

Merton Council

Licensing sub-committee

Membership

Councillors:

Joan Henry

Philip Jones

David Simpson CBE

A meeting of the Licensing sub-committee will be held on:

Date: 18 December 2014

Time: 10.00 am

**Venue: Council chamber - Merton Civic Centre, London Road, Morden
SM4 5DX**

Agenda for this meeting

- 1 Appointment of Chair
- 2 Declarations of Interest
- 3 Apologies for Absence
- 4 Shell - Pepys Corner, 187 Worple Road, SW20 8RE 1 - 46
- 5 Bineet Stationers, 237 London Road, Mitcham, CR4 3NH 47 - 88
- 6 Exclusion of the public
- 7 J B Read - Personal Licence*

Information for this item is contained within a separate document

*(NB – This item will not be heard before 12noon.)

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which

may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3616.

Press enquiries: press@merton.gov.uk or telephone 020 8545 3181

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Summary of procedure

1. Declarations of Interest
 2. Welcome by Chair – remind parties that the hearing is being recorded
 3. Chair asks parties if they accept the accuracy of the Notice of Hearing and that all relevant Notices, Applications and representations have been included.
 4. Chair asks the parties if they have, since the issue of the notice, resolved any of the issues and if so to outline their proposed solution. If all issues are covered by this solution then go to stage 10, otherwise use the following procedure to address the remaining points.
 5. Chair outlines procedure as follows:
 6. Applicant
 - Applicant's brief statement clarifying their application and addressing any points of clarification raised in the Notice of Hearing
 - Applicants witnesses (if any) to speak on points of clarification raised in the Notice of Hearing.
 - Questioning of the applicant by other parties
 - ⁽¹⁾ Questioning of the applicant by members
 7. Other parties (It is suggested that responsible authorities are taken first and then public representations)
 - Party's brief statement clarifying their representation and addressing any points of clarification raised in the Notice of Hearing.
 - Party's witnesses (if any) to speak on points of clarification raised in the Notice of Hearing
 - Questioning of the party by the applicant
 - If the party is a responsible authority then questioning of the party by other parties may be appropriate.
 - ⁽¹⁾ Questioning of the party by members
 8. Other parties summarise their points
 9. Applicant summarises their points
 10. ⁽²⁾ Legal Officer asked for any comments
 11. ⁽²⁾ Licensing Officer asked for any comments
 12. Chair advises parties that the sub-committee will retire to consider the issues and take legal advice after which the public session will be resumed.
 13. Sub-committee retires to consider the issues and take legal advice
 14. Sub-committee reconvenes
 15. Legal advice given in private session repeated in public by legal officer
 16. Decision of sub-committee given – parties advised that a Notice of Determination will be sent to them – **OR** – parties advised of the date when a determination will be made.
 17. Close of hearing
- ⁽¹⁾ *Members can ask any question of any party at any time but should normally try to do so at these points.*
- ⁽²⁾ *Legal and Licensing Officers should be involved at any stage where members feel they can be of assistance but a particular point should be made of asking for their comments at this stage*

Licensing sub-committee Report and Notice of Hearing

Subject of hearing: **Shell, Pepys Corner**

Date: **18th December 2014**

Time: **10am**

Venue: **Council Chamber**

Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX

Date of issue of this notice:

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

- 1.1 The premises are not in the special policy area.
- 1.2 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 Head of Civic and Legal Services will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer comments

- 5.1 This matter arises from a new premises licence application.

- 5.2 The sale by retail of alcohol (off the premises) and late night refreshment are the licensable activities requested in the application.
- 5.3 The hours for licensable activities requested are as follows:
Sale by Retail of Alcohol (and opening times) -
Monday to Sunday: 00:00 to 24:00
Late Night Refreshment: Monday to Sunday: 23:00 to 05:00
- 5.4 Three representations objecting to the application have been received, one from a responsible authority, two from other persons.

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:

Applicant	
Shell UK Oil Products Ltd	
Statutory Authorities	
Metropolitan Police	
Interested Parties	
Theresa Coates	Michael Smith

Rights of parties to the hearing

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. You should notify us if you wish to be represented or assisted in this way on the accompanying response form.

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to:

- a) respond to any points of clarification detailed in the Notice of Hearing;
- b) if given permission by the sub-committee hearing this matter, ask questions of other parties; and
- c) address the sub-committee.

If you do not attend the hearing the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Alternatively you can send an email to democratic.services@merton.gov.uk with the relevant information.

A copy of the procedure to be followed at the hearing is attached.

A guide to licensing hearings in Merton is attached

Procedure to be followed at the hearing

This document forms part of the notice of hearing

Regulations referred to in this procedure are reproduced under Note ⁽³⁾ at the end of the procedure

1. Declarations of interest.
2. Welcome by Chair of the licensing sub-committee and outline of the order of proceedings.
3. The Chair will advise parties⁽¹⁾ that the proceedings are being recorded.
4. The papers before the sub-committee comprise this Notice of Hearing and any applications, notices or representations and include:
 - The application
 - Representations and notices
 - List of parties to the hearing.
5. Points which the authority has raised in the Notice of Hearing as points on which it will be seeking clarification
6. Comments of Licensing officers on any factual or technical aspects of the application, notices or representations
7. Any other relevant matters and requirements
8. The Chair will ask parties if they are satisfied with the accuracy of the papers issued and the sub-committee will resolve any issues on this point.
9. The Chair will ask officers and parties if there are any other procedural points to deal with and these will be resolved before proceeding.
10. The Licensing officer will advise the hearing if any representations or notices have been withdrawn since the issue of the Notice of Hearing.
11. The Chair will advise parties that if they introduce new documentary or other information in support of their application, notice or representation the consent of other parties to the consideration by the sub-committee of such information will be sought.
12. The sub-committee will consider, under regulation 22, requests from parties made under Regulation 8(2) for other persons to be permitted to appear before the hearing.
13. The sub-committee will determine the order in which parties (other than the applicant) will be heard and so advise those present.
14. The Chair will advise the parties that they have no rights to question persons appearing under the provisions of regulations 8(2) and 22 and that their right to question other parties can only be exercised with the permission of the sub-committee. The Chair will also advise the parties that under regulation 23 cross-examination is not allowed unless the sub-committee feels that this is required for it to consider the matters before it. If parties wish to put questions to other parties or persons appearing under the provisions of regulations 8(2) or 22 they should seek the permission of the sub-committee and direct such questioning via the chair.

15. Applicant
 - i) The applicant will be asked if there is anything they wish to add to or clarify about their application
 - ii) The applicant will address the points for clarification raised by the authority in the Notice of Hearing
 - iii) Persons appearing under regulations 8(2) and 22 as notified by the applicant will address the hearing
 - iv) If the sub-committee considers it necessary it may allow other parties to put questions to the applicant and persons appearing under the provisions of regulations 8(2) and 22 notified by the applicant who have addressed the hearing
 - v) The sub-committee members will put any questions to the applicant and persons appearing under the provisions of regulations 8(2) and 22 notified by the applicant who have addressed the hearing
 - vi) The applicant will be asked if they have any further points arising from points raised in questioning
16. Other parties⁽²⁾
 - i) The party (party A) will be asked if there is anything they wish to add to or clarify about their representation or notice
 - ii) Party A will address the points for clarification raised by the authority in the Notice of Hearing
 - iii) Persons appearing under regulations 8(2) and 22 as notified by the Party A to address the hearing
 - iv) If the sub-committee considers it necessary it may allow the applicant to put questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
 - v) If the sub-committee considers it necessary it may allow other parties to put questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
 - vi) The sub-committee members will put any questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
 - vii) Party A will be asked if they have any further points arising from points raised in questioning
17. Repeat above stage for each subsequent party.
18. Licensing officer to be asked if they have any comments
19. Other parties close by summarising their points.
20. Applicant closes by summarising their points.
21. The Chair will then ask the sub-committee's licensing and legal adviser if there are any further matters to be considered prior to a determination being made. If there are such other matters they will then be disposed of as appropriate.

