

# Merton Council

## Licensing Sub-Committee

### Membership

#### Councillors:

Philip Jones

John Sargeant

Judy Saunders

A meeting of the Licensing Sub-Committee will be held on:

**Date: 12 December 2016**

**Time: 1.30 pm**

**Venue: Council chamber - Merton Civic Centre, London Road, Morden  
SM4 5DX**

#### Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 The Slug, 17 Hartfield Road, Wimbledon, SW19 3TA - Temporary Event Notice 1 - 28
- 5 Burger King, 1-3 The Broadway, Wimbledon, SW19 1PS - Temporary Event Notice 29 - 46

#### Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3616.

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## **Procedure to be followed at Licensing Hearing**

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.  
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Responsible Authorities and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.
16. The Sub Committee will return and re-open for public session.
17. The Chair will invite the Legal Officer to present the advice provided during private session.
18. The Sub-committee's decision will be read out either by the Chair or the Chair will invite the Legal Officer to do so.
19. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing



## Licensing Sub-Committee Report

Subject of hearing: **The Slug, 17 Hartfield Road Wimbledon, SW19 3TA**

Date: **12 December 2016**

Time: **13.30**

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

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

1.1 The premises are in the special policy area. Accordingly the relevant section of Merton's Licensing Policy is particularly relevant to this application though the sub-committee is to have regard to the policy as a whole.

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

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

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

2.3 Police objection to temporary event notice: s105

(i) To issue or refuse to issue a counter-notice.

(ii) If it is decided not to issue a counter notice, attach conditions from the relevant premises licence: S106A

### **3. Hearing papers**

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

### **4. Legal advice to the sub-committee**

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

### **5. Licensing Officer comments**

5.1 The temporary event notification was received by the Licensing Authority on 28<sup>th</sup> November 2016 and acknowledged as correctly made.

5.2 On the 29<sup>th</sup> November 2016 the notification was sent to the Police by email.

5.3 An objection to the notification was received from the Police on 1<sup>st</sup> December 2016.

- 5.4 The objection notice refers to 2 notifications. A counter notice has already been issued for the “late” notification for an event on the 11<sup>th</sup> December 2016 in accordance with the Regulations.
- 5.5 The notification is for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment from 00:01 to 02:30 on the 18<sup>th</sup> December 2016, Sunday morning.
- 5.6 The premises already benefits from a premises licence, which forms part of the hearing papers, allowing the authorisations until midnight the day before.
- 5.7 There are conditions on the premises licence that can be attached to the notification by the Sub-committee should it be decided not to issue a counter notice. You do not have to attach all of the conditions. Any attached must not be inconsistent with the carrying out of the licensable activities under the notification.

**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](mailto: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:

<b>Applicant</b>	
Raul Ruiz	
<b>Statutory Authorities</b>	
Metropolitan Police	

### Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

**1. The personal details of premises user (Please read note 1)**

**1. Your name**

<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
<b>Surname</b>	Canestro
<b>Forenames</b>	Raul Ruiz

**2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)**

<b>Title</b>	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
<b>Surname</b>	
<b>Forenames</b>	

**3. Your date of birth** Day  Month  Year

**4. Your place of birth**

**5. National Insurance Number**

**6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)**

**Post town:** London **Postcode:**

**7. Other contact details**

<b>Telephone numbers</b>	
<b>Daytime</b>	0208 947 1791
<b>Evening (optional)</b>	
<b>Mobile (optional)</b>	
<b>Fax number (optional)</b>	
<b>E-Mail address (if available)</b>	TheSlug.Wimbledon@stonegatepubs.com

**8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)**

Heather Morris  
 Licensing Department  
 Stonegate Pub Co.  
 Porter Tun House  
 500 Capability Green

**Post town:** Luton **Postcode:** LU1 3LS

**9. Alternative contact details (if applicable)**

<b>Telephone numbers:</b>	
<b>Daytime</b>	0845 126 2979
<b>Evening (optional)</b>	N/A
<b>Mobile (optional)</b>	N/A
<b>Fax number (optional)</b>	N/A
<b>E-Mail address (if available)</b>	Licensing@stonegatepubs.com



