

Merton Council

Licensing Sub-Committee

Membership

Councillors:

Edith Macauley MBE

Martin Whelton

Jil Hall

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

Date: 19 September 2023

Time: 3.30 pm

Venue: These are virtual meetings and therefore not held in a physical location

Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 Cafe La Lavella
- 5 Full Pack_redacted 1 - 50

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. For further advice please speak with the Managing Director, South London Legal Partnership.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the licensing decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357.

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feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.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

Public Information

Attendance at meetings

The public are welcome to attend meetings of the Council. Seating in the public gallery is limited and offered on a first come first served basis.

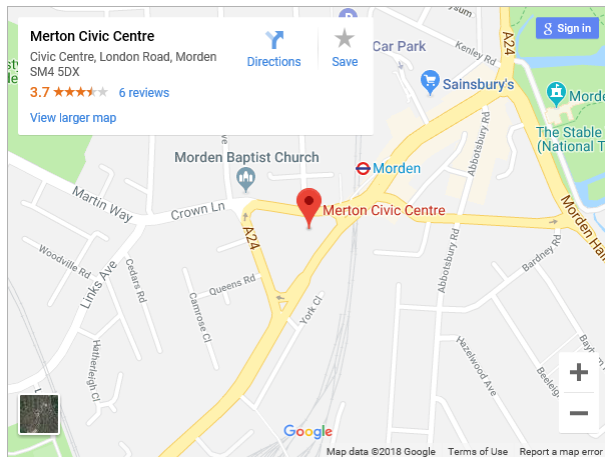
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- Nearest train: Morden South, South Merton (First Capital Connect)
- Tramlink: Morden Road or Phipps Bridge (via Morden Hall Park)
- Bus routes: 80, 93, 118, 154, 157, 163, 164, 201, 293, 413, 470, K5

Further information can be found [here](#)

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Licensing Sub-Committee Report

Subject of hearing: **Café La Lavella, 63 London Road, Morden, SM4 5HT**

Date **19 September 2023**

Time: **3.30pm**

Venue: **Virtual Meeting**

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

The premises are not in the special policy area on cumulative impact.

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 appropriate for the promotion of the licensing objectives.

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

2.3 New premises licence: s18

(i) To grant the licence subject to conditions

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

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

(iv) To reject the application.

3. Hearing papers

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

4. Legal advice to the sub-committee

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

5. Licensing Officer comments

5.1 This is an application for a new premises licence for an existing business in Morden town centre. This area is shown on the plan attached to the application.

5.2 A previous licence for the premises was revoked under review on 12th May 2023 as referred to in the representations received.

5.3 The applicant has applied for the supply of alcohol for consumption on and off the premises between 11.00 and 23.00 Monday – Sunday.

- 5.4 The opening hours of the premises are 08.00 – 00.00 Monday - Sunday.
- 5.5 A representation was received from Trading Standards on 4th August 2023, but after agreeing proposed conditions with the applicant, they withdrew their representation on 7th August 2023.
- 5.6 A representation was received from the London Borough of Merton’s Noise and Nuisance team on 21st August 2023. This was updated with an amendment to date error on 29th August 2023.
- 5.7 A representation was received from the Metropolitan Police South West Licensing Team on 25th August 2023. It should be noted there is a slight error in date on the representation concerning the revocation of licence. The sub-committee decision notice was sent 12th May 2023.
- 5.8 A representation was received from London Borough of Merton’s Licensing service on 29th August 2023.
- 5.9 Possible conditions taken from the operating schedule and those agreed with trading standards are listed separately for possible inclusion should the Sub-Committee decide to grant this application. The Sub-Committee can put any conditions on a licence, should they decide to grant, that they believe are appropriate for the promotion of the licensing objectives.
- 5.10 All of the documents listed above are attached to the report.

