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Merton Council

Licensing Sub-Committee

Membership

Councillors:

Pauline Cowper

Russell Makin

Oonagh Moulton

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

Date: 12 July 2021

Time: 10.30 am

Venue: This will be a virtual meeting and therefore not held in a physical location

Agenda for this meeting

- | | | |
|----|---|---------|
| 1 | Appointment of Chair | |
| 2 | Apologies for Absence | |
| 3 | Declarations of Pecuniary Interest | |
| 4 | Unit 114, Centre Court Shopping Centre Queens Road, Wimbledon. SW19 8YA | 1 - 40 |
| 5a | Decision Notice | 41 - 50 |

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. For further advice please speak with the Managing Director, South London Legal Partnership.

You can also access this agenda through the Modern.Gov App or by scanning this QR code with your smartphone



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feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.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. 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.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session and this will be detailed within the decision notice.

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Licensing Sub-Committee Report

Subject of hearing: **Unit 114, Centre Court Shopping Centre Queens Road, Wimbledon. SW19 8YA**

Date: **Monday 12th July 2021**

Time: **10.30am**

Venue: **Virtual meeting via Zoom/Youtube**

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 premises licence application for a unit in Centre Court Shopping Centre.
- 5.2 The applicant has applied for the supply of alcohol for consumption on and off the premises, Monday to Sunday from 10am to 10:30pm.
- 5.3 The opening hours stated in the application are Monday to Sunday 10am to 11pm.
- 5.4 The operating schedule of the application sets out steps that the applicant will take to promote the four licensing objectives. Conditions could be created from some of these steps should the Sub-Committee decide to grant the application.
- 5.5 An email, dated 11 June 2021, was received from the applicant stating she wished to amend the operating schedule of the application to add conditions agreed with the Metropolitan Police. The email stating this and stating the conditions is attached to the report.
- 5.6 On 17 June 2021 the Licensing Authority received an email from the applicant. This email states an agreement to add the conditions contained in the representation submitted by Trading Standards to the application's operating schedule.
- 5.7 On 17 June 2021, the Licensing Authority received a notification of withdraw from Trading Standards of their representation due to the amendment to add stated conditions to the application operating schedule. These emails, including the agreed conditions, are attached to the report.
- 5.8 We have received one representation regarding this application from a resident.

For enquiries about this hearing please contact

Democratic Services
Civic Centre
London Road
Morden
SM4 5DX

Telephone: 020 8545 3616

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

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

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 Lynsey Coleman.....

(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			
Unit 114, Centre Court Shopping Centre, Queens Road			
Post town	Wimbledon	Postcode	SW19 8YA

Telephone number at premises (if any)	020 8944 8323
Non-domestic rateable value of premises	£ 71,500

Part 2 - Applicant details

- Please state whether you are applying for a premises licence as **Please tick as appropriate**
- a) an individual or individuals * please complete section (A)
 - b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname Coleman		First names Lynsey		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality British				
Current residential address if different from premises address		[REDACTED]		
Post town	Wimbledon		Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]		
E-mail address (optional)	[REDACTED]			
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	06 20 21

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)

A vacant premises located on the lower ground floor of the Centre Court shopping centre, (previously known as the AFC official store). We are looking to bring some new life into the centre this summer by creating an indoor-outdoor fan zone and social space for the Euro Football and Wimbledon tennis. We will be inviting local mobile food traders to sell there cuisines with us, with plush seating and screens we hope to gain some new life to that side of the centre while creating a safe and socially spaced event for local residents to enjoy.

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)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

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"/>

Please give further details here (please read guidance note 4)

State any seasonal variations for performing plays (please read guidance note 5)

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)

B

Films

Will the exhibition of films take place

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

C

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

D

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

E

Live music

Will the performance of live music take place

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

F

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

G

Performances of dance			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
Standard days and timings (please read guidance note 7)			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

Anything of a similar description to that falling within (e), (f) or (g) Please give a description of the type of entertainment you will be providing

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises <input type="checkbox"/>
Day	Start	Finish		Off the premises <input type="checkbox"/>
Mon	10:00	22:30	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both <input checked="" type="checkbox"/>
Tue	10:00	22:30		
Wed	10:00	22:30		
Thur	10:00	22:30		
Fri	10:00	22:30		
Sat	10:00	22:30		
Sun	10:00	22:30		
			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	Thomas James Glanville
Date of birth	██████████
Address	██████████ ██████████ ██████████
Postcode	██████████
Personal licence number (if known)	████████████████████
Issuing licensing authority (if known)	NEWHAM COUNCIL

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 State any seasonal variations (please read guidance note 5)

<p>open to the public Standard days and timings (please read guidance note 7)</p>			<p><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)</p>
Day	Start	Finish	
Mon	10:00	23:00	

Tue	10:00	23:00	

Wed	10:00	23:00	

Thur	10:00	23:00	

Fri	10:00	23:00	

Sat	10:00	23:00	

Sun	10:00	23:00	

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 10)

Our number one priority is to create and maintain a safe and enjoyable space, we aim to achieve this by not allowing any compromise on the main four objectives below. With maintaining/ updating regular training for staff, following the guidelines outlined in our risk assessments, updating them as and when are needed. We will also monitor the CCTV throughout the day and liaising with Merton Council and the Police.

