

COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director

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

Public Health
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Direct Line: 020 8545 4833

Date: 21st December 2016

Re: Application for a Premises Licence to be granted under the Licensing Act 2003 – Akwaba Cheri's Mini Market

Application ref	WK/201609571
Applicant	Mr Koffi Emmanuel N'Guessan
Premises address	45 Upper Green East
Ward	Figge's Marsh ward
Summary of the application	Mini Market. License requested for sale of alcohol off the premises: <u>Proposed hours for the supply of alcohol:</u> Monday – Sunday 10:00-23:00

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 all four licensing objectives:

1. **The prevention of crime and disorder**
2. **Public safety**
3. **Prevention of public nuisance**
4. **The protection of children from harm**

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>

The applicant is requesting a licence to sell alcohol at a Convenience Store (mini market), within the Mitcham Cumulative Impact Zone (CIZ). The proposed opening hours are 10am to 11pm Monday to Sunday. This application seeks the granting of an alcohol licence for off sales during these hours.

Whilst there are some steps that the applicant plans to take to promote the licensing objectives that are given in the application, there is no specific reference to their location within the CIZ or identified measures to mitigate against the recognised problems within the vicinity, particularly given that the request would add to the cumulative impact of established licensed outlets.

Evidence of detrimental impact on the licensing objectives:

Public Health data estimates that a substantial number of Merton residents regularly drink over the safe limits of 14 units spread over a week, as defined by the UK Chief Medical Officers’ alcohol guidelines (2016):

- Over 40,000 are drinking at increasing risk (hazardous) levels. Increasing risk means drinking above the lower risk guidelines and therefore increasing a drinker’s chances of alcohol-related problems.
- It is also estimated that just over 8,000 people living in Merton drink at higher risk (harmful) levels. Higher risk drinkers are drinking double the recommended guidelines or more on a regular basis (i.e. daily or near daily).
- Over 2,000 are estimated to be dependent drinkers, a proportion of whom will be in contact with or seeking treatment from health services.
- Over 35,000 are binge drinking.

Alcohol consumption prevalence in Merton(PHE, 2016)¹						
Consumption	Abstain	Lower risk	Increasing risk	Higher risk	Binge drinking	Dependent drinking
National prevalence (%)	17%	59%	20%	4%	17%	1%
Local prevalence (persons)	35,341	122,655	41,578	8,316	35,341	2,079

Those under the influence of alcohol are more likely to commit crimes and engage in anti-social behaviour. They are also more likely to be the victim of crimes such as common assault and robbery. Nationally around 50% of violent crime and 30% of domestic violence is alcohol-related.

Providing access to alcohol easily through off-licenses can add to the harmful effects of alcohol throughout Merton, as outlined above and in the Appendix. It is our belief that if approved this application would add to the already significant cumulative impact of alcohol and we ask that the CIZ is activated and that this application is rejected.

1. The prevention of crime and disorder

Local data from the London Ambulance Service, British Transport Police and other sources shows that in the year to July 2016, the following incidents occurred within 500 meters of this postcode:

- 12 ambulance recorded assaults.
- 3 gun, knife and weapon injuries.
- 7 incidents of bus driver reported violence

¹ Estimates derived from The Public Health Burden of Alcohol and Effectiveness and Cost-effectiveness of Alcohol Control Policies (PHE, 2016). Lower risk defined as <=14 units; Increasing risk defined as >14 and <=50 units for men and >14 and <=35 units for women; Higher risk defined as >50 units for men and >35 units for women; Binge drinking defined as 8+/6+ units on heaviest drinking day in previous week for men and women respectively. Dependent drinking derived from the Adult Psychiatric Morbidity Survey

National and international scientific evidence shows the following:

- Overall, more alcohol is consumed when it is easily available.²
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.³
- 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 violence⁴
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.⁵

2. Public Safety and

3. Prevention of public nuisance

The premises are located in the Mitcham CIZ, an area where it is recognised that there is already a significant problem with the impact of alcohol on public safety and public nuisance. The most recent Annual Residents Survey (2014) highlighted that 48% of all residents in this area of the borough are very worried or fairly worried about people being drunk and rowdy (Appendix 2).

4. The protection of children from harm

- In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions⁶ (Merton JSNA).
- There is 1 school located within 500m of this premises, and this premises is likely to be on the main route home for many young people from school.

Conclusion

The applicant states limited steps that they will take to promote the licensing objectives; however we believe that these will not be sufficient to prevent an additional impact of the proposed hours for sale of alcohol 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.”

Therefore we would recommend that the CIZ is activated and that this application is rejected.

