

If you are reading this electronically, the Council has saved **£1.27** on printing. For more information on the Mod.gov paperless app, contact Democratic Services

Merton Council

Licensing Sub-Committee

Membership

Councillors:

Pauline Cowper

Nick Draper

Oonagh Moulton

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

Date: 24 October 2019

Time: 2.30 pm

Venue: Council chamber - 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 Carmona, 91 High Street, Wimbledon, London, SW19 5EG 1 - 42

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 licensing decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357.

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

For more information about Merton Council visit www.merton.gov.uk

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

Public Information

Attendance at meetings

The public are welcome to attend meetings of the Council. Seating in the public gallery is limited and offered on a first come first served basis.

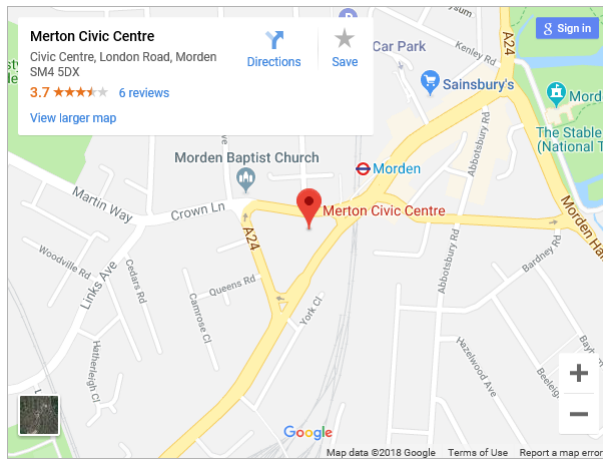
Audio/Visual recording of meetings

The Council will film meetings held in the Council Chamber for publication on the website. If you would like to film or record any meeting of the Council held in public, please read the Council's policy [here](#) or contact democratic.services@merton.gov.uk for more information.

Mobile telephones

Please put your mobile telephone on silent whilst in the meeting.

Access information for the Civic Centre



- Nearest Tube: Morden (Northern Line)
- Nearest train: Morden South, South Merton (First Capital Connect)
- 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](#)

Meeting access/special requirements

The Civic Centre is accessible to people with special access requirements. There are accessible toilets, lifts to meeting rooms, disabled parking bays and an induction loop system for people with hearing difficulties. For further information, please contact democratic.services@merton.gov.uk

Fire alarm

If the fire alarm sounds, either intermittently or continuously, please leave the building immediately by the nearest available fire exit without stopping to collect belongings. Staff will direct you to the exits and fire assembly point. If you are unable to use the stairs, a member of staff will assist you. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas, reports and minutes

Copies of agendas, reports and minutes for council meetings can also be found on our website. To access this, click <https://www.merton.gov.uk/council-and-local-democracy> and search for the relevant committee and meeting date.

Agendas can also be viewed online in the Borough's libraries and on the Mod.gov paperless app for iPads, Android and Windows devices.

This page is intentionally left blank

Licensing Sub-Committee Report

Subject of hearing: **Carmona, 91 High Street, Wimbledon, SW19 5EG**

Date: **Thursday 24 October 2019**

Time: **14.30**

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 is a new application for a premises licence. There is already a current licence attached to this premises held by Strada Trading Limited. This company are no longer trading from this premises, but there is nothing to say that a premises can't have more than one premises licence. A copy of this licence is attached to this report.

- 5.2 The attached application was amended on 4th September 2019 to remove recorded music from the application.
- 5.3 It was further amended on 23rd September 2019, when the times for the sale of alcohol were changed to be the same as that of the licence held by Strada Trading Limited. This was amended after consultation with the Police. The times now applied for are:-
- 5.4 Supply of alcohol Monday to Saturday 12:00 to 23:00 and Sunday 12:00 to 22:30. Monday to Saturday until 12 midnight when alcohol is served ancillary to a substantial meal. Sunday until 23:30 when alcohol is served ancillary to a substantial meal.
- 5.5 Also in consultation with the police, a condition to be added that alcohol is only served to customers seated and taking a table meal.
- 5.6 The opening hours would be the same as that of alcohol.
- 5.7 We have received two representations against the application from residents associations. They were made aware of the amendments and have made further comments, but their representations still stand.
- 5.8 This correspondence forms part of this report.

