

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 4834

Date: 25th May 2016

Re: Application for a Premises Licence to be granted under the Licensing Act 2003 – Pret a Manger, 4, Wimbledon Hill Road, London Sw19 7NS

| | |
|----------------------------|---|
| Application ref | WK/201600910 |
| Applicant | Pret a Manger Europe |
| Premises address | 4, Wimbledon Hill Road, London, SW19 7NS |
| Ward | Hillside ward |
| Summary of the application | Hot and Cold Takeaway. License requested for sale of alcohol on premises (with food only). <u>Proposed hours for the supply of alcohol:</u> Monday – Friday 16:00-20:30 Saturday – Sunday 16:00 – 20:00 |

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**
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>

Public Health are submitting a representation for two reasons:

- 1. The premises is located in one of Merton's Cumulative Impact Zone (CIZ) areas**
- 2. Public health data for the premise postcode show some moderate areas for concern**

Pret a Manger is part of a well known sandwich chain operating as a hot and cold sandwich, salad, coffee and snack outlet and is situated within the Wimbledon Broadway Cumulative Impact Zone (CIZ). The outlet routinely operates between the hours of 6am and 9pm Monday to Friday and 06.30 to 20.30 Saturday and Sunday. This application seeks the granting of an alcohol licence for on sales between 16.00 and 20.30 on weekdays and 16.00 and 20.00 on Saturday and Sunday

Whilst there are 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 the recognised problems within the vicinity, particularly given that the request would enable the supply of alcohol to overlap with other already established outlets

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

NB. The data is for the correct postcode, however due to limitations of the data, the address has been logged as an adjacent road.

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:

- 16 Ambulance-reported assaults
- 4 Gun, knife and weapon injuries
- 11 least serious injuries, which are often used as a proxy for alcohol related harm
- 32 alcohol related incidents (20 of which occurred within 300 meters of the postcode for this premises)

The premises are situated in Hillside Ward where 27% of the population in 2014 stated they were fairly worried or very worried about drunk and rowdy behaviour.

The above data (and that in Appendix 1), and the premises' position in a CIZ, suggest a potentially significant impact of alcohol consumption in the local area and it is likely that the granting of this license as requested will only contribute to exacerbating 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.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

Pret a Manger 4, Wimbledon Hill Road, Wimbledon, London 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) illustrate 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 over one quarter 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).

4. The protection of children from harm

- In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions⁵ (Merton JSNA).
- There are 3 schools located within 500m of this premises, and this premises is likely to be on the main route home for many children from school.
- Hillside ward is ranked 13th out of 20 wards for alcohol illness treated by London Ambulance Service in those aged 8-17 (Appendix).

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

⁵ Merton JSNA: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

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 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." (Appendix 2)

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

However, 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 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 minimum unit pricing of 50p per unit
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,

Michael Pierce

On Behalf of Dr Dagmar Zeunar
Director of Public Health

Merton: Cumulative Impact Analysis Tool: Proximity Analysis

Select Street

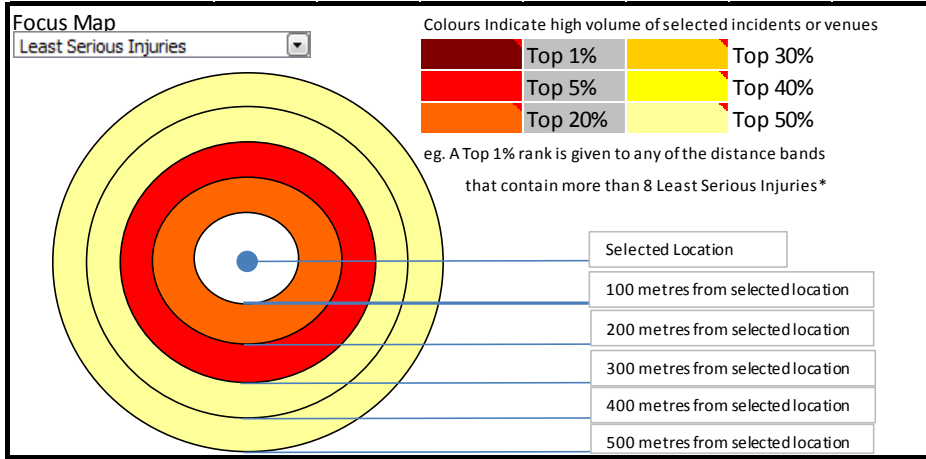
ST GEORGE'S ROAD ▼

Select Postcode

SW19 7NS ▼

Date Range of Analysis: Year to October 2015

Bullseye' Indicators



Ambulance Recorded Assaults



Head Injuries



Alcohol Related



Bus Driver Reported ASB



BTP ASB



BTP Criminal Damage



Gun, Knife and Weapon Injuries



Least Serious Injuries



Alcohol Related (Aged Under 26)