**2. The premises**

**Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)**

**(Please read note 2)**

The Slug  
17 Hartfield Road  
Wimbledon  
London  
SW19 3TA

**Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.**

**Premises licence number**

LN/000000775

**Club premises certificate number**

N/A

**If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)**

Whole of the premises

**Please describe the nature of the premises below. (Please read note 4)**

Public House

**Please describe the nature of the event below. (Please read note 5)**

Christmas Season

<b>3. The licensable activities</b>	
<b>Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)</b>	
The sale by retail of alcohol	X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	X
The provision of late night refreshment	X
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
<b>Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)</b>	
18 <sup>th</sup> December 2016	
<b>Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)</b>	
00:01 – 02:30	
<b>Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)</b>	499
<b>If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)</b>	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both X

<b>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)</b>
Not applicable


<b>4. Personal licence holders (Please read note 13)</b>		
<b>Do you currently hold a valid personal licence?</b> (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
<b>Issuing licensing authority</b>	LB Wandsworth	
<b>Licence number</b> <b>Date of issue</b> <b>Date of expiry</b> <b>Any further relevant details</b>	LBWands/03476 13/04/2013	

<b>5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)</b>		
<b>Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year</b>	9	
<b>Have you already given a temporary event notice for the same premises in which the event period:</b> a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)</b>		
<b>Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.</b>		
<b>Has any associate of yours already given a temporary event notice for the same premises in which the event period:</b> a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.</b>		
<b>Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:</b> a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>7. Checklist (Please read note 16)</b>	
<b>I have: (Please tick the appropriate boxes)</b>	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	X
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	X
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	X
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	X
Signed the declaration in Section 9 below	X

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 18)</b>	
<p>The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	Monday, 28 November 2016
Name of Person signing	Heather Morris

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 19)</b>	
I acknowledge receipt of this temporary event notice.	
<b>Signature</b>	On behalf of [REDACTED]
<b>Date</b>	
<b>Name of Officer signing</b>	S. BEEDELL

## NOTES

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user".

Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;

the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;  
the provision of regulated entertainment; and  
the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 7

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.



#### Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 12

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment – see note 6 above). A temporary event notice may be given for this purpose.

#### Note 13

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 14

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 15 below sets out the definition of an “associate”.

#### Note 15

An “associate” of the proposed premises user is:

- (a) the spouse or civil partner of that person;
- (b) a child, parent, grandchild, grandparent, brother or sister of that person;
- (c) an agent or employee of that person; or
- (d) the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Note 16

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 17

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 18

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

#### Note 19

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations amend the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (“the 2005 Regulations”). Their purpose is to prescribe the form of a temporary event notice to replace the notice prescribed in the 2005 Regulations. The form of temporary event notice now requires the premises user to provide information about the intended use of premises for the provision of relevant entertainment (within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.





## LICENSING ACT 2003

### Part A Premises licence

Premises licence number

LN/00000775

#### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**The Slug  
16-26 Hartfield Road  
London  
SW19 3TA**

**020 8947 1791**

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>00:00</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>00:00</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>00:00</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>00:00</b>

Sale & supplies of alcohol, whether these are on and/or off supplies

**On and Off the premises**



## Licensable activities and permitted times authorised by the licence

### Alcohol Sales

#### On and Off the premises

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	00:00
Friday	10:00	-	00:00
Saturday	10:00	-	00:00
Sunday	10:00	-	00:00

When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 23.30.

When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 00.00 midnight on New Year's Day.

### Live Music

#### Indoors

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	00:00
Friday	10:00	-	00:00
Saturday	10:00	-	00:00
Sunday	10:00	-	00:00

Recorded Music - Indoors - 24 hours

### Anything Similar to Music and Dancing

#### Indoors

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	00:00
Friday	10:00	-	00:00
Saturday	10:00	-	00:00
Sunday	10:00	-	00:00

### Facilities for Dancing

#### Indoors

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	00:00
Friday	10:00	-	00:00
Saturday	10:00	-	00:00
Sunday	10:00	-	00:00

### Late Night Refreshment

#### Indoors

Monday		-	
Tuesday		-	
Wednesday		-	
Thursday	23:00	-	00:00
Friday	23:00	-	00:00
Saturday	23:00	-	00:00
Sunday	23:00	-	00:00

The premises may also provide private entertainment for the purposes of gain at any time.



## Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

**Stonegate Pub Company Ltd  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS**

**08451 262 944**

Registered number of holder, ie company number, charity number etc.