For enquiries about this hearing please contact

Democratic Services
 Civic Centre
 London Road
 Morden
 SM4 5DX

Telephone: 020 8545 3616

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

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

Applicant	
Café La Lavella	
Statutory Authorities	
London Borough of Merton Noise and Nuisance Team	

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 Mrs Ana-Maria Mitrofan

(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 Café La Lavella, 63 London Road			
Post town	Morden	Postcode	SM4 5HT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 29250	

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/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 type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Mitrofan			First names Ana-Maria		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality Romanian					
Current residential address if different from premises address		[REDACTED]			
Post town	MORDEN			Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY					
0	2	0	8	2	0	2	3

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)

Cafe - restaurant, please see enclosed plans

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

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

B

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

E

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

F

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

G

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

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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (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

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p> <p>N/A</p>
Day	Start	Finish	<p><u>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</u> (please read guidance note 6)</p> <p>N/A</p>
Mon	08:00	00:00	
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	00:00	

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)

Please see below

b) The prevention of crime and disorder

please see next page

c) Public safety

A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.

d) The prevention of public nuisance

- 1) The front of the premises shall be kept tidy at all times and be swept at close.
- 2) Relevant notices will be prominently displayed by the entry/ exit door and point of sale
- 3) No deliveries will be received or rubbish removed from the premises between 22.00& 07.00.
- 4) An incident book shall be kept at the premises and made available to the police or authorized council.
- 5) A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or residents to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded.

e) The protection of children from harm

Please see next page

b) The prevention of crime and disorder

1) The dps, a personal licence holder or trained member of staff nominated in writing by the dps shall be on duty at all times the premises are open to the public.

2) a) A cctv system covering the interior & exterior of the premises will be installed to current metropolitan police / Home office standards and shall be kept operational at all times the premises are open to the public.

b) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

c) All staff who may work front of house shall be trained to operate the cctv system and download images.

d) At least one member of staff trained to operate the cctv system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a usb stick, cd or other acceptable means as soon as possible and in any case within 24 hours of the request

3) Challenge 25 shall be operated as the proof of age policy.

4) All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.

5) An incident book shall be kept at the premises, and made available to the police or authorized council officers, which will record the following:

A) All crimes reported,

B) Lost property,

C) All ejections of customers,

D) Any complaints received,

E) Any incidents of disorder,

F) Any seizure of drugs or offensive weapons,

G) Any faults in the cctv,

H) Any refusal in the sale of alcohol.

I) Any visit by a relevant authority or emergency service

6) Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:

A) That cctv & challenge 25 are in operation;

B) Advising customers of the provisions of the licensing act regarding underage & proxy sales;

C) Of the permitted hours for licensable activities & the opening times of the premises;

D) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

e) The protection of children from harm

- 1) Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving license, hm forces photographic id card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
- 2) All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police & authorized council officers on request – see section b condition 5 for full details.
- 3) Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate– see section B condition 6 for full details.
- 4) All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons Under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
- 5) All alcohol shall be ancillary to the operation of the premises as a Restaurant. Alcohol may only be supplied with a substantial food order.
- 6) All alcohol will be displayed and kept and will be sold from behind the counter and to be dispensed by a member of staff only
- 7) The delivery of alcohol to be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.
- 8) The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.
- 9) Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years
- 10) ID verification will be made when orders containing alcohol are delivered (no ID no delivery) – acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure
- 11) All serving and delivery staff shall receive regular training, a minimum of twice a year on the prevention of underage sales and on Challenge 25 scheme.
- 12) Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as ancillary to table meals.
- 13) Should the premises remain open for non-licensable activities customer shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.

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 or my share code issued by the Home Office online right to work checking service (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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Mrs aysen Ipek Kilic
Date	03/08/2023
Capacity	Licensing Consultant

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	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
NARTS [REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) licensing@narts.org.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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.
 - 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 licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued 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 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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;
- (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.

