

# Merton Council

## Licensing Sub-Committee

### Membership

#### Councillors:

Agatha Mary Akyigyina OBE

Philip Jones

Judy Saunders

Linda Taylor OBE

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

**Date: 17 July 2017**

**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 | Subway, 6 Hartfield Road, Wimbledon, SW19 3TA | 1 - 46  |
| 5 | Chango, 12 High Street, Wimbledon, SW19 5DX   | 47 - 90 |

#### 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.

Press enquiries: [press@merton.gov.uk](mailto:press@merton.gov.uk) or telephone 020 8545 3181

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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: **Subway, 6 Hartfield Road, Wimbledon, SW19 3TA**

Date: **17 July 2017**

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 New premises licence: s18
- (i) To grant the licence subject to conditions
  - (ii) To exclude from the scope of the licence any of the licensable activities to which the application relates
  - (iii) To refuse to specify a person in the licence as the premises supervisor
  - (iv) To reject the application.

### **3. Hearing papers**

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

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

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

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

- 5.1 This is an application for a new premises licence for the sale of late night refreshment on Friday and Saturday from 11pm to 2am the following morning. The application would indicate it is for the sale of hot sandwiches only.
- 5.2 We have received two representations objecting to this application.

**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>	
VPSP Ltd (Subway Wimbledon)	
<b>Statutory Authorities</b>	
Metropolitan Police	
<b>Interested Parties</b>	
Leigh Terrafranca on behalf of Wimbledon E Hillside Residents' Association (WEHRA)	

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**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 VPSP LTD

*(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  SUBWAY WIMBLEDON 6 HARTFIELD ROAD WIMBLEDON			
<b>Post town</b>	LONDON	<b>Postcode</b>	SW19 3TA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 38500.00

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | 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 (by ticking yes to one box below):

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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		

<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current postal address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(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.**

<b>Name</b>	
VPSP LTD (SUBWAY WIMBLEDON)	
<b>Address</b>	6 HARTFIELD ROAD WIMBLEDON LONDON SW19 3TA
<b>Registered number (where applicable)</b>	06696198
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>	
COMPANIES HOUSE AS A LIMITED COMPANY	
<b>Telephone number (if any)</b>	
<b>E-mail address (optional)</b>	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD 25 MM 06 YYYY 2017  

12	06	2017
----	----	------

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

SUBWAY  
FAST FOOD RESTAURANT

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)			
Thur						
Fri						
Sat			<b><u>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</u></b> (please read guidance note 6)			
Sun						

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><u>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</u></b> (please read guidance note 6)
Sat			
Sun			



## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>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</u></b> (please read guidance note 6)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)  SELLING HOT SANDWICH		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 6)		
Fri	11:00 PM	2:00 AM			
Sat	11:00 PM	2:00 AM			
Sun					

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b><u>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</u></b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

☐ ☐ ☐ ☐

K

<p><b>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</b> (please read guidance note 9).</p> <p style="text-align: center;">NOT APPLICABLE</p>
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L

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>	<p><b><u>State any seasonal variations</u></b> (please read guidance note 5)</p>																																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Day</th> <th style="width: 20%;">Start</th> <th style="width: 20%;">Finish</th> </tr> <tr> <td rowspan="2">Mon</td> <td>7:00</td> <td>10:00</td> </tr> <tr> <td>AM</td> <td>PM</td> </tr> <tr> <td rowspan="2">Tue</td> <td>7:00</td> <td>10:00</td> </tr> <tr> <td>AM</td> <td>PM</td> </tr> <tr> <td rowspan="2">Wed</td> <td>7:00</td> <td>10:00</td> </tr> <tr> <td>AM</td> <td>PM</td> </tr> <tr> <td rowspan="2">Thur</td> <td>7:00</td> <td>10:00</td> </tr> <tr> <td>AM</td> <td>PM</td> </tr> <tr> <td rowspan="2">Fri</td> <td>7:00</td> <td>2:00</td> </tr> <tr> <td>AM</td> <td>AM</td> </tr> <tr> <td rowspan="2">Sat</td> <td>7:00</td> <td>2:00</td> </tr> <tr> <td>AM</td> <td>AM</td> </tr> <tr> <td rowspan="2">Sun</td> <td>8:00</td> <td>10:00</td> </tr> <tr> <td>AM</td> <td>PM</td> </tr> </table>	Day	Start	Finish	Mon	7:00	10:00	AM	PM	Tue	7:00	10:00	AM	PM	Wed	7:00	10:00	AM	PM	Thur	7:00	10:00	AM	PM	Fri	7:00	2:00	AM	AM	Sat	7:00	2:00	AM	AM	Sun	8:00	10:00	AM	PM	<p><b><u>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</u></b> (please read guidance note 6)</p>
Day	Start	Finish																																					
Mon	7:00	10:00																																					
	AM	PM																																					
Tue	7:00	10:00																																					
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Wed	7:00	10:00																																					
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	AM	AM																																					
Sat	7:00	2:00																																					
	AM	AM																																					
Sun	8:00	10:00																																					
	AM	PM																																					



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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

**Checklist:**

**Please tick to indicate agreement**

- 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 designated 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. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**


**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	<del>25/05/2017</del> 25/05/17
Capacity	DIRECTOR

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
VPSP LTD SUBWAY 6 HARTFIELD ROAD WIMBLEDON			
Post town	LONDON	Postcode	SW19 3TA
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

#### Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. 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.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. 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 or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

