

Merton Council

Licensing Sub-Committee

Membership

Councillors:

Mary Curtin

Philip Jones

Linda Taylor OBE

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

Date: 12 June 2017

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
- 4 323-323a London Road, Mitcham, CR4 4BE 1 - 48

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feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.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: **323-323A London Road, Mitcham**

Date: **Monday 12 June 2017**

Time: **13:30**

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 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 application is for a new premises licence to sell alcohol off the premises.

5.2 The hours applied for are Monday to Sunday 8am to 10pm.

5.3 The applicants have put some information in their operating schedule that could be converted into conditions should the Sub-committee so wish.

5.4 Three representations have been received two from Responsible Authorities and one from a Councillor.

5.5 We are aware that there have been discussions with the Police, but are not aware of any decisions or agreements made because of this.

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

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WK/201700524

MEC000222942



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 KRZYSZTOF KACMARCZYK & PAMEL POZELKO (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
323-323A LONDON ROAD
MITCHAM
Post town LONDON Postcode CR4 4BE

Telephone number at premises (if any)
Non-domestic rateable value of premises £ 18,000

Part 2 - Applicant details

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

- a) an individual or individuals * [X] please complete section (A)
b) a person other than an individual *
i as a limited company/limited liability partnership [] please complete section (B)
ii as a partnership (other than limited liability) [] 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 (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|---|------------------------------|--------------------------------|--|
| Mr <input checked="" type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname KACZMARCZYK | | | First names KRZYSZTOF | | |
| Date of birth | | I am 18 years old or over <input checked="" type="checkbox"/> | | Please tick yes | |
| Nationality POLISH | | | | | |
| Current residential address if different from premises address | | [REDACTED] | | | |
| Post town | | [REDACTED] | | Postcode [REDACTED] | |
| Daytime contact telephone number [REDACTED] | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|--|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| Mr <input checked="" type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname PUZELKO | | | First names PAWEL | | |

| | |
|--|---------------------|
| Date of birth [REDACTED] I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes | |
| Nationality POLISH | |
| Current postal address if different from premises address | [REDACTED] |
| Post town [REDACTED] | Postcode [REDACTED] |
| Daytime contact telephone number [REDACTED] | |
| E-mail address (optional) | [REDACTED] |

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 5 | 0 | 5 | 2 | 0 | 1 | 7 |
|---|---|---|---|---|---|---|---|

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)

* ENTRANCE TO PREMISES DIRECTLY FROM THE HIGH STREET
INTO A 9M X 20M SHOP
* ALCOHOL TO BE DISPLAYED NEXT ~~TO BE~~ ^(BEHIND THE) TILLIS

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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)

A

| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| | | | | | |
| Tue | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| | | | | | |
| Wed | | | 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 6) | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

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



In all cases complete boxes K, L and M

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|--------|--|---|----------|--------------------------|
| Day | | | | Outdoors | <input type="checkbox"/> |
| Start | Finish | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| 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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | <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 6) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

E

| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| 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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | 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 3) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | 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 6) | | |
| Sun | | | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | 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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

□□□□

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 9).

N/A

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|--|---------------------------|--------|---|
| Day | Start | Finish | |
| Mon | 08:00 10:00 | 22:00 | N/A |
| Tue | 08:00 10:00 | 22:00 | |
| Wed | 08:00 10:00 | 22:00 | |
| Thur | 08:00 | 22:00 | |
| Fri | 08:00 | 22:00 | |
| Sat | 08:00 | 22:00 | |
| Sun | 09:00 | 21:00 | |

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 6)

amended by SB Jnu Email
2/10 Jnu Application

J

| | | | | | |
|---|-------|--------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption - please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) NO SEASONAL VARIATION IS EXPECTED | | |
| Mon | 8 AM | 10 PM | | | |
| Tue | 8 AM | 10 PM | | | |
| Wed | 8 AM | 10 PM | | | |
| Thur | 8 AM | 10 PM | | | |
| Fri | 8 AM | 10 PM | | | |
| Sat | 8 AM | 10 PM | | | |
| Sun | 8 AM | 10 PM | | | |
| | | | 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 6) N/A | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|-----------------------|
| Name | KRZYSZTOF KACZMARCZYK |
| Date of birth | [REDACTED] |
| Address | [REDACTED] |
| Postcode | [REDACTED] |
| Personal licence number (if known) | EXE-001252 |
| Issuing licensing authority (if known) | EXETER CITY COUNCIL |

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 10)