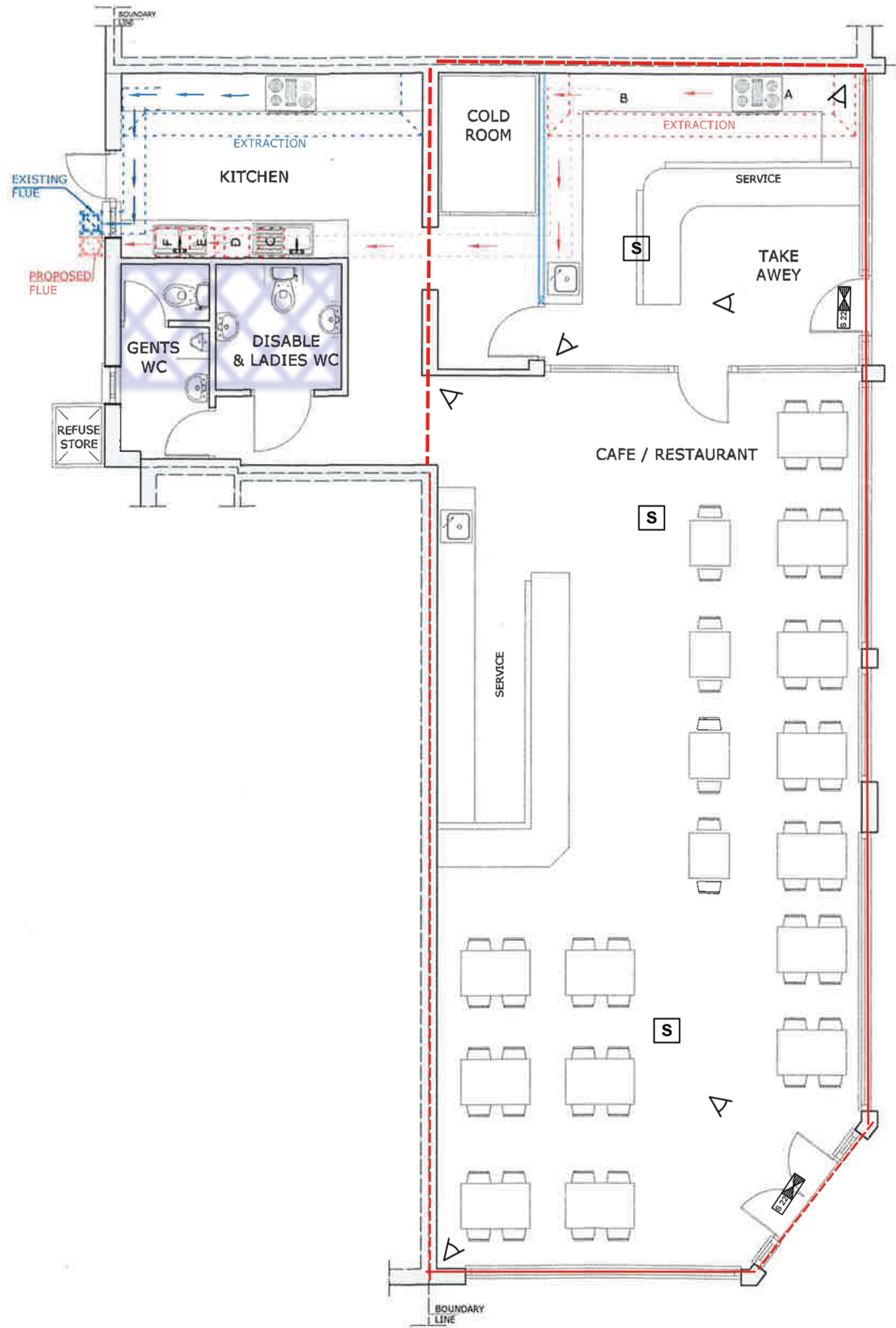
Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

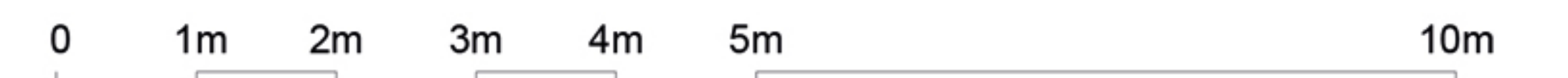
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.



GROUND FLOOR



LEGEND

- AMBIT OF LICENSED PREMISES
- CCTV
- SMOKE DETECTOR
- ALCOHOL
- WC AREA
- FRIDGES
- S 20 FIRE ESCAPE KEEP CLEAR
- S 22 INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)

GENERAL NOTES:

Copyright© Narts Architecture is the subject of Intellectual Property Rights including copyright and design right and shall not be reproduced, copied, loaned or submitted to other party without the written consent of Narts Architecture.

