

# Merton Council

## Licensing Committee

### Membership

**As confirmed at Annual Council 4<sup>th</sup> June 2014**

A meeting of the Licensing Committee will be held on:

**Date: 12 June 2014**

**Time: 19:15**

**Venue: Committee rooms B & C - Merton Civic Centre, London Road,  
Morden SM4 5DX**

**Merton Civic Centre, London Road, Morden, Surrey SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3616.

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# Licensing Committee

## 12 June 2014

1. Declarations of pecuniary interest
2. Apologies for absence
3. Minutes of the meeting held on 27th February 2014 1 - 4
4. Borough Wide Controlled Drinking Zone (CDZ) Review 5 - 14

### **Note on declarations of interest**

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

# Agenda Item 3

LICENSING COMMITTEE  
27 FEBRUARY 2014

(19.15 - 20.12)

PRESENT Councillors David Simpson CBE (in the Chair), Stan Anderson, John Bowcott, Nick Draper, Philip Jones, Logie Lohendran, Ian Munn BSc, MRTPI(Rtd), Debbie Shears and Linda Taylor OBE

ALSO PRESENT Dr Kay Eilbert (Director of Public Health Merton), Marc Dubet (Environmental Health (Pollution&Licensing) Manager) and Lynne Hartley (Democratic Services Officer).

## 1. DECLARATIONS OF INTEREST (Agenda Item 1)

No declarations of interest were made.

## 2. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Councillors Chris Edge, John Sargeant (due to Deputy Mayoral business) and Gregory Udeh.

## 3. MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2013 (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 4 September 2013 are agreed as a correct record.

## 4. THE DESIGNATION OF PARTS OF THE HIGHWAY FOR THE PURPOSES OF STREET TRADING (Agenda Item 4)

The Committee considered the report and the representations submitted and concurred with the recommendations for the reasons given in the report.

Marc Dubet was asked to ensure Trading Standards officers provide Members with an explanation of the reasons for redacting the personal details of those making representations.

RESOLVED: (1) To designate the following street trading areas:

- (a) An area of 7.8m x 0.8m outside Layla 33 High Street Wimbledon SW19 5BY
- (b) An area of 5.5m x 0.8m outside Manoto Super Market 134 Merton High Street Wimbledon SW19 1BA
- (c) An area 5.8m x 1m outside Riva Café 160 London Road Mitcham CR4 3LD
- (d) An area extension from 5.63m x 1.0m to 5.63m x 1.5m, outside Costa Coffee 88 High Street Wimbledon SW19 5EG; and

(2) to refuse requests for street designations in the following areas:

- (a) An area of 4.095m x 1.015m outside Greggs 54 London Road Morden SM4 5BE
- (b) An area of 5.15m x 1.56m outside Greggs 36 Coombe Lane Raynes Park SW20 0LA

(c) An area of 12m x 2.25m alongside The Old Frizzle 74-78 The Broadway Wimbledon SW19 1RQ (area in Kings Road).

5. PROPOSAL TO UPDATE APRIL 2011 STATEMENT OF LICENSING POLICY (Agenda Item 5)

Introducing the report Dr Kay Eilbert explained that it was seeking approval to update the policy statement in order to reflect the transfer of responsibility for public health to the Council. Councillor Nick Draper added that he saw the initiative as part of a general review of high streets to promote health and wellbeing by considering issues such as the growth of betting shops and pay day loan companies.

The Committee welcomed the proposal in principle but questioned how it could be achieved within the constraints of existing legislation, both licensing and planning. The Committee also supported the proposal to work with neighbouring local authorities. It was felt that the evidence provided in the report needed to be updated and expanded upon to support the reasons for and means of addressing alcohol consumption levels in the borough.

RESOLVED: That the Committee –

- (1) Note the report;
- (2) Ask Public Health officers to work closely with Licensing officers and prepare a report for the Committee to consider at its next meeting which proposes measures to reduce alcohol consumption and which updates and expands upon the supporting evidence, having cognisance of both licensing and planning legislation and policies;
- (3) Ask officers to work alongside their counterparts in neighbouring local authorities in gathering evidence with a view to impacting on national policy in the longer term.

