

# Merton Council

## Licensing Sub-Committee

Membership:

Councillors Agatha Akyigyina, Pauline Cowper and Linda Taylor, OBE

A meeting of the Licensing Sub-Committee will be held on:

Date: 25 July 2016

Time: 10.00 am

Venue: Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX

### Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest<sup>1</sup>
- 4 Cote, 8 High Street, London, SW19 8DX

1 - 36

<sup>1</sup> Members are reminded of the need to have regard to the items published with this agenda and, where necessary, to declare at this meeting any interest they may have in relation to any of these matters. For further advice, please speak with the Council's Assistant Director of Corporate Governance.

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, 020 8545 3616 or e-mail [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) Further information about Merton Council can be found on its web site [www.merton.gov.uk](http://www.merton.gov.uk)

## Summary of procedure

1. Declarations of Interest
  2. Welcome by Chair – remind parties that the hearing is being recorded
  3. Chair asks parties if they accept the accuracy of the Notice of Hearing and that all relevant Notices, Applications and representations have been included.
  4. Chair asks the parties if they have, since the issue of the notice, resolved any of the issues and if so to outline their proposed solution. If all issues are covered by this solution then go to stage 10, otherwise use the following procedure to address the remaining points.
  5. Chair outlines procedure as follows:
  6. Applicant
    - Applicant's brief statement clarifying their application and addressing any points of clarification raised in the Notice of Hearing
    - Applicants witnesses (if any) to speak on points of clarification raised in the Notice of Hearing.
    - Questioning of the applicant by other parties
    - <sup>(1)</sup> Questioning of the applicant by members
  7. Other parties (It is suggested that responsible authorities are taken first and then public representations)
    - Party's brief statement clarifying their representation and addressing any points of clarification raised in the Notice of Hearing.
    - Party's witnesses (if any) to speak on points of clarification raised in the Notice of Hearing
    - Questioning of the party by the applicant
    - If the party is a responsible authority then questioning of the party by other parties may be appropriate.
    - <sup>(1)</sup> Questioning of the party by members
  8. Other parties summarise their points
  9. Applicant summarises their points
  10. <sup>(2)</sup> Legal Officer asked for any comments
  11. <sup>(2)</sup> Licensing Officer asked for any comments
  12. Chair advises parties that the sub-committee will retire to consider the issues and take legal advice after which the public session will be resumed.
  13. Sub-committee retires to consider the issues and take legal advice
  14. Sub-committee reconvenes
  15. Legal advice given in private session repeated in public by legal officer
  16. Decision of sub-committee given – parties advised that a Notice of Determination will be sent to them – **OR** – parties advised of the date when a determination will be made.
  17. Close of hearing
- <sup>(1)</sup> Members can ask any question of any party at any time but should normally try to do so at these points.*
- <sup>(2)</sup> Legal and Licensing Officers should be involved at any stage where members feel they can be of assistance but a particular point should be made of asking for their comments at this stage*

## Licensing Sub-Committee Report

Subject of hearing: **Cote**

Date: **25 July 2016**

Time: **10.00 am**

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

### **1. Special Policy Area (premises licences and club certificates)**

1.1 The premises are in the special policy area. Accordingly the relevant section of Merton's Licensing Policy is particularly relevant to this application though the sub-committee is to have regard to the policy as a whole.

### **2. Type of hearing and powers of the sub-committee**

2.1 The sub-committee is required to determine the application by taking such of the steps set out below as it considers necessary for the promotion of the licensing objectives.

2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.

2.3 Variation of premises licence: s35

(i) To modify the conditions on the licence

(ii) To reject the whole or part of the application.

### **3. Hearing papers**

3.1 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundle (attached) together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing and forms part of this report.

### **4. Legal advice to the sub-committee**

4.1 A legal officer appointed by the South London Legal Partnership will attend the hearing to advise the sub-committee on statutory provision and legal matters.

