

Licensing Sub-Committee Report

Subject of hearing: **Gigi's Food Limited, 28 High Street, Wimbledon Village SW19 5BY**

Date: **30 March 2022**

Time: **3:30 pm**

Venue: **Virtual Meeting**

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, for a premises described in the application as a café/restaurant.

5.2 The applicant has applied for the supply of alcohol for consumption both on and off the premises, Monday to Saturday from 11am to 11pm and on Sundays from 11am until 8pm.

- 5.3 The opening hours are stated in the application as Monday to Saturday 8am to 11pm and Sunday 9am to 8pm
- 5.4 The operating schedule of the application sets out steps that the Applicant will take to promote the four licensing objectives. Conditions could be created from some of these steps should the Sub-Committee decide to grant the application.
- 5.5 An email dated 11 February 2022 was received from the applicant stating the Applicant's agreement to conditions requested by the Metropolitan Police. The email stating this and the conditions is attached to the report.
- 5.6 We received three representations regarding this application from Trading Standards, Parkside Residents Association and Belvedere Estate Residents Association.
- 5.7 After consultation with the applicant, Trading Standards withdrew their representation as the applicant has agreed to add conditions to their application. This email agreement, with the agreed conditions stated and the subsequent withdrawal of the representation is included in this report.
- 5.8 For ease, we have put the conditions that we believe could be created from the application and the conditions agreed with the Police and Trading Standards as an annex to this report. The Sub-Committee may choose to form some conditions on the licence from these should they decide to grant the licence.

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

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	
Gigi's Food Ltd	
Statutory Authorities	
None	

Interested Parties	
Parkside Residents Association	
Belvedere Estate Residents Association	

Conditions that could be extracted from the application operating schedule

Children shall be supervised by a responsible adult at all times whilst on the premises.

Conditions agreed with Trading Standards

1. Evidence of age in the form of photo identification shall be requested from any person appearing to those selling or supplying alcohol, to be under the age of 25 and attempting to buy alcohol. Examples of appropriate photo identification include a passport, driving licence, and the Proof of Age Standards Scheme (PASS) approved age card.
2. Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.
3. A record of refusals shall be maintained which documents every instance that a sale of alcohol (and any other age-restricted product) is refused on the premises, indicating the date and time the refusal was made, and the member of staff making the refusal.
4. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.
5. An effective visual (and/or aural) reminder shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol (and any other age-restricted product).
6. All staff that undertake the sale or supply of alcohol (and any other age-restricted product) shall receive appropriate training in relation to undertaking appropriate age checks on such, before being allowed to sell or supply any alcohol (and any other age-restricted product). Refresher training will be carried out at least every three months.
7. Records of all staff training, relating to the sale or supply of alcohol (and any other age-restricted product), along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.
8. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

Conditions agreed with Police

1. The CCTV system installed at the premises shall be maintained in effective working order and shall be in operation at all times the premises is open to the public. All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available on request to the Metropolitan Police, the Licensing Authority or other Responsible Authorities. At all times the premises is open to the public a minimum of one member of staff on duty will be able to operate the CCTV system.

2. An incident log shall be kept at the premises and made available on request to Metropolitan Police, the Licensing Authority or other Responsible Authorities. It must be completed within 24 hours of the incident and will record the following;

- (a) All crimes reported to the venue.
- (b) All ejections of patrons.
- (c) All complaints received concerning crime and disorder.
- (d) Any incidents of disorder.
- (e) All seizures of drugs or offensive weapons.
- (f) Any refusal of the sale of alcohol.
- (g) Any visit by a relevant authority in relation to service

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We GIGI'S FOOD LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
28 HIGH STREET WIMBLEDON VILLAGE			
Post town	LONDON	Postcode	SW19 5BY

Telephone number at premises (if any)	020 8971 2062
Non-domestic rateable value of premises	£ 51,500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a <u>limited company</u> /limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	GIGI'S FOOD LIMITED
Address	28 HIGH STREET WIMBLEDON VILLAGE LONDON SW19 5BY
Registered number (where applicable)	12248355
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY

Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
03	02	2022

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Cafe, restaurant in Wimbledon village. We sell cakes, coffee, drinks (soft) and food. We would like to sell alcohol as well please.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					


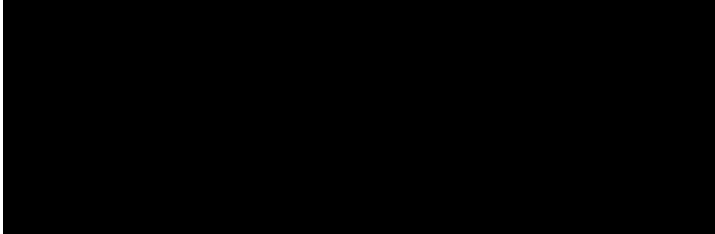
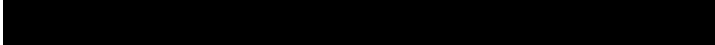
I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) Open every day, no seasonal variations.		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	20:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			N/A.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	NOEMI MASLINGER	
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known) Awaiting issue		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