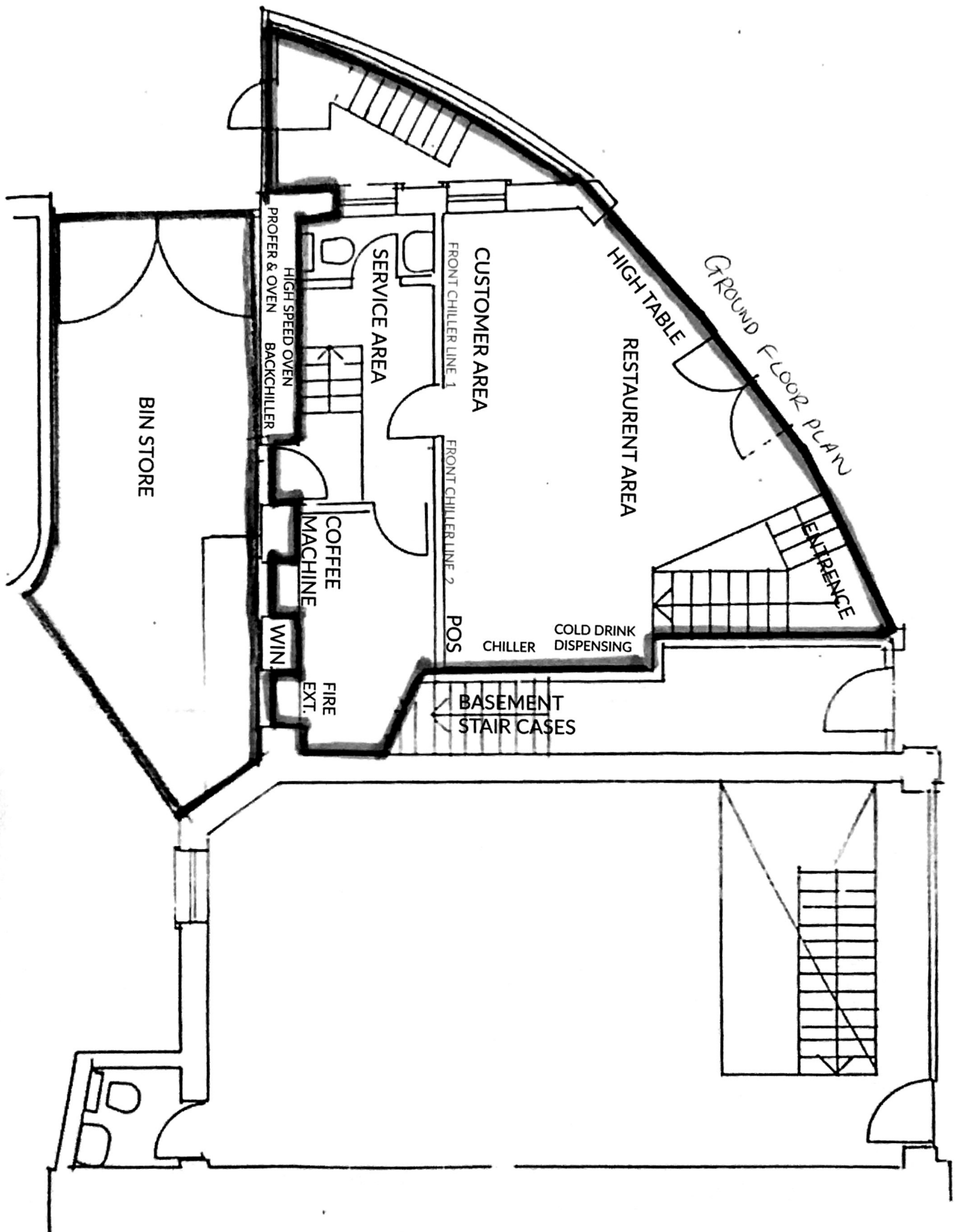
- (i) any page containing the holder's personal details including nationality;

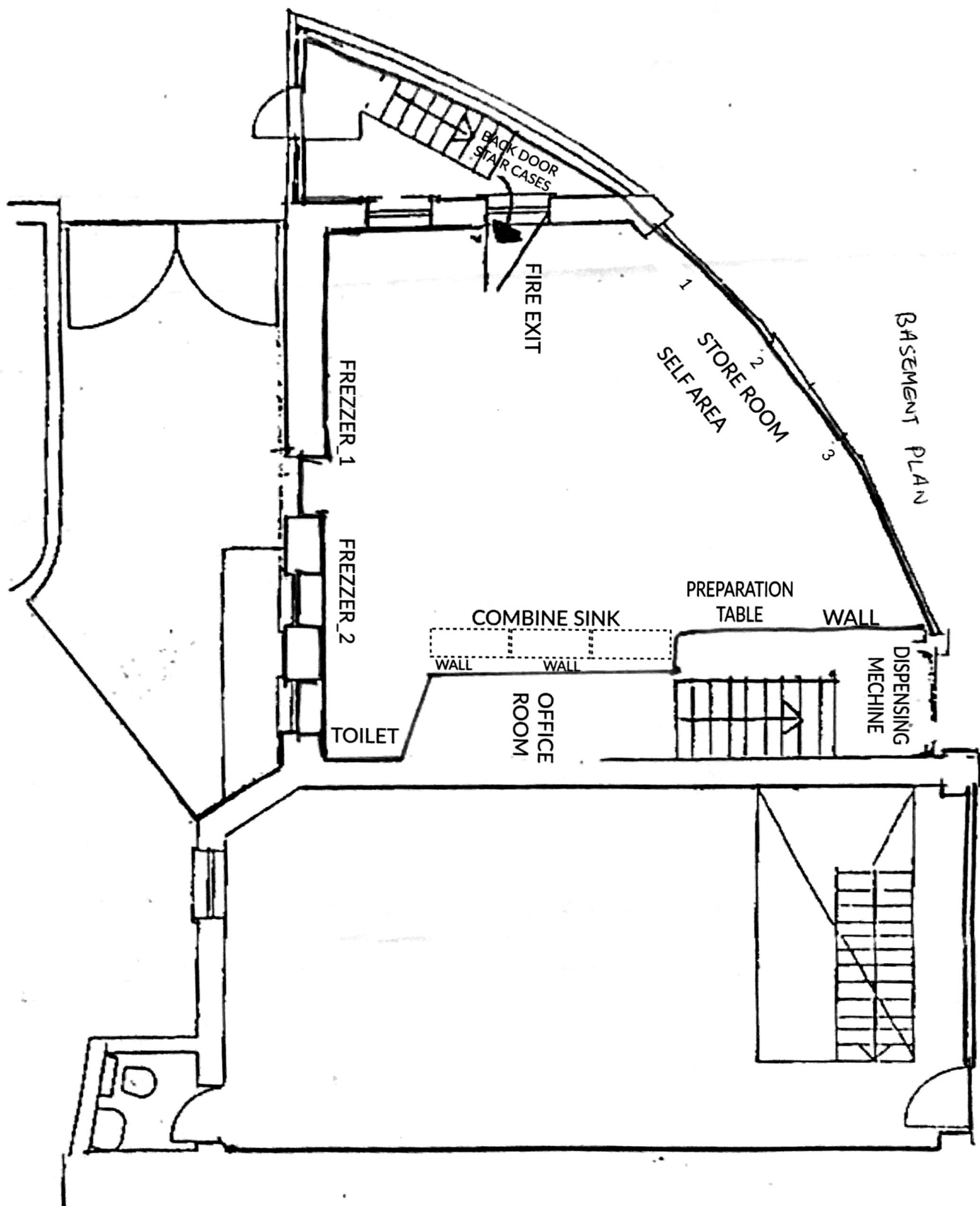
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.







