

Licensing Sub-Committee Report

Subject of hearing: **Buteco Do Duda, 10 Watermill Way, Colliers Wood, London, SW19 2RD.**

Date **30 April 2024**

Time: **10.30am**

Venue: **Virtual Meeting**

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

The premises are not within a Cumulative Impact Zone.

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 appropriate 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 bar and restaurant.

5.2 This is for a premises that is attached to the Colour House Theatre, which benefits from its own premises licence. The resident who has made a representation has been made aware of this.

5.3 The applicant applied for:

- Live music, recorded music, indoors from 12:00 to 01:00 the following morning Monday to Sunday.
 - The provision of late night refreshment indoors from 23:00 to 01:00 the following morning Monday to Sunday
 - The supply of alcohol for consumption both on and off the premises from 12:00 to 01:00 the following morning Monday to Sunday.
- 5.4 The opening hours are stated in the application as Monday to Sunday 12:00 to 01:00.
- 5.5 On the 26 March 2024, after consultation between the Applicant and the Metropolitan Police, we received an email stating that the applicant had agreed to amend the application. The amendment is as follows:
- **Live & recorded Music.**
Monday to Thursday 12:00 – 23:00
Friday & Saturday 12:00 – 00:00
Sunday 12:00 – 22:30
 - **Late Night Refreshment**
Monday to Thursday 23:00 – 00:00
Friday & Saturday 23:00 – 01:00
Sunday 23:00 – 00:00
 - **Supply Of Alcohol**
Monday to Thursday 12:00 – 23:30
Friday & Saturday 12:00 – 00:30
Sunday 12:00 – 23:30.
 - **Hours Premises are open to the public.**
Monday to Thursday 12:00 – 00:00
Friday & Saturday 12:00 – 01:00
Sunday 12:00 – 00:00
 - One condition was agreed.
No children shall be at the premises after 21:00hrs.
- 5.6 The application sets out steps that the Applicant will take to promote the four licensing objectives. Conditions consistent with those steps could be attached to the licence should the Sub-Committee decide to grant the application, in addition to any additional conditions the Sub-Committee believe appropriate for the promotion of the Licensing Objectives.
- 5.7 Two representations regarding this application were received, from a Councillor and a member of the public.

5.8 For ease, the steps that the applicant has stated they intend to take to promote the licensing objectives and we believe can be turned into conditions on the licence plus the condition agreed with the Metropolitan Police are included as an annex to this report. The Sub-Committee may choose to form some conditions on the licence from these and or create their own 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	
Buteca Do Duda	
Statutory Authorities	
Interested Parties	
Oliver Wildman	
Cllr John Braithwaite	

Conditions that could be extracted from the application operating schedule

CCTV

1. A Closed-Circuit Television (CCTV) system shall be installed at the premises covering all public areas and recording at all times that the premises is open for business. The CCTV system shall be maintained in an effective working order, with all images kept for a minimum of 31 days.
2. At all times the premises is open to the public, a minimum of one member of staff on duty shall be able to operate the CCTV system and be able to provide the previous 31 days CCTV images to the Licensing Authority or Responsible Authorities without undue delay upon request.

Security incidents

3. 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 shall record the following;
 - a) All crimes reported to the premises.
 - b) All ejections of patrons.
 - c) All complaints received concerning crime and disorder.
 - d) All incidents of disorder.
 - e) All seizures of drugs or offensive weapons.
 - f) Any faults in the CCTV system.
 - g) Any visit by a relevant authority in relation to service.
 - h) Any complaints from nearby residents.

The prevention of public nuisance

4. Notices shall be displayed at all exits from the premises requesting customers leaving the premises late at night do so quietly and with consideration to nearby residents.
5. The Premises Licence Holder shall keep an accurate written record of all brands of bottled beer and cider sold for consumption off the premises. This record shall be made available to officers from the Police or Local Authority on request.
6. Any empty bottles or glasses, or food waste/packaging from customers of the premises shall be collected by staff without undue delay and disposed of.
7. There shall be no regulated entertainment outside after 2300hrs.
8. Doors and Windows shall be closed after 2200hrs during any performance of regulated entertainment, except for egress and ingress.

Underage sales

9. A challenge 25 policy shall be operated on the premises. Clear and visible Challenge 25 signage shall be displayed.

10. Evidence of age shall be requested from any person appearing to those selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
Examples of appropriate ID include a passport, new style driving licence, and Proof of Age Standards Scheme (PASS) approved age cards.
11. A Refusals Log shall be kept and made available for inspection by the Local Authority and Police detailing all refusals of the sale of alcohol to children, drunks or for any other reason.
12. Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.
13. An effective visual reminder shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol.
14. All staff that undertake the sale or supply of alcohol shall receive appropriate training in relation to undertaking appropriate age checks on such, before being allowed to sell or supply any alcohol. Refresher training shall be carried out at least every 6 months.
15. 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, shall be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.

