

Merton Council

Licensing Sub-Committee

Membership

Councillors:

Agatha Mary Akyigyina

Pauline Cowper

Linda Taylor OBE

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

Date: 28 June 2016

Time: 1.30 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 Prêt à Manger 1 - 34

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

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

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

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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feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.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

Licensing Sub-Committee Report

Subject of hearing: **Prêt à Manger**

Date: **28 June 2016**

Time: **1.30 pm**

Venue: **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. Accordingly the relevant section of Merton's Licensing Policy is particularly relevant to this application though the sub-committee is to have regard to the policy as a whole.

2. Type of hearing and powers of the sub-committee

2.1 The sub-committee is required to determine the application by taking such of the steps set out below as it considers necessary for the promotion of the licensing objectives.

2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.

2.3 New premises licence: s18

(i) To grant the licence subject to conditions

(ii) To exclude from the scope of the licence any of the licensable activities to which the application relates

(iii) To refuse to specify a person in the licence as the premises supervisor

(iv) To reject the application.

3. Hearing papers

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

4. Legal advice to the sub-committee

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

5. Licensing Officer Comments

5.1 This is a new premises licence application.

5.2 The sale by retail of alcohol (on the premises) is the sole licensable activity applied for, the requested times for which are as follows:

Mon to Fri: 16:00 – 20:30

Sat & Sun: 16:00 – 20:00

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

Mon to Fri: 06:00 to 21:00

Sat: 06:30 to 20:30

Sun: 07:00 to 20:30

5.4 Two representations have been received.

For enquiries about this hearing please contact

Democratic Services

Civic Centre

London Road

Morden

SM4 5DX

Telephone: 020 8545 3616

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

Applicant	
Prêt à Manger Europe Ltd	
Statutory Authorities	
LB Merton Public Health	
Interested Parties	
L Terrafranca on behalf of WEHRA	

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WK/201600910



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 PRET A MANGER (EUROPE) LIMITED
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
4 WIMBLEDON HILL ROAD WIMBLEDON LONDON			
Post town	LONDON	Postcode	SW19 7NS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 79,000 . 00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	PRET A MANGER (EUROPE) LIMITED
Address	1 HUDSON PLACE LONDON SW1V 1P2
Registered number (where applicable)	1854213
Description of applicant (for example, partnership, company, unincorporated association etc.)	PRIVATE 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
2	7	04 2016

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)

THE PREMISES IS A HOT AND COLD TAKEAWAY

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			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			
Mon			Please give further details here (please read guidance note 3)		
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)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day				Outdoors	<input type="checkbox"/>	
Start			Both			<input type="checkbox"/>
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			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)			
Fri						
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"/>	
Day				Outdoors	<input type="checkbox"/>	
Start			Both			<input type="checkbox"/>
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			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)			
Fri						
Sat						
Sun						

G

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	16:00	20:30			
Tue	16:00	20:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed	16:00	20:30			
Thur	16:00	20:30			
Fri	16:00	20:30			
Sat	16:00	20:00	N/A		
Sun	16:00	20:00			

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

Name	
Address	
Postcode	
Personal	
Issuing li	

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).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) N/A
Mon	06:00	21:00	
Tue	06:00	21:00	
Wed	06:00	21:00	
Thur	06:00	21:00	
Fri	06:00	21:00	
Sat	06:30	20:30	
Sun	07:00	20:30	

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)

The provision of alcohol pursuant to this licence shall be limited to beer, cider and wine and equivalent drinks and shall not include the sale of spirits.

All relevant staff will be trained, both initially and on an ongoing basis to the standards required by current legislation and in particular in relation to the achievement of the four licensing objectives.

Substantial food and non-intoxicating beverages shall be available for consumption by patrons in all areas of the premises at all times during which the sale of alcohol is permitted.

Alcohol shall only be consumed by patrons seated at tables.

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

b) The prevention of crime and disorder

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of Merton's Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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 premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

c) Public Safety

The premises shall be fully risk assessed on a regular basis in respect of public safety.

Hangings curtains and temporary decorations shall be maintained in a flame retardant condition and all furniture will comply with the appropriate testing criteria

d) The prevention of public nuisance

The premises shall close and customers to have departed the premises, no later than 30 minutes after the end of permitted hours for the sale by retail of alcohol.

Bottles or cans shall not be deposited outside the premises between 23:00 hours and 06:00 hours the following day.