If the committee is minded to approve the application, based on the information provided, we would recommend that the following conditions are applied to the licence to limit the cumulative impact of the license on alcohol related harm in the area:

1. No super-strength beer, lagers or ciders, or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

² Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

³ 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

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

⁵ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

⁶ Merton JSNA: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

2. No miniature bottles of spirits of 20cl or below shall be sold from the premises
3. Off sales of alcohol are only permitted in sealed containers and no single cans or bottles of beer, lager cider or spirit mixtures shall be sold at the premises
4. Drinkaware will be promoted through the business website and drinking sensibly and appropriately will feature on any menus and marketing literature.
5. 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>).
6. No more than (15%) of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
7. The Premises License Holder shall ensure that refresher training is provided, at least every six months, to new and existing staff on the law relating to underage sales of alcohol.
8. The Premises License Holder shall keep written records of all training provided on the law relating to underage sales of alcohol. Staff shall sign and date the records to confirm that the training has been completed. Training records shall be retained on the premises for a minimum of two years and produced to an Authorised Officer of the Council on request.
9. All licence conditions to be part of the 'Terms & Conditions' which must be displayed on the website or any other promotional material.
10. A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person is, or appears to be, under 18 years of age or the person is intoxicated. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the local authority.
11. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18+ years of age.
12. The Premises Licence Holder shall ensure that full training is provided to all staff on commencement of employment on their Challenge 25 policy and the law relating to the sale of alcoholic products and any system or procedures that they are expected to follow in the course of dealing with these goods

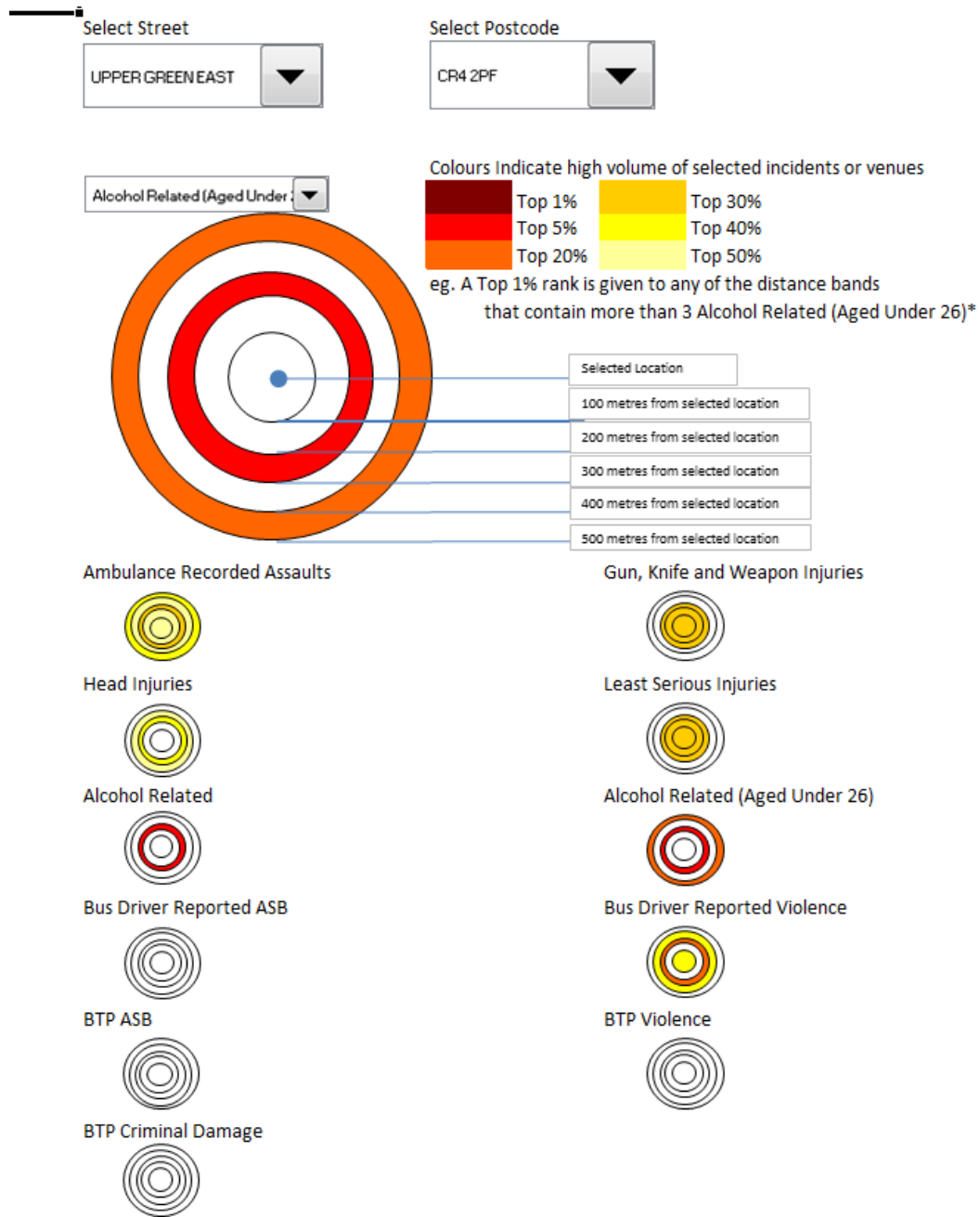
We believe that these conditions are reasonable and proportionate in order to promote and maintain the Merton CIZ's, and a safe and sociable approach to alcohol across the borough.