22. If the sub-committee is not going to determine the application at the conclusion of the hearing it will so advise those present and inform them of the date and time that their determination will be made in public. Determinations must be made in accordance with the provisions of regulation 26.
23. If the sub-committee feels that it needs to go into private session to discuss any issues with its legal adviser it will advise those present that it will resume in public session at the conclusion of any such discussion when the advice it has received from its legal adviser will be read into the public record of the meeting.
24. At the conclusion of any private session the sub-committee will return to public session and the legal adviser will inform the hearing of any advice given in private session.
25. In cases where the sub-committee is not going to make its determination at the conclusion of the hearing it will then adjourn the meeting to a specified date and time. In all other cases it will discuss and determine the matter before it.
26. The Chair will advise parties to the hearing that they will be notified in writing of the determination, thank the parties for their attendance and close the meeting.

Where this procedure is silent the sub-committee may make such arrangements as necessary to ensure the rights of parties to hearings and for the proper discharge of its duties under the Licensing Act 2003 and any guidance or regulations issued by the Secretary of State.

Notes

¹ Regulation 15 allows parties to be represented or assisted at the hearing by any person whether or not that person is legally qualified. Any reference to a party in this order of procedure should be taken to include a reference to a person assisting or representing a party.

² Similar objections will be grouped together as far as possible and a common spokesperson sought. The regulations treat each objector as a party in their own right. If they do not agree to being grouped they will be treated as an individual party.

³Extracts from the regulations:

- 8.(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary.
8. (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

26.(1) In the case of a hearing under:

(c) section 105(2)(a) (counter notice following police objection to temporary event notice),

(d) section 167(5)(a) (review of premises licence following closure order),
the authority must make its determination at the conclusion of the hearing.

26.(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

London Borough of Merton



**LICENSING COMMITTEE HEARINGS
A BRIEF GUIDE**

Merton Civic & Legal Services
October 2005

Introduction

The following pages of this booklet contain guidance on hearings of Licensing Applications by the Council's Licensing Sub-Committee. It is a guide only and not a statement of the law.

The law is to be found in:

- 1 Licensing Act 2003
- 2 The Licensing Act 2003 (Hearings) Regulations 2005
- 3 Guidance issued under Section 182 of the Licensing Act 2003.

Notice of Hearing

This booklet normally accompanies a "Notice of Hearing" as we are required by law to give you certain information with the Notice of Hearing.

Timing of Hearing

On arrival you may find that you may have to wait until the committee can deal with the application you are interested in. This is because the committee may have to deal with other applications on the same day. The committee is called to sit at the published time. There are different applications or items on the committee agenda. The committee may take the items in the order that is most efficient for managing that day's applications. You should therefore ensure that you are there in time for the beginning of the committee meeting as published.

The committee meeting is a public meeting. You are therefore entitled to remain in the committee room when other applications are being dealt with. If you remain you will see other parties participating in the hearing. Unless it is a hearing that you are interested in, you may not participate although you may feel that you can contribute in that application as well. You can only participate in the hearing if you are a "party".

The Licensing Sub-Committee

Licensing Hearings take place before a licensing sub-committee of the Council. There are three members of the sub-committee, a chairperson and two others. Also sitting with the Committee (but not part of the committee) will be the committee clerk and a Legal officer who advises the committee on legal issues. Only these two and any trainees are allowed to adjourn with the committee.

Various persons may also be in the committee room in an official capacity. Where the police have submitted representations they will be in the room as a party. They are not part of the committee. Where the Council's Environmental Health service have submitted representations they will be in the room but as a party not as part of the committee. Finally an officer from the Council's Children, Schools and Families Department may be present. They will not be part of the committee either.

A Licensing officer is usually present. The Licensing officer would have received the application and processed it to ensure that fees have been paid and that it was properly advertised. The Licensing officer is also the officer that receives representations and decides if they are in order. The Licensing officer may be asked to speak at the committee. The Licensing officer is not part of the committee and will not retire with the committee.

Attending a Licensing Hearing

Your Rights as a “Party”

You have the right:

- To attend the hearing
- To be assisted or represented by any person (whether or not the person is legally qualified)
- To address the sub-committee
- To question any party to the hearing (with the permission of the sub-committee)
- To give clarification of any issue on which advance notice of the need for clarification has been given
- To bring a witness or witnesses.

Attending the Hearing (Parties)

You do not have to attend the hearing. Where in response to the Notice of Hearing you have informed us that you do not intend to attend the hearing, then the hearing may proceed in your absence.

Where in response to the notice of hearing you say nothing about attending and you do not attend or are not represented the committee may do one of the following:

- hold the hearing in your absence
- adjourn the hearing to a specified date but only where the committee consider it to be in the public interest.

Procedure to be followed at the Hearing

The hearing will take place in public. This means that anyone whether or not they are parties to the hearing are entitled to be at the meeting and to hear all the information. The committee is allowed to exclude the public from all or part of a hearing. This will be where the committee considers that the public interest in excluding the public outweighs the public interest in the hearing taking part in public. If you believe that this exception to public hearing applies to you, you may ask the committee to consider exercising this power.

The committee will explain the procedure but a written version is included with the Notice of Hearing. Unless required by law to do it differently the committee is allowed to devise its own procedures.

The Hearing as a Discussion

The hearing is intended to be a discussion between the committee and all the parties. In order to make it an orderly discussion some element of formality exists. Consequently there will be an order in which the hearing will follow. The committee Chair will explain the order.

During the hearing the procedure is controlled by the Chair. Whilst the Chair will ensure that parties observe the procedure he or she may have to be firm in moving the hearing on to ensure that it proceeds at a pace that enables it to be dealt with within the time allocated. In particular the Chair may have to be strict in respect of ensuring that questions to witnesses keep to the issues. The committee may also put reasonable time limits on submissions.

When an application is received by us a number of persons are allowed to make “representations”. This includes residents, the police, the Environmental Health service and the Local Safeguarding Children Board. Those who have made representations are called “parties”.

The Law allows the applicant (the person applying for the licence) to have discussions with any of these parties before the hearing – this can lead to an agreed way of dealing with concerns relevant to the parties. (For instance, if Environmental Health is concerned about noise the applicant may offer to fit a noise limiter).

When you attend the hearing you may therefore find that some representations have been withdrawn. Where representations are withdrawn this will usually be because the person making the representations has been given satisfaction about how their concerns will be dealt with. For instance the Local Safeguarding Children Board may have concerns about the welfare of children. The applicant may then agree to accept a condition to the licence dealing with this concern and this may lead to a withdrawal of that representation.

The first thing that the committee will do is to find out what representations have been withdrawn so that the committee only concentrates on outstanding issues.

You must remember that as far as the law is concerned the applicant is entitled to do what they want with their business from a licensing point of view unless their business will offend against the four “licensing objectives” of:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Promotion of Public Safety

Although these objectives are intended for the benefits of residents and businesses, various statutory bodies are given responsibility for those objectives and it is expected that they will make representations if those objectives are under threat. These statutory bodies are called “Responsible Authorities”.

The Responsible Authorities are as follows:

- The Chief Officer of Police
- The Local Fire Authority
- The Local Enforcement Agency for Health & Safety At Work Act 1974
- The Local Authority with Responsibility for Environmental Health
- The Local Planning Authority
- Another Licensing Authority
- A body representing those interested in the protection of children and recognised by the council (Local Safeguarding Children Board).

The guidance issued by central government advises that as a matter of practice the committee should seek to focus the hearing on the steps needed to promote the licensing objective which gave rise to the hearing. If your representations or application does not show how these four licensing objectives are affected, promoted or effected, then it is not likely to persuade the committee.

The hearing will probably be in two distinct parts. The first part is where the application and representations are made. The first part ends when the committee retires to consider the evidence.

The second part of the hearing is when the committee returns. The main purpose of the second part is to allow the parties to be told what legal advice (if any) has been received during the deliberations in private. The committee will then announce their decision.

This is then the end of the hearing. The decision will be communicated to the parties in writing.

The committee will then move on to consider the next application (if any).

Appeal

There is a right of appeal to the Magistrates Court. You need to take legal advice on which Magistrates Court to go to. The appeal has to be lodged with the Magistrates Court within a period of 21 days beginning on the day you were notified by the Council of the decision appealed against.

Conclusion

This is necessarily a brief guide. It is not a Statement of Law. For this you will need to take legal advice.

