

# Merton Council

## Licensing Sub-Committee

### Membership

#### Councillors:

Pauline Cowper

Joan Henry

John Sargeant

A meeting of the Licensing Sub-Committee will be held on:

**Date: 9 February 2016**

**Time: 6.30 pm**

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

#### Agenda for this meeting

- |   |   |         |
|---|---|---------|
| 1 | Appointment of Chair                      |         |
| 2 | Apologies for Absence                     |         |
| 3 | Declarations of Pecuniary Interest        |         |
| 4 | 51 London Road, Tooting, London, SW17 9JR | 1 - 36  |
| 5 | Notice of Determination                   | 37 - 44 |

#### 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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## **Procedure to be followed at Licensing Hearing**

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.  
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Responsible Authorities and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.
16. The Sub Committee will return and re-open for public session.
17. The Chair will invite the Legal Officer to present the advice provided during private session.
18. The Sub-committee's decision will be read out either by the Chair or the Chair will invite the Legal Officer to do so.
19. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing



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## Licensing Sub-Committee Report

Subject of hearing: **51 London Road, Tooting, SW17 9JR**

Date: **9 February 2016**

Time: **18.30 pm**

Venue: **Council Chamber**

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

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

1.1 The premises are in the special policy area which came into force on 6 January 2016

### **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 bundles together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing.

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

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

### **5. Licensing Officer Comments**

5.1 This is a new premises licence application.

5.2 The applicant is applying for the sale of alcohol for consumption off the premises from Monday to Sunday 08:00 to 23:00.

5.3 There are three representations against this application from the Police, Public Health and a Councillor.

**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>	
DG E GD LTD, 51 London Road, Tooting, London, SW17 9JR	
<b>Statutory Authorities</b>	
Metropolitan Police	
LBM Public Health	
<b>Interested Parties</b>	
Councillor Linda Kirby	

## Licensing Act 2003 Notice of Extension of Time Limits

**Date of issue of this notice:** 22 January 2016

**Subject of hearing:** 51 London Road, Tooting, SW17 9JR

The Licensing authority has decided to extend the time limits applying to this matter as follows:

**Date by which a hearing would normally be required to be held:** 28 January 2016

**Period of extension to time limits applying to holding a hearing:** 8 Working Days

**Reasons for extending the time limits:** To allow the authority to make proper arrangements for the application to be considered by a licensing sub-committee.

**For enquiries about this matter please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
Surrey  
SM4 5DX

**Telephone:** 020 8545 3616/3356

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

**Useful documents:**

**Licensing Act 2003**

<http://www.hms.gov.uk/acts/acts2003/20030017.htm>

**Merton's Statement of Licensing policy**

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

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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 DG E GD LTD

*(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

<div style="border: 1px solid black; width: 60%; margin-bottom: 5px;"></div> <p>51 LONDON ROAD</p>			
<b>Post town</b>	TOOTING, MITCHAM	<b>Postcode</b>	SW17 9JR
<b>Telephone number at premises (if any)</b>			
<b>Non-domestic rateable value of premises</b>		£ 190	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *                 | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *            |                                     |                             |
| i. as a limited company                           | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or          | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                              | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                      | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                          | <input type="checkbox"/>            | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<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>					

**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	DG E GD LTD
Address	51 LONDON ROAD TOOTING MITCHAM
Registered number (where applicable)	08124839
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	6	11 2015

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

DD	MM	YYYY

**FOOD SHOP**

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>Will the performance of a play 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 performing plays</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films 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 exhibition of films</b> (please read guidance note 4)		
Thur								
Fri						<b>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</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			Both	<input type="checkbox"/>	<b><u>Please give further details here</u></b> (please read guidance note 3)
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur			<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)		
Fri					
Sat					
Sun					

**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	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
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	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
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

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

## H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment 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"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					



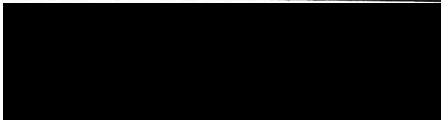
**I**

<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	08:00	23:00						
Tue	08:00	23:00						
Wed	08:00	23:00						
Thur	08:00	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)		
Fri	08:00	23:00						
Sat	08:00	23:00						
Sun	08:00	23:00						

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

Name DOBROSLAV VASILEV	
Address 	
Postcode	E15 3HD
Personal licence number (if known) 11/00832/LAPER	
Issuing licensing authority (if known) NEWHAM COUNCIL	

**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).**

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			State any seasonal <b>variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	
<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)			

**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)**

- Good management
- Training(All staff will receive training for their job an induction and refresher training every six months. Written training records will be kept for each staff member and be signed by the staff member and trainer. They will be available to Police and authorised Council Officers on request every time.)
- Quality CCTV system  
(The staff member will be able to show data if needed.)
- Chalange 18 or 21

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

- Good management
- DPS
- Training
- The premises have installed and maintained a comprehensive CCTV system.All entry and exits on the premises is covered,enabling frontal identification of every person entering in(any light condition).All records shall be stored for a period of 31 days with date and time stamping.