RESTAURANT SUPPLYING FOOD AND DRINKS. CHILDREN MUST BE SUPERVISED BY AN ADULT AT ALL TIMES WHILST BEING ON THE PREMISES. CHILDREN COME FOR BIRTHDAY PARTIES (KIDS) AND BAKING CLASSES, MUM & BABY CLUB. DURING THE DAY, NOT LATE AT NIGHT.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	Open every day of the week.
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	09:00	20:00	
			<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>N/A.</p>

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We will promote the four alcohol licensing objectives by documenting and recording control measures in place and providing a safe environment where adults can enjoy alcohol in a controlled way.

b) The prevention of crime and disorder

- Training and supervision of our staff.
- Effective and responsible management of our premises.
- Provision and monitoring of CCTV.
- Adoption of best practice guidance.

c) Public safety

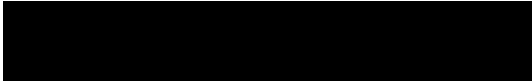
- Carry out suitable and regular risk assessments on the premises.
- Provision of sufficient number of trained employees on the premises, appropriate training and supervision.
- Provision of effective CCTV.

d) The prevention of public nuisance

- Appropriate training and supervision to prevent incidents of public nuisance.
- Adoption of best practice guidance.
- CCTV / registered door supervisors.
- Control of operating hours.



e) The protection of children from harm

- Acceptance of accredited "proof of age" cards and/or photo driving licence.
- Limitations or exclusions by age when certain activities are taking place.
- Appropriate training and supervision of sufficient number of staff.

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	25 / 01 / 2022
Capacity	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
NOEMI MAJLINGER GIGI'S FOOD LIMITED 28 HIGH STREET			
Post town	LONDON	Postcode	SW19 5RY
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. *Please advise*
- I have enclosed the plan of the premises. *how much the fee is.*
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
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Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and

- (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

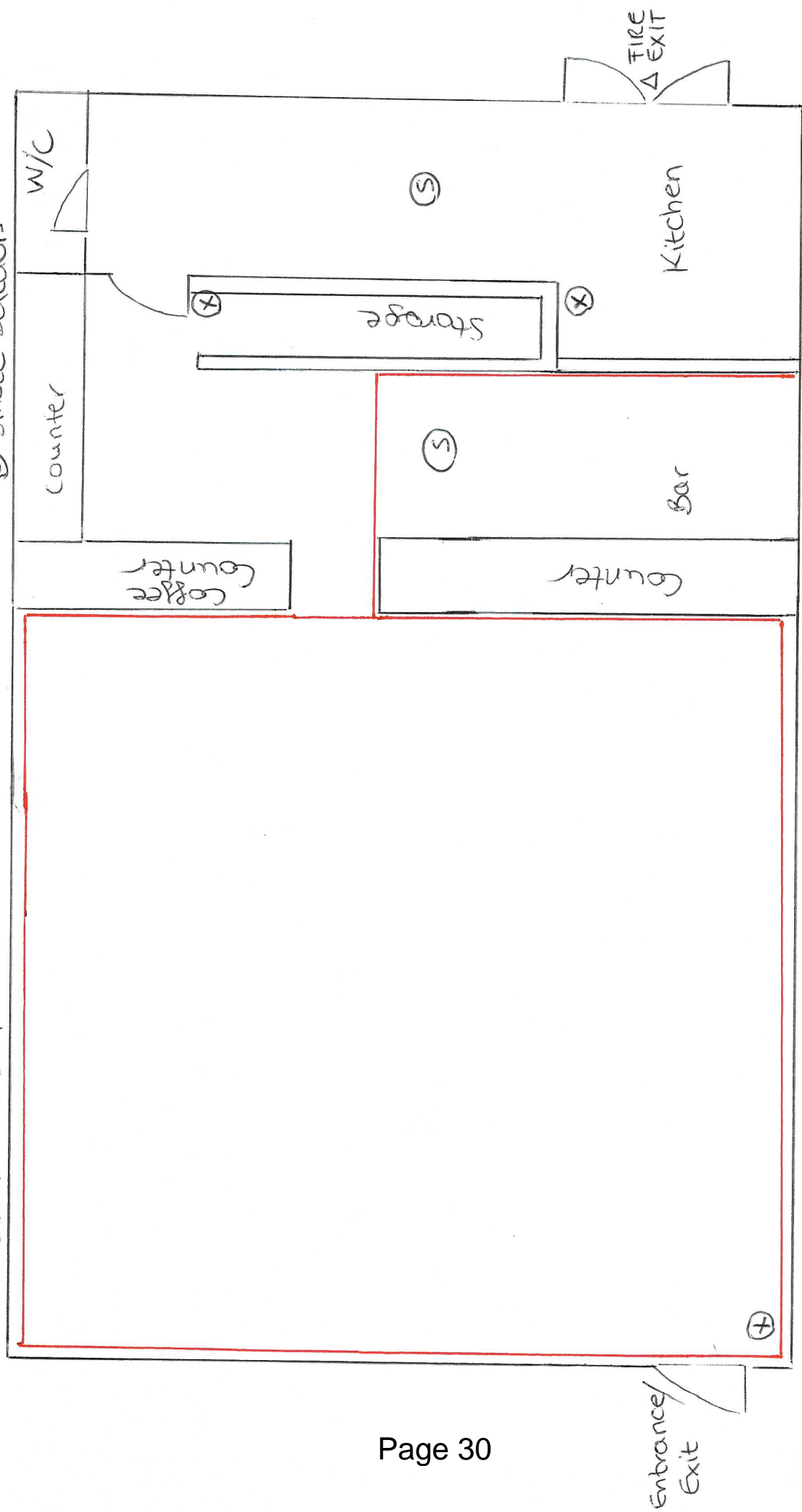
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