6. REVIEW OF CDZ/CRIME DATA FIGURES (Agenda Item 6)

The Committee noted that it was unable to carry out a six monthly review of the Controlled Drinking Zone as the data needed from the police was still awaited.

EXCLUSION OF THE PUBLIC

RESOLVED; That the public are excluded from the meeting during consideration of the following item on the grounds that it is exempt from disclosure by virtue of Part 4B, Paragraph 10.4 and Category 3 of the constitution.

The Committee considered and noted the information in the appendix which provided details of crimes and offences committed in the Cumulative Impact Zones from June to November 2013.

7. CHAIRMAN'S ANNOUNCEMENT (Agenda Item )

As this was the last meeting of the Committee before the local elections in May the Chairman thanked all members for their help and cooperation over the four years since he was appointed in 2010.

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## **Committee: LICENSING**

**Date: 12<sup>th</sup> June 2014**

Agenda item:

Wards: All

## **Subject: Borough Wide Controlled Drinking Zone (CDZ) Review**

Lead officer: Annalise Elliott - Head of Safer Merton

Lead member: TBC

Forward Plan reference number:

Contact officer: Annalise Elliott

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### **Recommendations:**

- A. That Merton's Licensing Committee examine the findings from the CDZ review and suggest any additional information that they would like to see for future reports.
  - B. Agree to the timetable for the ongoing monitoring of the CDZ.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report outlines the findings from the first review of the borough wide controlled drinking zone. The data has been provided by the Police and covers the period June 2013 to April 2014

## **2 DETAILS**

- 2.1 At the licensing committee in October 2012, the committee agreed that it would be simpler and more cost effective for the borough to consult on a borough wide CDZ, due to a number of areas requesting for their localities to be considered for a CDZ. In November 2012 full council agreed that the consultation for a pan borough CDZ should go ahead and agreed that the Chief Executive should have delegated decision making responsibility for whether the CDZ should go ahead, or not.
- 2.2 The consultation period was initially over the period from the 4<sup>th</sup> of March through to the first of April 2013; however this was extended to the 22<sup>nd</sup> of April due to the large volume of responses.
- 2.3 Alcohol related statistics from the borough's strategic assessment were presented alongside the results of the public consultation in the evidence paper for the chief executive. On the 29<sup>th</sup> of May 2013 the chief executive agreed to the implementation of a borough wide CDZ and the CDZ was officially in operation from the 6<sup>th</sup> of June 2013.

- 2.4 As part of the process for implementing the CDZ, it was agreed that the licensing committee would review the CDZ on a six monthly basis; to ensure that it is still a viable option for tackling alcohol related problems on the borough. However, as this is not a statutory requirement to review on a six monthly basis, we would like to ask the Committee how they would like to proceed with the ongoing monitoring of the zone.
- 2.5 The report attached provides an initial review of the data collected by the Police. The data is based on intelligence collected and inputted by officers and whilst the report shows that the powers have been used 80 times, this figure may indeed be higher as a formal data collection process was not introduced by the Police until December 2013. Work is ongoing with the Police to develop the collection of data further.
- 2.6 It is also important to note that the report does not capture the impact that the CDZ has on public confidence and re-assurance, as this is more difficult to measure. However, we do know through looking at the figures from the 2013 Annual Residents Survey that the number of residents concerned about drunk and rowdy behaviour continues to fall (41% in 2013 compared to 43% in 2012) This may be an issue for the Committee to consider. Also of note is that during the last 12 months, the Police have noted a 1.8% reduction in non domestic, violence against the person offences.

### **3 ALTERNATIVE OPTIONS**

- 3.1 As mentioned, work is ongoing to develop the data captured and assistance from the committee with regards to other information they would like to see will help in this process.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1 A pan borough CDZ consultation was undertaken prior to the CDZ being implemented.