### **5. Licensing Officer Comments**

5.1 This is an application to vary an existing premises licence.

5.2 The application is to permit both on and off sales of alcohol, the current licence permitting on sales only.

5.3 The application stipulates that this activity is to permit the delivery of alcohol to accompany food deliveries.

5.4 There is no change to the permitted hours shown on the current licence.

**For enquiries about this hearing please contact**

Democratic Services

Civic Centre

London Road

Morden

SM4 5DX

**Telephone:** 020 8545 3357

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

# Parties to the hearing

This document forms part of the notice of hearing.  
The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

<b>Applicant</b>	
Cote Restaurants Ltd	
<b>Statutory Authorities</b>	
LB Merton Public Health	
<b>Interested Parties</b>	
None	

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**London Borough of Merton Council  
Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I/We Cote Restaurants Limited**

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> LN/000001212
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Cote 8 High Street			
<b>Post town</b>	Wimbledon	<b>Post code</b>	SW19 5DX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£91,000

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	2nd Floor Woolverstone House 61 Berners Street		
<b>Post Town</b>	London	<b>Postcode</b>	W1T 3NJ

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

Day		Month		Year	

**Please describe briefly the nature of the proposed variation (Please see guidance note)**

To vary the premises licence to permit the sale and supply of alcohol both on and off the premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**



**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)	
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Fri				
Sat				
Sun				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 3)			
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat						
Sun						

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)			
Wed						
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)			
Fri						
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sun						

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**J – NO CHANGE IN HOURS**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue					
Wed					
Thur			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**K**

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8)</p> <p>N/A</p>
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**L – NO CHANGE**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

The applicant is introducing a delivery service at the premises whereby a full meal can be ordered from their menu for home delivery. The applicant would also like the facility to sell an accompanying bottle of wine or similar alcoholic beverage with the meal and is therefore seeking to vary the premises licence to permit the consumption of alcohol both on and off the premises.

The applicant is not seeking to vary the hours or licensable activities permitted under the current premises licence and all conditions applicable to the premises licence will remain in

their entirety. On that basis, the applicant has not submitted a new operating schedule.

Prior to submission we have consulted with Tristan Paoli, Police Licensing Officer, regarding this application.

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**


**Please tick yes**

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	1 <sup>st</sup> June 2016
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Kerry McGowan  
Poppleston Allen Solicitors  
31 Southampton Row

<b>Post town</b>	London	<b>Post code</b>	WC1B 5HJ
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<b>Telephone number (if any)</b>	0203 078 7491
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<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	k.mcgowan@popall.co.uk
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**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.



4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





## LICENSING ACT 2003

### Part A Premises licence

Premises licence number

LN/000001212

#### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Cote Restaurant  
8 High Street  
Wimbledon  
London  
SW19 5DX**

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>

**Monday to Sunday inclusive: 10:00 until 23:00 hours except New Year's Eve - see Alcohol Sales.**

Sale & supplies of alcohol, whether these are on and/or off supplies

**On the premises**



**Licensable activities and permitted times authorised by the licence**

**Alcohol Sales**

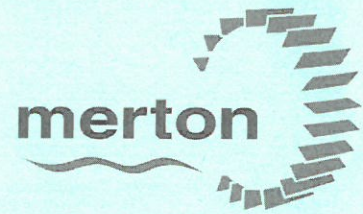
**On the premises**

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	23:00
Friday	10:00	-	23:00
Saturday	10:00	-	23:00
Sunday	10:00	-	23:00

Monday to Sunday inclusive: 10:00 until 23:00.

New Year's Eve: alcohol may be served from 10:00 on New Year's Eve until 23:00 on New Year's Day.

The premises may also provide private entertainment for the purposes of gain at any time.



## Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

**Cote Restaurants Limited**  
**2nd Floor**  
**Woolverstone House**  
**61 Berners Street**  
**London**  
**W1T 3NJ**

Registered number of holder, ie company number, charity number etc.

**05982915**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Gerhard Francoise Jacobs**  
**Flat B**  
**269 Valley Road**  
**London**  
**SW16 2AB**

Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**London Borough of Wandsworth LBWands/01369**

## ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

1. That no supply of alcohol may be made under the premises licence
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

9. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or



(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**10.** The admission of children to the exhibition of any film is to be restricted in accordance with any recommendation made by the relevant film classification body or relevant licensing authority.

**11.** No condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under a licence that permits the performance of plays.



Premises Plan: Drawing Number 12806.L1 of 16/02/2007.

#### Annex 2 - Conditions consistent with the Operating Schedule

1. All doors and windows shall be kept shut whilst regulated activities are taking place, except for access and egress.
2. Whilst regulated activities are taking place, patrols shall be undertaken each hour at the perimeter of the premises to ensure that there is no sound escape, they shall also address any noisy patrons. Any sound escape from the premises shall be addressed immediately and reduced to a level that is not audible at the nearest residential property.
3. A logbook shall be kept in which the dates & times of the patrols in 2 above shall be recorded. Incidents requiring the action of management and/or that of Police shall also be recorded in a similar manner.
4. A clear sign, minimum A4 size, shall be placed immediately adjacent to the exit door(s) stating "This is a residential area, please leave quietly".