Wave Training

16. All members of customer facing staff, including SIA (if employed) and those involved in the sale or supply of alcohol will be provided with Welfare and Vulnerability Engagement (WAVE) training to provide those working in the licensed industry with an awareness of vulnerability and their responsibilities towards people visiting their premises.
This training is available at:
<https://nbcc.police.uk/crimeprevention/safeguarding/welfare-and-vulnerability-engagement-wave-lesson-plan>

Counter Terrorism Awareness Training

17. All members of customer facing staff, will be provided with basic Counter Terrorism Awareness Training by the Premises Licence Holder. Such training is available at:
<https://www.gov.uk/government/news/act-awareness-elearning> or via the local Counter Terrorism Protect Officer (CTPO)
18. Duty managers will have access to the ProtectUK App | ProtectUK when on duty at the site. Both of which provide Counter Terrorism advice and guidance.

Conditions agreed with the Metropolitan Police

1. No children shall be at the premises after 21:00hrs.

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 Buteco Do Duda 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			
Buteco Do Duda 10 Watermill Way			
Post town	London	Postcode	SW19 2RD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4,200

Part 2 - Applicant details

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i	as a limited company/limited liability partnership	✓ please complete section (B)
	ii	as a partnership (other than limited liability)	please complete section (B)
	iii	as an unincorporated association or	please complete section (B)
	iv	other (for example a statutory corporation)	please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		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	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		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 'share code' provided to the applicant by that service (please see note 15 for information)					

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		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 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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	Buteco Do Duda Limited
Address	Unit 3 The Pavilions Watermill Way London SW19 2RD

Registered number (where applicable) 15023961
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) n

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

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)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	✓
<u>Supply of alcohol</u> (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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
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)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 (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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	1200	0100	Please give further details here (please read guidance note 4)		
Tue	1200	0100			
Wed	1200	0100	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	1200	0100			
Fri	1200	0100	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	1200	0100			
Sun	1200	0100			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1200	0100	Please give further details here (please read guidance note 4)		
Tue	1200	0100			
Wed	1200	0100	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	1200	0100			
Fri	1200	0100	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 (please read guidance note 6)		
Sat	1200	0100			
Sun	1200	0100			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
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	
Mon				Outdoors	
				Both	
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	2300	0100	<u>Please give further details here</u> (please read guidance note 4)		
Tue	2300	0100			
Wed	2300	0100	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	2300	0100			
Fri	2300	0100	<u>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</u> (please read guidance note 6)		
Sat	2300	0100			
Sun	2300	0100			

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	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1200	0100			
Tue	1200	0100			
Wed	1200	0100			
Thur	1200	0100			
Fri	1200	0100			
Sat	1200	0100			
Sun	1200	0100			
			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)		

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	Ediniuson Picardo
Date of birth	
Address	
Postcode	
Personal licence number (if known)	Pending
Issuing licensing authority (if known)	Pending

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)

Staff will monitor all customers that purchase alcohol and or Late Night Refreshment for consumption off the premises within the Merton Abbey Mills communal areas. Anti Social or any poor behaviour of customers will be challenged by staff and disruptive customers asked to leave Merton Abbey Mills. Any empty bottles or glasses, or food waste/packaging will be collected by staff quickly and disposed of.

b) The prevention of crime and disorder

CCTV

A Closed Circuit Television (CCTV) system shall be installed at the premises covering all public areas and recording at all times that the premises is open for business. The CCTV system shall be maintained in an effective working order, with all images kept for a minimum of 31 days.

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 and be able to provide the previous 31 days CCTV images to the Licensing Authority or Responsible Authorities immediately upon request.

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;

1. All crimes reported to the premises.
2. All ejections of patrons.
3. All complaints received concerning crime and disorder.
4. All incidents of disorder.
5. All seizures of drugs or offensive weapons.
6. Any faults in the CCTV system.
7. Any visit by a relevant authority in relation to service.
8. Any complaints from nearby residents.

c) Public safety

Wave Training

All members of customer facing staff, including SIA (if employed) and those involved in the sale or supply of alcohol will be provided with Welfare and Vulnerability Engagement (WAVE) training to provide those working in the licensed industry with an awareness of vulnerability and their responsibilities towards people visiting their premises. This training is available at: <https://nbcc.police.uk/crime-prevention/safeguarding/welfare-and-vulnerability-engagement-wave-lesson-plan>

Counter Terrorism Awareness Training

All members of customer facing staff, will be provided with basic Counter Terrorism Awareness Training by the Premises Licence Holder. Such training is available at <https://www.gov.uk/government/news/act-awareness-elearning> or via the local Counter Terrorism Protect Officer (CTPO)

Duty managers will have access to the ProtectUK App | ProtectUK when on duty at the site. Both of which provide Counter Terrorism advice and guidance.

d) The prevention of public nuisance

Notices shall be displayed at all exits from the premises requesting customers leaving the premises late at night do so quietly and with consideration to nearby residents.

