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Merton Council

Licensing Sub-Committee

Membership

Councillors:

Agatha Mary Akyigyina OBE

Nigel Benbow

Mary Curtin

A meeting of the Licensing Sub-Committee will be held on:

Date: 19 August 2019

Time: 3.00 pm

Venue: Committee Rooms D & E - Merton Civic Centre, London Road, Morden SM4 5DX

Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 Elys (Wimbledon) PLC, 16 St Georges Road, Wimbledon, SW19 4DP 1 - 48

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3616. Press enquiries: communications@merton.gov.uk or telephone 020 8545 3181 Email alerts: Get notified when agendas are published www.merton.gov.uk/council/committee.htm?view=emailer

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Procedure to be followed at Licensing Hearing

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Responsible Authorities and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.
16. The Sub Committee will return and re-open for public session.
17. The Chair will invite the Legal Officer to present the advice provided during private session.
18. The Sub-committee's decision will be read out either by the Chair or the Chair will invite the Legal Officer to do so.
19. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing

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- Tramlink: Morden Road or Phipps Bridge (via Morden Hall Park)
- Bus routes: 80, 93, 118, 154, 157, 163, 164, 201, 293, 413, 470, K5

Further information can be found [here](#)

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Licensing Sub-Committee Report

Subject of hearing: **Elys (Wimbledon) PLC, 16 St Georges Road, Wimbledon, SW19 4DP**

Date: **Monday 19 August 2019**

Time: **15.00**

Venue: **Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX**

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

1.1 The premises are in the special policy area. Accordingly the relevant section of Merton's Licensing Policy is particularly relevant to this application though the sub-committee is to have regard to the policy as a whole.

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 application is for the grant of a new premises licence. The store already has a premises licence covering the third floor only.

- 5.2 The applicant is applying for the sale by retail of alcohol on and off the premises between 8am to 9pm Monday to Saturday and 11am to 5pm Sunday.
- 5.3 The application's operating schedule would offer conditions that the Subcommittee may choose to consider.
- 5.4 On the 4th of July 2019 the Licensing Authority received an email from the applicant amending their application following a meeting with the police. They are now seeking a licence to cover the sale of alcohol on the ground and third floor only. They also stated that if their application is granted they will surrender the current licence. This email forms part of this report.
- 5.5 We have received one representation from WHERA against the application. This representation stated it requested two conditions be added to the licence.
- 5.6 The applicant stated they would not accept the first condition regarding being responsible for the cleanliness of the public highway - WHERA have accepted this.
- 5.7 The applicant agreed to having the second condition attached. This would show the licence falling should the premises go out of the applicant's ownership.
- 5.8 This condition cannot be attached as it is unenforceable. A premise licence is transferable property. If the licence was surrendered, the Licensing Act allows for a surrendered licence to be transferred.
- 5.9 Both the applicant and WHERA have been informed of this.

For enquiries about this hearing please contact

Democratic Services
 Civic Centre
 London Road
 Morden
 SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

Applicant
Elys Wimbledon PLC
Statutory Authorities

None	
Interested Parties	
Wimbledon E Hillside Residents Association	

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**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 ELYS (WIMBLEDON) P.L.C.
(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			
16 ST GEORGES ROAD WIMBLEDON			
Post town	LONDON	Postcode	SW19 4DP

Telephone number at premises (if any)	0208 946 9191
Non-domestic rateable value of premises	£ 570,000

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 limited company/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)					

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			
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	ELYS (WIMBLEDON) P.L.C.
Address	16 ST GEORGES ROAD WIMBLEDON LONDON SW19 4DP
Registered number (where applicable)	00266265
Description of applicant (for example, partnership, company, unincorporated association etc.)	Company
Telephone number (if any)	0208 946 9191
E-mail address (optional)	maurasyed@moreystores.co.uk

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

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

Elys is a department store with 4 retail floors, a cafe Nero coffee shop on first floor and Elys restaurant operated by Messarella LTD on the 3rd floor.

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)

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

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

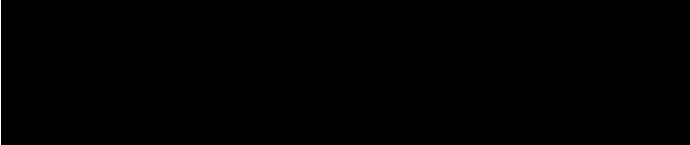
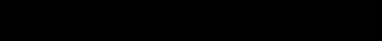



In all cases complete boxes K, L and M

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 checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08.00	21.00			
Tue	08.00	21.00			
Wed	08.00	21.00			
Thur	08.00	21.00			
Fri	08.00	21.00			
Sat	08.00	21.00			
Sun	11.00	17.00			
			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)		

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	MILENA STAIANO-HUMPHRIES.
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	LONDON BOROUGH OF MERTON

□□□□

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).

N/A

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	21.00	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)
Tue	08.00	21.00	
Wed	08.00	21.00	
Thur	08.00	21.00	
Fri	08.00	21.00	
Sat	08.00	21.00	
Sun	11.00	17.00	

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 9)

Training of all staff to meet all four licensing objectives paying particular attention to not selling alcohol to underage - clear "Challenge 25", plus till system to remind staff to "Challenge 25". CCTV use in all Retail Areas, very good coverage of all floors. Quality Training Records and Logs, including alcohol training in induction to take place prior to the selling of such products; the lawful selling of age restricted products and refusing the sale of alcohol to a person who is drunk. Also an annual retrain to all staff. Security tagging, security patrol and monitoring area/tagging. Staff availability in area, alcohol gifts only displayed/sold from top floor - no hot-spot or dual siting of product throughout store.

b) The prevention of crime and disorder

Security staff on site during all trading hours. CCTV use in all Retail Areas. Staff will be well trained to not sell alcohol to drunk, intoxicated or disorderly customers. Radio Link system in place to communicate throughout store and town centre. The sale of alcohol is restricted to allow only items that reasonably fall within the following descriptions; seasonal gift sets, mulled wine, Christmas/ winter ale, seasonal combination such as wine & flowers, craft beers, speciality spirits & liqueurs, sparkling wine. Lockable storage area. Tagging of all items for sale over £5.00, tagging monitor set up and reviewed daily by security. Area to be manned throughout trading times.

c) Public safety

Security staff on site during all trading hours.
CCTV use in all Retail Areas and specifically 3 cameras on the 3rd floor gift section where the alcohol products will be sold. Goods will be sold at the farthest point from the entrance doors to avoid theft.
Lighting to external areas and CCTV externally.
Additional fire extinguishers placed near fire exit 3 floor gift section.
Log Book recording any incident or declined sales. Refusal log at the till point.
General Maintenance of store will be maintained in good order at all times.

d) The prevention of public nuisance

In store banning system.
Radio Link to Police and other retail stores.
Customers will not be admitted out with opening hours.
All perimeter doors are monitored to prevent drunk, intoxicated or disorderly customers from entering.
Access control system in place.

e) The protection of children from harm

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the area licenced for the sale of alcohol. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Implement Challenge 25 scheme for all alcohol sales.
Keep robust training records of alcohol training - including ID requirements, age establishment.
Log book of incident declined sales.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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 (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, if appropriate (please see note 15)
Signature	[REDACTED]
Date	24/6/2019.
Capacity	Company SECRETARY