**c) Public safety**

- Emergency lights
- Emergency signs
- Fire extinguishers

**d) The prevention of public nuisance**

- Good management
- Trayning
- The premises staff will be:
- advised customers to respect residents and public nuisance.
- advised customers,not to drink in the street outside the premises

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

- Appropriate notice will be displayed at the point of entry/exit;and point of sale re challenge 21and CCTV being in operation.
- In the premises a proof of age scheme,such as challenge 18/21,shall be operated only acceptable forms of identification,are recognised photographic identification cards,for example:driving licence or passport.In a refusals book(include the date and time of the refused sale,full description on the member of staff who refused that sales) will be keep full detailing information for all refused sales alcohol. If necessary,after refused sale alcohol will be reported on supervisory authority or police officer.
- DPS and Training

**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	[REDACTED]
Date	16/11/2015 [REDACTED]
Capacity	COMPANY DIRECTOR

**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	

[REDACTED]			
IGLIKA L LYUBENOVA 51 LONDON ROAD			
Post town	TOOTING, MITCHAM	Postcode	SW17 9JR
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

SCHEDULE 11  
PART A

London Borough of Merton  
Merton Civic Centre, London Road, Morden SM4 5DX

Consent of individual to being specified as premises supervisor


I Dobroslav Venkov Vasilev .....of  
[full name of prospective premises supervisor]  
  
.....  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in  
relation to the application for Premises Licence .....  
[type of application]

by DG E GD Ltd .....  
[name of applicant]

relating to a premises licence .....for  
51 London Road ,London SW17 9JR  
[number of existing licence, if any]  
[name and address of premises to which the application relates]

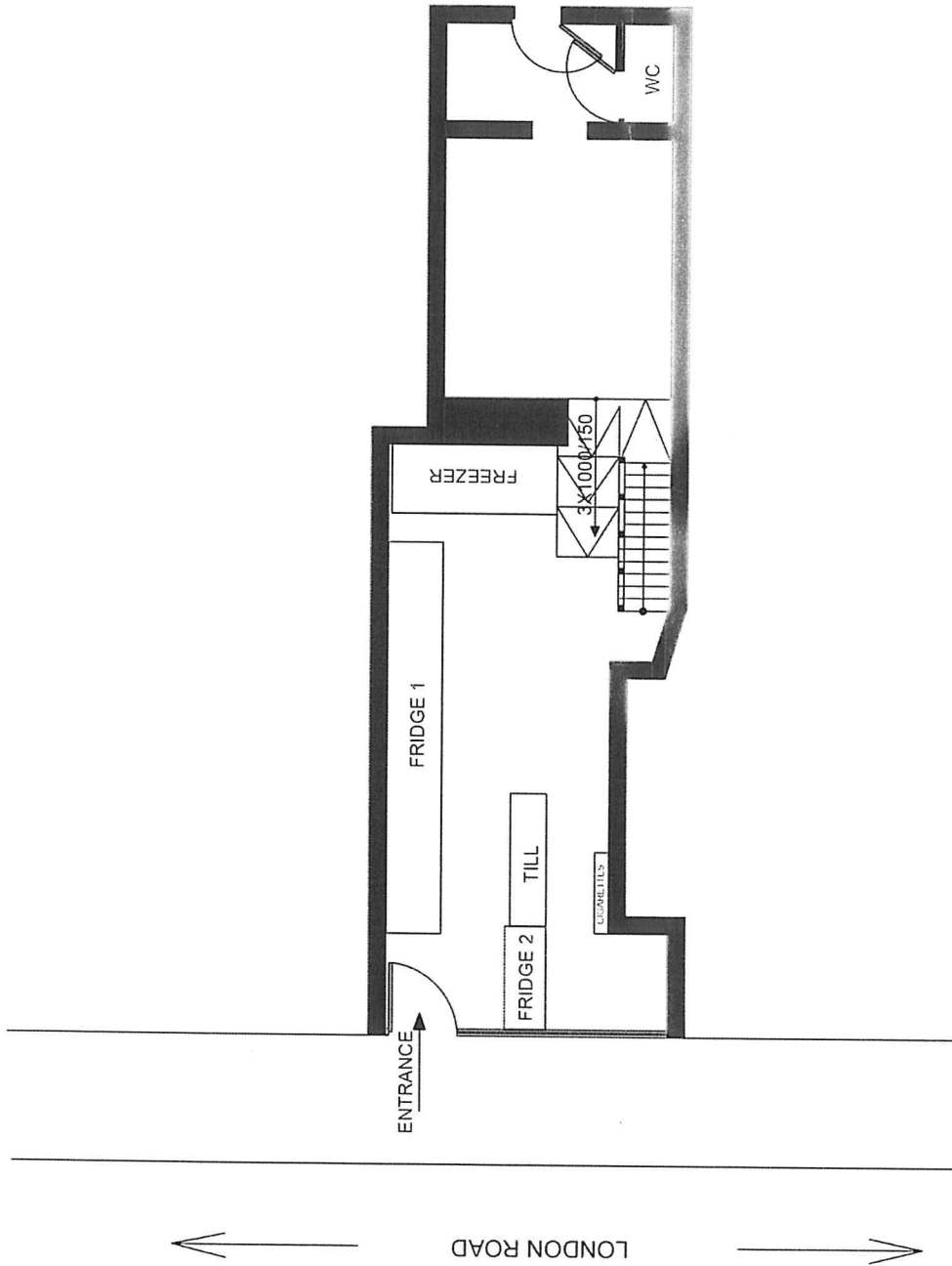
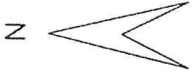
and any premises licence to be granted or varied in respect of this application made by  
.....  
[name of applicant] Eastern European Food,51 London Road  
concerning the supply of alcohol at SW17 9JR .....  
[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for, currently hold a personal licence,  
details of which I set out below. Personal licence number  .....  
[insert personal licence number, if any]  
Personal licence issuing authority NEWHAN COUNCIL .....  
[insert name and address and telephone number of personal licence Issuing authority, if any]

Signed  .....

Name Dobroslav Vasilev .....  
[please print]

Dated 10/11/15 .....



