

RusMerton Council

Licensing Sub-Committee

Membership

Councillors:

Agatha Mary Akyigyina OBE

Mary Curtin

Linda Taylor OBE

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

Date: 30 October 2017

Time: 10.30 am

**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 Review - Sleeico Ltd, 288 London Road, Mitcham, CR4 3NB 1 - 30

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 3357.

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Procedure to be followed at Licensing Hearing

- 1 Presentation by the Applicant - Police
 - a) Questions by Licensee
 - b) Questions by responsible authorities and then interested parties to the Applicant
 - c) Questions by the sub-committee of the Applicant
- 2 Presentation by each responsible authority (this will need repeating for each authority)
 - a) Questions by Licensee to responsible authorities
 - b) Questions by the Applicant -Police and then interested parties to responsible authorities
 - c) Questions by the sub-committee of the responsible authorities
- 3 Presentation by any interested parties (based on agenda order, unless changed by Chair) (this will need repeating each party)
 - a) Questions by Licensee
 - b) Questions by the Police and then responsible authorities to the interested parties
 - c) Questions by the sub-committee of other interested parties
- 4 Presentation and response by Licensee
 - a) Questions by Applicant - Police to Licensee
 - b) Questions by the responsible authorities, then interested parties to the Licensee
 - c) Questions by the sub-committee to the Licensee
- 5 Licensing Officer comments/ clarification
- 6 Legal Adviser for any comments/clarifications
- 7 Closing statements by the responsible authorities and interested parties
- 8 Closing statements by the Licensee
- 9 Closing statements by the Applicant – Police
- 10 The sub-committee will retire to closed session and invite the Legal Adviser & Clerk to join them to provide advice.
- 11 Re-open for public session
- 12 Legal Officer to present the advice provided during private session
- 13 Decision will be read out, with written confirmation to follow within five working days
- 14 Close of hearing

Licensing Sub-Committee Report

Subject of hearing: **Sleeico Ltd, 288 London Road, Mitcham, CR4 3NB**

Date: **30 October 2017**

Time: **10.30 am**

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. However, the relevant section of Merton's Licensing Policy is not 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 Review of premises licence: s52

- (i) To modify the conditions of the licence
- (ii) To exclude a licensable activity from the scope of the licence
- (iii) To remove the designated premises supervisor
- (iv) To suspend the licence for a period not exceeding three months
- (v) To revoke the licence.
- (vi) To grant or 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 South London Legal Partnership will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer comments

5.1 The application for a review of the premises licence, brought by the Metropolitan Police, was received by the Licensing Authority on 11th September 2017.

5.2 The review is on the grounds of all four of the Licensing Objectives.

5.3 Notices advertising the review were placed near the premises and were displayed during the 28 day consultation period.

- 5.4 The review application states that documents which include photographs, a warning letter and statements from HMRC, a Police Officer and local residents are attached to the application. We have been informed by the Police that these are to follow and will be submitted as additional information before the Sub-committee hearing as information is still being collated. It had not been received at the time this report was written.
- 5.5 We have received three supporting representations from Responsible Authorities.
- 5.6 There has been no contact from the Premises Licence Holder and we are not aware of any discussions between the Licence Holder and any other party.

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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LICENSING ACT 2003

Part A Premises licence

Premises licence number

LN/000002093

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Sleeico Ltd
288 London Road
Mitcham
CR4 3NB

020 3489 1309

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday	08:00	-	22:00
Tuesday	08:00	-	22:00
Wednesday	08:00	-	22:00
Thursday	08:00	-	22:00
Friday	08:00	-	22:00
Saturday	08:00	-	22:00
Sunday	08:00	-	22:00

Sale & supplies of alcohol, whether these are on and/or off supplies

Off the premises



Licensable activities and permitted times authorised by the licence

Alcohol Sales

Off the premises

Monday	08:00	-	22:00
Tuesday	08:00	-	22:00
Wednesday	08:00	-	22:00
Thursday	08:00	-	22:00
Friday	08:00	-	22:00
Saturday	08:00	-	22:00
Sunday	08:00	-	22:00

Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

Kandiah Arasalingam

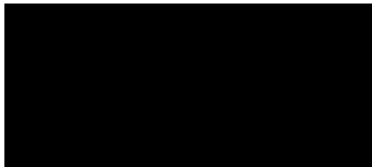


Registered number of holder, ie company number, charity number etc.