N/A

b) The prevention of crime and disorder

ALARM AND CCTV WILL BE INSTALLED

c) Public safety

FIRE ALARMS & SMOKE DETECTORS WILL BE INSTALLED

d) The prevention of public nuisance

NO LOW COST OR LOW QUALITY OR HIGH STRENGTH ALCOHOL WILL BE SOLD AS WE DO NOT WANT TO ENCOURAGE PUBLIC NUISANCE

e) The protection of children from harm

NO ALCOHOL TO BE SOLD TO ANYBODY
WITHOUT THE APPROPRIATE ID

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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature | [REDACTED] |
| Date | 18.04.2017 |
| Capacity | OPERATION MANAGER |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|------------|
| Signature | [REDACTED] |
| Date | 18.04.2017 |
| Capacity | OWNER |

| | | | |
|---|--|----------|--|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) | | | |
| Post town | | Postcode | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

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. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

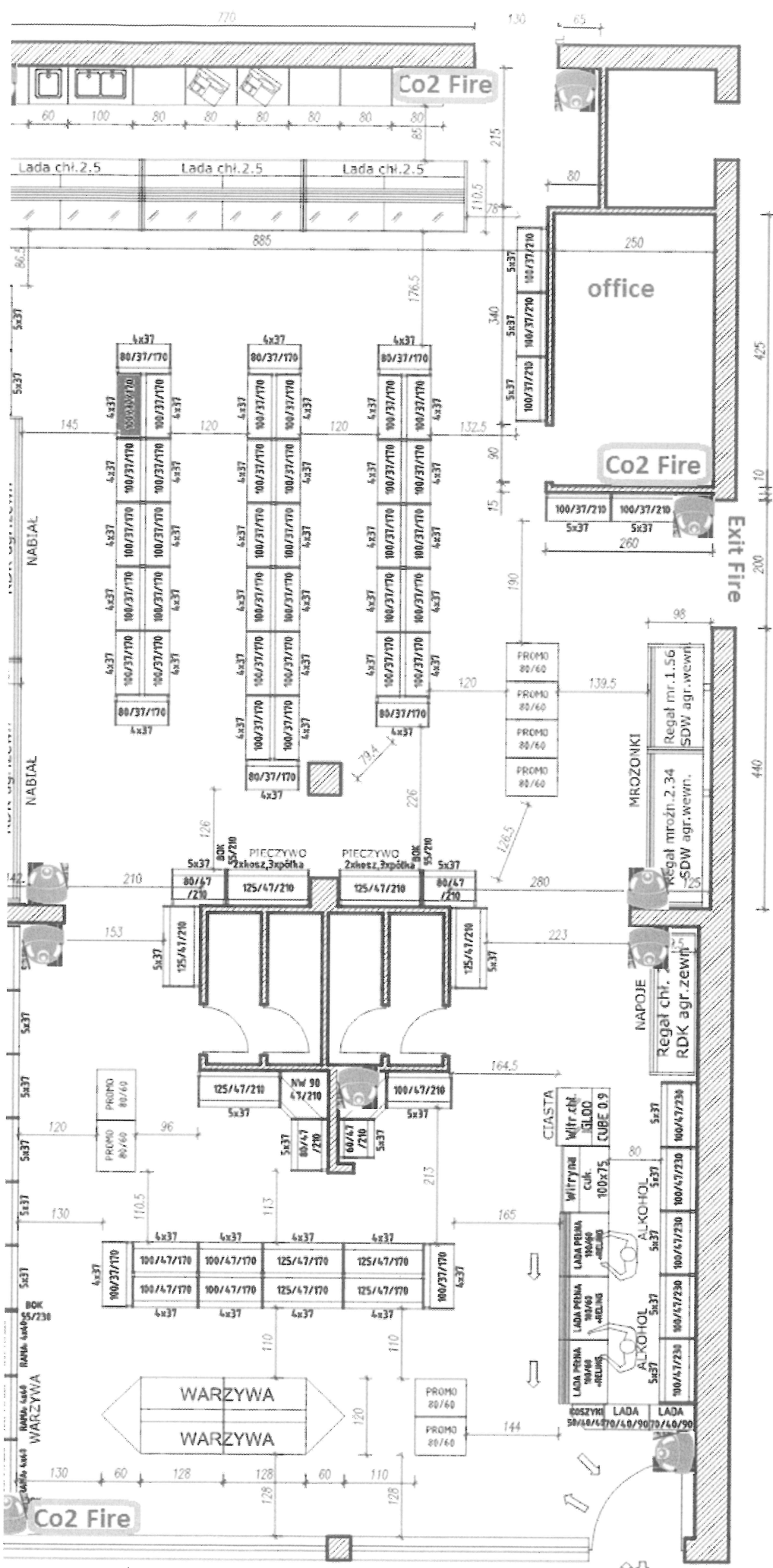
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