) The prevention of crime and disorder

The premises tolerates a zero policy to the supply and use of drugs. An incident log will be kept at the premises at all times, and made available on request to Merton council and the Police. Logs will be kept detailing all refused sales of alcohol. Customers are required to respect the needs of the local to local community/residents and businesses and will be reminded to leave the area calmly and quietly. CCTV is in operation and Police will be able to gain access to the footage on request. Signs mentioning all this information will be clearly sign posted and placed at visible points throughout the premises.

c) Public safety

The premises license holder shall ensure that a fire risk assessment and emergency plan is in place at all times and updated as and when is needed. The maximum persons accommodated at the premises shall not exceed (33) persons during COVID social distancing times and (50) persons when the restrictions are loosened (excluding staff). A CCTV system will be installed and monitored.

) The prevention of public nuisance

SIA trained security staff will be present throughout the centre on a 24 hour basis, one being closed to the perimeter throughout the trading hours of the premises and on televised match days. Placed on all exits signs will be made available to customers notifying them about leaving responsibly and not to cause any nuisance to our surrounding neighbours. Staff will be thoroughly trained on all aspects as well spotting potential complications to with alcohol related misbehaviour and how to handle the situation safely and effectively.

e) The protection of children from harm

Challenge 25 proof of age scheme shall be operated at the premises where only acceptable forms of identifications are recognised- photographic identifications cards, such as a driving license, passport or proof of age card with a PASS hologram. Staff members engaged, or to be engaged, in selling alcohol on the premises shall we receive pertinent to the Licensing Act, All children under the age of 18 may gain access at specific times of the day but must be accompanied by an adult, these would include evening trade and match games. A personal license holder will be working on the shop floor throughout the entire day authorising all alcohol 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 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	<p>[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).</p> <p>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</p>
--------------------	---

	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	19/05/2021
Capacity	Senior Marketing Manager

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)			