Consumption of alcohol on the premises shall cease 30 minutes after the permitted hours for the sale and supply of alcohol.

No music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring dwellings.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

e) The protection of children from harm

No adult entertainment or services, activities other entertainment or matters ancillary to the use of the premises that may give rise to concerns in respect of children shall be provided.

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	<i>J Roe</i>
Date	<i>26/04/16</i>
Capacity	<i>solicitor acting on behalf of the applicant</i>

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

*JENNIFER ROE
RUSSELL COOLE LLP
2 PUTNEY HILL*

Post town	<i>PUTNEY, LONDON</i>	Postcode	<i>SW15 6AB</i>
Telephone number (if any)	<i>0208 394 6486</i>		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
<i>jennifer.roe@russell-coole.co.uk</i>			

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.

and any premises licence to be granted or varied in respect of this application made by

Pret a Manger (Europe) Limited

[name of applicant]

concerning the supply of alcohol at

4 Wimbledon Hill Road
London
SW19 7NS

[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

16/00147/BEXLEY/LI

[insert personal licence number, if any]

Personal licence issuing authority

London Borough of Bexley

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

Signed



Name (please print)

Anthony Zanni

Date

19/14/16

and any premises licence to be granted or varied in respect of this application made by

Pret a Manger (Europe) Limited

[name of applicant]

concerning the supply of alcohol at

4 Wimbledon Hill Road
London
SW19 7NS

[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

16/00147/BEXLEY/LI

[insert personal licence number, if any]

Personal licence issuing authority

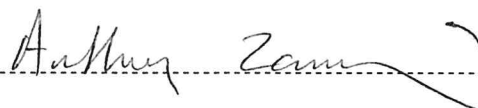
London Borough of Bexley

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


Signed



Name (please print)

















Date



Notes:

FIRE & EMERGENCY

	ILLUMINATED EMERGENCY RUNNING MAN SIGN
	EMERGENCY EMERGENCY LIGHT
	SMOKE DETECTOR
	SMOKE DETECTOR ABOVE CEILING
	HEAT DETECTOR
	FIRE ALARM SOUNDER
	MANUAL CALLPOINT
	DOOR WITH VISION PANEL
	NOTICE "FIRE DOOR KEEP SHUT"
	FOAM EXTINGUISHER
	CO2 EXTINGUISHER
	STAFF AREA EXCLUDED
	EXCLUDED AREA
	LICENSED AREA

For Approval

PRETA MANGER
 1 Hudson Place, London, SW1V 1PZ

Site: **Wimbledon Hill Road London**

Title: **Alcohol Licence Plan**

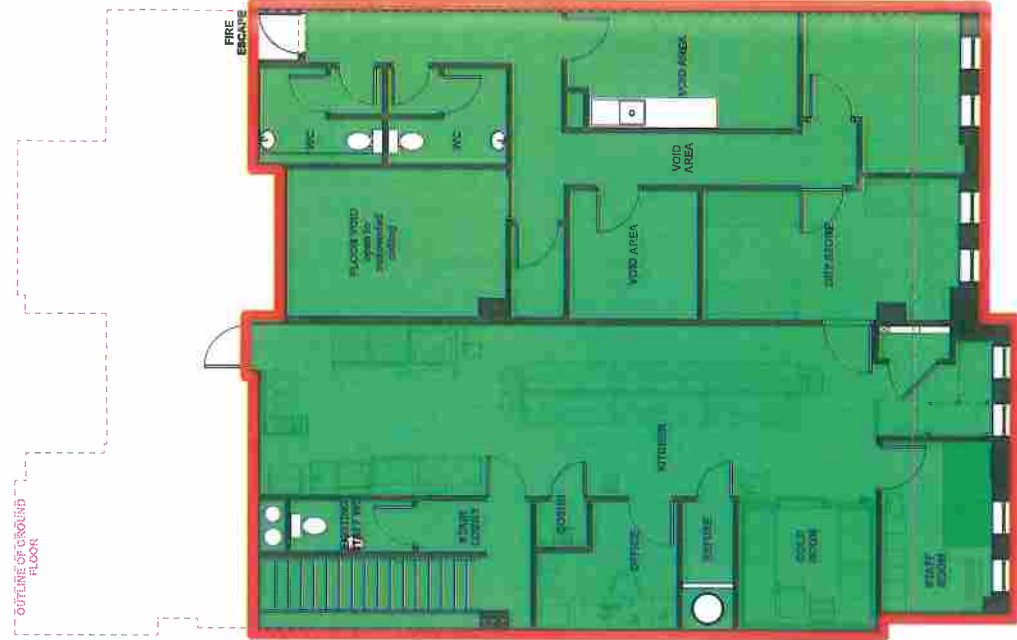
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 Date: **25.04.16** Revision: _____