### **5 TIMETABLE**

- 5.1 This report covers the period June 2013 through to April 2014 and we are requesting guidance from the Committee regarding the ongoing monitoring of the CDZ.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1 There are no financial issues for this report, except for officer time both from the Police and Safer Merton in terms of collating the data and producing the review report.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 Legislation governs the minimum process that must be adhered to in order to consider the implementation of a controlled drinking zone.



7.2 CDZ's give the Police an additional power, namely that of confiscating alcohol in the street where there are concerns about street drinking, these powers can only be granted by the local authority.

7.3 Initially this legislation gave the Police other additional powers however these have been superseded by other legislation namely the Violent Crime Reduction Act 2006. Section 27 of this act allows the police to 'give direction to leave' to any individual who is likely to cause crime or disorder that is alcohol related. They can also order this individual to leave the area for up to 48 hours.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1 The power to allow a constable to require a person to stop drinking in public areas and to surrender alcohol is on the face of it an infringement by the state of individual liberty. The Human Rights Act is therefore engaged and any interference with Human Rights will need to be justified by reference to the appropriate statutory justification.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1 The aim of the review is to provide the Committee with the appropriate information in order to make an assessment as to the extent of the issues on borough in relation to alcohol related disorder.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1 There are no health and safety implications for the council arising from this report, however, there may be for the Police in the delivery of the CDZ's.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

11.1 CDZ Review

## **12 BACKGROUND PAPERS**

12.1 None

**Report on Merton Police usage of CDZ powers (as recorded on Crimint):**  
**June 2013 – April 2014**

**Introduction**

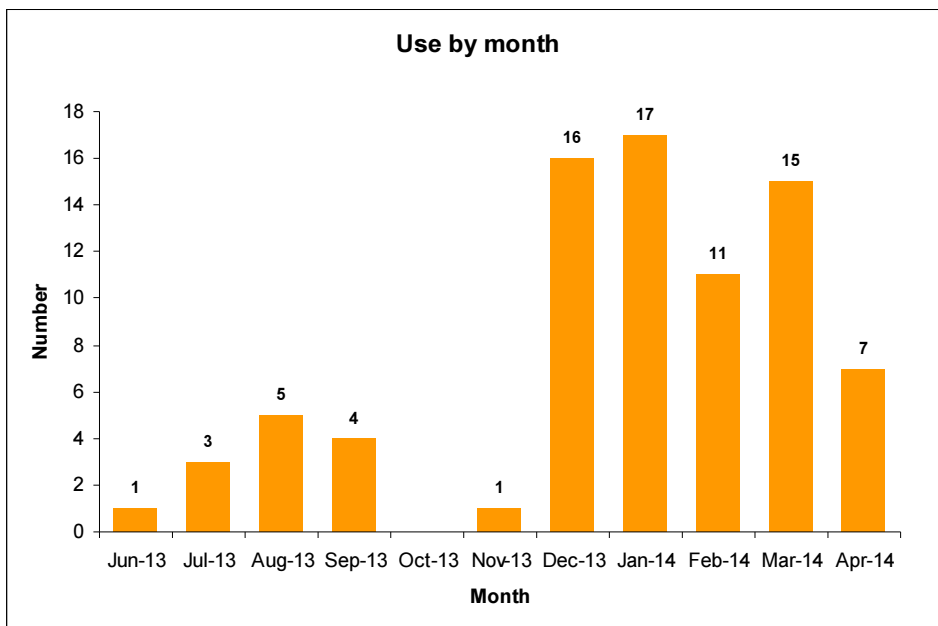
This report is based on use of CDZ powers as recorded on the MPS Crimint system, where CDZ is recorded in the 'subject' bar of the report. It relies upon officers having completed a Crimint every time CDZ powers are used, however previously this has not always been the case, and therefore this report is not able to give a complete breakdown of the usage of CDZ powers. An instruction has now been put in place by the Police for officers to create a Crimint for every use of CDZ powers so future reporting should provide a more complete picture of usage.