The Licensing Department  
The London Borough of Merton  
Merton Civic Centre,  
London Road,  
Morden  
SM4 5DX

**VW - Merton Borough  
VW - Wimbledon Police Station**

Wimbledon Police Station  
15-23 Queens Road  
London  
SW19 8NN  
Telephone: 020 8649 3074  
Email: Russ.Stevens@met.police.uk

13th June 2017

**Re:- Application for Premises Licence at 6, Hartfield Road, Wimbledon (SUBWAY)**

Dear Sir/Madam,

On 30th May 2017 an application was received from Mr Kadir of VPSP Ltd for a Premises Licence under Section 17 of the Licensing Act 2003.

The application can be summarised as follows:-

A Fast Food Restaurant requesting authority to provide Late Night Refreshment on Friday and Saturday evenings from 11pm to 2am. Specifically "Selling Hot Sandwich".

**Police wish to make representations to this application on two of the four of the licensing objectives namely:**

**The Prevention of Crime and Disorder  
The prevention of Public Nuisance**

The SUBWAY brand is a global chain of Submarine Sandwich Restaurants offering Fast Food in the form of hot sandwich rolls, to eat on and off the premises. Every store is an independently owned Franchise. The individual owners are solely responsible for the operation of their businesses, and obtaining all necessary authorities, licences and insurance.

To serve hot food (above ambient temperature) after 11pm and until 5am, a premises must hold a Premises Licence for the provision of Late Night Refreshment. Fast Food takeaways operating after 11pm can have an obvious impact on crime and anti-social behaviour levels in the vicinity. Hot food Takeaways offering LNR are often situated very close to alcohol premises to supply demand from people who are often heavily intoxicated, as they leave pubs and clubs at the end of an evening out. Wimbledon Subway at 6, Hartfield Road is no exception, "sandwiched" between The Prince of Wales PH and The Slug bar.

Wimbledon Town Centre has a vibrant and lively Night Time Economy, with so many premises selling alcohol that it has now become a Cumulative Impact Zone. This CIZ includes Late Night Refreshment outlets.

There are two main concentrations of pubs and clubs in Wimbledon Town Centre. One is close to Wimbledon BR Station and includes The Terrace, Prince of Wales, Suburban, Slug and Edwards. Subway is inside this concentration. The other concentration is a 5 minute walk along the Broadway to O'Neills, The Old Frizzle, Wibbas, PoNaNa and The Pod Bar.

At around Midnight on Fridays and Saturdays the NTE footfall is high as Slug and Edwards close for the evening. Most patrons leaving these two bars in Hartfield Road walk past Subway en route to the later opening bars, or to the train station that is diagonally opposite.

Wimbledon Subway's closest rival and direct competition is Burger King at 2 The Broadway. Burger King is also next door to The Prince of Wales PH but on the other side.

Burger King has a Premises Licence to provide Late Night Refreshment to 2am, and out of necessity, they employ uniformed security guards from 9pm.

The risk around Burger King requires constant management. In the last year, there have been six crimes recorded involving fights and assaults (three of which on staff) during the LNR period. This came to a head in December 2016 when the franchise owner submitted a Temporary Event Notice to continue through 5am during the festive period. I objected to this TEN and my decision was supported by the Licensing Sub Committee.

Experience shows that the risk of alcohol related Crime and Disorder, and Anti-Social Behaviour is greatly reduced when people go straight home after an evening drinking. Most incidents of alcohol related violence in Wimbledon Town Centre occur towards the end of the evening when people are intoxicated. Many of these incidents involve people having just left alcohol premises. At around midnight on a Friday and Saturday night, the town centre can become an arena for drunken violent clashes.

Fast Food Outlets provide a facility to those who wish to linger. Disputes arise between hungry intoxicated customers, and fights occur. Many drunk people are drawn to Fast Food outlets rather than going home.

Fast Food Outlets slow down the dispersal rate dramatically and cause extra strain on Policing.

If a licence to provide Late Night Refreshment is granted for Subway, the risk of alcohol related violence will substantially increase. There is also the obvious risk of increased litter.

I have looked to the application for how Mr Kadir intends to promote the four Licensing Objectives. Unfortunately Part M of the application form has been left completely blank.

This application appears to have prompted by my visit to the premises on Friday 7th April 2017 at 2330hrs. A sign on the front door showing opening times informed that the premises was open to 1:30am every Friday and Saturday night. I found staff selling hot food to a long queue of intoxicated customers.

At the time I was unable to confirm whether or not a Premises Licence was in existence but I suspected that it wasn't. The two members that I spoke to were unaware of any licensing requirement to serve hot food after 11pm. I passed my details and asked for the premises general manager or owner to contact me.

Mr Kadir did not contact me, but he did submit a Premises Licence application directly to Merton Council. Mr Kadir did not send a copy of the application to the Metropolitan Police. The application was rejected by Merton Council.

On Friday 5th May 2017 at 2330hrs, I returned to Subway, 6 Hartfield Road and observed customers ordering sandwich rolls, and I observed these rolls being cooked in an oven immediately before sold.

Again there were two members of staff who were very busy serving customers. I explained to the most senior member of staff, Mr Hasan that they were committing offences under the Licensing Act 2003 by serving hot food after 11pm. Mr Hasan phoned Mr Kadir and passed me the phone.

I discussed the licensing requirement with Mr Kadir. He was obviously aware of the requirement as he had applied for a Premises Licence, but this had not yet been granted and

his staff were continuing to serve hot food after 11pm. Mr Kadir told me that there had been a misunderstanding by his staff.

I explained to Mr Kadir that steps should be taken to end the unauthorised use of the premises, by closing the shop at 11pm (preferred) or at least displaying a sign on the counter after 11pm. Mr Kadir directed his staff to write a sign on the counter and to inform customers that they cannot heat food for customers after 11pm.

