

London Borough of Merton



Licensing Act 2003 Notice of Determination

Date of issue of this notice: 12 December 2016

Subject: Objection Notice to Temporary Event Notice: Burger King, 1-3 The Broadway, Wimbledon, SW19 1PS

Having considered relevant applications, notices and representations together with any other relevant information submitted to any Hearing held on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

For enquiries about this matter please contact

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Useful documents:

Licensing Act 2003

<http://www.hmsso.gov.uk/acts/acts2003/20030017.htm>

Guidance issued by the Home Secretary

<http://www.homeoffice.gov.uk/>

Regulations issued by the Secretary of State for Culture, Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy

<http://www.merton.gov.uk/licensing/>

Annex A

Determination

Mr Venkateshwar Rao Renukunta Warsimha submitted a Temporary Event Notice to give notice that the premises, "Burger King" at 1-3 The Broadway, Wimbledon SW19 1PS, was proposing to open from 02.00 – 05.00 on 30th December 2016 and 31st December 2016.

The Metropolitan Police objected to the Temporary Event Notice.

Pursuant to section 105 of the Licensing Act 2003, the Licensing Sub-Committee was required to consider whether to issue a Counter Notice if it considers it appropriate for the promotion of the crime prevention objective to prevent the premises opening for these hours.

The Licensing Sub-Committee considered that it was appropriate in order to promote the Licensing Objectives of the Prevention of Crime and Disorder, and Prevention of Public Nuisance, and having regard to the Police Objection Notice, to give the applicant a Counter Notice under section 105 of the Licensing Act 2003.

Therefore, the premises does not have authority under the Licensing Act 2003 to be open between 02.00 – 05.00 on 30th December 2016 and 31st December 2016.

Reasons

In reaching its decision the Licensing Sub-Committee gave the following reasons:

- The Police have dealt with six incidents of crime and disorder directly linked to Burger King between April 2016 and October 2016 and noted some anti-social behaviour related to the 2015 New Years Eve;
- The Police considered that allowing the premises to stay open until 05.00am would result in the public remaining in Wimbledon Town Centre until at least 05.00 and would prolong the opportunity for crime and disorder to occur;
- Whilst Police would be on shift, Police staff will be very stretched on New Years Eve, as a large proportion would be in attendance in central London for the New Year's count down and fireworks display on the Thames and at Trafalgar Square and officers would be stretched dealing with any incidents;
- Police are seeking to stagger closing times across Wimbledon Town Centre in order to alleviate issues of crime and disorder. Instead of customers leaving premises to return home, this TEN would result in customers remaining in the Wimbledon Town Centre areas, and potentially eating and not dispersing;
- Doormen from two other establishments report that they have been called to help control incidents in Burger King to contain violent incidents;
- Residents will be returning to Wimbledon Station, from Central London or elsewhere, throughout the night and this will add pressure to Wimbledon Town Centre.

There were no conditions imposed on the Premises Licence held by KFG Quickserve Limited for the premises, so no conditions could be imposed onto the Temporary Event Notice.

Licensing Authorities should look to the Metropolitan Police as the main source of advice on crime and disorder and an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The Police have a key role in managing the night-time economy. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective (para 2.1 and 9,12 of the S182 Guidance of March 2015).