PROJECT	EASTERN EUROPEAN FOOD SHOP 51 LONDON ROAD, LONDON SW17 9JR
DRAWING	FLOOR PLAN
SCALE	1:100

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

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

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

Telephone: 07795665925  
Facsimile:  
Email: Tristan.Paoli@met.police.uk  
www.met.police.uk

Your ref:

Our ref:

4th December 2015

Dear Sir

**Re:- Application for a Premises Licence under the Licensing Act 2003 - Eastern European Food, 51 London Road, Tooting SW17 9JR**

On 20th November 2015 an application was received from DG E GD LTD for a premises licence under Licensing Act 2003.

The application can be summarised as follows:-

Supply of Alcohol Monday to Sunday 0800-2300

Opening Hours Monday to 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**

This premises is situated on a busy high street in close proximity to other residential accommodation in the local area.

Eastern European Food is situated within the proposed Cumulative Impact Zone for Mitcham and although the application does list some measures that will be taken to promote the four licensing objectives it lacks sufficient detail.

The Local Policing Team (LPT) covering this ward have been consulted on this application and make the observation that there are issues in relation to street drinking in this area, alcohol related crime and anti social behaviour as well as problems with local youths.

A search of crime indices has been carried out which revealed that in the year from 27th November 2014 to 27th November 2015 there were thirty-nine (39) crimes associated with the postcode SW19 9JR. The majority of these offences are theft and

burglary related but there were also three (3) assaults and five (5) public order offences.

There are already twelve (12) other premises in the same parade of shops on London Road/Mitcham Road licensed to sell alcohol for consumption off the premises.

It is felt that another licensed premises in the area will add to these figures.

## **Conclusion**

As the premises does not currently have a licence, it is unknown whether they are/will be a responsible operator. However it is still felt that additional issues will arise if a licence is granted. 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.

Yours faithfully,

Tristan Paoli

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## COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director



Public Health  
London Borough of Merton  
Merton Civic Centre  
London Road  
Morden SM4 5DX

*Direct Line:* 020 8545 4834

*Date:* 22<sup>nd</sup> Dec 2015

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

### Re: Application for a new Premises Licence under the Licensing Act 2003 – Eastern European Food

Application number	WK/201509183
Applicant	DG E GD Ltd
Premises address	51 London Road, Tooting, London, SW17 9JR
Ward	Graveney
Summary of the application	<b>New off-licence:</b> Hours of sale: Monday – Sun 0800-2300

As a responsible authority under 2012 amendment to the Licensing Act 2003, Public Health Merton wishes to make representation to the application on all four of the four licensing objectives:

1. **The prevention of crime and disorder**
2. **Public safety**
3. **Prevention of public nuisance**
4. **The protection of children from harm**

Tackling alcohol misuse is central to achieving the outcomes in Merton's Health and Wellbeing Strategy: giving every child a healthy start in life, supporting people to improve their health, improving wellbeing, resilience and connectedness, and reducing the gap in life expectancy between the east and west of the borough. We want to create an environment and a culture in the borough that prevents problem drinking from starting and provides early help for people who are struggling. One of the ways we will be doing this is ensuring health and wellbeing considerations are presented for consideration in licensing decisions, in order to tackle alcohol-related crime and anti-social behaviour, ensure public safety and prevent harm to children.

The Merton Joint Strategic Needs Assessment (JSNA) chapter on alcohol sets out a summary of the available evidence on alcohol-related behaviours and consequences, as background to the importance of tackling alcohol effectively in the borough: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

**These premises are located in the proposed Mitcham CIZ, an area where there is a known level of alcohol related harm.**

**Although steps that the applicant plans to take to promote the licensing objectives are given in the application, in our opinion there are not sufficient measures suggested to mitigate the recognised problems within the vicinity, particularly given the request for off sales.**

**Evidence of detrimental impact on the licensing objectives:**

**1. The prevention of crime and disorder**

Local data from the London Ambulance Service suggests that in the year to October 2015, the following incidents occurred within 500 meters of this postcode:

- 32 alcohol related incidents, 5 of which were under the age of 26
- 8 assaults
- 4 least serious injuries, which are often used as a proxy for alcohol related violence

While these incidents do not relate to this specific premise, the data presented above suggests an existing impact of alcohol consumption in the local area on levels of crime and disorder. Data sheets have been attached for the above data (Appendix 2).

National and international scientific evidence shows the following:

- Overall, more alcohol is consumed when it is easily available.<sup>1</sup>
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.<sup>2</sup>
- Harmful use of alcohol is a major contributor to violence: alcohol use commonly precedes aggressive behaviour, and harmful drinking is associated with being both a perpetrator and a victim of violence<sup>3</sup>
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.<sup>4</sup>

**2. Public safety and**

**3. Prevention of public nuisance**

These premises are located in Graveney Ward, which ranks 2<sup>nd</sup> of all wards in Merton for antisocial behaviour, and 3<sup>rd</sup> for drunken behaviour reported by the British Transport Police.

In the year to October 2015, there were 17 recorded episodes of bus driver reported antisocial behaviour within 500m of the postcode of these premises.

---

<sup>1</sup> Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

<sup>2</sup> Popova et al 2009, Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. Alcohol & Alcoholism Vo. 44, No. 5, pp. 500-516

<sup>3</sup> WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

<sup>4</sup> WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

These premises are located in the proposed Mitcham CIZ, an area where it is recognised that there is already a problem with the impact of alcohol on public safety and nuisance.

The data on antisocial behaviour above and in the Appendix paints a clear picture of the impact of alcohol consumption in this specific area .

#### **4. The protection of children from harm**

In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions<sup>5</sup> .