Subway has continued to remain open past 11pm, and on my most recent visit, I noticed that the same handwritten sign taped to the counter stating "No hot sandwich after 11pm".

It appears that Subway Wimbledon has been operating in breach of the Licensing Act 2003 for some considerable time, and this unauthorised use has only ceased on my second warning. Mr Kadir has obviously tried to legitimize the LNR by applying for a licence but Mr Kadir fails to address the potential impact on any of the four Licensing Objectives. The premises are inside a Cumulative Impact Zone that includes LNR outlets as well as alcohol premises.

**The Metropolitan Police strongly advise that this application is rejected.**

If the Premises Licence is approved, I strongly recommend that the following conditions are imposed:

1. There will be a minimum of 2 uniformed security guards on the premises or immediately outside when the premises is open beyond 2300hrs.
2. A good quality digital CCTV will be in operation at all times that the premises is open to the public. Recorded footage will be kept for a minimum of 31 days and will be supplied to Police when requested with the absolute minimum of delay.

Yours Faithfully

Russ Stevens PC 852VW 191701

Licensing Officer

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**Sent:** 07 June 2017 07:03

**Subject:** Application for New Premises Licence for Subway, 6 Hartfield Road, SW19

Dear Sir/Madam:

I am resubmitting our objection to Subway's new premises licence, as nothing appears to have changed from the initial application in May 2017.

Further, I understand the Licensing Act 2003 amendments include making the **WTC Cumulative Impact Area** designation statutory. As such, this application should be refused outright.

Thank you for accepting this as a valid representation.

Kind regards,

Leigh Terrafranca, on behalf of WEHRA

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-----Original Message-----

Sent: Wed, 17 May 2017 11:48

Subject: Application for New Premises Licence for Subway, 6 Hartfield Road, SW19

Dear Sir/Madam:

I write on behalf of Wimbledon E Hillside Residents' Association to share our views on the above application for Subway to be granted permission to open late at night on Fridays and Saturdays. There is no question that Subway makes a good sandwich at a good price, and it serves the community during the daytime - particularly for the lunch trade and to some extent for a fast supper. This application is a request to offer these same low-cost sandwiches until **2 am on Friday and Saturday nights**.

Setting the scene: it is no secret there are already serious problems in WTC from midnight on Thursday, Friday and Saturday nights. Attached are several photos taken after recent Saturday night in the town area. Police and emergency services have plenty of evidence of the problems that occur throughout the town, including many that occur directly linked to a similar venue just around the corner, Burger King (see representations for their TEN application from 29 November 2016).

Generally in WTC venues close at around 11 pm weekdays, and midnight on Friday/Saturday. As virtually all town premises back onto private family homes, this has worked fairly well, for about the first ten years of the Licensing Act 2003. However, in the past five years or so, with the backing of town BID LoveWimbledon, more and more cheaper food venues and nighttime establishments have been granted licences, despite increasing problems with litter and foul waste, drunken, disorderly behaviour and crime.

In parallel, both Merton Council and LoveWimbledon have made little if any attempt to rein-in the increasingly bad behaviour; hence problems to the surrounding community have become acute.

Today there are six venues open very late on 'party nights' of Friday/Saturday in WTC:

Ponana until 3:30 am; Prince of Wales until 3; Tunnel 267 (Watershed) until 3:30, POD bar until 2:30 and Wibbas Down until 2. Officers and Police will be aware that both Ponana and POD bar have had serious incidents in the past couple of years, and at

Wibbas Down a man was stabbed just a few weeks ago outside the venue. Large sheets of plate glass windows are smashed in the town about one every two weeks, there are always remnants of vomit, litter, drug canisters, broken bottles and fast food takeaways strewn on the footpaths, often blood, for local people to navigate around, the morning after. The street sweepers are stressed by their workloads (just ask one in quiet, one day!), and are clearly unable to even keep the dustbins emptied, let alone the liquidy vomit, fecal matter, urine and other such unpleasantness off our footpaths. (Westminster Council tackle these problems with a dedicated 'Clean Team': a large, expert crew and jet spraying vehicles on duty 24/7; what does Merton provide?)

At present it appears only three fast food places - KFC, Burger King and Aya - have permission to be opened until 1/2/3 am (BK is just around the corner from Subway).

Surely three choices is plenty, for the stragglers in the town to get some fast food in their tummies. It appears the manager at Subway thinks he too can earn more money by also catering to this late night audience. Unfortunately, what Officers must also weigh into the decision is the further costs to the Council, Police, Ambulances and St Georges, from the impact of encouraging even more drunken, noisy, rowdy 20 somethings to drink, eat and linger longer in Wimbledon town area.

