

COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director



Public Health
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Merton Civic Centre
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Date: 10th October 2016

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

Re: Application to vary premises licence – Chimichanga, 80 The Broadway, Wimbledon, SW19 1RH

Application ref	WK/201606582
Applicant	Prezzo limited
Premises address	80 The Broadway, Wimbledon, SW19 1RH
Ward	Trinity ward
Summary of the application	Variation to restaurant license which currently only allows sale of alcohol on premises with food only. <u>Proposed hours for the supply of alcohol:</u> Monday – Sunday 10:00-00:00

As a responsible authority under 2012 amendment to the Licensing Act 2003, the Director of Public Health for Merton wishes to make representation to the application on three of the four licensing objectives:

1. **The prevention of crime and disorder**
2. **Public safety**
3. **Prevention of public nuisance**

Tackling alcohol misuse is central to achieving the outcomes in Merton's Health and Wellbeing Strategy: giving every child a healthy start in life, supporting people to improve their health, improving wellbeing, resilience and connectedness, and reducing the gap in life expectancy between the east and west of the borough. We want to create an environment and a culture in the borough that prevents problem drinking from starting and provides early help for people who are struggling. One of the ways we will be doing this is ensuring health and wellbeing considerations are presented for consideration in licensing decisions, in order to tackle alcohol-related crime and anti-social behaviour, ensure public safety and prevent harm to children.

The Merton Joint Strategic Needs Assessment (JSNA) chapter on alcohol sets out a summary of the available evidence on alcohol-related behaviours and consequences, as background to the importance of tackling alcohol effectively in the borough: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

Public Health are submitting a representation for three reasons:

- 1. The request for the supply of alcohol without food**
- 2. The premises is located in one of Merton's Cumulative Impact Zone (CIZ) areas**
- 3. Public health data for the premise postcode show some moderate areas for concern**

Chimichanga is a chain of Tex-Mex restaurant situated in within the Wimbledon Broadway Cumulative Impact Zone (CIZ). Prezzo Limited currently holds a license (LN/000002435) that permits the supply of alcohol at Chimichanga, 80 The Broadway, Wimbledon, SW19 1RH from 10:00 until 00:00. This application requests to have a red hatched area on the plan 246-L03; where alcohol may be served with out food.

The applicant has taken no steps to identify how this change would affect promotion of the licensing objectives or recognise how to mitigate them. Furthermore, there is no reference to their location within the CIZ or sufficient measures suggested to mitigate the recognised problems within the vicinity.

Controlled Impact Zone (see Appendix 2 for relevant parts of the SOLP)

The Merton Statement of Licensing Policy (SOLP) 2011 sets out that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder outside and within the vicinity of these premises. Wimbledon Town Centre where the proposed premises is located is designated a Cumulative Impact Zone. In a CIZ, the Council may consider that the attachment of conditions is unlikely to address identified problems and it may then consider refusing new licences because the area is saturated and the granting of any more would undermine the licensing objectives.

There has been a significant increase in the number and scale of licensed premises in Wimbledon Town Centre over recent years. This has resulted in a significant number of alcohol related crimes and of complaints being made to the Council concerning nuisance. The Police have provided evidence regarding alcohol related crime and disorder and the connection between the offences and licensed premises. Anti-social behaviour has led to the Metropolitan Police designating part of the town centre as a dispersal area under the Anti -Social Behaviour Act 2003. Residents and Residents Associations in Wimbledon Town Centre have made representations that the Town Centre is at saturation point.

Evidence of detrimental impact on the licensing objectives:

The data presented relate to the postcode of the premises, and the ward within which the restaurant is situated. Although the data is not specific only to the premises in question, any premise that supplies alcohol in the area will be contributing to the trends relating alcohol to crime and disorder.

1. The prevention of crime and disorder

Local data from the London Ambulance Service shows that in the year to October 2015, the following incidents occurred within 500 meters of the postcode for this premises:

- 14 alcohol-related incidents, 4 of which occurred within 200 meters of the postcode for this premises
- 6 Ambulance-reported assaults
- 3 Gun, knife and weapon injuries
- 2 least serious injuries, which are often used as a proxy for alcohol related harm
- 2 episodes of anti-social behavior reported by bus-drivers (both within 100 meters of the postcode for this premises)

Furthermore, the premise is situated in Trinity Ward, which ranks 1st out of all 20 Merton wards for alcohol illness treated by the London Ambulance Service in 26-39 year olds.