#### Annex 3 - Conditions attached after a hearing by the licensing authority

1. No use of the outside area.
2. On sales only are permitted.
3. Alcohol shall only be served with table meals.
4. Licensable activities shall cease at 23:00 each night except New Year's Eve.
5. New Year's Eve: Licensable activities are permitted from 10:00 on New Year's Eve until the terminal hour on New Year's Day.

ENVIRONMENT AND REGENERATION DEPARTMENT  
Licensing Team  
London Borough of Merton  
14<sup>th</sup> Floor, Merton Civic Centre  
London Road  
Morden, Surrey  
SM4 5DX

Tel: 020 8274 4901  
www.merton.gov.uk/licensing



## LICENSING ACT 2003

### Part B Premises licence

Premises licence number

LN/000001212

#### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Cote Restaurant  
8 High Street  
Wimbledon  
London  
SW19 5DX**

Where the licence is time limited, the dates

**Not applicable**

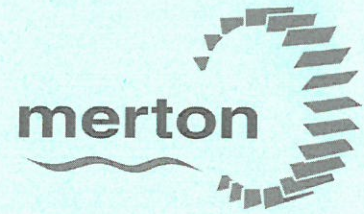
The opening hours of the premises

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>23:00</b>

**Monday to Sunday inclusive: 10:00 until 23:00 hours except New Year's Eve - see Alcohol Sales.**

Sale & supplies of alcohol, whether these are on and/or off supplies

**On the premises**



## Licensable activities and permitted times authorised by the licence

### Alcohol Sales

#### On the premises

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	23:00
Friday	10:00	-	23:00
Saturday	10:00	-	23:00
Sunday	10:00	-	23:00

Monday to Sunday inclusive: 10:00 until 23:00.

New Year's Eve: alcohol may be served from 10:00 on New Year's Eve until 23:00 on New Year's Day.

The premises may also provide private entertainment for the purposes of gain at any time.

ENVIRONMENT AND REGENERATION DEPARTMENT  
Licensing Team  
London Borough of Merton  
14<sup>th</sup> Floor, Merton Civic Centre  
London Road  
Morden, Surrey  
SM4 5DX  
  
Tel: 020 8274 4901  
www.merton.gov.uk/licensing



## Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

**Cote Restaurants Limited**  
**2nd Floor**  
**Woolverstone House**  
**61 Berners Street**  
**London**  
**W1T 3NJ**

Registered number of holder, ie company number, charity number etc.

**05982915**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Gerhard Franchoise Jacobs**

## 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:* 29<sup>th</sup> June 2016

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

### Re: Application for a variation of Premises Licence under the Licensing Act 2003 –Cote Restaurant

Application number	WK/201602219
Applicant	Cote Restaurant Ltd
Premises address	8 High Street, Wimbledon, SW19 5DX
Ward	Wimbledon Village
Summary of the application	<b>Variation of Premises Licence to add off-licence for delivery of alcohol:</b> Mon- Sun 1000-2300

As a responsible authority under 2012 amendment to the Licensing Act 2003, Public Health Merton wishes to make representation to the application on all four 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>

## **Evidence of detrimental impact on the licensing objectives:**

Public Health data suggests that 40,000 Merton residents regularly drink over the safe limits:

- Nearly 30,000 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 7,000 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).
- Nearly 4,000 are estimated to be dependent drinkers, a proportion of whom will be in contact with or seeking treatment from health services.

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 and promptly through delivery services can add to the harmful effects of alcohol throughout Merton outlined above and in the Appendix. It is therefore important to ensure adequate conditions are placed on such licenses.**

### **1. The prevention of 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>3</sup>

### **2. Public Safety and**

### **3. Prevention of public nuisance**

A study in the US comparing those using home delivery services of alcohol found that problem drinkers were significantly more likely to have alcohol delivered than regular drinkers without a history of alcohol problems, even when statistically controlling for the effects of demographic and social characteristics<sup>4</sup>.

