

Licensing Sub-Committee Report

Subject of hearing: **Colette Wimbledon Limited, 77 High Street, Wimbledon, SW19 5EG**

Date: **23 March 2021**

Time: **1.30pm**

Venue: **Virtual meeting via Zoom/Youtube**

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

1.1 The premises are not in the special policy area.

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

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 This is an application for a new premises licence.

- 5.2 The description given in the application of the premises is: The business proposes to specialise in takeaway food in the form of fully plated (crockery) meals, and will incorporate a shop, akin to a high-end delicatessen, with a small number of seats, allowing for some consumption within the premises. Alcohol will feature as part of the range, with on and off sales being permitted.
- 5.3 The application was for the supply of alcohol for consumption both on and off the premises between 8am and 10pm seven days a week.
- 5.4 The opening hours stated in the application are from 8am to 10:30pm seven days a week.
- 5.5 Possible conditions have been offered in the operating schedule should the sub-committee be minded to grant the application.
- 5.6 The Applicant, through negotiation with the Police and Parkside Residents Association has added a further three conditions to the operating schedule. The relevant emails are attached to this report.

The conditions are:

- All deliveries of alcohol to be to a business or residential address and not to any public/open spaces. – Police.
 - No alcohol sales for consumption on the premises before 10am – Parkside Residents Association.
 - Any alcohol sold for consumption on the premises to be sold as an ancillary to a meal or as part of a pre-booked event, with all attendees details being available to officers upon request. No more than 16 customers would be permitted at any one time to consume alcohol within the premises – Parkside Residents Association.
- 5.7 Due to the condition offered above, the Applicant has therefore amended the on-sales authorisation requested to start from 8am to 10am.
- 5.8 Through communication with Environmental Health and the Licensing Authority, the applicant has further clarified:
- Off sales will predominate. Permission for on sales is intended to be retained. More limited now following the engagement with the residents association and the proposed additional conditions.
 - There will not be furniture for seating.
 - No tables and chairs inside.
 - No access to the toilets for customers.
 - No tables and chairs outside.
 - Absent seating, the customers will indeed stand.
- 5.9 This would change the description of the premises given in the application, in that it removes the seating.

5.10 We have received one representation objecting to the application from a resident. The resident has been informed that any planning consent will be dealt with under planning legislation and not considered under licensing legislation and that the Cumulative Impact Zone has been removed from Wimbledon Village. This was done as a result of the review of our Statement of Licensing Policy which took place last year. The new policy taking effect 6 January 2021.

For enquiries about this hearing please contact

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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	
Colette Wimbledon Limited	
Statutory Authorities	
None	
Interested Parties	
Louise Millar	

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