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Merton Council

Licensing Sub-Committee

13 April 2022

Supplementary agenda

4 Helen's Jolly Shop, 70 Gorringe Park Avenue, Mitcham, CR4 1 - 22
2DG

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Agenda Item 4

Dear Richard

Thank you.

I will be attending the meeting.

The agent has contacted me with amendments to their application (attached) 9am -10pm Monday to Sunday plus information about a previous off licence that operated in a neighbouring property which has been converted to housing of which there's a family link. When the off licence was in operation in Gorringe Park Avenue, street drinking was not a major issue. However, sadly, it is now.

In terms of the 4 criteria for refusal.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

All 4 have some bearing to my concern but prevention of public nuisance is my greatest concern, particularly since police resources are limited.

I mentioned in a previous email my concern about nearby Streatham Road parade of shops where we have a major problem with street drinkers and their debris which is a constant nuisance and a matter the Locations Board frequently have to target as a hot spot.

The original application was to sell alcohol from 6.30 in the morning. Why this would be necessary is beyond me but it is the same applicant making an adjustment probably because of opposition.

Gorringe Park Avenue is a residential area with a successful fish and chip shop and Chinese take-away plus the newly reopened grocery store, which is where this licence is applied for.

The sale of alcohol in this road is likely to attract a similar problem to that in Streatham Road. It is also close to Figges Marsh where we already have significant anti-social behaviour and drink debris to deal with.

Selling alcohol is a way for small businesses to make money. However, we have a Lidl and Tesco in both London Road and Streatham Road plus many other outlets selling alcohol already, there is no need for a further outlet.

For these reasons, I would be grateful if this application for a licence to sell alcohol is turned down and no further premises in Graveney ward are given permission.

Kind regards

Linda

Good morning Councillor Kirby

Further to my email below, can I ask if you have considered the information and whether or not you may reconsider your representation? I am clearly trying to avoid the matter being determined by the Licensing Sub Committee and to enable my client to trade under the premises licence and in accordance with its times and conditions.

A further point to mention to you regarding this application, is that the premises next door at number 72 used to have a premises licence. Those premises were managed by the Aunt of my client. The Aunt still owns number 72, she also owns the shop at number 70, which is being managed by my client.

The premises licence for number 72 was surrendered by the Aunt, who believed the licence could be transferred to number 70 (which is obviously not how licensing works). Hence the new application.

I am trying to obtain further information about the previous premises licence at number 72 (times / conditions etc) as I suspect those permissions were in excess of what is being applied for by my client.

As per my previous email, I would welcome a discussion with you if you would like anything clarified.

I look forward to hearing from you.

Kind regards

Frank

Frank Fender
FJF Licensing Consultants

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FJF Licensing Consultants

----- Original Message -----

Subject:Fwd: RE: New premises licence application - Helen's Jolly Shop WK/202216980

Date:2022-03-18 2:15 pm

From:Frank Fender

To: Linda Kirby

Good afternoon Councillor Kirby

I am the Licensing Consultant who submitted the application for a new premises licence for Helen's Jolly Shop in Gorringe Park Avenue, on behalf of the shop owner.

I have been forwarded your representation by the Council's Licensing Team. This is the only representation to the application.

I am emailing you to make you aware of the discussions that took place between the Metropolitan Police and myself (on behalf of the applicant) in respect of the application. Those discussions resulted in the times for the sale of alcohol being amended (to 0900hrs to 2200hrs each day) and additional conditions being added to the premises licence, if granted.

Many of the agreed conditions are designed to ensure that there will be no negative impact on the licensing objectives should these premises sell alcohol. The additional measures tighten some of the measures originally proposed in the application, and other additional measures effectively remove the preferred drinks of street drinkers from the premises.

For example, the following additional measures have been agreed:

No beers, lagers or ciders above 6% ABV (alcohol by volume) shall be sold at the premises.

No single cans or bottles of beer, lager or cider shall be sold at the premises.