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	
Mardelplato Ltd	
Statutory Authorities	
None	
Interested Parties	
Parkside Residents Association	BERA

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 MARDELPIATO LTD

(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			
91 HIGH STREET WIMBLEDON LONDON			
Post town	WIMBLEDON	Postcode	SW19 5EG
Telephone number at premises (if any)		01737227000	
Non-domestic rateable value of premises		£ 21,000	

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)


<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	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				
Daytime contact telephone number				
E-mail address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	MARDELPLATO LTD
Address	
Registered number (where applicable)	0800004
Description of applicant (for example, partnership, company, unincorporated association etc.)	MARDELPLATO LTD TRADING AS CARMONA

Telephone number (if any)	01737 227000
E-mail address (optional)	info@carmonatapasbar.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
28	09	2019

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)

Tapas and Grill (steaks) restaurant.
 We have the finest tapas from Spain and the best steak from Argentina.
 We also supply a variety of wine and beer from Spain and Argentina.

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

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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
			State any seasonal variations for performing plays (please read guidance note 5)			
Wed						
Thur						
			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)			
Fri						
Sat						
Sun						

B

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

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	1200	2400			
Tue	1200	2400	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	1200	2400			
Thur	1200	2400	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)		
Fri	1200	0100			
Sat	1200	0100			
Sun	1200	2400			

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1200	2400			
Tue	1200	2400			
Wed	1200	2400			
Thur	1200	2400			
Fri	1200	2400			
Sat	1200	2400			
Sun	1200	2300			
			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	CRISTIAN BARRIONUEVO	
Date of birth	[REDACTED]	
Address	[REDACTED]	
Postcode	[REDACTED]	
Personal licence number (if known)	[REDACTED]	
Issuing licensing authority (if known)	CITY OF WEBMISTER	

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).

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	<u>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</u> (please read guidance note 6)
Mon	1200	2400	
Tue	1200	2400	
Wed	1200	2400	
Thur	1200	2400	
Fri	1200	2400	
Sat	1200	2400	
Sun	1200	2300	

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)

APPLICATION DISPLAY ON WINDOW - CCTV IN OPERATION -
PROOF OF AGE SCHEME AS CHALLENGE 25. NO CUSTOMER WILL
BE ADMITTED 15 MINUTE BEFORE CLOSING TIME
STAFF TRAINING IN ALL THIS ASPECT. ADD LICENSING OBJECTIVES
FROM FIRST DAY
KEEP DOOR CLOSE TO REDUCE NOISE OUTSIDE DURING LATE
NIGHT

b) The prevention of crime and disorder

MONITORING TOILET REGULARY
CCTV SYSTEM IN OPERATION
SUPPLY ONLY 100 ABV

c) Public safety

CCTV SYSTEM IN OPERATION
RISK ASSESSMENT TO BE IN PLACE AND REVIEW
FIRE ALARM AND EXTINGUISHERS TO BE IN PLACE AND
MAINTAINED

d) The prevention of public nuisance

REGULAR CLEAN (NO MORE THAN 6 MONTH) IN EXTRACTION
AND CANOPIES TO REDUCE POLLUTION AND NOISE
KEEP LEVEL OF MUSIC DOWN
KEEP VENTILATION SYSTEM MAINTAIN TO REDUCE LEVEL OF
NOISE
MONITORING AND MINIMIZE AS POSSIBLE DELIVERIES AND COLLECTION
AREAS

e) The protection of children from harm

PROOF OF AGE SCHEME AS CHALLENGE 25
CHILDREN UNDER 16 HAS TO BE ACCOMPANIED BY AN ADULT.

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 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
--------------------	--


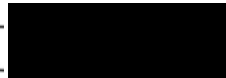

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	24/08/2019
Capacity	DIRECTOR DPS.