Bus Driver Reported Violence



BTP Violence



Nearby Schools



Mock up data

On licenses



Both On and Off



Off licenses



All Licensed Premises



USER INPUT

SELECT POSTCODE FROM LIST

WARD

WARD NAME

CLICK HERE>

SW19 7NS

OOBAGE

Hillside

PREVENTION OF CRIME AND DISORDER

AMBULANCE DATA

RANK ALL ASSAULTS

16 out of 20 wards

RANK SEXUAL ASSAULTS

2 out of 20 wards

RANK ALL WEAPON INJURIES

7 out of 20 wards

RANK KNIFE INJURY

13 out of 20 wards

RANK GUN INJURIES

1 out of 20 wards

RANK VIOLENCE AGAINST AMBULANCE CREW

19 out of 20 wards

POLICE DATA: recorded crime and ASB

RANK ALL VIOLENCE

16 out of 20 wards

RANK RAPE

6 out of 20 wards

RANK THEFT FROM PERSON (OTHER)

15 out of 20 wards

RANK PERSONAL ROBBERY

15 out of 20 wards

RANK CRIMINAL DAMAGE

19 out of 20 wards

RANK POSSESSION OF DRUGS

14 out of 20 wards

MPS ASB RANK

18 out of 20 wards

MPS POSSESSION OF WEAPON

17 out of 20 wards

Other data sources

NIGHT TIME VIOLENT DISORDER

16 out of 20 wards

DELIBERATE FIRES

20 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

18 out of 20 wards

MERTON 'Traffic Light Dashboard' to: October 2015

ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE

ambulance data

AGED 8 -17

13 out of 20 wards

AGED 18 - 25

7 out of 20 wards

AGED 26 - 39

10 out of 20 wards

AGED 8 - 39

10 out of 20 wards

AGED 18+

7 out of 20 wards

DEPRIVATION

ward summaries

INCOME DEPRIVATION

18 out of 20 wards

EMPLOYMENT DEPRIVATION

18 out of 20 wards

AVERAGE DEPRIVATION

17 out of 20 wards

RANK BY MOST DEPRIVED SUB WARD AREA

19 out of 20 wards

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

PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS

BTP DRUNKEN BEHAVIOUR

1 out of 20 wards

TFL ALCOHOL RELATED DISTURBANCE

12 out of 20 wards

WELL BEING

19 RANK Life Expectancy

16 RANK Incapacity claimant rate -index

19 RANK Crime rate - Index

12 RANK Average Capped GCSE and Equivalent Point Score Per Pupil

17 RANK Unauthorised Absence in All Schools (%)

19 RANK Dependent children in out-of-work families

19 RANK Public Transport Accessibility

2 RANK Homes with access to open space & nature, and % greenspace

9 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 & Hillside 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.⁶ 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:

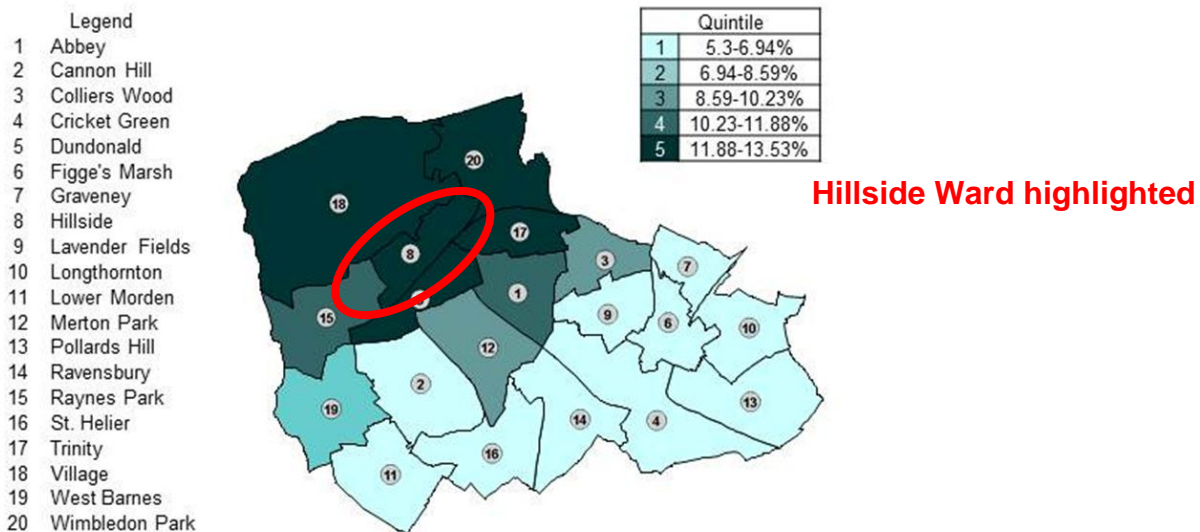
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