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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> Fletcher et al 1996, The use of home delivery services by male problem drinkers; a preliminary report. *J Subst Abuse* 8 (2) 251-261

A study from Alcohol Focus Scotland found that;

- 1 in 2 people report being harmed as a result of someone else's drinking
- 1 in 3 people report having heavy drinkers in their lives.
- Those who know heavy drinkers are more likely to experience harm from others in private settings (home, family, neighbours, private parties).<sup>5</sup>

#### **4. The protection of children from harm**

A study in Wales found that children are often able to access alcohol via home delivery services. 15% of young people surveyed had successfully bought alcohol online, and over two thirds of these respondents stated that it has been easy to do so. The young people reported that these methods were chosen because they are considered easy ways to bypass age verification checks, and as a quick and convenient way of acquiring alcohol.<sup>6</sup>

In March 2013 South Wales Police undertook test purchase operations, using 15 year olds, to find out whether they were able to buy alcohol from major supermarket grocery websites. They too, found that alcohol could be purchased online with relative ease. In 44 per cent of the test cases, alcohol was delivered to the test purchasers in person with no proof of age requested.

A report published in 2012 by Serve Legal and Plymouth University highlighting issues with alcohol home delivery services said 'There are new challenges for the retail sector: on-line sales pose a serious threat due to the nature of the internet and the difficulties we have in policing it; proxy sales, especially those that take place by legal age young people and strangers on behalf of under-age young people, have become the key method of obtaining alcohol for young people and pose a real problem. In this report Ed Heaver, Director at Serve Legal said "The battleground is changing in the fight against underage drinking – online retailers need to take heed of the warnings in this report and improve their age-checking procedures. Meanwhile parents and friends also need to understand the harm their proxy purchasing is doing."<sup>7</sup>

In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions<sup>8</sup>.

#### **Conclusion**

The applicant does not state any steps they will take to mitigate the potential harms caused by delivery of alcohol. These premises are also in a Cumulative Impact Zone; an area where there is a documented high level of alcohol-related harm. The delivery area is not described in the application, and the granting of this licence could therefore also cause harm to residents of

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<sup>5</sup> Alcohol Focus Scotland (2012) Unrecognised and under-reported: the impact of alcohol on people other than the drinker in Scotland.

<sup>6</sup> Alcohol Concern UK (2013) On your doorstep; Underage access to alcohol via home delivery services

<sup>7</sup> <http://www.alcoholpolicy.net/2012/07/checked-out-the-role-of-id-checks-in-controlling-underage-drinking-report-warns-of-underage-drinking.html>

<sup>8</sup> Merton JSNA: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

other boroughs, as well as vulnerable residents in Merton. We believe that a number of conditions are required to minimise potential impact on the levels of alcohol-related crime and disorder and issues around public safety already seen in the area.

**Therefore we would recommend that if the Committee approves the application, the following conditions are applied to the licence to limit the impact of the licence on alcohol related harm in the area:**

1. Alcohol will only be sold for delivery alongside a minimum food order of £15
2. All alcohol will be sold with a minimum unit pricing of 50p per unit
3. All sales must be done through credit cards only. The person taking delivery of the products must be the card holder and over 18 years old, and demonstrate this by another form of ID with Date of Birth.
4. Where deliveries are carried out by the Premises Licence Holder's courier, all deliveries shall be carried out by a suitably trained person. This person shall operate the 'Challenge 25' policy and record checks done and refusals to deliver.
5. Where a third party courier is used to supply deliveries of alcohol, a courier who provides an age verification service will be used OR who adopts a policy of checking age and ID at the time of delivery. The Designated Premises Supervisor shall produce, on the request of an Authorised Officer of the Council, full details of the courier(s) used and the system that they use to verify age.
6. The Premises Licence 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.
7. The Premises Licence 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.
8. A tick box on the website saying wording such as 'I understand that the sale of alcohol to person under 18 years of age and a drunken person is against the law and so Cote may refuse the sale at point of delivery on these grounds'. This must also be said over the phone with every sale.
9. Drinkaware will be promoted through the business website and drinking responsibly will feature on marketing literature.
10. 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>) .
11. All licence conditions to be part of the 'Terms & Conditions' which must be displayed on the website or any other promotional material.