None

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Kandiah Arasalingam



Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

London Borough of Merton LN 2006 1090



ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

- 1.** That no supply of alcohol may be made under the premises licence
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2.** That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3.** Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
- 4.** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
(a) a holographic mark, or
(b) an ultraviolet feature.
- 5.** A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 6.** For the purposes of the condition set out in paragraph 1—
(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,



(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



Annex 2
Conditions consistent with the Operating Schedule

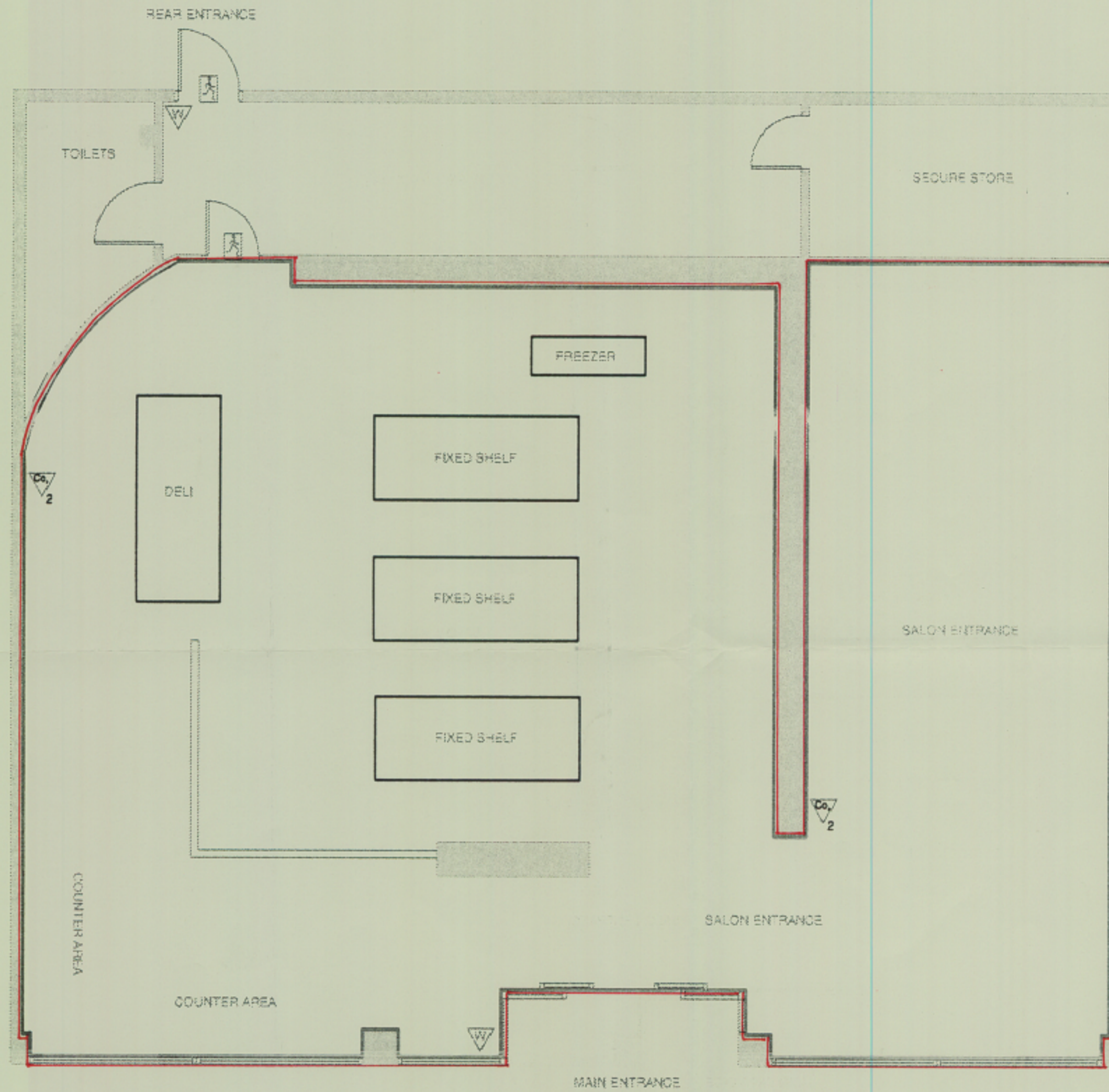
NONE

Annex 3
Conditions attached after a hearing by the licensing authority

NOT APPLICABLE

Annex 4

Premises Plan: Drawing number '002484' of 15/12/2011.