The Premises Licence Holder will keep an accurate written record of all brands of bottled beer and cider sold for consumption off the premises. This record will be made available to officers from the Police or Local Authority on request.

There will be no regulated entertainment outside after 2300hrs

Doors and Windows will be closed after 2200hrs during any performance of regulated entertainment, except for egress and ingress.

e) The protection of children from harm

A challenge 25 policy will be operated on the premises.
Clear and visible Challenge 25 signage will be displayed

Evidence of age shall be requested from any person appearing to those selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol

Examples of appropriate ID include a passport, new style driving licence, and Proof of Age Standards Scheme (PASS) approved age cards.

A Refusals Log will be kept and made available for inspection by the Local Authority and Police detailing all refusals of the sale of alcohol to children, drunks or for any other reason.

Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children

An effective visual reminder shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol

All staff that undertake the sale or supply of alcohol shall receive appropriate training in relation to undertaking appropriate age checks on such, before being allowed to sell or supply any alcohol. Refresher training will be carried out at least every 6 months.

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.

Checklist:

Please tick to indicate agreement

<input type="checkbox"/>	I have made or enclosed payment of the fee.	✓
<input type="checkbox"/>	I have enclosed the plan of the premises.	✓

•	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 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	7 th March 2024.
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)			
Duda Picardo Buteco Do Duda 10 Watermill Way			
Post town	London	Postcode	SW19 2RD
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- 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.
- 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 issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

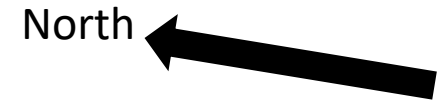
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Buteco Do Duda
10 Watermill Way
SW19 2RD

Scale 1:100

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Merantun Way



Licensed Area
inside red line

River Wandle

From: Duda Picardo

Sent: Tuesday, March 26, 2024 2:01 PM

To: Licensing <Licensing@merton.gov.uk>; Avril.OBrien2@met.police.uk; Russ Stevens <Russ.Stevens@merton.gov.uk>

Subject: Fwd: Police Conditions

This Message Is From an External Sender

This message came from outside your organisation.

Dear Licensing team,

I agree with the police recommendations please let's proceed ahead with the applications.

Thank you for your support.

Kind regards

Duda Picardo

----- Forwarded message -----

De: <Avril.OBrien2@met.police.uk>

Date: ter., 26 de mar. de 2024 à 12:37

Subject: Police Conditions

To:

Good Afternoon Bruno & Ediniuson,

I hope you are both well.

Please see police proposed conditions and amended times for Buteco Do Duda, 10 Watermill Way, SW19 2RD.

If you are in agreement, please forward your agreement to licensing@merton.gov.uk and copy me please.

Many thanks,

Avril

PC Avril O'Brien 3406SW

South West Licensing – Merton

Avril.OBrien2@met.police.uk

[Redacted]

[Redacted]

Buteco Do Duda Limited.

Live & recorded Music.

Mon – Thurs. 12:00 – 23:00

Fri & Sat. 12:00 – 00:00

Sun. 12:00 – 22:30

Late Night Refreshment

Mon – Thurs. 23:00 – 00:00

Fri & Sat. 23:00 – 01:00

Sun. 23:00 – 00:00

Supply Of Alcohol

Mon – Thurs. 12:00 – 23:30

Fri & Sat. 12:00 – 00:30

Sun. 12:00 – 23:30.

Hours Premises are open to the public.

Mon – Thurs. 12:00 – 00:00

Fri & Sat. 12:00 – 01:00

Sun. 12:00 – 00:00

The Protection Of Children From Harm.

No children shall be at the premises after 21:00hrs.

Buteco Do Duda Limited.

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Fri & Sat. 12:00 – 01:00

Sun. 12:00 – 00:00

The Protection Of Children From Harm.

No children shall be at the premises after 21:00hrs.

From: Councillor John Braithwaite <John.Braithwaite@merton.gov.uk>
Sent: Friday, March 22, 2024 11:27 AM
To: Licensing <Licensing@merton.gov.uk>
Subject: Current Licensing Applications

Hello,

As a local ward councillor I wish to make representations on behalf of residents with regard to 2 current licencing applications.

