

Merton Council

Licensing Sub-Committee

11 May 2016

Supplementary agenda

4 Jimmy's World Grill and Bar, Unit B, 122 The Broadway,
London, SW19 1RH

1 - 4

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Supplementary Report provided by Licensing Department – Jimmy’s World Grill and Bar, Unit B, 122 The Broadway, SW19 1RH

Licensing Sub-Committee 11 May 2016

This supplementary report is to inform the sub-committee that the police and public health representations have been withdrawn following the applicant agreeing to the conditions suggested in those representations as shown below.

POLICE CONDITIONS

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

2. 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 premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

3. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).

4. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.

5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder

- (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
6. The sale and supply of alcohol shall only be as ancillary to a meal being taken at the restaurant.

PUBLIC HEALTH CONDITIONS

1. No super-strength beer, lagers or ciders, or spirit mixtures of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. Alcohol shall be sold to customers by waiter/waitress service only.
3. Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.
4. No sales for consumption off the premises permitted.
5. No drinks to be taken off the premises in open containers e.g. glasses or open bottles (preventing use of containers as weapons, and to prevent consumption of alcohol in surrounding streets after individuals have left the premises).
6. Drinkaware will be promoted through the business website and drinking sensibly and appropriately will feature on any menus and marketing literature.
7. Any promotional material online or elsewhere will adhere to the Portman Group Code of Practice (<http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>).
8. Refusals of alcohol sales shall be recorded in a log and made available for inspection by an authorised officer of the council or police when requested.
9. A proof of age policy such as Challenge 25 shall be operated at the premises whereby any individual suspected to be under age will be required to provide a recognised form of photographic identification.

ADDITIONAL INFORMATION PROVIDED BY LICENSING DEPARTMENT –
Jimmy's World Grill and Bar, Unit B, 122 The Broadway, SW19 1RH

Licensing Sub-Committee 11 May 2016

The following information has been provided by Licensing Officers of Merton Council in response to questions asked by Interested Parties.

Response 1:

I am writing in response to your recent questions about the above application and will address them chronologically.

1. I note in clause 5.6 of the Licensing Sub Committee report that the application has now been amended to state trading hours of 10:00 to 23:30 (Monday to Sunday) or 23:00 to 23:30 in the case of Late Night Refreshment. This seems to be exactly the same as permitted under the existing license - can you pl confirm?

ANSWER: The Licensing Authority has been formally notified by the applicant's solicitor that the terminal hour for all licensable activities will now be 23:30 and not 01:00 as stated in the application. By law, the applicant can reduce the hours before a hearing, but not increase them.

It would not be appropriate for the licensing authority to pass comment about an existing premises licence, as it does not form part of this application. However, details of this licence can be viewed in the licensing register:

http://www.merton.gov.uk/business/licences/licensing/premiseslicenceregistersandpending_applications.htm

A copy of the existing premises licence is also included in the hearing papers which have been sent to you.

2. Also in clause 5.6 it refers to "Sale by Retail of Alcohol" - can you pl confirm this refers to consumption on the premises only not for consumption off the premises? I note that their original application was only for consumption on the premises.

ANSWER: On premises only.

3. Clause 5.6 also refers to "Regulated Entertainment" - can you pl confirm that this relates only to Exhibition of Film and Recorded Music referred to in the existing license and original application?

ANSWER: Yes

4. Given that their application now on the face of it appears similar to what is permitted under the existing license, can you pl clarify why they are applying for a new license?

ANSWER: This is a matter for the applicant. The licensing authority can pass no comment.

5. My understanding is that the premises will continue to operate as a Jimmy Spices restaurant. Can you please clarify if there will be any change to who operates the unit, the name of the restaurant or the type of restaurant it will be? In particular, pl confirm that there is no question of it becoming a bar or pub? This is not clear from the application.

ANSWER: The Licensing Act 2003 does not stipulate how a premises should be operated, merely that it must be within the terms and conditions of the appropriate licence. Details about the applicant and the existing operator are available in the hearing papers/ licensing register. The name of the premises is not proscribed and is a matter for the operator.

I should point out that it is understood that the applicant's solicitor is in the process of attempting to negotiate an agreed settlement and so avoid a hearing. The Licensing Authority cannot become involved in such negotiations for legal reasons. Further, the hearing will go ahead, unless all the representations have been withdrawn, any such withdrawal must be in writing (an e-mail will suffice).

Response 2

I am forwarding a response received from the Licensing department regarding the hours applied for by Jimmy's World Grill and Bar

Given the number of enquiries about the above application, some clarification is felt needed about the times requested for licensable activities.

The Licensing Authority has been formally notified by the applicant's solicitor that the terminal hour for all licensable activities will now be 23:30 and not 01:00 as stated in the application. By law, the applicant can reduce the hours before a hearing, but not increase them.

It is understood that the applicant's solicitor is in the process of attempting to negotiate an agreed settlement and so avoid a hearing. The Licensing Authority cannot become involved in such negotiations for legal reasons. Further, the hearing will go ahead, unless all the representations have been withdrawn, any such withdrawal must be in writing (an e-mail will suffice).

A further question is regarding the fact that a new licence is being applied for when the premises already benefits from a premises licence. It should be noted that this is permitted by the terms of the Licensing Act 2003.