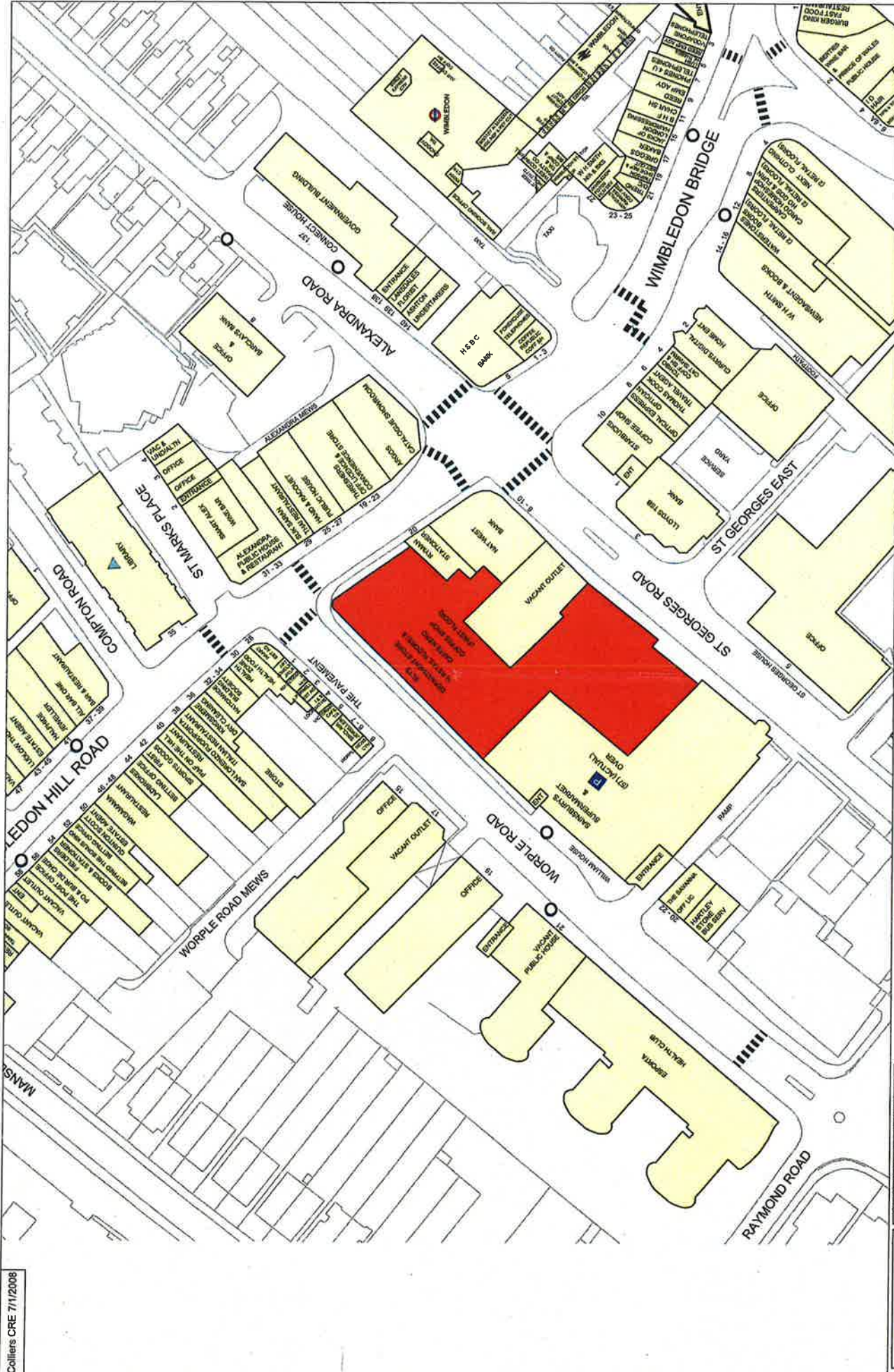
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Maurya Syed Morleys Stores Limited 16 St Georges Road			
Post town	LONDON	Postcode	SW9 4DF
Telephone number (if any)	0208 739 0505		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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:



45 metres

Colliers CRE 7/1/2008



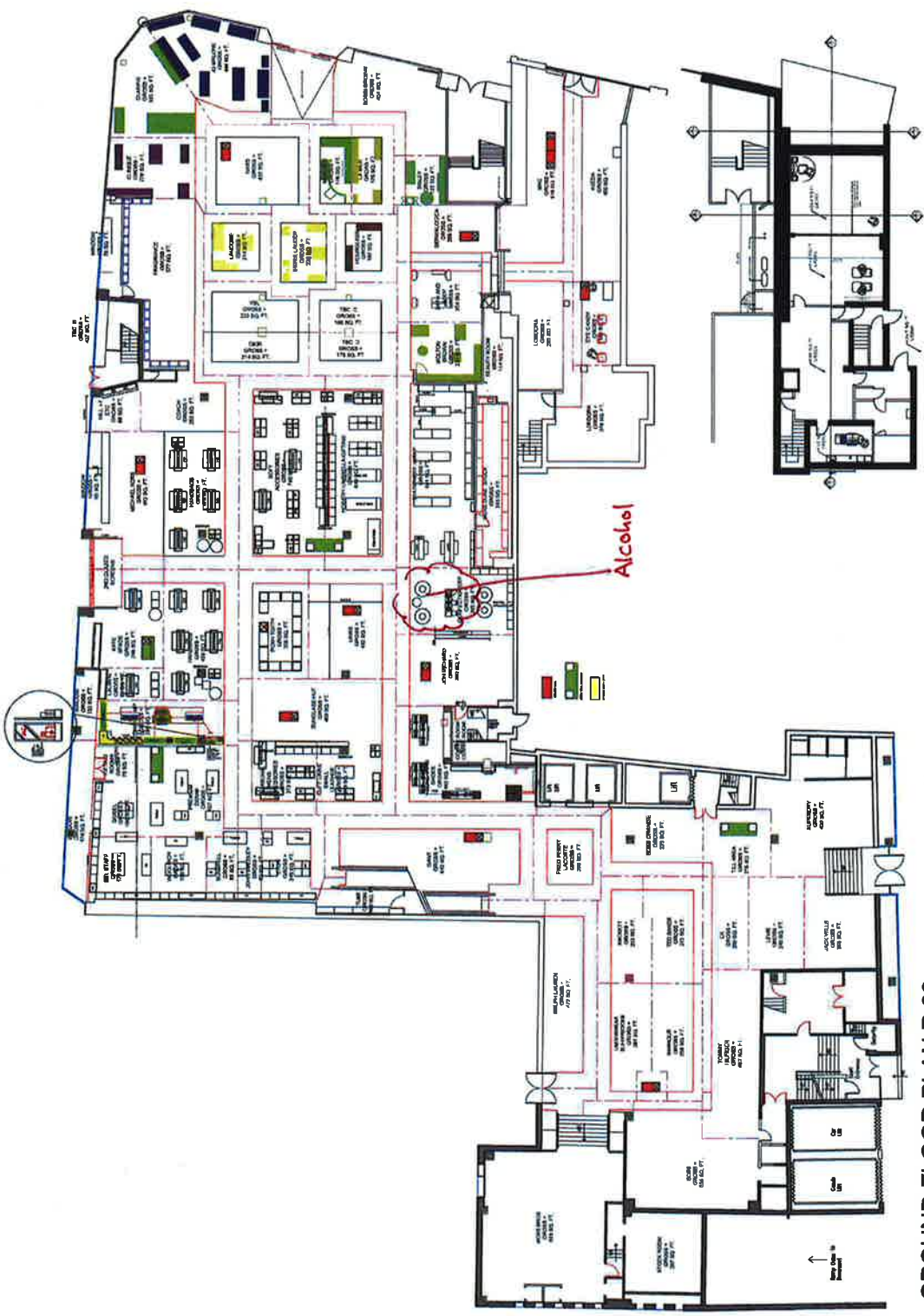
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EMPLOYERS REQUIREMENT