No spirits shall be sold in bottles of less than 20cl (centilitres).

All spirits must be displayed behind the counter and all other alcohol must be displayed in clear line of sight of the counter.

All displays of alcohol must be specifically covered by CCTV at all times.

A maximum of 20% of the retail display space may be used for the display of alcohol at any time.

All alcohol not on display will be stored in a lockable store.

The premises will actively engage with and work with the local Police Team and the Police and Council Licensing Teams.

These measures will, as I am sure you are aware, become conditions attached to the premises licence where a failure to comply can lead to prosecution and revocation of the licence.

Your representation will mean that the application will be determined by the Licensing Sub Committee at a date and time to be arranged. However, if your representation was withdrawn, the hearing would not be necessary and the licence can be granted under delegated authority.

I respectfully ask that you look at the agreed additional measures in full (attached to this email) and if you feel reassured, I would ask that consideration be given to withdrawing your representation, thereby negating the requirement for the hearing.

I believe in dialogue and mediation where possible. I would be happy to answer any questions you may have, or to clarify anything within my email. My contact details are as per this email.

I look forward to hearing from you.

Kind regards

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----- Original Message -----

Subject:RE: New premises licence application - Helen's Jolly Shop WK/202216980
Date:2022-03-18 1:34 pm
From:Elizabeth Macdonald
To:Frank Fender

Good Afternoon

We have one representation from a Councillor. As you will be aware, this premises is within a special policy area as per section 9 of our Licensing Policy. <https://www.merton.gov.uk/business-and-consumers/licences/licensing-policy>

I have attached the rep for your information.

Yours faithfully

Elizabeth Macdonald

Licensing Officer

Regulatory Services Partnership

Serving the London Boroughs of Merton, Richmond upon Thames and Wandsworth

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From: Frank Fender
Sent: 18 March 2022 10:08
To: Elizabeth Macdonald
Subject: Re: New premises licence application - Helen's Jolly Shop WK/202216980

Good morning Elizabeth

The last date for reps for this application was yesterday. Can you advise if there have been any representations please - obviously I am aware of the withdrawn rep from the police after agreeing additional conditions, but I wonder if any more have been received.

I look forward to hearing from you.

Kind regards

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On 2022-03-03 9:29 am, Elizabeth Macdonald wrote:

Good Morning

Thank you very much for sending this through. I have attached this proof of publication to the application file.

Regards

Elizabeth Macdonald

Licensing Officer

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From: Frank Fender

Sent: 01 March 2022 17:40

To: Elizabeth Macdonald

Subject: Re: New premises licence application - Helen's Jolly Shop WK/202216980

Good evening Elizabeth

Please find attached a scanned copy of the newspaper notice which has been published as required under the Licensing Act in respect of the application for a new premises licence for Helens Jolly Shop. A certificate of insertion is also attached.

Please confirm this is acceptable as proof of publication.

Kind regards

Frank

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On 2022-02-25 3:38 pm, Elizabeth Macdonald wrote:

Dear Mr Fender

Licensing Act 2003

HELEN JOLLY SHOP, 70 Gorringe Park Avenue, Mitcham

I refer to the application you submitted on behalf of your client Sai Ram Trading Ltd for a premises licence for the above premises.

Date of receipt: 17 February 2022

End of consultation period: 17 March 2022

Please can you send us photographic evidence of the notice(s) displayed at the premises (blue paper) showing that it/they are prominently displayed, making sure that one of the photos can be clearly read.

Also a copy of the newspaper advert, showing the newspaper and date of publication (copy of the front page).

I look forward to receiving these documents.

Yours sincerely

Elizabeth Macdonald

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From: Frank Fender <frank@fjlicensingolutions.co.uk>

Sent: 17 February 2022 09:26

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

Subject: New premises licence application - Helen's Jolly Shop

Dear Licensing

Please find attached an application for a new premises licence for premises known as Helen's Jolly Shop, 70 Gorrington Park Avenue, Mitcham CR4 2DG.