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)



Post town		Postcode	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

info@carmon2tapasbar.com



B Basement
 Scale 1:100



- EMERGENCY LIGHTS
- FIRE EQUIPMENT
- EXITS



LICENSING ACT 2003

Part A Premises licence

Premises licence number

LN/000000769

Part 1 - Premises details

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

**Strada
91 High Street
Wimbledon
London
SW19 5EG**

020 8946 4363

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	23:00
Friday	10:00	-	23:00
Saturday	10:00	-	23:00
Sunday	10:00	-	22:30

Monday to Saturday: 10:00 until 23:00 hours and until 12 midnight when alcohol is served ancillary to a substantial meal.

Sunday: 10.00 until 22.30 and until 23.30 hours when alcohol is served ancillary to a substantial meal.



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

On and Off the premises

Licensable activities and permitted times authorised by the licence

Alcohol Sales

On and Off the premises

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	23:00
Friday	10:00	-	23:00
Saturday	10:00	-	23:00
Sunday	12:00	-	22:30

Monday to Saturday: 10:00 until 23:00 hours and until 12 midnight when alcohol is served ancillary to a substantial meal.

Sunday: 12.00 until 22.30 and until 23.30 hours when alcohol is served ancillary to a substantial meal.

On Good Friday, between 12.00 and 22.30 hours.

On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.

When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22.30. When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 23.00 hours on New Year's Day. On Christmas Day, alcohol may be sold between 15.00 and 19.00 hours when ancillary to a table meal.

The premises may also provide private entertainment for the purposes of gain at any time.



Part 2

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

Strada Trading Limited

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

09185571

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

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



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 responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (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.

7. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. 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.

9. 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.

10. The admission of children to the exhibition of any film is to be restricted in accordance with any recommendation made by the relevant film classification body or relevant licensing authority.

11. No condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under a licence that permits the performance of plays.



Annex 2

Conditions consistent with the Operating Schedule

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

Annex 3

Conditions attached after a hearing by the licensing authority

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

Annex 4

Premises Plan: Drawing number 3201-L1 of 15/06/2004.

From: Info -

Sent: 04 September 2019 12:38

To: Licensing

Cc: Caspar Bates

Subject: Re: PREMISES LICENCE APPLICATION 91 HIGH ST SW19 5EG

HI

FURTHER TO CONVERSATION TO MY WIFE, LINDA, TODAY.

PLEASE AMEND AND VOID THE SECTION F AS WE WILL BE PLAY BACKGROUND
MUSIC ONLY IN THE PREMISES ,

THANK YOU VERY MUCH

From: cristian barrionuevo
Sent: 23 September 2019 11:15
To: Licensing <Licensing@merton.gov.uk>; Russ.Stevens@met.police.uk;
Subject: RV: 91 High Street Wimbledon

Dear Madam/Sir

Further to emails below I am answering comments:

1. The proposed finish times are later than previously operated by Strada and would therefore negatively impact on the Licensing Objectives, noting that the venue is within a Cumulative Impact Zone. **THE FINISH TIMES SHOULD BE THE SAME AS STRADA. SO PLEASE AMEND.**
2. The nature of your proposed operation differs slightly from that of Strada, and I would like a condition on your licence to ensure that alcohol is only served to customers seated and taking a meal. **OUR OPERATION IS A RESTAURANT DRINKS SERVED WITH FOOD AT THE TABLE.**
3. If your application is successful, there would be two Premises Licences on the same premises. This is not within the spirit of the Licensing Act and is unacceptable to the Metropolitan Police Service. **WE WERE UNDER THE IMPRESSION THAT THE LICENSE WAS SURRENDERED. WHEN WE FOUND OUT THAT THE LICENSE STILL IS ACTIVE, WE THOUGHT WE COULD TRANSFER THE LICENSE BUT CANNOT MANAGE TO GET HOLD OF STRADA TO SIGN THE CONSENT TO TRANSFER FORM.**

Regards
Cristian Barrionuevo

De: Russ.Stevens@met.police.uk <Russ.Stevens@met.police.uk>

Enviado: lunes, 23 de septiembre de 2019 09:11 a. m.