Young people are increasingly buying alcohol from friends or relatives, so implementation of laws preventing sales to minors does not necessarily reduce their access. Greater off-licence density increases the general availability of alcohol in the home and through friends, family and from passers-by<sup>6</sup>

The premises is located within 500 metres of 3 schools.

#### **Conclusion**

The premises are located within the proposed Mitcham CIZ, an area where there is already a known level of alcohol related harm. The applicant states a number of steps they will take to promote the licensing objectives; however we believe that these will not be sufficient to prevent an additional impact of the proposed new licence on the levels of alcohol-related crime and disorder and issues around public safety already seen in the area.

**RECOMMENDATION: Therefore we would recommend that the Committee reject the application for an off-licence on these premises:**

**If the Committee approves the license, we would recommend that the Committee restricts the license operating hours to between 11am and 11pm daily.**

**We would also recommend that if the Committee approves the application, the following conditions are applied to the licence to further promote the prevention of crime and disorder and to promote public safety:**

1. No super-strength beer, lagers or ciders, or spirit mixtures above 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. No single cans or bottles of beer, lager cider or spirit mixtures shall be sold at the premises.
3. Minimum unit pricing of 50p per unit for all alcohol sold.

---

<sup>5</sup> Merton JSNA: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

<sup>6</sup> Alcohol Concern, One On Every Corner; [http://www.alcoholconcern.org.uk/wp-content/uploads/woocommerce\\_uploads/2014/12/one-on-every-corner.pdf](http://www.alcoholconcern.org.uk/wp-content/uploads/woocommerce_uploads/2014/12/one-on-every-corner.pdf)

4. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
5. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
6. No advertising of alcohol drinks or drink promotions visible from the street.
7. CCTV should be installed, monitored and where required made available to Police and other legal authorities, and staff operating the CCTV system must be fully trained and familiar with responsibilities and legal requirements in respect of operating such a system.

Yours sincerely,

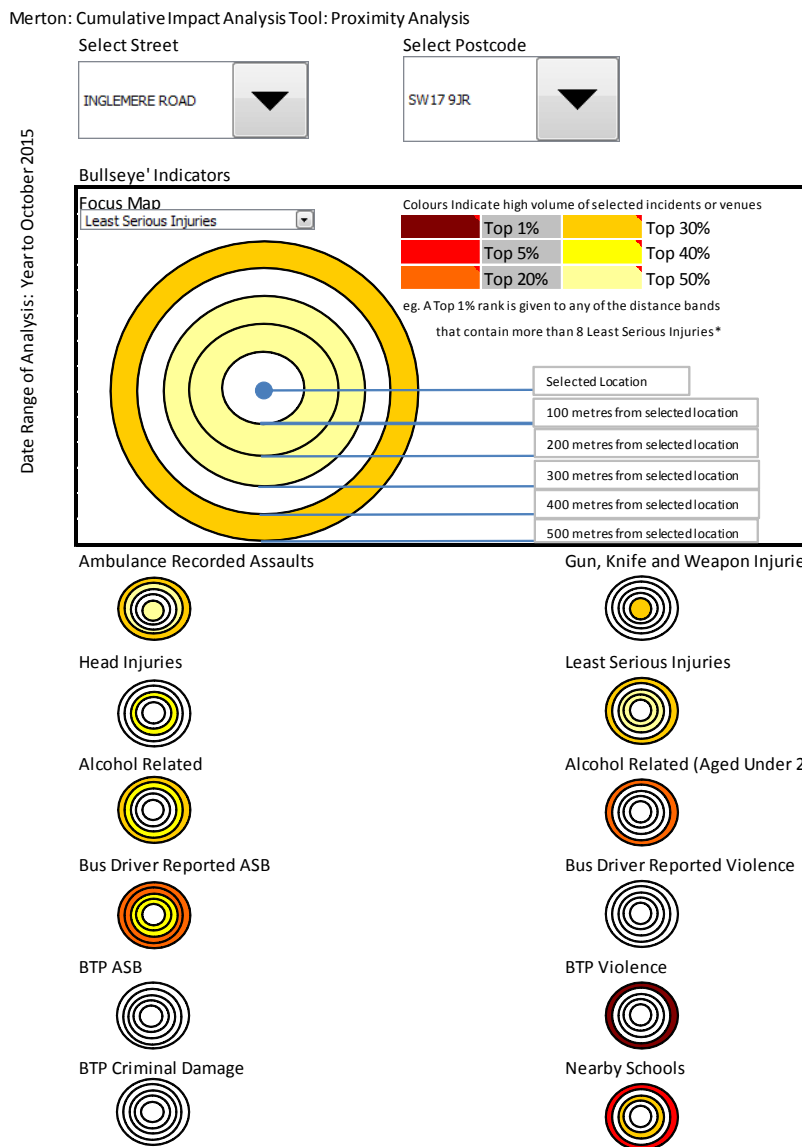
Dr Eleanor Curtis  
Public Health Registrar

On behalf of Merton Public Health team



# Appendix 1: LBM Public Health preliminary data scan for the following premises: Eastern European Food

## A. SafeStats bullseye dashboard for Inglemere Road, SW17 9JR<sup>‡‡</sup>:



**Headlines related to this postcode:**

- 32 alcohol related incidents within 500m of this postcode in the year to October 2015; 3 in those aged under 26.
- 3 schools within 500m
- 17 episodes of bus driver reported violence within 500m.

Type of data (incidents)	Total within 500m
Ambulance recorded assaults	8
Gun, Knife and Weapons injuries	1
Head injuries	1
Least serious injuries	4
Alcohol related	32
Alcohol related (aged under 26)	3
Bus driver reported ASB	17
Bus driver reported Violence	0
Nearby schools	3

\* in the year to October 2015

<sup>‡‡</sup> Street name used is different from address- Bullseye data did not recognise postcode and street combination. Inglemere Road is nearby street very close to premises, postcode is the same.