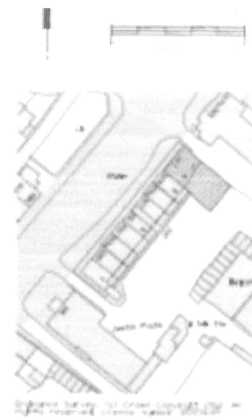
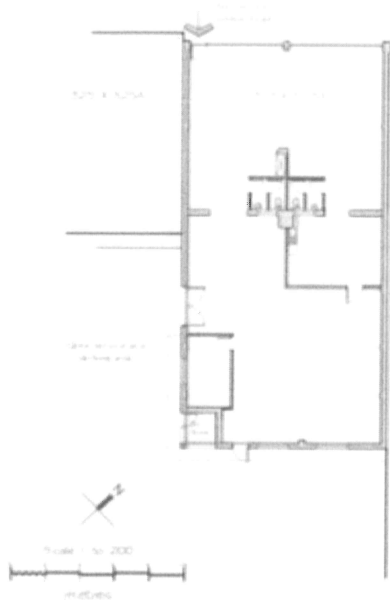
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;



323-323A London Road,
Mitcham CR4 4BE

| | | |
|--------------------|----------------------|------------|
| SCALE 1:100 | PROJECT NAME | |
| | GROCERY STORE | |
| | PLACE | LONDON |
| | CUSTOMER | P.PUZELKO |
| | DATE | 11.04.2017 |
| | He did | J. Ambroży |
| checked | T.Wilk | |



This drawing is for use as a design plan only and must be reproduced as A3 to maintain legibility. It provides from a PGP return on routing or to design options are retained.

Dimension of items is shown in red and must be checked by all parties to issue. Common areas (if shown) are depicted in blue. Site location is depicted in magenta and shown at ground level.

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| | |
|---|--------------------|
| 1107 Property Riverside House 2nd, Tottenham Road Camden London N1C 4BP | |
| Issue File Selected floor plan permission | |
| Location 125 & 127A London Rd Wokingham RG40 4BE | Class |
| Date 1/1/2020 10:43:11 | Day No 1107/002 |
| | User GIBSON T |

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: 020 8649 3074
Email: Russ.Stevens@met.police.uk

16th May 2017

Re:- Application for Premises Licence at 323-323a London Road, Mitcham. CR4 4BE

Dear Sir/Madam,

On 20th April 2017 an application was received from Mr Krzysztof Kaczmarczyk for a Premises Licence under Section 17 of the Licensing Act 2003.

The application can be summarised as follows:-

A shop at 323-323a London Road, Mitcham CR4 4BE. To sell alcohol from 8am to 10pm daily, for consumption off the premises.

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

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

It should first be mentioned that the premises is situated well inside a Cumulative Impact Zone specifically for shops selling alcohol for consumption off the premises. It has been agreed and documented that this area of Mitcham is currently saturated with shops selling alcohol and any additional such premises will add to the Cumulative Impact.

The application gives the description of the premises only as, "Entrance to premises directly from the High Street into a 9m x 20m shop. Alcohol to be displayed next to and behind the tills".

Part M, where the applicant describes steps intended to promote the four licensing objectives merely states that alarms and CCTV will be installed, and that no low cost, low quality or high strength alcohol will be sold. No alcohol to be sold to anybody without the appropriate ID.

The plans attached to the application were in Polish and appeared to show a small area of the shop designated for alcohol display.

On Thursday 4th May 2017, I visited Mr Kaczmarczyk at 323 London Road to discuss his application. It was then clear that a double fronted shop was being fitted out as a medium sized supermarket. Mr Kaczmarczyk explained that they will be specializing in Polish

produce for the local Polish community. He already owns a similar shop in Devon and has chosen to expand his business to London.

323 London Road is next door to The Job Centre and Benefits Agency at 321 London Road, and is at one end of a small parade of shops, with a smaller parade of similar shops immediately opposite. In this immediate vicinity there is an existing Off-Licence at 333 London Road (5 doors away), and another opposite at 384 London Road. There is a William Hill Bookmakers only 6 doors away at 335 London Road.

The pavement outside is exceptionally wide and accommodates a Bus Stop and Shelter. These conditions alone combine to create an attractive area for street drinkers to congregate.

Also immediately opposite the premises is a very busy car wash that employs a number of hand car washers. Employees and friends are often seen drinking from cans of beer at the car wash, and complaints have previously been received about staff urinating in the street.

Street Drinking is a serious and well documented problem in Mitcham Town Centre. So much so that there have been a number of official measures put in place to restrict the supply and consumption of alcohol:

- A Controlled Drinking Zone (CDZ) exists to prohibit drinking alcohol in public and gives Police alcohol seizure powers.
- Mitcham Town Centre is subject of a Cumulative Impact Zone (CIZ), relating solely to Off-Licences.
- An application has been submitted for a Public Space Protection Order to deal specifically with Street Drinkers.
- Responsible Retailers Agreement to self regulate sale of high strength beers and ciders.

Street Drinkers adversely affect both residents and businesses in Mitcham. Local residents regularly complain about drunk people urinating in the street and in gardens, dropping litter and empty drink cans, broken glass. Residents feel unsafe and are subjected to abuse when walking past groups of street drinkers loitering in public areas.