Para: >

Asunto: FW: 91 High Street Wimbledon

Hi Cristian,

I am so sorry, I have just noticed that I spelt your email address incorrectly, so you wouldn't have received my email last week....

This is now urgent, so would need you to reply to Merton Council by the end of this Wednesday 25th

Best regards

Russ

Russ STEVENS PC3852SW P191701
Merton Licensing | Wimbledon Police Station | Metropolitan Police Service

From: Stevens Russ C.G - SW-CU
Sent: 19 September 2019 11:18
To:
Subject: 91 High Street Wimbledon

Hi Chris,

I'm sorry for the delay in my emailing you.

I have attached Premises Licence LN/000000769 that is still technically valid for 91 High Street, Wimbledon. As you can see, the Alcohol Hours and the Premises Open hours are 10am-11pm daily (10:30pm finish on Sundays). The Licence is still shown as held by Strada Trading Ltd, and the Designated Premises Supervisor is shown as David Fuentes. I believe that it would be preferable for everyone if this licence were to be transferred to yourselves.

Your current application for a new Premises Licence at 91 High Street causes me some concern..

1. The proposed finish times are later than previously operated by Strada and would therefore negatively impact on the Licensing Objectives, noting that the venue is within a Cumulative Impact Zone.
2. The nature of your proposed operation differs slightly from that of Strada, and I would like a condition on your licence to ensure that alcohol is only served to customers seated and taking a meal.
3. If your application is successful, there would be two Premises Licences on the same premises. This is not within the spirit of the Licensing Act and is unacceptable to the Metropolitan Police Service.

The closing date for the consultation period is shown as 27th September.

If you are still in agreement with what we discussed last week, please will you email licensing@merton.gov.uk by the 25th September and in relation to your current application, ask them to..

-) Amend the alcohol and premises open hours to finish at 11pm Monday to Saturday, and 10:30pm on Sundays.**
-) Add condition – *Alcohol will only be served to customers seated and taking a meal, as ancillary to that meal***

Please cc myself into that email.

The prospect of two licences on the same premises still troubles me.

If you were to withdraw your application and submit a new application transfer the existing Premises Licence into your name, then the licence should simply transfer over without cause for any further concern. You would obviously need the consent of Strada to do this.

Best wishes

Russ

Russ STEVENS PC3852SW P191701
Merton Licensing | Wimbledon Police Station | Metropolitan Police Service

Strada**Licence Number** LN/000000769**Address** 91 High Street, Wimbledon, London, SW19 5EG**Licence Holder(s)** Strada Trading Limited [since at least 11 September 2018]**Designated Premises Supervisor** David Herranz Fuentes [since at least 9 February 2018]**Supply of Alcohol**

On and Off the premises

Monday 10:00 _ 23:00**Tuesday** 10:00 _ 23:00**Wednesday** 10:00 _ 23:00**Thursday** 10:00 _ 23:00**Friday** 10:00 _ 23:00**Saturday** 10:00 _ 23:00**Sunday** 12:00 _ 22:30

Monday to Saturday: 10:00 until 23:00 hours and until 12 midnight when alcohol is served ancillary to a substantial meal.

Sunday: 12.00 until 22.30 and until 23.30 hours when alcohol is served ancillary to a substantial meal.

On Good Friday, between 12.00 and 22.30 hours.

On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.

When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22.30. When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 23.00 hours on New Year's Day. On Christmas Day, alcohol may be sold between 15.00 and 19.00 hours when ancillary to a table meal.

Premises Opening Hours

Whole premises

Monday 10:00 _ 23:00**Tuesday** 10:00 _ 23:00**Wednesday** 10:00 _ 23:00**Thursday** 10:00 _ 23:00**Friday** 10:00 _ 23:00**Saturday** 10:00 _ 23:00**Sunday** 10:00 _ 22:30

Monday to Saturday: 10:00 until 23:00 hours and until 12 midnight when alcohol is served ancillary to a substantial meal.