The above data (and that in Appendix 1) suggest an existing moderate impact of alcohol consumption in the local area but it is likely that the granting of this license as requested, particularly the late night hours where alcohol will be sold without meals, will only contribute to exacerbating the above trends relating alcohol to crime and disorder.

Public Health are also aware of police crime data linked to the postcode SW19 1RH that indicate the high frequency whereby the victim, suspect or both are known to have been drinking.

National and international scientific evidence shows the following:

- Overall, more alcohol is consumed when it is easily available.¹
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.²
- Harmful use of alcohol is a major contributor to violence: alcohol use commonly precedes aggressive behaviour, and harmful drinking is associated with being both a perpetrator and a victim of violence³
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.⁴

2. Public Safety and

3. Prevention of public nuisance

Chimichanga, 80 The Broadway, Wimbledon, SW19 1RH is located in the CIZ, an area where it is recognised that there is already a problem with the impact of alcohol on public safety and public nuisance. The data on assaults and violence (above and in Appendix 1) paints a picture of the impact of alcohol consumption in this specific area on both public safety and nuisance. In addition, the most recent Annual Residents Survey highlighted that nearly half of all residents in this area of the borough are very worried or fairly worried about people being drunk and rowdy, which is the area with the most worried residents in Merton (Appendix 3).

Furthermore, this restaurant is situated in close proximity to residential housing. Any increase in pedestrian traffic will have an impact in the local area in terms of noise and nuisance. Public Health have also been made aware of concerns raised by local residents about the on-going issues with anti-social behaviour and the impact it is having on their quality of life in the area surrounding the restaurant.

Conclusion

The applicant has not stated the steps they will take to promote the licensing objectives, and we believe this is insufficient to prevent an additional impact of supplying alcohol without meals on the levels of alcohol-related crime and disorder and issues around public safety already seen in the area. There are likely to be detrimental consequences to the licensing objectives, and to broader health and wellbeing, of this license being granted. The Merton SOLP states that it is “for the applicants to show in their operating schedules that their proposals will not add to the cumulative impact already being experienced.” (Appendix 2)

¹ Alcohol Concern UK (2012) Response to The Government’s Alcohol Strategy (March 2012)

² Popova et al 2009, Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. Alcohol & Alcoholism Vo. 44, No. 5, pp. 500-516

³ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

⁴ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

Recommendation: Public Health would recommend that the Committee reject the application.

However, if the committee is minded to approve the application, and based on the information provided, we would recommend that the following conditions are maintained or applied to the licence to further promote the prevention of crime and disorder, to promote public safety and prevent public nuisance.

1. No super-strength beer, lagers or ciders, or spirit mixtures of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. Alcohol shall be sold to customers by waiter/waitress service only.
3. Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.
4. No drinks to be taken off the premises in open containers e.g. glasses or open bottles (preventing use of containers as weapons, and to prevent consumption of alcohol in surrounding streets after individuals have left the premises).
5. Drinkaware will be promoted through the business website and drinking sensibly and appropriately will feature on any menus and marketing literature.
6. Any promotional material online or elsewhere will adhere to the Portman Group Code of Practice (<http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>).
7. Refusals of alcohol sales shall be recorded in a log and made available for inspection by an authorised officer of the council or police when requested.
8. A proof of age policy such as Challenge 25 shall be operated at the premises whereby any individual suspected to be under age will be required to provide a recognised form of photographic identification.

We believe that these conditions are reasonable and proportionate in order to promote and maintain the Merton CIZ's, and a safe and sociable approach to alcohol across the borough.