## B. SafeStats traffic light dashboard for postcode

### USER INPUT

SELECT POSTCODE FROM LIST

WARD

WARD NAME

CLICK HERE>

SW179JR

00BAGD

Graveney

### PREVENTION OF CRIME AND DISORDER

#### AMBULANCE DATA

RANK ALL ASSAULTS

11 out of 20 wards

RANK SEXUAL ASSAULTS

7 out of 20 wards

RANK ALL WEAPON INJURIES

7 out of 20 wards

RANK KNIFE INJURY

5 out of 20 wards

RANK GUN INJURIES

1 out of 20 wards

RANK VIOLENCE AGAINST AMBULANCE CREW

12 out of 20 wards

#### POLICE DATA: recorded crime and ASB

RANK ALL VIOLENCE

11 out of 20 wards

RANK RAPE

6 out of 20 wards

RANK THEFT FROM PERSON (OTHER)

8 out of 20 wards

RANK PERSONAL ROBBERY

4 out of 20 wards

RANK CRIMINAL DAMAGE

13 out of 20 wards

RANK POSSESSION OF DRUGS

10 out of 20 wards

MPS ASB RANK

2 out of 20 wards

MPS POSSESSION OF WEAPON

6 out of 20 wards

#### Other data sources

NIGHT TIME VIOLENT DISORDER

14 out of 20 wards

DELIBERATE FIRES

19 out of 20 wards

Probation Clients with Alcohol misuse Risk

9 out of 20 wards

Probation Clients Alcohol Risk and High risk of causing harm

1 out of 20 wards

MERTON 'Traffic Light Dashboard' to: October 2015

### ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE

#### ambulance data

AGED 8 - 17

16 out of 20 wards

AGED 18 - 25

7 out of 20 wards

AGED 26 - 39

9 out of 20 wards

AGED 8 - 39

9 out of 20 wards

AGED 18+

16 out of 20 wards

### DEPRIVATION

#### ward summaries

INCOME DEPRIVATION

9 out of 20 wards

EMPLOYMENT DEPRIVATION

10 out of 20 wards

AVERAGE DEPRIVATION

9 out of 20 wards

RANK BY MOST DEPRIVED SUB WARD AREA

11 out of 20 wards

<http://data.london.gov.uk/datastore/package/indices-deprivation-2010>

### PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS

BTP DRUNKEN BEHAVIOUR

3 out of 20 wards

TFL ALCOHOL RELATED DISTURBANCE

12 out of 20 wards

### WELL BEING

15 RANK Life Expectancy

11 RANK Incapacity claimant rate -index

6 RANK Crime rate - Index

13 RANK Average Capped GCSE and Equivalent Point Score Per Pupil

11 RANK Unauthorised Absence in All Schools (%)

10 RANK Dependent children in out-of-work families

13 RANK Public Transport Accessibility

3 RANK Homes with access to open space & nature, and % greenspace

5 RANK Subjective well-being average score

<http://data.london.gov.uk/datastore/package/london-ward-well-being-scores>

## APPENDIX 2: Public Health data on alcohol in Merton & Graveney Ward (premises location):

Nationally, alcohol is the leading risk factor for preventable death in 15-49 year olds. Nine million adults now drink at levels that increase the risk of harm, of whom 1.6 million show signs of alcohol dependence. The number of people dying due to liver disease in England is rising, in contrast to other major causes of disease that have been declining.<sup>8</sup> The harm of alcohol falls not just on individuals and their health, but on society as a whole. Alcohol misuse is associated with a wide range of criminal offences, including drink driving, being drunk and disorderly, criminal damage, assault and domestic violence, all of which can also indirectly impact on health. In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions.

The estimated prevalence of binge drinking is 13.8% compared with 14.3% in London and 20.0% nationally. However, this masks differences across the borough. Estimated levels of the adult population drinking at 'increasing risk' (21%) and 'higher risk' (7.2%) are above London average, and again, drinking patterns vary across the borough.

In terms of alcohol harm overall, in 2012 Merton ranked 55 out of 326 local authorities (Local Alcohol Profiles for England, LAPE 2012) but was in the higher percentiles for:

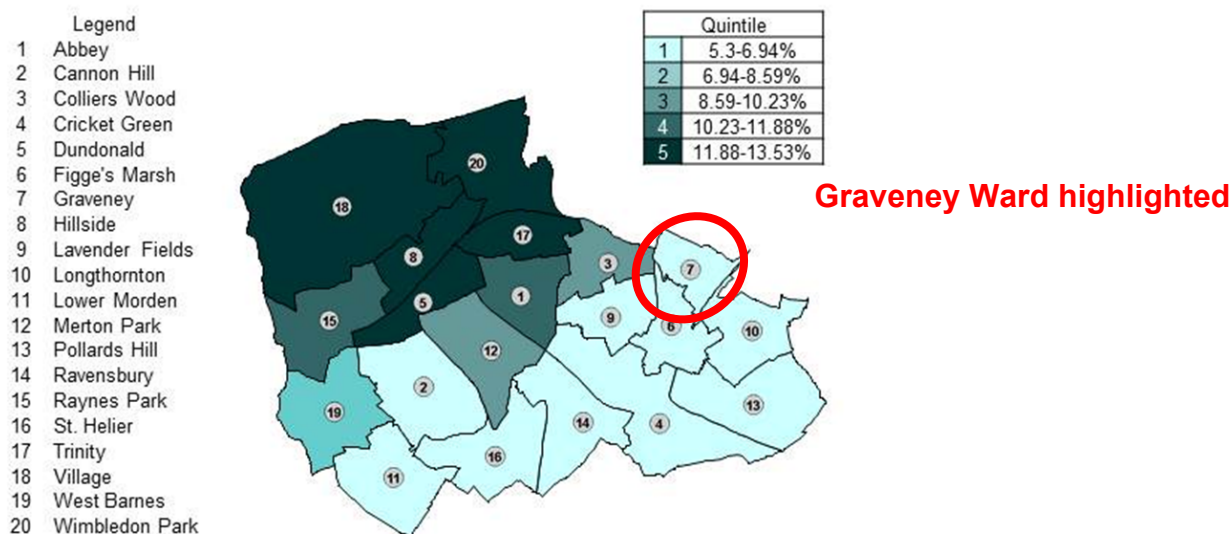
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