ADDRESS
Café La Lavella
63 London Road, Morden SM4 5HT

DRAWING DATE
28/06/2023

TOTAL AREA
ADD

DRAWING NAME:
Ground Floor Plan

SCALE: 1:100 @A4
DRAWN BY: OZ

SHEET: 1
CONTROL BY: MHR

Consent of individual to being specified as premises

I **Mrs Ana-Maria Mitrofan** of [redacted] [home address of prospective premises supervisor] hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for **a new Premises Licence** [type of application] *by Mrs Ana-Maria Mitrofan* [name of applicant] relating to a Premises Licence **N/A** [number of existing licence, if any] for **Café La Lavella, 63 London Road, Morden, SM4 5HT** [name and address of premises to which the application relates] and any premises licence to be granted or varied in respect of this application made by **Mrs Ana-Maria Mitrofan** [name of applicant] concerning the supply of alcohol at **Café La Lavella, 63 London Road, Morden, SM4 5HT** [name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number Application in progress
[insert personal licence number, if any]

Personal licence issuing authority **L. B. of Merton**
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

[redacted signature]

Full Name **Mrs Ana-Maria Mitrofan**

Date **04/07/2023**

**Licensing Act 2003:
Application for a new Premises Licence**

Notice of application for a new Premises Licence under
section 34 of the Licensing Act 2003.

Notice is hereby given that **Mrs Ana-Maria Mitrofan** has applied to the **London Borough of Merton** for a new Premises Licence at Café La Lavella, 63 London Road, Morden, SM4 5HT. The nature of the application is as follows:

- **Sale of alcohol consumption ON/OFF the premise:**
Monday to Sunday from 11:00 to 23:00
- **Opening Hours**
Monday to Sunday from 08:00 to 00:00

Other persons or responsible authorities wishing to oppose the application must give notice in writing to Licensing Section, London Borough of Merton, 2nd Floor, Civic Centre, London Road, Morden, Surrey, SM4 5DX or by email to licensing@merton.gov.uk

Persons wishing to inspect the licensing register may do so, by appointment, at the above address between the hours of 09:00 - 17:00 Monday to Thursday and 09:00 - 16:30 Friday.

Representations must be received no later than **31st August 2023**.

IT IS AN OFFENCE KNOWINGLY OR RECKLESSLY TO MAKE A FALSE STATEMENT IN CONNECTION WITH THIS APPLICATION. THE MAXIMUM FINE LIABLE ON CONVICTION FOR THIS OFFENCE IS UNLIMITED.

The bulletin register where business applications are available to be viewed by any individual may be accessed online on the London Borough of Merton Council's website at:
<https://www.merton.gov.uk/business-and-consumers/licences/registers>



Merton Licensing,
Civic Centre,
Morden,
SM4 5DX

Wimbledon Police station,
15-23 Queens Road,
SW19 8NN

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: Café La Lavella

25/08/2023

Dear Merton Licensing,

The Metropolitan Police South West Licensing received an application for a premises licence to be granted under the Licensing Act 2003 on 04/08/2023, the application was made by Mrs Ana-Maria Mitrofan for Café La Lavella, 63 London Road, Morden, SM4 5HT.

Licensable activities applied for, sale of alcohol between the hours of 11:00 – 23:00hrs.

A premises licence was previously held for this venue by a Mr Constantin Mitrofan who was the premises license holder, LN/000001917 refers.

The Metropolitan Police South West licensing team received several complaints about the venue being open past it's permitted licensable hours, serving alcohol, live music and children on the premises until the early hours of the morning mainly on weekends. There was also incidents of violence where over intoxicated customers were fighting in the street and receiving injuries that are consistent with grievous bodily harm , as a result needing hospital treatment, police, nor the London Ambulance Service had been called by Mr Mitrofan, or any members of staff.

The home office approved stepped approach was taken with Mr Mitrofan, several interactions and education around what he could and could not do to operate lawfully and safely, sadly this was not adhered to .

The Metropolitan Police South West licensing team were left with no choice but to apply for a review of the licence held by Mr Mitrofan, this review hearing was heard on 05/07/23, the decision was made by the licensing sub-committee to revoke said licence and no appeal was made within the 21 day appeal period.

On 18th May 2023 an application for a Late Temporary Event Notice was sent to the South West licensing team as a responsible authority, the application was made by Mrs Ana-Maria Mitrofan, the licensable activities applied for are as follows;

The Sale by retail of alcohol 11:00 – 02:00hrs

The provision of regulated entertainment 19:00 – 02:00hrs – Live music
The provision of late night refreshment 23:00 – 02:00hrs

The event was described as a private party, with no numbers disclosed. The South West licensing team objected to the application on the grounds that it would undermine the four licensing objectives, The prevention of crime and disorder, public safety, The prevention of public nuisance and The protection of children from harm.

