

**COMMUNITY AND HOUSING DEPARTMENT**

Simon Williams - Director



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

*Direct Line:* 020 8545 4834

*Date:* 9<sup>th</sup> November 2015

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

**Re: Application to Vary the Premises Licence under the Licensing Act 2003 – Wm Morrison’s, 51 The Broadway, London, SW19 1QD**

Premises licence number	LN/000001056
Applicant	Wm Morrison Supermarkets plc
Premises address	51 The Broadway, London, SW19 1QD
Ward	Dundonald
Summary of the application	<b>Variation: Hours for the sale of alcohol. Proposed hours for the supply of alcohol:</b> Monday – Sun 0600-0000

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>

## 1. The prevention of crime and disorder

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

- 48 Ambulance-reported assaults
- 4 Gun, knife and weapon injuries
- 147 alcohol-related incidents, 36 of which were in those under the age of 26
- 20 least serious injuries, which are often used as a proxy for alcohol related harm
- 30 episodes of anti-social behavior reported by bus-drivers.

The premises is situated in Dundonald Ward, which ranks 2<sup>nd</sup> out of all 20 Merton wards for alcohol illness treated by ambulance in 18-25 year olds.

The above data and that in appendix 1 suggests an existing significant impact of alcohol consumption in the local area. While the above data does not relate to these specific premises, it is likely that the granting of this variation as requested, particularly the increase in hours where alcohol will be sold, will contribute to the above trends relating alcohol to crime and disorder.

National and international scientific evidence shows the following:

- Overall, more alcohol is consumed when it is easily available.<sup>1</sup>
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.<sup>2</sup>
- 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 violence<sup>3</sup>
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.<sup>4</sup>

## 2. Public Safety and

## 3. Prevention of public nuisance

Wm Morrison's, The Broadway is located within a cumulative impact zone, 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 above 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.

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<sup>1</sup> Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

<sup>2</sup> 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

<sup>3</sup> WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

<sup>4</sup> WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

Public Health have also been made aware of concerns which have also been raised by local residents about the proposed increase in licensing hours, in view of the level of alcohol-related harm in the area.

**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.

## **Conclusion**

The applicant states a number of steps 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 increase in hours for sale of alcohol on the levels of alcohol-related crime and disorder and issues around public safety already seen in the area.

**Therefore we would recommend that the Committee reject the application for increased hours of supply of alcohol.**

Further to this, and based on the information provided, we would also recommend that the following conditions are applied to the licence to further promote the prevention of crime and disorder and to promote public safety:

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. No single cans or bottles of beer, lager cider or spirit mixtures shall be sold at the premises
3. 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