The borough wide CDZ was introduced in June 2013, therefore this report covers the time period from that point to mid April 2014.

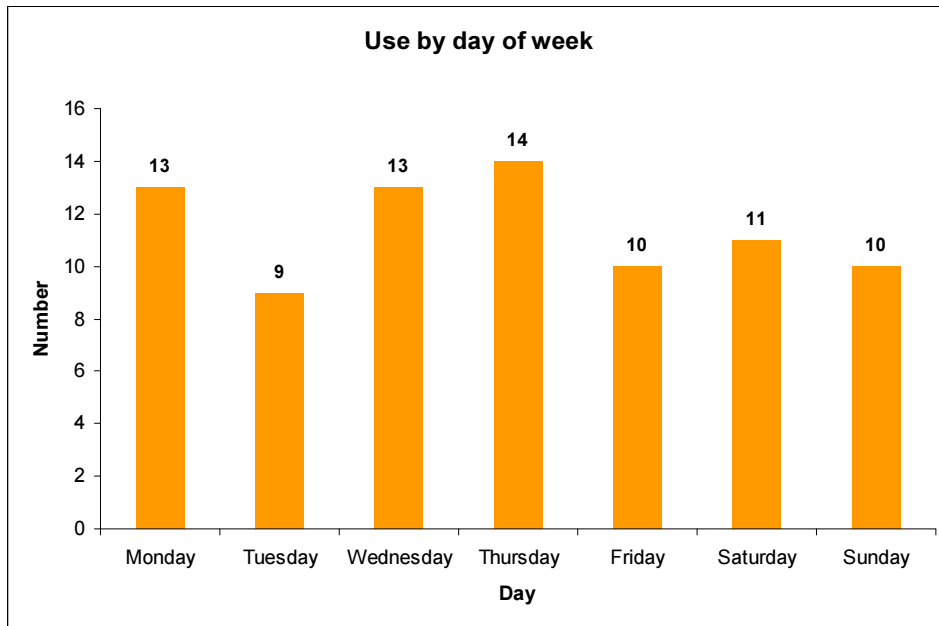
**Analysis**

There were a total of 80 recorded usages of CDZ powers during the time period, demonstrating that these powers are indeed being used by the police.