REV	DATE	DESCRIPTION
01	11/15/18	ISSUED FOR PERMIT
02	11/15/18	ISSUED FOR PERMIT
03	11/15/18	ISSUED FOR PERMIT
04	11/15/18	ISSUED FOR PERMIT
05	11/15/18	ISSUED FOR PERMIT
06	11/15/18	ISSUED FOR PERMIT
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83	11/15/18	ISSUED FOR PERMIT
84	11/15/18	ISSUED FOR PERMIT
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99	11/15/18	ISSUED FOR PERMIT
100	11/15/18	ISSUED FOR PERMIT

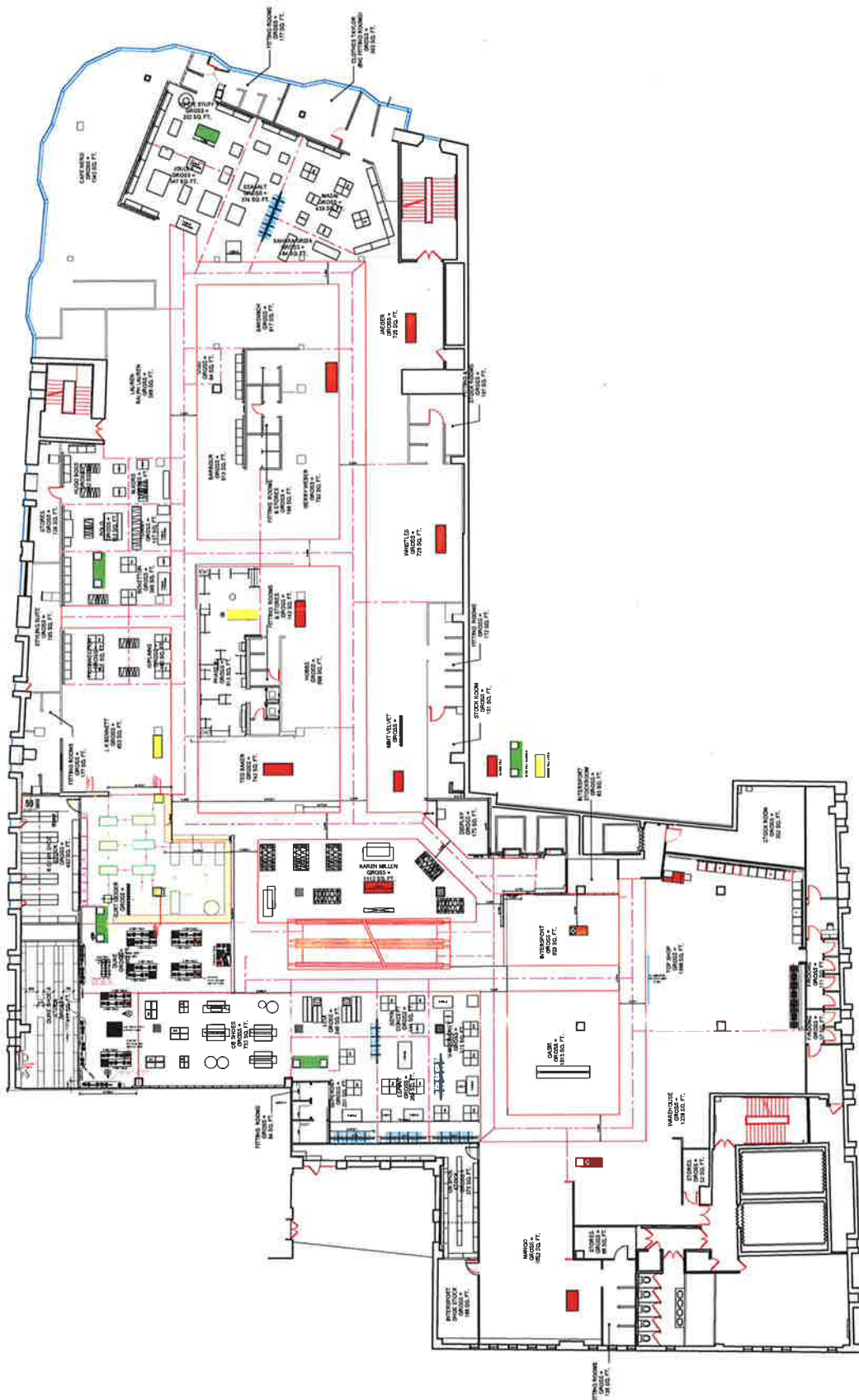


GROUND FLOOR PLAN R 29

dms
 design management solutions
 50 High Street, Suite 200, Waltham, MA 01981
 Telephone: 617.552.0000
 Fax: 617.552.0229
 Email: info@dmsdesign.com

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EMPLOYERS REQUIREMENT



DATE	11/01/11	BY	WMB/EDD	CHK	DJP
PROJECT NO.	ELY-MM-001-S-R25	PROJECT NAME	ELY-MM-001-S-R25	DATE	11/01/11
DESCRIPTION	FIRST FLOOR PROPOSED FLOOR PLAN				
SCALE	AS SHOWN				
DESIGNER	dms design management solutions				
DRAWN BY	WMB/EDD				
CHECKED BY	DJP				

FIRST FLOOR PLAN R25

THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND REGULATORY APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

EMPLOYERS REQUIREMENT



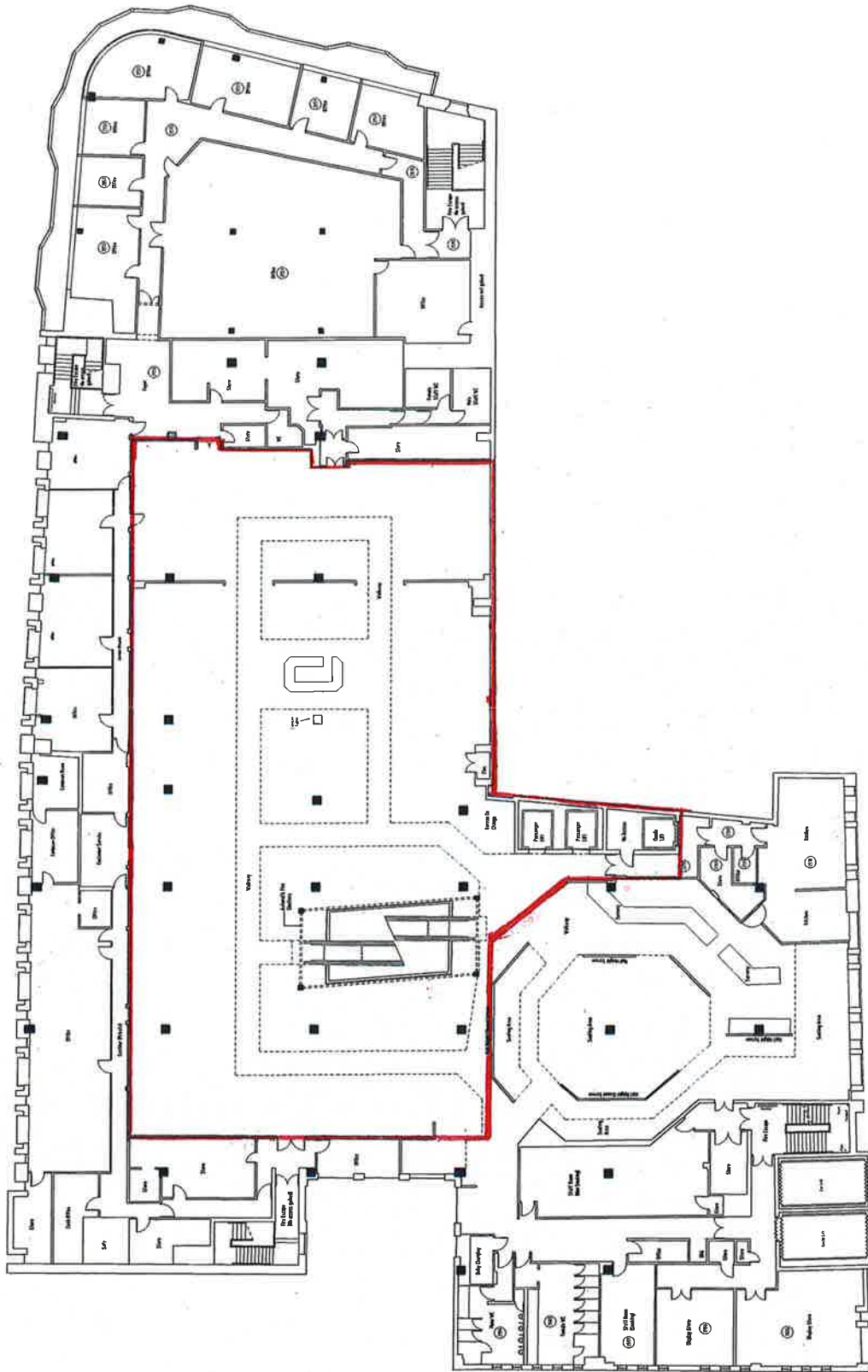
Project No.	ELY-MM-002-S R16
Client	ELY-MM-002-S R16
Project Name	ELY-MM-002-S R16
Project Location	ELY-MM-002-S R16
Project Description	ELY-MM-002-S R16
Project Start Date	ELY-MM-002-S R16
Project End Date	ELY-MM-002-S R16