Contacts

- (i) Licensing team:
 - email: licensing@merton.gov.uk
 - Tel: 020 8545 4005/3929
- (ii) Meeting arrangements - Democratic Services:
 - email: democratic.services@merton.gov.uk
 - Tel: 020 8545 3616
- (iii) All press contacts - Merton's Press office:
 - email: press@merton.gov.uk
 - Tel: 020 8545 3181
- (iv) London Borough of Merton:
 - Address: Civic Centre, London Road, Morden, SM4 5DX
 - Tel: 020 8274 4901

Useful links

- Merton Council's Web site: <http://www.merton.gov.uk>
- Licensing Act 2003
<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>
- Guidance issued by the secretary of State for Culture Media and Sport
http://www.culture.gov.uk/Reference_library/Publications/archive_2004/guidance_issued_under_section_182_of_the_licensing_act_2003.htm
- Regulations issued by the Secretary of State for Culture, Media and Sport
http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/lic_act_reg.htm
- Merton's Statement of Licensing policy
<http://www.merton.gov.uk/licensing/>
- Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- <http://www.merton.gov.uk/legal.htm>
- This disclaimer also applies to any links provided here.

[Insert name and address of relevant licensing authority and its reference number (optional).]

**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 **SHELL UK OIL PRODUCTS LIMITED**

(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			
SHELL PEPYS CORNER WORPLE ROAD RAYNES PARK			
Post town	LONDON	Postcode	SW20 8RE

Telephone number at premises (if any)	0208 944 9990
Non-domestic rateable value of premises	£ AS PER TELEPHONE CONVERSATION WITH CASPER BATES ON 15TH OCTOBER 2014, BAND C WILL APPLY AS THE PROPERTY CANNOT BE LOCATED IN THE VOA REGISTER.

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 please complete section (B)
- ii. as a partnership 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:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal 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 SHELL UK OIL PRODUCTS LIMITED
Address SHELL CENTRE LONDON SE1 7NA
Registered number (where applicable) 3625633
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any) 0207 934 1234
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
1	9	1	1	2	0	1	4

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)

PLEASE SEE ATTACHED OVERVIEW.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 4)		
Thur								
Fri						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 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
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 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri						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 5)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur								
Fri						<u>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</u> (please read guidance note 5)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			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 2)	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 3)		
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 4)		
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 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) THE PROVISION OF HOT DRINKS ONLY.					
Mon	23.00	05.00						
Tue	23.00	05.00						
Wed	23.00	05.00				<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	05.00						
Fri	23.00	05.00						
Sat	23.00	05.00				<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 5)		
Sun	23.00	5.00						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name SELVACHSOTHY ANANDASOTHY	
Address 20 CLARENCE AVENUE NEW MALDEN SURREY	
Postcode	KT3 3ED
Personal licence number (if known) PA0516	
Issuing licensing authority (if known) KINGSTON UPON THAMES	

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 8).

NONE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

PLEASE SEE ATTACHED SHEET.

b) The prevention of crime and disorder

PLEASE SEE ATTACHED SHEET.

c) Public safety

PLEASE SEE ATTACHED SHEET.

d) The prevention of public nuisance

PLEASE SEE ATTACHED SHEET.

e) The protection of children from harm

PLEASE SEE ATTACHED SHEET.

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.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Stoement pp. Lockett & Co</i>
Date	20 TH OCTOBER 2014.
Capacity	DULY AUTHORISED AGENTS.

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **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 13) SARA CLEMENT (LICENSING MANAGER) LOCKETT HOUSE 13 CHURCH STREET			
Post town	KIDDERMINSTER	Postcode	DY10 2AH
Telephone number (if any)	01562 864488		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) sara@lockett.uk.com			

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. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Section M Describe the steps you intend to take to promote the four licensing objectives:

a) General-all four licensing objectives (b, c, d, e)

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits will be located behind the counter.

b) The prevention of crime and disorder.

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

c) Public Safety.

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

d) Prevention of public nuisance.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

e) The protection of children from harm.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits will be located behind the counter.

Consent of individual to being specified as premises supervisor
I, Selvachsothy Anandasothy

.....
[full name of prospective premises supervisor]

of 20, Clarence Avenue New Malden Surrey. KT3 3ED.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

..... Premises Licence. - SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISE
[type of application]

by SHELL UK OIL PRODUCTS LIMITED
[name of applicant]

relating to a premises licence: [number of existing licence, if any]

or..... Shell Pepys Corner, WORPLE ROAD, RAUNES PARK, LONDON, SW20 8RE
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by: SHELL UK OIL PRODUCTS LIMITED
[name of applicant]

concerning the supply of alcohol at:

..... Shell pepys Corner Worpel Road, London, SW20 8RE

.....
[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number: PA 0516 [insert personal licence number, if any]

Personal licence issuing authority: KINGSTON UPON THAMES
QUINTALL 2, HIGH STREET KINGSTON UPON THAMES,
KT1 1EU (0208 547 8002)

[Insert name and address and telephone number of personal licence issuing authority, if any]

Signed S. Selvachsothy

Name (please print) MR. A. SELWACHSOOTHY

Dated 18/9/14

Date of Birth 13/10/1968

Place of Birth SRI LANKA.

PUBLIC NOTICE OF AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

Notice is hereby given that an application was made to **LONDON BOROUGH OF MERTON** for a premises licence under the above Act on the **21ST OCTOBER 2014**

Applicant: **SHELL UK OIL PRODUCTS LIMITED**

Address of premises: **SHELL PEPYS CORNER
WORPLE ROAD
RAYNES PARK
LONDON, SW20 8RE.**

Proposed licensable activities:

**SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES
PROVISION OF LATE NIGHT REFRESHMENT**

Proposed days and hours of licensable activity:

	EVERY DAY
ALCOHOL SALES	00.00 TO 24.00
PROVISION OF LATE NIGHT REFRESHMENT	23.00 TO 05.00

The postal address of the Licensing Authority where the register is kept and the application may be inspected is:

***LONDON BROUGH OF MERTON, 14TH FLOOR,
MERTON CIVIC CENTRE, LONDON ROAD, MORDEN,
SM4 5DX.**

Any person wishing to make representations on this matter shall give notice, in writing, stating the nature and grounds for making such representations to The Licensing Officer at the above address* within 28 days of the date of this notice – by the **18TH NOVEMBER 2014**. Further information is available by visiting the web site www.merton.gov.uk .

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application and the maximum fine on summary conviction of such an offence is £5000.

Lockett & Co – duly authorised agents

Convenience Store Overview.

This is a well-established convenience store site traded by Shell UK Oil Products Limited but operated by Selvasothy Jayapiragas. There are 6 pumps located on the forecourt. There are no facilities on site for the maintenance and/or sale of motor vehicles.

The Convenience Store.

The convenience store has a retail area of approximately 860 sq ft. The purpose built store has been designed to serve both the local community along with passing trade. The convenience store operates 24 hours per day, seven days per week under the company's own format. The store stocks a range of fresh foods and dairy produce, groceries and other domestic products and also offers 'express' lunch facilities. In addition dry fuel products such as BBQ charcoal/kindling/logs are available. Off sales are a standard and expected feature of the convenience store service.

Security.

The internal and external digital CCTV system benefits from a recorder with 31 day image retention. Recordings can be made available to Police and other enforcement agencies as needed. The convenience store operates at closed door policy between the hours of Midnight and 05.00 hours seven days per week with all service taking place through the night hatch.

The Operation.

The convenience store is operated by the Manager, assisted by a team of full and part time staff. The Designated Premises Supervisor, is trained and certified through an accredited scheme and is responsible for training all staff-utilising the Lockett & Co Due Diligence pack-and keeping complete training records. The Challenge 25 trading initiative is used supported by the refusals system with records kept in the Refusals Log.

The following two pages provide an overview of the content of the Lockett & Co Due Diligence package.

LOCKETT & CO DUE DILIGENCE PACKAGE OVERVIEW

Lockett & Co will provide each licensed site with a complete due diligence package to consisting of the following material:

1. A Premises Licence Manual:

The manual consists of all the relevant information and guidance the licence holder would require relating to the premises licence and the requirements under the Licensing Act 2003. There is a location within the manual to store Part A of the premises licence and instruction provided regarding the requirement of the Section 57 notice and Part B Summary being displayed.

2. Staff Training Manual:

This manual is designed to enable the licence holder to undertake regular in house staff training relating to alcohol and age restricted products to ensure that all staff members including any new members of staff understand their legal duties and what the requirements are under the Licensing Act 2003 for alcohol and age restricted products and the penalties that may be applicable if the law is not adhered to.