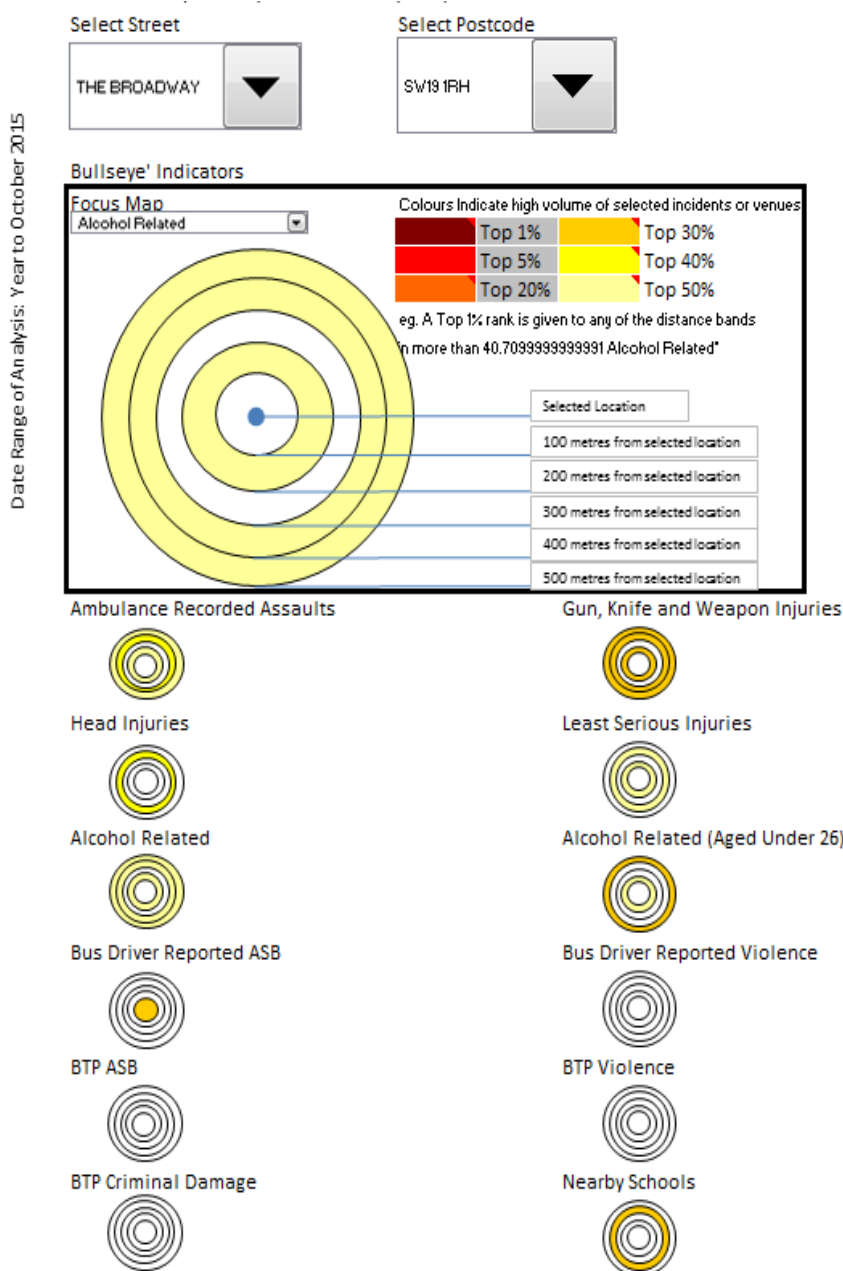
Yours sincerely,

Dr Aalaa Jawad
Public Health Specialty Registrar

On behalf of Dr Dagmar Zeuner, Director of Public Health

**APPENDIX 1: LBM Public Health data scan for the following premises:
Chimichanga, 80 The Broadway, Wimbledon, SW19 1RH**

A. SafeStats bullseye dashboard for The Broadway, SW19 1RH:



Headlines related to this postcode:

- 14 alcohol related incidents within 500m of this postcode in the year to October 2015; 3 in those aged under 26.
- 6 assaults within 500m of this postcode.
- 2 incidents of bus driver reported ASB within 100m of this postcode

Type of data (incidents)	Total within 500m
Ambulance recorded assaults	6
Gun, Knife and Weapons injuries	3
Head injuries	1
Least serious injuries	2
Alcohol related	14
Alcohol related (aged under 26)	3
Bus driver reported ASB	2
Bus driver reported Violence	0
Nearby schools	0