The amount of harm caused by alcohol also varies across the borough.

**Figure 1: Residents reporting drinking alcohol every day**

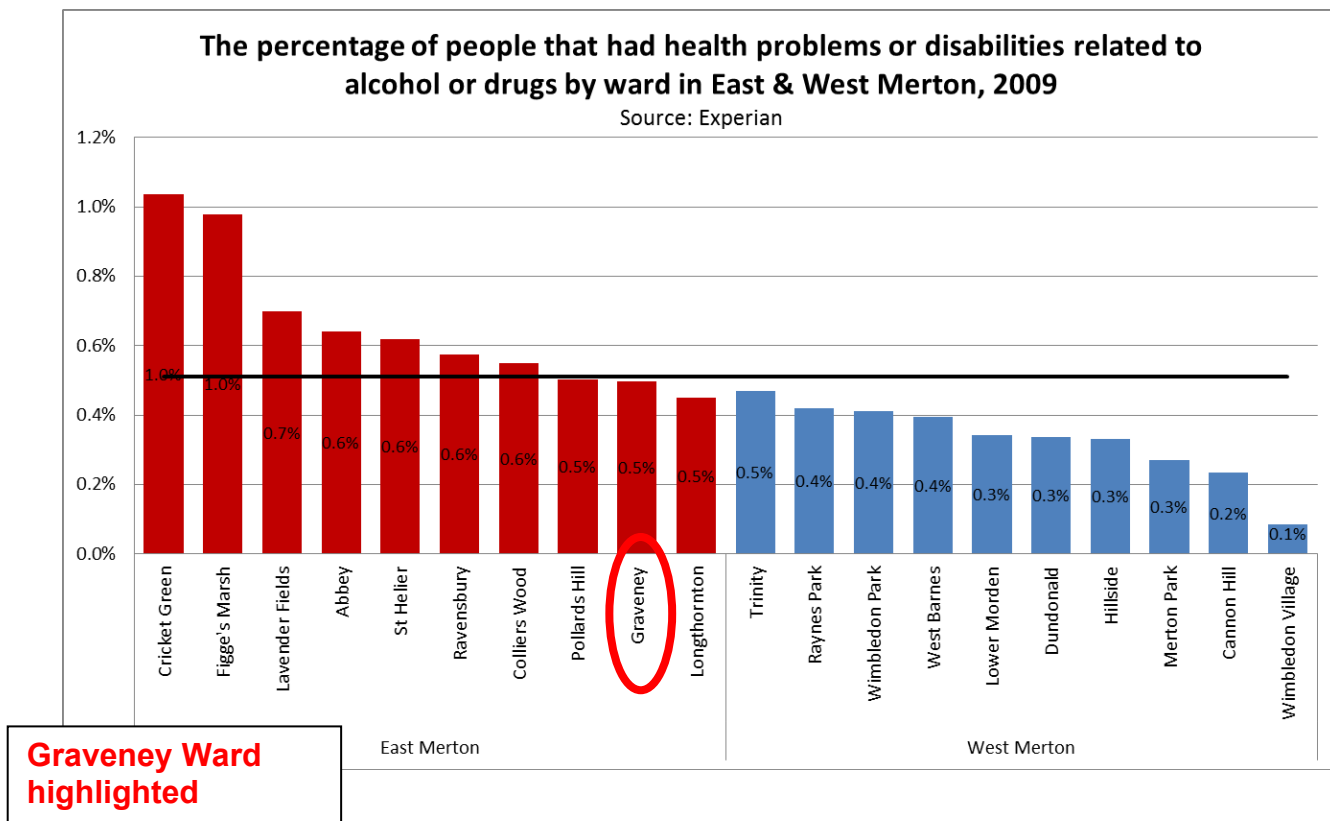
### Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



<sup>8</sup> PHE (2014) From evidence into action: opportunities to protect and improve the nation's health

**Figure 2: Residents with health problems or disabilities caused by alcohol or drugs**



In terms of all alcohol-related crime, Merton with a rate of 7.3 recorded crimes per 1,000 populations was higher than the neighbouring boroughs Sutton (6.7) and Kingston (6.7) and the England average of 7 but lower than the London average of 11.1 (LAPE 2012). See Figure 2. Figure 3 shows that the trend has generally been downward.