3. Premises Refusals Log:

The log is to enable all staff to record all details of any refused sales to customers (for example if they are underage, do not have any ID, etc). The log allows all refusals to be kept in one place and provides the detailed information that is required under the Licensing Act 2003, which can then be produced at any time upon request to the Police, Trading Standards or other relevant officer to ensure that staff has been compliant with the requirements. This log is also signed off by the relevant DPS or site manager on a regular basis to ensure compliance.

4. Premises Incident Log:

The log is to enable staff to record any incidents that occur at the premises (for example theft, non-payment for goods, drive offs, acts of aggression or violence, etc).

5. Refusals Cards Alcohol:

The cards are for the staff members serving customers to give out to the customer when they are refused service when trying to purchase alcohol, telling them why they were refused. The use of the card can assist in reducing potential confrontation.

6. Refusals Cards Age Restricted:

The cards are for the staff members serving customers to give out to a customer when they are refused service for age restricted products, telling them why they were refused. The use if the card can assist in reducing potential confrontation.

7. U 25 Drink Awareness Badges:

The badges are for staff members to wear on their uniform, to identify to customers that they will be requesting ID from anyone who appears to be under the age of 25 when purchasing alcohol and age restricted products.

8. U 25 Drink Awareness Posters (per set A3, A4 & A2):

The posters are provided for the premises licence holder as a set of four to display in and around the premise, the four posters are as follows: 1. Advises that anyone who appears to be under the age of 25 will be asked for ID when purchasing alcohol, 2. Advises it is an offence to purchase or attempt to purchase alcohol on behalf of anyone who is under the age of 18. 3. Advises that it is a criminal offence to buy alcohol on behalf of a child. 4. Advises that anyone who appears to be under the age of 25 will be asked to produce ID when buying any age restricted product.

9. Tobacco Posters

The posters are for the premises licence holder to display on or near to the cigarette gantry that it is illegal to sell tobacco products to anyone under the age of 18. The poster meets the legislative requirements that the retailer must display in respect of tobacco sales.

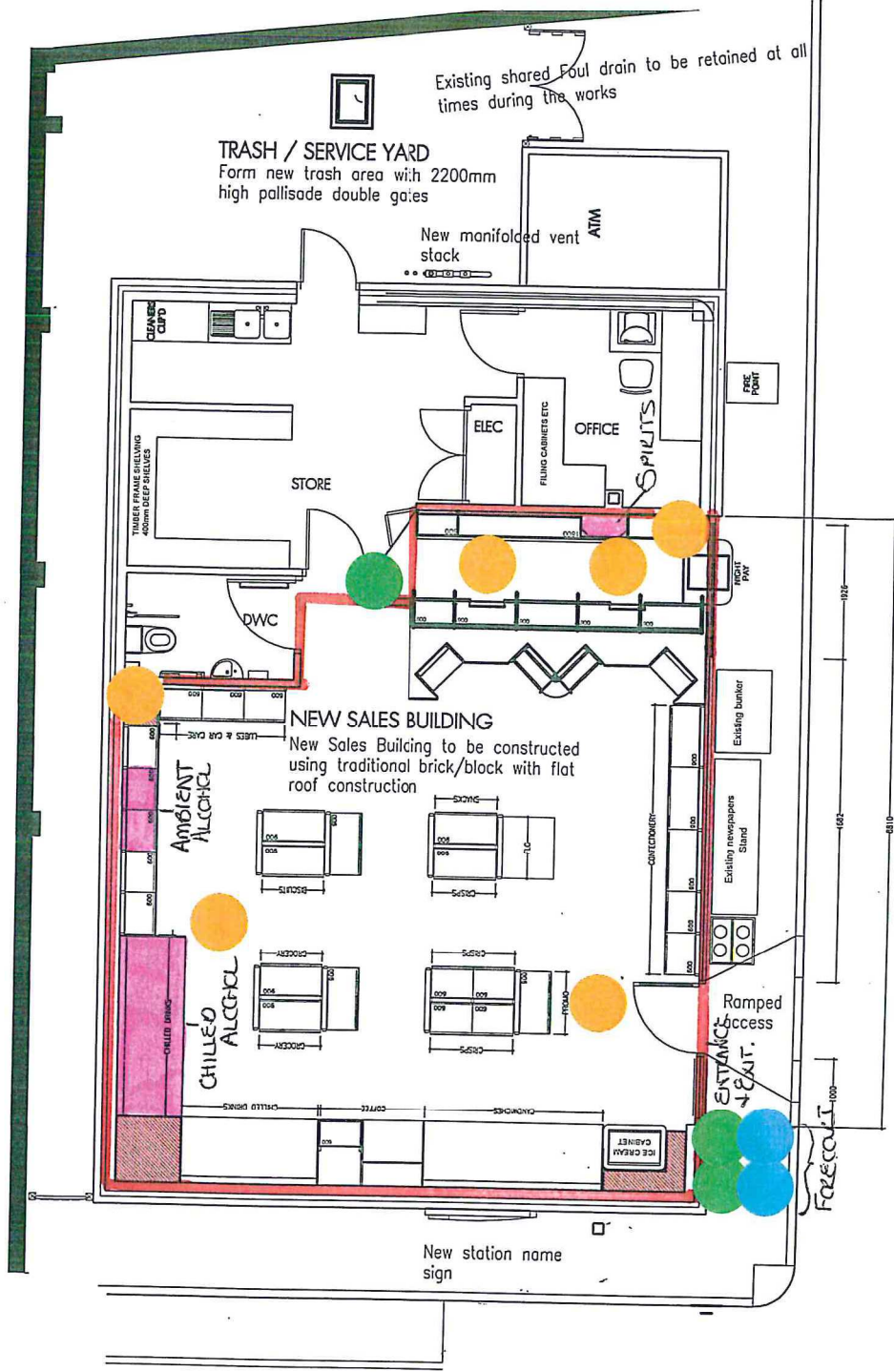
10. Staff Guide to Selling Alcohol and Age Restricted Products Booklet:

The small booklet is provided to each member of staff at the premises and is distributed to them as part of their in house training, it is designed as an easy guide for staff members to refer to regarding their responsibilities with regard to the sale of alcohol and age restricted products.

Please note: Any legislative changes will be advised to the premises licence holder the changes will also be updated within the material provided to each site as and when it is required.

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Shell Pepys Corner
 Worple Road
 London
 SW20 8RE



Date: October 2014
 Scale: 1:100

Key:

- Area licensed for sale of alcohol for consumption off the premise and the provision of late night refreshment (LNR).
- Fire extinguisher.
- CCTV.
- Fire bucket.

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The Licensing Department
The London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

**VW - Merton Borough
VW - Wimbledon Police Station**

Wimbledon Police Station
15-23 Queens Road
London
SW19 8NN
Telephone: 07795665925
Facsimile:
Email:
Peter.Sparham@met.pnn.police.uk
www.met.police.uk

Your ref:
Our ref:
18 November 2014

Dear Sir

**Re:- Application for a Premises Licence - Shell Pepys Corner, Worple Road,
Raynes Park. SW20 8RE**

On 6th November 2014 an application was received from Lockett & Co Retail, Licensing and Training Consultants on behalf of Shell UK Oil Products Limited for a premises licence under the Licensing Act 2003.

The application can be summarised as follows:-

Late Night Refreshment	Monday to Sunday 2300-0500
Supply of Alcohol	Monday to Sunday 0000-2400
Hours premises are open to the public	Monday to Sunday 0000-2400

Police wish to make representations to the application on two of the four licensing objectives :-

**The Prevention of Crime and Disorder
Public Nuisance**

These premises are situated on a busy route into and out of Wimbledon in close proximity to residential housing. Any increase in vehicular or pedestrian will clearly have the potential to impact on the local area in terms of noise and nuisance.

Shell operate a number of service stations in Merton. A search of crime indices between 18th November 2013 and 18th November 2014 revealed 117 allegations of crime associated with Shell. Shell Pepys Road accounted for 22 of these allegations. The vast majority of these crimes are in relation to the offence of Making Off Without Payment. The extension of hours at this location is likely to add to these statistics unless appropriately conditioned.