* In the year to October 2015

B. SafeStats traffic light dashboard for postcode

USER INPUT		
SELECT POSTCODE FROM LIST	WARD	WARD NAME
CLICK HERE> SW19 1RH	OOBAGP	Trinity

PREVENTION OF CRIME AND DISORDER			
AMBULANCE DATA			
RANK ALL ASSAULTS		RANK SEXUAL ASSAULTS	
1 out of 20 wards		2 out of 20 wards	
RANK ALL WEAPON INJURIES		RANK KNIFE INJURY	
3 out of 20 wards		3 out of 20 wards	
RANK GUN INJURIES		RANK VIOLENCE AGAINST AMBULANCE CREW	
1 out of 20 wards		12 out of 20 wards	

POLICE DATA: recorded crime and ASB			
RANK ALL VIOLENCE		RANK RAPE	
5 out of 20 wards		1 out of 20 wards	
RANK THEFT FROM PERSON (OTHER)		RANK PERSONAL ROBBERY	
1 out of 20 wards		13 out of 20 wards	
RANK CRIMINAL DAMAGE		RANK POSSESSION OF DRUGS	
11 out of 20 wards		2 out of 20 wards	
MPS ASB RANK		MPS POSSESSION OF WEAPON	
5 out of 20 wards		13 out of 20 wards	

Other data sources			
NIGHT TIME VIOLENT DISORDER		DELIBERATE FIRES	
1 out of 20 wards		13 out of 20 wards	
Probation Clients with Alcohol misuse Risk		Probation Clients Alcohol Risk and High risk of causing harm	
11 out of 20 wards		18 out of 20 wards	

MERTON 'Traffic Light Dashboard' to: October 2015

ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE			
ambulance data			
AGED 8 -17		AGED 18 - 25	
16 out of 20 wards		4 out of 20 wards	
AGED 26 - 39		AGED 8 - 39	AGED 18+
1 out of 20 wards	1 out of 20 wards	16 out of 20 wards	

DEPRIVATION	
ward summaries	
INCOME DEPRIVATION	EMPLOYMENT DEPRIVATION
12 out of 20 wards	9 out of 20 wards
AVERAGE DEPRIVATION	RANK BY MOST DEPRIVED SUB WARD AREA
11 out of 20 wards	13 out of 20 wards

<http://data.london.gov.uk/datastore/package/indices-deprivation-2010>

PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS	
BTP DRUNKEN BEHAVIOUR	TFL ALCOHOL RELATED DISTURBANCE
14 out of 20 wards	4 out of 20 wards

WELL BEING	
11	RANK Life Expectancy
10	RANK Incapacity claimant rate -index
3	RANK Crime rate - Index
14	RANK Average Capped GCSE and Equivalent Point Score Per Pupil
10	RANK Unauthorised Absence in All Schools (%)
12	RANK Dependent children in out-of-work families
15	RANK Public Transport Accessibility
5	RANK Homes with access to open space & nature, and % greenspace
6	RANK Subjective well-being average score

<http://data.london.gov.uk/datastore/package/london-ward-well-being-scores>

Excerpts from the Merton Statement of Licensing Policy 2011 relevant to the Cumulative Impact Policy (paragraphs 7.8-7.10 of the Policy):

7.8 The Council considers that it is appropriate and necessary to continue a special policy within the designated cumulative impact zones. Where relevant representations have been received the policy will affect applications for new premises' licences or club premises' certificates or variations of existing licences or certificates. It will be for the applicants to show in their operating schedules that their proposals will not add to the cumulative impact already being experienced. Responsible authorities and/or interested parties will need to see the steps proposed by an applicant in order to decide whether to submit representations. The presumption will be that where proposed operations are material to the policy they will normally be refused, however, the process allows applicants to rebut the presumption in their applications, and to make the case before a licensing sub-committee. Where an application is material to the special policy the burden of proof lies on the applicant to rebut the presumption.

7.9. The presumption of a refusal does not, however, relieve responsible authorities or interested parties of the need to make a relevant representation, as the special policy can only lawfully be invoked by a licensing sub-committee, which has been convened in response to valid representations that refer to that special policy. If no representation were received it would remain the case that any application must be granted in terms that are consistent with the operating schedule submitted. Responsible authorities, such as the Police, or interested parties, can make a written representation maintaining that it is necessary to refuse the application in order to meet the licensing objectives. In doing so they should refer to the special policy and any information, which had been before the licensing authority when it developed its Statement of Licensing policy. Responsible authorities, where they have promoted or provided the evidence to support a special policy, should consider carefully any implications that maybe drawn from their not making a representation.