I will call the number provided below to make payment of the £190 application fee during your office hours.

A copy of the public notice is also attached for your information, and will be displayed and published as required by the Licensing Act 2003.

If there are any issues in respect of this submission, please advise me at the earliest opportunity.

Kind regards

Frank

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To:Frank Fender

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

New Premises Licence Application – Helen’s Jolly Shop, 70 Gorringe Park Avenue, Mitcham, CR4 2DG

Summary of the application:

Premises Licence Holder: Sai Ram Trading Ltd

Proposed Designated Premises Supervisor: Jeyatharsiny Sivakumar

Licensable Activities Applied For:

Sale of alcohol for consumption OFF the premises from 09:00hrs to 22.00hrs Monday to Sunday.

Opening hours of the premises from 06:30hrs to 22.00hrs Monday to Sunday.

Steps to promote the licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Staff engaged in the sale of alcohol will be trained in respect of their legal and social responsibilities when doing so. They will also be trained in respect of the premises licence and any conditions contained therein.

The premises licence holder shall maintain a record of all staff training at the premises, and shall produce such records for inspection by the police or authorised officers of the licensing authority upon request.

b) The prevention of crime and disorder

CCTV shall be installed at the premises and will cover the area inside the shop and the area immediately outside the front of the premises. It shall be capable of taking a ‘head and shoulders’ image of persons entering the shop and recorded images will be retained for a minimum period of 31 days.

CCTV shall be in operation whenever the premises are open to the public.

A member of staff who is capable of downloading images for the police or authorised officers of the licensing authority shall be on duty at all times the premises are open to the public.

Notices shall be displayed in a prominent position at the premises, advising customers that CCTV is in use.

All spirits shall be displayed and stored behind the sale counter.

The premises licence holder, DPS, a personal licence holder or a fully trained member of staff authorised in writing by the DPS shall be present at the premises at all times during the permitted hours for the sale of alcohol.

The premises licence holder shall ensure that a CCTV system is installed in the premises of a standard acceptable to the Metropolitan Police Service. The system shall be maintained in good working order & fully operational covering all internal

areas of the premises to which the public have access and also the area immediately outside the premises. All entry and exit points shall be covered enabling frontal identification (full head and shoulders images), of every person entering the premises in any light condition to an evidential standard.

All staff will be fully trained in the operation of the CCTV system including the ability to download screenshots and images for Police or Authorised Officers on request. A minimum of one such member of staff fully trained in the operation of the CCTV system shall be on duty at all times that the premises are open to the public.

The CCTV system will have the capability to download footage onto a disk or memory stick. The footage of the CCTV system will be retained for a minimum period of 31 days before re-writing itself with the correct date and time showing. Screenshots and CCTV footage will be made available to Police or Authorised Officers immediately upon request.

If the CCTV system is broken the premises licence holder shall notify the Licensing Authority and Police Licensing Team as soon as possible and get the fault rectified as soon as practicable.

The premises licence holder shall ensure that a log is kept in the Incident Book with the details of the dates of all work / repairs carried out on the CCTV system including the name and phone number of the engineer.

On a minimum daily basis the premises licence holder / DPS will check that the CCTV system is operational and the date and time stamp are correctly set and on a minimum of a weekly basis, check that the CCTV system is also correctly recording images for a minimum of 31 days and that screenshots and footage can be correctly downloaded. Details of these checks are to be recorded in the appropriate section of the Incident Book.

An Incident Book shall be kept at the premises and made available to the Police or Authorised Officers, which will record the following:

All crimes reported; Lost property; All ejections of customers; Any complaints received and the outcome; Any incidents of disorder; Any faults in the CCTV; Any refusal in the sale of alcohol; Any visit by a relevant authority or emergency service. Whenever Police are called a CAD number shall be obtained and recorded in the Incident Book.