GIGI'S FOOD LIMITED
28 HIGH STREET
WIMBLEDON VILLAGE
LONDON, SW19 5BY

— Licenced Area

- ⊗ Fire Extinguishers
- △ Fire Exit
- Ⓢ Smoke Detectors



From: Gigi's Organic [REDACTED]
Sent: 11 February 2022 08:11
To: [REDACTED]
Cc: Licensing <Licensing@merton.gov.uk>
Subject: Re: Application for premises licence.

Dear Avril

Hope you're well and thank you for your help, it is much appreciated.

I am in agreement with all of your requirements and we have added your points below to the operating schedule and we'll make sure these are adhered to at all times.

Thank you kindly,
Best regards,
Noemi Majlinger

GIGI's ORGANIC

[REDACTED]

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Before printing, please think about the environment

On 7 Feb 2022, at 16:19, [REDACTED] wrote:

Good Afternoon Noemi,
I am the police licensing officer for Merton, I contact you in relation to an application for premises licence at Gigi's Food LTD, 28 High street, SW19 5BY.
The Metropolitan police request the following be added to the operating schedule;

CCTV

The CCTV system installed at the premises shall be maintained in effective working order, and shall be in operation at all times the premises is open to the public. All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days, and shall be made available on request to the Metropolitan Police, the Licensing Authority or other Responsible Authorities. At

all times the premises is open to the public a minimum of one member of staff on duty will be able to operate the CCTV system "

Security incidents

An incident log shall be kept at the premises and made available on request to Metropolitan Police, the Licensing Authority or other Responsible Authorities. It must be completed within 24 hours of the incident and will record the following;

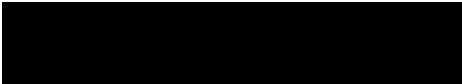
- (a) All crimes reported to the venue.
- (b) All ejections of patrons.
- (c) All complaints received concerning crime and disorder.
- (d) Any incidents of disorder.
- (e) All seizures of drugs or offensive weapons.
- (f) Any refusal of the sale of alcohol.
- (g) Any visit by a relevant authority in relation to service

Let me know your thoughts.

Kind Regards,

Avril

PC Avril O'BRIEN 3406SW | Licensing
South West – BCU



Keeping South West London Safe
Putting victims first—Preventing harm—Working as one team



Dear Noemi,

It was a pleasure to speak to you just now and thank you for your e-mail. As a result of its contents, I am happy to withdraw my representation in relation to the above licence application.

Kind regards,

Christopher

Christopher Jones
Senior Principal Trading Standards Officer



Merton Trading Standards Service is part of the Regulatory Services Partnership serving Wandsworth, Merton and Richmond Councils.

The Regulatory Services Partnership is hosted by the London Borough of Merton at,
Merton Civic Centre
London Road
Morden SM4 5DX

From: Gigi's Organic [Redacted]
Sent: 04 February 2022 14:11
To: Christopher Jones [Redacted] Licensing <Licensing@merton.gov.uk>
Subject: Re: RE Gigi's Food Limited, 28 High Street, London SW19 5BY - Application for Licence

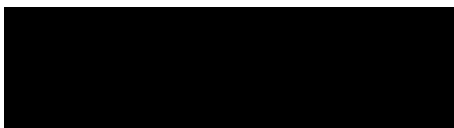
Dear Christopher

Thank you for your email.

