Merton Council Licensing Sub-Committee

Membership

Councillors:

Pauline Cowper

Nick Draper

Janice Howard

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

Date: 4 March 2019

Time: 3.00 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 Favorite Chicken & Ribs, 37 London Road, Tooting, London, 1 24 SW17 9JR

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 or telephone 020 8545 3616.

Press enquiries: communications@merton.gov.uk or telephone 020 8545 3181

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Procedure to be followed at Licensing Hearing

- 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.
- The Chair will ask the Legal Adviser to inform those present that the subcommittee 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feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.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.
- 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

Public Information

Attendance at meetings

The public are welcome to attend meetings of the Council. Seating in the public gallery is limited and offered on a first come first served basis.

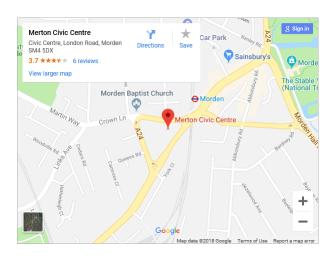
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The Council will film meetings held in the Council Chamber for publication on the website. If you would like to film or record any meeting of the Council held in public, please read the Council's policy here or contact democratic.services@merton.gov.uk for more information.

Mobile telephones

Please put your mobile telephone on silent whilst in the meeting.

Access information for the Civic Centre



- Nearest Tube: Morden (Northern Line)
- Nearest train: Morden South, South Merton (First Capital Connect)
- Tramlink: Morden Road or Phipps Bridge (via Morden Hall Park)
- Bus routes: 80, 93, 118, 154, 157, 163, 164, 201, 293, 413, 470, K5

Further information can be found here

Meeting access/special requirements

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Fire alarm

If the fire alarm sounds, either intermittently or continuously, please leave the building immediately by the nearest available fire exit without stopping to collect belongings. Staff will direct you to the exits and fire assembly point. If you are unable to use the stairs, a member of staff will assist you. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas, reports and minutes

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Agendas can also be viewed online in the Borough's libraries and on the Mod.gov paperless app for iPads, Android and Windows devices.

Licensing Sub-Committee Report

Subject of hearing: Favorite Chicken & Ribs, 37 London Road, Tooting, London,

SW17 9JR

Date: Monday 4 March 2019

Time: 15.00

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

- 1. Special Policy Area (premises licences and club certificates)
- 1.1 The premises are **not** in the special policy area. The application is not for off sales of alcohol. 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

The applications, notices and representations for determination by the subcommittee 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 subcommittee on statutory provision and legal matters.

5. Licensing Officer Comments

- 5.1 This is an application for a new premises licence for take-away late night refreshment from 11pm to 2am the following morning.
- 5.2 We have received one representation against this application from a Councillor.

For enquiries about this hearing please contact

Democratic Services Civic Centre London Road Morden SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

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

Applicant	
Mr Ases Ashath	
Statutory Authorities	
None	
Interested Parties	
Councillor Linda Kirby	

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.

desc relev Part	y for a ribed in ant lice 1 – Pre	name(s) of applicant) premises licence under section Part 1 below (the premises) ensing authority in accordance emises details ss of premises or, if none, ordner FAVORITE CH 37 LONDON	n 17 of the Lic and I/we are r e with section ance survey ma	ensing naking 12 of ap refe	g this applicati the Licensing A	on to you as the Act 2003
Post	town	TOOTING.			Postcode	5W1797R
Tele	ohone n	umber at premises (if any)	0208	68	37 3130	
Non-	domest	ic rateable value of premises	£	، مشو		
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Pleas	e state	whether you are applying for a	premises licen	ce as	Please tick	as appropriate
a)	an inc	lividual or individuals *	•	\mathbf{V}'	please comple	te section (A)
b)	a pers	son other than an individual *				
		as a limited company/limited lia	bility		please comple	te section (B)
		partnership as a partnership (other than limi	ted liability)		please comple	te section (B)
	iii a	as an unincorporated association	n or		please comple	te section (B)
	iv (other (for example a statutory co	orporation)		please comple	te section (B)
c)	a reco	ognised club			please comple	te section (B)
d)	a char	rity			please comple	te section (B)

e) the p	roprieto	r of an e	ducation	nal establisi	hment		please comp	olete section (B)	
f) a hea	lth servi	ce body	•				please comp	olete section (B)	
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(A) INDIVIDUAL APPLICANTS (fill in as applicable)									
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Date of birth	I a	m 18 years old or ov	ver Please tick yes
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Current residential address if different fr premises address	om	/	
Post town			Postcode
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Part 3 Operating Scl	hedule		

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Act 2003)
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Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