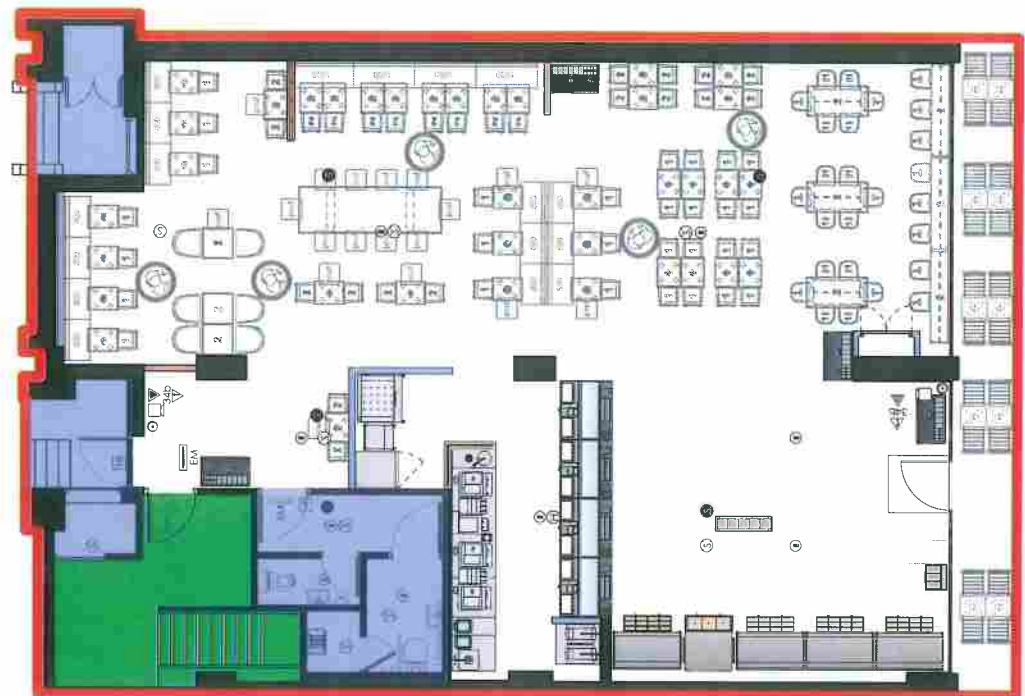
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COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director

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

Public Health
London Borough of Merton
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Direct Line: 020 8545 4834

Date: 25th May 2016

Re: Application for a Premises Licence to be granted under the Licensing Act 2003 – Pret a Manger, 4, Wimbledon Hill Road, London Sw19 7NS

Application ref	WK/201600910
Applicant	Pret a Manger Europe
Premises address	4, Wimbledon Hill Road, London, SW19 7NS
Ward	Hillside ward
Summary of the application	Hot and Cold Takeaway. License requested for sale of alcohol on premises (with food only). <u>Proposed hours for the supply of alcohol:</u> Monday – Friday 16:00-20:30 Saturday – Sunday 16:00 – 20:00

As a responsible authority under 2012 amendment to the Licensing Act 2003, the Director of Public Health for Merton wishes to make representation to the application on three 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>

Public Health are submitting a representation for two reasons:

- 1. The premises is located in one of Merton's Cumulative Impact Zone (CIZ) areas**
- 2. Public health data for the premise postcode show some moderate areas for concern**

Pret a Manger is part of a well known sandwich chain operating as a hot and cold sandwich, salad, coffee and snack outlet and is situated within the Wimbledon Broadway Cumulative Impact Zone (CIZ). The outlet routinely operates between the hours of 6am and 9pm Monday to Friday and 06.30 to 20.30 Saturday and Sunday. This application seeks the granting of an alcohol licence for on sales between 16.00 and 20.30 on weekdays and 16.00 and 20.00 on Saturday and Sunday