Conclusion

Shell can be deemed to be a responsible operator, however it is still felt that additional issues will arise from them. A number of options are therefore suggested as follows:-

1. Refuse the application

If the licence is granted a number of conditions are suggested:-

2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

4. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

5. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).

6. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.

7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service.

8. No less than 2 members of staff will be employed at the premises at all times.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Sparham', with a stylized flourish at the end.

Peter Sparham

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Licensing sub-committee Report and Notice of Hearing

Subject of hearing: **Bineet Stationers, 237 London Road, CR4 3NH**

Date: **18th December 2014**

Time: **10:00**

Venue: **Council Chamber**

Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX

Date of issue of this notice: **3 December 2014**

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

1.1 The premises are not in the special policy area.

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 Review of premises licence: s52

(i) To modify the conditions of the licence

(ii) To exclude a licensable activity from the scope of the licence

(iii) To remove the designated premises supervisor

(iv) To suspend the licence for a period not exceeding three months

(v) To revoke the licence.

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 Head of Civic and Legal Services will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer comments

5.1 This matter arises from test purchasing for underage sales of alcohol at the premises, leading to the Police calling for a review of the premises licence.

- 5.2 The licensable activities permitted by the premises licence are alcohol sales off the premises, Monday to Sunday 06:00 to 23:00.
- 5.3 The following statutory consultees have replied to this application but have not made a representation: Health and Safety.

For enquiries about this hearing please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
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:

Applicant
Metropolitan Police
License Holder
Mrs N Patel
Statutory Authorities
LB Merton Licensing Team
LB Merton Trading Standards
LB Merton Public Health Team

Rights of parties to the hearing

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. You should notify us if you wish to be represented or assisted in this way on the accompanying response form.

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to

- a) respond to any points of clarification detailed in the Notice of Hearing;
- b) if given permission by the sub-committee hearing this matter, ask questions of other parties; and
- c) address the sub-committee

If you do not attend the hearing the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Alternatively you can send an email to democratic.services@merton.gov.uk with the relevant information.

A copy of the procedure to be followed at the hearing is attached.

A guide to licensing hearings in Merton is attached

Procedure to be followed at the hearing

This document forms part of the notice of hearing

Regulations referred to in this procedure are reproduced under Note ⁽³⁾ at the end of the procedure

1. Declarations of Interest.
2. Welcome by Chair of the Licensing sub-committee and outline of the order of proceedings.
3. The Chair will advise parties⁽¹⁾ that the proceedings are being recorded.
4. The papers before the sub-committee comprise this Notice of Hearing and any applications, notices or representations and include:
 - The application
 - Representations and notices
 - List of parties to the hearing
5. Points which the authority has raised in the Notice of Hearing as points on which it will be seeking clarification
6. Comments of Licensing Officers on any factual or technical aspects of the application, notices or representations
7. Any other relevant matters and requirements
8. The Chair will ask parties if they are satisfied with the accuracy of the papers issued and the sub-committee will resolve any issues on this point.
9. The Chair will ask officers and parties if there are any other procedural points to deal with and these will be resolved before proceeding.
10. The Licensing Officer will advise the hearing if any representations or notices have been withdrawn since the issue of the Notice of Hearing.
11. The Chair will advise parties that if they introduce new documentary or other information in support of their application, notice or representation the consent of other parties to the consideration by the sub-committee of such information will be sought.
12. The sub-committee will consider, under regulation 22, requests from parties made under Regulation 8(2) for other persons to be permitted to appear before the hearing.
13. The sub-committee will determine the order in which parties (other than the applicant) will be heard and so advise those present.
14. The Chair will advise the parties that they have no rights to question persons appearing under the provisions of regulations 8(2) and 22 and that their right to question other parties can only be exercised with the permission of the sub-committee. The Chair will also advise the parties that under regulation 23 cross-examination is not allowed unless the sub-committee feels that this is required for it to consider the matters before it. If parties wish to put questions to other parties or persons appearing under the provisions of regulations 8(2) or 22 they should seek the permission of the sub-committee and direct such questioning via the chair.

15. Applicant

- i) The applicant will be asked if there is anything they wish to add to or clarify about their application
- ii) The applicant will address the points for clarification raised by the authority in the Notice of Hearing
- iii) Persons appearing under regulations 8(2) and 22 as notified by the applicant will address the hearing
- iv) If the sub-committee considers it necessary it may allow other parties to put questions to the applicant and persons appearing under the provisions of regulations 8(2) and 22 notified by the applicant who have addressed the hearing
- v) The sub-committee members will put any questions to the applicant and persons appearing under the provisions of regulations 8(2) and 22 notified by the applicant who have addressed the hearing
- vi) The applicant will be asked if they have any further points arising from points raised in questioning

16. Other parties⁽²⁾

- i) The party (party A) will be asked if there is anything they wish to add to or clarify about their representation or notice
- ii) Party A will address the points for clarification raised by the authority in the Notice of Hearing
- iii) Persons appearing under regulations 8(2) and 22 as notified by the Party A to address the hearing
- iv) If the sub-committee considers it necessary it may allow the applicant to put questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
- v) If the sub-committee considers it necessary it may allow other parties to put questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
- vi) The sub-committee members will put any questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
- vii) Party A will be asked if they have any further points arising from points raised in questioning

17. Repeat above stage for each subsequent party.

18. Licensing Officer to be asked if they have any comments

19. Other parties close by summarising their points.

20. Applicant closes by summarising their points.

21. The Chair will then ask the sub-committee's licensing and legal adviser if there are any further matters to be considered prior to a determination being made. If there are such other matters they will then be disposed of as appropriate.

22. If the sub-committee is not going to determine the application at the conclusion of the hearing it will so advise those present and inform them of the date and time that

their determination will be made in public. Determinations must be made in accordance with the provisions of regulation 26.

23. If the sub-committee feels that it needs to go into private session to discuss any issues with its legal adviser it will advise those present that it will resume in public session at the conclusion of any such discussion when the advice it has received from its legal adviser will be read into the public record of the meeting.
24. At the conclusion of any private session the sub-committee will return to public session and the legal adviser will inform the hearing of any advice given in private session.
25. In cases where the sub-committee is not going to make its determination at the conclusion of the hearing it will then adjourn the meeting to a specified date and time. In all other cases it will discuss and determine the matter before it.
26. The Chair will advise parties to the hearing that they will be notified in writing of the determination, thank the parties for their attendance and close the meeting.

Where this procedure is silent the sub-committee may make such arrangements as necessary to ensure the rights of parties to hearings and for the proper discharge of its duties under the Licensing Act 2003 and any guidance or regulations issued by the Secretary of State.

Notes

¹ Regulation 15 allows parties to be represented or assisted at the hearing by any person whether or not that person is legally qualified. Any reference to a party in this order of procedure should be taken to include a reference to a person assisting or representing a party.

² Similar objections will be grouped together as far as possible and a common spokesperson sought. The regulations treat each objector as a party in their own right. If they do not agree to being grouped they will be treated as an individual party.

³Extracts from the regulations:

8.—(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating—

- (a) whether he intends to attend or be represented at the hearing;
- (b) whether he considers a hearing to be unnecessary.

(2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-

examination is required for it to consider the representations, application or notice as the case may require.

26.—(1) In the case of a hearing under—

(c) section 105(2)(a) (counter notice following police objection to temporary event notice),

(d) section 167(5)(a) (review of premises licence following closure order),

the authority must make its determination at the conclusion of the hearing.

(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

London Borough of Merton



**LICENSING COMMITTEE HEARINGS
A BRIEF GUIDE**

Merton Civic & Legal Services
October 2005

Introduction

The following pages of this booklet contain guidance on hearings of Licensing Applications by the Council's Licensing Sub-Committee. It is a guide only and not a statement of the law.

The law is to be found in

- 1 Licensing Act 2003
- 2 The Licensing Act 2003 (Hearings) Regulations 2005
- 3 Guidance issued under Section 182 of the Licensing Act 2003

Notice of Hearing

This booklet normally accompanies a "Notice of Hearing" as we are required by law to give you certain information with the Notice of Hearing.

Timing of Hearing

On arrival you may find that you may have to wait until the Committee can deal with the application you are interested in. This is because the Committee may have to deal with other applications on the same day. Committee is called to sit at the published time. There are different applications or items on the Committee agenda. The Committee may take the items in the order that is most efficient for managing that day's applications. You should therefore ensure that you are there in time for the beginning of the Committee Meeting as published.

