

# Merton Council

## Licensing sub-committee

### Membership

Councillor Chris Edge

Councillor Philip Jones

Councillor David Simpson CBE

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

**Date: 22 November 2013**

**Time: 9.30 am**

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

### Agenda for this meeting

- |   |                                    |         |
|---|------------------------------------|---------|
| 1 | Declarations of Pecuniary Interest |         |
| 2 | Best Wine, SW17 9JR                | 1 - 38  |
| 3 | Morden Food Centre, SM4 5HJ        | 39 - 70 |

### 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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3616.

Press enquiries: [press@merton.gov.uk](mailto: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
    - <sup>(1)</sup> 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.
    - <sup>(1)</sup> Questioning of the party by members
  8. Other parties summarise their points
  9. Applicant summarises their points
  10. <sup>(2)</sup> Legal Officer asked for any comments
  11. <sup>(2)</sup> 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
- <sup>(1)</sup> *Members can ask any question of any party at any time but should normally try to do so at these points.*
- <sup>(2)</sup> *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*



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## Licensing sub-committee Report and Notice of Hearing

Subject of hearing: **Best Wine**

Date: **22 November 2013**

Time: **9.30 am**

Venue: **council chamber**

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

Date of issue of this notice: **1 November 2013**

### **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 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 is an application for a new premises licence to sell alcohol by retail for consumption off the premises only.

5.2 The application seeks to supply alcohol during the following during the following times:-

Monday to Saturday: 08:00 to 02:00:00. Sunday: 10:00 to 02:00.

- 5.3 The proposed opening hours of the premises are as follows:  
Monday to Saturday: 06:00 to 02:00:00. Sunday: 10:00 to 02:00.
- 5.4 Two representations have been received opposing the application, one from a ward councillor the other from the police.
- 5.5 The following statutory consultees have replied to this application but have not made a representation: Fire Brigade, Safeguarding of Children Board, Trading Standards and Health & Safety

**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](mailto: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:

<b>Applicant</b>	
Mr T Ganeshathasan	
<b>Statutory Authorities</b>	
Metropolitan Police	
<b>Interested Parties</b>	
Councillor Linda Kirby	

# 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](mailto: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 <sup>(3)</sup> 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<sup>(1)</sup> 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<sup>(2)</sup>
  - 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**

<sup>1</sup> 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.

<sup>2</sup> 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.

#### **<sup>3</sup>Extracts 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](mailto:licensing@merton.gov.uk)
  - Tel: 020 8545 4005/3929
- (ii) Meeting arrangements - Democratic Services:
  - email: [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)
  - Tel: 020 8545 3616
- (iii) All press contacts - Merton's Press office:
  - email: [press@merton.gov.uk](mailto: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

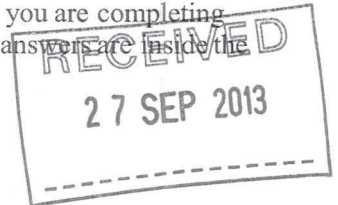
- Merton Council's Web site: <http://www.merton.gov.uk>
- Licensing Act 2003  
<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>
- Guidance issued by the secretary of State for Culture Media and Sport  
[http://www.culture.gov.uk/Reference\\_library/Publications/archive\\_2004/guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_licensing\\_act\\_2003.htm](http://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](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.

WK/201307443

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 MR. THAMOTHARAMPILLAI GANESHATHASAN  
(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			
BEST WINE 23 LONDON ROAD TOOTING LONDON			
Post town	TOOTING.	Postcode	SW17 9JR
Telephone number at premises (if any)	0208 640 4220		
Non-domestic rateable value of premises	£ 6,600/£		

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)

*[Handwritten signature]*  
30/09/13

- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>GANESHATHASAN</b>			First names <b>THAMOTHARAMPILLAI</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<b>72A GORRINGE PARK AVENUE MITCHAM SURREY</b>			
Post town	<b>MITCHAM</b>		Postcode	<b>CR4 2DG</b>	
Daytime contact telephone number			<b>075 3326 2265</b>		
E-mail address (optional)		<b>-</b>			

**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)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
25	10	2013

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)

THIS IS A CONVENIENCE SHOP SITUATED IN 23 LONDON ROAD, Tooting SW17 9JR WITH ALL FACILITIES FOR CONDUCTING LICENSABLE ACTIVITY OF RETAIL SALE OF ALCOHOL. FRONT OF SHOP IS WITH GLASS COVERING AND ENTRANCE BY A SINGLE DOOR. SHOP IS SECURED WITH IRON SHUTTER OPERATED ELECTRICALLY.