Appropriate notices shall be clearly displayed by the entry / exit door and behind the counter advising customers:

- 1) That CCTV and the Challenge 25 proof of age policy are in operation;
- 2) Of the provisions of the Licensing Act 2003 regarding underage or proxy sales;
- 3) That no single cans or bottles of beer, lager or cider may be sold in a single transaction;

- 4) Of the permitted (licensed) hours for the sale of alcohol and the opening hours of the shop;
- 5) Asking customers to respect residents, to leave the shop and area quietly, not to loiter or drink outside the shop and to dispose of litter legally;
- 6) That customers may not drink alcohol in the premises;
- 7) That the shop does not buy alcohol or tobacco goods from unsolicited (cold) callers to the premises at any time and that details of any such unsolicited (cold) callers including CCTV images will be passed to the Police.

There shall be no supply of alcohol for consumption off the premises except in sealed containers.

No beers, lagers or ciders above 6% ABV (alcohol by volume) shall be sold at the premises.

No single cans or bottles of beer, lager or cider shall be sold at the premises.

No spirits shall be sold in bottles of less than 20cl (centilitres).

All spirits must be displayed behind the counter and all other alcohol must be displayed in clear line of sight of the counter.

All displays of alcohol must be specifically covered by CCTV at all times.

A maximum of 20% of the retail display space may be used for the display of alcohol at any time.

All alcohol not on display will be stored in a lockable store.

The premises will actively engage with and work with the local Police Team and the Police and Council Licensing Teams.

Invoices or copies of all invoices relating to all alcohol and tobacco goods shall be kept on the premises for at least a year after the date of purchase. Alcohol and tobacco must never be purchased from a cold caller to the shop.

The shop will operate a clear window policy.

c) Public safety

Staff will be trained in respect of the fire risk assessment, evacuation procedures, and the requirements of relevant health and safety legislation.

First aid facilities will be maintained at the premises.

d) The prevention of public nuisance

A notice will be displayed in a prominent position at the exit of the premises, asking customers to respect nearby residents and to leave quietly, not to loiter outside the premises and not to drink alcohol products in the street.

The area immediately in front of the premises shall be kept clean and tidy at all times the premises are open to the public.

No deliveries will be received, or removal of rubbish will take place other than when the premises are open to the public.

Appropriate notices shall be clearly displayed by the entry / exit door and behind the counter. (See Box B Prevention of Crime & Disorder - Condition 4 for full details.)

Management and staff will proactively discourage persons from drinking or loitering outside the shop both by monitoring the CCTV system & physical checks, politely asking persons drinking or loitering outside the shop to leave the area quietly.

The shop front will be kept tidy at all times and shall be swept at close.

No deliveries will be received or removal of rubbish especially glass take place between 20.00 and 08.00 daily.

e) The protection of children from harm

The premises licence holder will adopt a 'Challenge 25' policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age restricted products are asked for proof of their age.

The premises licence holder will prominently display notices advising customers of the 'Challenge 25' policy.

The premises licence holder shall keep a register (either hard copy or electronic copy) of refused sales of all age-restricted products. The refusals register shall be kept on the premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The premises licence holder to ensure that each member of staff authorised to sell alcohol is fully aware of his / her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.

The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.

A written refusals record will be kept as part of the Incident Book and made available to Police or Authorised Officers on request. The refusals record shall contain details of date & time, description of the person attempting to buy the age restricted products & the products that they were attempting to purchase, reasons why the sale was refused and the name and signature of the person refusing the sale. The refusals book is to be examined on a weekly basis by the premises licence holder / DPS and the date and time of each examination is to be endorsed in the book.

Appropriate notices will be displayed by the entry / exit door and behind the counter. (See Box B Prevention of Crime & Disorder - Condition 4 for full details.

All staff will be trained for their role on induction and be given refresher training at minimum intervals of six months thereafter. Training will include the operation of the CCTV system and the Challenge 25 proof of age scheme, including identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, avoiding proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children and vulnerable people.

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