**Figure 3: Recorded crime attributable to alcohol, Merton compared with South West London, London overall, England, 2011-12.**

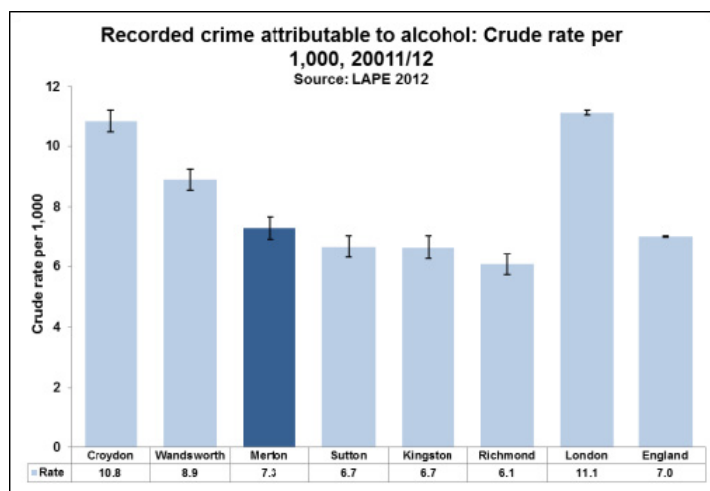
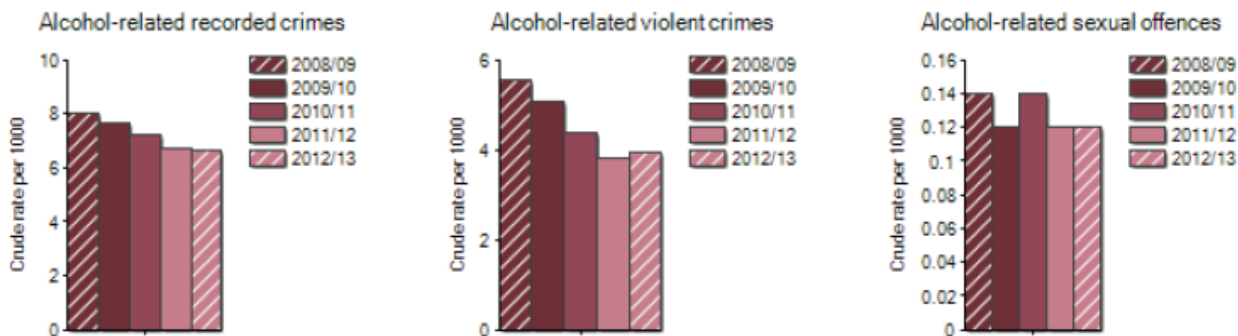
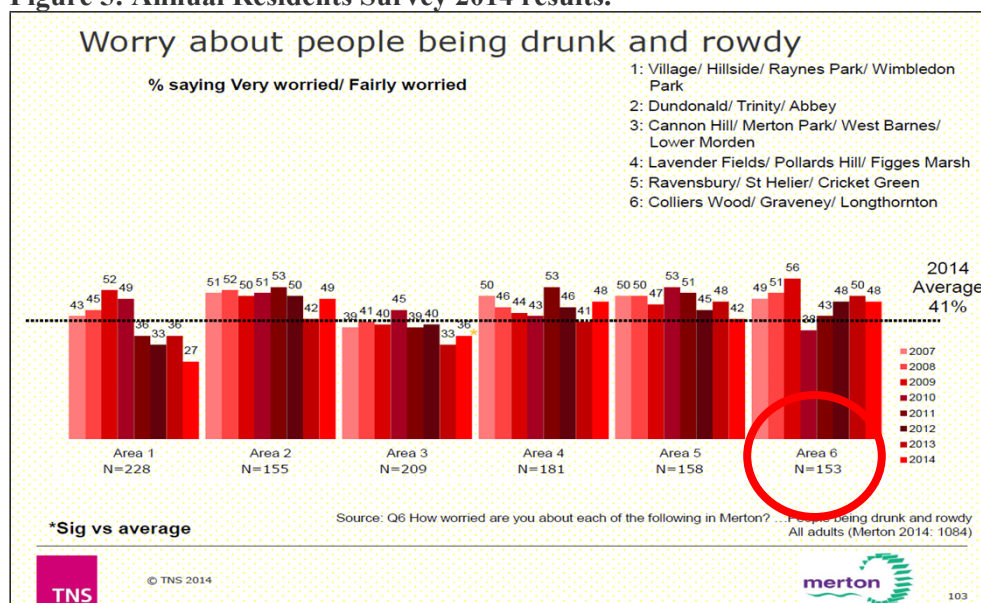


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



However, the 2014 Annual Residents Survey highlighted that residents are still concerned about crime, anti-social behaviour and people being drunk and rowdy – see Figure 4:

Figure 5: Annual Residents Survey 2014 results.



Area which includes Graveney Ward is highlighted: in 2014 an above average number (48%) of local residents are very worried or fairly worried about people being drunk and rowdy.

For more information see the Merton Joint Strategic Needs Assessment (JSNA) chapter on alcohol: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

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**From:** Councillor Linda Kirby  
**Sent:** 09 December 2015 06:22  
**To:** Licensing; Councillor Jeff Hanna  
**Cc:** Councillor John Dehaney; Councillor Gregory Udeh  
**Subject:** Eastern European Food Licence application

Dear Licensing

Re: Eastern European Foods application below

Graveney Ward Councillors are opposed to any new applications for licences to sell alcohol in our area for the following reasons:

1. We are already awash with premises selling alcohol. In London Road in particular, opposite Eastern European Foods we have a local Tesco open until 11pm and a huge LIDL supermarket. It isn't necessary.
2. Anti-social behaviour – drink related is a major issue in Graveney plus excessive drink debris on the streets and on the nearby Figges Marsh.
3. We have several hotspots for street drinking and youth gatherings (including London Road) in Graveney where the MP, police and local councillors are working together. Police numbers have been cut and we are already finding it very difficult to get responses to local residents' concerns. Please don't add to our woes.

We would be grateful if you would refuse this application.