dms
 design management solutions
 Design Management Solutions Limited
 50 Highgate Road, Waltham, Waltham, Waltham
 Waltham, Waltham, Waltham
 Waltham, Waltham, Waltham
 Waltham, Waltham, Waltham

SECOND FLOOR

Notes

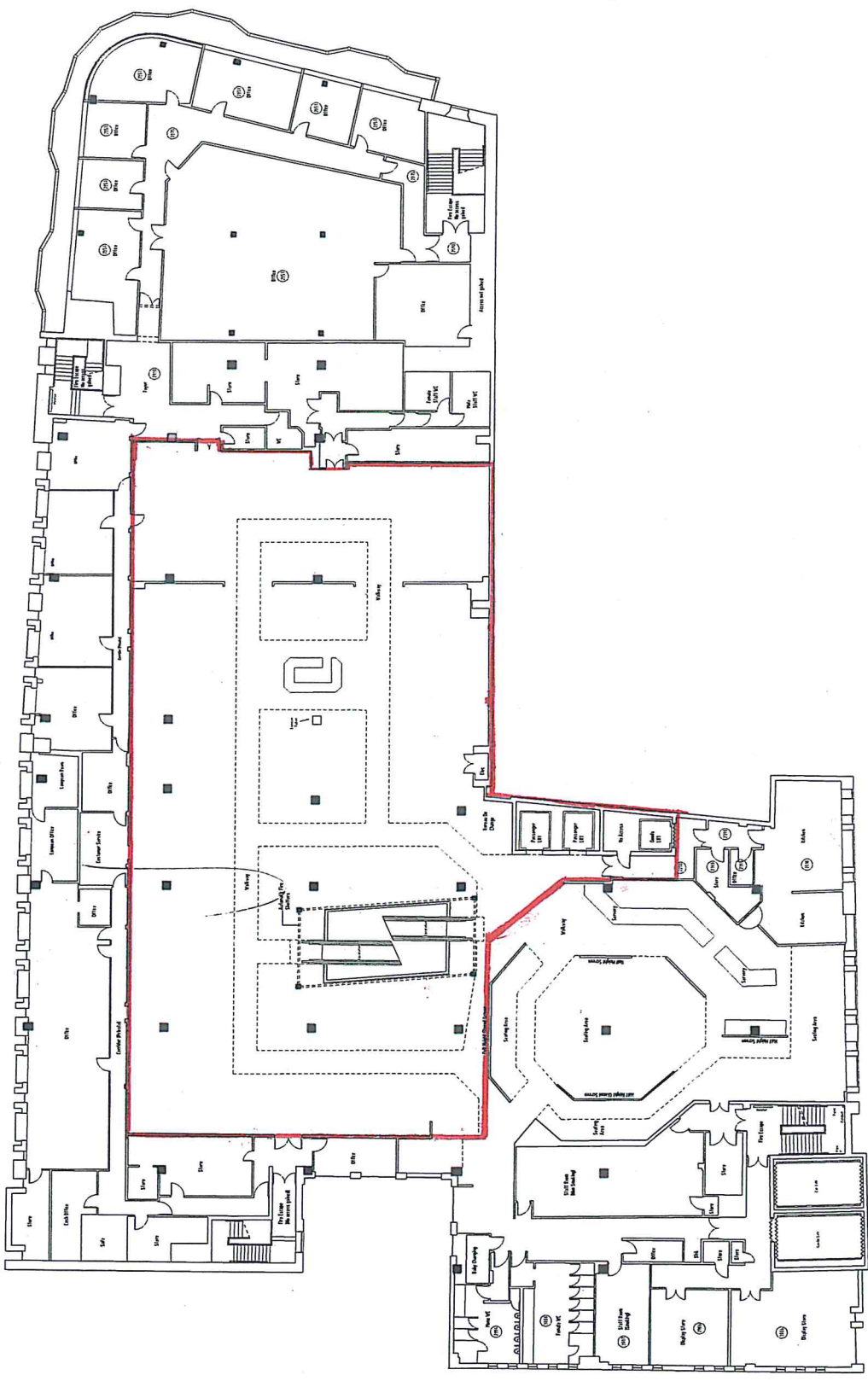
Revised Floor Plans, 10/1/08



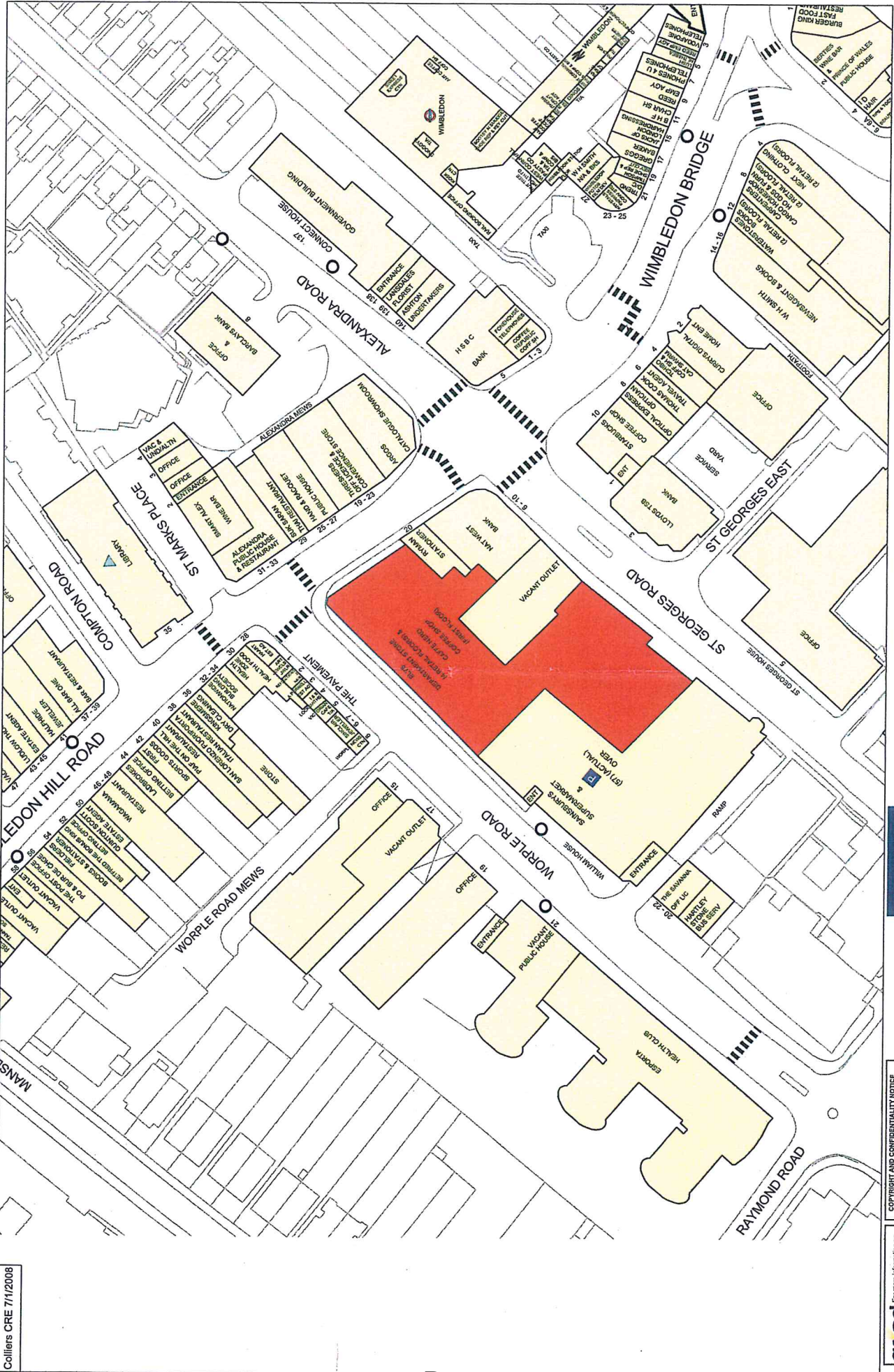
Project No.	NSF-08-001
Project Name	NATIONAL SCIENCE FOUNDATION
Client	NATIONAL SCIENCE FOUNDATION
Architect	WATG
Scale	1/8" = 1'-0"
Date	10/1/08
Sheet No.	30300
Total Sheets	30300
Revision	ES/01
Author	WATG
Checker	WATG
Designer	WATG
Project Manager	WATG
Architect of Record	WATG
Contractor	WATG
Manufacturer	WATG
Distributor	WATG
Installer	WATG
Maintainer	WATG
Operator	WATG
Owner	WATG

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Notes
 1. Refer to drawing sheets for all details.



DATE	10/10/2019
BY	ARCHITECT
PROJECT	STUDENT CENTER RENOVATION
CLIENT	UNIVERSITY OF CALIFORNIA, BERKELEY
SCALE	AS SHOWN
PROJECT NO.	19-001
DATE	10/10/2019
BY	ARCHITECT
PROJECT	STUDENT CENTER RENOVATION
CLIENT	UNIVERSITY OF CALIFORNIA, BERKELEY
SCALE	AS SHOWN
PROJECT NO.	19-001



45 metres



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 0845 601 6011
goad.sales@uk.experiant.com

LICENSING ACT 2003

Part A Premises licence

Premises licence number

LN/000003187

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Elys
16 St George's Road
London
SW19 4DP

020 8946 9191

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday	08:00	-	21:00
Tuesday	08:00	-	21:00
Wednesday	08:00	-	21:00
Thursday	08:00	-	21:00
Friday	08:00	-	21:00
Saturday	08:00	-	21:00
Sunday	11:00	-	17:00

Sale & supplies of alcohol, whether these are on and/or off supplies

Off the premises



Licensable activities and permitted times authorised by the licence

Alcohol Sales

Off the premises

Monday	08:00	-	21:00
Tuesday	08:00	-	21:00
Wednesday	08:00	-	21:00
Thursday	08:00	-	21:00
Friday	08:00	-	21:00
Saturday	08:00	-	21:00
Sunday	11:00	-	17:00

Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

Elys (Wimbledon) P.L.C.
Elys
16 St George's Road
London
SW19 4DP

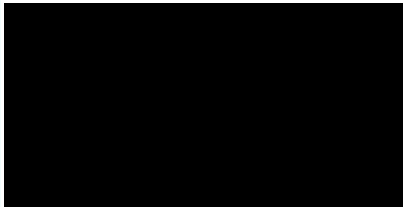
020 8946 9191

Registered number of holder, ie company number, charity number etc.

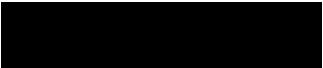
00266265

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Louise Shirley Walker



Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Dartford Borough Council 

ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

1. That no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,



(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 Conditions consistent with the Operating Schedule

1. The sale of alcohol is restricted to allow only items that reasonably fall within the following descriptions:
Seasonal gift sets, seasonal items such as mulled wine and Christmas/Winter ale, seasonal combinations such as wine & flowers and wine & chocolates, craft beers, speciality spirits and liqueurs, sparkling wine.
2. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.
3. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the area licensed for the sale of alcohol.
4. The premises licence holder shall ensure that all staff members engaged or to be engaged in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products and on an annual basis:
The lawful selling of age restricted products.
Refusing the sale of alcohol to a person who is drunk.
5. The items of alcohol on display for sale over J5 must be visibly security tagged.
6. There must be a member of staff on duty within the specific area that alcohol is being displayed for sale at all times during store opening hours.
7. A log shall be kept of declined sales of alcohol.

Annex 3 Conditions attached after a hearing by the licensing authority

NOT APPLICABLE

Annex 4

Premises Plans: Drawing no EX 04 dated 15/6/05 - third floor only, licensable area outlined in red.

LICENSING ACT 2003

Part B Premises licence summary

Premises licence number

LN/000003187

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Elys
16 St George's Road
London
SW19 4DP**

020 8946 9191

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday	08:00	-	21:00
Tuesday	08:00	-	21:00
Wednesday	08:00	-	21:00
Thursday	08:00	-	21:00
Friday	08:00	-	21:00
Saturday	08:00	-	21:00
Sunday	11:00	-	17:00

Sale & supplies of alcohol, whether these are on and/or off supplies

Off the premises

Licensable activities and permitted times authorised by the licence

Alcohol Sales

Off the premises

Monday	08:00	-	21:00
Tuesday	08:00	-	21:00
Wednesday	08:00	-	21:00
Thursday	08:00	-	21:00
Friday	08:00	-	21:00
Saturday	08:00	-	21:00
Sunday	11:00	-	17:00



Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

Elys (Wimbledon) P.L.C.
Elys
16 St George's Road
London
SW19 4DP

020 8946 9191

Registered number of holder, ie company number, charity number etc.

00266265

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Louise Shirley Walker

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From: Maura Syed <MauraSyed@morleystores.co.uk>
Sent: 04 July 2019 18:08
To: Caspar Bates <Caspar.Bates@merton.gov.uk>
Cc: Russ.Stevens
Subject: Elys Premises Licence

Caspar,

I met with Russ Stevens today to discuss our application for a new premises licence and I want to clarify some points on our application.

- We are seeking a licence to cover the sale of alcohol on ground and third floor so I am attaching a revised plan clearly showing the area for the proposed sale of alcohol on both floors.
- If our application is granted we will surrender our current licence.