**FC029833**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol





## **ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003**

1. That no supply of alcohol may be made under the premises licence  
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or  
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



**5.** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**6.** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

**7.** The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**8.** A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

**9.** For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or



(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**10.** The admission of children to the exhibition of any film is to be restricted in accordance with any recommendation made by the relevant film classification body or relevant licensing authority.

**11.** No condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under a licence that permits the performance of plays.



## Annex 2

### Conditions consistent with the Operating Schedule

1. The maximum number of persons that may be accommodated at any one time in the premises shall not exceed 650.
2. The installed CCTV surveillance system shall be maintained and operated the whole time that the premises are open to the public, in accordance with the following:
  - 1) Recording tapes shall be of good quality and changed daily,
  - 2) Recorded tapes shall be kept in a secure store for a period of 31 days and be available for inspection by both the Police and Officers of the Council,
  - 3) A register of tapes shall be maintained, including both the tape number and details of persons handling such tapes,
  - 4) Tapes may be reused/recorded after 31 days have elapsed,
  - 5) The CCTV system shall be serviced and maintained on an annual contract with a company specialising in the maintenance and repair of CCTV systems.
3. All amplified sound played on the premises shall be through the installed electronic noise limiter which restricts the installed sound system output to a threshold limit of 90dB-Laeq (1 minute) in the centre of the ground floor bar area.
4. The installed noise limiting system shall be secured such that the only persons that have access to it are the Licensee or his designated manager.
5. The windows at the front of the premises shall be kept locked shut the whole time the premises are in use under the licences.
6. An incident book containing details of any significant public order issues is to be maintained. The incident book shall be available for inspection by Police, Local Authority and London Fire Brigade Officers at all reasonable times.
7. Door Supervisors shall be employed at all times that the premises are in use after normal Liquor Licensing hours cease.
8. Door Supervisors employed at any time must be currently registered with the London Borough of Merton until such time as the Security Industries Authority takes over the registration and licensing of door supervisors when such door supervisor shall be registered with them.

Conditions removed as a consequence of the variation dated 22 Feb 2007:

The Licensing Act 1964 Children's Certificate and conditions shall no longer apply to the premises.



### Annex 3

Conditions attached after a hearing by the licensing authority

1. Music Videos shall only be shown during normal trading hours.

### Annex 4

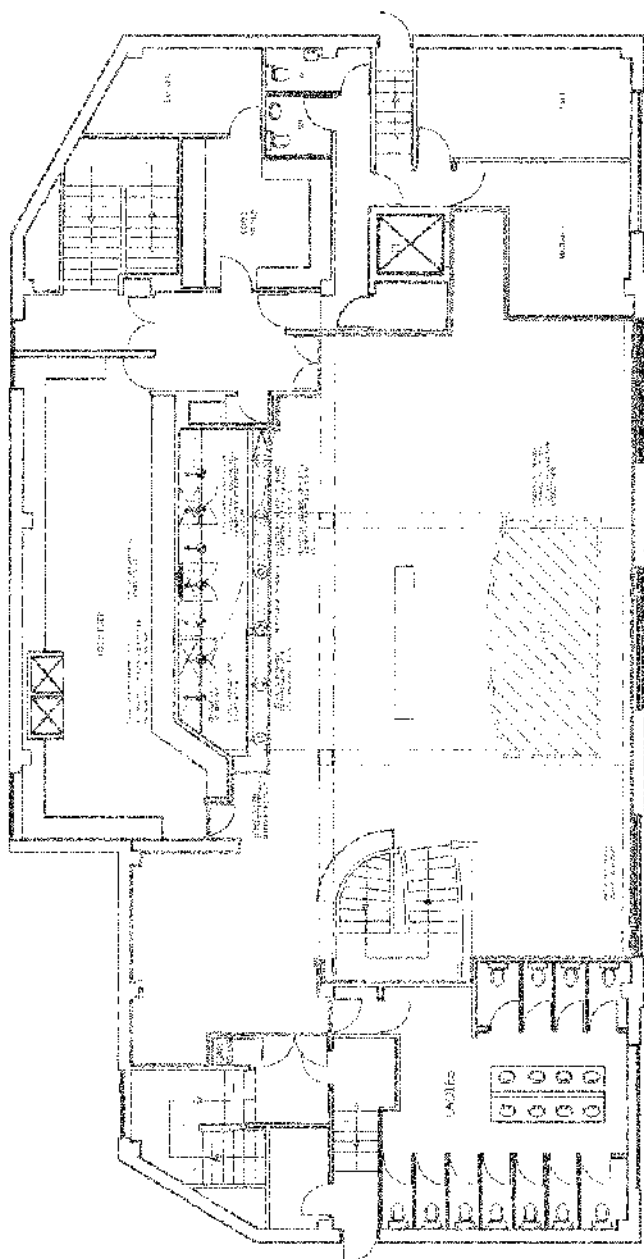
Premises Plans: Drawings '1224-01' and '1224-02' of 21/05/2010.