SYMBOLS KEY AND DRWG ANNOTATIONS	
	Fire extinguisher Water
	Fire extinguisher Carbon Monoxide 2kg
	Fire exit
	Licensed Area

TRADING AREA: 142.02M²

Drawing No. 002484	Drawing: Licensing Plan	Project: 288 London Road, Mltcham Surrey CR4 3MB	Date 28.10.2011	Sheet 1 of 1
<h1>UK Surveyors Ltd</h1> <p>www.uksurveyors.net</p>		djr@uksurveyors.net Mobile: 07814-452536 Office: 01543-222915	Do not scale off this plan	
		Drawn By: DJR	Scale 1:100 @ A2	

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Application for the review of a premises licence or club premises certificate 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 PC Russ STEVENS on behalf of the Commissioner of the Metropolitan Police
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Sleeico Ltd 288 London Road	
Post town Mitcham	Post code (if known) CR4 3NB

Name of premises licence holder or club holding club premises certificate (if known) Kandiah Arasalingam
--

Number of premises licence or club premises certificate (if known) LN/000002093

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC Russ STEVENS - Licensing Officer Wimbledon Police Station 15 Queens Road Wimbledon SW19 8NN
Telephone number (if any) 02086493074
E-mail address (optional) Russ.Stevens@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of children from harm.

Numerous complaints have been received about Anti-Social Behaviour connected to Street Drinkers who purchase alcohol from the premises and loiter unchallenged by staff.

Persistent failure to prominently display summary of the Premises Licence

Persistent failure to produce Premises Licence

Persistent failure to produce Personal Licence to a Police Officer

Persistent failure to discourage persons known to cause Anti-Social Behaviour

Sale of alcohol outside permitted hours to an undercover Police Officer

Knowingly allowing non duty paid goods to be kept on premises.

Regular customers found at rear of premises smoking cannabis unchallenged.

Please provide as much information as possible to support the application
(please read guidance note 2)

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.

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.

The Controlloed Drinking Zone is enforced on a daily basis allowingh Police to seize containers of alcohol and a power of arrest is attached if a person fails to surrender. The street drinkers are fully informed about the CDZ and Police powers. They will always surrender their alcohol. This is partly because the supply of strong alcohol is so easily accessible in the Town Centre. The alcohol being seized generally costs £1 per can.

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

One effective method of reducing street drinkers in an area is to cut off the supply of high strength, low cost Beer and Cider. This is the alcohol of choice for most street drinkers as it offers the best %abv value for money.

On 23rd March 2016, my predecessor Sgt Paoli visited Sleeico Ltd, 288 London Road and discussed the Street Drinking Responsible Retailer Agreement. The Licence Holder Mr Kandia Arasalingam accepted and signed the agreement making a commitment to no longer stock beer or cider over 6.5%abv. The agreement also declared a commitment not to sell alchol for consumption in public places or to people who Mr Arasalingam believes may consume alcohol in public places.

The Responsible Retailer Agreement appears to have been completely disregarded very soon afterwards if indeed it was ever actually committed to.

In November 2016, I visited Sleeico and discussed ASB issues with Kandiah Arasalingam's son Srirangarajan Arasalingam. Sri explained that his father was currently in hospital and that he was running the business on his behalf. Sri claimed to be in control of all paperwork and admin relating to the shop anyway. I explained to him that it was a legal requirement to prominently display the summary of the Premises Licence and also to produce the full licence when requested. The summary was not currently being displayed and Sri was unable to produce the Premises

Licence.

I noted on that occasion that beer and cider on display was almost entirely over 6% abv, described as high strength. It was also all very low priced, around the £1 per can mark. Sri agreed to run his stock of high strength beer and cider down over the next few weeks and promised that he would no longer sell beer over 6%abv.

On 7th July 2017, I visited Sleeico Ltd to discuss renewed complaints about anti-social behaviour connected to Street Drinkers who were purchasing alcohol from this premises. As I approached the shop, I saw a male sitting on a bench immediately outside the shop entrance drinking from a can of beer. When he saw me he threw the beer in the bin. I asked him where he had purchased the beer and he pointed at Sleeico and said, "in there". The man was drunk.