The Committee Meeting is a public meeting. You are therefore entitled to remain in the Committee room when other applications are being dealt with. If you remain you will see other parties participating in the hearing. Unless it is a hearing that you are interested in, you may not participate although you may feel that you can contribute in that application as well. You can only participate in the hearing if you are a "party".

The Licensing Sub-Committee

Licensing Hearings take place before a Licensing sub-committee of the Council. There are three members of the sub-committee, a chairperson and two others. Also sitting with the Committee (but not part of the committee) will be the Committee Clerk and a Legal Officer who advises the committee on legal issues. Only these two and any trainees are allowed to adjourn with the committee.

Various persons may also be in the committee room in an official capacity. Where the police have submitted representations they will be in the room as a party. They are not part of the committee. Where the Council's Environmental Health Service have submitted representations they will be in the room but as a party not as part of the committee. Finally an officer from the Council's Children's Department may be present. They will not be part of the Committee either.

A Licensing Officer is usually present. The Licensing Officer would have received the application and processed it to ensure that fees have been paid and that it was properly advertised. The Licensing Office is also the office that receives representations and decides if they are in order. The Licensing Officer may be asked to speak at the committee. The Licensing Officer is not part of the Committee and will not retire with the Committee.

5.4 Attending A Licensing Hearing

Your Rights as a “Party”

You have the right:-

- To attend the Hearing
- To be assisted or represented by any person (whether or not the person is legally qualified)
- To address the sub-committee
- To question any party to the hearing (with the permission of the sub-committee)
- To give clarification of any issue on which advance notice of the need for clarification has been given
- To bring a witness or witnesses

Attending The Hearing (Parties)

You do not have to attend the Hearing. Where in response to the Notice of Hearing you have informed us that you do not intend to attend the hearing, then the hearing may proceed in your absence.

Where in response to the notice of hearing you say nothing about attending and you do not attend or are not represented the Committee may do one of the following:-

- hold the hearing in your absence
- adjourn the hearing to a specified date but only where the Committee consider it to be in the public interest.

5.5 Procedure To Be Followed At The Hearing

The hearing will take place in public. This means that anyone whether or not they are parties to the hearing are entitled to be at the meeting and to hear all the information. The Committee is allowed to exclude the public from all or part of a hearing. This will be where the Committee considers that the public interest in excluding the public outweighs the public interest in the hearing taking part in public. If you believe that this exception to public hearing applies to you, you may ask the Committee to consider exercising this power.

The committee will explain the procedure but a written version is included with the notice of hearing. Unless required by law to do it differently the committee is allowed to devise it's own procedures.

5.6 The Hearing As A Discussion

The Hearing is intended to be a discussion between the Committee and all the parties. In order to make it an orderly discussion some element of formality exists. Consequently there will be an order in which the hearing will follow. The Committee Chair will explain the order.

During the hearing the procedure is controlled by the Chair. Whilst the Chair will ensure that parties observe the procedure he or she may have to be firm in moving the hearing on to ensure that it proceeds at a pace that enables it to be dealt with within the time allocated. In particular the Chair may have to be strict in respect of ensuring that questions to witnesses keep to the issues. The committee may also put reasonable time limits on submissions.

When an application is received by us a number of persons are allowed to make “representations”. This includes residents, the police, the Environmental Health Service and the Area Child Protection Committee. Those who have made representations are called “parties”.

The Law allows the applicant (the person applying for the Licence) to have discussions with any of these parties before the hearing – this can lead to an agreed way of dealing with concerns relevant to the parties. (For instance, if Environmental Health is concerned about noise the applicant may offer to fit a noise limiter).

When you attend the hearing you may therefore find that some representations have been withdrawn. Where representations are withdrawn this will usually be because the person making the representations has been given satisfaction about how their concerns will be dealt with. For instance the LSCB (Local safeguarding children board) may have concerns about the welfare of children. The applicant may then agree to accept a condition to the license dealing with this concern and this may lead to a withdrawal of that representation.

The first thing that the Committee will do is to find out what representations have been withdrawn so that the Committee only concentrates on outstanding issues.

You must remember that as far as the law is concerned the applicant is entitled to do what they want with their business from a licensing point of view unless their business will offend against the four “licensing objectives” of:-

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Promotion of Public Safety

Although these objectives are intended for the benefits of residents and businesses, various statutory bodies are given responsibility for those objectives and it is expected that they will make representations if those objectives are under threat. These statutory bodies are called “Responsible Authorities”

The Responsible Authorities are as follows:-

- The Chief Officer of Police
- The Local Fire Authority
- The Local Enforcement Agency for Health & Safety At Work Act 1974
- The Local Authority with Responsibility for Environmental Health
- The Local Planning Authority
- Another Licensing Authority
- A Body Representing Those Interested In The Protection Of Children And Recognised By The Council (Local safeguarding children board, LSCB)

The Guidance issued by central government advises that as a matter of practice the committee should seek to focus the hearing on the steps needed to promote the licensing objective which gave rise to the hearing. If your representations or application does not show how these four licensing objectives are affected, promoted or effected, then it is not likely to persuade the Committee.

The hearing will probably be in two distinct parts. The first part is where the application and representations are made. The first part ends when the Committee retires to consider the evidence.

The second part of the hearing is when the Committee returns. The main purpose of the second part is to allow the parties to be told what legal advice (if any) has been received during the deliberations in private. The Committee will then announce their decision.

This is then the end of the hearing. The decision will be communicated to the parties in writing.

The Committee will then move on to consider the next application (if any).

5.7 Appeal

There is a right of appeal to the Magistrates Court. You need to take legal advice on which Magistrates Court to go to. The appeal has to be lodged with the Magistrates Court within a period of 21 days beginning on the day you were notified by the Council of the decision appealed against.

5.8 Conclusion

This is necessarily a brief guide. It is not a Statement of Law – for this you will need to take legal advice.

Contacts

- a) Licensing team:
 - email: licensing@merton.gov.uk
 - Tel: 020 8545 4005/3929
- b) Meeting arrangements - Democratic Services:
 - email: democratic.services@merton.gov.uk
 - Tel: 020 8545 3616
- c) All press contacts - Merton's Press office:
 - email: press@merton.gov.uk
 - Tel: 020 8545 3181
- d) London Borough of Merton:
 - Address: Civic Centre, London Road, Morden, SM4 5DX
 - Tel: 020 8274 4901

Useful links

- Merton Council's Web site: <http://www.merton.gov.uk>
- Licensing Act 2003
<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>
- Guidance issued by the secretary of State for Culture Media and Sport
http://www.culture.gov.uk/Reference_library/Publications/archive_2004/guidance_issued_under_section_182_of_the_licensing_act_2003.htm
- Regulations issued by the Secretary of State for Culture, Media and Sport
http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/lic_act_reg.htm
- Merton's Statement of Licensing policy
<http://www.merton.gov.uk/licensing/>
- Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- <http://www.merton.gov.uk/legal.htm>
- This disclaimer also applies to any links provided here.

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Application for the review of a premises licence or club premises certificate 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 Sgt Peter Sparham on behalf of the Commissioner of the Metropolitan Police
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bineet Stationers 237 London Road	
Post town Mitcham	Post code (if known) CR4 3NH

Name of premises licence holder or club holding club premises certificate (if known) Mrs Nipa Patel

Number of premises licence or club premises certificate (if known) NPL 2007 554

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sgt Peter Sparham Wimbledon Police Station 15 Queens Road Wimbledon SW19 8NN
Telephone number (if any) 07795 665925
E-mail address (optional) Peter.Sparham@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The Sale of Alcohol to an underage person

Breach of the Mandatory Age Verification Policy

Please provide as much information as possible to support the application
(please read guidance note 2)

On 19th/20th September 2014 a London wide operation was carried out with a focus on licensed premises. As part of that operation a series test purchases were carried out across Merton.

In recent months there have been a number of complaints regarding Anti Social Behaviour in and around the Mitcham Town Centre. As a result prior to this operation the premises had been visited and advised regarding the responsible sale of alcohol.

On 20th September 2014 Volunteer Police Cadets (VPCC) were deployed to these premises. They were able to purchase one(1) bottle of WKD and one(1) bottle of Smirnoff.

At no point were the underage persons asked their age or required to provide proof of age.