Yours sincerely,

Dr Eleanor Curtis  
Registrar in Public Health



On behalf of Dagmar Zeuner, Director of Public Health

# Appendix 1: LBM Public Health preliminary data scan for the following ward: Wimbledon Village

**USER INPUT**  
 SELECT POSTCODE FROM LIST    WARD    WARD NAME  
 CLICK HERE>     00BAGQ    Village

MERTON 'Traffic Light Dashboard' to: October 2015

PREVENTION OF CRIME AND DISORDER	
<small>AMBULANCE DATA</small>	
RANK ALL ASSAULTS 20 out of 20 wards	RANK SEXUAL ASSAULTS 7 out of 20 wards
RANK ALL WEAPON INJURIES 12 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 15 out of 20 wards

POLICE DATA: recorded crime and ASB	
RANK ALL VIOLENCE 18 out of 20 wards	RANK RAPE 19 out of 20 wards
RANK THEFT FROM PERSON (OTHER) 5 out of 20 wards	RANK PERSONAL ROBBERY 13 out of 20 wards
RANK CRIMINAL DAMAGE 20 out of 20 wards	RANK POSSESSION OF DRUGS 5 out of 20 wards
MPS ASB RANK 16 out of 20 wards	MPS POSSESSION OF WEAPON 9 out of 20 wards

Other data sources	
NIGHT TIME VIOLENT DISORDER 20 out of 20 wards	DELIBERATE FIRES 5 out of 20 wards
Probation Clients with Alcohol misuse Risk 16 out of 20 wards	Probation Clients Alcohol Risk and High risk of causing harm 18 out of 20 wards

ALCOHOL ILLNESS TREATED BY LONDON AMBULANCE SERVICE		
<small>ambulance data</small>		
AGED 8 - 17 5 out of 20 wards	AGED 18 - 25 11 out of 20 wards	
AGED 26 - 39 16 out of 20 wards	AGED 8 - 39 16 out of 20 wards	AGED 18+ 11 out of 20 wards

DEPRIVATION	
<small>ward summaries</small>	
INCOME DEPRIVATION 20 out of 20 wards	EMPLOYMENT DEPRIVATION 20 out of 20 wards
AVERAGE DEPRIVATION 20 out of 20 wards	RANK BY MOST DEPRIVED SUB WARD AREA 18 out of 20 wards

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

PUBLIC TRANSPORT ALCOHOL RELATED INCIDENTS	
BTP DRUNKEN BEHAVIOUR 14 out of 20 wards	TFL ALCOHOL RELATED DISTURBANCE 12 out of 20 wards

WELL BEING	
15	RANK Life Expectancy
19	RANK Incapacity claimant rate -index
15	RANK Crime rate - Index
1	RANK Average Capped GCSE and Equivalent Point Score Per Pupil
19	RANK Unauthorised Absence in All Schools (%)
20	RANK Dependent children in out-of-work families
2	RANK Public Transport Accessibility
19	RANK Homes with access to open space & nature, and % greenspace
16	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 Merton & Village 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>9</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:

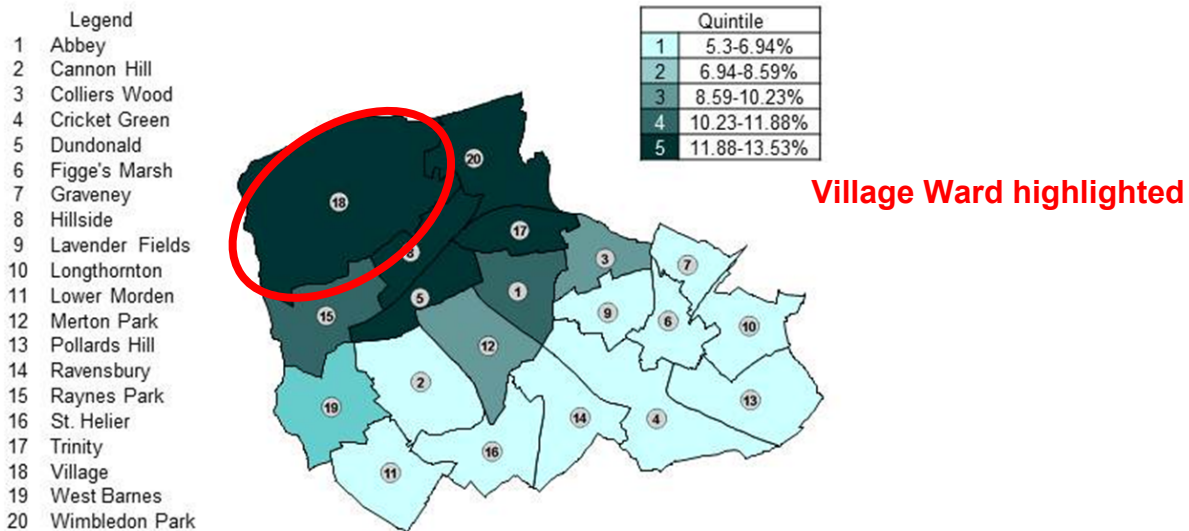
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