A counter notice was issued by the Merton licensing authority and sent to the applicant's agent, however, this event still went ahead despite being refused permission. Merton CCTV and Noise and Nuisance made contact with me in relation to the unauthorised event. It is evident and clear Mrs Mitrofan has the same disregard for the licensing act as Mr Mitrofan.
See attached email from Merton Council CCTV operator Donna Thornton.

During the time that Mr Mitrofan held the licence and had parties into the early hours of the morning, Mrs Mitrofan was herself present, she was aware that police had concerns as to how the venue was being run as she was present during visits I made while they were operating after hours.

On Saturday 22nd July 2023, I carried out a visit to the venue during the consultation period of the application, I identified myself as a police officer, staff on scene knew me from previous visits. I explained to staff that I wanted to carry out a check to ensure alcohol was not being served or kept on the premises and asked to see the storage area and I was shown to the kitchen. To the rear of the kitchen there was a large chest fridge which was covered in a large white table cloth, there was a bucket on top of the fridge which seemed to be cloths/cleaning material, upon looking at the bucket I could see bottles of alcohol, mainly spirits, after seeing this I moved the table cloth from the fridge and could see a large amount of alcohol within, staff stated that it was old stock, see attached photo.

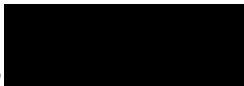
Mr Mitrofan arrived on scene a few minutes later, I informed him that I was carrying out a visit at the venue and informed him of what I had found, he said that he was just storing it as he had nowhere to store it.

As per the 182 Guidance, this application has been considered on its own merit, but believe that the previous history has to be taken into account.

I do not have confidence that Mrs Mitrofan will run a safe venue and do not believe she will uphold the licensing objectives. If this licence is granted we will find ourselves dealing with the same issues as we did in the recent past, we will find that the emergency services will be dealing with violence and injuries due to over intoxication and we will find that the residents who live nearby will be subjected to loud and disorderly behaviour preventing them from getting a good night's rest and feeling intimidated walking past drunk customers.

Therefore, on behalf of the Metropolitan police South West licensing team I object to this application in its entirety.

Yours sincerely,

Avril O'Brien 3406SW 
SW Police Licensing Team



Viewed by p234359 (met.uk.evidence.com) on 15 Aug 2023



Viewed by p234359 (met.uk.evidence.com) on 15 Aug 2023

Donna Thornton

To: [REDACTED]
Subject: Cafe La Vella.

To whom it may concern,

I Donna Louise Thornton, working as a CCTV operator for the London Borough of Merton personally witnessed via CCTV cameras the below actions of staff and customers at Café La Vella on **Friday 26th May 2023** and **Saturday 27th May 2023**.

Friday 26th May 2023

At 00.00 staff start to stack outdoor furniture/ chairs.

At 01.14 internal lights were switched off.

At 02.19 internal lights were switched back on again.

At 03.00 the last customers leave.

At 04.13 staff lock up and leave the venue.

Throughout the night customers were dancing but unable to define if this was a d.j or live band.

Saturday 27th May 2023

At 23.06 staff started to stack outdoor furniture/ chairs.

At 01.24 new customers were still entering the venue and being served food.

At 02.15 the last customers left.

At 02.45 staff lock up and leave.

Throughout the night customers were again dancing but unable to define if it was a d.j or a live band.

Kind Regards
Donna Thornton

[REDACTED]

CCTV Operator
London Borough of Merton
Civic Centre
London Rd
Morden
SM45DX



MEMORANDUM

To: Licensing

From: Andrew Pickup, Principal Environmental Health Practitioner

Tel: 020 8545 3887

Date: 18/8/23

**Application of Premises Licence
Café La Lavella, 63 London Road, Morden**

My name is Andrew Pickup, I am a Principal Environmental Health Officer, in the Noise and Nuisance Service of Environmental Health.

I wish to object to the granting of the Premises Licence application which was received on the 4 August 2023 by the applicant Mrs Ana-Maria Mitrofan.

The previous premises licence held by Mr Constatine Mitrofan was wholly revoked by the licencing sub committee by notice of determination dated 12th May 2023 following a Review.