I entered the shop and could see no display of the summary of the Premises Licence. I identified myself and spoke to the man behind the counter who I was to discover was Kandiah Arasalingham, the Licence Holder. After repeatedly telling me that Kandiah was not present, he eventually admitted to actually being Kandiah himself. He was unable to produce his Personal Licence or the full Premises Licence and could not explain why the licence summary was not displayed. Srirangarajan entered the shop and I had a discussion with them together. They assured me that they would obtain the documents and keep them at the shop.

We discussed the high strength beer and they both assured me that they would stop selling beer over 6%abv immediately. They told me that street drinkers were causing them problems. I completed a "Notification of Offences" form and gave Kandiah a copy. I felt like the Arasalingams were not taking their responsibilities seriously. Kandiah seemed more keen to continue to serve customers rather than talk to me, and people were still coming into the shop to buy high strength beer.

During my visit I walked along the driveway next to Sleeico that serves their rear car park. There were empty cans of high strength beer all along the driveway and immediately behind the shop.

On 13th July 2017, I visited Sleeico in company with Barry Croft, the Merton Council Licensing Manager. We had further discussions with Kandiah and Sri about their community impact. The Licence summary was still not displayed and they were unable to produce the full licence to me. Kandiah did not have his Personal Licence to hand. Most of the beer and cider on display was over 6% and very few items were actually displaying prices. (Photos attached)

I handed Kandiah a Warning Letter. (Copy attached)

On 27th July 2017, officers from HMRC (Customs & Excise) visited Sleeico. I attended whilst they were still at the shop. Kandiah and Sri were both present. HMRC officers seized the entire stock of beer and cider due to VAT having not been paid on these items. (Statement attached)

On 31st August 2017 at 22:17hrs, a plain clothed Police Officer entered Sleeico and asked the person behind the counter, "Is the shop still open". The reply was, "yes" and the officer purchased a can of Tatra beer (7%abv). This sale was unauthorised as was outside of the Premises Licence permitted hours (0800-2200hrs). Statement attached.

On 1st September 2017 at 1630hrs, I drove past Sleeico to see a male urinating in bushes approximately 15 feet from the shop. As soon as the male saw my marked Police vehicle he ran off. There were several pedestrians walking past who could clearly see the male urinating.

At 1715hrs, I returned to serve a closure notice. As I walked towards the shop, I passed two known street drinkers sitting directly outside. They had cans of beer in their possession. I said hello to them and they responded, their speech was slurred. I passed the shop entrance and walked down the service alley to the rear carpark. I

was immediately greeted with the strong smell of cannabis. I found two males loitering behind the shop. I searched the males in compliance with Sec 23 Misuse of Drugs Act and found one of them to be in possession of a small quantity of herbal cannabis. He explained that he was a regular customer at the shop and uses the car park behind to smoke cannabis. CRIS 1410483/17 refers.

I then entered Sleeico and spoke to Mrs Vijeyaluxmi Arasalingam who was behind the counter. Her husband, Kandiah or her son Sri were not present. I noted that the full Premises Licence was prominently displayed on the wall. Although not the summary, but close enough.

I also noted that the displays of beer and cider still contained mostly beer of over 6%abv, but individual pricing was now visible.

I explained to Mrs Arasalingam that an alcohol purchase had been made outside of permitted hours last night to which she told me was not possible as they close at 10pm. Due to carrying on a licenseable activity not in accordance with an authorisation within the last 24hrs, I served a Closure Notice under Section 19 Criminal Justice and Police Act 2001. I also explained that I was further considering bringing the Premises Licence to Review. Mrs Arasalingam did not seem overly concerned and continued to serve customers.

There is Body Worn Video footage of my visit and also the drugs search immediately prior. [REDACTED]

The Police have received a number of complaints from local residents about Sleeico in relation to anti-social behaviour and public nuisance. Street drinkers and drug users are drawn to the shop and the staff appear to be doing nothing at all to discourage them. Complaints have also been received that the premises is staying open late into the night, often to 1 or 2am (3 or 4 hours after their permitted times).

Many complaints have been received from the residents of Glebe Court, next to Sleeico. Several reports of drunk males exposing themselves and urinating. The street drinkers are well known to Glebe Court estate management who regularly see them going into Sleeico and purchasing alcohol. On one occasion a drunk collapsed male was roused by Police outside Glebe Court, his beer was confiscated and officers sent him on his way. The male went straight back into Sleeico and purchased more alcohol, Police returned and he was arrested. Estate management have spoken to staff inside Sleeico but have been dismissed out of hand.