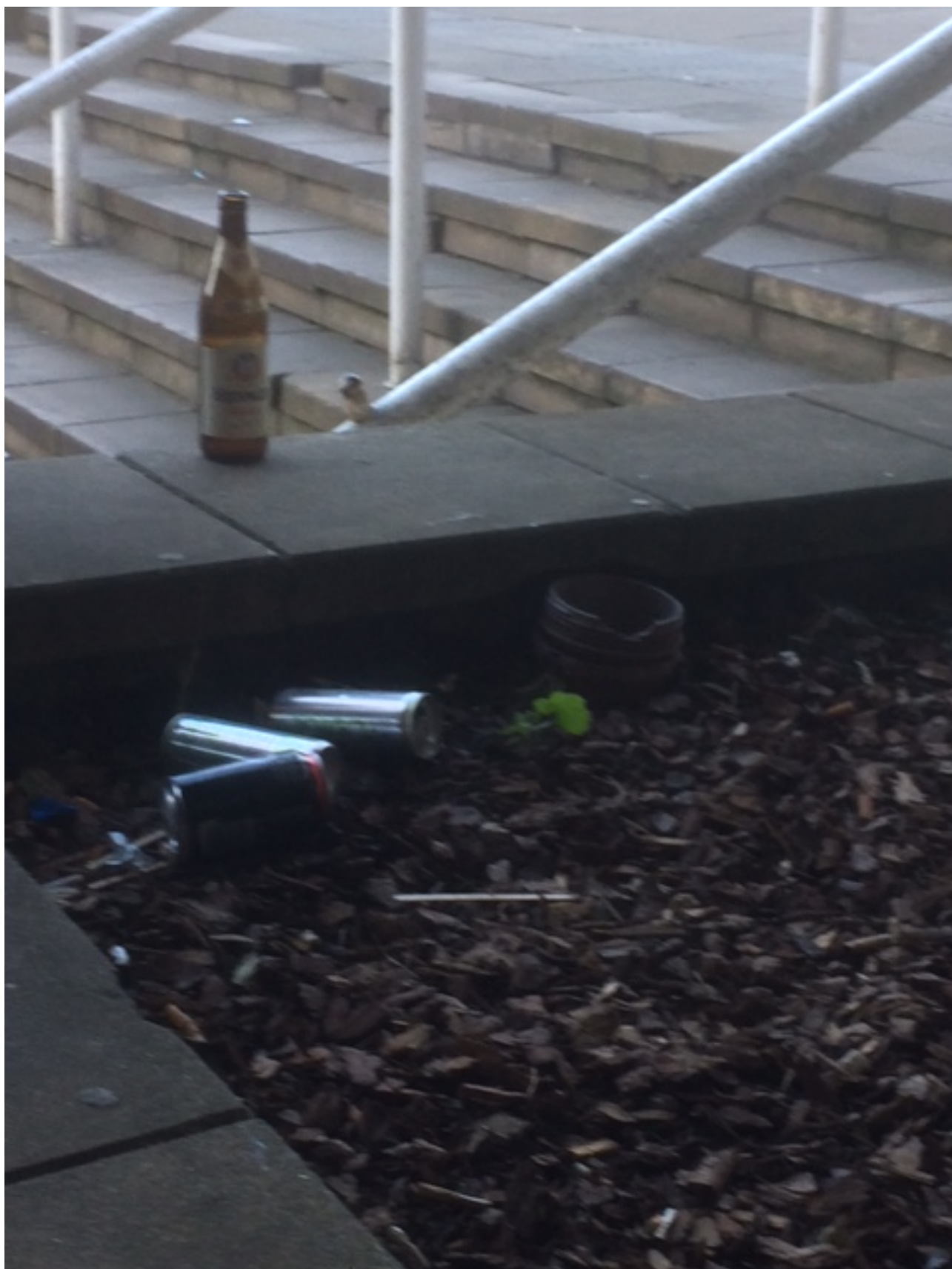
**Wimbledon is primarily a RESIDENTIAL COMMUNITY. The word 'town' is a euphemism for the Broadway - it is a single track road with commercial premises directly adjoining private family homes. Wimbledon town is made of young families, white collar professionals, hard-working parents who, with their school-aged children, all need a good night's sleep every single night. We don't want or deserve further degradation of our community by visitors from outside Wimbledon, who care nothing for our wellbeing, that come here to get drunk and tear up, vomit, fight and then, as dawn breaks, get on a bus and leave.**

Thank you for REFUSING PERMISSION, on the grounds this application would violate all licensing objectives: crime & disorder, public safety, public nuisance and protection of children from harm.

Yours sincerely,

Leigh Terrafranca, for WEHRA





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## Licensing Sub-Committee Report

Subject of hearing: **Empanadas Tucumanas Ltd T/A Chango, 12 High Street, Wembleon, SW19 5DX**

Date: **17 July**

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 Variation of premises licence: s35
- (i) To modify the conditions on the licence
  - (ii) To reject the whole or part of the application.

### **3. Hearing papers**

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

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

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

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

- 5.1 This is a variation application.
- 5.2 The changes to licensable activities are as follows:
- 5.3 recorded music – reduction to the terminal hour of 30 minutes Sunday to Thursday and extension of 30 minutes to the terminal hour Friday and Saturday
- 5.4 Alcohol sales on and off the premises (presently just on sales) 10:30am to 22:30 Sunday to Thursday and 10:30 to 23:30 Friday and Saturday.

- 5.5 There is information in the operating schedule of the application that the can be converted into conditions to add to the licence.
- 5.6 Should the application be granted, some of the conditions already attached to the licence would need to be looked at as they may contradict the variation.
- 5.7 We have received two representations regarding this application.

**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>	
Empanadas Tucumanas Ltd T/A Chango Restaurant	
<b>Statutory Authorities</b>	
None	
<b>Interested Parties</b>	
Sonia Elkin	
Mrs S Cooke on behalf of Parkside Residents Association	

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## Application to vary a premises licence 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 / Empanadas Tucumanas Limited T/A CHANGO**

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

**Premises licence number**

LN/000003145

### Part 1 – Premises Details

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

Chango Restaurant  
12 High Street  
Wimbledon

Post town

London

Postcode

SW19 5DX

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£28,000

### Part 2 – Applicant details

Daytime contact  
telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if  
different from premises  
address

[REDACTED]

Post town

[REDACTED]

Postcode

[REDACTED]

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

I would like to extend my opening licensable hours during the week by one and a half hours and on a Friday and Saturday night by slightly longer.

I simply wish to be able to keep the restaurant open later which means being able to serve wine with the meals.

I would also however like to be able to sell the wines we stock to customers who wish to take them off premises. We have built a strong following in our niche areas and clients are asking to buy the wines to enjoy away from our restaurant. Most of them have and do eat in the restaurant.

The extended hours would allow me to accept one additional cover during the week and on the busy nights two additional covers. Allowing me to sell off the premises would allow me to expand my business.

