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Merton Council

Licensing Sub-Committee

Membership

Councillors:

Nigel Benbow

Mary Curtin

Nick Draper

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

Date: 19 December 2019

Time: 10.30 am

Venue: Council Chamber - Merton Civic Centre, London Road, Morden SM4 5DX

Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 Lidl Great Britain Limited, 23 Streatham Road, Mitcham, CR4 2AD 1 - 36

Note on declarations of interest

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

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the licensing decision

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Procedure to be followed at Licensing Hearing

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Responsible Authorities and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.
16. The Sub Committee will return and re-open for public session.
17. The Chair will invite the Legal Officer to present the advice provided during private session.
18. The Sub-committee's decision will be read out either by the Chair or the Chair will invite the Legal Officer to do so.
19. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing

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London Borough of Merton



Licensing Act 2003 Notice of Extension of Time Limits

Date of issue of this notice: 5 December 2019

Subject of hearing: Lidl Great Britain Limited, 23 Streatham Road, Mitcham, CR4 2AD

The Licensing authority has decided to extend the time limits applying to this matter as follows:

Date by which a hearing would normally be required to be held: 17 December 2019

Period of extension to time limits applying to holding a hearing: 2 Working Days

Reasons for extending the time limits: To allow the authority to make proper arrangements for the application to be considered by a licensing sub-committee and to enable all parties to attend.

For enquiries about this matter please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003

<http://www.hms.gov.uk/acts/acts2003/20030017.htm>

Merton's Statement of Licensing policy

<http://www.merton.gov.uk/licensing>

Licensing Sub-Committee Report

Subject of hearing: **Lidl Great Britain Limited, 23 Streatham Road, Mitcham, CR4 2AD**

Date: **19 December 2019**

Time: **10.30 am**

Venue: **Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX**

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

1.1 The premises are in the special policy area. Accordingly the relevant section of Merton's Licensing Policy is particularly relevant to this application though the sub-committee is to have regard to the policy as a whole.

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

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

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

2.3 Variation of premises licence: s35

(i) To modify the conditions on the licence

(ii) To reject the whole or part of the application.

3. Hearing papers

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

4. Legal advice to the sub-committee

4.1 A legal officer appointed by the South London Legal Partnership will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer Comments

5.1 This is an application to vary an existing premises licence, a copy of which is attached.

5.2 The application is to extend the hours for sale of alcohol and amend two conditions.

5.3 Hours - to amend the permitted hours for the sale of alcohol at the premises from 09:00 - 23:00 Monday - Sunday to 08:00 - 23:00 Monday – Sunday. An extra hour in the morning.

5.4 Because of this extension of hours they are applying to remove condition 21 - The sale of alcohol will not take place before 9.00am.

- 5.5 They also wish to remove condition 24 - Any sale of alcohol must be made with a minimum spend of £5 on non-alcohol products.
- 5.6 The conditions on the licence were put on via a Consent Order issued by Wimbledon Magistrates Court dated 18th March 2019. This was due to an appeal concerning the application for a new premises licence made in June 2018.
- 5.7 Two representations have been received against the application from local residents.

For enquiries about this hearing please contact

Democratic Services

Civic Centre

London Road

Morden

SM4 5DX

Telephone: 020 8545 3357

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	
Lidl Great Britain Limited	
Statutory Authorities	
None	
Interested Parties	
Chris Medler	
John Quinn and Mary Quinn	

Application to vary a premises licence 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 Lidl Great Britain Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Not Yet Known

Part 1 – Premises Details

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

Post town

Mitcham

Postcode

CR4 2AD

Telephone number at premises (if any)

Non-domestic rateable value of premises

£365000.00

Part 2 – Applicant details

Daytime contact
telephone number

0117 428 0315

E-mail address (optional)

licensing@lidl.co.uk

Current postal address if
different from premises
address

Lidl Great Britain Limited
Licensing
Palmer Avenue
Central Park

Post town

Severn Beach

Postcode

BS35 4DF

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This variation application is to remove the following condition;

- Any sale of alcohol must be made with a minimum spend¹ of £5.00 of Non Alcohol products

In addition, we are applying to amend the permitted hours for the sale of alcohol at the premises from 09:00-23:00 Monday-Sunday to 08:00-23:00 Monday-Sunday. As a result of this, we are applying to remove the following condition;

- The sale of alcohol will not take place before 9.00am

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | 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 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur								
Fri						<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 (please read guidance note 7)</u>		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><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 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