1:10 ARCHITECTURAL DRAWING

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

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DATE: 12/11/10  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PROJECT NO. 1224		DATE: 12/11/10
PROJECT NAME: THE SLING & LETTICE, HARTFIELD ROAD, WIMBLEDON, SW19 3TA		DATE: MAR 2010
PROJECT TYPE: FIRST FLOOR LEVEL PROPOSED LAYOUT		SCALE: 1:1000 A2
DRAWN BY: [Name]		CHECKED BY: [Name]
DATE: 12/11/10		DATE: MAR 2010
PROJECT NO. 1224		PROJECT NO. 1224
PROJECT NAME: THE SLING & LETTICE, HARTFIELD ROAD, WIMBLEDON, SW19 3TA		PROJECT NAME: THE SLING & LETTICE, HARTFIELD ROAD, WIMBLEDON, SW19 3TA

**thinkspace**  
 UNIT 101A, BUCKINGHAM BUILDING,  
 101A BUCKINGHAM ROAD,  
 WIMBLEDON, MIDDLESEX, UK  
 TEL: 02087 106430

From: Russ.Stevens@met.pnn.police.uk [mailto:Russ.Stevens@met.pnn.police.uk]  
Sent: 01 December 2016 12:09  
To: Licensing  
Cc: Ray Littlefield  
Subject: The Slug TENs Representations

Dear Sirs,

I have today been made aware of two Temporary Event Notice applications that have been received by Merton Council in relation to The Slug, 17 Hartfield Road, Wimbledon SW19 3TA. The applications were sent directly to Merton Council and ask for extensions to alcohol hours on 11<sup>th</sup> and 18<sup>th</sup> Dec 2016 from 0001hrs to 0230hrs on both days. I wish to make the following representations with regard to both TENs.

1. The TEN applications have been forwarded to myself from the council and not received directly from the applicant.
2. Due to my concerns over a previous TEN application for 29<sup>th</sup>/30<sup>th</sup> Oct at the same venue, I have asked the DPS, and/or the applicant Stonegate Pubs, to contact me prior to any future TEN applications if they were considering a significant extension request. I have not received any contact.
3. There have been 3 incidents of crime and disorder outside The Slug and directly linked to the venue late at night on 15<sup>th</sup> Oct, 21<sup>st</sup> Oct, 4<sup>th</sup> Nov 2016 with crime reports and arrests made for Assaults occasioning ABH and Affray.
4. I am aware from Council Planning Dept (Ray Littlefield), that Planning Conditions exist preventing The Slug from legally remaining open after midnight.

I have met with Paul Walton, Area Manager for Stonegate Pubs and discussed my concerns over the three incidents in October and November and I am happy that my concerns are being addressed. However, I do not feel comfortable with the prospect of The Slug staying open past their midnight permitted hours on any date during the run up to Christmas and New Year. There has been insufficient time elapsed since the three incidents to suggest that reoccurrence is unlikely. I believe that the potential for crime and disorder is significantly increased if The Slug remain open past midnight.

My recommendation and formal request is that the two TEN Applications for 11<sup>th</sup> and 18<sup>th</sup> Dec are refused.

Yours Faithfully

**Russ STEVENS** PC852VW P191701  
Merton Licensing | Wimbledon Police Station | Metropolitan Police Service  
Metphone 733074 Telephone 020 8649 3074

**Licensing Correspondence to:**

The Chief Officer of Police  
Russ Stevens 852VW  
Licensing Office  
Wimbledon Police Station  
15-23 Queens Road  
London  
SW19 8NN



## Licensing Sub-Committee Report

Subject of hearing: **Burger King, 1-3 The Broadway, Wimbledon, SW19 1PS**

Date: **12 December 2016**

Time: **13:30**

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

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

1.1 The premises are in the special policy area. Accordingly the relevant section of Merton's Licensing Policy is particularly relevant to this application though the sub-committee is to have regard to the policy as a whole.