Whilst there are steps that the applicant plans to take to promote the licensing objectives that are given in the application, there is no specific reference to their location within the CIZ or identified measures to mitigate the recognised problems within the vicinity, particularly given that the request would enable the supply of alcohol to overlap with other already established outlets

Controlled Impact Zone (see Appendix 2 for relevant parts of the SOLP)

The Merton Statement of Licensing Policy (SOLP) 2011 sets out that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder outside and within the vicinity of these premises. Wimbledon Town Centre, where the proposed premises is located, is designated a Cumulative Impact Zone. In a CIZ, the Council may consider that the attachment of conditions is unlikely to address identified problems and it may then consider refusing new licences because the area is saturated and the granting of any more would undermine the licensing objectives.

There has been a significant increase in the number and scale of licensed premises in Wimbledon Town Centre over recent years. This has resulted in a significant number of alcohol related crimes and of complaints being made to the Council concerning nuisance. The Police have provided evidence regarding alcohol related crime and disorder and the connection between the offences and licensed premises. Anti-social behaviour has led to the Metropolitan Police designating part of the town centre as a dispersal area under the Anti -Social Behaviour Act 2003. Residents and Residents Associations in Wimbledon Town Centre have made representations that the Town Centre is at saturation point.

Evidence of detrimental impact on the licensing objectives:

The data presented relate to the postcode of the premises, and the ward within which the restaurant is situated. Although the data is not specific only to the premises in question, any premise that supplies alcohol in the area will be contributing to the trends relating alcohol to crime and disorder.

1. The prevention of crime and disorder

NB. The data is for the correct postcode, however due to limitations of the data, the address has been logged as an adjacent road.

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

- 16 Ambulance-reported assaults
- 4 Gun, knife and weapon injuries
- 11 least serious injuries, which are often used as a proxy for alcohol related harm
- 32 alcohol related incidents (20 of which occurred within 300 meters of the postcode for this premises)

The premises are situated in Hillside Ward where 27% of the population in 2014 stated they were fairly worried or very worried about drunk and rowdy behaviour.

The above data (and that in Appendix 1), and the premises' position in a CIZ, suggest a potentially significant impact of alcohol consumption in the local area and it is likely that the granting of this license as requested will only contribute to exacerbating the above trends relating alcohol to crime and disorder.

National and international scientific evidence shows the following:

- Overall, more alcohol is consumed when it is easily available.¹
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.²
- 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 violence³
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.⁴

2. Public Safety and

3. Prevention of public nuisance

Pret a Manger 4, Wimbledon Hill Road, Wimbledon, London is located in the CIZ, an area where it is recognised that there is already a problem with the impact of alcohol on public safety and public nuisance. The data on assaults and violence (above and in Appendix 1) illustrate the impact of alcohol consumption in this specific area on both public safety and nuisance. In addition, the most recent Annual Residents Survey highlighted that over one quarter of all residents in this area of the borough are very worried or fairly worried about people being drunk and rowdy, which is the area with the most worried residents in Merton (Appendix 3).

4. The protection of children from harm

- In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions⁵ (Merton JSNA).
- There are 3 schools located within 500m of this premises, and this premises is likely to be on the main route home for many children from school.
- Hillside ward is ranked 13th out of 20 wards for alcohol illness treated by London Ambulance Service in those aged 8-17 (Appendix).

¹ Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

² 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

³ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

⁴ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

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

Conclusion

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 hours for sale of alcohol on the levels of alcohol-related crime and disorder and issues around public safety already seen in the area.

There are likely to be detrimental consequences to the licensing objectives, and to broader health and wellbeing, of this license being granted. The Merton SOLP states that it is "for the applicants to show in their operating schedules that their proposals will not add to the cumulative impact already being experienced." (Appendix 2)

Recommendation: Public Health would recommend that the Committee reject the application.

However, if the committee is minded to approve the application, based on the information provided, we would recommend that the following conditions are applied to the licence to further promote the prevention of crime and disorder, to promote public safety and prevent public nuisance.

1. No super-strength beer, lagers or ciders, or spirit mixtures of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. Alcohol shall be sold to customers by minimum unit pricing of 50p per unit
3. Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.
4. No drinks to be taken off the premises in open containers e.g. glasses or open bottles (preventing use of containers as weapons, and to prevent consumption of alcohol in surrounding streets after individuals have left the premises).
5. Drinkaware will be promoted through the business website and drinking sensibly and appropriately will feature on any menus and marketing literature.
6. Any promotional material online or elsewhere will adhere to the Portman Group Code of Practice (<http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>).
7. Refusals of alcohol sales shall be recorded in a log and made available for inspection by an authorised officer of the council or police when requested.
8. A proof of age policy such as Challenge 25 shall be operated at the premises whereby any individual suspected to be under age will be required to provide a recognised form of photographic identification.