The new applicant seems to be very closely related to the previous licence holder and I am not satisfied that there will be any significant fundamental change to the operation of the premises. Notification for a late Temporary Event was submitted by this applicant on the 19 May 2023, a Counter Notice was served objecting to the proposed event, but I understand that the event went ahead in any case.

The proposals for the new licence application seems to closely match the previous licence and wishes to be open to the public until midnight 7 days per week.

The premises does not seem to be in new ownership and the new applicant related to the previous, I therefore do not have any confidence that the elements regarding the licensing objectives particularly The Prevention of Public Nuisance will be achieved and the premises will revert to the issues and noise complaints that the Environmental Health Service received and had to deal with. Whilst a complaint to the service positively notifies of a potential problem there will still be other residents who chose to refrain from making a complaint, yet still suffer a problem.

The application does not fully address how prevention of public nuisance will be controlled.

I raise an objection to the granting of this new licence.

Andrew Pickup
Principal Environmental Health Officer



Merton Licensing Authority
Regulatory Services Partnership
Merton Civic Centre
100 London Road
Morden
SM4 5DX

Regulatory Services Partnership (Licensing)
Merton Civic Centre
100 London road
Surrey SM4 5DX
www.merton.gov.uk

Telephone: 020 8545 3969
Email: Licensing@merton.gov.uk
Direct: Russ.Stevens@Merton.gov.uk

Date: 29th August 2023

Licensing Act 2003 – New Premises Licence Application REPRESENTATIONS
Premises: Café La Lavella, 63 London Road, Morden SM4 5HT.

Dear Licensing,

An application for a New Premises Licence at 63 London Road, Morden SM4 5HT was received by Merton Council on 3rd August 2023.

The application was made under Section 17 Licensing Act 2003 by Ana-Maria Mitrofan and asks for authorisation to supply alcohol between 1100hrs and 2300hrs daily, for consumption on and off the premises, including by delivery.

The application states that the premises will be open to the public between 0800hrs and 0000hrs.

On behalf of the Licensing Authority for Merton, and as a Responsible Authority, I am writing to make formal representations regarding this application.

I have serious concerns that granting this application will undermine all four Licensing Objectives.

Café La Lavella is currently operated by the applicant Ana-Maria Mitrofan and her husband Constantin Mitrofan.

Premises Licence LN/000001917 was previously held at Café La Lavella by Constantin Mitrofan as the Licence Holder.

I visited Café La Lavella on 17th October 2022 to discuss alleged licence breaches and complaints with Constantin Mitrofan. He presented an appearance of being unsure about the terms of his Premises Licence. I ensured that he had a copy of the licence and I went through every detail of it with him. I also served a warning letter detailing the potential consequences of failing to comply with his Premises Licence.

Premises Licence LN/000001917 was Revoked on 12th May 2023 following a Review Hearing brought by the Metropolitan Police due to numerous Licence Breaches, Violent Incidents, and noise complaints.

Maria Mitrofan submitted a Late Temporary Event Notice to Merton Council for an event/party to take place at Café La Lavella on 26th/27th May 2023, but a Counter Notice was issued following objections from the Metropolitan Police and Environmental Health Office. The unauthorised event took place regardless, and noise complaints were received.

I visited Café La Lavella on 6th June 2023 to discuss the unauthorised event, and to check compliance with the Premises Licence Revocation.

I witnessed several customers drinking beer, and beer being served to customers even after I mentioned to the staff that no authorisation was in place. I saw that the glass fronted display fridges in the premises contained bottles of beer, and I could see bottles of spirits on shelves behind the service counter. The menus still showed beer wine and sprits available.

Constantin Mitrofan met me at the premises and again presented the appearance of being unsure about the Temporary Event Counter Notice, and he even stated that he did not know that the Premises Licence had been Revoked!

On 7th June, I hand delivered a letter to Mr Mitrofan warning of prosecution for Licensing Act offences should he continue to sell alcohol, display alcohol for sale, or store alcohol for sale at the premises.

With regard to the application for a New Premises Licence at Café La Lavella, I note that the applicant is Ana-Maria Constantin, who is the previous Licence Holder's wife.

There appears to be no change to the staff or management of the business.