<p>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 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Any sale of alcohol must be made with a minimum spend of £5.00 of Non Alcohol products

The sale of alcohol will not take place before 9.00am

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
Premises licence not yet received

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

No Change

b) The prevention of crime and disorder

No Change

c) Public safety

No Change

d) The prevention of public nuisance

No Change

e) The protection of children from harm

No Change

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16.10.2019

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Rebecca Bough Lidl Great Britain Limited Palmer Avenue Central Park			
Post town	Severn Beach	Post code	BS35 4DF
Telephone number (if any)	0117 428 0315		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
licensing@lidl.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003

Public Notice of Application to Vary a Premises Licence

APPLICATION HAS BEEN MADE TO THE LONDON BOROUGH OF MERTON TO VARY THE BELOW NAMED PREMISES LICENCE BY:
Lidl Great Britain Limited

Name and address of Premises: Lidl, 23 Streatham Road, Mitcham, CR4 2AD

Variation applied for:

This variation application is to remove the following condition;

- Any sale of alcohol must be made with a minimum spend of £5.00 of Non Alcohol products.

In addition, we are applying to amend the permitted hours for the sale of alcohol at the premises from 09:00-23:00 Monday-Sunday to 08:00-23:00 Monday-Sunday. As a result of this, we are applying to remove the following condition;

- The sale of alcohol will not take place before 9.00am

Date application given to the council: 22/10/2019

REPRESENTATIONS SHOULD BE MADE IN WRITING TO: Licensing Section, London Borough Of Merton, 14th Floor, Civic Centre, London Road, Morden, Surrey, SM4 5DX or by email to licensing@merton.gov.uk.

REPRESENTATIONS MUST BE RECEIVED NO LATER THAN 19/11/2019

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

It is an offence to knowingly or recklessly make a false statement in connection with an application which carries a maximum fine of any amount

LICENSING ACT 2003

Part A Premises licence

Premises licence number

LN/000003739

Part 1 - Premises details

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

**Lidl
23 Streatham Road
Mitcham
CR4 2AD**

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday	07:00	-	23:00
Tuesday	07:00	-	23:00
Wednesday	07:00	-	23:00
Thursday	07:00	-	23:00
Friday	07:00	-	23:00
Saturday	07:00	-	23:00
Sunday	07:00	-	23:00

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

Off the premises



Licensable activities and permitted times authorised by the licence

Alcohol Sales

Off the premises

Monday	09:00	-	23:00
Tuesday	09:00	-	23:00
Wednesday	09:00	-	23:00
Thursday	09:00	-	23:00
Friday	09:00	-	23:00
Saturday	09:00	-	23:00
Sunday	09:00	-	23:00

Part 2

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

Lidl Great Britain Limited
19 Worple Road
Wimbledon
London
SW19 4JS

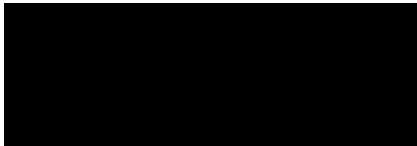
01174 280 315

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

02816429

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

Simona Rimeikyte-Sadauskiene



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

London Borough of Merton LN 2018 3911

ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

1. That no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

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

where—

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

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

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

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

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

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

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

Annex 2 Conditions consistent with the Operating Schedule

NONE

Annex 3 Conditions attached after a hearing by the licensing authority

Via Wimbledon Magistrates Court Consent Order

1. At least one uniformed security guard shall be on duty at the premises at all times that the premises is open to the public.
2. Alcohol will only be displayed in one specific area within the premises, that section will be no more than 10% of the total shop display area.
3. During the times that the premises is open and outside of permitted alcohol hours, access to the alcohol display area will be restricted by the use of suitable barriers.
4. There shall be no sale of single cans of beer, lager or cider sold at the premises.
5. No bottled super-strength beer, lager or cider of 5.5% ABV or above shall be sold at the premises other than speciality / artisan beer, lager or cider.
6. No canned super-strength beer, lager or cider of 5.5% ABV or above shall be sold at the premises.
7. All bottled spirits with a value of over £9.50 will be tagged with a security feature.
8. Other than where sold as part of a multipack or gift pack, spirits shall not be sold in bottles of less than 35cl.
9. Alcohol will not be sold in open containers and the consumption of alcohol on the premises (including the car park) will not be permitted. No customers carrying open alcoholic drinks will be permitted on the premises (or in the car park).
10. A personal licence holder will be on duty at the premises at all times that the premises is open to the public.
11. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual,



who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

12. In the event that an employee suspects that a person attempting to purchase alcohol is under the age of 25, is a street drinker or is attempting a proxy purchase they will immediately call a Shift Manager. The Shift Manager will then make appropriate enquiries and will determine whether the sale should be permitted. A Shift Manager will be present on the premises at all times when it is opened to the public.

13. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training. Staff will also be trained to recognise the signs of proxy purchases. All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training. All training records will be kept centrally at the operator's head office or regional office as appropriate and made available to the Licensing Authority or the Metropolitan Police as soon as possible and in any event within 7 days of request.

14. A burglar alarm will be installed and maintained at the premises and shall be activated whenever the store is unoccupied.

15. Staffing levels will be maintained at an appropriate level to allow adequate supervision.

16. A digital CCTV system shall be installed at the premises covering all areas within the store that the public have access to including the checkouts and the entry/ exit of the premises.

17. Signs advising customers and visitors to the premises that a CCTV system is in use will be displayed at the premises.

18. The CCTV system must be operating at all times whilst the premises are open to the public for licensable activities provided that the recording of images will be activated by motion sensors. All equipment shall have a constant and accurate time and date generation.



19. The recording system will be able to capture image of evidential quality and such recordings shall be retained for as long as the system is able (whilst retaining the high-quality image) and in any event for a minimum of 28 days.

20. The CCTV system must be kept in a secure environment under the control of the Area Manager or other responsible named individual. Lidl store management will be trained to view and download CCTV footage on receipt of an internal authorisation code. For urgent matters, at all times officers will be able to view CCTV footage to verify if a reported offence is covered and, whenever required, CCTV will be downloaded and made available to the officer as soon as reasonably practicable. For non-urgent matters, CCTV will be available to view and download at all times during normal office hours on receipt of an internal authorisation code or in any event within 48 hours. Any images recovered and provided to the police must be in a viewable format on either a disc or VHS or other appropriate format approved by the police. Images in a digital format must be supplied with a copy of any system software necessary to allow playback.

21. The sale of alcohol will not take place before 9.00am

22. Litter bins for general public use will be installed on Lidl owned property but adjacent to the public pavement. These bins will be emptied daily.

23. Other than during the 5-week period immediately following the grant of the premises licence, there shall be no external advertisement of the sale of alcohol specifically identifying the store located at Streatham Road, Mitcham.

24. Any sale of alcohol must be made with a minimum spend of £5 on non-alcohol products.

Annex 4

Premises Plan: Drawing '1660 LON-Mitcham Eastfields' of 13/06/2018.

From: Chris Medler

Sent: 11 November 2019 15:40

To: Elizabeth Macdonald <Elizabeth.Macdonald@merton.gov.uk>

Subject: Re: Lidl licence figgs marsh Mitcham - wk/201906837

Hei!

I wish to lodge a complaint against the licensing restrictions being lifted/alterd at Lidl 23, Streatham rd.cr4 2ad

#1 the site is already a magnet for undesirables, druggies and drunks. (people urinating in public and taking drugs on Graham Avenue)

#2 the site already generates a significant litter problem in Graham Avenue.(I regularly collect empties from the green opposite my house)

#3 the site is a magnet for groups of youths in high powered/noisy cars, late at night, fuelled by drink/drugs.(especially in the car park)

#4 the site causes a serious parking and traffic congestion problem, partly caused by people drinking in parked cars on Graham Avenue.

#5 there is no adequate security in place. (one only, at best)

#6 the staffing level is woefully low. (has been as low as 3, at times)

Cheers,

Chris Medler.



PS. Lidl is at FIGGES Marsh !!!!

-----Original Message-----

From:

Sent: 11 November 2019 15:08

To: Licensing <Licensing@merton.gov.uk>

Cc: siobhain.mcdonagh.mp@parliament.uk

Subject: Re: Lidl licence figgs marsh Mitcham

Dear Sirs

>

> I write further to Mr Medler's email of 7 November timed at 11.49 to also protest against the altering of the licensing for alcohol at Lidl. Since the shop has been permitted to sell alcohol there has been a dramatic increase in anti social behaviour in the area. People drinking on the street, littering etc.

>

> Further, I understand there may be a covenant on the land preventing the sale of alcohol and this would appear to be a breach of the same.

>

> I strongly appose the the alteration and welcome your comments.

>

> Yours faithfully

>

> John Quinn and Mary Quinn



> Sent from my iPhone

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