We accept the conditions contained in your representation and I'll add these to our operating schedule.

Thank you kindly,
Best regards,
Noemi Majlinger

GIGI's ORGANIC



This e-mail and any attached files are intended for the named addressee only. The information contained within is confidential and may be legally privileged. Unless you are the intended recipient of this email and its attachments, any disclosure, copying, distribution or use of its contents is strictly prohibited. If you believe you have received this e-mail in

error, please contact the sender immediately and delete it (including any attachments) from your system. Please be advised that the views and opinions expressed in this e-mail may not reflect the views of Gigi's Organic. Gigi's Organic is the trading name of Gigi's Food Limited is registered in England and Wales under company number 12248355.

Before printing, please think about the environment

From: Gigi's Organic [REDACTED]
Sent: Friday, February 4, 2022 12:47 PM
To: Christopher Jones [REDACTED] Licensing <Licensing@merton.gov.uk>
Subject: Re: RE Gigi's Food Limited, 28 High Street, London SW19 5BY - Application for Licence

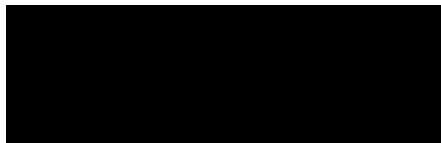
Dear Christopher

Hope you are well and thank you for your email.

We'll make sure that all below points are followed and actioned accordingly.

Thank you kindly,
Best regards,
Noemi Majlinger

GIGI's ORGANIC



This e-mail and any attached files are intended for the named addressee only. The information contained within is confidential and may be legally privileged. Unless you are the intended recipient of this email and its attachments, any disclosure, copying, distribution or use of its contents is strictly prohibited. If you believe you have received this e-mail in error, please contact the sender immediately and delete it (including any attachments) from your system. Please be advised that the views and opinions expressed in this e-mail may not reflect the views of Gigi's Organic. Gigi's Organic is the trading name of Gigi's Food Limited is registered in England and Wales under company number 12248355.

Before printing, please think about the environment

From: Christopher Jones [REDACTED]
Sent: Friday, February 4, 2022 9:46 AM
To: Licensing <Licensing@merton.gov.uk>
Cc: Gigi's Organic [REDACTED]
Subject: RE Gigi's Food Limited, 28 High Street, London SW19 5BY - Application for Licence

Dear All,

After due consideration of the above application, and in its opinion to meet the licensing objectives of 'the prevention of crime and disorder' and 'the protection of children from harm', Merton Trading Standards Service would like to make the following representation requesting that these conditions be added,

1. Evidence of age in the form of photo identification shall be requested from any person appearing to those selling or supplying alcohol, to be under the age of 25 and attempting

to buy alcohol. Examples of appropriate photo identification include a passport, driving licence, and the Proof of Age Standards Scheme (PASS) approved age card.

2. Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.
3. A record of refusals shall be maintained which documents every instance that a sale of alcohol (and any other age-restricted product) is refused on the premises, indicating the date and time the refusal was made, and the member of staff making the refusal.
4. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.
5. An effective visual (and/or aural) reminder shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol (and any other age-restricted product).
6. All staff that undertake the sale or supply of alcohol (and any other age-restricted product) shall receive appropriate training in relation to undertaking appropriate age checks on such, before being allowed to sell or supply any alcohol (and any other age-restricted product). Refresher training will be carried out at least every three months.
7. Records of all staff training, relating to the sale or supply of alcohol (and any other age-restricted product), along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.
8. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

Many thanks,

Christopher

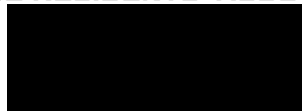
Christopher Jones
Senior Principal Trading Standards Officer



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The Regulatory Services Partnership is hosted by the London Borough of Merton at,
Merton Civic Centre
London Road
Morden SM4 5DX

PARKSIDE RESIDENTS' ASSOCIATION



Licensing Section
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey SM4 5DX

22 February 2022

By Email

Dear Sirs

**Licensing Act 2003 - Application Ref WK/202202894
28 High St, Wimbledon Village SW19 5BY**

The membership area of this Association ("PRA") comprises over 300 households and includes Marryat Road, part of Parkside, Parkside Avenue and Peek Crescent which are in the vicinity of 28 High Street ("the Premises"). We have a number of concerns about the above application ("the Application") as we do not believe that, as proposed, it promotes the Licensing Objectives, in particular the Prevention of Public Nuisance and the Protection of Children from Harm.