Notes for Guidance

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

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

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

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

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

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

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

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

Home Office online right to work checking service

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

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

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

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

CENTRE COURT SHOPPING CENTRE

Queens Rd, Wimbledon, SW19

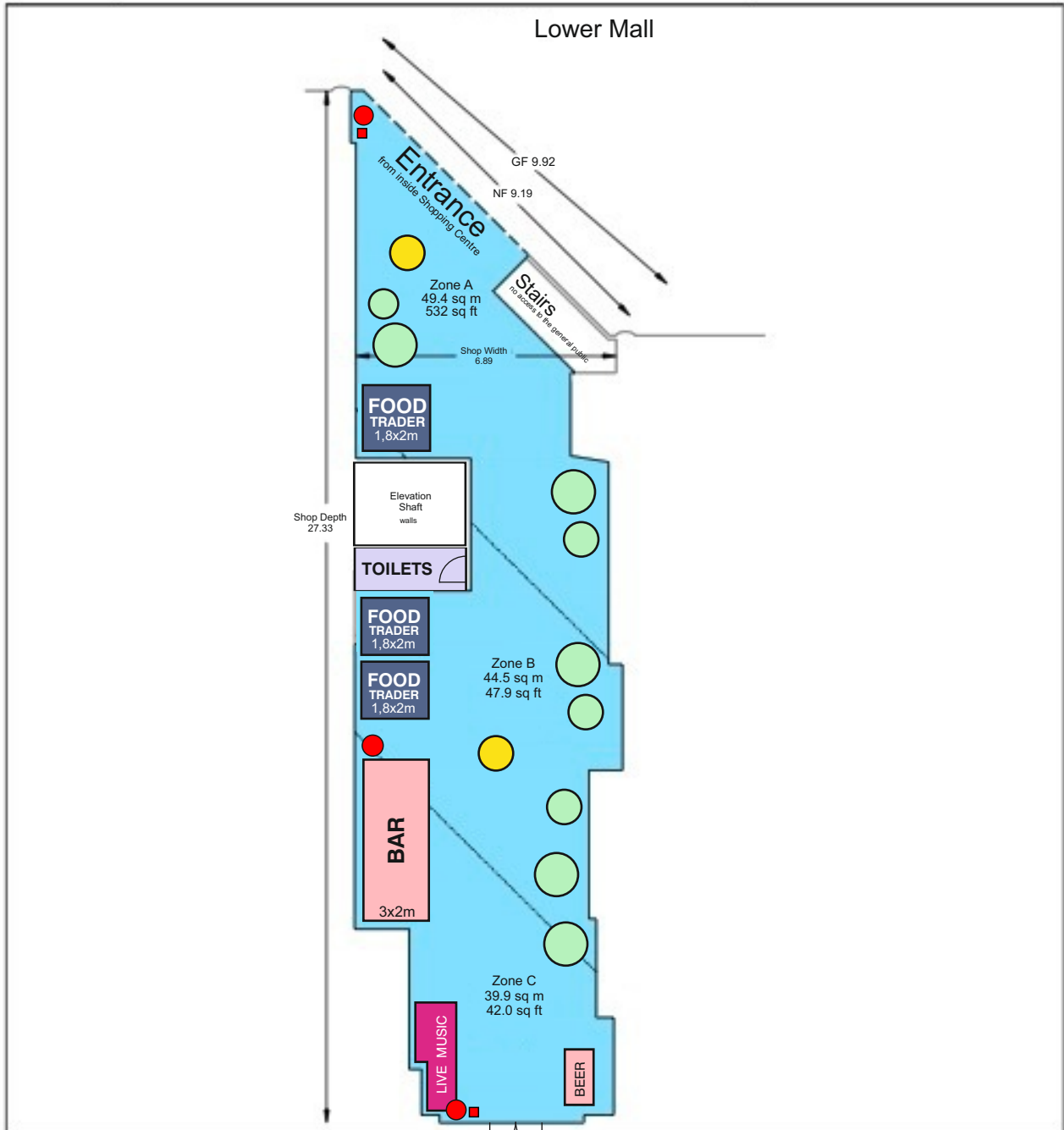
AREA PLAN

Revisions:

- A - Original Issue (June 2019)
- B -
- C -
- D -
- E -
- F -

Unit 114 - Ground Floor Area Plan

This Drawing is indicative of the area measured - **Not to Scale**



 NIA - Retail	132.9 sq m	1431 sq ft
--	------------	------------

TOTAL NIA: 132.9 sq m 1431 sq ft

- fire extinguisher
- break glass alarm
- sitting area
- artificial tree

Drawing Number
LF2222-AREA-U114-G

Issue A
June 2019

**Lane &
Frankham**



info@laneandfrankham.com / +44(0)20 3714 7063 / www.laneandfrankham.com

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CENTRE COURT SHOPPING CENTRE

Queens Rd, Wimbledon, SW19

AREA PLAN

Revisions:

A - Original Issue (June 2019)