Sunday: 10.00 until 22.30 and until 23.30 hours when alcohol is served ancillary to a substantial meal.

The premises may also provide private entertainment for the purposes of gain at any time.

Annex 2

Conditions consistent with the Operating Schedule

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

Annex 3

Conditions attached after a hearing by the licensing authority

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

Annex 4

Premises Plan: Drawing number 3201-L1 of 15/06/2004.

PARKSIDE RESIDENTS' ASSOCIATION

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

18 September 2019

By Email

Dear Sirs

**Licensing Act 2003 - Application Ref WK/201904956
91 High St, Wimbledon Village SW19 5EG**

The membership area of this Association comprises over 300 households and includes Marryat Road, part of Parkside, Parkside Avenue and Peek Crescent which are in the locality of Wimbledon Village and 91 High Street ("the Premises"). We have a number of concerns about the above application ("the Application").

The Premises are in a prominent location on the High Street of Wimbledon Village. They were previously operated as a restaurant trading as "Strada" but have been empty for some time. During that closure, a new restaurant "Megan's Deli" has opened at 86 High Street, introducing an additional licensed premises within the Wimbledon Village Cumulative Impact Zone. The Application, submitted by Mardelplato Ltd, seeks a new Premises Licence in the name of "Carmona" to sell alcohol on the Premises between Midday and Midnight Monday-Saturday and Midday and 11pm on Sundays. (We understand that an initial request for recorded music to be played indoors from Midday until Midnight Sunday-Thursday and Midday until 1am Fridays and Saturdays has now been withdrawn.)

Our comments are:

1. Wimbledon Village Cumulative Impact Zone ("CIZ")

1.1 Under the Council's Licensing Policy a large part of Wimbledon Village, including the High Street where the Premises are located, has been designated as a CIZ principally because of the cumulative impact of disturbance and nuisance experienced by residents as a result of the large number of existing Licensed Premises in the area. The designation was adopted when the Policy was first introduced in 2007 and has been confirmed at all subsequent reviews of the Policy, including the most recent review, effective from January 2016. Many visitors travel to the Village by car, park in surrounding residential roads and those leaving late at night can cause disturbance and nuisance. Parking congestion from visitors' cars is a continuing problem especially in those roads where residents do not have off street parking.

1.2 The special policies which apply within a CIZ include (at paragraph 7.8) a rebuttable presumption that an application for a new premises licence which is likely to add to the existing cumulative impact "*will normally be refused, following relevant representations, unless the applicant can demonstrate that there will be no negative cumulative impact upon one or more of the licensing objectives.*" Paragraph 7.10 of the Policy anticipates that such cases are likely to be exceptional. In recent years, the special policy has ensured that licensing applications within the CIZ have been subject to very close scrutiny. In the very few cases where, exceptionally, a new Premises Licence has been granted, this has only been on the basis of detailed conditions which address concerns raised by residents and seek to mitigate any additional negative impact which the addition of another licensed premises might otherwise cause. Such conditions have included reductions in the proposed permitted hours for the sale of alcohol and prohibitions on the sale of alcohol without meals, including late at night.

2. Proposed Hours for Sale of Alcohol on the Premises.

2.1 The applicant proposes to sell alcohol Monday-Saturday from Midday until Midnight and on Sundays between Midday and 11pm. In recent applications elsewhere in the CIZ a Midnight cut off time for alcohol sales has usually only been permitted (exceptionally and with conditions – see below) for Friday and Saturday evenings. In addition on Sundays, 10.30pm rather than 11pm is the more typical cut off time for alcohol sales in restaurants.