Local businesses suffer from regular low value thefts, as well as begging, threats of violence, abuse, and loss of genuine customers as a result.

I have previously compiled impact statements taken from local residents and businesses who have been affected by Street Drinkers.

Street Drinking and the associated Anti-Social Behaviour remains a serious problem in Mitcham despite the aforementioned control measures. In fact, since the phase 1 regeneration, the presence of street drinkers in Mitcham town centre has noticeably increased.

The Controlled Drinking Zone is enforced on a daily basis but powers are limited and relatively ineffective. CDZ legislation allows Police to seize alcohol and a power of arrest is attached if a person fails to surrender. However there is no power of search. Police will seize an opened can of alcohol from a street drinker but they usually have several more cans upon their person.

The street drinkers are fully informed on the CDZ. They will always surrender their alcohol. This is because the supply of strong alcohol is so easily accessible in the Town Centre.

Mitcham Town Centre Team and the Borough Licensing Officer previously visited all the licensed premises in the Town Centre and explained the community impact of selling high strength alcohol. Almost all of the retailers signed up to a 'Responsible Retailer Agreement'. Unfortunately this agreement is not enforceable and appears to have been disregarded by most.

Police are now issuing Community Protection Notices (CPN) under new ASB legislation. The CPN's allow us to place specific conditions on our habitual street drinkers. Breaching a CPN is an offence and will generally result in arrests and interviews. This process involves a huge amount of work and keeps Police officers off the street for a disproportionate length of time.

Over 45 Community Protection Notices have been issued to date. Ten people have been charged for breaching their CPN. Some are still waiting for their court date, but those whose cases have been heard are being fined around £180.

Any additional premises selling alcohol for off-sales will add to the problem of Anti Social Behaviour and Crime relating to Street Drinkers.

I expressed my concerns to Mr Kaczmarczyk and he explained that he was currently working with Devon & Cornwall Police with regard to similar issues at his other store. Mr Kaczmarczyk volunteered an agreement not to sell single cans and high strength beers, but I do not feel that this addresses the cumulative impact.

It is the view of the Police that if this application for a new Premises Licence was granted, there would most certainly be a negative impact in relation to the prevention of Crime and Disorder and the prevention of Public Nuisance. Street drinkers will be further attracted to the area immediately outside the premises, and they will loiter around their source of alcohol supply. Complaints re anti-social behaviour and general public nuisance will increase.

The Metropolitan Police strongly advise that this application is rejected.

If the Premises Licence is approved, we strongly recommend that the following conditions are imposed:

1. There will be no sale or display of beer or cider over 5.5% ABV.
2. Cans of beer and cider will only be sold in multiples of 4 or more.
3. Less than 15% of the total produce display will be for alcohol sales.
4. There must be a fully working, good quality digital CCTV system in operation at all times that the premises are open. Recordings must be kept for a minimum of 28 days and be made available to Police with the minimum of delay if requested.
5. A Challenge 25 Policy will be strictly operated.
6. A refusal and incident log will be strictly maintained and made available immediately to Police on request.
7. A minimum of three members of staff to be present at all times that the premises is open.
8. A Personal Licence Holder to be present at all times that the premises is open.

Yours Faithfully

Russ Stevens PC 852VW 191701

Licensing Officer

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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: 15/05/2017

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

Re: Application to Vary the Premises Licence under the Licensing Act 2003 – 323– 23A London Road, Mitcham, CR4 4BE

| | |
|----------------------------|---|
| Premises licence number | |
| Applicant | Krzysztof Kacmarczyk and Pawel Pozelko |
| Premises address | 323-323A London Road, Mitcham, CR4 4BE |
| Ward | Cricket Green |
| Summary of the application | New off-licence Hours of sale: Monday – Sun 08.00hrs – 22.00hrs |

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 **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>

1. The prevention of crime and disorder

London Borough of Merton Civic Centre, London Road, Morden, Surrey SM4 5DX
020 8274 4901 merton.gov.uk

Local data from Safe Stats shows that in the year to October 2016, the following incidents occurred within 500 meters of the postcode for this premises:

- 2 Ambulance-reported assaults
- 1 alcohol-related incidents, 0 of which were in those under the age of 26
- 0 least serious injuries, which are often used as a proxy for alcohol related harm
- 5 incidents of criminal damage within 400 metres

This data suggests an existing significant impact of alcohol consumption in the local area. While the above data does not relate to these specific premises, it is likely that the granting of this licence as requested, will contribute to 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.³

2. Public Safety and Prevention of public nuisance

The data above on assaults and violence above and in Appendix 1 paint a picture of the impact of alcohol consumption in this specific area on both public safety and nuisance.

The premises are located in the Mitcham CIZ, an area where it is recognised that there is already a significant problem with the impact of alcohol on public safety and public nuisance. The most recent Annual Residents Survey (2014) highlighted that 42% of all residents in this area of the borough are very worried or fairly worried about people being drunk and rowdy (Appendix 2).