Yours sincerely,

Dr Eleanor Curtis  
Specialty Registrar in Public Health

On behalf of Dr Kay Eilbert, Director of Public Health

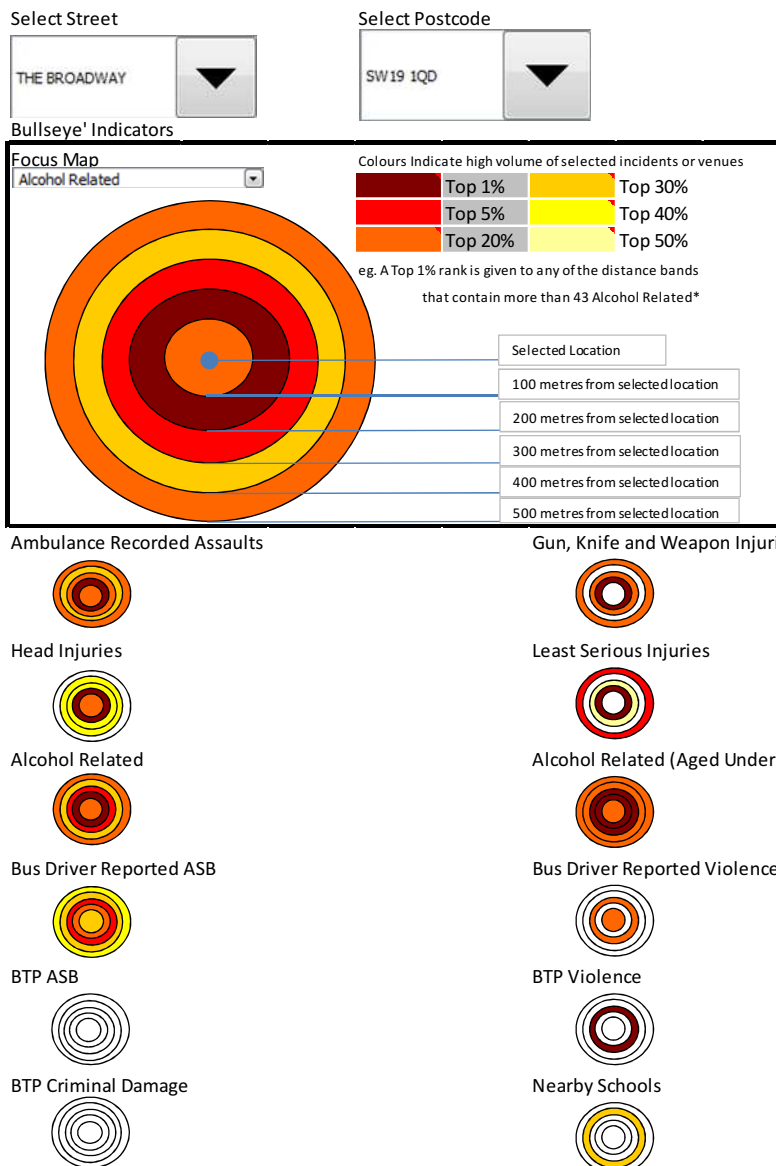
# Appendix 1: LBM Public Health preliminary data scan for the following premises:

## Morrison's, 51 The Broadway, SW19 1QD

### A. SafeStats bullseye dashboard for St Mark's Road, CR4 2LF:

Merton: Cumulative Impact Analysis Tool: Proximity Analysis

Date Range of Analysis: Year to June 2015



**Headlines related to this postcode:**

- 147 alcohol related incidents within 500m of this postcode in the year to June 2015; 36 in those aged under 26.
- Within 100-200m of the postcode: particularly high volume of alcohol-related incidents (top 5% rank in the borough – see the bullseye charts to the left).
- 48 assaults within 500m of this postcode; 100-200m from postcode highest 1% in the borough

Type of data (incidents)	Total within 500m
Ambulance recorded assaults	48
Gun, Knife and Weapons injuries	4
Head injuries	12
Least serious injuries	20
Alcohol related	147
Alcohol related (aged under 26)	36
Bus driver reported ASB	30
Bus driver reported Violence	2
Nearby schools	1

\* in the year to June 2015

## B. SafeStats traffic light dashboard for postcode

USER INPUT		
SELECT POSTCODE FROM LIST	WARD	WARD NAME
CLICK HERE> SW19 1QB	00BAGB	Dundonald

PREVENTION OF CRIME AND DISORDER	
AMBULANCE DATA	
RANK ALL ASSAULTS 14 out of 20 wards	RANK SEXUAL ASSAULTS 8 out of 20 wards
RANK ALL WEAPON INJURIES 16 out of 20 wards	RANK KNIFE INJURY 9 out of 20 wards
RANK GUN INJURIES 1 out of 20 wards	RANK VIOLENCE AGAINST AMBULANCE CREW 8 out of 20 wards

POLICE DATA: recorded crime and ASB	
RANK ALL VIOLENCE 13 out of 20 wards	RANK RAPE 10 out of 20 wards
RANK THEFT FROM PERSON (OTHER) 2 out of 20 wards	RANK PERSONAL ROBBERY 9 out of 20 wards
RANK CRIMINAL DAMAGE 12 out of 20 wards	RANK POSSESSION OF DRUGS 4 out of 20 wards
MPS ASB RANK 17 out of 20 wards	MPS POSSESSION OF WEAPON 10 out of 20 wards