We believe that these conditions are reasonable and proportionate in order to promote and maintain the Merton CIZ's, and a safe and sociable approach to alcohol across the borough.

Yours sincerely,

Michael Pierce

On Behalf of Dr Dagmar Zeunar
Director of Public Health

Merton: Cumulative Impact Analysis Tool: Proximity Analysis

Select Street

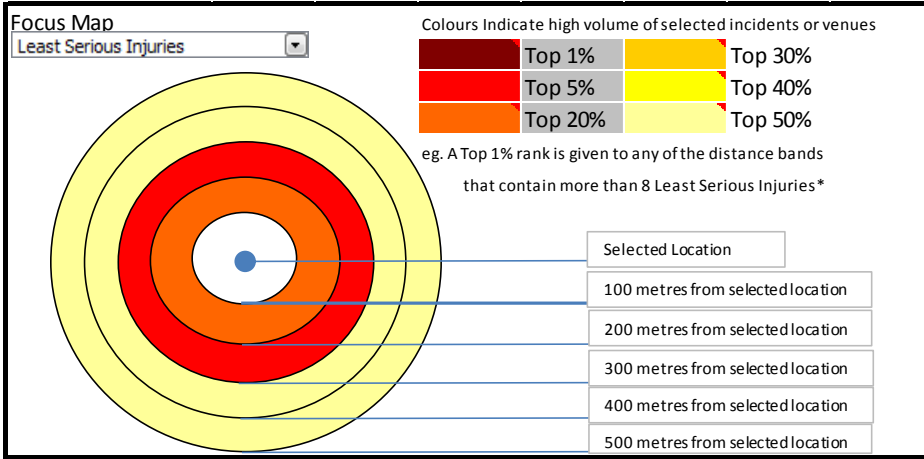
ST GEORGE'S ROAD

Select Postcode

SW19 7NS

Date Range of Analysis: Year to October 2015

Bullseye' Indicators



Ambulance Recorded Assaults



Head Injuries



Alcohol Related



Bus Driver Reported ASB



BTP ASB



BTP Criminal Damage



Gun, Knife and Weapon Injuries



Least Serious Injuries



Alcohol Related (Aged Under 26)



Bus Driver Reported Violence



BTP Violence



Nearby Schools



Mock up data

On licenses



Both On and Off



Off licenses



All Licensed Premises



USER INPUT

SELECT POSTCODE FROM LIST

WARD

WARD NAME

CLICK HERE>

SW19 7NS

OOBAGE

Hillside

PREVENTION OF CRIME AND DISORDER

AMBULANCE DATA

RANK ALL ASSAULTS

16 out of 20 wards

RANK SEXUAL ASSAULTS

2 out of 20 wards

RANK ALL WEAPON INJURIES

7 out of 20 wards

RANK KNIFE INJURY

13 out of 20 wards

RANK GUN INJURIES

1 out of 20 wards

RANK VIOLENCE AGAINST AMBULANCE CREW

19 out of 20 wards

POLICE DATA: recorded crime and ASB

RANK ALL VIOLENCE

16 out of 20 wards

RANK RAPE

6 out of 20 wards

RANK THEFT FROM PERSON (OTHER)