Wimbledon Village

The Village has for many years been a popular destination for visitors, especially at weekends, many of them attracted by the large number of venues to eat and drink, the vast majority of which are Licensed. Wimbledon Common nearby is also a popular leisure attraction and visitors often stay in the Village to eat and drink after a walk. Before the pandemic, it was inevitable that residents faced incidents from time to time of nuisance, disturbance and antisocial behaviour from visitors, especially in the evenings. During lockdown restrictions, when drinking was restricted to outdoor spaces, visitors continued to come. During one period there were some very unfortunate incidents of alcohol fuelled noise, disturbance and antisocial behaviour, mostly in daylight hours, from rowdy people drinking on the pavements. This alarmed residents, both those living nearby and others trying to go about their business safely and in compliance with social distancing requirements. Several of these incidents resulted in Police being called and eventually a fine for the operators of the business involved (a wine bar). Now that lockdown restrictions have been relaxed, a more normal trading pattern has resumed in licensed premises in the Village. However, a number of retail businesses, including fashion shops, did not reopen and most have now been replaced with new food and drink outlets. As a result, the number of licensed premises in Wimbledon Village is now even higher than before and residents are wary of the proliferation of opportunities for drinking alcohol given the cumulative potential for noise, disturbance, nuisance etc. from the numbers of premises where alcohol is available.

Hitherto it has been the experience of local residents' associations, including the PRA, that incoming businesses seeking new Premises Licences or to vary an existing Licence have invariably been prepared to discuss their proposals with the associations, and to agree conditions to reflect the nature of the business being operated whilst also addressing residents' concerns. In particular all incoming restaurateurs have either applied for, or agreed to, Licence terms restricting consumption of alcohol on the Premises to customers seated at tables having a meal and where the alcohol is ancillary to that meal. Conditions restricting the maximum number of customers on the Premises have also been included. In the very few cases where an application has been contested, the Licensing Panel, if minded to grant the Licence having heard representations, has invariably imposed such conditions in any event.

Description of the Premises, its Location and the Business

The Premises are in a busy location on the High Street of Wimbledon Village, close to a pedestrian crossing. At the rear is Haygarth Place which comprises 23 houses. Nearby is the Dog & Fox pub. Across the High Street, diagonally opposite, is Hemingways Wine bar and a little further along, is the Rose & Crown pub. There are six other Licensed Restaurants in the immediate vicinity and a further 14 within walking distance on Church Road and the High Street.

The Premises were previously operated for many years as a shop selling clothing and accessories. The applicant began trading in May 2021 selling organic, plant based and natural products, including food, coffee, hot chocolate and non-alcoholic drinks. A delivery service is also offered. More recently a chef has been employed, more tables and chairs have been added, there is a more extensive menu with a variety of meals and the website is now promoting the Premises as “a vibrant brunch destination”. In addition, “cooking classes for adults and baking classes for kids” are advertised. The premises are child and family friendly with an area with displays and soft toys for children. Immediately in front of the premises and adjoining the pavement is an open outdoor space where tables and chairs have been set up to extend the trading area; this outdoor space is fully covered by the overhang of the building’s first floor above so offers some protection from the weather.

The Application

The application is for the sale of alcohol for consumption on and off the Premises 11.00-23.00 Monday-Saturday and 11.00-20.00 on Sundays. The Premises would be open 08.00-23.00 Monday-Saturday and 09.00-20.00 on Sundays. We assume, as the Operating Schedule offers no clarification to the contrary, that for this purpose the open space area at the front of the Premises would be included for permitted alcohol consumption. No conditions are offered in the way of restrictions on alcohol consumption on the Premises eg. that alcohol must be as an accompaniment to a meal.

Consultation

Merton’s Statement of Licensing Policy effective from 6 January 2021 (“the Policy”) at **Para 10.11** encourages applicants to consult with local community groups either before preparing their operating schedules or at the earliest possible stage “*in order to avoid disputes*”. As far as we are aware the applicant did not hold any pre application consultation with other community groups but agreed to a meeting at the Premises on 14 February requested by the PRA and Belvedere Estate Residents’ Association (“BERA”) to clarify the proposal. The meeting, with the owner of the business and the chairs of PRA and BERA, was very amicable. The owner said she had made the application as she wanted to offer more dining options to improve trade which meant offering alcohol with meals. She did not intend catering until as late as 11pm, anticipating closing no later than 21.30pm Monday-Saturday and 20.00 on Sundays. She did not intend to offer alcohol without any food; what was envisaged was a restaurant/café type operation serving a maximum of 30 customers at the Premises at any one time. In the discussion, the PRA and BERA observed that, as submitted, the application terms were not consistent with this description, being more typical of a Wine Bar type of use which the community was unlikely to welcome. Furthermore, if the application was granted on the terms applied for, these terms would be available to a successor to exploit even if, during their own tenure, the applicant chose to operate on the more restricted basis they had described. In the light of the discussions the owner was invited in follow up emails after the meeting to amend the application to reflect the actual proposals she had described for the business. She has declined the invitation, but pointed out that it is open to the PRA and BERA to make representations on the application if they wished.