B -

C -

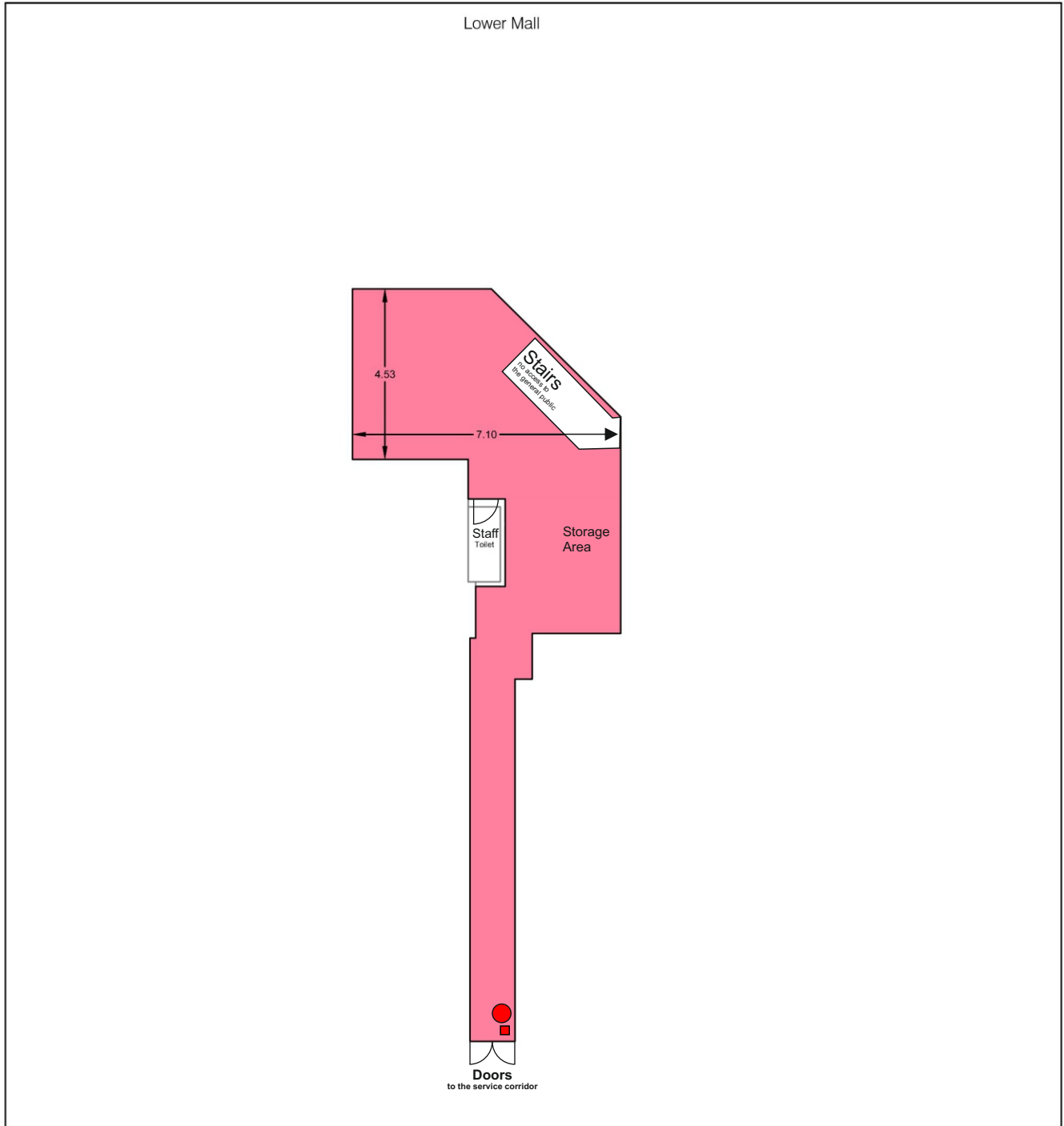
D -


E -

F -

Unit 114 - Mezzanine Area Plan

This Drawing is indicative of the area measured - **Not to Scale**



 NIA - Retail 56.0 sq m 603 sq ft

 fire extinguisher

 break glass alarm

TOTAL NIA: 56.0 sq m 603 sq ft

Drawing Number
LF2222-AREA-U114-01

Issue A
June 2019

Lane &
Frankham



Page 31

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To whom it may concern,

I agree to all the police conditions below to be added to the operating schedule prior to opening.

Best,
Lynsey

From: Avril.O'Brien
Sent: 10 June 2021 18:44
To:
Subject: Unit 114 Centre Court SW19

Good Evening Lynsey & Thomas,

I hope you are well and thank you for your time yesterday.

After our discussions about some concerns The Metropolitan police would request the following be added to the operating schedule for Unit 114 Centre Court, SW19 8YA

SIA Registered Door Supervisors

On Thursdays, Fridays, Saturdays, all major sporting events, bank holidays, Halloween, Christmas Eve, Private Events and New Year's Eve a minimum of two Security Industry Authority (SIA) registered Door Supervisors from the an Approved Contractor Scheme registered company must be employed at the premises from 20.00 hours, 16:00 hours for sporting events until all members of the public have left the premises. The licensee must take all the necessary precautions to prevent offensive weapons and drugs entering the premises. All Security Industry Authority Supervisors to wear Body Worn Cameras. A log shall be kept of the SIA door supervisors on duty including their full name, date of birth, SIA licence number, company details and booking on-off times. Security Industry Authority registered Door Supervisor shall patrol the immediate exterior of the premises to ensure that patrons leave the area quickly and quietly.

Glass

Drinks will not be served in glasses or glass bottles in the outdoor areas.

Dispersal

The premises will implement a Dispersal Policy which will seek to minimise any potential disturbance as customers leave the premises. This will include a reasonable timed reduction in music volume and increase in lighting prior to closure. In addition, suitable notices shall be displayed at all exits requesting customers respect the needs of the local residents and leave the area quietly. The internal entrance leading to the Centre Court Shopping Centre will be closed no later than 2000 hours.

CCTV

The CCTV system installed at the premises shall be maintained in effective working order, and shall be in operation at all times the premises is open to the public. All

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

Security incidents

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

- All crimes reported to the premises.
- All ejections of patrons.
- All complaints received concerning crime and disorder.
- Any incidents of disorder.
- All seizures of drugs or offensive weapons.
- Any faults in the CCTV system.
- Any refusal of the sale of alcohol.
- Any visit by a relevant authority in relation to service

ACT AWARENESS

ACT Awareness eLearning completed by all managers and staff:
<https://www.gov.uk/government/news/act-awareness-elearning>

I would be grateful if you could let me know your thoughts on the above.

Kind Regards,

Avril

PC Avril O'BRIEN 3406SW | Licensing
South West – BCU
Lavender Hill Police Station
176 Lavender Hill
SW11 1JX
0208 247 8630

From: Christopher Jones <Christopher.Jones@merton.gov.uk>

Sent: 17 June 2021 15:07

To: Lynsey Coleman <

Cc: Licensing <Licensing@merton.gov.uk>

Subject: RE: Lynsey Coleman, Unit 114 centre Court Shopping Centre, Queens Road, London SW19 8YA - Application for Licence

Dear Lynsey,

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

Kind regards,

Christopher

Christopher Jones
Senior Principal Trading Standards Officer

Telephone: 020 8288 5650

Email: christopher.jones@merton.gov.uk

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

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

From: Lynsey Coleman <

Sent: 17 June 2021 14:36

To: Christopher Jones <Christopher.Jones@merton.gov.uk>; Licensing <Licensing@merton.gov.uk>

Subject: RE: Lynsey Coleman, Unit 114 centre Court Shopping Centre, Queens Road, London SW19 8YA - Application for Licence

Hi Christopher,

Apologies for the delayed response – this email was stuck in my drafts.

