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## LICENSING SUB-COMMITTEE

18 SEPTEMBER 2017

(10.35 am - 11.19 am)

PRESENT Councillors (in the Chair), Councillor David Simpson, Councillor Agatha Akyigyina and Councillor Philip Jones

ALSO PRESENT Andrew Woods: Solicitor/Director, Woods Whur  
Lee Nicolson: Managing Director, BarClub Trading Ltd  
Leigh Terrafranca: WEHRA

Stephen Beedell: Licensing Officer  
Guy Bishop: Legal Officer  
Amy Dumitrescu: Democratic Services Officer

### 1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor David Simpson be appointed Chair of the meeting.

### 2 APOLOGIES FOR ABSENCE (Agenda Item 2)

There were no apologies for absence.

### 3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest.

### 4 PO NA NA, 82 THE BROADWAY, WIMBLEDON, SW19 1RH (Agenda Item 4)

The Chair opened the meeting, introduced the Committee and advised that the meeting would follow the procedure as detailed in the agenda pack.

The Licensing Officer confirmed that the application had been reduced from its' original form and the only variations now requested were the change of name and the change of layout as detailed within the plans.

Andrew Woods, speaking on behalf of the Applicant, presented the Application on behalf of BarClub Trading Limited, with their Managing Director also attending, noting that he had implemented this concept elsewhere.

The Application sought to approve minor changes within the premises. However given the representations received, the Applicant advised that they would provide further detail on the Application.

The Applicant stated that the premises had been lacking in investment and that this proposal was to invest £500,000 in both the exterior and interior of the premises, which in turn would create 50 new jobs.

With regard to the variation of the layout and licensing plans, the Applicant explained the changes envisaged in the proposed plans, as shown within the agenda, and explained that the main changes would be to remove the dance floor, to replace the cloakroom with a kitchen and to move the location of the bar. The Applicant explained that food would be served at all times the premises was open. Noting that there had previously been discussions with residents about the noise from the premises some years ago, the Applicant advised that an extra lobby had been added to the proposed plans to assist with the potential for noise escape, though as far as they were aware there had not been any further issues since those discussions.

The Applicant advised that following receiving representations and a subsequent meeting with one of the residents who had objected, an agreement had been reached to withdraw the application to remove the condition for the rear outside area and to agree to have no use of the rear outside area on the roof terrace in any form for any licensable activities.

The Applicant stated that they had taken care to be good neighbours and that this would continue. They planned to improve the frontage of the premise, food would be served primarily from a pizza oven and that drinks would be premium priced. The Applicant also advised that there would be a new management team in place.

The Applicant noted that no representations had been received from any of the Responsible Authorities and that no changes of licensable activities or hours or operating conditions had been sought (as the amended application now proposed without removal of any conditions).

Councillor Akyigyina asked the Applicant why the application had retained the use of the licensable activity of dancing on the premises licence if the dance floor had been removed and questioned the level of disabled access given that the toilets were shown in the plan to be on the first floor. The Applicant responded that there would be no set dance floor and they would not be having DJ's as in the previous use of the premises (although a booth was retained for). They advised that there was a toilet downstairs, and the main toilets had always been located on the first floor.

Leigh Terrafranca, speaking on behalf of Wimbledon E Hillside Residents' Association and other groups within Wimbledon, explained that she liked the changes and felt that it was a great idea for a premises in a family-orientated area. However Ms Terrafranca questioned whether the 3:30am closing time was still appropriate and advised that opening at 10am would be a large increase in hours, since the premises did not open until 10pm when it was operating as a nightclub. The Legal Officer clarified that there were no changes sought to the hours in this application from the current licence.

Ms Terrafranca noted that the DJ booth was retained as part of the plans and the Applicant advised that this was as a control box, used to store the equipment only.

Ms Terrafranca suggested that there was a need to have a toilet on the ground floor.

The Licensing Officer advised that the application was to amend the layout and that the decision by the Licensing Sub-Committee could only be taken based on the plans that were in the application.

The Legal Officer advised that as the premises was in a Cumulative Impact Zone the Application would need to convince the Committee that the Applicant had overcome the rebuttable presumption, noting that this had been covered in the discussions.

In summary, Ms Terrafranca stated that unless the Applicant was willing to make concessions, the application should be refused until it was fully appropriate.

The Applicant stated that this was an improvement on the previous premises and that the responsible authorities were supportive, as was the resident who they had met with following their representation being submitted.

The Committee retired to make their decision at 11:05.

The Committee reconvened at 11:19. The Legal Officer advised that no legal advice had been given during private session and the Chair relayed their decision and closed the meeting at 11:19.

**RESOLVED:** That the Licence variation is granted.