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**

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

**B**

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

**C**

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

**D**

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



**E**

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

**F**

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

## G

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

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

**I**

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

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	08.00hrs	02.00hrs						
Tue	08.00hrs	02.00hrs						
Wed	08.00hrs	02.00hrs				<b>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</b> (please read guidance note 5)  ON CHRISTMAS DAY FROM 12.00 to 15.00hrs and 19.00hrs to 02.00hrs.  ON GOOD FRIDAY between 08.00hrs to 02.00hrs.		
Thur	08.00hrs	02.00hrs						
Fri	08.00hrs	02.00hrs						
Sat	08.00hrs	02.00hrs						
Sun	10.00hrs	02.00hrs						

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

Name	MR. THAMOTHARAMPILLAI GANESHATHASAN
Address	72A GORRINGE PARK AVENUE MITCHAM SURREY
Postcode	CR4 2DG.
Personal licence number (if known)	LN 2013 2871
Issuing licensing authority (if known)	LONDON BOROUGH OF MERTON

**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).

SALE OF ALCOHOL BY RETAIL FOR  
CONSUMPTION OF THE PREMISES

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	<b>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</b> (please read guidance note 5)  ON CHRISTMAS DAY FROM 12.00 to 15.00hrs AND 19.00 to 02.00hrs.  ON GOOD FRIDAY BETWEEN 08.00hrs 02.00hrs.
Mon	06.00hrs	02.00hrs	
Tue	06.00hrs	02.00hrs	
Wed	06.00hrs	02.00hrs	
Thur	06.00hrs	02.00hrs	
Fri	06.00hrs	02.00hrs	
Sat	06.00hrs	02.00hrs	
Sun	10.00hrs	02.00hrs	

**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)**

THE ATTACHED PROPOSED OPERATING SCHEDULE SETS OUT CONDITIONS THAT ARE CONCERNED WITH FOUR LICENSING OBJECTIVES. PROPER SUPERVISION, TRAINING OF MANAGEMENT STAFF, SUITABLE PROOF OF AGE SCHEME AND REFUSAL BOOK WILL BE CARRIED OUT AND MAINTAINED IN THE PREMISES. PLEASE SEE ANNEX 'PA'.

**b) The prevention of crime and disorder**

THE PROPOSED OPERATING SCHEDULE WHICH IS ENCLOSED, SETS OUT CONDITIONS WHICH DEAL WITH THE PREVENTION OF CRIME AND DISORDER, PRINCIPALLY THROUGH OPERATION OF CCTV, RESTRICTING THE PERSON SELLING ALCOHOL BY PERSONAL LICENCE HOLDERS, WHO ARE WELL TRAINED AND WILL STRICTLY IMPLEMENT SUITABLE PROOF OF AGE SCHEME AND PROPERLY MAINTAINING REFUSAL BOOK AT THE PREMISES.

**c) Public safety**

THE PROPOSED OPERATING SCHEDULE OUTLINES THE CONDITIONS WHICH DEAL WITH THE PROMOTION OF PUBLIC SAFETY BY WAY EFFECTIVE FIRE PRECAUTIONS AND SAFETY CHECKS. PLEASE SEE ANNEX: 'PC'

**d) The prevention of public nuisance**

THE PROPOSED OPERATING SCHEDULE WHICH IS ATTACHED HERETO SETS OUT CONDITIONS WHICH DEAL WITH THE PREVENTION OF PUBLIC NUISANCE CONCERNING ALL THE AREAS. THE DESIGNATED PREMISES SUPERVISOR WILL MAKE SURE THAT THE AREA IS KEPT CLEAN AND TIDY AND THAT ALL REFUSE ARE DISPOSED OF ACCORDING TO LOCAL REFUSE COLLECTING SYSTEM IN PLACE.

**e) The protection of children from harm**

THE ENCLOSED PROPOSED OPERATING SCHEDULE SETS OUT CONDITIONS THAT TAKE CARE WITH THE PROTECTION OF CHILDREN FROM HARM, PRINCIPALLY OPERATING A PHOTO ID, PROOF OF AGE SCHEME, APPLICATION OF CHALLENGE 25, MAINTAINING REFUSAL BOOK AND THAT ALL SALE OF ALCOHOL WILL BE HANDLED BY WELL TRAINED PERSONAL LICENCE HOLDERS. THE D.P.S WILL TAKE NECESSARY STEPS TO ELIMINATE ANY ATTEMPTS OF PROXY PURCHASE AND WILL STRICTLY IMPLEMENT REQUIREMENT OF PROOF OF APPROVED IDs.