I agree to all the trading standards conditions below to be added to the operating schedule prior to opening.

Best,
Lynsey

From: Christopher Jones <Christopher.Jones@merton.gov.uk>

Sent: 07 June 2021 15:57

To: Licensing <Licensing@merton.gov.uk>

Cc: Lynsey Coleman <

Subject: RE: Lynsey Coleman, Unit 114 centre Court Shopping Centre, Queens Road, London SW19 8YA - Application for Licence

Dear All,

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

1. Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.
2. An effective methodology shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol (and any other age-restricted product).
3. All staff that undertake the sale or supply of alcohol (and any other age-restricted product) shall receive appropriate refresher training in relation to undertaking appropriate age checks on such, at least every three months.
4. Records of all staff training, relating to the sale or supply of alcohol (and any other age-restricted product), along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.
5. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

Many thanks,

Christopher

Christopher Jones
Senior Principal Trading Standards Officer

Telephone: 020 8288 5650

Email: christopher.jones@merton.gov.uk

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Merton Civic Centre
London Road
Morden SM4 5DX

From: paula burnett [REDACTED]
Sent: 16 June 2021 12:18

Subject: Appl. Ref. WK/202105300 Centre Court, Wimbledon

[REDACTED]

Dear Madam/Sir,

As a Queens Road resident I wish to raise objections under each of the relevant heads to the above licence application for Unit 114 of Centre Court Shopping Centre, Wimbledon.

The manager of the Centre was kind enough to explain their plans to me last week, and I am grateful for the time of your staff member [REDACTED] who has elucidated some of the surrounding circumstances in response to my queries.

The licence applied for will cover a) alcohol consumption on the premises (as described to me by your officer, the curtilage of Unit 114 as defined on the plan attached to the application), and b) alcohol consumption off the premises. As I understand it the intention is for major sporting events to be shown on large television screens, which the management hopes will attract sufficient crowds for the bar facilities to be profitable.

I have not seen the plan attached to the application but assume it relates to the interior footprint of Unit 114, possibly accompanied by the small area of raised paving outside where astroturf and tables have been installed in the last week.

The on-site and off-site consumption of alcohol are both concerning.

1. This is a residential area, not a high street location. Queens Road from this point northwards, and both Princes Road and South Park Road which form green junctions with it at the side of the Centre Court building, are completely residential roads of a quiet, traffic-limited, leafy nature. South Park Gardens, which gives its name to the local Conservation Area, with its greenery and curving paths is just a couple of hundred yards away. In the past there have been issues with people drinking and using drugs there. On Queens Road, through access for traffic northwards is confined to buses and taxis, an arrangement implemented when Centre Court opened, to protect the residential character of the area.

2. There is no shortage of licensed premises in the town centre. There are two pubs close to Centre Court on the Broadway in the town centre, the Alexandra, opposite the end of Worple Road, and the Prince of Wales, directly opposite Centre Court itself. There is also the upstairs bar within Centre Court (adjacent to the former Town Hall frontage) which looks out onto the Broadway and the Prince of Wales. These premises are in central, suitable places, as is the pub on the one-way system opposite the bus station. However, the premises proposed to be licensed are quite a way down Queens Road, well off the Broadway, the main commercial street, and impinge immediately on the residential area.

3. The granting of an alcohol licence for Unit 114 risks introducing to this residential area both noise and other potential nuisance, particularly since the hours of opening are till 10.30pm seven days a week. The main Centre Court mall has always been closed of an evening, usually by 7pm and earlier on Sundays. Its facade along Queens Road is then peaceful. People coming home from the station even late in the evening have always had a quiet and safe walk along it. The introduction of a pub this far along Queens Road, away from the Broadway, particularly one attracting large, no doubt heavy-drinking crowds to watch sporting events on television, will transform the area. Instead of being quiet and safe it is likely to be noisy, busy, and feel unsafe for pedestrians wanting just to walk calmly by as they have always been able to do before.

4. If the management plans to erect a television screen or screens visible from outside (as I believe they can do at will), the problem will be compounded, as large, loud, excitable groups with drinks in their hands will mill around on the pavement, and probably also in the road and across the road. Little traffic is seen on Queens Road in the evenings, but this would create a real hazard for the traffic which does use it, including not only buses, but the police vehicles answering emergency calls, which turn from South Park Road into Queens Road and sometimes need to set off northwards at speed through the traffic lights with blue lights and sirens. The last thing their drivers want is to have to negotiate a crowd of merrymakers with drinks as they hurry to a crisis elsewhere.

5. In addition it should be noted that once the main Centre Court mall is closed, all public access to the licensed premises will have to be from Queens Road.