**Figure 1: Residents reporting drinking alcohol every day**

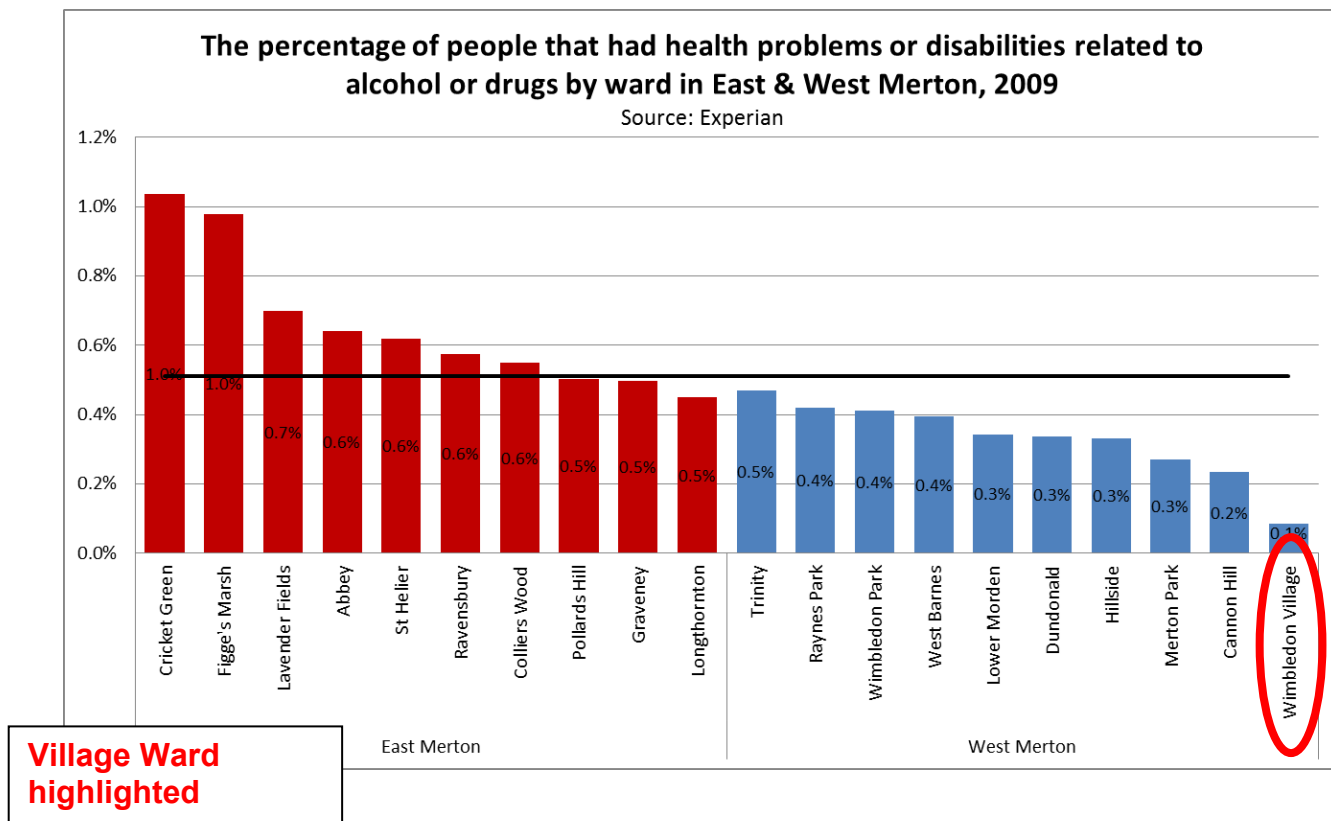
### Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