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

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

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

2.3 Police objection to temporary event notice: s105

(i) To issue or refuse to issue a counter-notice.

### **3. Hearing papers**

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

### **4. Legal advice to the sub-committee**

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

### **5. Licensing Officer comments**

5.1 On the 29<sup>th</sup> November 2016 an objection to a temporary event notification was received from the Police.

5.2 The temporary event notification to which this objection relates was received by the Licensing Authority on 30<sup>th</sup> November 2016 and acknowledged as correctly made.

5.3 The supply of late night refreshment is licensable from 23:00 to 05:00 the following morning. The notification covers this time from the 30<sup>th</sup> December 2016 until the morning of the 1<sup>st</sup> January 2017.

- 5.4 There are no conditions on the premises licence (which forms part of the hearing papers) that can be attached to the notification by the Sub-committee.

**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](mailto: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:

<b>Applicant</b>	
Venkateshwar Rao Renukunta Narshima	
<b>Statutory Authorities</b>	
Metropolitan Police	



## SCHEDULE

Regulation 2(2)

### Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

MECO 00205278

MECO 00205278

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	RENUKUNTA NARSIMHA		
Forenames	VENKATESHWAR RAO		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
1-3 THE BROADWAY			
Post town	WIMBLEDON,	Postcode	SW19 1PS
9. Alternative contact details (if applicable)			
Telephone numbers:			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
BURGER KING 1-3, THE BROADWAY WIMBLEDON - SW19 1PS	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LN/000001114.
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
I would like to use the whole premises which is a restaurant (BURGER KING).	
Please describe the nature of the premises below. (Please read note 4)	
The premises is a restaurant (BURGER KING).	
Please describe the nature of the event below. (Please read note 5)	
We are a fast food restaurant. We would like to keep our premises open for a longer time to serve the customers on New Year's Eve.	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
30-12-2016 to 31-12-2016	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
30-12-2016 - FRIDAY - 08:00 - 05:00 31-12-2016 - SATURDAY - 08:00 - 05:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
250	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>
N/A	

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)</p> <p>N/A</p>
---


4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	MERKTON COUNCIL	
Licence number	LN/000001114	
Date of issue	12-01-2012	
Date of expiry	—	
Any further relevant details	IN THE NAME OF ROGER KING.	

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	2.	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	2.	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>


7. Checklist (Please read note 16)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	28-11-2016
Name of Person signing	VENKATESHWAR RAO RENUKUNTA WAR SIMHA .



For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority 
Date	02 DECEMBER 2016
Name of Officer signing	E MACDONALD



## LICENSING ACT 2003

### Part A Premises licence

Premises licence number

LN/000001114

#### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Burger King**  
**1-3 The Broadway**  
**London**  
**SW19 1PS**

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

<b>Monday</b>	<b>08:00</b>	<b>-</b>	<b>01:00</b>
<b>Tuesday</b>	<b>08:00</b>	<b>-</b>	<b>01:00</b>
<b>Wednesday</b>	<b>08:00</b>	<b>-</b>	<b>01:00</b>
<b>Thursday</b>	<b>08:00</b>	<b>-</b>	<b>01:00</b>
<b>Friday</b>	<b>08:00</b>	<b>-</b>	<b>02:00</b>
<b>Saturday</b>	<b>08:00</b>	<b>-</b>	<b>02:00</b>
<b>Sunday</b>	<b>08:00</b>	<b>-</b>	<b>01:00</b>

Sale & supplies of alcohol, whether these are on and/or off supplies

**Not applicable**



## Licensable activities and permitted times authorised by the licence

### Late Night Refreshment

#### Indoors and Outdoors

<b>Monday</b>	<b>23:00</b>	<b>-</b>	<b>01:00</b>
<b>Tuesday</b>	<b>23:00</b>	<b>-</b>	<b>01:00</b>
<b>Wednesday</b>	<b>23:00</b>	<b>-</b>	<b>01:00</b>
<b>Thursday</b>	<b>23:00</b>	<b>-</b>	<b>01:00</b>
<b>Friday</b>	<b>23:00</b>	<b>-</b>	<b>02:00</b>
<b>Saturday</b>	<b>23:00</b>	<b>-</b>	<b>02:00</b>
<b>Sunday</b>	<b>23:00</b>	<b>-</b>	<b>01:00</b>

## Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

**KFG Quickserve Limited**  
**3 Willen Field Road**  
**London**  
**NW10 7BQ**

Registered number of holder, ie company number, charity number etc.