**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	
Date	26/09/13
Capacity	APPLICANT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### ANNEX 'P A'

A CCTV system and Camera has been installed and put in operation with one camera pointing to the cash desk and permanent recording of every reference.

Notice advising that CCTV has been installed shall be visibly displayed in the premises.

The CCTV system will be set to record from the premises are open to the public until the premises close. Such recordings to be made available for inspection by the Police or other statutory authority on demand. Such recordings will be kept for a minimum of thirty days.

The premises will operate a photo ID proof of age scheme. A notice advising that the premises operate a photo ID proof of age scheme shall be visibly displayed. CHALLENGE 25 will be implemented by all staff.

A refusal book shall be maintained, recording refusals of age restricted sales and the reason for refusal. Such refusals book to be made available on demand for inspection by the Police or other relevant statutory agency.

The designated premises supervisor shall subscribe to the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and will always do risk assessment to prevent disorder, anti social behaviours and disturbances by youth or gathering street drinkers.

### ANNEX 'P C'

The Designated Premises Supervisor shall ensure all appropriate steps for compliance with fire safety precautions are carried out, regularly inspected and maintained including the provision of clearly signed fire exits and fire extinguishers along with smoke detectors and fire alarms.

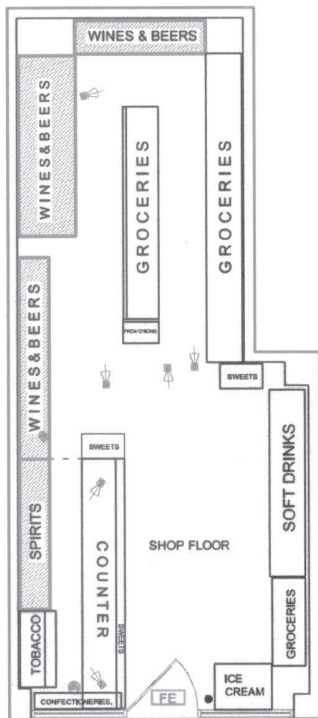
The Designated Premises Supervisor shall keep a record and proof of regular testing and certification of appliances, systems etc pertinent to public safety and these shall be available on demand for inspection by the relevant statutory agencies.



### **PROPOSED OPERATING SCHEDULE**

1. A CCTV will be fully in operation inside with one camera pointing to the cash desk.
2. A notice advising that CCTV has been installed shall be visibly displayed in the premises.
3. The CCTV system will be set to record from the time the premises are open to the public until the premises close. Such recording to be made available for inspection by the police or other statutory authority on demand.
4. Such recording to be kept for a minimum of thirty days.
5. All spirits and tobacco product will be kept behind the counter desk and no customer will be allowed beyond cashier's counter desk. All sale of alcohol which customer requests will be sold to over 18 by well trained cashier.
6. All sales of alcohol will be made by the designated premises supervisor or a personal licence holder.
7. The premises will operate a photo ID proof of age scheme and Challenge 25 will be implemented and notice will be displayed in store visible to all customers.
8. A notice advising that the premises operate a photo ID proof of age scheme shall be visibly displayed.
9. A refusal book shall be maintained, recording refusals of restricted sales and the reasons for refusal. Such refusals book to be made available on demand for inspection by the police or other relevant statutory agency. Designated Premises Supervisor will oversee the records regularly to take appropriate action to prevent further attempt by underage persons buying alcohol.
10. The designated premises supervisor shall subscribe to the Portman Group Code of practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
11. The Designated Premises Supervisor shall ensure all appropriate steps for compliance with fire safety precautions are carried out, regularly inspected and maintained including the provision of clearly signed fire exits and fire extinguishers along with smoke detectors and fire alarms.




12. The Designated Premises Supervisor shall keep a record and proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. Pertinent to public safety and these shall be available on demand for inspection by the relevant statutory agencies.
13. The Designated Premises Supervisor shall ensure that the area outside the premises are kept clean and tidy and all refuse is disposed of according to the local refuse system in place.
14. A notice advising customer to leave the premises in an orderly manner and to be mindful of neighbours to be visibly displayed.
15. To run this Off Licence Premises efficiently and adhere to all rules and regulations pertaining to sale of alcohol, it is assured that all staff will be trained to understand and practice the full extent of Licensing Act 2003 and will hold Personal Licence.



