

## Licensing Sub-Committee Report

Subject of hearing: **Robert Fruit & Veg, 2 Upper Green East, Mitcham, CR4 2PA**

Date **21 May 2024**

Time: **10.30am**

Venue: **Virtual Meeting**

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

1.1.1. The premises is within the Mitcham Cumulative Impact Zone and as such section 9 of the Council's Statement of Licensing Policy would need to be considered.

### **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 appropriate 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.

#### **Hearing papers**

2.4 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundles together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing.

### **3. Legal advice to the sub-committee**

3.1 A legal officer appointed by the Assistant Director of Corporate Governance and Head of Legal Services will attend the hearing to advise the sub-committee on statutory provision and legal matters.

### **4. Licensing Officer comments**

4.1 This is an application for a new premises licence, for a premises described in the application as a family business selling ethnic products, fruit and vegetables.

4.2 The premises is within the Mitcham Cumulative Impact Zone and as such section 9 of the Council's Statement of Licensing Policy would need to be considered.

- 4.3 The applicant has applied for the supply of alcohol for consumption off the premises, Monday to Sunday – 06:00 to 23:00.
- 4.4 The opening hours are stated in the application as Monday to Sunday 06:00 to 23:00.
- 4.5 The application sets out steps, written as conditions that the Applicant will take to promote the four licensing objectives within the cumulative impact zone. Conditions could be attached to the licence should the Sub-Committee decide to grant the application, in addition to any additional conditions the Sub-Committee believe appropriate for the promotion of the Licensing Objectives.
- 4.6 Conditions on the application form:
- 5 h and 5 k would seem to contradict.
  - 6 a and b don't give much detail regarding what the incident book would be recording. The refusals book – condition 4 – could be incorporated with this.
- 4.7 One representation regarding this application was received, from the Metropolitan Police. We are aware that there has been correspondence between the parties but are not aware of any agreements at the time of writing.
- 4.8 For ease, the conditions that the applicant has stated in the application to promote the licensing objectives and we believe can be turned into conditions on the licence are included as an annex to this report. The Sub-Committee may choose to form some conditions on the licence from these and or create their own should they decide to grant the licence.

**For enquiries about this hearing please contact**

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# 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:

<b>Applicant</b>	
Arumugathevan Nanthakumar	
<b>Statutory Authorities</b>	
Metropolitan Police	
<b>Interested Parties</b>	
None	

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