Source: Experian Grand Index 2014



<sup>9</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**



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.**

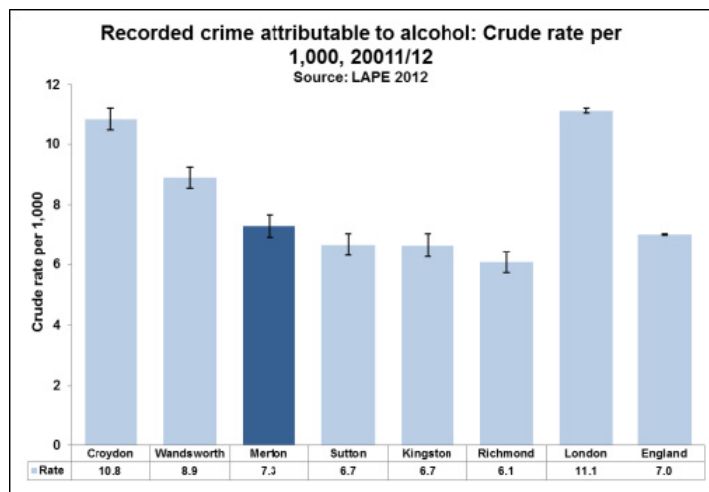
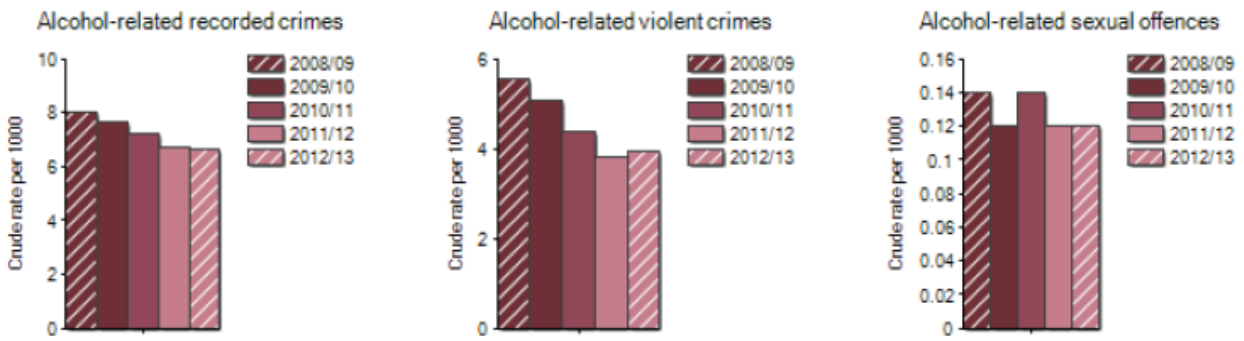
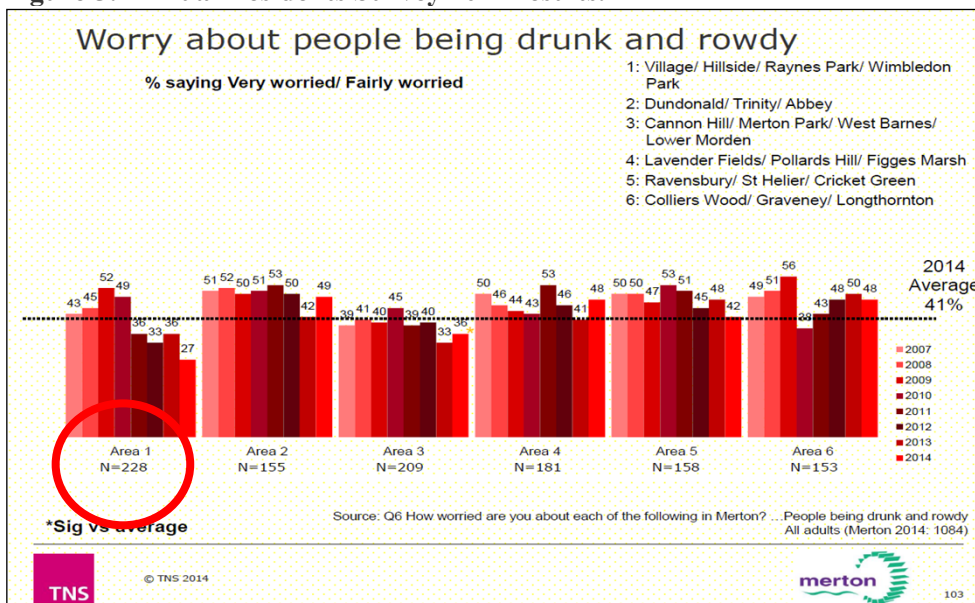


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



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 Village Ward is highlighted: in 27% of local residents reported being 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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