PROPOSED SHOP FLOOR LAYOUT

Key Notes

1. This shop to have external metal shutter with heavy duty professional locks.
2. 24Hour recording with cctv cameras to be fixed as shown on the plan.
3. Fire extinguishers kept in the shop as shown on the plan.
4. Emergency light fixed to the ceiling as shown.

DESCRIPTION	KEY
FIRE EXIT -	FE
EMERGENCY LIGHT -	EL
CCTV CAMERA -	
FIRE EXTINGUISHER -	
ALCOHOLS DISPLAY AREA -	

**TITLE: SHOP FLOOR LAYOUT FOR PREMISES LICENCE**

NAME : BEST WINE

ADDRESS : 23 LONDON ROAD, TOOTING, SW17 9JR



Tel : 079 036 85211  
Fax: 020 8318 9756

Web : www.arccidesigns.com  
Email: admin@arccidesigns.com

Notes:  
 • This Drawing is Copyright of ARCCI DESIGNS and may not be reproduced or copied, in whole or in part, without express permission.  
 • This plan drawn for licensing purposes only. ( Licensing Act 2003)

DATE : 24.09.13

Drg No : AD/13/LON23/OL00

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

**VW - Merton Borough**  
**VR - Morden Police Office**

Wimbledon Police Station  
15-23 Queens Road  
London  
SW19 8NN  
Telephone: 07795665925  
Facsimile:  
Email:  
Peter.Sparham@met.police.uk  
www.met.police.uk  
Your ref:  
Our ref:  
25 October 2013

Dear Sir

**Re:- Application for a Premises Licence under the Licensing Act 2003 - 'Best Wine', 23 London Road, London. SW17 9JR**

On 30th September 2013 an application was received from Mr Thamtharampillai Ganeshathasan for a premises licence under the Licensing Act 2003.

The application can be summarised as follows:-

Supply of Alcohol Monday to Saturday 0800-0200  
Sunday 1000-0200

Hours premises are open to the public  
Monday to Saturday 0800-0200  
Sunday 1000-0200

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

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

This premise is a small convenience type store, which has previously had a premises licence. It is situated in close proximity to Tooting Railway station and has numerous other retail outlets in the vicinity.

The Local Policing Team (LPT) covering Graveney ward have been consulted on this application and make the observation that there are issues in relation to street drinking in this area.

The proposal to operate until 0200 goes beyond normal licensing hours in the area and as a result will be an attraction to those who have already consumed alcohol to excess and are therefore more likely to create issues in the local area.

## Conclusion

This shop has operated with a premises licence in the past 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. Licensable activity to be restricted to midnight rather than 0200.

Yours sincerely,

Peter Sparham

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**From:** Councillor Linda Kirby  
**Sent:** 15 October 2013 11:35  
**To:** Licensing  
**Cc:** Marc Dubet; Ian Murrell; Kay Eilbert; Councillor David Simpson  
**Subject:** 23 LONDON ROAD SW17 97R WK/2013 07443

**Importance:** High

Dear Licensing Committee

As a local councillor who campaigned hard for a controlled drinking zone in Merton because, in Graveney Ward, we have a high level of street drinking and its associated nuisance, I am appalled to see a business wishing to sell alcohol until 2am. Has the world gone completely mad?

As the Chair of the Health and Wellbeing Board, I am working closely with the Director of Public Health to see what we can do about the proliferation of alcohol outlets, betting shops and payday loan sharks in our borough, particularly in Mitcham. I know that we have few teeth on these topics but we're prepared to get campaigning.

I would prefer there to be no further licences to sell alcohol in Graveney Ward but I doubt that will be grounds for refusal. So, on the basis on the high level of alcohol consumption and street drinking already in Graveney ward I wish to strongly object to this application on the grounds of prevention of further crime and disorder; and public nuisance.

Regards

Linda Kirby

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## Licensing sub-committee Report and Notice of Hearing

Subject of hearing: **Morden Food Centre**

Date: **22 November 2013**

Time: **9.30 am**

Venue: **council chamber**

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

Date of issue of this notice: **1 November 2013**

### **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 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 is an application for a new premises licence to sell alcohol by retail for consumption off the premises only.

5.2 The application seeks to supply alcohol during the following during the following times:-

Monday to Saturday: 08:00 to 00:00. Sunday: 09:00 to 23:00.