Complaints from residents of Deseret House, 288a London Road, describe drinking, fighting, drug use, verbal abuse and urinating right outside their homes. The culprits are all drawn to Sleeico and appear to purchase their alcohol from this shop. Residents have challenged staff at Sleeico and have been told that they can do what they want. Residents of Deseret House are currently living in fear of abuse and are unable to protect their children from the swearing and sights of drunk men urinating.

Statements are attached from local residents directly affected by the poor management of Sleeico.

It is the view of the Metropolitan Police that the current operation of Sleeico Ltd, 288 London Road, Mitcham has a severe negative impact on the local community. The Premises Licence Holder, Kandiah Arasalingam appears to have complete disregard for all four Licensing Objectives. I have had numerous conversations with Kandiah and his son about their responsibilities and how to deter the street drinkers and drug users. On every occasion we have been promised that high strength beer would no longer be sold, but this is proven to have been nothing more than lip service. Street drinkers continue to congregate outside Sleeico, their source of alcohol, whilst abusing, intimidating and frightening members of public and local residents. Children have been exposed to people urinating in the street.

In line with Metropolitan Police policies and Home Office Guidance of the Licencing Act 2003, I have conducted a stepped approach to the problems. I have given verbal warnings, official notifications of offences, an official warning letter, and finally a closure notice, whilst maintaining full dialogue with the Licence Holder.

Despite all of the discussions and warnings, Sleeico continues to trade irresponsibly and in breech of the Licensing Objectives. The Metropolitan Police respectfully request that the Premises Licence LN/000002093 be REVOKED.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

8th September 2014

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Russ.Stevens@met.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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The Licensing Officer
London Borough of Merton
Licensing Team
14th Floor Civic Centre
London Road
Morden
SM4 5DX

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

Direct Line: 020 8545 3798
Fax: 020 8545 4025
Email: licensing@merton.gov.uk

My Ref :
Please Ask For: Barry Croft
Your Ref:

Date: 9 October 2017

Dear Sirs,

**Sleeico Express, 288 London Road Mitcham Surrey CR4 3NB – Premises
Licence No. LN/000002093**

**Application to Review a Premises Licence
Licensing Act 2003**

On behalf of the Licensing Authority, as a Responsible Authority under the Licensing Act 2003, I write to support the Police application for the review of the premises licence, which authorises licensable activities at **Sleeico Express 288 London Road Mitcham CR4 3NB**. The current premises licence (LN/000002093) authorises the supply of alcohol for consumption off the premises as follows:

**Supply by Retail of Alcohol (off the premises only)
Sunday to Saturday 08:00 to 22:00 hours**

Hours the premises are currently open to the public:

Sunday to Saturday 08:00 to 22:00 hours.

The review application submitted by the Police on the ground of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm sets out factual information in connection with the following:

- Persistent failure to display the summary premises licence;
- Persistent failure to produce a premises licence;
- Persistent failure to produce a personal licence to a police officer;
- Persistent failure to discourage persons known to cause anti-social behaviour;

- Selling alcohol outside the permitted hours as authorised by the current premises licence;
- Knowingly allowing non duty paid goods to be kept on the premises; and
- Regular customers found at the rear of the premises smoking cannabis unchallenged.

On Thursday 13 July 2017 I visited Sleeico with PC Russ Stevens. At the time of our visit the summary premises was not on display. The premises licence holder Mr Kandiah ARASALINGAM, who was on the premises at the time of our visit, was unable to produce the current full premises licence. The majority of alcohol on display, and available for sale by retail, was beer, larger and cider of 6% ABV and above. The majority of the single cans of alcohol being offered for sale did not have a price displayed.

The Licensing Authorities records show three separate complaints received in June and July 2017 from persons all making allegations of the premises being open, trading and selling alcohol outside of the permitted hours as authorised by the current premises licence. A warning letter, issued by the Licensing Authority dated 19 July 2017, was sent to the premises licence holder confirming the hours as stated on the current premises licence for the sale by retail of alcohol.

It is the opinion of the Licensing Authority that the licence holder and their staff have failed to address the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance by not operating in accordance with the authority which has been given by the granting of a premises licence.