The business strategy and basis remains entirely unchanged from the first application in that the restaurant still serves and sells the same specialist foods and drinks.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- 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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

# C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>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</u> (please read guidance note 7)
Sat			
Sun			

# D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Fri					
Sat			<u>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</u> (please read guidance note 7)		
Sun					

# E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

## F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:30	22.30	<u>Please give further details here</u> (please read guidance note 5)  The music will be low level background ambient music for the restaurant.		
Tue	10:30	22.30			
Wed	10:30	22.30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)  N/A		
Thur	10:30	22.30			
Fri	10:30	23.30	<u>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</u> (please read guidance note 7)  N/A		
Sat	10:30	23.30			
Sun	10:30	22.30			

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>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</u></b> (please read guidance note 7)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)			
Tue						
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)			
Thur						
Fri			<b><u>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</u></b> (please read guidance note 7)			
Sat						
Sun						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)  There will be no seasonal variations.		
Mon	10:30	22.30			
Tue	10:30	22.30			
Wed	10:30	22.30			
Thur	10:30	22.30	<b><u>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</u></b> (please read guidance note 7)  N/A		
Fri	10:30	23.30			
Sat	10:30	23.30			
Sun	10:30	22.30			

K

<p><b>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</b> (please read guidance note 10).</p>
--



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	10:30	22:30	
Tue	10:30	22:30	
Wed	10:30	22:30	
			<b><u>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</u></b> (please read guidance note 7)
Thur	10:30	22:30	
Fri	10:30	23:30	
Sat	10:30	23:30	
Sun	10:30	22:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

My business will be run and managed by myself as the single owner and one manager called Rodrigo Rivero (former training manager at ‘Bill’s’). He too has extensive experience and background in the catering business. There will only be the designated food on the premises and only those buying food and eating it on premises will have the option of buying alcohol to accompany their meal if they are remaining on premises. Those buying alcohol to take off premises will not be allowed to remain in or nearby the premises. No one other than patrons will be allowed to use the facilities or allowed to remain on premises OR will be allowed to buy alcohol. No one deemed to be under the influence of alcohol or other substances will be allowed to enter the premises and capacity will be strictly adhered to.

It is understood that the premises is in a cumulative impact zone. The application (as it was last time) is for a niche area of food and drink. This will not be a general off licence and the only alcohol available for sale will be the specialist stock served with meals. There will be no expansion of that as our USP is our speciality food and drink.

**b) The prevention of crime and disorder**

The premises has had no reports or difficulties or crime and it is the intention of the owner to keep it that way. No one who looks younger than 25 will be served alcohol (even if they buy food) without being able to produce ID to the DPS. CCTV are installed in the premises to cover all areas – outside and inside. The one single toilet on premises will be checked hourly. There will be no drink promotions except those which accompany the meal and no alcohol will be served without the purchase of food. Monthly liaison with the local police unit to monitor difficulties and take advice on improvements.

**c) Public safety**

The premises will only allow entry to those it is capable of seating. Anyone else allowed entry will be limited to those waiting for seating or buying food or alcohol from the premises. Patrons will not be allowed to stand in the additional areas and facilities will be for the use patrons only. No patrons will be allowed to stand outside the premises regardless of whether they are only eating food bought on premises and staff will be encourage to move people away from the premises. CCTV installed will allow constant supervision of patrons and indeed non-patrons to allow for timely intervention. Again, the owner will seek constant advice from the Licensing Team and other departments.

**d) The prevention of public nuisance**

The premises will limit its entertainment to background music aware that the purpose is to encourage patrons to buy food accompanied by alcohol. It is not designed and will not resemble a night club or anything close to it. As such, with a cap on capacity, noise will not be an issue. Food will only be heated on premises and as such there should be no issue as far as smell is concerned. Management will of course liaise to make sure this is correct and of course stays that way. Because of the strict conditions and regulation of the sale of alcohol the premises will not attract or retain those who are intoxicated. Indeed, those persons will disrupt other patrons not to mention local residents. Any queues for seating will be limited to those inside the premises and no patrons will be allowed to linger outside.

**e) The protection of children from harm**

The premises will enforce a strict policy in relation to children which bars them from the premises, whether accompanied or not, after 7.30pm. This will be strictly enforced without exception. As above the business will also enforce an ID policy for anyone who does not look over 25 years of age. No other activity on the premises raises concerns regarding the welfare of children as there will be no entertainment and the premises is akin to a restaurant rather than a public house or anything further.

Checklist:

**Please tick to indicate agreement**

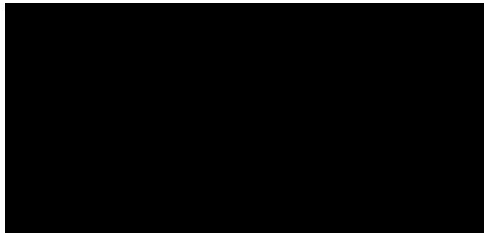
- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**



**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16/05/2017
Capacity	Managing Director

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state 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.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. 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.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. 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 or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
  15. This is the address which we shall use to correspond with you about this application.





## LICENSING ACT 2003

### Part A Premises licence

Premises licence number

LN/000003145

#### Part 1 - Premises details

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

**Chango  
12 High Street  
Wimbledon  
London  
SW19 5DX**

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

<b>Monday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Friday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Saturday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Sunday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>

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

**On the premises**

## **Licensable activities and permitted times authorised by the licence**

### **Alcohol Sales**

#### **On the premises**

<b>Monday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Tuesday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Wednesday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Thursday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Friday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Saturday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Sunday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>

### **Recorded Music**

#### **Indoors**

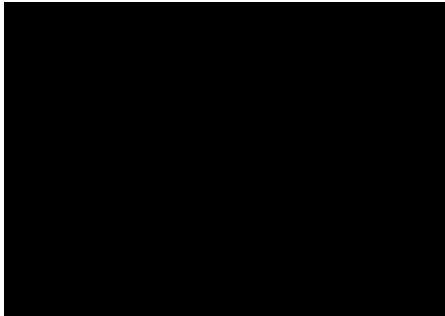
<b>Monday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Friday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Saturday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Sunday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>

**Ambient music.**

## Part 2

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

**Empanadas Tucumanas Ltd**

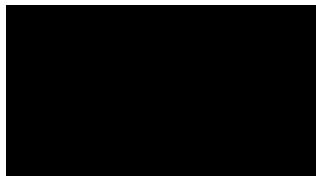


Registered number of holder, ie company number, charity number etc.

**07292028**

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

**Bernardo Neville**



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

**London Borough of Wandsworth LBWands/04525**

## **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

NONE

## Annex 3

### Conditions attached after a hearing by the licensing authority

1. There shall be no sale of alcohol for consumption off the premises.
2. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an accompaniment to a sit-down meal, to be consumed on the premises.
3. The sale of alcohol will be limited to the sale of wines produced in Argentina only.
4. The Premises Licence holder will adopt, promote (by prominent display of posters and other warning s at the premises) and enforce a Challenge 25 Policy for the sale of alcohol. Any person that appears to be under the age of 25 will be requested to produce approved Home office identification such as Passport/Driving licence, Military ID or through other PASS accredited identification scheme.
5. A CCTV system is to be installed and maintained on the premises, to cover all areas including the common entrance area. 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 retained for 30 days and shall be provided to a Police or authorised officer upon request. All recordings will display the correct date and time of the recording.
6. Staff shall ensure that patrons do not congregate outside the premises or in the communal entrance area.
7. No alcohol shall be taken off the premises and no person shall be allowed to leave the premises whilst in possession of any drinking vessel, or open glass bottle, whether empty or containing any alcohol.
8. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
  - a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member;
  - b) Refresher reinforcement training at intervals no more than six months.