3. The protection of children from harm

In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions⁴ .

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

The premises is located within 500 metres of 7 schools, and is in the top 5% of areas in the borough for schools within 200m, this premises is likely to be on the main route home for many young people from school.

Conclusion

The applicant states limited steps that 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.”

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 10pm 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. 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.
4. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
5. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
6. Drinkaware will be promoted through the business website and drinking sensibly and appropriately will feature on any menus and marketing literature.
7. A ‘Challenge 25’ Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18+ years of age.
8. The Premises Licence Holder shall ensure that full training is provided to all staff on commencement of employment on their Challenge 25 policy and the law relating to the sale of alcoholic products and any system or procedures that they are expected to follow in the course of dealing with these goods.

9. A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person is or appears to be under 18 years of age or the person is intoxicated. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the local authority.
10. 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.
11. No advertising of alcohol drinks or drink promotions visible from the street.
12. 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,

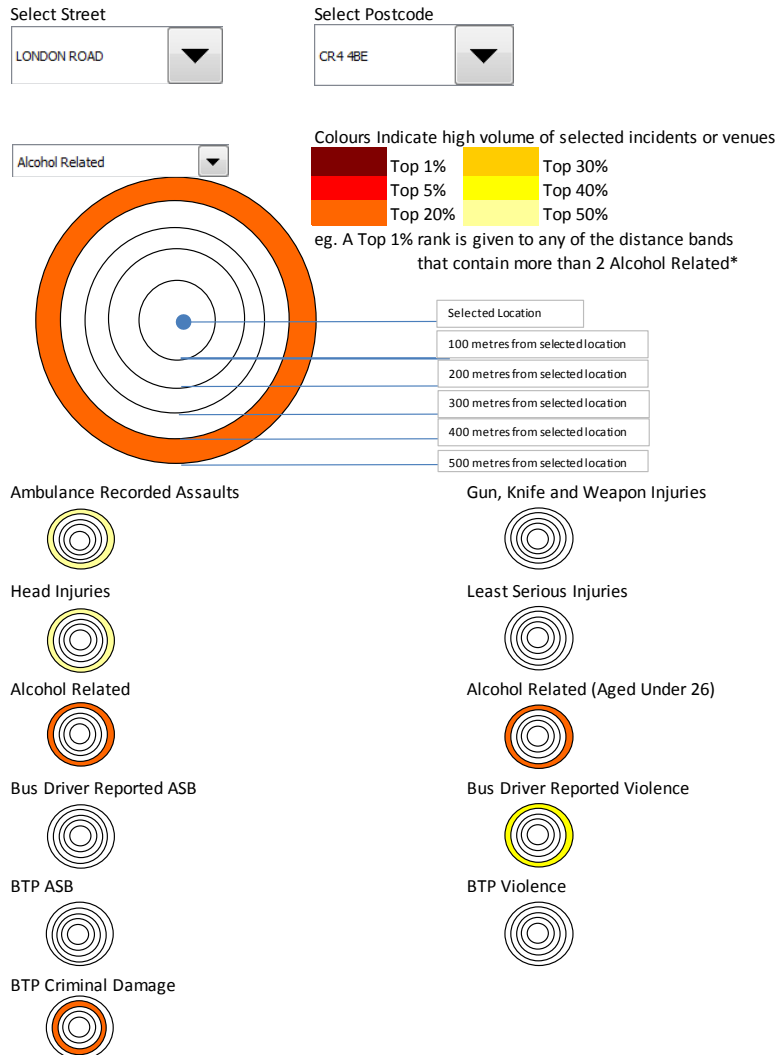
Keith Daley
Substance Misuse Commissioning Manager

On behalf of Merton Public Health team

Appendix 1: LBM Public Health preliminary data scan for the following premises:

323-323A London Road, Mitcham, CR4 4BE

A. SafeStats bullseye dashboard for: 323-323A London Road, Mitcham, CR4 4BE



Headlines related to this postcode:

- 2 alcohol related incidents within 500m of this postcode in the year to June 2016; 0 in those aged under 26.
- 7 Nearby schools

| Type of data (incidents) | Total within 500m |
|---------------------------------|-------------------|
| Ambulance recorded assaults | 2 |
| Gun, Knife and Weapons injuries | 0 |
| Head injuries | 1 |
| Least serious injuries | 0 |
| Alcohol related | 1 |
| Alcohol related (aged under 26) | 1 |
| Bus driver reported ASB | 0 |
| Bus driver reported Violence | 1 |
| Nearby schools | 7 |