Regards,

Maura

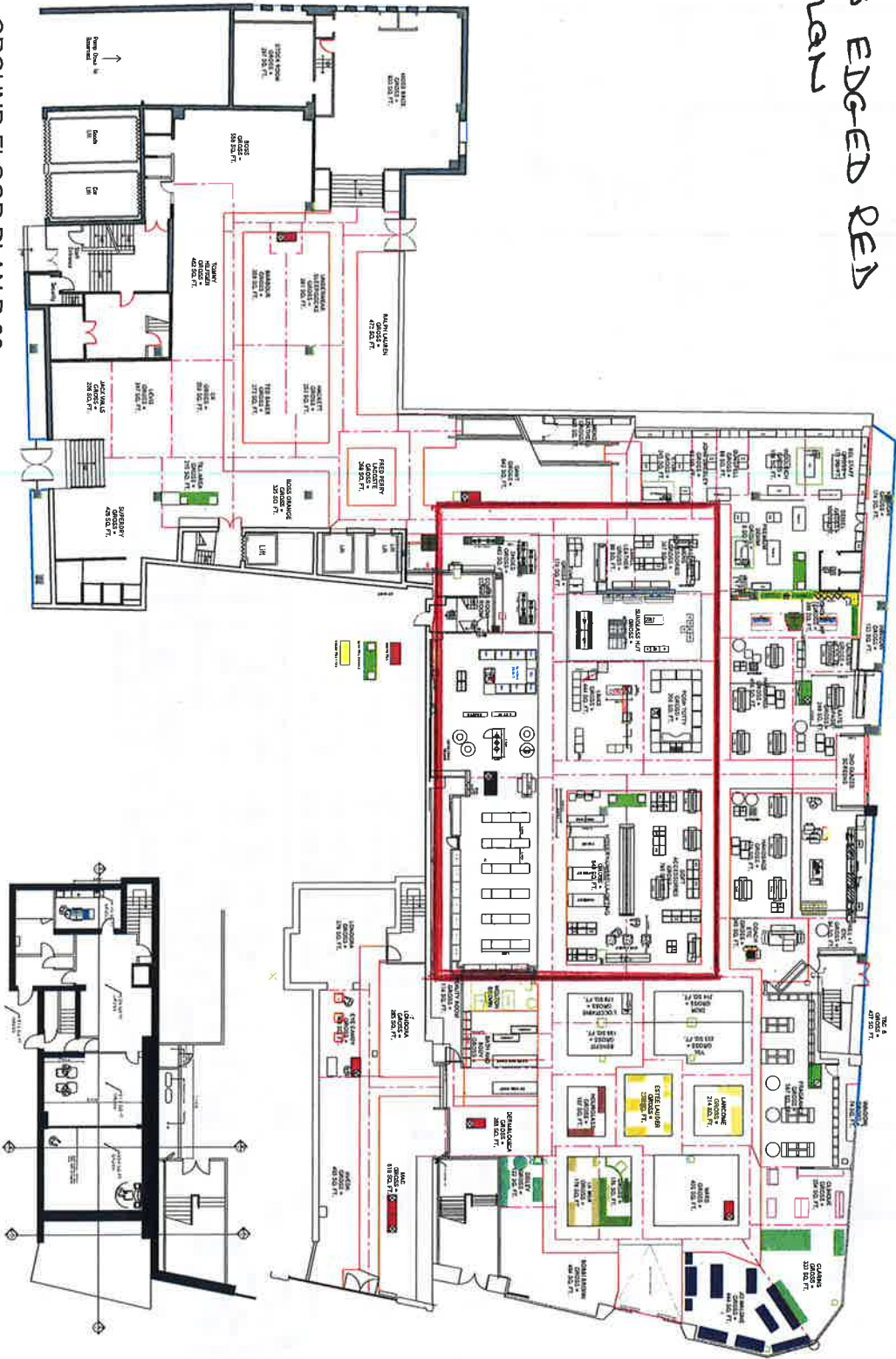
Maura Syed
Company Secretary
Morleys Stores Limited
16 St Georges Road
London SW19 4DP
Tel: 0208 946 9191

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Key Elys Ground Floor.

PROPOSED AREA FOR SALE OF ALCOHOL IS SHOWN EDGED RED ON PLAN

GROUND FLOOR PLAN R 38



EMPLOYERS REQUIREMENT

dms
design management solutions

ELV-WIM-004-S R38

GROUND FLOOR PROPOSED FLOOR PLAN

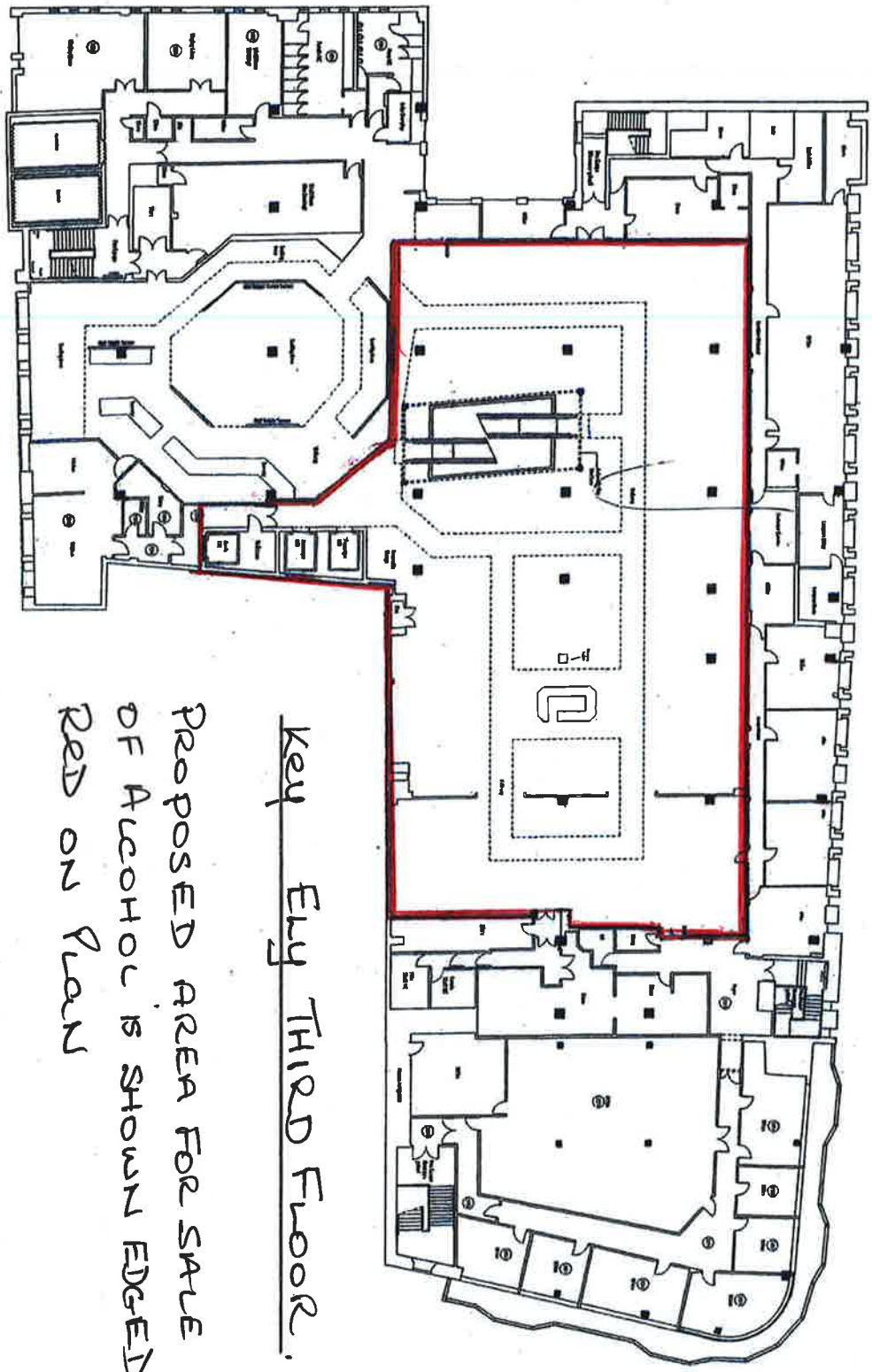
DATE: 11/01/2018

BY: [Signature]