Page 7

Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guide	ance note 4)	
Tue					
Wed			State any seasonal variations for performing pla guidance note 5)	ys (please read	
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Fri			Non standard timings. Where you intend to use the performance of plays at different times to the column on the left, please list (please read guidance)	ose listed in th	
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Films Standard days and timings (please read			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)				Outdoors	
Day	Start	Finish		Both	
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Wed			State any seasonal variations for the exhibition of read guidance note 5)	of films (please	;
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Fri			Non standard timings. Where you intend to use the exhibition of films at different times to those column on the left, please list (please read guidant	listed in the	<u>for</u>
Sat					
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Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			· · · · · · · · · · · · · · · · · · ·
Sat			
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Boxing or wrestling entertainments Standard days and		3	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
timing	timings (please read guidance note 7)		promote the general services,	Outdoors	
Day	Start	Finish		Both	
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Fri			Non standard timings. Where you intend to use boxing or wrestling entertainment at different ti in the column on the left, please list (please read to be a second to be a	imes to those li	isted
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Live music Standard days and timings (please read			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	ce note 7)		, ,	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	nce note 4)	
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Wed		<u> </u>	State any seasonal variations for the performance (please read guidance note 5)	ce of live music	2
Thur					
Fri			Non standard timings. Where you intend to use		
			the performance of live music at different times the column on the left, please list (please read gui	to those listed dance note 6)	<u>in</u>
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Recorded music Standard days and timings (please read			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)			(please road galdarios note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	
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Wed			State any seasonal variations for the playing of r (please read guidance note 5)	recorded music	<u>e</u>
Thur					
Fri			Non standard timings. Where you intend to use the playing of recorded music at different times the column on the left, please list (please read gui	to those listed	
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Performances of dance Standard days and timings (please read		nd	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	guidance note 7)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	-
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Wed			State any seasonal variations for the performance read guidance note 5)	ce of dance (pl	ease
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to the column on the left, please list (please read guidance)	ose listed in t	
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Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainme providing	ent you will be		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read	Indoors		
Mon			guidance note 3)	Outdoors		
				Both		
Tue			Please give further details here (please read guidance note 4)			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)			
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Sun						

Late night refreshment Standard days and timings (please read			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	V			
guidance note 7)			F	Outdoors				
Day	Start	Finish		Both				
Mon	11.00 hrs	02.00hs	Please give further details here (please read guide FOOD WILL BE SERVED					
Tue	11.cohrs	02.cohn	OVER THE COUNTER INDOORS FOR TAKEAWAY.					
Wed	11.00hm		State any seasonal variations for the provision of late night refreshment (please read guidance note 5)					
Thur	11,00 hm							
Fri	11,00hm	02.00hm	Non standard timings. Where you intend to use the provision of late night refreshment at differe listed in the column on the left, please list (please	nt times, to th	ose			
Sat	11.00hm	02.00hn	note 6)					
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Supply	y of alcoh	ol	Will the supply of alcohol be for consumption	On the	T
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	ce note 7)			Off the premises	
Day	Start	Finish		Both	
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Tue					
Wed					
Thur			Non standard timings. Where you intend to use the supply of alcohol at different times to those		for
			column on the left, please list (please read guidan		
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Name					
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K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

FAST FOOD SUPPLY OVER THE COUNTER INDOORS & TAKE AWAY.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11-00 hrs		
		02.00hs	·
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		oe why	Non standard timings. Where you intend the premises to be open
Thur			to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
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Sun	11.00hrs		
		02.00hm	

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)

ALL OUR STAFF AREAWARE OF THE LAW RELATING TO SALE OF HOT FOOD #DRINK BETWEEN 11.00PM END 5.00AM.
MANAGEMENT WILL TAKE EVERY STEPS TO ENSURE THAT IN AND AROUND THE PREMISES TO BE OF TROUBLE FREE AND ALSO CONCERNED OF PREVENTION OF CRIME AND DISORDER PUBLIC SAFETY, PUBLIC NUISANCE AND PROTECTION OF CHILDREN FROM HARM.

b) The prevention of crime and disorder

OF WHICH 2 CAMERAS HAVE BEEN FIXED EXTERNALLY FACING LONDON ROAD TO THE LEFT AND RIGHT. REST OF COTY ARE INSIDE SHOP TO MONITOR DAILY ACTIVITIES. RECORDINGS WILL BE KEPT IN ACCORDANCE WITH THE GUIDE LINES FOR A MINIMUM OF 31 DAYS AND WILL BE MADE AVAILABLE TO ALL RELEVANT AUTHORITIES ON REQUEST. ALARM SYSTEM AND EMERGENCY LIGHTS ARE IN PLACE AT THE SHOP. THE SHOP HAS BEEN FIXED WITH EXTERNAL METAL SHUTTER WITH HEAVY DUTY PROFESSIONAL LOCKS.