15 out of 20 wards

RANK PERSONAL ROBBERY

15 out of 20 wards

RANK CRIMINAL DAMAGE

19 out of 20 wards

RANK POSSESSION OF DRUGS

14 out of 20 wards

MPS ASB RANK

18 out of 20 wards

MPS POSSESSION OF WEAPON

17 out of 20 wards

Other data sources

NIGHT TIME VIOLENT DISORDER

16 out of 20 wards

DELIBERATE FIRES

20 out of 20 wards

Probation Clients with Alcohol misuse Risk

18 out of 20 wards

Probation Clients Alcohol Risk and High risk of causing harm

18 out of 20 wards

MERTON 'Traffic Light Dashboard' to: October 2015

ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE

ambulance data

AGED 8 -17

13 out of 20 wards

AGED 18 - 25

7 out of 20 wards

AGED 26 - 39

10 out of 20 wards

AGED 8 - 39

10 out of 20 wards

AGED 18+

7 out of 20 wards

DEPRIVATION

ward summaries

INCOME DEPRIVATION

18 out of 20 wards

EMPLOYMENT DEPRIVATION

18 out of 20 wards

AVERAGE DEPRIVATION

17 out of 20 wards

RANK BY MOST DEPRIVED SUB WARD AREA

19 out of 20 wards

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

PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS

BTP DRUNKEN BEHAVIOUR

1 out of 20 wards

TFL ALCOHOL RELATED DISTURBANCE

12 out of 20 wards

WELL BEING

19 RANK Life Expectancy

16 RANK Incapacity claimant rate -index

19 RANK Crime rate - Index

12 RANK Average Capped GCSE and Equivalent Point Score Per Pupil

17 RANK Unauthorised Absence in All Schools (%)

19 RANK Dependent children in out-of-work families

19 RANK Public Transport Accessibility

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

9 RANK Subjective well-being average score

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

Excerpts from the Merton Statement of Licensing Policy 2011 relevant to the Cumulative Impact Policy (paragraphs 7.8-7.10 of the Policy):

7.8 The Council considers that it is appropriate and necessary to continue a special policy within the designated cumulative impact zones. Where relevant representations have been received the policy will affect applications for new premises' licences or club premises' certificates or variations of existing licences or certificates. It will be for the applicants to show in their operating schedules that their proposals will not add to the cumulative impact already being experienced. Responsible authorities and/or interested parties will need to see the steps proposed by an applicant in order to decide whether to submit representations. The presumption will be that where proposed operations are material to the policy they will normally be refused, however, the process allows applicants to rebut the presumption in their applications, and to make the case before a licensing sub-committee. Where an application is material to the special policy the burden of proof lies on the applicant to rebut the presumption.

7.9. The presumption of a refusal does not, however, relieve responsible authorities or interested parties of the need to make a relevant representation, as the special policy can only lawfully be invoked by a licensing sub-committee, which has been convened in response to valid representations that refer to that special policy. If no representation were received it would remain the case that any application must be granted in terms that are consistent with the operating schedule submitted. Responsible authorities, such as the Police, or interested parties, can make a written representation maintaining that it is necessary to refuse the application in order to meet the licensing objectives. In doing so they should refer to the special policy and any information, which had been before the licensing authority when it developed its Statement of Licensing policy. Responsible authorities, where they have promoted or provided the evidence to support a special policy, should consider carefully any implications that maybe drawn from their not making a representation.

7.10 This special policy is not absolute. The circumstances of each application will be considered properly and it is possible for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. As a consequence of the presumption that underpins the special policy such cases are likely to be exceptional. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Licensing Authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. Notwithstanding the significance of the special policy the Licensing sub committee will announce its reasons for any decision to refuse an application.

APPENDIX 3: Public Health data on alcohol in Merton & Hillside 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.⁶ 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:

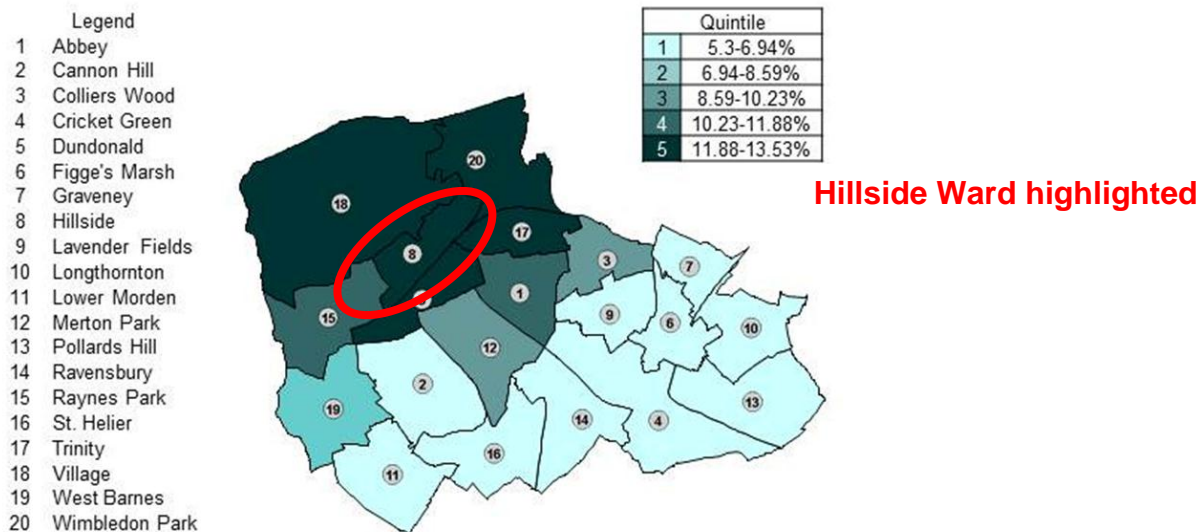
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