The Licensing Authority has no confidence in the operator complying with any possible conditions or further restrictions, which could be imposed on the premises licence. Based on the information received from complainants, and the factual evidence obtained by the Police in connection with a sale of alcohol beyond the permitted hours, the Licensing Authority considered and supports the request for the revocation of the premises licence to be an appropriate and proportionate measure.

The Licensing Authority reserves the right to submit further supporting evidence in connection with this representation, and to assist in oral evidence to be given at any Licensing Sub-Committee hearing organised to determine this review application.

Yours faithfully,

Barry Croft

Barry Croft
Licensing Manager
Licensing Team
Part of the Joint Regulatory Services Partnership for the
London Borough of Merton and the London Borough of Richmond upon
Thames

COMMUNITY AND HOUSING DEPARTMENT

Department of Public Health

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

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

Direct Line: 020 8545 4834

Date: 20/09/2017

Re: In support of a Metropolitan Police review of a premises license under Section 51 of the Licensing Act 2003

Sleeico Ltd, 288 London Road, Mitcham, CR4 3NB.

License Number	LN/000002093
Name of Premise License Holder	Kandiah Arasalingam
License Type	Off-License
Ward	Cricket Green

As a responsible authority under the 2012 amendment to the Licensing Act 2003, the Director of Public Health for Merton wishes to support the review submitted by the Metropolitan Police for this premises license, on all 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**

Public Health is requesting this license review for the following reasons:

- Evidence of irresponsible trade and breaching of licensing objectives
- Public health data shows some areas for concern within the premises postal code.

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.

Public Health strives to create an environment and a culture in the borough that prevents problematic drinking from early on, and provides early help for those who require it.

A crucial element of tackling alcohol-related harm is ensuring that health and wellbeing considerations are met by premises licensed to sell alcohol within the borough, in order to prevent 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>.

Evidence of detrimental impact on the licensing objectives

1. The prevention of crime and disorder

The link between alcohol and violence has been recognized as far back as the 4th century BC. Alcohol-related violence causes substantial injury and death.¹

Local data reveals that in the year August 2015 to October 2016, the following incidents of concern occurred within the vicinity of the premises' postcode:

- Ambulance-recorded assaults within 200m of the premises post code fall in the top 30% for the borough.
- Figures for gun, knife and weapon injuries within 200m of the premises postcode fall in the top 30% for the borough.
- Bus-driver reported violence within 300m of the premise postcode falls in the top 5% for the borough.²

This data suggests a significant impact of alcohol consumption in the local area. While the above data does not relate to the specific premise, any premises that supplies alcohol in the area will be contributing to the trends relating alcohol to crime and disorder. This is especially pertinent in this case where there is evidence of irresponsible trade and breaching of licensing objectives.

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3170096/#R2>

² Safestats Merton. Data from Aug 2015-July 2016, accessed September 2017.

2. Public safety

- The Metropolitan police have received numerous complaints from neighbouring residents with regards to anti-social behaviour caused by customers of the premises concerned. This includes complaints of street drinking and drug use, verbal abuse, fighting and use of offensive language, and public urination. Residents have reported that they live in fear of abuse and feel helpless in being unable to protect their children from being exposed to the above harms.
- The recent Annual Residents Survey for Merton (2017) highlights that 17% of residents in this area of the borough are very worried or fairly worried about people being drunk and rowdy in public places. 23% are very concerned or fairly concerned about groups hanging around in the streets, and 15% of residents are very concerned or fairly concerned about people using or dealing drugs.³ The Metropolitan police have recorded incidents on which they found customers of the premises in concern smoking cannabis in the back of the property.
- In terms of alcohol harm overall, in 2012, Merton ranked 55 out of 326 local authorities. This is to say that over 83% of boroughs in England have less alcohol harm overall than Merton. Within the borough, there is an element of variance in the degree of alcohol harm between different wards. Cricket Green, where this premises is located, has a higher admission ratio of hospital stays for alcohol-related harm than Merton, London, and England.
- The crime rate in Cricket Green is 6.5 offences per 1000 population. This is higher than the Merton value, and the highest number of offences recorded is 'anti-social behaviour'.⁴ There is well-established link between alcohol misuse and anti-social behaviour.

