

The Licensing Department
The London Borough of Merton
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**VW - Merton Borough
VW - Wimbledon Police Station**

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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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