6. I understand from my conversation with the Centre's manager that the intention is to install tables and seating all the way along the side of the building on the pavement which falls within the Centre Court land ownership, from the estate agent's entrance northwards to the traffic lights, including the whole of the colonnade. I was informed that no special permission is required for this as the land is theirs. Presumably the thinking is that those purchasing drinks for off-site consumption can carry them out to these tables and chairs without the management having any responsibility for the behaviour of their clients.

7. I note the council licensing website raises the question of whether bar staff can visually supervise all the areas where people are drinking. Given the shape and location of Unit 114 this would be impossible. No direct line of sight from the bar can include the outside pavement area where I was told the management hope to install 30 tables and 120 chairs. These figures were attached to an earlier planning application which your staff have told me was refused - and which was in any case rendered unnecessary when the management realised how far their freehold extended.

8. I am concerned that the management may argue that where drinks for off-site consumption are consumed is none of their responsibility. There is a real danger that if the seating and tables are installed, the area could become known as a desirable place for all sorts of unsavoury gatherings and dealings, including possibly criminal activities. The end of the colonnade furthest from the Broadway will be a shaded, relatively private spot where young people particularly may gather for consumption (and possibly trading) not only of what can be purchased at a bar or supermarket. The safety of children is a real issue here.

9. To conclude, I therefore urge you to refuse this licence for the following reasons:

i) The prevention of public nuisance.

There is a primary risk of nuisance to local residents and Queens Road pedestrians, through noise, and crowds milling with drinks at odds with people walking by. There is an ancillary risk late into the evening of disruptive and possibly threatening behaviour from those who have been drinking, particularly those celebrating their team's win or drowning their sorrows at a defeat. The hitherto safe area will be replaced with one where many residents are likely to feel unsafe.

ii) Public safety.

There is a further risk to public safety with the likelihood that people will crowd to see televised sports by standing in the road. In addition, police cars attending to matters of public safety further afield risk being delayed. Pedestrians walking home along Queens Road may be at risk from disruptive or offensive behaviour from those who have been drinking. Fights in such situations are not unknown.

iii) The prevention of crime and disorder.

The management's intention to erect tables and seating all along their Queens Road pavement outside the building itself can be enacted, I fear, as it could be deemed to be covered by the off-site consumption aspect of the licence. However, this is of grave concern. It is likely to become a popular venue for all sorts of worrying and antisocial behaviours, as outlined above.

iv) The protection of children from harm.

The opportunities for unsupervised activities, not just alcohol consumption but the use and trading of drugs, poses a particular risk to the young and their safety and health. Underage drinking could become a real problem, as could all kinds of drug use. Yet the Centre Court management could perhaps legitimately argue that they have no responsibility for it, only for the tightly defined curtilage of Unit 114. The quiet streets nearby and South Park Gardens may have to face many of the problems associated with so many other urban centres which they have generally been spared, and many of the borough's children could be put at increased risk.

The licence applied for might deliver the Centre Court management a highly profitable pub, but it will deliver to our young people, and to the residents of this pleasant and safe area, some seriously worrying and undesirable changes.

There are plenty of pubs in Wimbledon town centre in the right places. This is not the right place, and is, I argue, even a potentially dangerous place.

Yours sincerely,

Paula Burnett.

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London Borough of Merton



Licensing Act 2003 Notice of Determination

Date of issue of this notice: 19 July 2021

Subject: Unit 114 (aka Queens Road Market), Centre Court Shopping Centre, Queens Road, Wimbledon SW19 8YA

Having considered relevant applications, notices and representations together with any other relevant information submitted to any Hearing held on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

Parties to hearings have the right to appeal against decisions of the Licensing Authority. These rights are set out in Schedule 5 of the Licensing Act 2003 and Chapter 12 of the Amended Guidance issued by the Home Secretary (April 2018). Chapter 12 of the guidance is attached as Annex B to this notice.

For enquiries about this matter please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003

<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

Guidance issued by the Home Secretary

<http://www.homeoffice.gov.uk/>

Regulations issued by the Secretary of State for Culture, Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy

<http://www.merton.gov.uk/licensing>

Annex A

Determination

The Licensing Sub-Committee considered an application by Lynsey Coleman for a new Premises Licence for Unit 114 (aka Queens Road Market), Centre Court Shopping Centre, Queens Road, Wimbledon SW19 8YA.

This is a new premises licence application for a unit in Centre Court Shopping Centre. The applicant has applied for the retail sale of alcohol for consumption on and off the premises, Monday to Sunday from 10.00 to 22:30. The opening hours stated in the application are Monday to Sunday 10.00 to 23.00.

One representation was received from a local resident.

In reaching its decision, the Licensing Sub-Committee had to promote the Licensing Objectives especially the prevention of Crime and Disorder and the prevention of Public Nuisance, make a decision that was appropriate and proportionate, comply with the Licensing Act 2003 and its regulations, have regard to the current Home Office Section 182 Guidance and LB Merton's Statement of Licensing Policy, and comply with any relevant case law.

The application was granted.