c) Public safety

OUR STAFF HAVE BEEN TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. 3 FIRE EXTINGUISHERS ARE IN THE PREMISES AND REGULARLY SERVICED IN LINE WITH GUIDELINES OF FIRE AUTHORITY, SMOKE DETECTORS AND FIRE ALLARM IS AVAILABLE ATTHE PREMISES. THE MANAGEMENT WILL ENSURE TO TAKE EVERY STEPS TO MAINTAIN PUBLIC SAFETY AT ALL TIMES. TIME TO TIME RISK ASSESSMENT WILL BE TAKEN IN AND AROUND THE PREMISES AND IMPLEMENT NECESSARY STEPS TO MAINTAIN PUBLIC SAFETY AT ALLAND VENTLATED ALWAYS.

d) The prevention of public nuisance

THE AREA IN AND AROUND THE PREMISES WILL BE KEPT CLEAN AND TIDY AL WAYS. ALL REFUSES ARE DISPOSED ACCORDING TO LOCAL REFUSE COLLECTION SYSTEM IN PLACE. THE SHOP IS HAVING REFUSE COLLECTION CONTRACT.
THE MANAGEMENT WILL CLOSELY MONTOR IN AND AROUND THE PREMISES TO ENSURE THAT THE AREA 15 SAFER FOR THE PUBLIC.

e) The protection of children from harm

MANAGEMENT WILL ALWAYS TAKE DUE CARE FOR THE PROTECTION OF CHILDREN FROM HARM. QUR BUSINESS IS A FAST FOOD RESTAURANT NOT DEALING WITH ANY SALE OF ALCOHOL. HOWEVER, UTMOST CARE WILL BE TAKEN BETWEEN II. OOPM AND 02. COAM 'IN PROTECTING CHILDREN FROM HARM.

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	\square				
•	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).	V				

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.

Declaration	 [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). 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)
Signature	
Date	14/01/2019
Capacity	APPLICANT

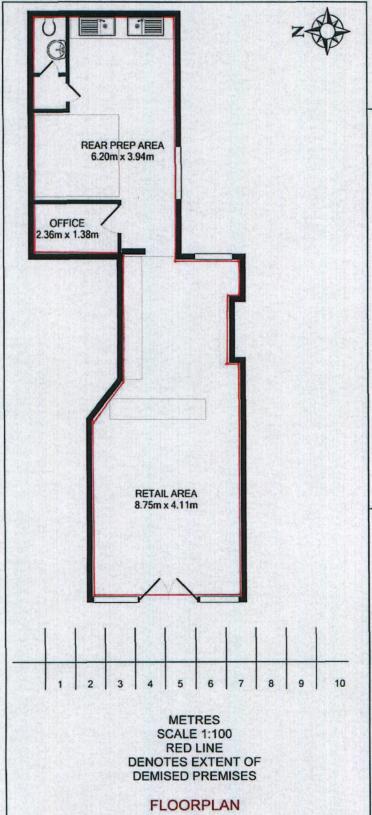
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

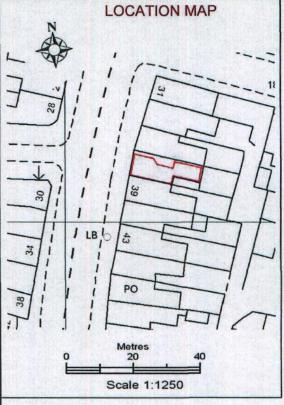
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associathis application (please read guidance note 14)						ited with	
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	•				•		
Post town			-	Postcode			
Telephone nu	imber (if any)				• •		
If you would	prefer us to correspon	nd with you by e	-mail, your e-r	nail address (optional)		

Notes for Guidance

- 1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. In terms of specific regulated entertainments please note that:





LEASE PLAN

GROUND FLOOR 37 LONDON ROAD TOOTING LONDON SW!7 9JR

16TH SEPTEMBER 2010 DRAWING ID 14091001

© james stevens group Park House 206 –208 Latimer Road London W10 6QY 020 8968 1131 www.groupjs.net

Tall V

From: Councillor Linda Kirby Sent: 15 January 2019 22:53

To: Licensing

Cc: Councillor John Dehaney; Councillor Tobin Byers

Subject: FW: Premises/Club and Gambling Licensing Applications

Importance: High

Dear Licensing

I wish to oppose the attached application for 37 London Road

The times they are requesting 11pm to 2am are totally anti social in an area where we have significant anti-social behaviour and street drinking.

Most normal people are tucked up in bed at these times particularly if they are going to work.

Please advice what action needs to be taken to vote this down.

Thank Linda