Training records will be kept at the premises available for inspection by a Police officer or Council officer upon request.

9. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- (a) Details of the time and date that the refusal was made;
- (b) The identity of the staff member refusing the sale;
- (c) Details of the alcohol the person attempted to purchase.

The register will be available for inspection by a Police or Council officer on request.

#### Annex 4

Premises Plan: Untitled drawing submitted with new premises licence application of 16/05/2016.

## LICENSING ACT 2003

### Part B Premises licence summary

Premises licence number

LN/000003145

#### Part 1 - Premises details

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

**Chango**  
**12 High Street**  
**Wimbledon**  
**London**  
**SW19 5DX**

**020 8679 8897**

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

<b>Monday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Friday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Saturday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Sunday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>

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

**On the premises**



## **Licensable activities and permitted times authorised by the licence**

### **Alcohol Sales**

#### **On the premises**

<b>Monday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Tuesday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Wednesday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Thursday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Friday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Saturday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>
<b>Sunday</b>	<b>12:00</b>	<b>-</b>	<b>21:00</b>

### **Recorded Music**

#### **Indoors**

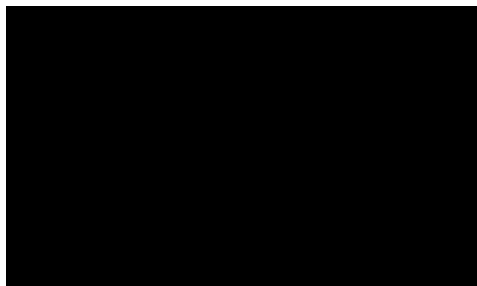
<b>Monday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Friday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Saturday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>
<b>Sunday</b>	<b>10:30</b>	<b>-</b>	<b>23:00</b>

**Ambient music.**

## Part 2

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

**Empanadas Tucumanas Ltd**



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

**07292028**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Bernardo Neville**

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Licensing Section  
London Borough of Merton  
Merton Civic Centre  
London Road  
Morden  
Surrey SM4 5DX

21 June 2017

By Email

Dear Sirs

**Licensing Act 2003 - Application Ref WK/201701734  
12 High St, Wimbledon Village SW19 5DX**

The membership area of this Association includes Marryat Road, Parkside, Parkside Avenue and Peek Crescent which are in the locality of the Village and these premises. We have a number of concerns about the above application.

The Applicant has traded from these premises since May 2016. The current Premises Licence was granted following a Hearing by the Licensing Sub Committee on 11 July 2016 ("the Original Hearing"). The Licence includes a number of restrictions relating to the sale of alcohol, including, in summary:

- (a) the hours for alcohol sales are 12-9pm daily
- (b) no alcohol to be sold for consumption off the premises and no alcohol to be taken off the premises
- (c) supply of alcohol on the premises to be limited to customers "taking table meals there and for consumption....as an accompaniment to a sit-down meal, to be consumed on the premises."
- (d) alcohol sales limited to sale of wines produced in Argentina

The above application seeks to vary the conditions noted in (a) (b) and (c) above. Our comments are :

**1. Wimbledon Village Cumulative Impact Zone ("CIZ")**

Under the Council's Licensing Policy a large part of Wimbledon Village, including the High Street where these premises are located, has been designated as a CIZ because of the cumulative impact of disturbance and nuisance experienced by residents as a result of the large number of existing Licensed Premises in the area. Examples cited by local residents include disturbance to their sleep from visitors who park in residential roads returning to their cars when licensed premises have closed, shouting, banging car doors etc. Others report broken glass, litter etc. on the pavements and in front gardens. Parking congestion from visitors' cars is a continuing problem in residential roads around the Village especially in those roads where residents do not have off street parking and whose permits are not valid after 6.30pm.

The special policies which apply within a CIZ include (at paragraph 7.8) a presumption that a variation application will normally be refused, unless the applicant can show that the proposals will have no negative cumulative impact upon one or more of the licensing objectives. Paragraph 7.10 of the Policy anticipates that such cases are likely to be exceptional. These special policies were considered in detail at the Original Hearing when the applicant sought, inter alia, permission to sell alcohol from 10.30am until 11pm every day. That proposal was rejected at the Original Hearing and the conditions referred to above were imposed instead. The policy context has not changed since the Original Hearing.

## **2. Supply of Alcohol on the Premises between 10.30am-10.30pm Sunday-Thursday and 10.30am-11.30pm Friday and Saturday.**

2.1 The applicant is once again applying for permission to supply alcohol daily from 10.30am onwards, even though this was rejected at the Original Hearing. The High Street is busy at these times with many restaurants attracting customers with very young children. We can see no good reason, consistent with supporting the Licensing Objectives, to justify allowing alcohol sales to begin earlier than the present permitted time of midday.

2.2 We recognise that a closing time of 9pm daily is earlier than most licensed premises in the vicinity. Accordingly, and provided alcohol sales cannot begin until midday, as at present, we would not object to the premises remaining open and for alcohol to be sold for consumption on the premises (subject to the continuation of the restrictions referred to at paras (c) and (d) above) until the later time of 10.30pm every day; a cut-off time of 10.30pm would not in our view materially affect the cumulative impact of nuisance etc issues experienced by residents. However we do not support the principle that the premises should be allowed to remain open and for alcohol to be sold until 11.30pm on Fridays and Saturdays. There is already an acknowledged over-supply of licensed premises in the Village and Fridays and Saturdays are the busiest times of the week. Later opening hours until 11.30pm will attract more people to the area on these evenings with the effect of potentially increasing the risk of further incidents of public nuisance for residents and adding to the negative cumulative impact already experienced.