5.3 The proposed opening hours of the premises are as follows:

Monday to Saturday: 07:00 to 00:00. Sunday: 08:00 to 23:00.

5.4 One representation has been received from the police opposing the application.

The following statutory consultees have replied to this application but have not made a representation: Safeguarding of Children Board, Trading Standards and Health & Safety and Environmental Health.

**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](mailto: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:

<b>Applicant</b>	
Mr I Ulas	
<b>Statutory Authorities</b>	
Metropolitan Police	
<b>Interested Parties</b>	
None	

# 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](mailto: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 <sup>(3)</sup> 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<sup>(1)</sup> 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<sup>(2)</sup>
  - 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**

<sup>1</sup> 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.

<sup>2</sup> 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.

#### **<sup>3</sup>Extracts 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](mailto:licensing@merton.gov.uk)
  - Tel: 020 8545 4005/3929
- (ii) Meeting arrangements - Democratic Services:
  - email: [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)
  - Tel: 020 8545 3616
- (iii) All press contacts - Merton's Press office:
  - email: [press@merton.gov.uk](mailto: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](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](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.



WK/201307737

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 Mr ISMAIL ULAS

(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 MORDEN FOOD CENTRE 17-18 MORDEN COURT PARADE LONDON ROAD			
Post town	MORDEN	Post code	SM4 5HJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick yes

- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname ULAS			First names ISMAIL		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		40 LION ROAD EDMONTON			
Post Town	LONDON			Postcode	N9 9DW
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)  
SUPERMARKET

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 yes**

- 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 entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays, boxing or wrestling entertainment 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 arts (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)		Will the exhibition of films 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 exhibition of films (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)		Please give further details (please read guidance note 3)	
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

State any seasonal variations for indoor sporting events (please read guidance note 4)

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 (please read guidance note 5)

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)		Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (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 dancing (please read guidance note 6)		Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start / Finish	Indoors	Outdoors / Both
Mon		<input type="checkbox"/>	<input type="checkbox"/>
Tue		<input type="checkbox"/>	<input type="checkbox"/>
Wed		<input type="checkbox"/>	<input type="checkbox"/>
Thur		<input type="checkbox"/>	<input type="checkbox"/>
Fri		<input type="checkbox"/>	<input type="checkbox"/>
Sat		<input type="checkbox"/>	<input type="checkbox"/>
Sun		<input type="checkbox"/>	<input type="checkbox"/>

Please give further details here (please read guidance note 3)

State any seasonal variations for the performance of dance (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)

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	Indoors	Outdoors / Both
Mon		<input type="checkbox"/>	<input type="checkbox"/>
Tue		<input type="checkbox"/>	<input type="checkbox"/>
Wed		<input type="checkbox"/>	<input type="checkbox"/>
Thur		<input type="checkbox"/>	<input type="checkbox"/>
Fri		<input type="checkbox"/>	<input type="checkbox"/>
Sat		<input type="checkbox"/>	<input type="checkbox"/>
Sun		<input type="checkbox"/>	<input type="checkbox"/>

Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)

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) please list (please read guidance note 5)

I

Provision of facilities for making music (Standard days and timings (please read guidance note 6))		Please give a description of the facilities for making music you will be providing	
Day	Start / Finish	Indoors	Outdoors / Both
Mon		<input type="checkbox"/>	<input type="checkbox"/>
Tue		<input type="checkbox"/>	<input type="checkbox"/>
Wed		<input type="checkbox"/>	<input type="checkbox"/>
Thur		<input type="checkbox"/>	<input type="checkbox"/>
Fri		<input type="checkbox"/>	<input type="checkbox"/>
Sat		<input type="checkbox"/>	<input type="checkbox"/>
Sun		<input type="checkbox"/>	<input type="checkbox"/>

Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of facilities for making music (please read guidance note 4)

Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)

K

Provision of facilities for late night refreshment (Standard days and timings (please read guidance note 6))		Please give a description of the type of entertainment facility you will be providing	
Day	Start / Finish	Indoors	Outdoors / Both
Mon		<input type="checkbox"/>	<input type="checkbox"/>
Tue		<input type="checkbox"/>	<input type="checkbox"/>
Wed		<input type="checkbox"/>	<input type="checkbox"/>
Thur		<input type="checkbox"/>	<input type="checkbox"/>
Fri		<input type="checkbox"/>	<input type="checkbox"/>
Sat		<input type="checkbox"/>	<input type="checkbox"/>
Sun		<input type="checkbox"/>	<input type="checkbox"/>

Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within (e) or (f) (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (e) or (f) at different times to those listed in the column on the left, please list (please read guidance note 5)

L

Provision of facilities for making music (Standard days and timings (please read guidance note 6))		Please give further details here (please read guidance note 3)	
Day	Start / Finish	Indoors	Outdoors / Both
Mon		<input type="checkbox"/>	<input type="checkbox"/>
Tue		<input type="checkbox"/>	<input type="checkbox"/>
Wed		<input type="checkbox"/>	<input type="checkbox"/>
Thur		<input type="checkbox"/>	<input type="checkbox"/>
Fri		<input type="checkbox"/>	<input type="checkbox"/>
Sat		<input type="checkbox"/>	<input type="checkbox"/>
Sun		<input type="checkbox"/>	<input type="checkbox"/>

Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of late night refreshment (please read guidance note 4)

Non standard timings. Where you intend to use the premises for late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) NONE		
Mon	08:00	00:00			
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00			
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	09:00	23:00			
			<b>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</b> (please read guidance note 5) NONE		

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

<b>Name</b> Mr ISMAIL ULAS
<b>Address</b> 40 LION ROAD EDMONTON LONDON
<b>Postcode</b> N9 9DW
<b>Personal Licence number (if known)</b> LN/201000669
<b>Issuing licensing authority (if known)</b> ENFIELD COUNCIL



**N**

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)

N/A

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) NONE
Day	Start	Finish	<b>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</b> (please read guidance note 5) NONE
Mon	07:00	00:00	
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	00:00	
Sun	08:00	23:00	

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

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

- STAFF TO BE TRAINED REGULARLY ON LICENSING PROVISIONS AND THIS TO BE DOCUMENTED.

**b) The prevention of crime and disorder**

- ALL INSTANCES OF CRIME AND DISORDER SHALL BE REPORTED TO THE POLICE.  
- AN INCIDENT BOOK SHALL BE USED TO RECORD ALL INSTANCES OF PUBLIC DISORDER.  
- CCTV SHALL BE INSTALLED, OPERATED AND MAINTAINED IN AGREEMENT WITH THE POLICE. THE SYSTEM WILL ENABLE FRONTAL IDENTIFICATION OF EVERY PERSON ENTERING THE PREMISES. THE SYSTEM SHALL RECORD IN REAL TIME AND OPERATE WHILST THE PREMISES ARE OPEN FOR LICENSABLE ACTIVITIES. THE RECORDINGS SHALL BE KEPT AVAILABLE FOR A MINIMUM OF 31DAYS. RECORDINGS SHALL BE MADE AVAILABLE TO AN AUTHORISED OFFICER OR A POLICE OFFICER (SUBJECT TO THE DATA PROTECTION ACT 1998) WITHIN 24HRS OF ANY REQUEST.

**c) Public safety**

- TO COMPLY WITH THE FIRE REGULATIONS AND THE PROVISIONS OF THE MANAGEMENT REGULATIONS.  
- MAINTAIN AND CHECK SYSTEMS IN PLACE, SMOKE DETECTORS, FIRE EXTINGUISHERS, EMERGENCY SAFETY LIGHTING AND FIRE ALARMS.

**d) The prevention of public nuisance**

DISCOURAGE NOISE FROM PATRONS ARRIVING AT, QUEUING OR DEPARTING FROM THE PREMISES BY DISPLAYING POLITE NOTICES FOR CUSTOMERS' ATTENTION.

**e) The protection of children from harm**

- THE LICENSEE SHALL ADOPT THE CHALLENGE 25, THE RETAIL OF ALCOHOL STANDARDS GROUP'S ADVICE FOR OFF-LICENSES.  
 - THE LICENSEE SHALL ENSURE THAT STAFF ARE TRAINED ABOUT AGE RESTRICTED PRODUCTS AND ENSURE THAT THEY SIGN TO CONFIRM THAT THEY HAVE UNDERSTOOD THE TRAINING. THE LICENSEE SHALL KEEP RECORDS OF TRAINING AND INSTRUCTION GIVEN TO STAFF.  
 - THE LICENSEE SHALL PUT ARRANGEMENTS IN PLACE TO ENSURE THAT BEFORE SERVING ALCOHOL TO YOUNG PERSONS, STAFF ASK TO SEE ACREDITED PROOF OF AGE CARDS FOR EXAMPLE PROOF OF AGE CARDS CARRYING THE 'PASS' LOGO, A PASSPORT, OR UK DRIVERS LICENCE BEARING THE PHOTOGRAPH AND THE DATE OF BIRTH OF THE BEARER.  
 -THE LICENSEE SHALL REQUIRE STAFF TO NOTE ANY REFUSALS TO SELL TO YOUNG PEOPLE IN A REFUSALS LOG.

