



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21//16

Date: 26/07/2018

Re:-Shell Gipsy Hill 112-122 Gipsy Hill SE19 1PL

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to your premises licence for sale of Alcohol for the following opening hours

Mon – Sun: 24 Hours

The applicant has also asked for condition 796 to be amended and an additional condition added. The premises are situated in a designated residential area under the current Southwark council licensing policy. The premises is already licenced to sell alcohol in accordance with the hours set out by the policy and I see no exceptional circumstances within the application to deviate from the policy in regards to sale of alcohol timings. In regards amended condition 796 and the additional condition of an incident log police welcome this however in view of the overall application police object to the variation to the licence

Kind Regards

PC Mark Lynch 246MD

Heron, Andrew

From: Tahir, Sarah
Sent: 19 July 2018 10:07
To: Heron, Andrew
Subject: FW: RE: Shell, 112-122 Gipsy Hill, LDO = 30/07/2018
Attachments: Alcohol crime and harm report.docx; Evidence Review - Protection of Children from Harm.docx

Added to l1u = 863862

From: Beswick, Claire **On Behalf Of** Regen, Licensing
Sent: Thursday, July 19, 2018 9:12 AM
To: Tahir, Sarah
Subject: FW: RE: Shell, 112-122 Gipsy Hill, LDO = 30/07/2018

From: Public Health Licensing
Sent: Wednesday, July 18, 2018 3:06 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Public Health Licensing
Subject: RE: RE: Shell, 112-122 Gipsy Hill, LDO = 30/07/2018

To whom it may concern:

RE: SHELL Gipsy Hill Gipsy Hill Service Station, 21 Bartholomew Street, London, SE1 4AL

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

This representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

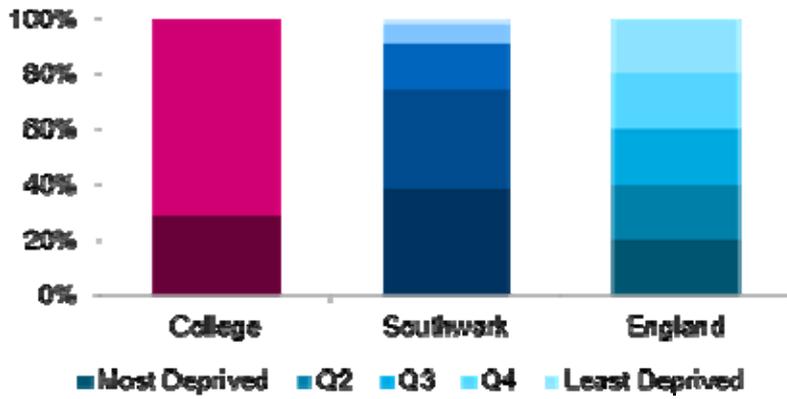
General Comments

The application requests a significant variation of their current licence to sell alcohol 24 hours a day off of the premises.

Concerns relating to this application

College is a ward with high levels of deprivation. Figure 1 shows that ~25% of residents are in the most deprived quintile and ~75% are in the 2nd most deprived quintile. Furthermore 20% of working age adults in College are claiming out-of-work benefits (above the London average of 8% as of 2016). This thus shows that College is a ward that has a high proportion of vulnerable residents that may be susceptible to increased alcohol-related harms.