7.10 This special policy is not absolute. The circumstances of each application will be considered properly and it is possible for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. As a consequence of the presumption that underpins the special policy such cases are likely to be exceptional. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Licensing Authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. Notwithstanding the significance of the special policy the Licensing sub committee will announce its reasons for any decision to refuse an application.

APPENDIX 3: Public Health data on alcohol in Merton & Trinity Ward (premises location):

Nationally, alcohol is the leading risk factor for preventable death in 15-49 year olds. Nine million adults now drink at levels that increase the risk of harm, of which 1.6 million show signs of alcohol dependence. The number of people dying due to liver disease in England is rising, in contrast to other major causes of disease that have been declining.⁵ The harm of alcohol falls not just on individuals and their health, but on society as a whole. Alcohol misuse is associated with a wide range of criminal offences, including drink driving, being drunk and disorderly, criminal damage, assault and domestic violence, all of which can also indirectly impact on health. In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions.

The estimated prevalence of binge drinking is 13.8% compared with 14.3% in London and 20.0% nationally. However, this masks differences across the borough. Estimated levels of the adult population drinking at 'increasing risk' (21%) and 'higher risk' (7.2%) are above London average, and again, drinking patterns vary across the borough.

In terms of alcohol harm overall, in 2012 Merton ranked 55 out of 326 local authorities (Local Alcohol Profiles for England, LAPE 2012) but was in the higher percentiles for:

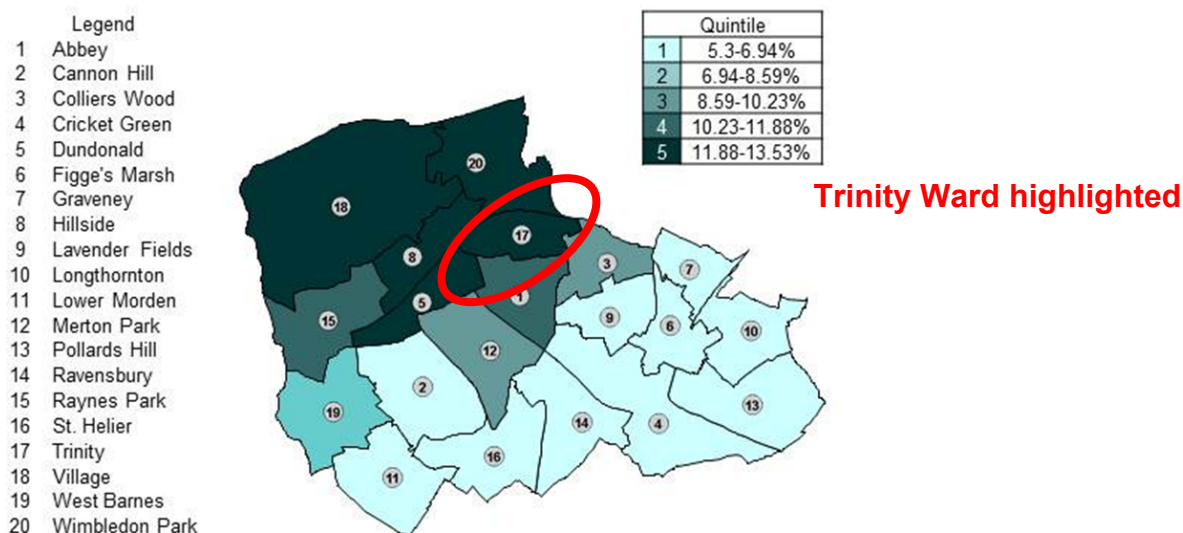
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