* In the year to June 2016

B. SafeStats traffic light dashboard for postcode

| USER INPUT | | |
|--|--------|---------------|
| SELECT POSTCODE FROM LIST | WARD | WARD NAME |
| CLICK HERE> <input type="text" value="CR4 4BE"/> | 00BAGA | Cricket Green |

| PREVENTION OF CRIME AND DISORDER | |
|---|---|
| AMBULANCE DATA | |
| RANK ALL ASSAULTS 2 out of 20 wards | RANK SEXUAL ASSAULTS 2 out of 20 wards |
| RANK ALL WEAPON INJURIES 5 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 4 out of 20 wards |

| POLICE DATA: recorded crime and ASB | |
|---|---|
| RANK ALL VIOLENCE 2 out of 20 wards | RANK RAPE 6 out of 20 wards |
| RANK THEFT FROM PERSON (OTHER) 7 out of 20 wards | RANK PERSONAL ROBBERY 1 out of 20 wards |
| RANK CRIMINAL DAMAGE 1 out of 20 wards | RANK POSSESSION OF DRUGS 3 out of 20 wards |
| MPS ASB RANK 1 out of 20 wards | MPS POSSESSION OF WEAPON 2 out of 20 wards |

| Other data sources | |
|---|--|
| NIGHT TIME VIOLENT DISORDER 2 out of 20 wards | DELIBERATE FIRES 6 out of 20 wards |
| Probation Clients with Alcohol misuse Risk 2 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 1 out of 20 wards | AGED 18 - 25 1 out of 20 wards | |
| AGED 26 - 39 4 out of 20 wards | AGED 8 - 39 4 out of 20 wards | AGED 18+ 1 out of 20 wards |

| DEPRIVATION | |
|--|--|
| ward summaries | |
| INCOME DEPRIVATION 1 out of 20 wards | EMPLOYMENT DEPRIVATION 1 out of 20 wards |
| AVERAGE DEPRIVATION 1 out of 20 wards | RANK BY MOST DEPRIVED SUB WARD AREA 2 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 1 out of 20 wards |

| WELL BEING | |
|--|--|
| 13 RANK Life Expectancy | 1 RANK Incapacity claimant rate -index |
| 11 RANK Crime rate - Index | 4 RANK Average Capped GCSE and Equivalent Point Score Per Pupil |
| 6 RANK Unauthorised Absence in All Schools (%) | 1 RANK Dependent children in out-of-work families |
| 11 RANK Public Transport Accessibility | 20 RANK Homes with access to open space & nature, and % greenspace |
| 3 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 & Cricket Green 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.⁵ 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:

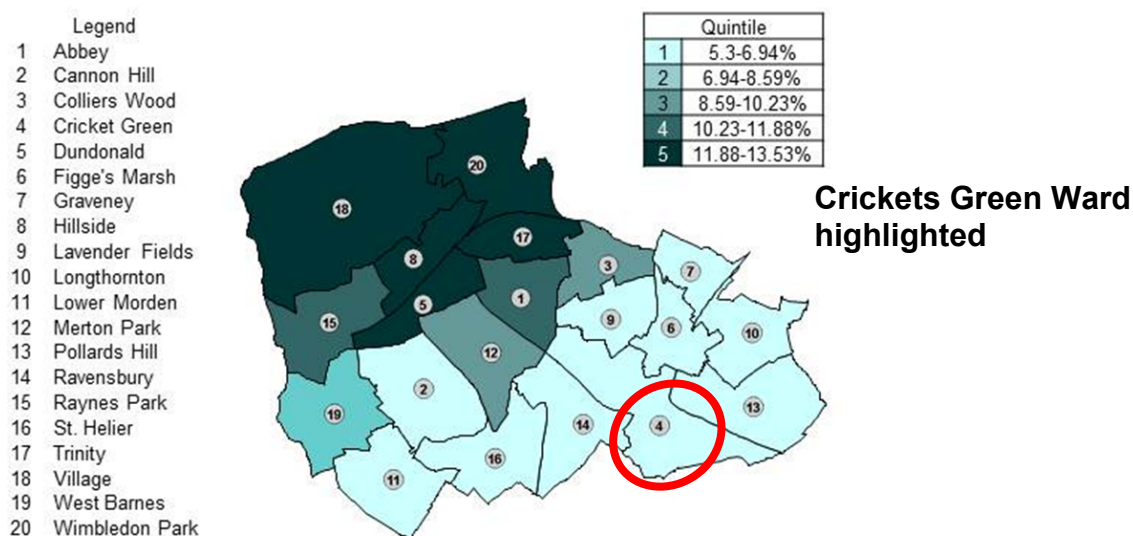
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