**550116**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Not applicable**

Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Not applicable**



## Annex 1 - Mandatory conditions

### Mandatory conditions where licence authorises supply of alcohol

Where this premises licence authorises the supply of alcohol, the following conditions shall apply:

- no supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  - (c) every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Mandatory condition: exhibition of films

Where this premises licence authorises the exhibition of films, the admission of children to the exhibition of any film shall be restricted as follows:

- (1) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children shall be restricted in accordance with any recommendation made by that body.
- (2) Where:
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, the admission of children shall be restricted in accordance with any recommendation made by that licensing authority.
- (3) In this section:
  - (a) "children" means persons aged under 18; and
  - (b) "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### Mandatory condition: door supervision

- (1) Where this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, all door supervisors shall be licensed by the Security Industry Authority (SIA).
- (2) But nothing in subsection (1) requires such a condition to be imposed:
  - in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - in respect of premises in relation to:
  - any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
  - any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section:
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### Prohibited conditions: Plays

If this premises licence authorises the performance of plays, no condition shall be attached to the licence as to the nature of the plays that may be performed, or the manner of performing plays, under the licence.

But the above paragraph does not prevent the London Borough of Merton from imposing any condition which it considers necessary on the grounds of public safety.

ENVIRONMENT AND REGENERATION DEPARTMENT  
Licensing Team  
London Borough of Merton  
14<sup>th</sup> Floor, Merton Civic Centre  
London Road  
Morden, Surrey  
SM4 5DX

Tel: 020 8274 4901  
[www.merton.gov.uk/licensing](http://www.merton.gov.uk/licensing)



Annex 2  
Conditions consistent with the Operating Schedule

NONE

Annex 3  
Conditions attached after a hearing by the licensing authority

NOT APPLICABLE

**clover design**  
INTERIOR DESIGNERS  
25-26 The Broadway  
Wimbledon SW19 1PS  
Tel: 020 7275 8434 Fax: 020 7272 4867  
info@cloverdesign.com  
www.cloverdesign.com

CLIENT: BURGER KING LTD

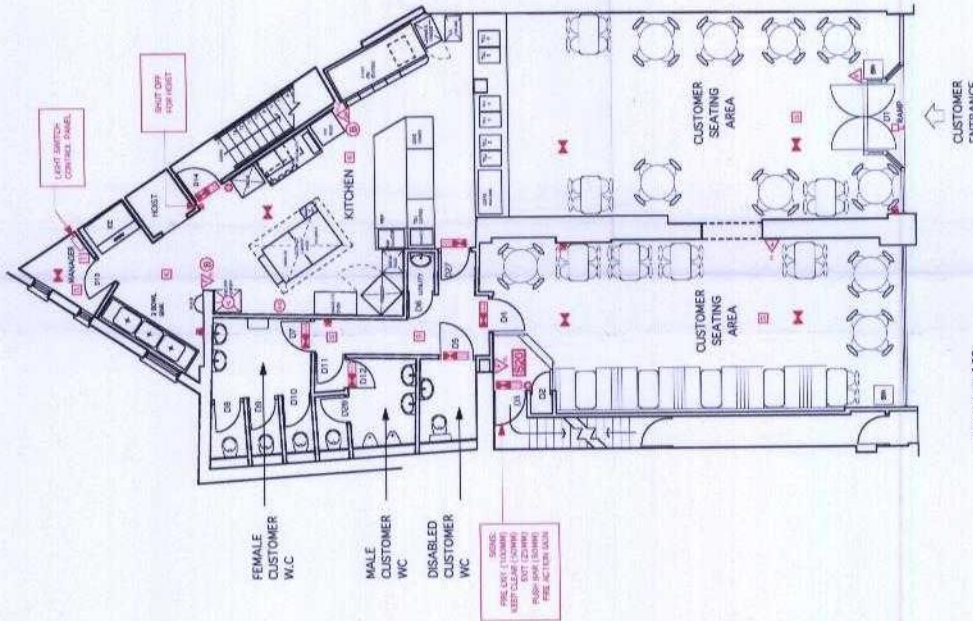
JOB TITLE: 1-3 THE BROADWAY  
WIMBLEDON  
SW19 1PS