3. Prevention of public nuisance

- The premises in concern are located in the Cumulative Impact Zone (CIZ) of Mitcham Town Centre, an area where it is recognised that there is a problem with the impact of alcohol on public nuisance. The premise owner signed the Responsible Retailers agreement to self-regulate the sale of high-strength beers and ciders, an attempt to mitigate the effects of alcohol on street drinking. However, records from the Metropolitan police reveal that this has not been implemented, and on a police visit to the premise following the signing of the agreement, almost all beer and cider stock on display was high in strength. In August 2017, the premises in concern sold alcohol to an undercover police officer outside of their licensed hours, which highlights an area of major concern.
- As described in Section 2, the Metropolitan police have received numerous complaints from neighbouring residents with regards to anti-social behaviour and public nuisance caused by customers of the premises in concern.

³ https://www2.merton.gov.uk/residents_survey_research_report_2017.pdf

⁴ https://www2.merton.gov.uk/cricket_green_ward_health_profile.pdf

4. The protection of children from harm

- In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions⁵. It is therefore paramount that we protect our youths from the harm associated with the illegal selling of alcohol to those underage.
- Local data from the London Ambulance Service show that within 200m of the premises postcode there is particularly high volume of alcohol-related incidents in those less than 26 years of age (this falls in the top 20% rank in the borough).
- There are two schools located within 500m and 800m respectively of this premises, and this premises is likely to be on the main route home for many children from school.

While the London Ambulance Service data is not specific to the premises, there is a documented incident by the Metropolitan Police where the premises sold alcohol to an undercover officer out of licensed hours, which illustrates poor control measures and irresponsible selling.

Conclusion

The premises in concern have failed to display that they are a responsible retailer, despite numerous interactions with the Metropolitan police. In conjunction with the evidence revealing serious concerns about alcohol harm in the local population, we believe that the licensed premises are not running at a satisfactory enough level to prevent crime and disorder, assure public safety, prevent public nuisance, and protect children from harm. Therefore, we request that the Premise License LN/000002093 be revoked.

Yours sincerely,



Signed Electronically

Dr Rooah Omer

Specialty Registrar in Public Health

On behalf of Dr Dagmar Zeuner, Director of Public Health

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

ENVIRONMENT AND REGENERATION DEPARTMENT
Chris Lee- Director

Mr Barry Croft
Licensing Manager
Merton Civic Centre
Morden
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**Public Protection Division
Trading Standards Service
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

Direct Line: 020 8545 4098
Fax: 020 8545 4025
My Ref : wk.201705789
Please Ask For: S.Fletcher
Your Ref:
Date: 11 October 2017

Dear Sir

Sleeico Express, 288 London Road, Mitcham, CR4 3NB

I have received a copy of a licence review application brought by the Metropolitan Police in relation to the above premises and wish to make a representation in support of this review.

The Trading Standards Service has concerns on the basis of the following licensing objectives;

- a) the prevention of crime and disorder, and
- b) the protection of children from harm.

Trading Standards have conducted enforcement visits to Sleeico Express, 288 London Rd, Mitcham, CR4 3NB on the following occasions.

May 2016

40 Marlboro Gold cigarettes with non-complaint labelling were found and surrendered.

July 2017

18 packets of cigarettes with non-compliant labelling and illegal moth balls were taken off sale.

Warnings on tobacco products inform people of the health risks of smoking. They can help deter young people from taking up smoking and also help smokers to quit. Written warnings must be in large, clear text that stands out from the rest of

the pack design. Pictorial warnings can be more effective than text only warnings and standardised packaging makes both types of warning more prominent. The cigarettes found on the premises did not comply with these legislative requirements.

For the above reasons, and those highlighted in the review application, the Trading Standards Service has considerable doubts about the suitability of the individuals involved in this business to hold a licence to sell alcohol.

Having regard to all of the circumstances the committee may wish to consider the following measures;

1. Removal of the current Designated Premises Supervisor, Mr Kandiah Arasalingam.
2. Revocation, or suspension of the premises licence for a period of 8 weeks to facilitate the business undertaking a due diligence review of internal procedures to ensure future compliance with the licensing objectives.
3. An additional licence condition requiring that at least two members of staff are present on the premises at all times that alcohol is offered for sale, at least one of whom is a Personal Licence Holder.

I hope that this representation is of assistance to the committee when considering all the circumstances of this review and what, if any, action is appropriate.

Yours faithfully,

John Hillarby
Trading Standards Manager
Chief Inspector of Weights and Measures