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/01/2018

Project: ELV-WIM-004-S R38
 Title: GROUND FLOOR PROPOSED FLOOR PLAN
 Date: 11/01/2018
 By: [Signature]
 Checked: [Signature]
 Drawn: [Signature]



Key Ely THIRD FLOOR.
 PROPOSED AREA FOR SALE
 OF ALCOHOL IS SHOWN EDGED
 RED ON PLAN

REVISIONS			
NO.	DATE	BY	REVISION
1			
2			
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From: Elizabeth Macdonald
Sent: 26 July 2019 14:09
To: 'Leigh's iphone'
Subject: RE: Application for a New Premises Licence for Ely's, 16 St George's Rd, SW19 4DP

Dear Sir/Madam

LICENSING ACT 2003

I acknowledge receipt of your attached email and accept your representation as valid.

Please be advised that although this is an application for a new premises licence, it will *replace* the one that they currently have. It will *not increase* the number of licensed premises in the area. They have stated that they will surrender the one they currently have if this one is granted.

Please note that your representation, including your name and address will be in the public domain and will be forwarded to the applicants in order that they may consider addressing your concerns, should they consider it appropriate.

You will be advised approximately 10 days prior to the date of the hearing that will be convened to determine this application of the place and time of the hearing and may attend in person to put your view before the Licensing Sub-committee members.

It is an offence to knowingly or recklessly make a false statement in connection with an application which carries a maximum fine of £5000.

All communications should be via licensing@merton.gov.uk.

Yours faithfully

Elizabeth Macdonald

Licensing Officer

Regulatory Services Partnership

Serving the London Boroughs of Merton, Richmond upon Thames and Wandsworth
Civic Centre, London Road, Morden SM4 5DX

Telephone: 020 8545 3798

Email: elizabeth.macdonald@merton.gov.uk



-----Original Message-----

From: Leigh's iphone

Sent: 23 July 2019 06:37

To: Elizabeth Macdonald <Elizabeth.Macdonald@merton.gov.uk>

Subject: Re: Application for a New Premises Licence for Ely's, 16 St George's Rd, SW19 4DP

Dear Elisabeth,

Thank you for your email. In fact, we do wish to object* to this Licence - on Public Nuisance. That is why the Representation was submitted.

We have too many licences premises in this area. And we do not want the Committee to allow any new licences to be granted.

Yours,
Leigh Terrafranca, for WEHRA

*our representation says 'we do not wish to object' BUT, as Ely's is asking for a new licence, we must do so, going on record that the community believes the CIA is full to overflowing. All noted problems are not just after dark. Look at the Alexandra, any early evening on a Wed or Thursday. There are often a hundred drinkers spilling onto Wimbledon Hill Road, keeping local people from using the Public Highway, dropping cigarette butts and litter including broken glass, regularly causing nuisance and ASB that negatively affects local residents. We don't want another licence to sell alcohol in our area.

Sent from my iPhone

On 22 Jul 2019, at 08:54, Elizabeth Macdonald
Elizabeth.Macdonald@merton.gov.uk wrote:

Dear Ms Terrafranca

I refer to your comments below, I am not sure whether you are making a representation that you may wish to be considered by a Licensing Sub-committee or not. You have stated you do not wish to object. If you wish to engage in discussions with the applicant, you should contact them directly.

The application is for an alcohol terminal hour of 9pm Monday to Saturday, 5pm on a Sunday so your comments about late night drinking would not seem to relate to this application.

With regard to the conditions you have stated in your email, I must advise you that I do not believe them to be enforceable.

You cannot stop a licence from being transferred, no matter what a condition may state. Even if they did surrender the licence, the Licensing Act allows for a surrendered licence to be transferred.

You also cannot make it the licence holder's responsibility to clean up the public highway, especially if the mess is not caused by their sales, which is unlikely knowing Ely's mode of operation.

They already have a licence for the premises which they have stated they will surrender if this one is granted.

The last day for representations to be received and considered is Tuesday 23rd July 2019.

Yours sincerely

Elizabeth Macdonald
Licensing Officer
Regulatory Services Partnership
Serving the London Boroughs of Merton, Richmond upon Thames and Wandsworth
Civic Centre, London Road, Morden SM4 5DX
Telephone: 020 8545 3798

From:
Sent: 21 July 2019 09:21
To: Licensing
Licensing.Licensing@merton.gov.uk<mailto:Licensing.Licensing@merton.gov.uk>
Cc:
Subject: Application for a New Premises Licence for Ely's, 16 St George's Rd, SW19 4DP

Dear Licensing Team:

Good morning. I write on behalf of Wimbledon East Hillside Residents' Association to share our views on the above proposal. WEHRA has been around for over 40 years, and today represents over 800 households to the north of the town centre. We are involved in all aspects of the community, including helping with the establishment of the Cumulative Impact Area in 2002. There have been problems with premises that serve drink for many years, and the problems have increased in number and severity over the past few years.

We suffer many problems caused by what seems to be an over-subscription of licences in the town. In 1997 there were 19 liquor licenses; today there are over 200. Meanwhile, we remain a purely residential community, with award winning local schools, toddler nurseries, churches and community organisations. WEHRA strives to 'preserve, protect and enhance our area' amidst change.

Our neighbourhood includes Wimbledon Hill Road Conservation Area Shopping Parade. This strip has too many licences premises. We say that because even the Police admit they struggle to contain the problems that come with such a heavy concentration of bars/restaurants/takeaways here. Not just problems from the drinker-related litter, broken bottles, empty cigarette packs, thousands of piggy butts and empty food/drink packaging. Bad behaviour increases with alcohol consumption levels. Vagrants are attracted and prey on the leftover food/drink, also some underage drinkers are tempted here, and these people lurk in the shadows around St Mark's Church, sharing in the festive atmosphere found on any dry night in St Mark's Place. Most of the crime/ASB is after 11 pm/midnight, when local families

should be asleep, but these later night visitors often wake us with talking, laughing, arguing, closing car doors, and engine sounds as they leave.

With that rather grim background, we are nevertheless pleased with the continuing improvements that Ely's brings to their longstanding retail site. Indeed, many feel Ely's is the finest shop in Wimbledon, as the management is skilled at enticing us in, and delighting us whilst there.

Ely's has submitted an Application for a New Premises Licence. We do not wish to object; we simply request that two Conditions be attached to the Licence, to show respect for the needs of the local community (and many are loyal Ely's customers):

1. We request a Condition Ely's staff sweep clean their own front footpath daily, removing any litter, spilt liquids (whether it be from their customers or not), and, should any unpleasantness appear (vomit/urine etc), that it be washed away. This Condition will relieve the burden on our over-worked street cleaner. (I've copied in Ms Walsh who is a manager in waste and recycling services at the Council; we hope she encourages you to support this Condition.)

2. We request that the Licence be made PERSONAL to Ely's (Wimbledon) the company. This site is directly across from the Alexandra Pub, a popular, ever expanding watering hole and a crime/ASB hotspot (per recent Police data, the worst in Hillside Ward). We already have twelve or so licences in this Conservation Area Shopping Parade; we cannot endure yet another pub or restaurant in this Parade in the future. So if Ely's for whatever reason decided to sell/move, the Licence would be terminated, not converted to a new food/drink premises.

