

The Licensing Department  
The London Borough of Merton  
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21<sup>st</sup> December 2016

**Re:- Application for Premises Licence for Akwaba Cheri's Mini Market, 45 Upper Green East, Mitcham, Surrey. CR4 2PF.**

Dear Sir/Madam,

On 2<sup>nd</sup> December 2016 an application was received from Mr Koffi Emmanuel N'Guessan for a Premises Licence under Section 17 of the Licensing Act 2003.

The application can be summarised as follows:-

Akwaba Cheri's Mini Market is a Convenience Shop "with all facilities for conducting licensable activity of sale of alcohol for consumption off the premises".

Mr N'Guessan applies for a licence to sell alcohol (off premises) from 1000-2300hrs daily and lists premises open to public from 0800-2300hrs daily.

The application states that all staff will be trained in the lawful sale of alcohol, a CCTV system will be installed, and a Challenge 25 policy adopted.

**Police wish to make representations to this application on all four of the licensing objectives with the following grounds:**

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.
- An application has been submitted for a Public Space Protection Order to deal specifically with Street Drinkers.

- 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.

Attached to this representation are ten impact statements taken from local residents and businesses who have been affected by Street Drinkers.

Street Drinking and the associated Anti-Social Behaviour remains a serious problem in Mitcham despite the aforementioned control measures. In fact, since the phase 1 regeneration, the presence of street drinkers in Mitcham town centre has noticeably increased.

In March 2015 a Police Town Centre Team was formed to tackle crime and ASB in central Mitcham. They have used extensive problem solving tactics but appear to be fighting a losing battle.

The CDZ is enforced on a daily basis but its powers are limited and relatively ineffective. CDZ legislation allows Police to seize containers of alcohol and a power of arrest is attached if a person fails to surrender. However there is no power of search. Police will seize an opened can of alcohol from a street drinker but they usually have several more cans upon their person.

The street drinkers are fully informed on the CDZ and Police powers. They will always surrender their alcohol. This is because the supply of strong alcohol is so easily accessible in the Town Centre. The Town Centre Team have only arrested one person for failing to surrender alcohol when required. 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, apart from two, have signed up to a 'Responsible Retailer Agreement'. Unfortunately this agreement is not enforceable and appears to have been disregarded by most.

Police are now issuing Community Protection Notices (CPN) under the new ASB legislation. The CPN's allow us to place specific conditions on our habitual street drinkers. The routine process is that when a CDZ is enforced the person will be issued with a CPN warning. Repeat behaviour will result in a full notice being issued. Breaching a CPN is an offence and will generally result in arrests and interviews. This process involves a huge amount of work and keeps Police officers off the street for a disproportionate length of time.

Over 45 Community Protection Notices have been issued to date. Ten people have been charged for breaching their CPN. Some are still waiting for their court date, but those whose cases have been heard are being fined around £180.

Any additional alcohol retailer within in Mitcham town centre will add to the supply of alcohol to street drinkers and directly contribute towards the existing problem. A reduction in supply is an option to be explored at every opportunity, and increase in supply will certainly exacerbate the problem.

Akwaba Cheri's Mini Market is situated in the centre of a Cumulative Impact Zone. This area of Mitcham is completely saturated with premises selling alcohol. The CIZ is specifically in relation to shops selling alcohol for consumption off the premises and is in response to the problem of street drinking and associated anti-social behaviour.

Akwaba Cheri's Mini Market is three shops along from Ronnie's Cutter at 37-39 Upper Green East. This is a large off-licence / convenience store, already subject to numerous complaints from local residents as a contributor to the street drinking problem.

On Tuesday 6<sup>th</sup> December 2016, I visited Akwaba Cheri's Mini Market and spoke to the applicant, Koffi N'Guessan. As a result of our meeting I have grave concerns over Mr N'Guessan's ability to sell alcohol responsibly. The shop itself is poorly designed and is not in any way attractive or inviting. The general feeling of chaos is apparent immediately upon entry. There are old yellowing and ill-fitting shelf display units along most walls with a chest fridge or freezer at the back of the shop, and an upright display fridge to the left of the entrance door. The shelves appear reasonably well stocked with African groceries, herbs and spices, and baby milk formula. There are buckets on the floor containing fruit and vegetables.

There is no indication anywhere in the shop as to the prices of any items. There are no price labels or product information. Some shelves have piles of items such as boxes of toothpaste, apparently for sale but displayed in an untidy pile.