Figure 1: Residents reporting drinking alcohol every day

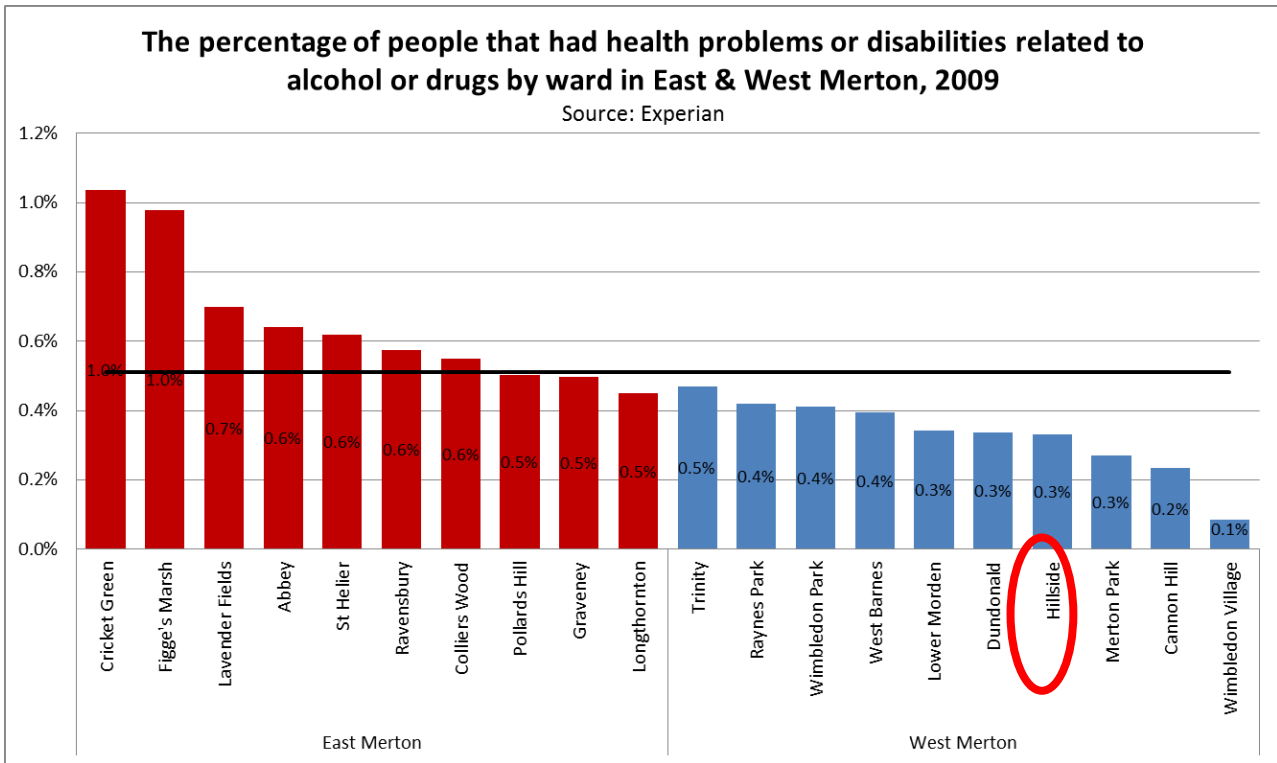
Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



⁶ 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



Hillside 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.