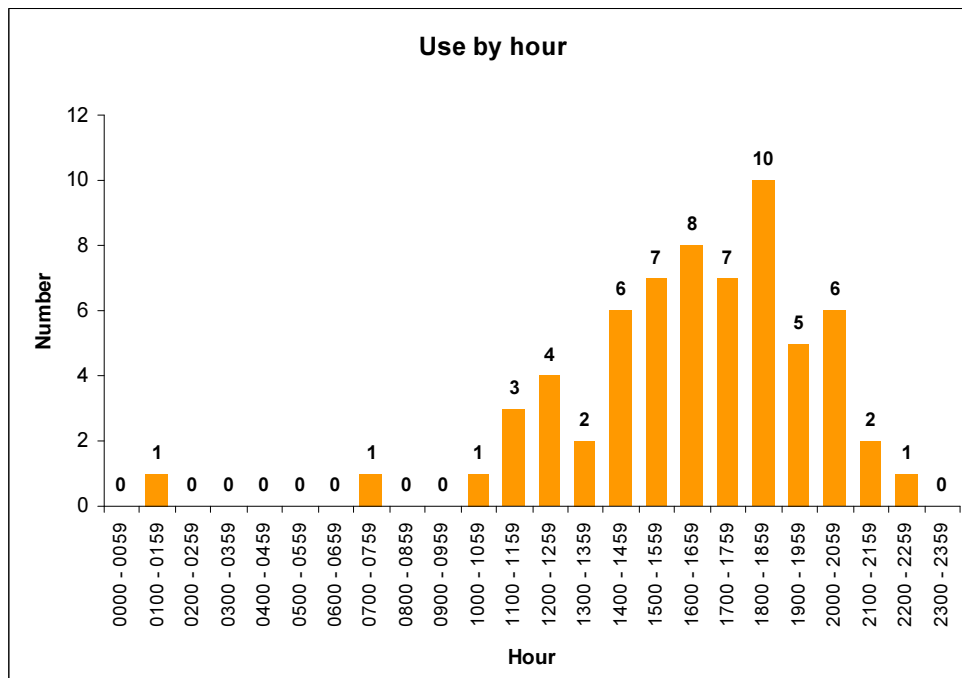
***When?***



Recorded usage increased significantly from December 2013 onwards, with the January 2014 seeing the highest amount of usage of powers. Please note that the figure for April only covers part of that month.

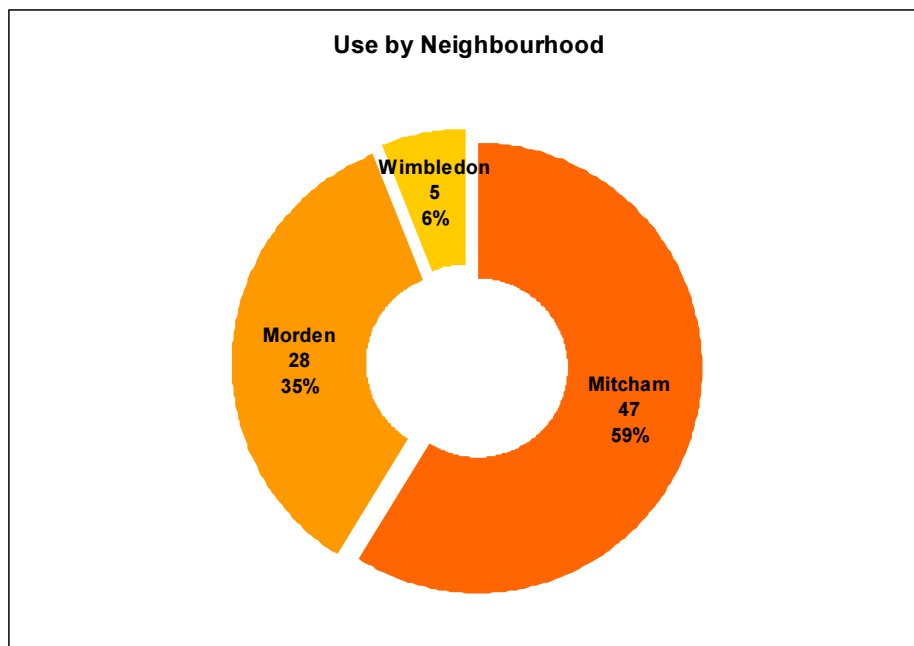


In terms of days of the week, recorded usage of powers peaks on Thursdays followed by Monday and Wednesday. There is very little range between the other days of the week.