2.2 However despite the proposal for alcohol sales after 11pm, we note that no application has been made to offer Late Night Refreshment, so the applicant will not be in a position to sell any hot food or “substantial meals” after 11pm on any day. Accordingly, if a Licence was to be granted on the terms of the Application, customers could consume alcohol until midnight Monday-Saturday without purchasing meals. This is more consistent with a pub or wine bar operation than that of a restaurant and in our view carries a greater risk of customers causing noise, disturbance and anti-social behaviour when leaving late at night which will adversely affect residents living nearby. This is not acceptable within the CIZ and perhaps explains why, so far as we are aware, no restaurants within the CIZ are licensed to sell alcohol after 11pm unaccompanied by Late Night Refreshment. The applicant’s operating schedule fails to demonstrate why an exception should be made in its case and how its proposals would not result in a negative cumulative impact as envisaged in the Licensing Policy; accordingly, in our view the proposal for alcohol sales after 11pm should be refused.

3. Use of the Premises

3.1 The Notice of the application at the Premises refers to a restaurant use with the sale of alcohol. However, the operating schedule makes no reference to serving food to customers who are buying alcohol. We do not believe that the Licensing Objectives will be promoted if the applicant is given an unrestricted permission to sell alcohol to customers who are not also purchasing a meal in the Premises. Accordingly, should the Licensing Sub Committee be minded to grant a new Premises Licence, we consider that a condition should be imposed in the Licence to ensure that alcohol sold for consumption on the Premises is only available on an ancillary basis to meals served to customers seated at tables – such a condition is consistent with a restaurant use.

Conclusion

If a new Premises Licence is to be granted, it is important to residents that the special policies applicable to the CIZ, which were introduced to protect their interests, should be upheld, and that as outlined above conditions which are consistent with a restaurant use, as opposed to that of a pub or wine bar, are imposed. Accordingly, permission for alcohol sales after 11pm Monday-Saturday should be refused. We would also ask that a 10.30pm cut off is imposed for alcohol sales on Sundays to maintain consistency within the CIZ. Furthermore if the premises are to trade as a restaurant, alcohol sales must be restricted, within the permitted hours, to customers seated at tables who are also purchasing meals.

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

Yours faithfully

Mrs. S Cooke
Chairman.

Belvedere Estate Residents Association

Licensing Section

17th September 2019

Dear Madam/Sir,

**Licensing Act 2003 – Application Ref WK/201904956
91 High Street, Wimbledon Village SW19 5EG**

The membership area of this Association comprises 17 roads immediately to the North East of Wimbledon Village High Street, including High Street Mews, Courthope Road and Belvedere Grove all of which are only moments away from the premises at 91 High Street (“the Premises”). We have a number of concerns about the above application (“the Application”).

The Premises are in a prominent location on the High Street of Wimbledon Village. This site has been empty for some time but was previously operated as a restaurant trading as “Strada”. Whilst the Premises has been unoccupied a new restaurant “Megan’s Deli” has opened just 5 doors down at 86 High Street, introducing an additional licensed premises within the Wimbledon Village Cumulative Impact Zone.

The Application, submitted by Mardelplato Ltd, seeks a new Premises License in the name of “Carmona” to sell alcohol on the Premises between 12 noon and 24.00 hours Monday to Saturday and 12 noon and 11pm on Sundays. We understand that the original request for recorded music to be played indoors from 12 noon until 24.00 hours Sunday – Thursday and 12 noon until 01.00 hours Fridays and Saturdays has now been withdrawn.

1. Wimbledon Village Cumulative Impact Zone (“CIZ”)

- 1.1 Under the Council’s Licensing Policy a large area of Wimbledon Village, including the High Street where the Premises are located, has been designated as a CIZ principally because of the cumulative impact of disturbance and nuisance experienced by residents as a result of the large number of existing Licensed premises in the vicinity. This designation was adopted when the Policy was first introduced in 2007 and has been confirmed at all subsequent reviews of the Policy. Many visitors travel to the Village by car, park in surrounding residential roads causing parking congestion and in addition cause noise & disturbance when leaving late at night.
- 1.2 The special policies which apply within a CIZ include (at para 7.8) a rebuttable presumption that an application for a new premises license which is likely to add to the existing cumulative impact “*will normally be refused, following relevant representations, unless the application can demonstrate that there will be no negative cumulative impact upon one or more of the licensing objectives*”. Para 7.10 of the Policy anticipates that such cases are likely to be exceptional. In the very few cases where, exceptionally, a new Premises license has been granted, this has been on the basis of detailed conditions which address the concerns raised by residents in order to mitigate any increase in negative impact that an additional licensed premises might otherwise cause. Such conditions have included reductions in the proposed permitted hours for the sale of alcohol and prohibitions on the sale of alcohol without meals, obviously including late at night.

