



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 impactwhen 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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