Figure 1: Residents reporting drinking alcohol every day

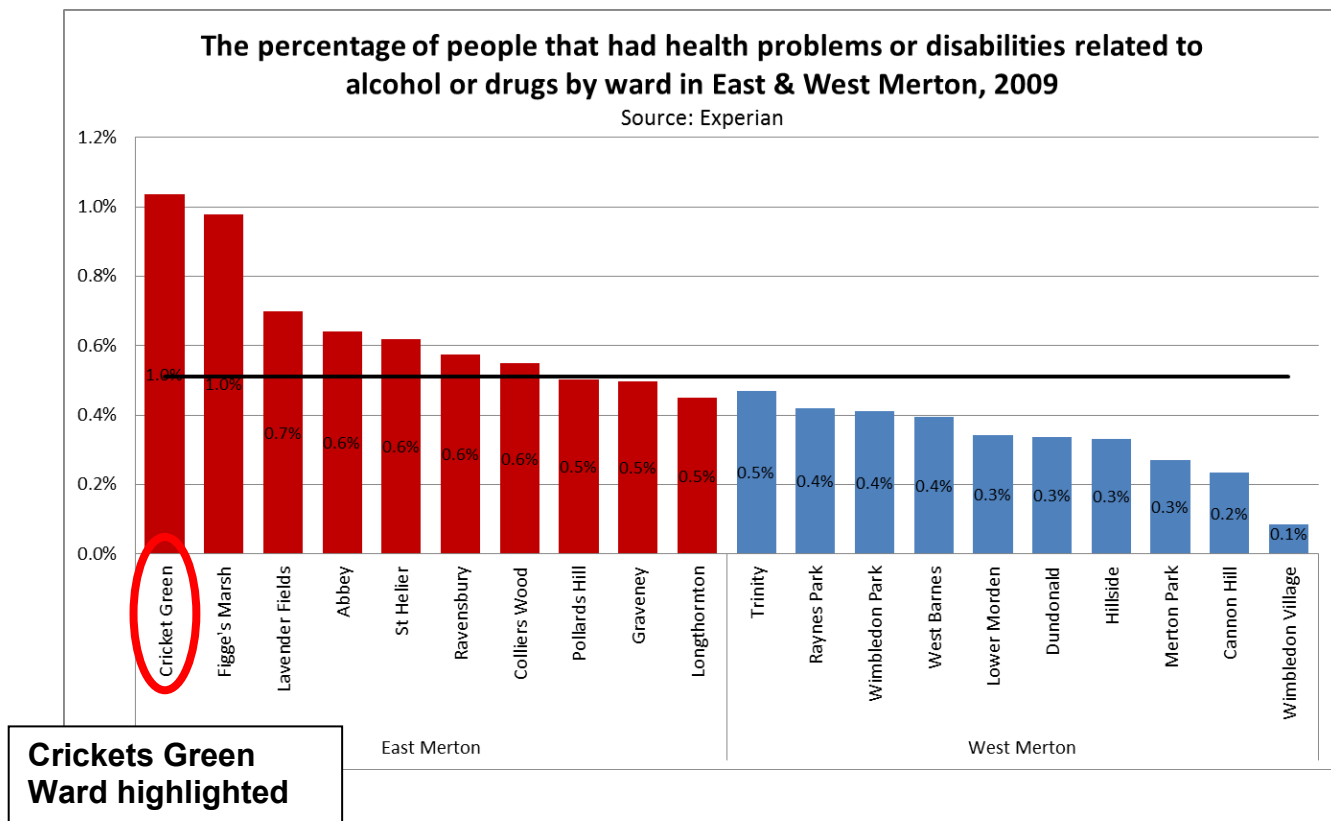
Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



⁵ 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.