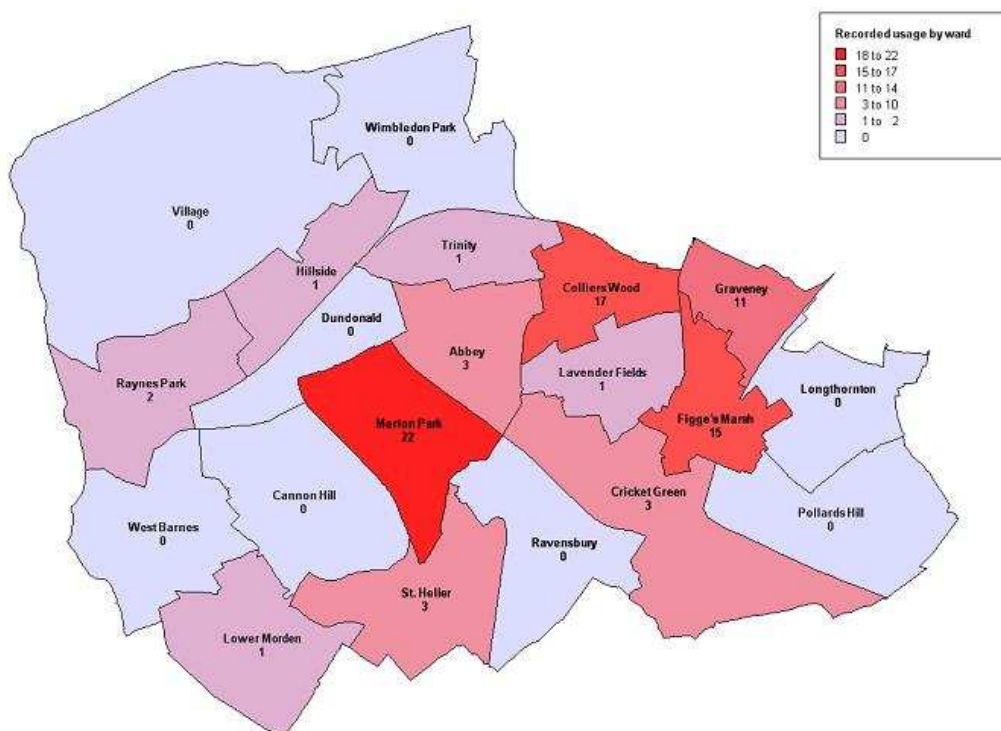


Apart from two occasions, recorded usage has taken place between 10am and 11pm. Usage increases from 2pm onwards, peaking between 6pm and 7pm, before tailing off.

**Where?**



Mitcham was the Neighbourhood with the highest level of recorded usage, followed by Morden and then Wimbledon, which saw only a small amount of usage.



The map shows the recorded usage of powers by ward. Merton Park ward saw the highest usage, this ward covers Morden town centre where all the usage occurred. 79% of usage in Morden Neighbourhood occurred in Merton Park ward.

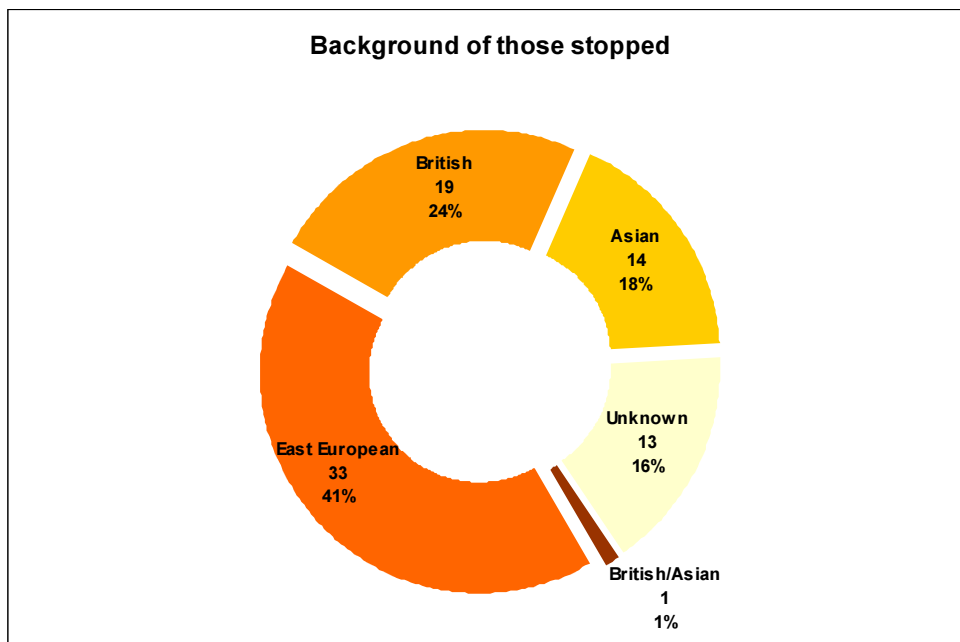
The wards with the highest usage in Mitcham Neighbourhood were Colliers Wood, Figge's Marsh and Graveney, again coinciding with town centre areas and/or locations where street drinking has previously been apparent.