Figure 1: Residents reporting drinking alcohol every day

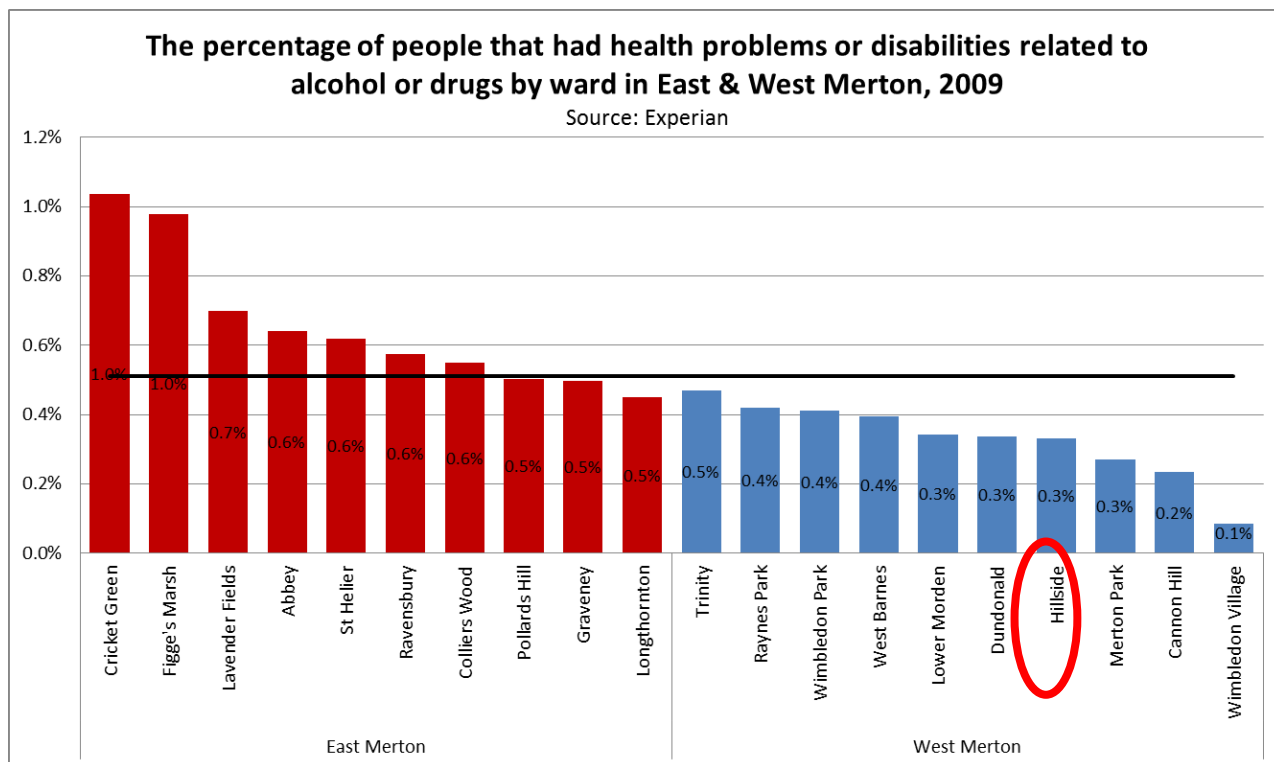
Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



⁶ 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



Hillside Ward highlighted

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.

