

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
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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 Controlled Drinking Zone is enforced on a daily basis allowing 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 Sleeco Ltd, 288 London Road and discussed the Street Drinking Responsible Retailer Agreement. The Licence Holder Mr Kandiah 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 alcohol 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 Sleeco 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 discussed 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 breach 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

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

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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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