It is disappointing to be addressing an application which clearly does not reflect the stated intention of the applicant’s business plan. However, since conditions to modify the proposals in line with that plan are not being volunteered, and as presented the proposals are of concern, we have concluded that it is necessary to submit representations objecting to the application.

Our concerns are:

1. Unsuitability of the proposals.

If a Licence is to be applied effectively on any premises for the benefit of the business, whilst properly safeguarding the amenities of the community in accordance with Licensing Policy, its terms cannot be determined in a vacuum. It is therefore reasonable to expect that the terms applied for will reflect the basis upon which those premises will be traded. On that basis, and notwithstanding the owner’s orally stated intentions about the business, the apparent reluctance to volunteer conditions on the operation of the Licence to reflect that business is somewhat unhelpful and in our experience a rather unusual approach. It means that the proposals have to be considered on an objective basis which takes account not only of their suitability for the business currently being operated, but also in the context of the terms being available for a different hospitality business to use to trade from the Premises. On either

approach we consider the application proposals, as submitted, to be unsuitable and failing to promote the Licensing Objectives.

2. The terms as proposed are consistent with a wine bar use and not a café/restaurant.

As drawn, these terms would permit the consumption of alcohol on the Premises as the exclusive or primary purpose of the premises – ie a wine bar use – because no qualifications would be operating to limit consumption to an accompaniment to meals. If the proposals are approved, customers would be free to have drinks without food, including at the tables on the outside space, until 11pm six days a week. **We are not aware of any new Premises Licence having been granted on such terms in Wimbledon Village under the current Policy or earlier versions issued under the Licensing Act 2003.** No explanation is offered in justification of this proposal and we suggest it would set a very unwelcome precedent if this were to be approved in this case. The Premises do not have planning permission for a Wine Bar use in any event. Whilst we recognise that Planning is a separate matter from Licensing, we do not believe that this would be a suitable use for the Premises, given their size and location close to the homes in Haygarth Place and the implications of such use upon neighbour amenity and for potential further incidents of public nuisance. Such use would not promote the Licensing Objectives of the Prevention of Public Nuisance and, in the context of the applicant's child and family friendly business in particular, the Protection of Children from Harm.

3. The Operating Schedule does not properly address the factors which the Licensing Authority would be expected to consider in relation to the avoidance of Public Nuisance.

Para 13.4 of the Policy requires the Authority's consideration of "*the adequacy of measures proposed to promote avoidance of public nuisance having regard to all the circumstances of the case*". Examples quoted in **Para 13.4 i** include the steps which have been or will be taken to address issues such as noise, disturbance, queueing and disposal of empty bottles. **Paras 13.8 iii and vi** also anticipate the applicant's proposals to prevent disturbance from customers using external spaces and the hours when those spaces might be used. None of these matters is discussed in any detail in the Operating Schedule which addresses the Licensing Objectives in only the most general terms. As the Policy is highlighting practical matters to be considered, with the intention of mitigating potential adverse impacts upon residents, the absence of any provision to deal with them means that if the Premises are operated on the Licence terms proposed the likelihood of public nuisance is real. But in any event there is also the risk that allowing a new Licenced Premises to open which offers the opportunity for drinks without food until 11pm 6 days per week in a section of the Village where there are already three very long established premises with a similar "offer" will add to the risk of adverse impact because there will be a potential cumulative effect. We note from **Para 16.3** of the Policy that the risks of public nuisance and the cumulative adverse effects on residents are factors which the Panel should take into account "*in considering whether to restrict licensing hours in order to promote the licensing objectives*".

4. The applicant's business is family friendly yet the proposals fail to promote the Licensing Objective of the Protection of Children from Harm.