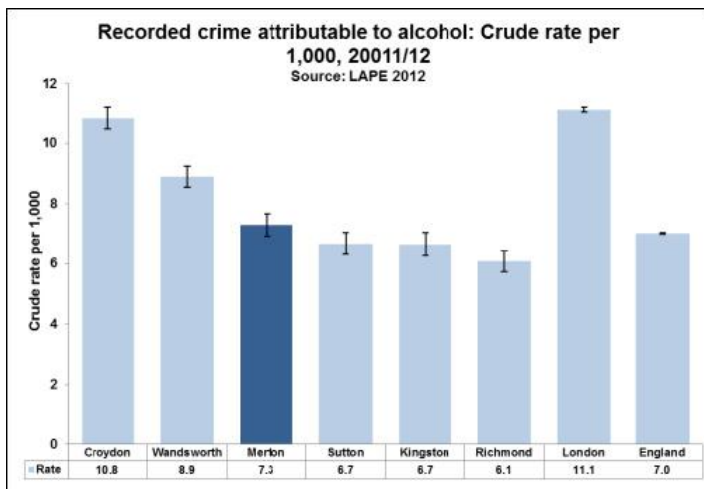
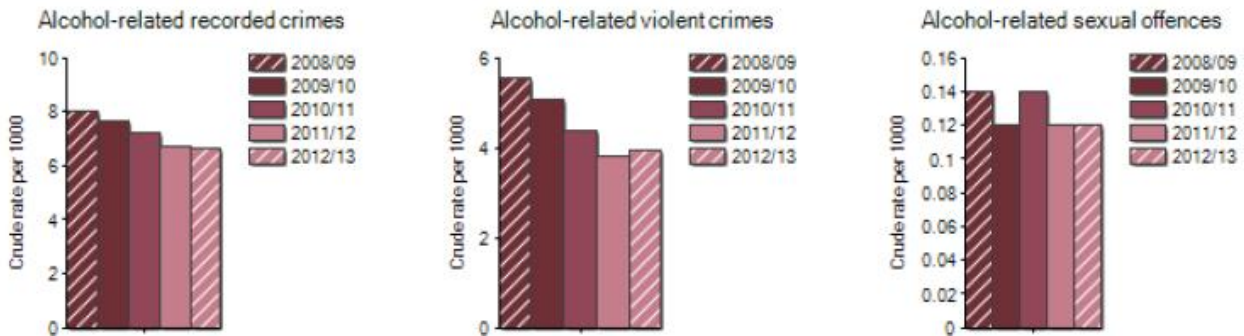
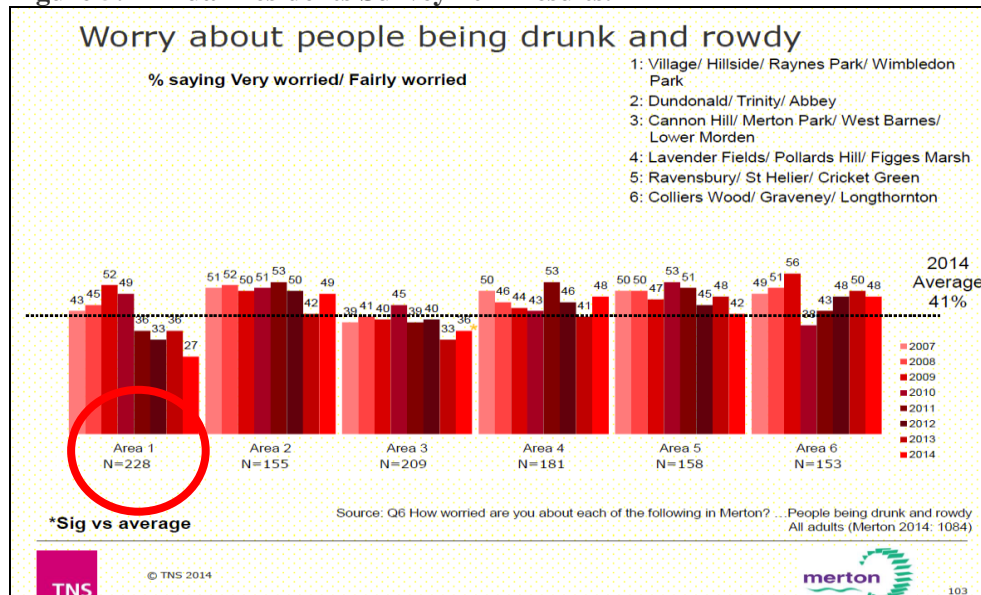


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



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 Hillside Ward is highlighted: in 2014 27% 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>