evidence of objectors, and assurances given by the applicant about their proposed activities:

The Licensing Sub-Committee was satisfied that the conditions imposed were appropriate and proportionate to meet the licensing objectives.

Annex B

Extract from the Amended Guidance issued by the Home Secretary under Section 182 of the Licensing Act 2003 (April 2012).

12.Appeals

12.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

GENERAL

12.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

12.3 An appeal has to be commenced by the appellant giving of a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

12.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.

12.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.

12.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.

12.7 On determining an appeal, the court may:

• dismiss the appeal;

• substitute for the decision appealed against any other decision which could have been made by the licensing authority; or

• remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

LICENSING POLICY STATEMENTS AND SECTION 182 GUIDANCE

12.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.

12.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

GIVING REASONS FOR DECISIONS

12.10 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

IMPLEMENTING THE DETERMINATION OF THE MAGISTRATES' COURTS

12.11 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

PROVISIONAL STATEMENTS

12.12 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

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London Borough of Merton

merton

Licensing Act 2003
Notice of Determination

Date of issue of this notice: 20th August 2014

Subject: Khanage Indian Restaurant, 108 Broadway, SW19 1RH

Having considered relevant applications, notices and representations together with any other relevant information submitted to any Hearing held on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

Parties to hearings have the right to appeal against decisions of the Licensing Authority. These rights are set out in Schedule 5 of the Licensing Act 2003 and Chapter 12 of the Amended Guidance issued by the Home Secretary (April 2012). Chapter 12 of the guidance is attached as Annex B to this notice.

For enquiries about this matter please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3616
Fax: 020 8545 3226 **(Please telephone 020 8545 3616 to notify faxes sent)**
Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003
http://www.hmso.gov.uk/acts/acts2003/20030017.htm

Guidance issued by the Home Secretary
http://www.homeoffice.gov.uk/

Regulations issued by the Secretary of State for Culture, Media and Sport
http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy
http://www.merton.gov.uk/licensing/

Annex A

Determination

The Licensing Sub-Committee determined that the application by Anwar Sheikh and Sonia Patel for a new Premises Licence for "Khanage Indian Restaurant" at 108 Broadway, SW19 1RH be granted with the following Licensable Activities, Hours and Conditions:

Late Night Refreshment

23.00 – 00.00 Monday to Sunday

Sale by Retail of Alcohol (On Sales Only)

12.00 – 00.00 Monday to Sunday

Opening Hours

12.00 – 00.00 Monday to Sunday

The Premises Licence is subject to the following conditions (from the offered conditions page 22 – 24 in the agenda pack):

1. Alcohol sales will be ancillary to the service of food and will be restricted to wines and/or beers only. There will be no sale of alcohol without the purchase of a substantial meal and no vertical drinking on the premises.

2. A CCTV camera system shall be installed and maintained as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling identification of persons entering in any light condition.

3. The licences shall ensure that the CCTV is maintained in working order to the satisfaction of the Police and Local Authority and be in operation when the premises is open to the public. CCTV recordings shall be retained for a minimum period of 31 days with date and time stamping. Records will be made immediately available on request by the Police or an authorised council officer.

4. A member of staff conversant with operation of the CCTV system will be on the premises at all times during the operating hours in order to provide Police or an authorised council officer with recent footage with a minimum of delay.

5. If the CCTV becomes inoperative, the Police and Local Authority will be informed as soon as practically possible and immediate steps will be taken to put the equipment back into action.

6. No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time.

7. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.

8. The premises shall keep an incident book and record details of all instances of public disorder, to be made available to the Licensing Authority or police upon request.

9. Staff shall implement a dispersal policy outside the premises within the area under the

applicants' direct control.

10. The applicants shall conduct regular risk assessments on noise levels outside the premises.

11. Staff shall implement a litter clearing policy immediately outside the premises.

12. A suitable receptacle will be provided for cigarette litter directly outside the premises.

13. Notices shall be displayed reminding customers to keep noise levels to a minimum and to respect neighbours when leaving the premises.

14. A challenge 25 policy will be employed whereby those who appear to be under the age of 25 are attempting to purchase alcohol will be asked to provide identification. The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards. Staff will be trained in this policy and records of training will be kept.

15. A refusals book, or similar record, shall be kept at the premises in which must be recorded the date and time and circumstances under which any attempted purchase by a young customer has been refused. This book, or other form of record, shall be made available for inspection by any police officer, community support officer, or authorised person upon demand.

16. Children under the age of 16 may be present in the restaurant with an accompanying adult but otherwise are not permitted beyond 19:00.

Reasons

The Licensing Sub-Committee considered all of the relevant evidence made available to it and in doing so has took into account the Licensing Act 2003, the Guidance under section 182 of the Licensing Act 2003 and Merton Council's Licensing Policy.

The Licensing Sub-Committee took into account its special policy on cumulative impact and the presumption that new applications will normally be refused unless the Applicant can show that their proposals will not add to the cumulative impact already being experienced. However, the policy is not absolute and the circumstances of each case need to be considered taking into account the premises' style and characteristics.

The Licensing Sub-Committee considered whether this application will add to the cumulative impact of the number of licensed premises in this area. In view of the nature of the proposed operation and the enforceable conditions offered by the applicant, the Licensing Sub-committee did not believe this to be the case.

The Licensing Sub-Committee was satisfied that the presumption against refusal had been rebutted by the Applicant.

The Licensing Sub-Committee was satisfied that the conditions imposed were appropriate and proportionate to promote the licensing objectives in the Licensing Act 2003.

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