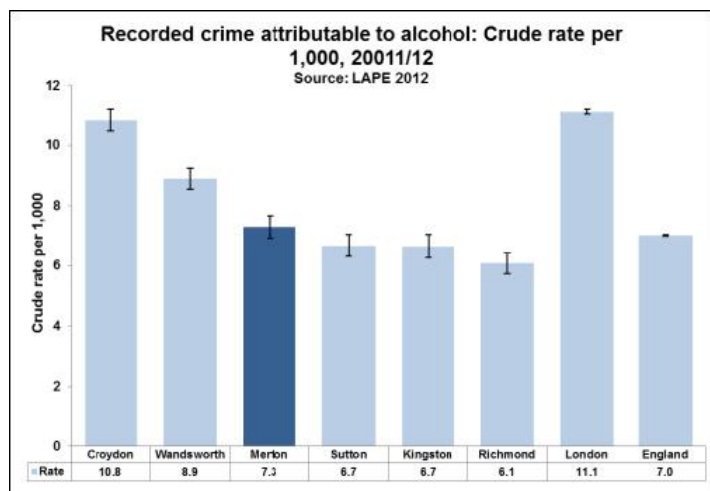
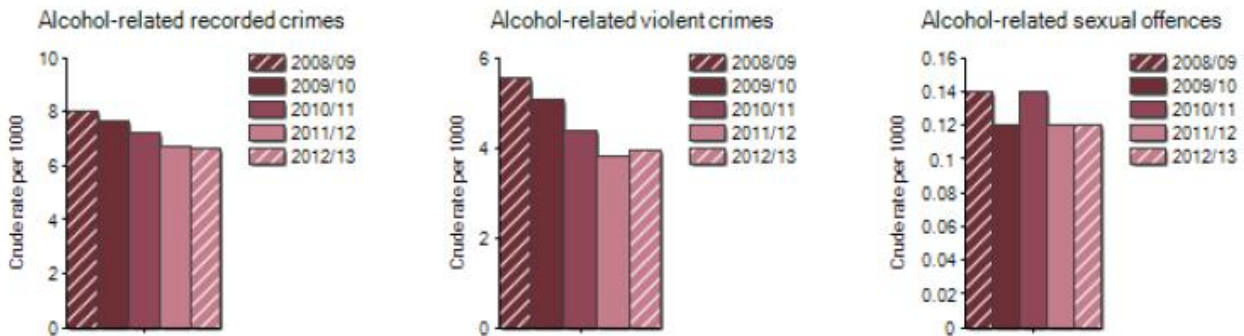
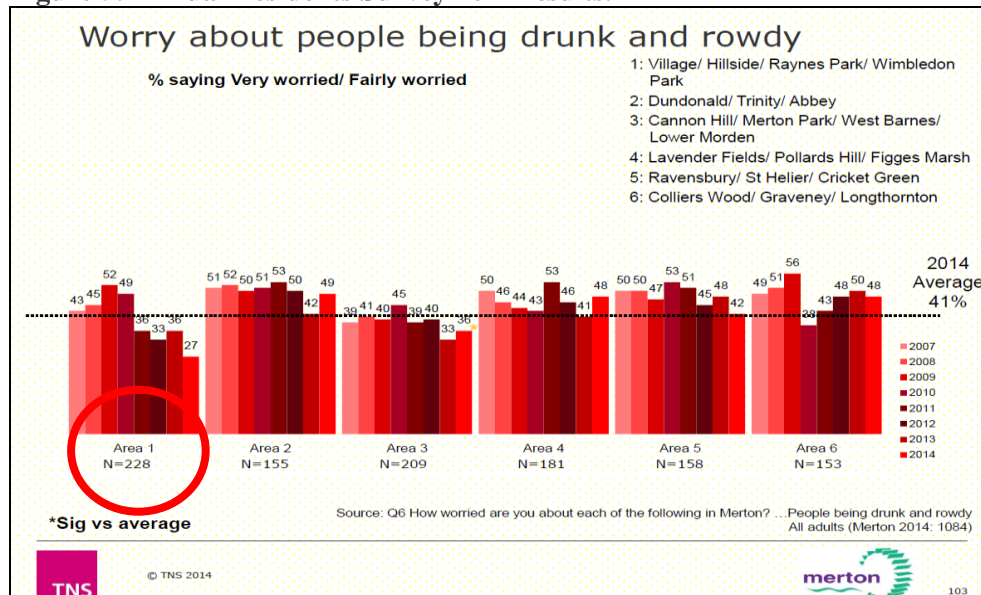


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



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 Hillside Ward is highlighted: in 2014 27% 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>

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

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