DRAWING TITLE: EXISTING LAYOUT FOR  
LATE NIGHT LICENCE RENEWAL

SCALE: 1:100  
DATE: JUNE 05  
DRAWN: A.C.C.  
CHECKED:

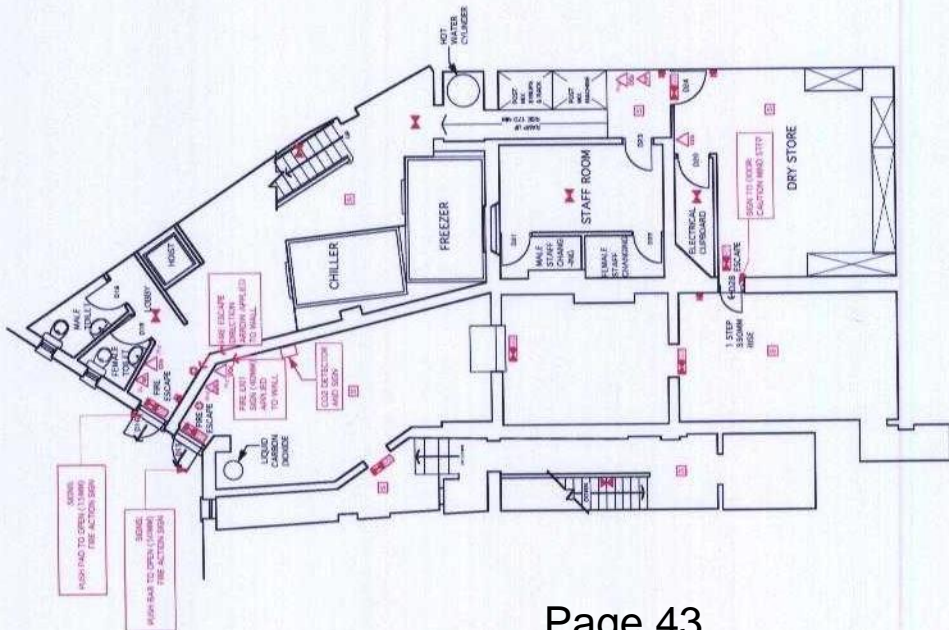
DRAWING NUMBER: 401.01-200  
REV: /

DOOR SCHEDULE	DOOR NO	VISION PANEL	SELF CLOSING	1/2 HOUR FIRE RATED	PANIC PUSH BAR
D1					
D2					
D3					
D4					
D5					
D6					
D7					
D8					
D9					
D10					
D11					
D12					
D13					
D14					
D15					
D16					
D18					
D19					
D20					
D21					
D22					
D23					
D24					
D28					



GROUND FLOOR  
SCALE 1:100

**NOTE:**  
LOCATIONS & QUANTITIES OF  
LOCATIONS & QUANTITIES TO  
KITCHEN AREA ARE  
DIAGRAMMATIC ONLY. ACTUAL  
LOCATIONS & QUANTITIES ARE  
AS APPROVED BY BUILDING  
CONTROL OFFICER / FIRE  
OFFICER.



BASEMENT FLOOR  
SCALE 1:100

LEGEND:	SYMBOL	DESCRIPTION
☐	☐	FIRE ALARM SOUNDER
☐	☐	FIRE ALARM BOX
☐	☐	3 HOUR MAINTAINED EXIT LIGHT
☐	☐	3 HOUR NON-MAINTAINED EMERGENCY LIGHT
☐	☐	FIRE ALARM SWITCH
☐	☐	FIRE ALARM SOUNDER
☐	☐	FIRE ALARM SWITCH
☐	☐	SMOKE DETECTOR
☐	☐	HEAT DETECTOR
☐	☐	ANSUL FIRE SUPPRESSION ACTIVATOR
☐	☐	MANUAL FIRE EXTINGUISHER & SIGN
☐	☐	MANUAL BREAK GLASS CALL POINT & SIGN
☐	☐	COOKLINE KNOCK-OFF
☐	☐	FIRE EXIT KEEP CLEAR