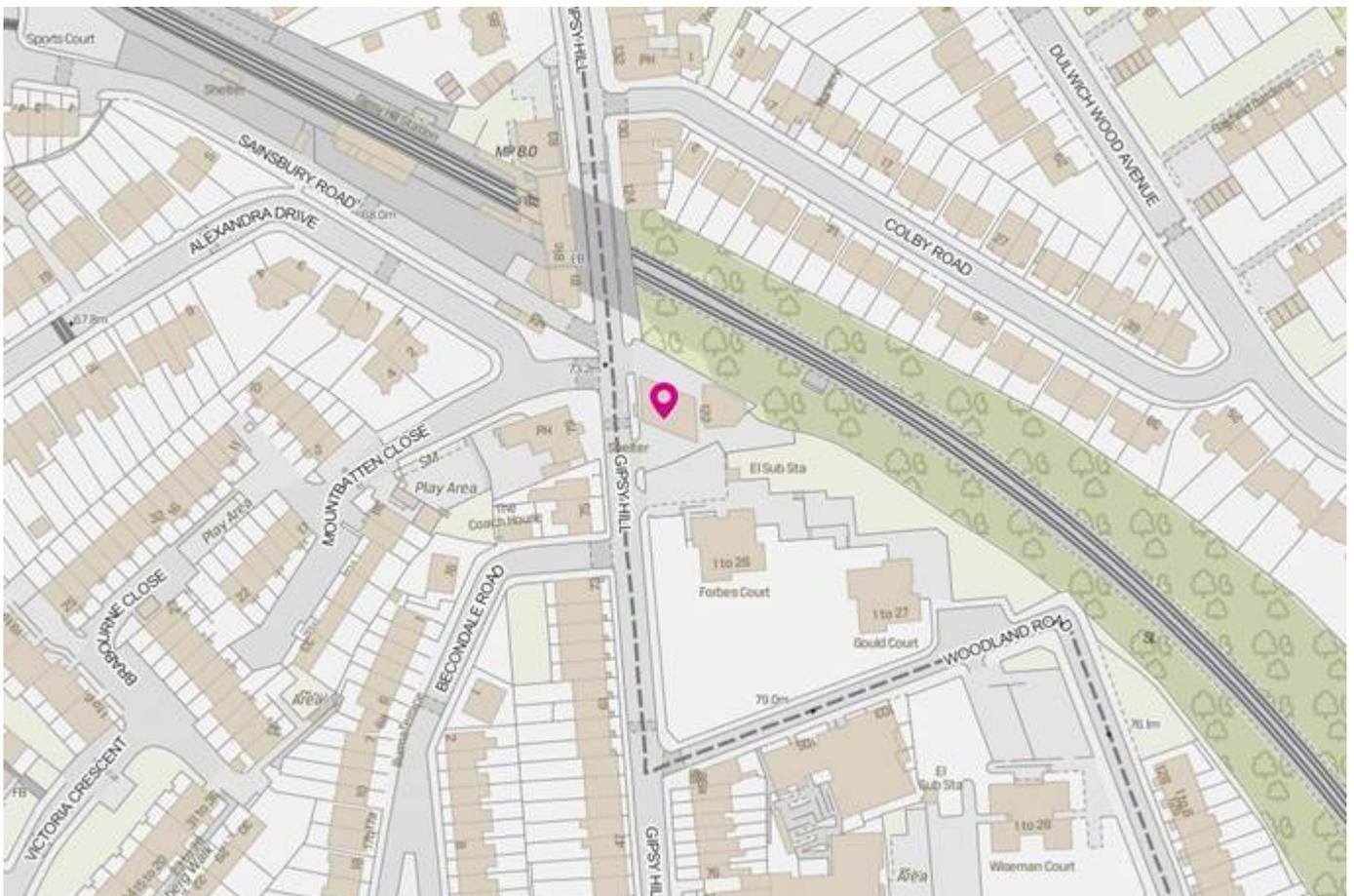
Figure. 1 – proportion of population in each deprivation quintile



This premises is located close to a populated residential area and thus this variation could result in more individuals drinking outside the premises for longer hours. Late night and early morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour in the area. The increased noise from more individuals consuming alcohol after 23:00 in the local area could also have an impact on the sleep of residents living around this premises. A WHO report (2011) has found that fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (for more information see the evidence review attached).

Finally, although College has a low ambulance call-out rate (1% of Southwark call-outs from 2016 - 2018), the evidence (2012 and 2015; report attached to email) has found that for each additional 1-hour extension to the opening times of premises selling alcohol, there was a 16% increase in violent crime, and a 34% increase in alcohol-related injuries.

Figure. 2 – Proximity of residential areas to the establishment



Recommendations

Therefore at this current stage, I recommend the application is rejected in its current state.

If the applicant wishes to submit a variation on the hours of sale for alcohol, proposed hours for the of sale for alcohol should be in line with Southwark's Statement of Licensing Policy's recommended hours of opening for an off-licence premises in a residential area (with alcohol sales ceasing at 23:00).