There is a proven link between alcohol and disorder, this is exacerbated by unscrupulous selling amongst traders. Police regularly receive complaints from local residents regarding underage persons ability to obtain alcohol and the resultant effects in terms of Crime and Disorder and Public Nuisance.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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

If you have made representations before relating to this premises please state what they were and when you made them

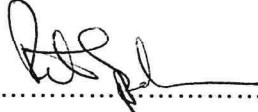
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 23¹⁰ 14

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003

Part A Premises licence

Premises licence number

NPL 2007 554

Part 1 - Premises details

Name of premises in whose name this licence is granted and relevant postal address

BINEET STATIONERS

Address

**237 LONDON ROAD
MITCHAM
CR4 3NH**

Telephone number

0208 687 1709

Dates where the licence is time limited

NOT APPLICABLE

Premises opening hours

MONDAY TO SUNDAY 06:00 - 23:00

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

Off the premises

Any adult entertainment services, activities or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

NONE

Licensable activities and permitted times authorised by the licence

Supply of Alcohol Off the premises

Monday to Sunday 06:00 - 23:00

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Part 2

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

**Mrs Nipa PATEL
237 London Road
Mitcham
Surrey CR4 3NH**

0208 687 1709

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

None

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

**Mrs Nipa PATEL
237 London Road
Mitcham
Surrey CR4 3NH
0208 687 1709**

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

**LONDON BOROUGH OF MERTON
LN 2006 1347**

Annex 1

Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is 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.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2

Conditions consistent with the Operating Schedule

NONE

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PREMISES LICENCE REVIEW: BINEET STATIONERS, 237 LONDON ROAD, MITCHAM CR4 3NH

The licensing authority in its capacity as a responsible authority wishes to make a representation in support of the above review application on the grounds that the licensing objectives of the protection of children from harm, crime and disorder and public nuisance have been adversely affected in this case.

The review has been sought by Sergeant Peter Sparham, the licensing sergeant at Wimbledon Police Station, following a failed test purchase, during which alcohol was sold to an underage person. Clearly, the sale of alcohol to a person under the age of 18 undermines the licensing objective of the protection for children from harm. Also, notwithstanding the fact that such a sale constitutes a criminal offence, the consumption of alcohol by people under the age of 18 often occurs on the street, increasing the risk of crime and disorder, notably through anti-social behaviour. It should also be noted that Mitcham Town Centre has recently been identified by the police as a place where street drinking has become an issue with both local residents and themselves. There can be little doubt that the sale of alcohol to underage persons is also likely to add to this problem, creating public nuisance issues as a consequence.

As part of a joint police and local authority initiative to deal with the problem of street drinking in Mitcham town centre, I visited this premises with Sergeant Sparham on Wednesday 17 September 2014, during which visit the issue of street drinking was discussed with a view to reducing the sale of high strength beers and ciders. Further, whereas the issue of sale of alcohol to underage persons was not specifically discussed during this visit, the issue of public nuisance caused by street drinking was. It should be noted that the failed test purchase conducted by the police took place on 20 September 2014, just three days after the visit to the premises by two regulatory bodies. This clearly raises the issue of not only failing to comply with the law regarding underage sales of alcohol specifically, but also of failing to uphold the licensing objectives in general.

The Licensing Act 2003 places the responsibility of compliance with the terms and conditions of a premises licence on all those responsible for the conduct of licensable activities, including the premises licence holder. Clearly there has been a failure to adhere to this responsibility in this case.

Yours sincerely



Stephen Beedell

Licensing Officer

Regulatory Services Partnership

London Boroughs of Merton and Richmond upon Thames

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From: Kay Eilbert
Sent: 09 November 2014 11:02
To: Licensing
Cc: Amy Potter
Subject: Bineet Stationers

As a Responsible Authority in Merton, I would like to support Sgt Peter Sparham's application on behalf of the Metropolitan Police for a review of the license for

Bineet Stationers

On the grounds of

- protection of children from harm
- prevention of crime and disorder and

Underage sale of alcohol and tobacco products to a minor is illegal

I am especially concerned that the retailer is in an area associated with street drinkers and in spite of two visits by Sgt Sparham to encourage responsible retailing, the shop continues to sell high strength alcohol and now has been found to sell alcohol to an underage person with no questions asked.

Regards,

Kay

Dr Kay W Eilbert
Director of Public Health
London Borough of Merton
Civic Centre London Road
London SM4 5DX
020 85454836
07792672283

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ENVIRONMENT AND REGENERATION DEPARTMENT

Chris Lee- Director

Mr Barry Croft
Licencing Manager
Merton Civic Centre
Morden
Surrey
SM4 5DX

Public Protection & Development Division
Commercial & Trading Standards Service
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Direct Line: 020 8545 4098
Fax: 020 8545 4025
My Ref : wk.201407517
Please Ask For: S.Fletcher
Your Ref:
Date: 01 December 2014

Dear Sir

Application for the review of

Mrs Nipa Patel

Trading as Bineet Stationers, 237 London Road, Mitcham, CR4 3NH

London Borough of Merton's Trading Standards Section has received an application for the above premises and would like to support the review dated 23rd October 2014 by Peter Sparham, The Police Licensing Officer.

Information sourced from M3 indicates Bineet/Shreeji News history.

Since 2007, the above has received TWO complaints regarding cigarettes being sold to youths. Worksheets 200907499 & 20071867 refers. As a result of these complaints a visit and test purchases would have been conducted. No sale

Since April 2007, T.Stds have conducted eleven visits, which in terms of Age restricted products consists of

Oct. 2013 Test Purchase of cigarettes, resulting in no sale

Aug. 2012 Age Restriction Advice Pack and guidance

Jul. 2011 Test Purchase of cigarettes and alcohol, resulting in no sale

Jan 2011 Test Purchase of cigarettes, resulting in no sale

Oct.2012 Age Restriction Advice Pack and guidance

Sept. 2010 Age restriction Advice Pack and guidance

Sept.2009 Test Purchase of cigarettes, resulting in no sale

Apr.2008 Age restriction Advice Pack and guidance.

Apr. 2007 Test Purchase of cigarettes, resulting in no sale

The summary/history of Shreeji News indicates that despite five test purchase attempts since 2007 the retailer has not sold to the Test Purchasers used by LB Merton's Trading Standards Service. The retailer has received three Age Restricted packs as well as being advised regarding "chewing tobacco"

Trading Standards, working along side The Metropolitan Police are committed to preventing the sale of age restricted products to young people.

Despite publicity of under-age sales prosecutions and regular advice given by Trading Standards and The Police, age restricted products are still being sold to young persons under 18 who cannot legally buy such products. The sale of such products to minors is contributable to crime and disorder, poor health, youth annoyance and anti-social behaviour.

Therefore The London Borough of Merton's Trading Standards Section has considerable concerns about this application on the basis of the following licensing objectives-

- a. The prevention of crime and disorder
- b. The prevention of public nuisance, and
- c. The protection children from harm.

I hope that this representation will assist the Sub-Committee when considering this matter.

Yours faithfully

S.Fletcher

Stewart Fletcher
Technical Officer. Enforcement
Merton's Trading Standards Service
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E Mail stewart.fletcher@merton.gov.uk

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Peter Sparham** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff 35/184432**.....

This statement (consisting of: **4**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am currently employed as a police licensing officer for the London Borough of Merton, I have been in this role for approximately 10 years. I have been a police officer for 29 years and a Sergeant since 1996.

This witness statement is intended to assist the licensing sub-committee when considering the application to Review the premises licence of Bineet Stationers, 237 London Road, Mitcham. CR4 3NH.

Bineet Stationers is a small shop situated in a parade of shops on London Road, Mitcham, It is a short distance from the Mitcham Town Centre.

In the past 18 months police have responded to a significant increase in anti-social behaviour in Mitcham Sector, in particular around the Mitcham Town Centre and Figges Marsh area. Incidents covering the whole spectrum of anti-social behaviour have been experienced. Local residents have complained to the local policing team that the area is covered with dropped alcohol containers, the smell of urine and drunken persons lying slumped on the ground and benches in and around the Town Centre.

With this problem in mind I have visited a number of "off licence" premises in order to encourage responsible sales and warn of the risks to the businesses.