Regards

Linda

Address 51 London Road, Tooting, London, SW17 9JR  
**Eastern European Food**  
Applicant(s) DG E GD Ltd  
Application Reference WK/201509183  
Application Type New Premises Licence  
Closing Date for Representations Wednesday, 30 December 2015  
Permissions being applied for  
**Supply of Alcohol**  
Off the premises  
**Monday** - 08:00 - 23:00  
**Tuesday** - 08:00 - 23:00  
**Wednesday** - 08:00 - 23:00  
**Thursday** - 08:00 - 23:00  
**Friday** - 08:00 - 23:00  
**Saturday** - 08:00 - 23:00  
**Sunday** - 08:00 - 23:00  
**Premises Opening Hours**  
Whole premises  
**Monday** - 08:00 - 23:00  
**Tuesday** - 08:00 - 23:00  
**Wednesday** - 08:00 - 23:00  
**Thursday** - 08:00 - 23:00  
**Friday** - 08:00 - 23:00  
**Saturday** - 08:00 - 23:00  
**Sunday** - 08:00 - 23:00

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# London Borough of Merton



## Licensing Act 2003 Notice of Determination

**Date of issue of this notice:** 15 February 2016

**Subject:** 51 London Road, Tooting, London, SW17 9JR

Having considered relevant applications, notices and representations together with any other relevant information submitted to any Hearing held on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

Parties to hearings have the right to appeal against decisions of the Licensing Authority. These rights are set out in Schedule 5 of the Licensing Act 2003 and Chapter 12 of the Amended Guidance issued by the Home Secretary (April 2015). Chapter 12 of the guidance is attached as Annex B to this notice.

**For enquiries about this matter please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
Surrey  
SM4 5DX

**Telephone:** 020 8545 3616

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

**Useful documents:**

**Licensing Act 2003**

<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

**Guidance issued by the Home Secretary**

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

**Regulations issued by the Secretary of State for Culture, Media and Sport**

[http://www.culture.gov.uk/alcohol\\_and\\_entertainment/lic\\_act\\_reg.htm](http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm)

**Merton's Statement of Licensing policy**

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

# Annex A

## Determination

The Licensing Sub-Committee considered an application by DG E GD Limited for a new Premises Licence for 51 London Road, Tooting, SW17 9JR for the retail sale of alcohol (off sales only) from 08.00 to 23:00 Mondays to Sundays with Opening Hours from 08.00 to 23:00 Mondays to Sundays.

The Licensing Sub-Committee, in reaching its decision, had to promote the Licensing Objectives, make a decision that was appropriate and proportionate, that complied with the Licensing Act 2003 and its Regulations, had regard to the current Secretary of States' Home Office section 182 Guidance, had regard to the Council's Statement of Licensing Policy, and complied with parameters provided by relevant case law.

The Licensing Sub-Committee decided to **grant** the application, but with amendment of the **Licensable Activities and Hours** as follows:

Retail Sale of Alcohol (off sales only): 08.00 to 22:00 Mondays to Sundays

Opening Hours: 08.00 to 23:00 Mondays to Sundays.

Subject to the following **Conditions** imposed on the Licence:

Conditions proposed by the Metropolitan Police and amended by the Sub-Committee:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
3. No super-strength beer or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the premises unless approved in writing by the Police Licensing Officer in a list which may be inspected on request by Police, Licensing or Council Officers attending the premises.
4. A proof of age scheme, such as Challenge 21 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.
5. 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.

6. 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.

Conditions proposed by London Borough of Merton Public Health and amended by the Licensing Sub-Committee:

7. No single cans or bottles of beer or lager shall be sold at the premises.
8. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
9. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
10. No advertising of alcohol drinks or drink promotions in the premises shall be visible from the street.

Conditions imposed by the Licensing Sub-Committee:

11. All alcohol for sale shall be located by the till in sight of the staff.
12. The sale of alcohol is limited to beer and wine. No spirits shall be sold at the premises.

**Recommendation:** In addition, the Licensing Sub-Committee recommends that Ms Lyubenova attends a Licensing training course to acquire a Personal Licence and attends Merton Council's 'Do You Pass' Training Course.

## Reasons

This Premises Licence was granted, with imposed conditions, because:

1. The business operating at the premises is predominantly a food offer or convenience store that would remain the same with ancillary alcohol sales;
2. The Applicant explained to the Licensing Sub-Committee that the proposed alcohol sales would take up a small proportion of the shop and were only intended to compliment grocery sales to provide alcohol to accompany that shopping for the benefit its customer base.

This decision was made pursuant to the Licensing Policy that predates the Licensing Policy of 6<sup>th</sup> January 2016, any Appeal hearing shall be a hearing de novo and as such will be considered under the Licensing Policy of 6<sup>th</sup> January 2016 and will be subject to the Cumulative Impact policy that applies to this premises.

## **Annex B**

### **Extract from the Amended Guidance issued by the Home Secretary under Section 182 of the Licensing Act 2003 (March 2015).**

#### **12.Appeals**

12.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

#### **GENERAL**

12.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

12.3 An appeal has to be commenced by the appellant giving of a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

12.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.

12.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.

12.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.

12.7 On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the licensing authority; or

- remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

All parties should be aware that the court may make an order for one party to pay another party's costs.

## **LICENSING POLICY STATEMENTS AND SECTION 182 GUIDANCE**

12.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.

12.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

## **GIVING REASONS FOR DECISIONS**

12.10 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

## **IMPLEMENTING THE DETERMINATION OF THE MAGISTRATES' COURTS**

12.11 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision

of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

## **PROVISIONAL STATEMENTS**

12.12 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

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