Other data sources	
NIGHT TIME VIOLENT DISORDER 12 out of 20 wards	DELIBERATE FIRES 12 out of 20 wards
Probation Clients with Alcohol misuse Risk 18 out of 20 wards	Probation Clients Alcohol Risk and High risk of causing harm 6 out of 20 wards

MERTON 'Traffic Light Dashboard' to: June 2015

ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE		
ambulance data		
AGED 8 - 17 2 out of 20 wards	AGED 18 - 25 2 out of 20 wards	
AGED 26 - 39 7 out of 20 wards	AGED 8 - 39 7 out of 20 wards	AGED 18+ 4 out of 20 wards

DEPRIVATION	
ward summaries	
INCOME DEPRIVATION 19 out of 20 wards	EMPLOYMENT DEPRIVATION 19 out of 20 wards
AVERAGE DEPRIVATION 19 out of 20 wards	RANK BY MOST DEPRIVED SUB WARD AREA 20 out of 20 wards

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

PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS	
BTP DRUNKEN BEHAVIOUR 12 out of 20 wards	TFL ALCOHOL RELATED DISTURBANCE 8 out of 20 wards

WELL BEING
18 RANK Life Expectancy
18 RANK Incapacity claimant rate -index
9 RANK Crime rate - Index
20 RANK Average Capped GCSE and Equivalent Point Score Per Pupil
20 RANK Unauthorised Absence in All Schools (%)
18 RANK Dependent children in out-of-work families
18 RANK Public Transport Accessibility
4 RANK Homes with access to open space & nature, and % greenspace
11 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 & Dundonald 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.<sup>5</sup> 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:

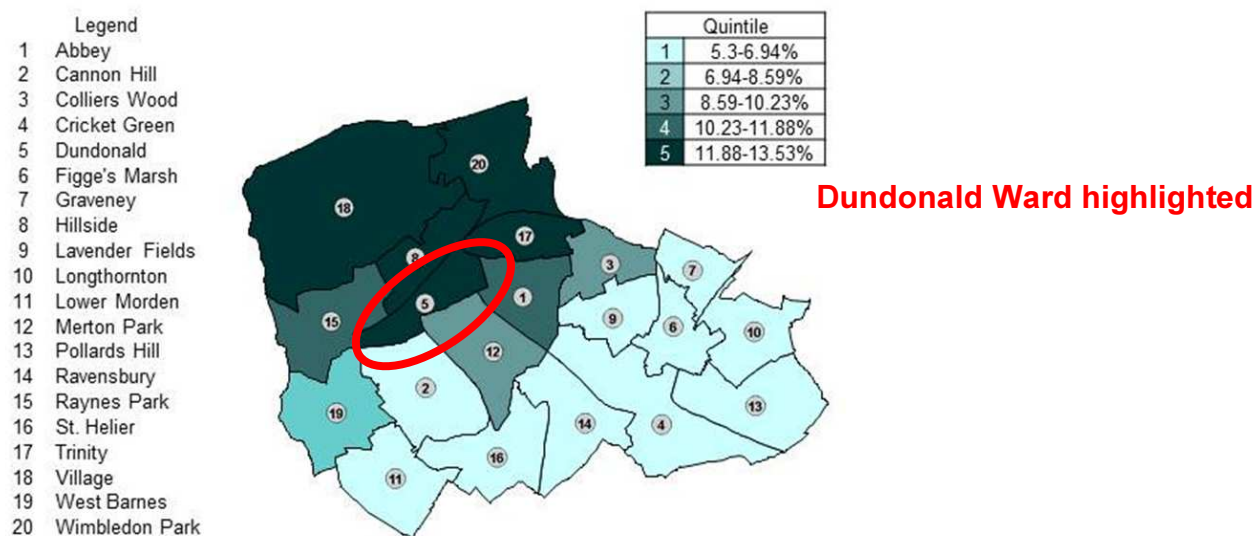
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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.