Please tick yes

- 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 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 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 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>T. Aey.</i>
Date	30/09/2013
Capacity	AGENT

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	
----------	--

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b>			
MR TURAEI AY ANVA 109 BAWDSEY AVENUE			
<b>Post town</b>	ILFORD	<b>Post code</b>	IG2 7TN
<b>Telephone number (if any)</b>	07710942923		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			
INFO@A-ANVA.CO.UK			

### 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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I MR ISMAIL ULAS  
[full name of prospective premises supervisor]

of 40 LION ROAD  
EDMONTON

LONDON N9 9DW  
[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

NEW PREMISES LICENCE [type of application]

by MR ISMAIL ULAS [name of applicant]

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

for MORDEN FOOD CENTRE

17-18 MORDEN COURT PARADE

LONDON Rd, MORDEN SM4 5HT

[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 MR ISMAIL ULAS [name of applicant]

concerning the supply of alcohol at MORDEN FOOD CENTRE

17-18 MORDEN COURT PARADE,

LONDON Rd, MORDEN SM4 5HT

[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.

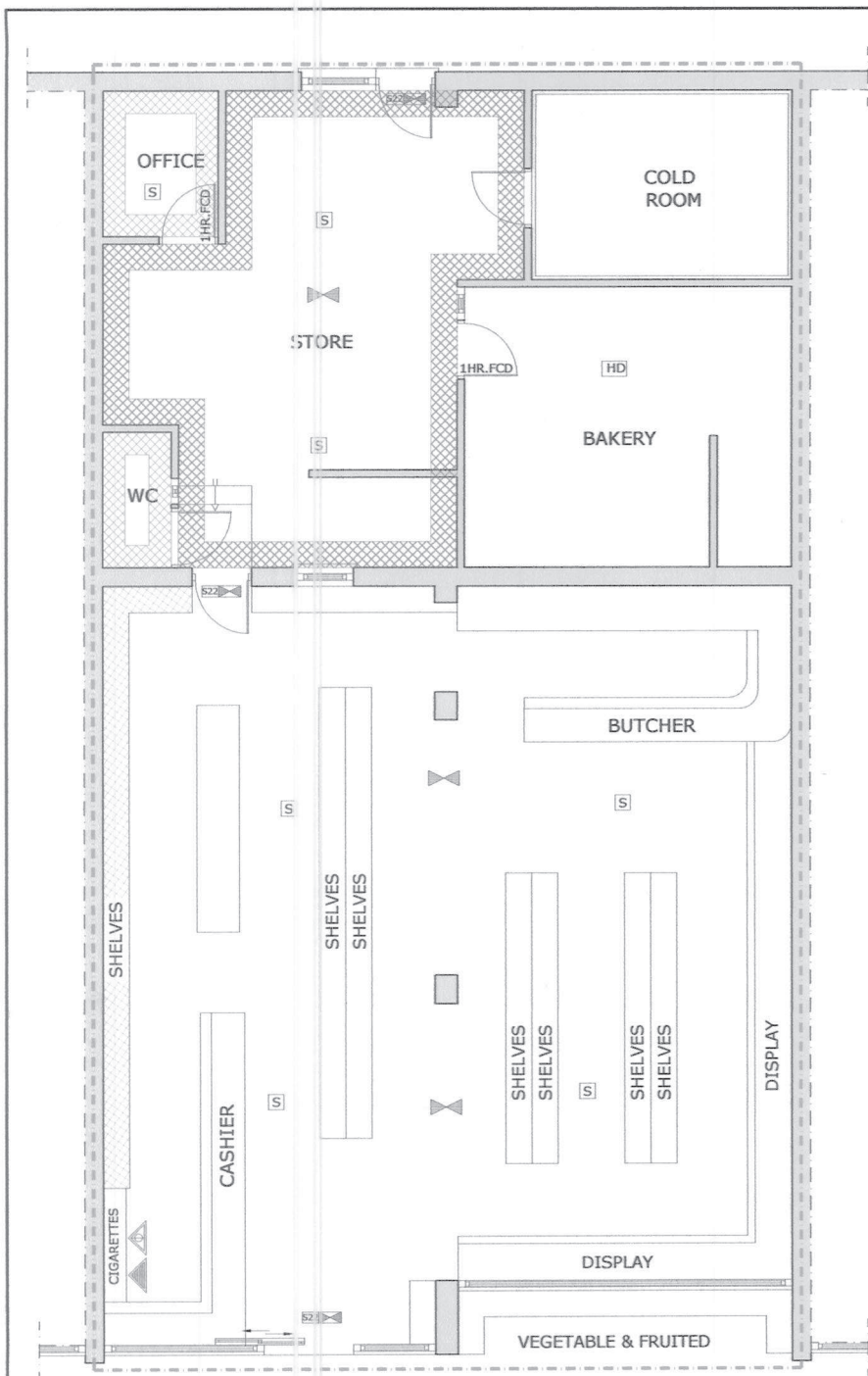
Personal licence number LN/201000669  
[insert personal licence number, if any]