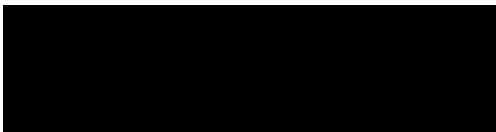
I have no reason to believe that the sale of alcohol at the premises will be any less irresponsible than before.

Previously, the management of Café La Lavella showed complete disregard for their responsibilities under Licensing Act 2003 and their Premises Licence.

It is the firm belief of the Licensing Authority that Mr & Mrs Mitrofan will remain just as unable and/or unwilling to comply with the terms of a new Premises Licence if one was granted.

On behalf of the Licensing Authority, I strongly advise the sub-committee to REFUSE this application for a new Premises Licence.

Yours sincerely,

A large black rectangular redaction box covering the signature of the Licensing Officer.

Russ Stevens – Licensing Officer

ENVIRONMENT AND REGENERATION DEPARTMENT

Director – Adrian Ash

Mr Constantin Mitrofan
XXXXXXXXXXXXXXXXXXXX
XXXXX
XXX XXX

**Environmental Health, Trading
Standards & Licensing**

London Borough of Merton
Merton Civic Centre
Morden, Surrey SM4 5DX
DX 41650 Morden

Switchboard: 020 8274 4901
Direct Line: 020 8545 3025
Fax: 020 8545 4025
My Ref : WK/202244734
Please Ask For: Admin Section
Date: 17 October 2022

Dear Mr Mitrofan

Licensing Act 2003

Cafe La Lavella, 63 London Road, Morden SM4 5HT

We are writing to you as the Premises Licence Holder of the above premises. Information has been received by the licensing section alleging a breach of the licensing authorisations attached to the premises licence for the above property in that you are potentially using the licence beyond its authorisations by selling alcohol outside of the hours detailed on your Licensing Act premises licence and potentially breaching conditions in Annex 2 of your premises licence.

The hours authorised for the sale of alcohol for consumption at the above premises on your licence are:

11:00 - 23:00 Monday to Sunday

The opening hours listed on your premises licence are:

11:00 - 00:00 Monday to Saturday and 11:00 - 23:00 Sunday

You should not exceed these times.

The conditions listed on your licence in Annex 2 are:

1. The sale by retail of alcohol is restricted to persons taking table meals there and for consumption by such a person as an ancillary to his/her meal.
2. There shall be no vertical drinking.
3. Staff will be trained regularly in promoting licensing provisions.

4. A CCTV system shall be in place, recordings from which will be available for a minimum of 31 days and be made available to a police officer or authorised officer on request, subject to the provisions of Data Protection legislation.

5. A fully functional age verification policy will be in place and staff will be trained in its operation.

6. An incident book will be kept in which all incidents of crime and disorder will be recorded. this will include refused sales of alcohol. The book will be made available to authorised officers of the council or the police on request.

I have not substantiated the information received, however, in order to benefit from the authorisations of your premises licence, you must operate in accordance with its authorisations and conditions. In the event that council officers witness any breach of your licence, enforcement action may be taken which could lead to a review of the premises licence and/or prosecution through the courts. Conviction by the courts can lead to an unlimited fine and/or 6 months imprisonment.

The Licensing Authority and other persons may also seek a review of your premises licence should they wish and be able to link the problems with one or more of the licensing objectives.

You must ensure that the premises licence or a properly certified copy is on the premises at all times and that the summary of the premises licence is displayed.

Please ensure that you keep within the authorisations of your premises licence. You should also ensure that all staff are aware of the authorisations and conditions on the licence and requirements of the Licensing Act and comply with them.

All persons that are employed for the sale by retail of alcohol must be properly authorised by a personal licence holder. We would advise that this is done in writing.

You may wish to seek independent legal advice regarding this matter.

If any changes are required a variation of the licence can be applied for, see our webpage www.merton.gov.uk/licensing for details.

Yours faithfully

Elizabeth Macdonald
Licensing Officer



Mr Constantin Mitrofan
XXXXXXXXXXXXXXXXXXXX
XXXXXX
XXX XXX

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

Direct Line: 020 8545 3207

Email: licensing@merton.gov.uk

Direct Email: Russ.Stevens@merton.gov.uk

Date: 7th June 2023

Licensing Act 2003 – Warning of Prosecution
Premises: Café La Lavella, 63 London Road, Morden SM4 5HT.

