

## Licensing Sub-Committee Report

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

Date: **12 December 2016**

Time: **13:30**

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

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

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

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

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

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

2.3 Police objection to temporary event notice: s105

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

### **3. Hearing papers**

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

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

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

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

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

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

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

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

**For enquiries about this hearing please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
SM4 5DX

**Telephone:** 020 8545 3616

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## Parties to the hearing

This document forms part of the notice of hearing.

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

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



## SCHEDULE

Regulation 2(2)

### Temporary Event Notice

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

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

MECO 00205278

MECO 00205278

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

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

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

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)</p> <p>N/A</p>
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4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	MERKTON COUNCIL	
Licence number	LN/000001114	
Date of issue	12-01-2012	
Date of expiry	—	
Any further relevant details	IN THE NAME OF ROGER KING.	

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

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


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

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

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



For completion by the licensing authority

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



## LICENSING ACT 2003

### Part A Premises licence

Premises licence number

LN/000001114

#### Part 1 - Premises details

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

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

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

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

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

**Not applicable**



## Licensable activities and permitted times authorised by the licence

### Late Night Refreshment

#### Indoors and Outdoors

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



## Part 2

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

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

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

**550116**

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

**Not applicable**

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

**Not applicable**



## Annex 1 - Mandatory conditions

### Mandatory conditions where licence authorises supply of alcohol

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

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

### Mandatory condition: exhibition of films

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

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

### Mandatory condition: door supervision

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

### Prohibited conditions: Plays

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

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

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

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



Annex 2  
Conditions consistent with the Operating Schedule

NONE

Annex 3  
Conditions attached after a hearing by the licensing authority

NOT APPLICABLE

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

CLIENT: BURGER KING LTD

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

DRAWING TITLE: EXISTING LAYOUT FOR  
LATE NIGHT LICENCE RENEWAL

SCALE: 1:100

DATE: JUNE 05

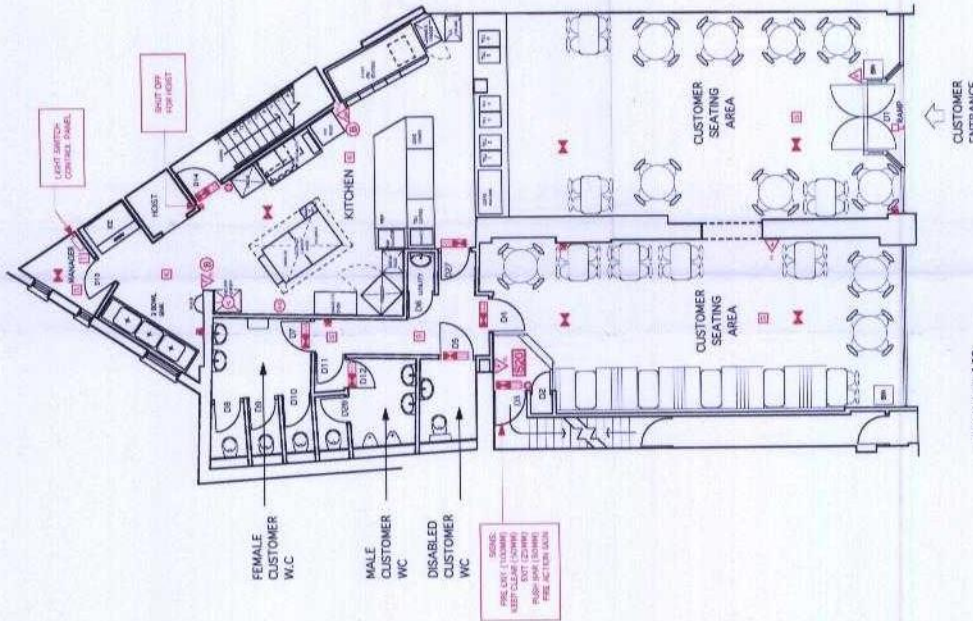
DRAWN BY: A.C.C.

CHECKED: /

DRAWING NUMBER: 401.01-200

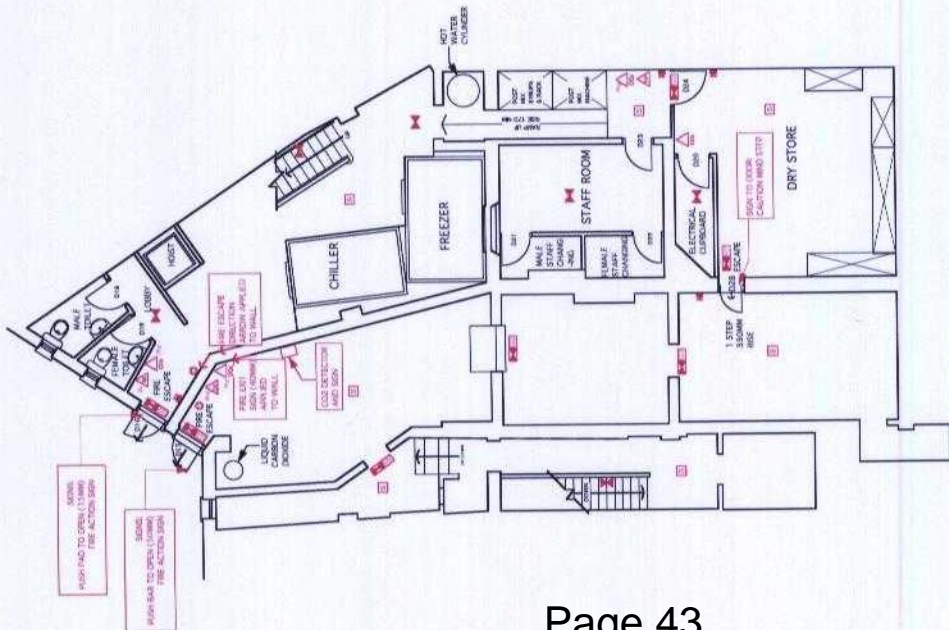
REV: /

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



GROUND FLOOR  
SCALE 1:100

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



BASEMENT FLOOR  
SCALE 1:100

LEGEND:	SYMBOL	DESCRIPTION
■	■	FIRE ALARM SOUNDER
□	□	FIRE ALARM BOX
■	■	3 HOUR MAINTAINED EXIT LIGHT
■	■	3 HOUR NON-MAINTAINED EMERGENCY LIGHT
■	■	WATER FIRE EXTINGUISHER & SIGN
■	■	CO2 FIRE EXTINGUISHER & SIGN
■	■	AFFF FOAM FIRE EXTINGUISHER & SIGN
■	■	DRY POWDER EXTINGUISHER & SIGN
■	■	FIRE ALARM BOX
■	■	FIRE ALARM SOUNDER
■	■	FIREMAN'S SWITCH
■	■	SMOKE DETECTOR
■	■	HEAT DETECTOR
■	■	ANSUL FIRE SUPPRESSION ACTIVATOR
■	■	MANUAL BREAK GLASS CALL POINT & SIGN
■	■	COOKLINE KNOCK-OFF
■	■	FIRE EXIT KEEP CLEAR

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

Dear Sir/Madam,

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

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

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

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

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

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

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

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



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

I respectfully request that this application is NOT granted.

Yours faithfully

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

**Licensing Correspondence to:**

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

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