[REDACTED]

2. Buteco Do Duda

Although the application is for music and a bar up to 1pm indoors, in the summer particularly when the windows and doors are open, the noise from the venue affects neighbours in the vicinity. There is also the issue of drinks being served for off site use up to 1pm. This will generate more noise at a late hour. Unless the venue can give some guarantees regarding the soundproofing of the venue, then the music licence and drinks sales should not be extended to 1pm. Off sales at this late hour should also be rejected.

Best Regards
John

Cllr John Braithwaite
Abbey Ward (Liberal Democrat)

[REDACTED]

From: Oliver Wildman
Sent: Friday, March 15, 2024 2:42 PM
To: Licensing <Licensing@merton.gov.uk>
Cc: Councillor Mike Brunt <Mike.Brunt@merton.gov.uk>; Councillor John Braithwaite <John.Braithwaite@merton.gov.uk>; Councillor Klaar Dresselaers <Klaar.Dresselaers@merton.gov.uk>
Subject: Buteco Do Duda, 10 Watermill Way

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hello,

I write regarding the application to amend the license for the unit at 10 Watermill Way (Colour House Theatre).

I live at

I am afraid I do not support this application. The reason is that, when live or recorded music is playing, sound already escapes and causes a disturbance to local residents. This occurs already. Our daughter's bedroom faces onto Merton Abbey Mills, 110 metres away, and it is loud. We have not complained because the music currently finishes at a late, but not totally unreasonable time. If the music was extended, it would disrupt local residents.

The reason for my view is complex, so please bear with me.

1. I have no concerns with the application with regard to the sale of alcohol or late night refreshment. This is not a concern to me.
2. The concern I have relates to the provision of Regulated Entertainment.
3. The current license allows for live or recorded music indoors.
4. The building itself is in two parts. One is the old masonry or stone theatre, which I am sure would retain sound. If the music was in the theatre I would image this would be ok.
5. The outhouse is a not really a building at all. It is constructed from timber and polycarbonate sheet. This does not retain the sound and it is causing disturbance already.
6. I note that the building does not have planning permission. Although the permission for a foyer was granted in planning application 13/1610 this is not compliant with that application. If it were, the sound would likely not escape (for example, drawing 568/013 P2 of the application shows a zinc roof and proper glazing, which are not present, and it would be constructed to modern building regulations).
7. I am not aware what exactly the definition of indoors, and leave this to you. However it does leave me confused as to what license is actually being applied for here as the indoors aspect of the music is not really indoors.

8. The existing license requires that where music is played after 10pm patrols should take place to ensure no sound escape that would cause disturbance to residents. This must not be happening, because it's very loud. Anyone that walked along the Wandle path and stood at the river ends of Station Road and Dane Road (at least) would hear it very clearly during live events.
9. I note that the Annex 2 of the existing license do not appear on the new license, and they must.
10. The license also requires a sound limiting system. I do not know whether the venue currently one, but factually it is loud over 100 metre away.
11. I note that the speakers are pointed north along the Wandle. If the speakers were facing west to the industrial estate it would likely help.

In the evenings when live music is playing the sound escapes and causes a disturbance to local residents. Whilst I am pleased to see the venue doing well, with regret I cannot support the licensing application.

Instead, I would insist that the existing license be properly implemented (which it is not) so the licensee can demonstrate that they can operate the venue without disruption prior to another application.

I copy in my councilors who, I trust, will represent my viewpoint to the appropriate people (including the planning department if appropriate).

Best,
Oliver Wildman

FURTHER EMAIL

From: Oliver Wildman
Sent: Friday, April 12, 2024 2:46 PM
To: Elizabeth Macdonald <Elizabeth.Macdonald@merton.gov.uk>
Subject: Re: Buteco Do Duda, 10 Watermill Way WK/202422785

Thank you for your email,

I note the clarification on the site location. My original representation covered the site noted, so it remains.

As I state in my original representation, nearby residents are suffering intrusive noise already from this venue. They are already operating. I am confused as to how they are currently serving alcohol and playing late live music without a license? Regardless, I still oppose the application to operate live music beyond the deregulated period.

With regard the deregulated times, residents are suffering intrusive noise (public nuisance). I would recommend that the council consider means to condition the application to limit noise levels. This might include noise limiting at the venue, requiring that windows etc be shut, that the speakers are directed away from residential areas (due west rather than due north) and also provide patrols to ensure no noise breaks out.

I strongly recommend that an officer attend site during live music events already taking place, and walk north along the Wandle to experience the music travel.

Oliver

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