There is a rudimentary counter unit with a cash till near to the entrance.

When I entered the store I joined three people standing in silence, I asked each one if they worked in the shop, and they all said no. Eventually, Mr N'Guessan appeared and the customers paid for goods or had enquiries.

Whilst we discussed Mr N'Guessan's application, several people entered the shop, selected items, put them in their bags and just placed cash on the counter before leaving. The only interaction between customer and staff on each occasion was the customer showing Mr N'Guessan the money as it was placed on the counter several feet away.

Mr N'Guessan did not seem to have a business plan in relation to selling alcohol. He told me that he would display alcohol along the entire left wall in large fridges. I asked him questions relating to staff training re alcohol sales, he stated that family would help out and he would employ staff as business increased. He mentioned Challenge 25 but did not seem to understand what that meant. Mr N'Guessan told me that he intended to install CCTV cameras and a new cash till. The rudimentary counter he pointed out was the new replacement for an old table I could see lying on its side at the back of the shop.

I asked if his business plan depended solely on the sale of alcohol and I asked what he would do if his licence application was unsuccessful. Mr N'Guessan replied that an alcohol licence would most certainly be granted but probably with restrictions, he would wait to see what those restrictions are and form a business plan accordingly. Worryingly, he said, "There are lots of people in Mitcham selling alcohol so why can't I, I should be given a chance". The exterior shop sign already states "OFF LICENCE".

The meeting with Mr N'Guessan did not give me confidence that he was in any way suitable to hold a Premises Licence. His shop appeared to be in complete chaos, with no staff except for Mr N'Guessan himself. No prices displayed, no item information, and some products apparently for sale just dumped in piles on the shelves. I attach photographs for reference.

Mr N'Guessan does not have a business plan, instead he appears to have adopted a "Wait and See" approach, telling me that he will adapt his business as circumstances

change. He believes that it is his right to be awarded a licence and clearly misses the importance and responsibility that would come with the authority to sell alcohol.

I firmly believe that if Mr N'Guessan were to be given a licence to sell alcohol at Akwaba Cheri's Mini Market, he would be unable to regulate sales within the law. I do not believe he is strong enough to refuse sales to under 18s or people who are drunk. I also believe that he would be unable to prevent thefts of alcohol.

I believe that if his permitted alcohol hours were shorter than his premises open hours, he will have no system in place to prevent unauthorised sales or exposure to unauthorised sales.

Aside from my concerns over Mr N'Guessan's suitability to hold a Premises Licence, Mitcham town centre cannot cope with another off-licence. Even with the strictest conditions attached, any additional supplier of alcohol within the CIZ will contribute to Crime and Disorder, and Anti-Social Behaviour.

If Mr N'Guessan were to sell alcohol from a shop in Mitcham town centre, there would be disastrous consequences.

In the interests of all four Licensing Objectives:

1. The prevention of Crime and Disorder
2. Public Safety
3. The Prevention of public nuisance
4. The protection of children from harm

I most strongly request that the application for a Premises Licence at Akwaba Cheri's Mini Market be refused.

I do not believe that there are any conditions that could be attached to the licence to negate the risk of the objectives being undermined, but, if the licence was granted I would ask for the following conditions:

The premises shall install and maintain a good quality digital CCTV. Public entry and exit points will be covered enabling frontal identification of every person entering in any light condition. CCTV coverage will extend to all areas of the car park. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with time and date stamp. Recordings shall be made available immediately upon the request of the Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to reasonable Police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member must be able to show the Police or authorised Council Officer recent data or footage with the absolute minimum of delay when requested.

An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, which will record the following:

- a) All crimes reported to the venue;
- b) All ejections of patrons;
- c) Any incidents or disorder;
- d) Any faults in the CCTV system;
- e) Any visits by the emergency services.

A "Challenge 25" proof of age scheme shall be operated by the premises where the only acceptable forms of identification are recognised photographic identification cards (such as driving licence or passport) or holographical marked pass scheme identification cards.

A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be made available for inspection at the premises by the Police or authorised Officer at the Council at all times whilst the premises is open.

Every item of alcohol for sale is marked with a sticker bearing the unique code ACMM

A minimum of two staff to be on duty at all times that the store is open for the sale of alcohol.

When the premises is open but outside of permitted alcohol hours, all alcohol displays must hidden from public view by way of locked shutters.

No sale or display of beer or cider with an alcohol content over 5.5% abv.

Yours Faithfully

Russ Stevens PC852vw 191701  
Licensing Officer