Dear Mr Mitrofan,

The attached Notice of Determination dated 12th May 2023 explains in full the Licensing Sub-Committee's decision to REVOKE the Premises Licence LN/000001917 for Café La Lavella, of which you are the Premises Licence Holder and Designated Premises Supervisor. You were present during the Licensing Hearing on 5th May 2023. The attached Notice of Determination was sent to you by post and by email.

The Premises Licence, that authorises the sale of alcohol, supply of Late Night Refreshment and provision of Regulated Entertainment has been revoked. This means that there is no longer any authorisation in place at Café La Lavella for the above licensable activities.

Conducting unauthorised licensable activities constitutes a criminal offence contrary to the Licensing Act 2003 and leaves you liable to prosecution.

It is a criminal offence under Section 136 Licensing Act 2003 to sell alcohol by retail without authorisation. It is also a criminal offence under Section 137 of the same act to display/expose alcohol for unauthorised sale, and a criminal offence under Section 138 to keep alcohol on your premises for unauthorised sale.

On 6th June 2023 at 11:30am, I visited Café La Lavella, 63 London Road, Morden. The restaurant was open to the public and was fairly busy. I observed a male sitting outside at one of your tables, drinking from a bottle of Effe beer. I went inside and spoke to a member of staff. She told me that she did not know about the Premises Licence and wanted me to speak to her manager. I told her that the Premises Licence had been revoked and there was no authority in place to sell alcohol. I asked to meet with you, and I waited inside the restaurant until you arrived.

As I waited, I observed the aforementioned member of staff serve two seated customers with bottles of Effe beer. I also saw that the glass fronted display fridges on the main counter contained various bottles of beer. I could see high level shelves behind the counter displaying bottles of spirits. I noted that the menu on my table displayed alcoholic beverages.

Thank you for coming to the restaurant to speak with me.

We discussed the revocation of the Premises Licence. You told me that you had not received the Notice Of Determination. I am checking with our Democratic Services to confirm that it was sent out, but in any case, I am attaching the Notice with this letter and I have explained to you that the licence was indeed revoked.

I asked you about the event held at your premises on 26/27th May 2023.

Your wife Ana Maria Mitrofan had submitted a Late Temporary Event Notice (TEN) to Merton Council via your agent Beiza Tzivelek of ESI Licence. This TEN was acknowledged by the council on receipt with the warning that Police and Environmental Health officers have three days to object.

Both Police and Environmental Health did object and a Counter Notice was issued. This was forwarded to your agent with the details entered on the TEN.

The event was not authorised and any licensed activities (the sale of alcohol, supply of Late Night Refreshment, and provision of Regulated Entertainment) were unlawful.

Environmental Health Officer attended on the night and recorded a Statutory Noise Nuisance from the premises.

You told me that your agent had not informed you that the TEN had been rejected.

In relation to current activities at Café La Lavella, you must not sell alcohol, display alcohol for sale, or keep alcohol on the premises for sale. Police and Licensing Authority officers have power under Section 179 and 180 Licensing Act 2003 to enter and search for evidence of unauthorised licensable activities.

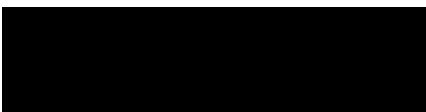
As I mentioned during our meeting, it is my intention to visit again within two weeks, in company with the Police Licensing Officer, to check compliance.

If alcohol is found on display or in storage at the premises for sale, you will be liable to Prosecution for offences. Likewise, if evidence of the sale of alcohol, supply of hot food after 11pm, or provision of Regulated Entertainment is found, you will also be liable to prosecution for these offences.

Please remove all alcohol from display immediately. I also strongly advise that you remove mention of alcoholic beverages from your menus and any online presence.

You may wish to seek legal advice on the content of this letter. I am available and contactable by email to answer any questions you or your agent may have.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Russ Stevens

Copies of this letter sent to Environmental Health and Metropolitan Police.









ES
RAFT

EFES
DRAFT

EFES
DRAFT

Alc. 5% Vol.
MEDITERRANEAN
SLOW BREW

LA BIÈRE
FINE DE LUXE

LA BIÈRE
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LA BIÈRE
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LA BIÈRE
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