2.3 The applicant sells hot food and in the current application suggests in several places that the intention is to continue to serve food at all times with any alcohol sold on the premises eg:

*"no alcohol will be sold without the purchase of food"*

*"I simply wish to keep the restaurant open later which means being able to serve wine with meals"*

*"...only those buying food and eating it on premises will have the option of buying alcohol to accompany their meal if they are remaining on premises."*

Our understanding is that a late night refreshment licence has to be obtained for any sales of hot food after 11pm. The application does not include this yet the proposal is that the premises should remain open and also sell alcohol for consumption on the premises after 11pm on Fridays and Saturdays. We do not see how the applicant can fulfil its stated commitment to offer food with any alcohol sold after 11pm without having a late night refreshment Licence. The proposal is therefore contradictory. It is usually a requirement for restaurants offering late night refreshment after 11pm that any alcohol must be accompanied by a substantial meal. It would not be consistent with the licensing objectives for an exception to be made for these premises, but in any event for the reasons outlined above the cut off time for alcohol sales should in our view be no later than 10.30pm every day.

## **3. Supply of Alcohol for consumption off the premises between 10.30am-10.30pm Sunday-Thursday and 10.30am-11.30pm Friday and Saturday**

3.1 It is unusual for a restaurant to promote the sale of its alcohol for consumption off the premises; the principal business of a restaurant is surely for the sale of meals served on the premises. We note that the applicant sells only Argentinian wine and does not intend to become "a general off licence" but offers no suggestions as to how this might be achieved eg there is no suggested limit upon the quantity of alcohol which might be sold to individual customers in a single transaction. Nor can the applicant control where the alcohol sold on this basis will actually be consumed – a bottle could be purchased then opened and drunk on the street. This would not be consistent with the Licensing Objectives.

3.2 We are also concerned that the proposal envisages off sales to continue until 11.30pm on Fridays and Saturdays; as noted above these are the busiest days of the week in the Village and at these

times there are likely to be more people on the streets who might be tempted by the availability of wine to take away and consume in public.

3.3 However, we recognise that takeaway home delivery services are becoming popular and we would not object if the applicant were to offer, say, a bottle of wine if it is offered as an ancillary part of a takeaway meal sold for home delivery, so long as such meals are sold only between midday and 10.30pm.

## **Conclusion**

We recognise the applicant's wish to expand its business but a balance has to be struck which also recognises the interests of local residents. It is important to residents that the special policies applicable to the Cumulative Impact Zone, which were introduced to protect their interests, should be upheld. The problems experienced by residents (public nuisance, late night disturbance, anti social behaviour, visitor parking etc) which prompted the CIZ designation for Wimbledon Village have not gone away and are greatest at the busiest times of the week, namely Friday and Saturday evenings. Paragraph 7.2 of the Council's Licensing Policy notes that where there is already a number of Licensed Premises "the impact .....when taken as a whole can be far greater than that arising from individual premises..." yet the application fails to address this point.

We have offered what we believe to be reasonable proposals to help the applicant expand its business without compromising the Licensing Objectives or the special policies applicable to the Cumulative Impact Zone. We hope the applicant can support them.

Yours faithfully

Mrs. S Cooke  
Chairman.

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**From:** Sonia Elkin  
**Sent:** 23 June 2017 16:41  
**To:** Licensing  
**Subject:** RE: re application WK/201701734



23 June 2017

London Borough of Merton

Merton Civic Centre

London Road

Morden

Surrey SM4 5DX

**By Email**

Dear Sirs

**Licensing Act 2003 - Application Ref WK/201701734**

**12 High St, Wimbledon Village SW19 5DX**

Dear Sir

**Supply of Alcohol on the Premises between 10.30am-10.30pm Sunday-Thursday and**

**10.30am-11.30pm Friday and Saturday.**

Under the Council's Licensing Policy a large part of Wimbledon Village, including the High Street where these premises are located, has been designated as a CIZ because of the cumulative impact of disturbance and nuisance experienced by residents as a result of the large number of existing Licensed Premises in the area

The special policies which apply within a CIZ include a presumption that a variation application will normally be refused, unless the applicant can show that the proposals will have no negative cumulative impact upon one or more of the licensing objectives

These special policies were considered in detail at the Original Hearing when the applicant sought, inter alia, permission to sell alcohol from 10.30am until 11pm every day. That proposal was rejected at the Original Hearing and the present conditions were imposed instead. The policy context has not changed since the Original Hearing.

The applicant is now again applying for permission to supply alcohol daily from 10.30am onwards, even though this was rejected at the Original Hearing. The High Street is busy at these times with many restaurants attracting customers with very young children. I can see no good reason, consistent with supporting the Licensing Objectives, to justify allowing alcohol sales to begin earlier than the present permitted time of midday.

The proposal is now that the premises should remain open and also sell alcohol for consumption on the premises after 11pm on Fridays and Saturdays. It is usually a requirement for restaurants offering late night refreshment after 11pm that any alcohol must be accompanied by a substantial meal. It would not be consistent with the licensing objectives for an exception to be made for these premises,

I therefore do not support the principle that the premises should be allowed to remain open and for alcohol to be sold until 11.30pm on Fridays and Saturdays. There is already an acknowledged over-supply of licensed premises in the Village and Fridays and Saturdays are the busiest times of the week. Later opening hours until 11.30pm will attract more people to the area on these evenings with the effect of potentially increasing the risk of further incidents of public nuisance for residents and adding to the negative cumulative impact already experienced.

**Supply of Alcohol for consumption off the premises between 10.30am-10.30pm Sunday-Thursdays and 10.30am-11.30pm Friday and Saturday**

It is unusual for a restaurant to promote the sale of its alcohol for consumption off the premises; the principal business of a restaurant is surely for the sale of meals served on the premises. The applicant states it does not intend to become "a general off licence" but offers no suggestions as to how this might be achieved eg there is no suggested limit upon the quantity of alcohol which might be sold to individual customers in a single transaction. Nor can the applicant control where the alcohol sold on this basis will actually be consumed – a bottle could be purchased then opened and drunk on the street. This would not be consistent with the Licensing Objectives and I therefore oppose the application.

However, takeaway home delivery services are becoming popular and I would not object if the applicant were to offer, say, a single bottle of wine if it is offered as an ancillary part of a takeaway meal sold for home delivery, so long as such meals are sold only between midday and 10.30pm. and if the bottle is not opened until delivered to home for consumption.

Yours faithfully

Sonia Elkin