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Aakulan Kangatharan

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)

From: Tahir, Sarah

Sent: Monday, July 02, 2018 11:36 AM

To: Alcohol@homeoffice.gsi.gov.uk ; Sharpe, Carolyn; Chowdhury, Farhad; Chudasama, Sailesh; Costin, Holly; Taylor, Dan; DIP Team; Farrington, Ian; FireSafetyRegulationSE@london-fire.gov.uk (FSR-AdminSupport@london-fire.gov.uk); Graham White; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Richards-Vassell, Thomas; Qau Safeguarding; safer; Shannon, Rochelle; southwark.repro@pbms.co.uk; Tear, Jayne; West Team diary

Subject: RE: Shell, 112-122 Gipsy Hill, LDO = 30/07/2018

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull.* 1980;38(3):133–7

de Goeij MCM, Veldhuizen EM, Buster MCA, Kunst AE. The impact of extended closing times of alcohol outlets on alcohol-related injuries in the nightlife areas of Amsterdam: a controlled before-and-after evaluation. *Addiction.* 2015; 110: 955-964

Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res.* 1996;4(3):245–71

Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999

Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007;24:532–4

Popova S, Giesbrecht N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol.* 2009;44:500–16

Ragnarsdottir T, Kjartansdottir A, Davidsdottir S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, editor. *The effects of Nordic alcohol policies.* Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. pp. 145–54

Rossow I, Norström T. The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction;* 107(3): 530–537

Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues.* 1990;20(3):417–26

Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob.* 1988:627–84

Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev.* 1988;7:163–6

Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict.* 1988;83:219–22

Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, editors. *International handbook of alcohol dependence and problems.* Chichester, UK: Wiley; 2004. pp. 699–719

Licensing Act 2003 – Protection of Children from Harm

The impact opening hours has on night time noise is important to take into account when considering new licensing applications. Noise from events in premises and the dispersal of those leaving an event will contribute to the disturbance of residents in surrounding areas, particularly at night. Therefore, applications requesting hours outside those stated in the Southwark Licensing Policy, within residential areas, may considerably contribute to night time noise and negatively impact sleep.

According to the World Health Organisation (WHO) (2011), fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (WHO, 2011). Naturally, children spend more time in bed than adults and are more exposed to night time noise (WHO, 2011). Sleep is a vital part of daily life and children in particular need uninterrupted sleep for growth and cognitive development (Kamp, 2013). Disturbances during the night result in fragmented sleep and chronic partial sleep deprivation induces tiredness, lower vigilance and reduces daytime performance and overall quality of life (Ohrstrom & Griefahn, 1993; Passchier-Vermeer, 2003a; WHO, 2011). This can have a detrimental impact on early childhood development and education, which negatively affects lifelong achievement and health (WHO, 2011).

Sleep is an essential part of a healthy lifestyle and is recognised as a fundamental right under the European Convention on Human Rights (European Court of Human Rights, 2003). Night noise guidelines for Europe, set out by WHO, suggest the best protective measures to reduce sleep disturbance include the reduction of events or noise levels, or both (WHO, 2011). Children have no control over where they live. It is the council's obligation to take measures against negative impacts of night time noise in residential areas, to provide a healthy and supportive environment which maximises the health and wellbeing of children in the local area. To ensure night time noise is kept to a minimum, new licensing applications within residential areas should be restricted to hours within the recommended guidelines in Southwark's Licensing Policy.

References:

Passchier-Vermeer, W. (2003) Night-time noise events and awakening. TNO report 2003-32, Delft, The Netherlands.

Van Kamp, I.; Gidlof-Gunnarsson, A.; Persson Waye, K. (2013). The effects of noise disturbed sleep on children's health and cognitive development. *Journal of the Acoustical Society of America*, 133, 3506-3506.

World Health Organisation (WHO) Europe. (2009). Night noise guidelines for Europe.

World Health Organisation (WHO) Europe. (2011). Burden of disease from the environmental noise: quantification of healthy life years lost in Europe.

MEMO: Licensing Unit

To	Licensing Unit	Date	30 July 2018	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Shell Gipsy Hill, Gipsy Hill Service Station, 112-122 Gipsy Hill, London, SE19 1PL
- Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Shell UK Oil Products Limited under the Licensing Act 2003, which seeks the following licensable activities:

- To extend supply of alcohol (off the premises) on Monday to Sunday from 23:00 to 07:00 the following day
- Overall opening times shall be on Monday to Sunday 24 hours

To amend the following condition on the premises licence

796 - That there shall be no floor promotions, no sale of individual cans only multi packs

To be changed to read as follows:

796 - The premises licence holder shall be permitted to display bulk stacks, wine toweres and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the premises licence. No sale of individual cans only multi packs.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance as this premise is situated within a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for off licences and alcohol sales in grocers and supermarkets on **Monday to Sunday is 23:00** and this application seeks hours in excess of that which is deemed appropriate for a residential area.