2. Proposed hours for Sale of Alcohol on the Premises

2.1 The Applicant proposes to sell alcohol Monday – Saturday from 12.00 to 24.00 hours and on Sundays from 12.00 – 23.00 hours. Recent applications within the CIZ have had a midnight cut off time for alcohol sales permitted (and only in exceptional cases) on Friday and Saturday nights ONLY. On week nights the cut off is usually 23.00 hours and on Sunday 22.30 hours.

2.2 In line with an application for alcohol sales after 23.00 hours the application would need to include a Late Night Refreshment element, otherwise the Premises will not be in a position to sell any hot food or “substantial meals” after 23.00 hours on any day. Therefore if a license were to be granted in line with the current application then customers could consume alcohol until 24.00 hours Monday to Saturday without needing to purchase a meal. This is not acceptable as then the Premises would be operating more like a wine bar or pub and is not consistent within the Wimbledon Village CIZ. We would therefore request that alcohol sales after 23.00 hours should be refused.

3. Premises Operation

The application Notice at the Premises refers to “restaurant use with the sale of alcohol”. The operating schedule makes no reference as to whether customers who are buying alcohol are required to also order food. We would request that a condition be included to ensure that food is being served with alcohol in all instances and at all times of day and night to customers seated at tables. This condition is consistent with a restaurant use, particularly in the Wimbledon Village CIZ.

4. Conclusion

If a new Premises License is to be granted and especially as this will now be an additional Premises within the Wimbledon Village CIZ, it is important that the policies introduced under that CIZ are upheld to protect the rights of the residents for whom the CIZ was introduced in the first place. To ensure consistency within the CIZ permission for alcohol sales after 23.00 hours Monday – Saturday should be refused and that alcohol sales on a Sunday cease at 22.30. In addition if the Premises are to trade as a restaurant, alcohol sales must be restricted, within the permitted hours, to customers seated at tables who are also purchasing food.

We hope that Mardelplato Ltd trading as “Carmona” will consider these suggested hours of operation and related conditions so that they can trade successfully and profitably within the Wimbledon Village CIZ with no negative impact on the local community.

Many thanks for your attention to these matters

Yours sincerely,

Susan Cusack
Chair & Planning Secretary
On behalf of BERA
c.c. Ward Councillors

Dear Sir/Madam

LICENSING ACT 2003 – NEW PREMISES LICENCE APPLICATION

I am writing to you as you have made representations against this application. The applicant has made amendments to his application which are shown below:

1. The applicant has amended their times to be the same terminal hours as the current licence at the premises held by Strada Trading Limited. They are therefore: Supply of alcohol Monday to Saturday 12:00 to 23:00 and Sunday 12:00 to 22:30.
Monday to Saturday until 12 midnight when alcohol is served ancillary to a substantial meal.
Sunday until 23:30 when alcohol is served ancillary to a substantial meal.
2. A condition be added that alcohol is only served to customers seated and taking a table meal.
3. The opening hours would be the same as that of alcohol.

Please let me know if you find this acceptable and wish to withdraw your representation. Should representations be withdrawn, we will then be able to cancel the Sub-committee hearing.

I look forward to hearing from you.

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



From:

Sent: 29 September 2019 13:28

To: Elizabeth Macdonald

Cc:

Subject: Re: Carmona Steak and Tapas, 91 High Street, Wimbledon, London, SW19 5EG - wk/201904956

Dear Ms Macdonald,

Thank you for your email. I am pleased to note that the applicant has amended the application.