Figure 1: Residents reporting drinking alcohol every day

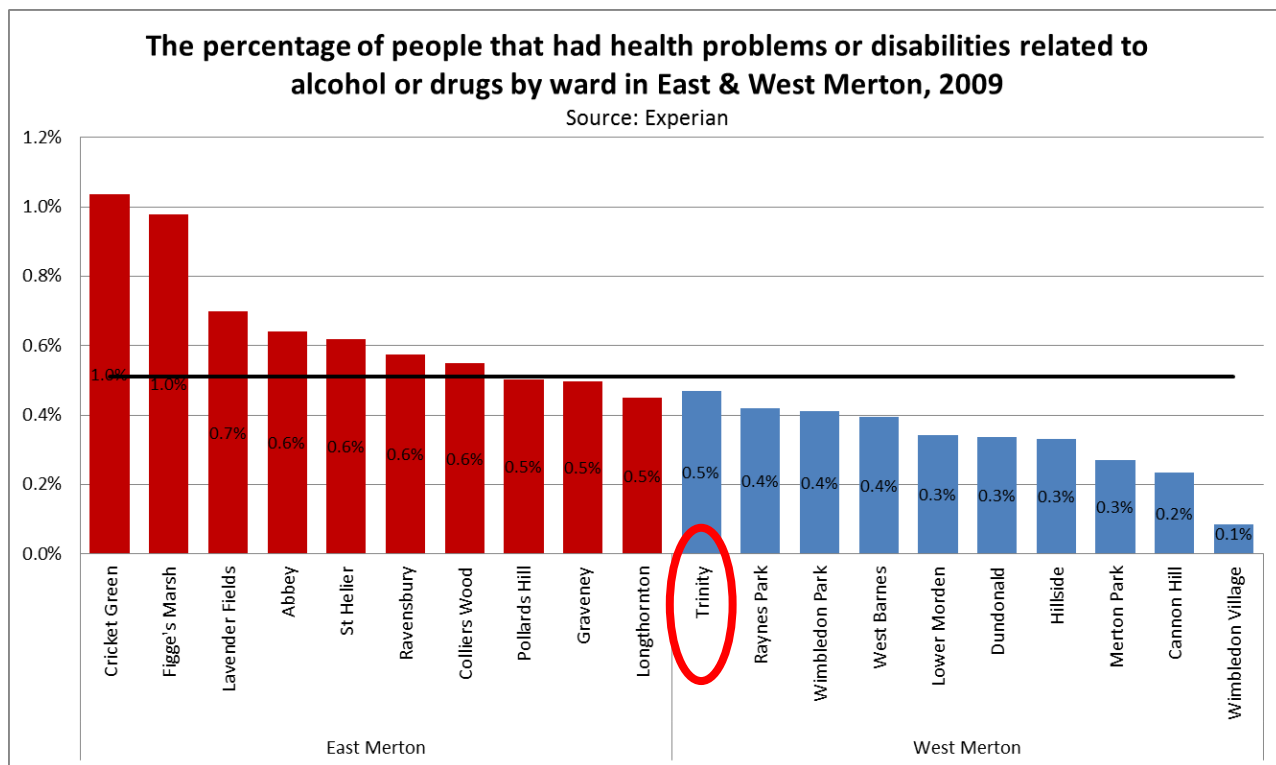
Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



⁵ PHE (2014) From evidence into action: opportunities to protect and improve the nation's health

Figure 2: Residents with health problems or disabilities caused by alcohol or drugs



Trinity Ward highlighted

In terms of all alcohol-related crime, Merton with a rate of 7.3 recorded crimes per 1,000 populations was higher than the neighbouring boroughs Sutton (6.7) and Kingston (6.7) and the England average of 7 but lower than the London average of 11.1 (LAPE 2012). See Figure 2. Figure 3 shows that the trend has generally been downward.

Figure 3: Recorded crime attributable to alcohol, Merton compared with South West London, London overall, England, 2011-12.