The original application for this premises was subject to representations and went before the licensing sub-committee on 16 January 2018. I attach a copy of the notice of decision of the LSC to this representation.

The application to vary the premises licence does not offer any further control measures within the application to sufficiently address the licensing objectives in particular the prevention of crime and disorder and the prevention of public nuisance to convince the licensing sub-committee to divert from the hours deemed appropriate within the southwark statement of licensing policy.

I welcome any discussion with the applicant to consider the above representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 16 JANUARY 2012

LICENSING ACT 2003 – SHELL GYPSY HILL, 112-122 GYPSY HILL, LONDON SE19 1PL

1. That the application by Shell UK for a premises licence under Section 17 of the Licensing Act 2003 in respect of the premises known as Shell Gypsy Hill, 12-122 Gypsy Hill, London SE19 1PL approved as follows:

	Monday to Saturday	Sunday
Start & Finish	23:00 05:00	23:00 05:00
Activities: Late night refreshment	Late night refreshment	Late night refreshment
Start & Finish	07:00 23:00	10:00 23:00
Activities: Sale and Supply of Alcohol	Sale and Supply of Alcohol	Sale and Supply of Alcohol

2. **Conditions**

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P of the application form and the following conditions agreed by the sub-committee:

1. That there shall be no floor promotions, no sale of individual cans only multi-packs
2. That there shall be no sale of beer/cider with an alcoholic content of 6% or greater.

3. **Reasons for the Decision.**

The reasons for this decision are as follows:

As the premises are part of a petrol station, the first thing which the sub-committee had to consider was the test in section 176 of the Act. Under the said section the sub-committee had to be satisfied that these premises were not "excluded premises" under the said Act. Here the sub-committee had to be satisfied that the premises are not being used primarily as a petrol station.

In that respect the applicant relied upon sales figures as well as percentage use, such statistics are found at pages 132-135 of the Agenda. In accordance with these figures the applicant submitted that in a three month period the convenience store was used 121,100 times while the petrol station was only used 89,009 times. The applicant was unable to provide information about mixed use i.e. those customers which used both the petrol station and convenience store. The applicant did provide gross margin information showing that during the same period the gross margin on convenience stores sales was in the region of £63,000 while the gross margin on petrol sales stood at £13,000.

The sub-committee heard representations from ward Councillors that the sub-committee should look at Shell UK's profit margin on petrol rather than the franchisee's profit margin on petrol. The ward Councillors also expressed concern about sales of alcohol from a petrol station generally.

On the issue of section 176 of the Act, the sub-committee found that on the information provided to date it was clear that the premises are not used primarily as a petrol station. The sub-committee expressed dissatisfaction on the applicant's inability to provide mixed use figures and stated that such information would have been extremely useful in deciding the matter. As no such mixed use information was provided the sub-committee did find the gross margin figures to be useful in the circumstances and that these figures indicated that the business relied heavily upon store sales. In the circumstances the sub-committee was satisfied that the premises were not used primarily as a petrol station.

Having made the decision on the above point, the sub-committee went on to consider whether this application should be granted under section 18 of the Act.

In that respect the sub-committee heard representations from the Applicant that the premises are well managed at both local and national level and that there was no history of incidents. The sub-committee also heard from the Applicant that they have agreed to reduce the opening hours based on representations from interested parties and now only sought an alcohol licence from 6am – 11pm. During the hearing the Applicant offered to reduce these hours further to 7am – 11pm. The Applicant also offered to accept conditions such as no floor promotions, no sale of individual cans but only multi-packs and beer/cider with an alcohol content of 6% or greater.

In that respect the sub-committee also heard representations from two ward Councillors that local residents still had concerns about the need and the impact of a further premises selling alcohol.

The sub-committee decided to grant this licence on the basis of the reduced hours proposed by the Applicant during the hearing and further decided to add the further conditions proposed by the Applicant as conditions for the licence. As far as hours for sale of alcohol are concerned the sub-committee decided that from Monday – Saturday the hours should be from 7am – 11pm and on Sunday from 10am – 11pm, and held that such restricted hours are necessary for the promotion of the licensing objectives namely the prevention of public nuisance.

4. Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Strategic Director of Communities, Law & Governance.

Date: 16 January 2012