On 14th August 2014 I visited Bineet Stationers and spoke to a man who identified himself as Sunny Patel, he was working alone in the shop. Mr Patel did not speak English very well but appeared to understand what was being said in respect of responsible retailing. I was able to communicate with Mr Patel to the extent that he was able to produce the Part A of the premises licence and also the refusals register held at the premises. I noted that the last entry in this register was 15th February 2014.

On 17th September 2014 a joint visit Mr Steve Beedell, Licensing Officer from the London Borough of Merton was conducted. On this occasion I spoke to a man who gave his name as Jay Patel. Once more, the aim of the visit was aimed at responsible retailing and anti-social behaviour within Mitcham Town Centre. The sale of high strength beers and ciders was discussed with a view to reducing associated street drinking and public nuisance. We also spoke about the possibility of an agreement between shops to limit high strength alcohol.

Signature: Signature witnessed by:

Continuation of Statement of **Peter Sparham**

On 20th September 2014 a test purchase operation was carried out using Metropolitan Police Volunteer Police Cadets (MPVPC). On this occasion the cadets ranged from 14 to 16 in age. The cadets were fully briefed and deployed in pairs into the premises. The area and premises targeted were predominantly in Mitcham Town Centre and included shops and Betting Offices.

At approximately 5pm a 14 year old male and a 16 year old female cadet were deployed to make a test purchase at Bineet Stationers. They were able to purchase one(1) bottle of WKD and one(1) bottle of Smirnoff. Following the purchase the cadets left the premises. I was informed of the result, I therefore visited the premises in company with SC 5103VW Williams. I had been informed that the cadets had been served by an Asian male. Upon entry to the premises I recognised the male behind the counter as Sunny Patel, who I had previously spoken to on 14th August, he was the only person behind the counter. I attempted to explain the purpose of my visit, however it became apparent that he had insufficient grasp of English for the service of a Penalty Notice.

Whilst speaking to Mr Patel another male came into the shop from the rear of the premises. This male I know as Mr Jay Patel as I had previously spoken to him 3 days earlier. I explained to him the purpose of my visit and he took over service behind the counter whilst myself and SC 5103VW Williams attempted to speak to Mr Sunny Patel. At this point I noticed a white male aged approximately 50 years old enter the shop, he was very unkempt in his appearance with a florid complexion, he appeared to be unsteady on his feet, I interpreted this as his having been drinking. He selected a single can of "K" cider and went to the counter and was served by Mr Jay Patel. At no point was he challenged.

Conclusion

It is clear that the management at the premises do not take heed of advice, this can be seen that despite advice regarding responsible retailing sales have still been made, whether that be underage or other vulnerable persons. The police have carefully considered whether the imposition of conditions would remedy the situation, this is questionable. All options are open to the Licensing Sub-Committee however it is asked that the imposition of the following conditions be considered:-

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

Signature: Signature witnessed by:

Continuation of Statement of **Peter Sparham**

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

3. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

4. No single cans of beer or cider shall be sold at the premises.

5. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).

6. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.

7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

Signature: Signature witnessed by:

Continuation of Statement of **Peter Sparham**

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Signature: Signature witnessed by:

Witness contact details

Home address: **Wimbledon Police Station**

Postcode: **SW19 8NN**

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PS 10VW 35/184432 Peter Sparham** Station: **Wimbledon**

Time and place statement taken:

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

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Statement of

Siobhán McDonagh

Age if under 18

0/18

(if over 18 insert 'over 18')

Occupation

Member of Parliament

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature



Date

8/10/2014

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am the above named person and can be contacted via my constituency office. I am the Member of Parliament for Mitcham and Morden and have been so since 1997. This statement relates to complaints I receive with regards to street drinking and anti-social behaviour in MITCHAM TOWN CENTRE. In the last year I have started to get more complaints from residents regarding the town centre. The complaints centre around groups hanging around and drinking from early morning until night time. Often I hear they are fighting with one another or becoming aggressive. Also their going to the toilet in the street. These complaints concentrate on areas around MITCHAM PARK GREEN and THREE KWAS PIECE. It is normally focused on men, though sometimes women, often of Eastern European origin and usually older, not young people. A lot of the complaints don't just focus on their behaviour but also on the litter and rubbish they leave behind which makes the

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Continuation of Statement of Siobhian McDonagh


area appear untidy and less inviting which is part of a negative spiral for the area. I am of the opinion this has been exacerbated by a reduction in visible policing in the town centre. In addition the decline and number and variety of shops, providing more space for the drinkers to meet. This in turn leads to fewer people wanting to shop in the town centre, giving the drinkers even more space. Also, other nearby town centres have taken a more aggressive attitude in dealing with this issue; both moving people on and providing more outreach services. Due to this I believe Mitcham became a soft spot for them to congregate and drink. I personally feel the people of Mitcham are very tolerant and put up with more than others would do so there hasn't been a concerted campaign against persistent street drinking. This has led to those who do complain being made to feel as if they're exaggerating. The negative spiral I mentioned before has a large impact, the behaviour and actions of persistent street drinkers can intimidate residents which puts them off from coming to the town centre. This combined with the rubbish and image this generates of the town centre puts off residents which in turn impacts local businesses. This has led to those with the financial means to move away do so, again having a negative impact on businesses and the local community. I recently conducted a survey that showed 30% of people

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Signature witnessed by _____

Continuation of Statement of Siobhian McDonagh

responding said street drinking was the thing they liked least about living in Mitcham. The general anger towards this issue was highlighted by over 200 residents coming to a meeting on a Saturday where this was discussed and that it not an easy thing to organise, so it really shows the strength of feeling. I have attached some correspondence from residents detailing their concerns about street drinking and the associated problems and how it impacts the community and their quality of life. One issue that highlights is that residents don't want their children exposed to this behaviour and its negative consequences; seeing people fighting in the street, going to the toilet in public, aggressive begging and generally making the area intimidating and uninviting. I am happy to support the application for Anti-Social Behaviour Orders in relation to the street drinkers and am willing to attend court if necessary.

Signature 

Signature witnessed by _____

WITNESS STATEMENT

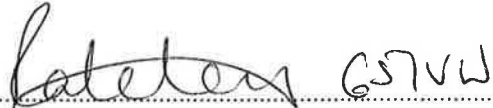
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC 651VW** URN:

01	VW		
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 203930**

This statement (consisting of: **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 20/09/14

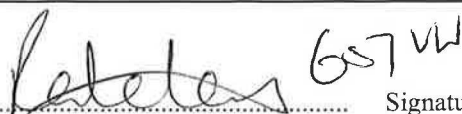
Tick if witness evidence is visually recorded (supply witness details on rear)

This statement relates to a Volunteer Police Cadets led test purchasing operation held in MITCHAM, on SATURDAY 20 SEPTEMBER 2014, with Cadet Staff PC 342VW Tim Mann and myself, and PS 10VW SPARHAM and SC 5103VW WILLIAMS, and a team of VOLUNTEER POLICE CADETS aged 14 - 16. During this operation, a number of off licences and premises were visited, and some sales of alcohol were made.

On SATURDAY 20 SEPTEMBER 2014 I was on duty with PC 342VW MANN, both in plain clothes, posted as Cadet Staff to supervise the Cadets and assist in observing visits to each premises. PS SPARHAM and SC WILLIAMS were in full uniform. The Cadets were in plain clothes.

The unit paraded at WIMBLEDON POLICE STATION, where the Cadets were briefed with PS SPARHAM. Full colour photos were taken of the Cadets by PC MANN, who are referred to by single letter designation A- G, to preserve anonymity. Using provided transport (an unmarked minibus), we commenced the operation at 3pm, CAD 6418 refers. We travelled to various locations around the borough.

At about 5pm, I went into BENNEETS OFF LICENCE LONDON ROAD MITCHAM. Cadets F & A then entered the store. There was one male behind the counter, no other staff. He was of Indian appearance. I was standing by the Cadets. Cadet F placed a bottle of WKD and a bottle of Smirnoff on the counter, and some sweets. The staff did not challenge in any way or ask their age, or for any identification. He placed the bottles in a black carrier bag with the sweets and took payment. The Cadets left the shop. We then followed. We re-grouped nearby at the minibus, where I informed PS SPARHAM and SC WILLIAMS about what had happened. I then returned to the shop with the officers, where facts of the incident were relayed.

Signature:  Signature witnessed by:

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