However, notwithstanding the conditions offered, there remains a concern that the applicant is still seeking a permission to sell alcohol on Monday-Thursday between 11pm and midnight. This is not acceptable for the following reasons:

- Even with a condition that the sales must be ancillary to a substantial meal, the Premises would still be trading until midnight; an extension until midnight on Monday - Thursday has not been granted under Merton's Licensing Policy for New Premises Licences for restaurants in the Village, which is a Cumulative Impact Zone. Extensions after 11pm, if requested, have been limited to Fridays and Saturdays
- It is noted that the applicant wishes to operate "the same terminal hours as the current licence at the premises held by Strada Trading Limited", however the premises have been empty and have not traded for over a year. This is not a relevant precedent.
- In any event, the applicant is not taking a transfer of the Strada Trading Limited Licence, but seeking a New Premises Licence instead and accordingly the application must be judged under current Licensing Policy, and consistent with the principles applicable to the Cumulative Impact Zone.
- It is our understanding that the current Premises Licence held by Strada Trading Limited would have been granted before Merton's Licensing Policy came into effect and in accordance with legislation and policy which allowed a more generous approach to late night opening hours. That legislation did not reflect the principles applicable to a Cumulative Impact Zone which were introduced to protect residents from the negative effects of late night drinking. Accordingly, to allow a new Premises Licence to be granted now for vacant premises on the same terms as those which pre-dated Merton's Licensing Policy would in our view undermine the current Policy and set an unwelcome precedent for the future.

Accordingly, and following the numbered points in your email, my comments are:

1. Supply of alcohol Monday to Saturday 12.00 to 23.00 and Sunday 12.00 to 22.30 AGREED

Supply of Alcohol until 12 midnight AGREED when alcohol is served ancillary to a substantial meal BUT on FRIDAY and SATURDAY only

No alcohol sales, even with a substantial meal after 22.30 on Sundays

2. A condition to be added that alcohol is only served to customers seated and taking a table meal - AGREED

3. The opening hours to be the same as those permitted for the sale of alcohol - AGREED

If the applicant is willing to accept the revisions suggested above I would be happy to withdraw the representation and this would avoid the need for a Hearing before the Sub Committee.

Yours Sincerely

Mrs Sue Cooke
Chairman
Parkside Residents' Association

Dear Ms Macdonald,

Re: Carmona Steak and Tapas - New Premises Licence Application

Thank you for your response to the BERA letter with regards to the above New Premises Licence Application. I have forwarded your response to the remainder of the BERA Committee and after email discussions we respond as follows:-

This is a NEW PREMISES LICENCE APPLICATION and is an addition to the number of licensed premises already in the Wimbledon Village Cumulative Impact Zone. This premises has been shut for over a year and meanwhile Megan's Deli has opened with a New Premises Licence which is in line with all the other restaurants in the Village. So this would be an additional Licence in the CIZ and therefore should be in line with all other Licenses and the principles applicable to the CIZ. The current CIZ was not in place when the original Strada trading Limited licence was granted and we need to protect our residents from the negative effects of late night drinking including noise nuisance.

Therefore our comments on the numbered points in your email are:-

1. Supply of alcohol Monday to Saturday 12.00 - 23.00 and Sunday 12.00 to 22.30 - AGREED

Monday to Saturday 12 Noon to Midnight when alcohol is served ancillary to a substantial meal. We DO NOT AGREE to this condition from Monday - Thursday inclusive. Alcohol should ONLY be served up to Midnight on a Friday and Saturday and ONLY when Ancillary to a substantial meal.

Sunday until 23.30 when alcohol is served ancillary to a substantial meal. WE DO NOT AGREE. Alcohol should not be served in any circumstance after 22.30 on Sundays.

2. A condition to be added that alcohol is only served to customers seated and taking a table meal - AGREED

3. The opening hours to be the same as those permitted for the sale of alcohol - AGREED (so these hours would be in line with our amended alcohol sale conditions stated in Item No 1 above.)

If the Applicant is willing to accept these further amendments to the application then BERA will be happy to withdraw our representation.

Yours sincerely,

Susan Cusack
Chair and Planning Secretary
BERA

This page is intentionally left blank