

Licensing Sub-Committee Report

Subject of hearing: **Smash, 82 The Broadway, London, SW19 1RH**

Date: **26 March 2018**

Time: **1.30pm**

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 bundle (attached) 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 and forms part of this report.

4. Legal advice to the sub-committee

4.1 A legal officer appointed by the South London Legal Partnership will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer Comments

5.1 This is an application for a new premises licence.

5.2 The premises already benefits from a premises licence. The premises licence holder is the same as the applicant for this application. The current licence is included in this report for your information.

- 5.3 The application is for films, live music, recorded music, performance of dance and anything similar to these (box H) to take place from 10:00 until 02:30 the following day on Monday to Thursday, 10:00 to 03:30 the following day on Friday and Saturday and 10:00 to 01:30 on Sunday.
- 5.4 For late night refreshment to take place from 23:00 until 02:30 the following day on Monday to Thursday, 23:00 to 03:30 the following day on Friday and Saturday and 23:00 to 01:30 on Sunday.
- 5.5 The supply of alcohol on and off the premises from 10:00 until 02:00 the following day on Monday to Thursday, 10:00 to 03:00 the following day on Friday and Saturday and 10:00 to 01:00 on Sunday.
- 5.6 Opening times place from 10:00 until 02:30 the following day Monday to Thursday, 10:00 to 03:30 the following day Friday and Saturday and 10:00 to 01:30 on Sunday.
- 5.7 There are non standard timings requested for New Year's Eve and Bank Holiday Sundays.
- 5.8 The only change from the existing authorisations appears to be an extra half on added on to Sunday for films.
- 5.9 There are points offered as conditions in the operating schedule.
- 5.10 The plan appears to be the same as the plan attached to the current premises licence.
- 5.11 The applicant's representative has stated in a covering letter that after meeting with the Police Licensing Officer, it was agreed some conditions on the current licence could be changed and the licence tidied up and if the new licence is granted as applied for or agreed by the premises licence holder, the existing licence will be surrendered. This letter is also attached to this report.
- 5.12 We have received correspondence from K Wiggert who made a representation that they wish to withdraw the sections of their representation that refer to the extension of hours.
- 5.13 We have received five representations, two of which are in support of the application.

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	
Barclub Training Limited	
Statutory Authorities	
Metropolitan Police – IN SUPPORT	
Interested Parties	
Councillor Charlie Chirico	
Leigh Terrafranca for WEHRA (Wimbledon E Hillside Residents Association)	
Kristian Wiggert	
Ben Ford – IN SUPPORT	

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