As noted above, the Premises are family friendly and from the facilities inside and the services offered on the website, the presence of children is actively encouraged. This is an attractive proposal but, unfortunately, the application proposals are incompatible with that approach as the proposals fail to promote the Licensing Objective of the Protection of Children from Harm. **Para 14.8** of the Policy requires the Authority to consider "*the adequacy of measures proposed to ensure the prevention of harm to children having regard to all the circumstances of the case*". Examples quoted include at **Para 14.8 iv** "*whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided*". As noted above, without restrictions upon the circumstances in which alcohol can be consumed, any licence holder at the Premises, including the applicant, would be free to make this the exclusive primary purpose. This is clearly incompatible with the presence of children throughout the permitted Licensed hours. **Para 14.8 v** requires consideration, if children are to be admitted, of "*whether restrictions are to be applied regarding age or times that children will be allowed access or the parts of the premises they may access*". The applicant clearly wants to bring children onto the Premises but does not address these matters in the Operating Schedule. However, we note that given the relatively small size of the Premises, where all trading takes place in one principal room (and at the tables in the outdoor space) it would not be possible to designate a separate room for children to use which is separate from areas where adults are drinking. Under **Para 14.8 vi** the Authority should also consider "*whether there is a requirement for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied*

by an adult”. The Operating Schedule does not address these points. The applicant’s website refers to children’s parties but the relevant ages and any requirements for adult attendance are not mentioned.

It would seem clear from the summary above that if a Licence is wanted then the applicant’s business plan to encourage children to be on the Premises cannot be practicably achieved without modification to the application. Restricting alcohol consumption to customers seated indoors and having a meal, during more restricted hours, would assist considerably in providing a more appropriate context.

Conclusion

Given the points raised above, we would suggest that there are sufficient grounds to refuse the application, in its present terms, outright. However, we recognise that this is a new business which is looking to establish itself in the Village in challenging trading circumstances and it may well be that the implications of the terms proposed have not been fully appreciated the applicant.

Whilst we regret the applicant’s reluctance to offer modifications following discussions with us and BERA, we have no wish to be unhelpful in seeking to resolve matters if a compromise can be achieved. In general terms, if permitted alcohol consumption could be restricted to customers seated indoors and having a meal, and the proposed hours reduced, this would help address our concerns about nuisance and cumulative impact. This would also ensure that the licensed operation was the restaurant/café use which the owner had described and not a potential wine bar. Conditions would still be needed for children on the Premises having regard to the requirements of **Para 14.8** of the Policy. We suggest the applicant be invited to make proposals in that regard in the context of their business plan. Subject to these points an earlier closing time than 11pm, say 10pm Monday-Saturday, would be logical and more consistent with the owner’s stated intentions on trading times.

In summary we suggest that, if the Licensing Panel is minded to grant a Licence, then in addition to any conditions which the Panel wishes to impose, conditions along the following lines would address our concerns:

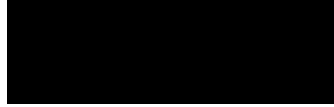
- a. Alcohol to be sold for consumption on and off the premises 11.00 - 21.30 Monday-Saturday and 11.00 - 20.00 Sundays
- b. Alcohol sold for consumption on the Premises must be to customers seated at tables for consumption with, and ancillary to, a meal
- c. No alcohol to be sold for consumption at the outside tables
- d. Provisions consistent with **Para 14.8 vi** for children on the premises, including to be accompanied by responsible adults
- e. A maximum of 30 customers on the Premises at any one time
- f. No deliveries to or refuse collection from the Premises (including bottles) to take place between 22.00 and 08.00 the following day.
- g. Premises opening hours to be 08.00 – 22.00 Monday-Saturday and 09.00 – 20.00 Sundays (subject to the applicant’s comments).

We believe that the revised terms and conditions we have suggested represent a balanced approach which should enable the Premises to trade successfully in accordance with the advertised intentions without an unacceptable negative impact upon the local community. We hope the applicant can accept them.

Yours faithfully

Mrs. S Cooke
Chairman.

BELVEDERE ESTATE RESIDENTS' ASSOCIATION



Licensing Section
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey SM4 5DX

22 February 2022

By Email

Dear Licensing Officers,

**Licensing Act 2003 - Application Ref WK/202202894
28 High St, Wimbledon Village SW19 5BY**

The membership area of this Association ("BERA") comprises over 500 households throughout 26 roads and includes Wimbledon Village High Street, Church Road, Haygarth Place, Lancaster Road & Lancaster Place all of which are in the vicinity of 28 High Street ("the Premises"). We have a number of concerns about the above application ("the Application") as we do not believe that, as proposed, it promotes the Licensing Objectives, in particular the Prevention of Public Nuisance and the Protection of Children from Harm.

We have read, and fully support the Representation from the Parkside Residents' Association ("PRA") dated 22 February 2022

Wimbledon Village

The PRA objection to this Application has provided a detailed background to general trading in the Village so there is no need for BERA to reiterate that here. However we would add that in the past BERA's residents living in roads adjoining the High Street or close to the Village were often affected by noise, disturbance and antisocial behavior from drinkers, so BERA has always closely monitored Licence Applications for Village premises. During lockdown our residents in Haygarth Place and Lancaster Road complained on several occasions about rowdy revellers drinking outside their houses and using their front gardens as a toilet. Hopefully with the end of lockdown those incidents will become a rarity, however the increasing number of licensed premises in Wimbledon Village provide ample opportunity for a greater number of visitors to drink alcohol with a cumulative knock on effect of nuisance, noise and disturbance.