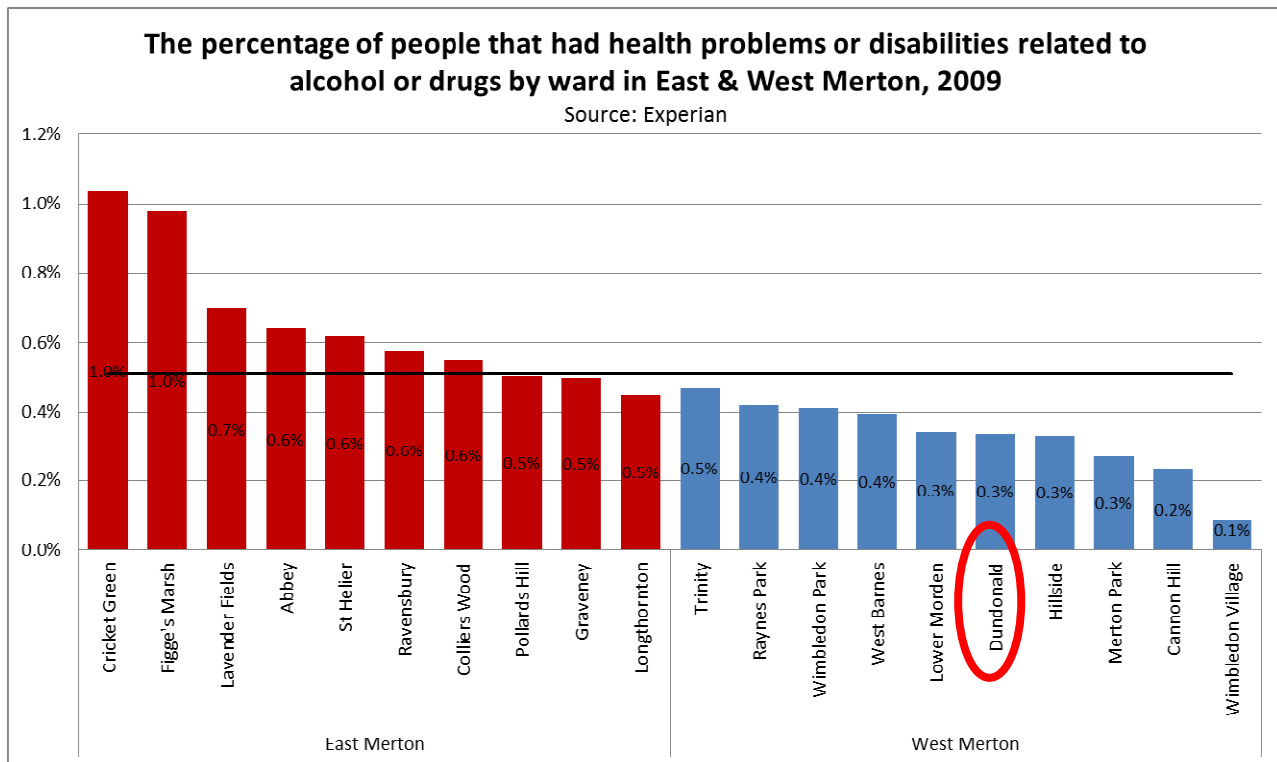
Source: Experian Grand Index 2014



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



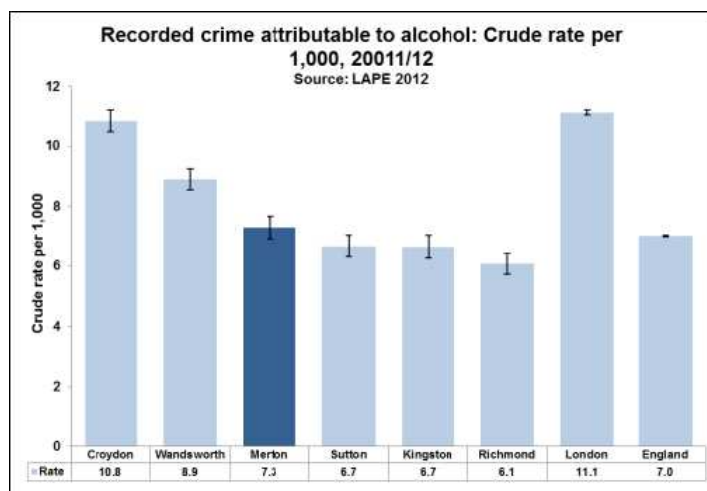
**Figure 2: Residents with health problems or disabilities caused by alcohol or drugs**