The four wards which cover Wimbledon town centre (Trinity, Hillside, Dundonald, Abbey) only had 5 recorded usages, which would suggest that either problematic public drinking is not much of an issue in this location or that that true extent of usage of the powers has not been recorded.

Approximately 81% of usage of CDZ powers occurred in four wards – Merton Park, Colliers Wood, Figge's Marsh and Graveney, while there were eight wards – Cannon Hill, Dundonald, Longthornton, Pollards Hill, Ravensbury, Village, West Barnes and Wimbledon Park which saw no recorded usage during the time period.

### **Who?**

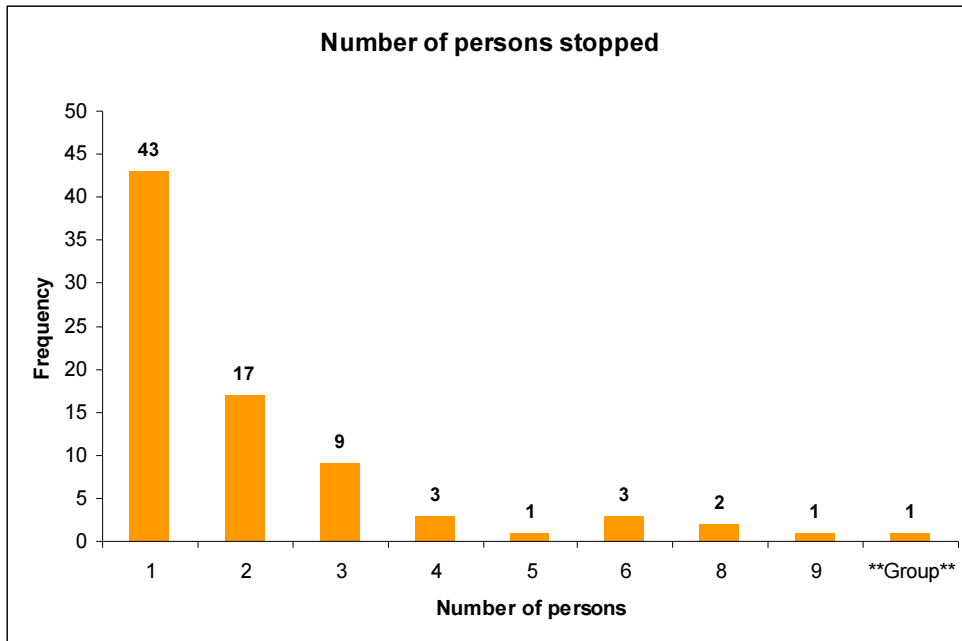
The majority of people stopped during this time period were male.



41% of people stopped were from an Eastern European background, followed by British (24%), then Asian (18%). Those from a Black African/Caribbean/Other background were not stopped at all.

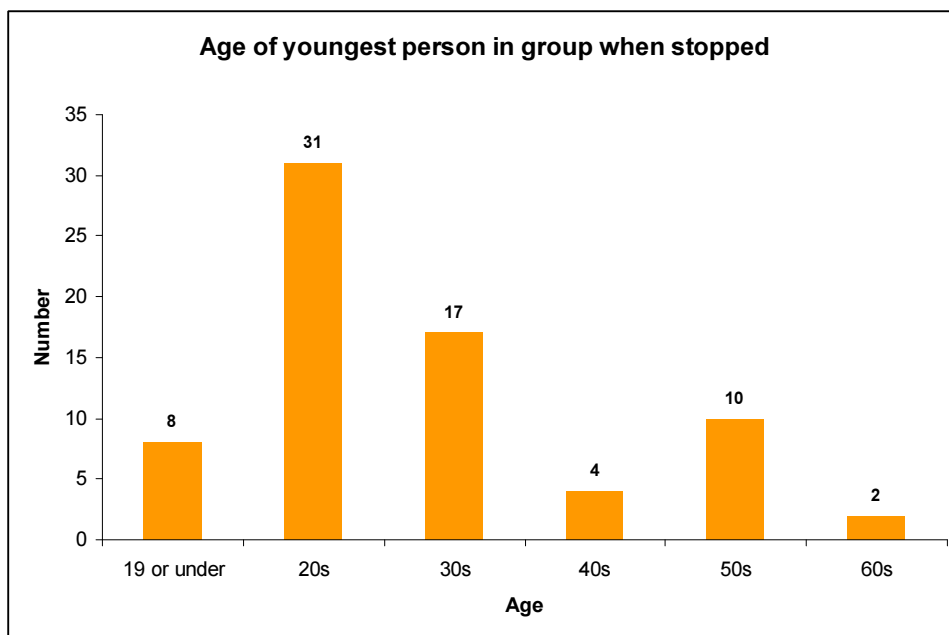
There appears to be specific areas where people from particular backgrounds tend to be stopped:

- Eastern European – Figge’s Marsh and Colliers Wood wards (58% of all Eastern Europeans stops were in these wards);
- Asian – Colliers Wood and Graveney (79% of all Asian stops were in these wards);
- British – Merton Park (53% of all British stops was in this ward).



Individuals were stopped 54% of occasions. When groups were stopped they were most frequently formed of 2 or 3 persons.

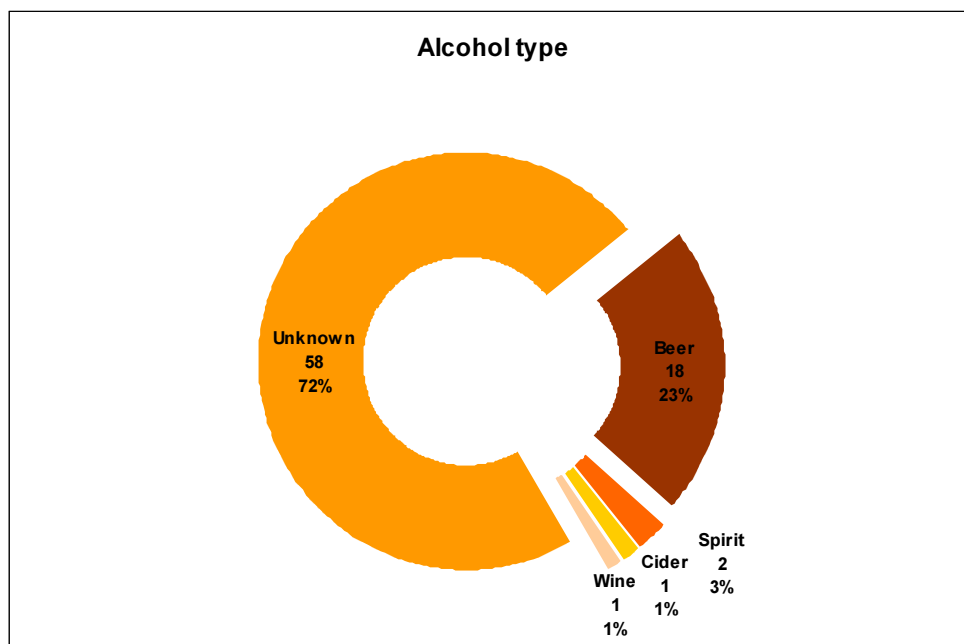
Smaller groups were most commonly comprised of people from an Eastern European background. Large groups were more likely to be made up of people from an Asian background.



From the data provided by the police, details were only available for the age of the youngest person in the group when stopped (or the age of the individual if only one person was stopped). Ages range between 18 and 69 years but the youngest person was most commonly in their 20s or 30s. Of those aged 19 and under, five were 18 and three were 19 years of age.

**What?**

There were high levels of seizures of alcohol, with 77 of the 80 recorded uses of CDZ powers resulting in this course of action. In the majority of cases, the type of alcohol involved was not recorded. This could be an area for improvement going forwards. Where known, beer was the most common type of alcohol seized.



Report by: Safer Merton, May 2014

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