Description of the Premises, its Location, the Business and the Application

Again, these matters are fully described in the PRA representation and we have nothing to add.

Consultation

We also confirm the circumstances of the meeting between the owner and the chairs of BERA and the PRA on 14 February, and the follow up afterwards as described in the PRA Representation. In view of that outcome, we are submitting this objection to the application for the same reason as the PRA has done.

Accordingly, our concerns about the application as submitted are:

Most applicants in our experience apply for a licence which reflects the type of business they intend to operate. This means they can properly address Licensing Policy requirements on a practical basis consistent with their business. It also demonstrates to the public, in considering whether to make representations, how the business will be run if the Licence is granted. In the case of a restaurant/café, this would typically include conditions restricting alcohol consumption to customers seated at tables and having a meal and where the alcohol

is ancillary to that meal. Because that approach has not been followed here we are having to respond, like the PRA, to the terms applied for on a general basis whilst also having to consider their suitability for the business as currently being traded.

On either approach, having reviewed the proposals BERA agrees with the PRA's view that the application does not promote the Licensing Objectives, in particular the Prevention of Public Nuisance and the Protection of Children from Harm. In particular:

1. The premises are trading as a restaurant/café but the application would allow a wine bar type of use. A wine bar, by its nature, has far greater potential than a restaurant for noise, disturbance and nuisance for residents. Given the experience of BERA's residents described above this is a use which, if introduced, would be of concern, particularly when no details are offered to show how risks of noise, disturbance, nuisance etc are to be mitigated.
2. It can be difficult to avoid noise and disturbance from customers drinking outdoors. Sound travels. The outdoor space in front of the premises is not a private courtyard nor is it fenced off from the pavement and we suggest it would be challenging to supervise alcohol consumption there, even more so if customers are not having a meal. In our view this area should be excluded from any Licence which might be granted.
3. In recent years, many incoming businesses in the Village have recognised the practical limitations of monitoring customers' alcohol consumption and the capacity for noise emanating from the premises by accepting a limit on customer numbers in their Licences. The Premises are relatively small and all trading is in the one principal room accessed directly off the street plus the outdoor space; in our view a restriction would be sensible. The owner of the business did say at the meeting on 14 February that 30 customers would be the most they could manage.
4. Given the applicant's business plan as described at the meeting, which is not aimed at any late night trading we query the need for a licence to sell alcohol on any terms after 21.30 pm, or that the Premises should stay open until 11pm Monday-Saturday.
5. The business is child friendly and family oriented and children are actively encouraged to come to the Premises. But since the trading activity is all in one place any licence terms have to recognise that children are likely to be present where alcohol is being consumed. Like the PRA we do not consider the application terms as proposed are compatible with the current business especially in the context of Licensing Policy requirements for the Protection of Children from Harm

Like the PRA we are disappointed that it has not been possible to resolve matters with the applicant by negotiation and we agree with the Conclusion in the PRA's representation. But again, like the PRA we have no wish to be unhelpful and endorse the suggestions they have made as to conditions (in addition to any which the Panel may require) which could be imposed in any Licence which the Panel is minded to grant. To summarise, the conditions which would address our concerns are:

- a. Alcohol to be sold for consumption on and off the premises 11.00 - 21.30 Monday-Saturday and 11.00 - 20.00 Sundays
- b. Alcohol sold for consumption on the Premises must be to customers seated at tables for consumption with, and ancillary to, a meal
- c. No alcohol to be sold for consumption at the outside tables
- d. Provisions consistent with **Para 14.8 vi** of Merton's Statement of Licensing Policy for children on the premises, including to be accompanied by responsible adults
- e. A maximum of 30 customers on the Premises at any one time
- f. No deliveries to or refuse collection from the Premises (including bottles) to take place between 22.00 and 08.00 the following day.

- g. Premises opening hours to be 08.00 – 22.00 Monday-Saturday and 09.00 – 20.00 Sundays (subject to the applicant's comments).

BERA works hard to maintain good working relationships with Village businesses but we recognize that Licensing can sometimes be a sensitive issue. Like the PRA we consider that the terms and conditions we have suggested represent a balanced approach which should enable the Premises to trade successfully in accordance with the owners plans as described to us and advertised on their website advertised intentions without an unacceptable negative impact upon local residents. We hope the applicant is willing to accept them.

Yours faithfully

Susan Cusack
Chair BERA, Planning & Licensing

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