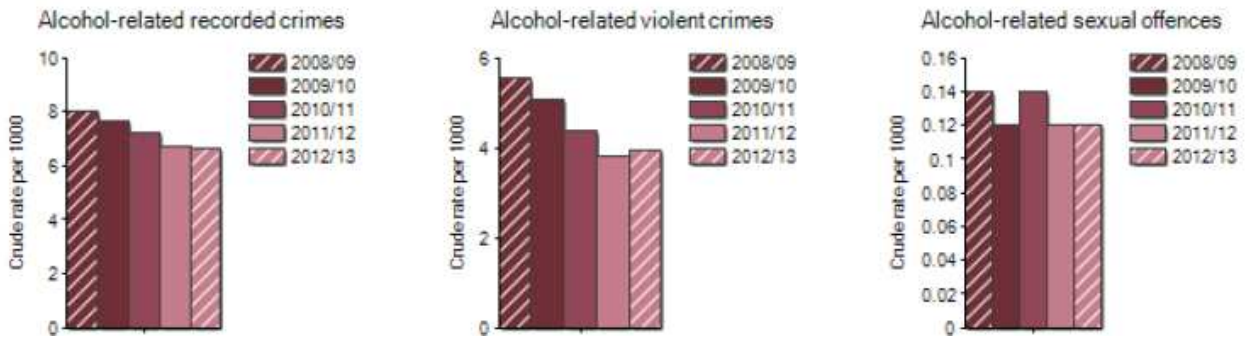
**Dundonald Ward highlighted**

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.**

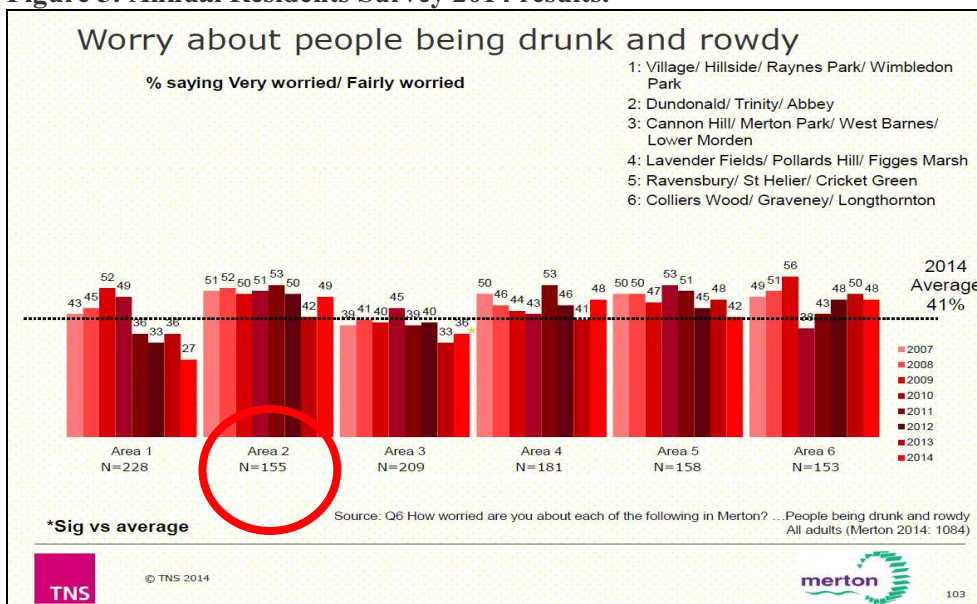


**Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.**



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 Dundonald 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>