Yours sincerely,

Barry Causer
Public Health Commissioning Manager

On Behalf of Dr Dagmar Zeunar
Director of Public Health

APPENDIX 1: LBM Public Health preliminary data scan for the following ward: Figge's Marsh



USER INPUT
SELECT POSTCODE FROM LIST **WARD** **WARD NAME**
 CLICK HERE> **CR4 2PF** **00BAGC** **Figge's Marsh**

PREVENTION OF CRIME AND DISORDER

AMBULANCE DATA

RANK ALL ASSAULTS 4 out of 20 wards	RANK SEXUAL ASSAULTS 7 out of 20 wards
RANK ALL WEAPON INJURIES 1 out of 20 wards	RANK KNIFE INJURY 1 out of 20 wards
RANK GUN INJURIES 1 out of 20 wards	RANK VIOLENCE AGAINST AMBULANCE CREW 3 out of 20 wards

POLICE DATA: recorded crime and ASB

RANK ALL VIOLENCE 1 out of 20 wards	RANK RAPE 4 out of 20 wards
RANK THEFT FROM PERSON (OTHER) 4 out of 20 wards	RANK PERSONAL ROBBERY 2 out of 20 wards
RANK CRIMINAL DAMAGE 2 out of 20 wards	RANK POSSESSION OF DRUGS 1 out of 20 wards
MPS ASB RANK 3 out of 20 wards	MPS POSSESSION OF WEAPON 1 out of 20 wards

Other data sources

NIGHT TIME VIOLENT DISORDER 6 out of 20 wards	DELIBERATE FIRES 11 out of 20 wards
Probation Clients with Alcohol misuse Risk 1 out of 20 wards	Probation Clients Alcohol Risk and High risk of causing harm 18 out of 20 wards

MERTON 'Traffic Light Dashboard' to: October 2015

ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE

ambulance data

AGED 8 - 17 9 out of 20 wards	AGED 18 - 25 5 out of 20 wards	
AGED 26 - 39 3 out of 20 wards	AGED 8 - 39 3 out of 20 wards	AGED 18+ 4 out of 20 wards

DEPRIVATION

ward summaries

INCOME DEPRIVATION 2 out of 20 wards	EMPLOYMENT DEPRIVATION 2 out of 20 wards
AVERAGE DEPRIVATION 2 out of 20 wards	RANK BY MOST DEPRIVED SUB WARD AREA 1 out of 20 wards

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

PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS

BTP DRUNKEN BEHAVIOUR 7 out of 20 wards	TFL ALCOHOL RELATED DISTURBANCE 4 out of 20 wards
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WELL BEING

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

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

APPENDIX 2: Public Health data on alcohol in Figge’s March 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 whom 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.⁷ 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:

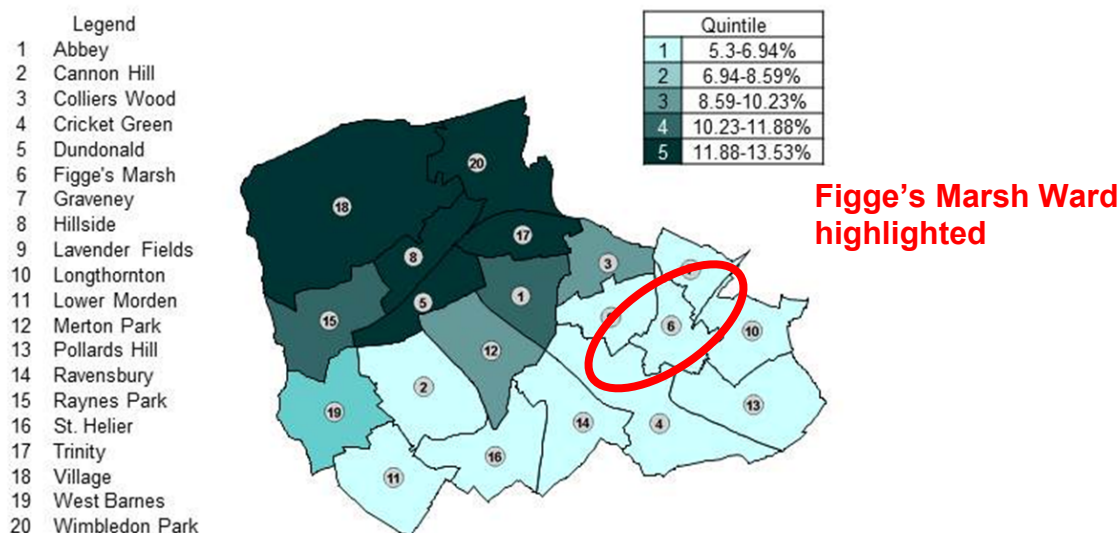
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

Figure 1: Residents reporting drinking alcohol every day

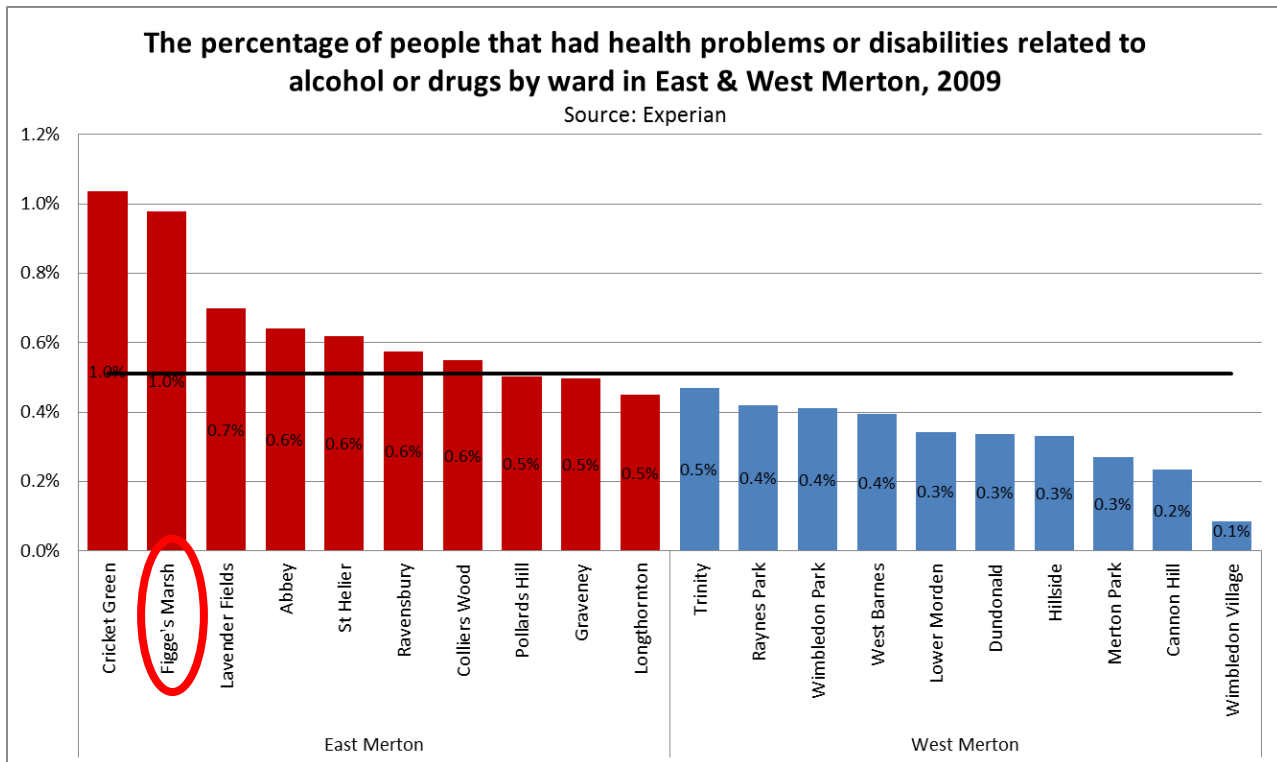
Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



⁷ 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



Figge's Marsh 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.