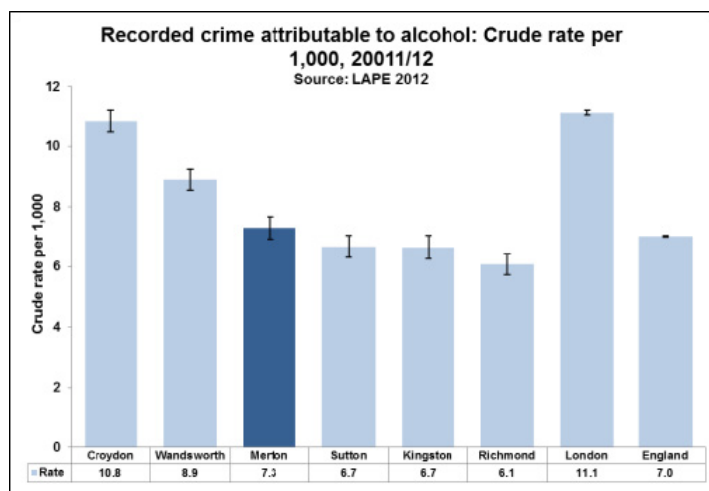
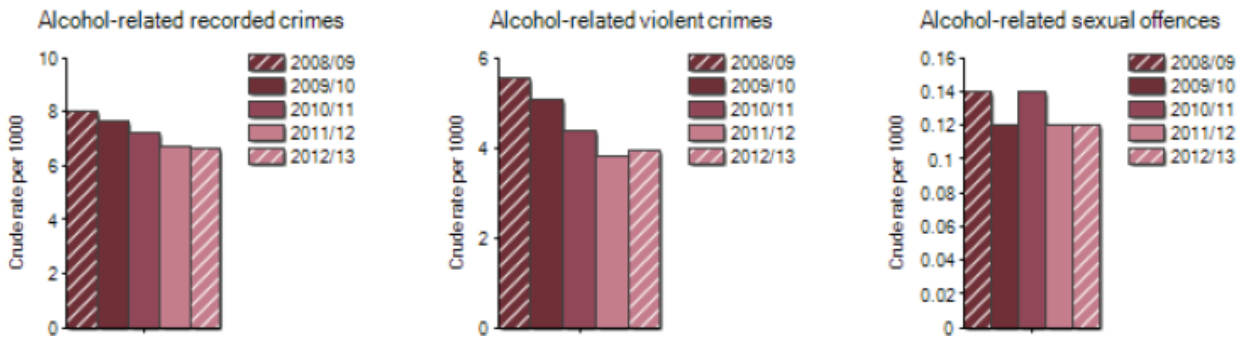
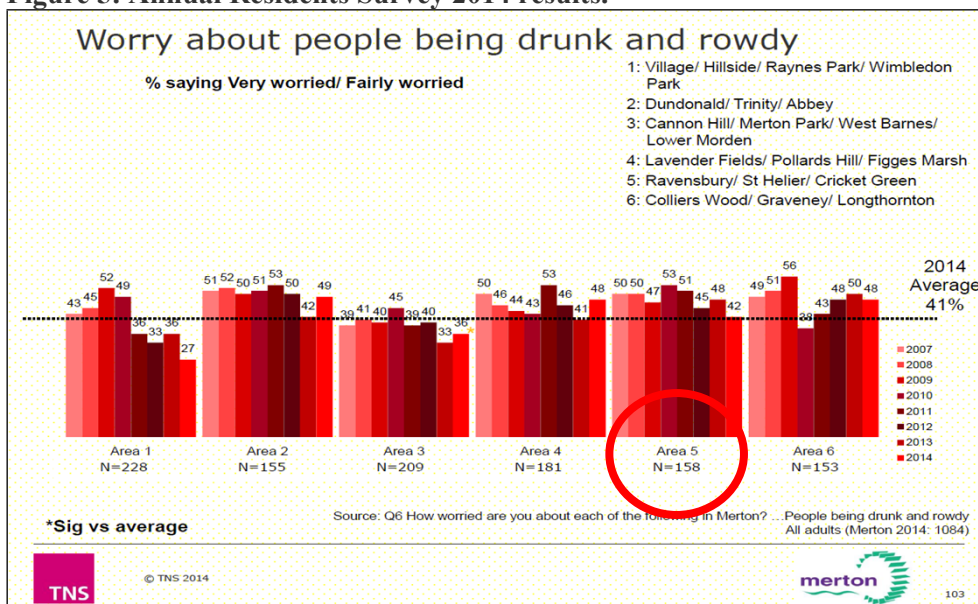


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



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 Crickets Green Ward is highlighted: in 2014 an above average number (42%) of local residents are very worried or fairly worried about people being drunk and rowdy, this is an decrease on 2013 (48%).

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: 10 May 2017 10:58
To: Licensing
Subject: RE: Application Reference WK/201700524

Dear Barry

Re Licence below

As a local councillor I am dealing with a significant amount of anti-social behaviour in my ward. These matters are being monitored by the Mitcham Locations Board which I attend each month.

We have a significant number of businesses selling alcohol in this area and adding another premises will only exacerbate the problem.

Licensing is dealing with applications on an individual basis. What is needed is a more strategic approach to an area like Graveney, which has become a street drinking hotspot.

The types of alcohol that are on sale, particularly in Eastern European establishments is of a very high alcoholic content. This is not only very dangerous to health but causes drunkenness which is a **public nuisance**. It can also lead to **public disorder**. Frequently people drink in the streets day and night with their bottles disguised in polybags.

Our police numbers have been reduced from 6 officers per ward to 2. They do not have the capacity to deal with this matter effectively, which is why our area has become an anti-social behaviour hotspot..

We do not want to see anymore establishments selling alcohol in this area of Graveney Ward which already has 7 outlets, unless those responsible for making the decisions would like to come down to the ward and sort out the problems created by this nuisance.

I would be grateful if you would ensure my views are taken into account when assessing this extension request.

Regards

Linda

Current Premises and Club Licensing Applications 26 April 2017

Address 323-323A London Road, Mitcham, CR4 4BE

[323-323A London Road]

Applicant(s) Mr Krzysztof Kaczmarczyk, Mr Pawel Puzelko

Application Reference WK/201700524

Application Type New Premises Licence

Closing Date for Representations Wednesday, 17 May 2017

Permissions being applied for

Supply of Alcohol

Off the premises

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday 08:00 22:00

08:00 22:00

08:00 22:00

08:00 22:00

08:00 22:00

08:00 22:00

08:00 22:00