Licensing Sub-Committee Hearing

The Licensing Sub-Committee looked carefully at the application, its Agenda and Supplementary Agenda papers, the Representation contained in the agenda papers and the submissions made at the hearing and the submission of the outside area plan.

The Licensing Manager spoke to explain the technical point that the plans of the premises the application submitted with the plan was correct, the applicant will be supplying alcohol on and off the premises. It was highlighted on the plan, the sales of alcohol would take place inside rather than erect a bar outside which is not featured on the plan.

The Licensing Manager confirmed the Applicant has agreed conditions with Trading Standards and the MET Police, who both withdrew their representations on that basis.

The Applicant, Lynsey Coleman, explained that:

- The retail sale of alcohol is to be consumed inside the premises and outside the premises in the designated seating area within the Centre Court premises – the off sales are not for purchase and to take home. The premises has already began trading selling food that does not require a Premises Licence, and for sales of alcohol have been trading using a series of Temporary Event Notices including the outside space of Centre Court on the Queens Road End side.
- The premises is located within the main Centre Court which will close at 7pm. The premises has a Queens Road exit / entrance that will allow them to trade beyond 7pm. The internal door will be closed at 8pm. The Queens Road exit door/ entrance will be kept clear, but can be used as an entrance.
- Responding to questions from the Licensing Sub-Committee the Applicant explained how individuals would leave the premises. The operation of the premises will be by waiter / waitress table service for alcohol regardless of the position of the table. There is a branded barrier to separate the tables from the area outside the designated outside table area.
- The Applicant was able to produce a plan of the outside designated pavement area owned by Centre Court, which comprises 15 tables. The Applicant confirmed the fire exits were kept free of any tables or paraphernalia and consulted with the Fire Brigade.
- The Applicant explained she was employed by the shopping centre. She explained that the aim of the premises was to create a post Covid space for people to enjoy and spend some time, and to help reinvigorate the area and Centre Court and so to help fill some of the Units that now stand empty. The aim was to liven up the space around this side of Centre Court and as a pop up food court internally with a bar and with an outdoor street food with seating to consume that food or alcohol. is proposed to be a temporary operation at present but if popular the aim is to continue its operation.
- There have been a number of measures to ensure the safety of the area which has been operating under TENs for the past two weeks without incidents involving the two major events of Wimbledon Tennis and the Euro Football tournaments.
- Door supervisors are present daily, although this will be reduced to Thursday, Friday and Saturday after the Football has finished.

- CCTV is installed in all the areas including under the Colonnades and any blind spots in the outside seating area. This has been done in collaboration with the Police and in conjunction with all staff undertaking the ACTS anti-terrorist training.
- The clientele that has been drawn towards the premises over the past two weeks has been of good character.
- The street furniture is bought indoors and locked up when they close for the night.

Helen Clark Bell explained to the Licensing Sub-Committee how the premises would benefit the Town and night time operation safely. She believed this side of the shopping centre has been underutilised and dormant for a while now.

Paula Burnett had submitted a representation but could not attend the Licensing Sub-Committee meeting and sent her apologies. She requested her objection should stand, and the Licensing Sub-Committee considered the information she submitted, plus the additional information she had since submitted. The Committee Officer noted her main points were as follows:

- Ms Burnett referred to the South Park Gardens Conservation Area and the Broadway Conservation Area. However, such matters were for the Planning Authority and not the Licensing Sub-Committee to consider (*Blackwood* case applied). The Licensing Sub-Committee was only concerned with promoting the Licensing Objectives.
- Ms Burnett also suggested the area did not require more food outlets. Such matters were not matters that the Licensing Sub-Committee could consider. The section 182 Home Office Guidance specifically states that: “14.19 “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy”.
- Ms Burnett was concerned for the safety of the area in particular at risk of attracting unwelcome activities. She thought rough sleepers may find the colonnade a better option than a local shop doorway. She thought that although the police station is close, the police have many more significant matters to attend to. She thought that the food stalls can only be accessed by customers standing on steps. She thought that there was a risk they will fall when stepping backwards with purchases down another step. She thought that there was limited pavement space for pedestrians between bicycles in the bike racks, the coffee bike and the bar boards. Such matters had been dealt with by the Conditions agreed with the Police and the siting of the CCTV cameras or were not matters for the Licensing Sub-Committee to address.
- Ms Burnett was concerned with a potential increase of noise pollution (including from the live music performance space near the Queens Road door). The Licensing Sub-Committee noted her point but observe that the premises was located in the centre of Wimbledon Broadway, and applied the Thwaites case in their reasoning.

Decision of the Licensing Sub-Committee

The Licensing Sub-Committee decided to grant the Premises Licence application, as follows:

Licensable Activities:

Retail Supply Sale of Alcohol (on and off sales)
10.00 to 22:30pm Monday to Sunday

Opening Hours:

10am 10.00 to 23.00 Monday to Sunday

- Conditions offered by the Applicant in Operating Schedule and not amended by the Police conditions:

The age at which the age verification policy required by the mandatory condition attached to this licence is set, shall be 25 years of age, in that anyone who appears to be aged 25 years or under shall be required to produce appropriate evidence as stated in the policy to prove they are 18 years of age or over.