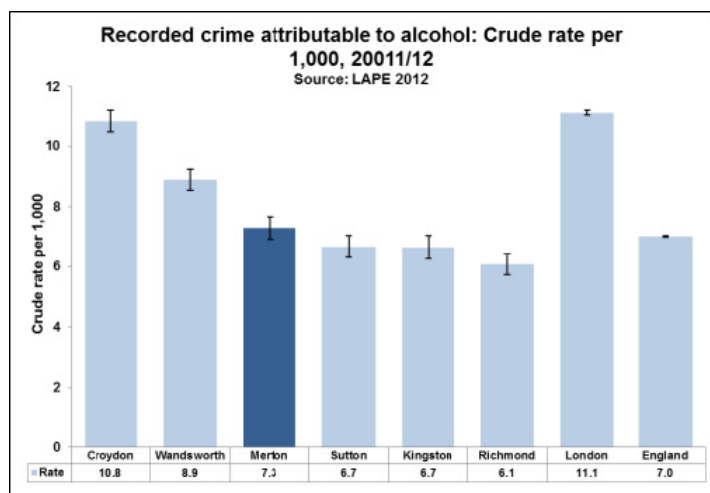
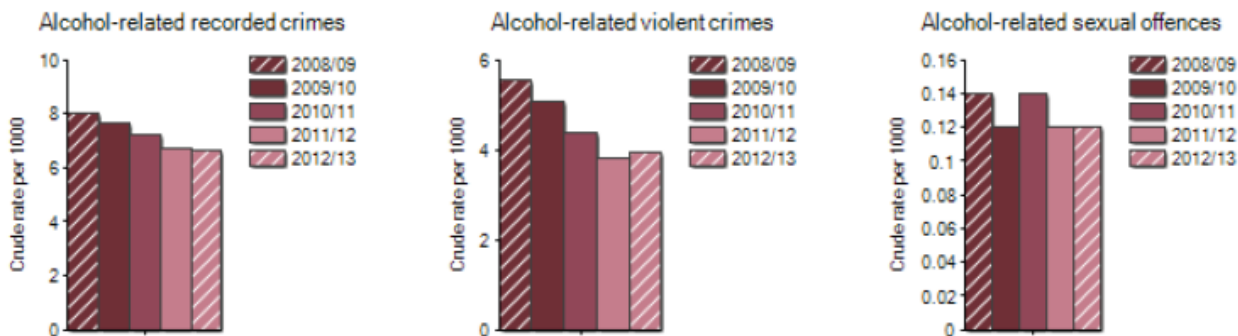
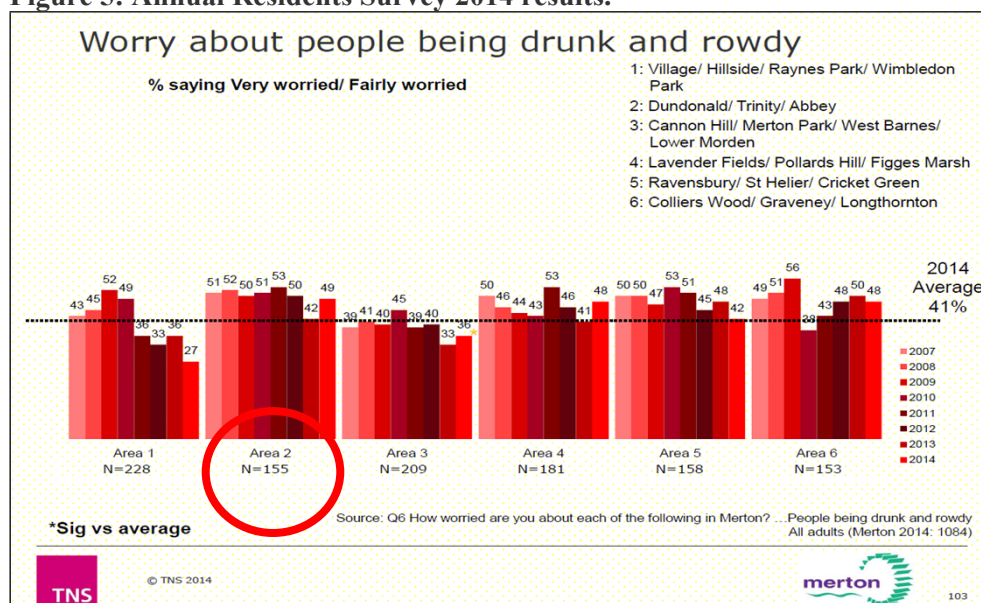


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



However, the 2014 Annual Residents Survey highlighted that residents are still concerned about crime, anti-social behaviour and people being drunk and rowdy – see Figure 4:

Figure 5: Annual Residents Survey 2014 results.



Area which includes Trinity Ward is highlighted: in 2014 an above average number (49%) of local residents are very worried or fairly worried about people being drunk and rowdy, and this is an increase on 2013.

For more information see the Merton Joint Strategic Needs Assessment (JSNA) chapter on alcohol: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>