From: Russ.Stevens@met.pnn.police.uk [mailto:Russ.Stevens@met.pnn.police.uk]  
Sent: 29 November 2016 14:34  
To: Licensing; Democratic Services  
Subject: TEN - Representations -Burger King.  
Importance: High

Dear Sir/Madam,

On Tuesday 29<sup>th</sup> November 2016, an application was received in relation to Burger King, 1-3 The Broadway, SW19 1PS for a Temporary Event Notice. The application is handwritten and I am unable to read the correct spelling of the applicant's name.

Currently, Licence #LN/000001114 permits KFG Quickserve Ltd as Burger King to offer Late Night Refreshment from 23:00hrs to 01:00hrs Sunday to Thursday, and from 23:00hrs to 02:00hrs on Fridays and Saturdays.

The Temporary Event Notice Application is asking for an extension to those hours on Friday 30<sup>th</sup> and Saturday 31<sup>st</sup> December 2016, to permit LNR up until 05:00hrs.

Police wish to make representations with regard to this application on three of the four Licensing Objectives, namely The Prevention of Crime and Disorder, Public Safety, and The Prevention of Public Nuisance.

The premises is situated on a busy high street in close proximity to residential properties. The Broadway is the focal point of Merton's Night Time Economy and as such has numerous venues open late selling alcohol and/or offering Late Night Refreshment. So much so that The Broadway forms the centre of the Cumulative Impact Zone. Directly behind Burger King in Hartfield Road are three Licensed Premises, The Suburban Bar, Edwards, and The Slug. Both The Slug and Edwards have experienced crime and disorder outside their venues late at night with 5 recorded incidents since 15<sup>th</sup> Oct 2016. These bars tend to close at midnight or soon after, and customers who wish to continue drinking move onto the three night clubs only a few hundred metres away. These clubs tend to close at 2:30am on Fridays and Saturdays and will be closing at 3am on New Year's Eve. There have been four incidents directly linked to the night clubs since 15<sup>th</sup> Oct.

There have been no incidents of crime and disorder directly linked to Burger King since 15<sup>th</sup> Oct, but there have been several during the preceding months:

6<sup>th</sup> Oct 2016. Member of staff assaulted 2100hrs. Ref 1412297/16  
2<sup>nd</sup> Oct 2016. Member of staff assaulted 0150hrs. Ref 1412094/16  
23<sup>rd</sup> Sep 2016. Fight, Police intervened, drugs found. 1800hrs. Ref 1411772/16  
16<sup>th</sup> Sep 2016. Fight and assault, victim very drunk 0035hrs. Ref 1411438/16  
9<sup>th</sup> Jul 2016. Assault (GBH) involving staff, 0200hrs. Ref 1408278/16  
3<sup>rd</sup> Jun 2016. Member of staff assaulted. Suspect very drunk. 2345hrs. Ref 1406758/16  
24<sup>th</sup> Apr 2016. Staff racially abused. Midnight. Ref 1404933/16

I firmly believe that if Burger King was open and providing Late Night Refreshment until 5am as per the application, there would most certainly be an increase in incidents of disorder and anti-social behaviour directly connected to the premises. By staying open for 2 hours after the night clubs have closed, Burger King will be providing a reason for revellers to remain in the town centre rather than dispersing. This will have an obvious effect on Policing the town centre by increasing the length of time that officers have to prevent and deal with potential disorder. It is highly likely that Police



resources will be under extreme strain already on 30<sup>th</sup> and 31<sup>st</sup> December and will therefore be unable to provide the extra resourcing that would be required.

I respectfully request that this application is NOT granted.

Yours faithfully

**Russ STEVENS** PC852VW P191701  
Merton Licensing | Wimbledon Police Station | Metropolitan Police Service  
Metphone 733074 Telephone 020 8649 3074

**Licensing Correspondence to:**

The Chief Officer of Police  
Russ Stevens 852VW  
Licensing Office  
Wimbledon Police Station  
15-23 Queens Road  
London  
SW19 8NN

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