- Conditions agreed with the Metropolitan Police:

SIA Registered Door Supervisors

On Thursdays, Fridays, Saturdays, all major sporting events, bank holidays, Halloween, Christmas Eve, Private Events and New Year's Eve a minimum of two Security Industry Authority (SIA) registered Door Supervisors from the an Approved Contractor Scheme registered company must be employed at the premises from 20.00 hours, 16:00 hours for sporting events until all members of the public have left the premises. The licensee must take all the necessary precautions to prevent offensive weapons and drugs entering the premises. All Security Industry Authority Supervisors to wear Body Worn Cameras. A log shall be kept of the SIA door supervisors on duty including their full name, date of birth, SIA licence number, company details and booking on-off times. Security Industry Authority registered Door Supervisor shall patrol the immediate exterior of the premises to ensure that patrons leave the area quickly and quietly.

Glass

Drinks will not be served in glasses or glass bottles in the outdoor areas.

Dispersal

The premises will implement a Dispersal Policy which will seek to minimise any potential disturbance as customers leave the premises. This will include a reasonable timed reduction in music volume and increase in lighting prior to closure. In addition, suitable notices shall be displayed at all exits requesting customers respect the needs of the local residents and leave the area quietly. The internal entrance leading to the Centre Court Shopping Centre will be closed no later than 2000 hours.

CCTV

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

Security incidents

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

- All crimes reported to the premises.
- All ejections of patrons.
- All complaints received concerning crime and disorder.
- Any incidents of disorder.
- All seizures of drugs or offensive weapons.
- Any faults in the CCTV system.
- Any refusal of the sale of alcohol.
- Any visit by a relevant authority in relation to service

ACT Awareness

ACT Awareness eLearning shall be completed by all managers and staff of the premises. (<https://www.gov.uk/government/news/act-awareness-elearning>)

- Conditions agreed with the Trading Standards:

1. Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.
2. An effective methodology shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol (and any other age-restricted product).
3. All staff that undertake the sale or supply of alcohol (and any other age-restricted product) shall receive appropriate refresher training in relation to undertaking appropriate age checks on such, at least every three months.
4. Records of all staff training, relating to the sale or supply of alcohol (and any other age-restricted product), along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.
5. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

- Conditions Imposed by the Licensing Sub-Committee:

- a. No screens shall be erected on a temporary or permanent basis outside the premises in the designated outside seating area.
- b. The sale and supply of alcohol for consumption in the premises or in the designated outside seating area shall be restricted to alcohol consumed at tables and chairs shown on the licence plans and shall be by waiter or waitress service, served only to a person seated.
- c. Deliveries to the premises and the disposal of refuse such as bottles shall occur at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises. Noise shall not emanate from the premises so as to cause a public nuisance to nearby residential properties. Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Reasons

The Licensing Sub-Committee gave the following reasons for their decision:

- A. The operation proposed was modest with the seating condition internally and externally and the number of covers;
- B. There had been no complaints arising from the few weeks of trading under the TENs, which indicated the operators could manage the premises and the premises was unlikely to add to cumulative impact, especially for the modest hours sought;
- C. Centre Court had been an operational aspect of the night time economy in Wimbledon Broadway for a considerable time, so it was unlikely that the premises would add to cumulative impact;
- D. The style of operation mainly proposed involved expected consumption of 'street food' with alcohol and was more aimed towards families. It had the added benefit of the colonnades and Queens Road sides being used and CCTV being in place to support this area. There was also an endeavour to try something new in this area and to regenerate Centre Court and make it attractive for the benefit of the community.

Annex B

Extract from the Amended Guidance issued by the Home Secretary under Section 182 of the Licensing Act 2003 (April 2018)

13. Appeals

13.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

General

13.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

13.3 An appeal has to be commenced by the appellant giving a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

13.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police, the Home Office (Immigration Enforcement), or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.

13.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.

13.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.

13.7 On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

All parties should be aware that the court may make an order for one party to pay another party's costs.

On any appeal, the court is not entitled to consider whether the licence holder should have been convicted of an immigration offence or been required to pay an immigration penalty, or whether they should have been granted by the Home Office permission to be in the UK. This is because separate rights exist to appeal these matters or to have an immigration decision administratively reviewed.

Licensing policy statements and Section 182 guidance

13.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.

13.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

Giving reasons for decisions

13.10 It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

13.11 It is important that licensing authorities also provide all parties who were party to the original hearing, but not involved directly in the appeal, with clear reasons for any subsequent decisions where appeals are settled out of court. Local residents in particular, who have attended a hearing where the decision was subject to an appeal, are likely to expect the final determination to be made by a court.

Implementing the determination of the magistrates' courts

13.12 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003

Act does not provide for a further appeal against the decision of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

Provisional statements

13.13 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

13.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.