Personal licence issuing authority ENFIELD COUNCIL  
[insert name and address and telephone number of personal licence issuing authority, if any]

[Signature] signed

MR ISMAIL ULAS name (please print)

04/07/2013 dated



**LEGEND**

- SAFETY LIGHTING
- SMOKE DETECTOR
- HEAT DETECTOR
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- WC, PASSAGEWAY, ETC
- DRINKING & REFRESHMENT AREA
- LIQUOR STORAGE
- AMBIT OF LICENSED PREMISES
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER

GROUND FLOOR AREA: 156.40 m<sup>2</sup>

THE CONTENTS OF THIS PLAN INCLUDING THE PRINTED NOTES ARE COPYRIGHT AND REPRODUCTION IN WHOLE OR PART IS NOT PERMITTED WITHOUT PRIOR CONSENT OF ANVA ARCHITECTURAL, ENGINEERING AND LICENSING IN WRITING.

**MORDEN FOOD CENTRE**  
 17-18 MORDEN COURT TRADE  
 LONDON ROAD  
 MORDEN SM4 5HJ

**-GROUND FLOOR PLAN**

SCALE: 1/100

REF. NO : ???/13/01

DATE: MAY 2013

DRG BY: A.AY

**anva** architectural,  
 engineering and licensing

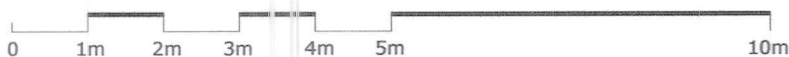
P.O. BOX 1827  
 ILFORD. IG2 7WJ  
 TEL: 020 8599 5036 FAX: 020 8586 4401  
 MOBILE: 077 10942923 / 079 30407212

E-MAIL: info@a-anva.co.uk

**GROUND FLOOR PLAN**

SCALE: 1/100

L O N D O N R O A D





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

**VW - Merton Borough**

Wimbledon Police Station  
15-23 Queens Road  
London  
SW19 8NN

Telephone: 07795665925

Facsimile:

Email:

Peter.Sparham@met.police.uk

www.met.police.uk

Your ref:

Our ref:

27 October 2013

Dear Sir

**Re:- Application for a Premises Licence under the Licensing Act 2003 - Morden Food Centre, 17-18 Morden Court Parade, London Road, Morden. SM4 5HJ**

On 3rd October 2013 an application was received from Mr Ismail Ulas for a premises licence under the Licensing Act 2003.

The application can be summarised as follows:-

Supply of Alcohol Monday to Saturday 0800-0000  
Sunday 0900-2300

Hours premises are open to the public  
Monday to Saturday 0700-0000  
Sunday 0800-2300

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

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

These premises are a privately owned medium sized convenience type store. It is situated in a parade of shops which also contains a number of other premises which are already licensed and operate as shops, restaurants and takeaways.

In recent years Morden Town Centre has suffered from issues in terms of street drinkers and the resultant anti social behaviour, to assist in tackling this, the area has been designated as a dispersal zone. The whole of the London Borough of Merton is also a Controlled Drinking Zone (CDZ).

**Conclusion**

These premises are untested, however it is felt that additional issues will arise from them. A number of options are therefore suggested as follows to assist in reducing the risk:-

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. Outside of the hours authorized for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.



Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Sparham', with a long horizontal line extending to the right.

Peter Sparham

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