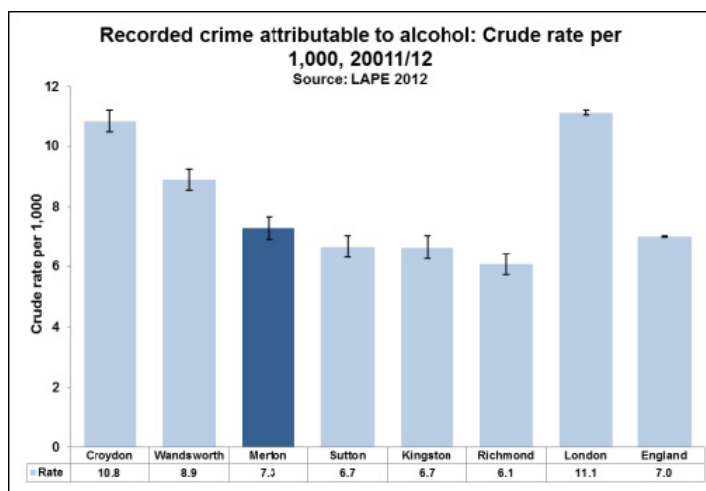
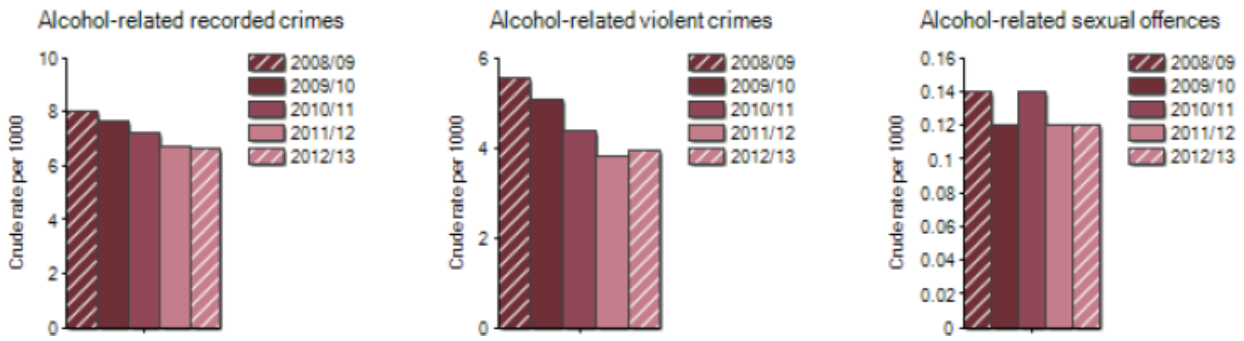
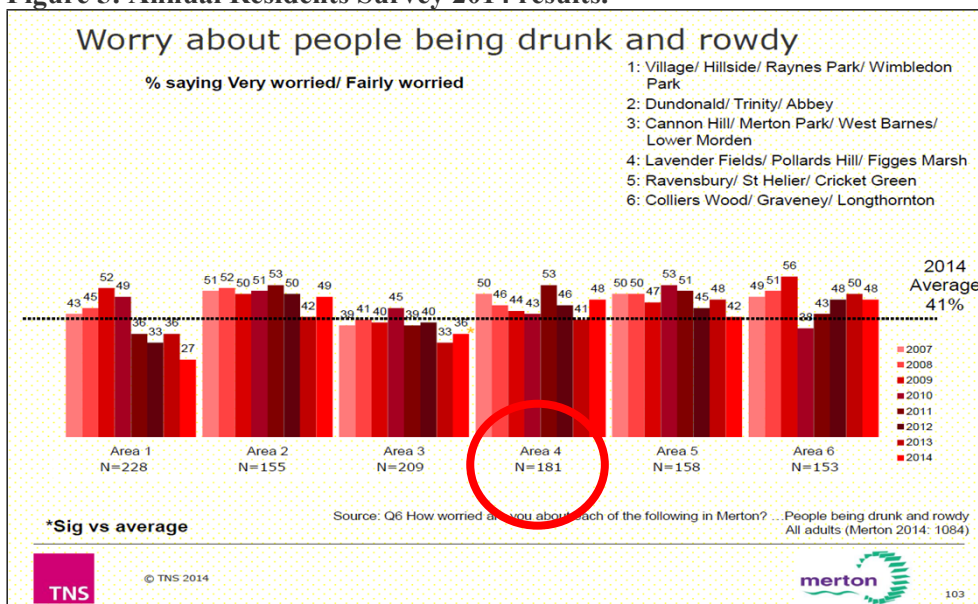


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



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 Figge's Marsh is highlighted: in 2014 48% of local residents are very worried or fairly worried about people being drunk and rowdy.

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>

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