Thank you for your consideration of our views. We want to make our Future Wimbledon a clean, welcoming, DELIGHTFUL place for all, including the community who call this area home.

Yours sincerely,
Leigh Terrafranca, on behalf of WEHRA

From: Elizabeth Macdonald <Elizabeth.Macdonald@merton.gov.uk>
Sent: 02 August 2019 07:45
To: 'Leigh Terrafranca'
Cc: Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk>
Subject: RE: Application for a New Premises Licence for Elys, 16 St Georges Road, SW19 4DP - wk/201902702

Dear Mrs Terrafranca

LICENSING ACT 2003

I refer to your emails below regarding the grant of a new premises licence for the above premises.

There has been agreement that the representation will be withdrawn if a condition is placed on the licence that prevents the licence from being transferred to another holder.

I must advise you that this condition will not be put on the licence as it is unenforceable. You cannot stop a licence from being transferred, no matter what a condition may state. It is their property. Even if the licence was surrendered, the Licensing Act allows for a surrendered licence to be transferred.

This therefore leaves me to assume that the representation from WHERA stands and there will unfortunately have to be a Sub-committee hearing arranged to decide the grant of this licence.

Yours sincerely

Elizabeth Macdonald

Licensing Officer

Regulatory Services Partnership

Serving the London Boroughs of Merton, Richmond upon Thames and Wandsworth
Civic Centre, London Road, Morden SM4 5DX

Telephone: 020 8545 3798

Email: elizabeth.macdonald@merton.gov.uk



From: Leigh's iphone
Sent: 31 July 2019 15:51
To: Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk>
Cc:
Subject: Application for a New Premises Licence for Elys, 16 St Georges Road, SW19 4DP - DRAFT EMAIL

Any,

Thank you for forwarding the email. I did not receive it from them as yet.

Nevertheless, I am pleased they will add the second condition, and I accept their view on the first condition requested.

On behalf of WEHRA we will withdraw our representation, provided the second condition is attached to their licence.

Thank you again for your speedy help. I hope you are now able to cancel the meeting and let everyone attend to other things.

Yours sincerely,

Mrs Leigh Terrafranca, on behalf of WEHRA

Sent from my iPhone

On 31 Jul 2019, at 14:24, Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk> wrote:

Hi Leigh,

Elys sent the following email this morning – I've forwarded again to you in case you didn't receive it.

Amy

From: Sarah Payne

Sent: 31 July 2019 09:57

To:

Cc: Licensing <Licensing.Licensing@merton.gov.uk>; Elizabeth Macdonald

<Elizabeth.Macdonald@merton.gov.uk>; Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk>

Subject: FW: Application for a New Premises Licence for Elys, 16 St Georges Road, SW19 4DP - DRAFT EMAIL

Dear Mr Terrafranca

We are in receipt of your email dated the 21st July 2019 to the Licensing Team at the London Borough of Merton regarding our application for a new premises licence at our Elys of Wimbledon department store.

I would like to address the conditions you set out individually;

Condition 1

We cannot accept Condition 1.

Whilst we pride ourselves on being a very responsible retailer and also a good neighbour within the local community in so far that we endeavour to keep our doors and frontage clean and tidy at all times, unfortunately we do feel it is unreasonable to be held responsible for the cleanliness of the outside and surrounding area of the store outside of our opening hours and we cannot control the actions of neighbouring retailers/businesses.

We would like to assure you that we only intend to sell luxury gifts which contain alcohol and that these items when purchased will not be consumed on the premises. Furthermore, we would like to think of the Elys patron as respectful and upstanding members of the community who would not display any nefarious behaviour.

We hope our assurances will satisfy your concerns and all the members of WEHRA and you feel that you can withdraw Condition 1.

Condition 2

We are happy to accept this condition.

I hope that this settles your concerns regarding our application and we would love for you and your members to visit us in store next time you are in the area.

Kind Regards

Liz McGowan

Retail and HR Director Liz McGowan
Morleys Stores Limited

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From: Elizabeth Macdonald <Elizabeth.Macdonald@merton.gov.uk>

Sent: 02 August 2019 07:49

To:

Cc: Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk>

Subject: FW: Application for a New Premises Licence for Elys, 16 St Georges Road, SW19 4DP - wk/201902702

Dear Ms MCGowan

LICENSING ACT 2003

I refer to the emails below regarding the grant of a new premises licence for the above premises.

There has been agreement that the representation will be withdrawn if a condition is placed on the licence that prevents the licence from being transferred to another holder.

I must advise you that this condition will not be put on the licence as it is unenforceable. You cannot stop a licence from being transferred, no matter what a condition may state. It is their property. Even if the licence was surrendered, the Licensing Act allows for a surrendered licence to be transferred.

This therefore leaves me to assume that the representation from WHERA stands and there will unfortunately have to be a Sub-committee hearing arranged to decide the grant of this licence.

Yours sincerely

Elizabeth Macdonald

Licensing Officer

Regulatory Services Partnership

Serving the London Boroughs of Merton, Richmond upon Thames and Wandsworth
Civic Centre, London Road, Morden SM4 5DX

Telephone: 020 8545 3798

Email: elizabeth.macdonald@merton.gov.uk



From: Leigh's iphone

Sent: 31 July 2019 15:51

To: Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk>

Cc: I

Subject: Application for a New Premises Licence for Elys, 16 St Georges Road, SW19 4DP - DRAFT EMAIL

Any,

Thank you for forwarding the email. I did not receive it from them as yet.

Nevertheless, I am pleased they will add the second condition, and I accept their view on the first condition requested.

On behalf of WEHRA we will withdraw our representation, provided the second condition is attached to their licence.

Thank you again for your speedy help. I hope you are now able to cancel the meeting and let everyone attend to other things.

Yours sincerely,

Mrs Leigh Terrafranca, on behalf of WEHRA

Sent from my iPhone

On 31 Jul 2019, at 14:24, Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk> wrote:

Hi Leigh,

Elys sent the following email this morning – I've forwarded again to you in case you didn't receive it.

Amy

From: Sarah Payne

Sent: 31 July 2019 09:57

To:

Cc: Licensing <Licensing.Licensing@merton.gov.uk>; Elizabeth Macdonald

<Elizabeth.Macdonald@merton.gov.uk>; Amy Dumitrescu <Amy.Dumitrescu@merton.gov.uk>

Subject: FW: Application for a New Premises Licence for Elys, 16 St Georges Road, SW19 4DP - DRAFT EMAIL

Dear Mr Terrafranca

We are in receipt of your email dated the 21st July 2019 to the Licensing Team at the London Borough of Merton regarding our application for a new premises licence at our Elys of Wimbledon department store.

I would like to address the conditions you set out individually;

Condition 1

We cannot accept Condition 1.

Whilst we pride ourselves on being a very responsible retailer and also a good neighbour within the local community in so far that we endeavour to keep our doors and frontage clean and tidy at all times, unfortunately we do feel it is unreasonable to be held responsible for the cleanliness of the outside and surrounding area of the store outside of our opening hours and we cannot control the actions of neighbouring retailers/businesses.

We would like to assure you that we only intend to sell luxury gifts which contain alcohol and that these items when purchased will not be consumed on the premises. Furthermore, we would like to think of the Elys patron as respectful and upstanding members of the community who would not display any nefarious behaviour.

We hope our assurances will satisfy your concerns and all the members of WEHRA and you feel that you can withdraw Condition 1.

Condition 2

We are happy to accept this condition.

I hope that this settles your concerns regarding our application and we would love for you and your members to visit us in store next time you are in the area.

Kind Regards

Liz McGowan

Retail and HR Director Liz McGowan
Morleys Stores Limited

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