

## COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director



Public Health  
London Borough of Merton  
Merton Civic Centre  
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*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:

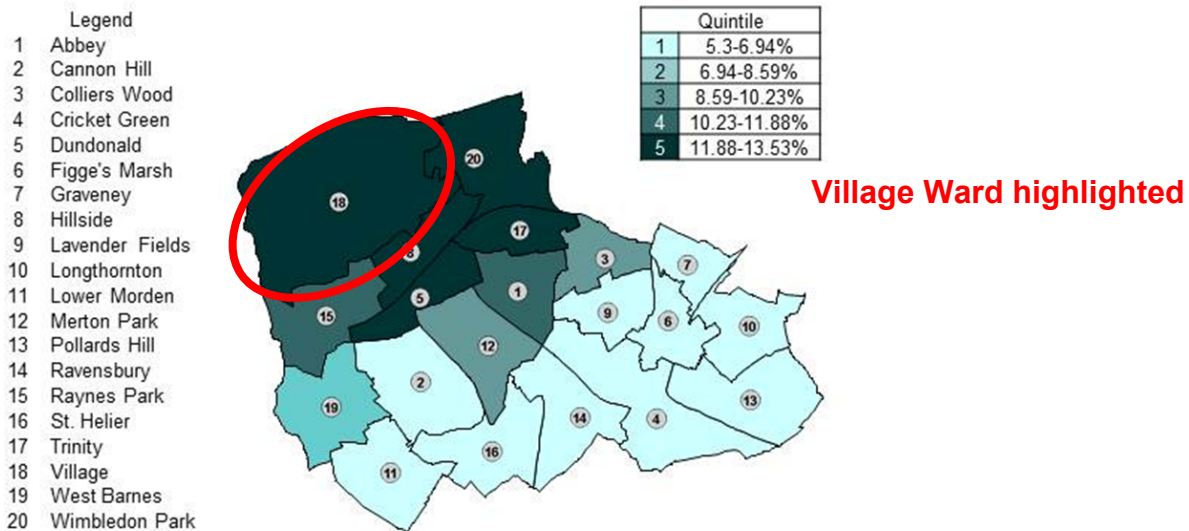
- Male mortality chronic liver disease (104/326)
- Female alcohol-specific hospital admissions (106/326)
- Male alcohol-specific hospital admissions (109/326)
- Male alcohol-attributable hospital admissions (151/326)
- Alcohol-related violent crimes (192/326)
- Alcohol-related sexual offences (208/326).

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

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

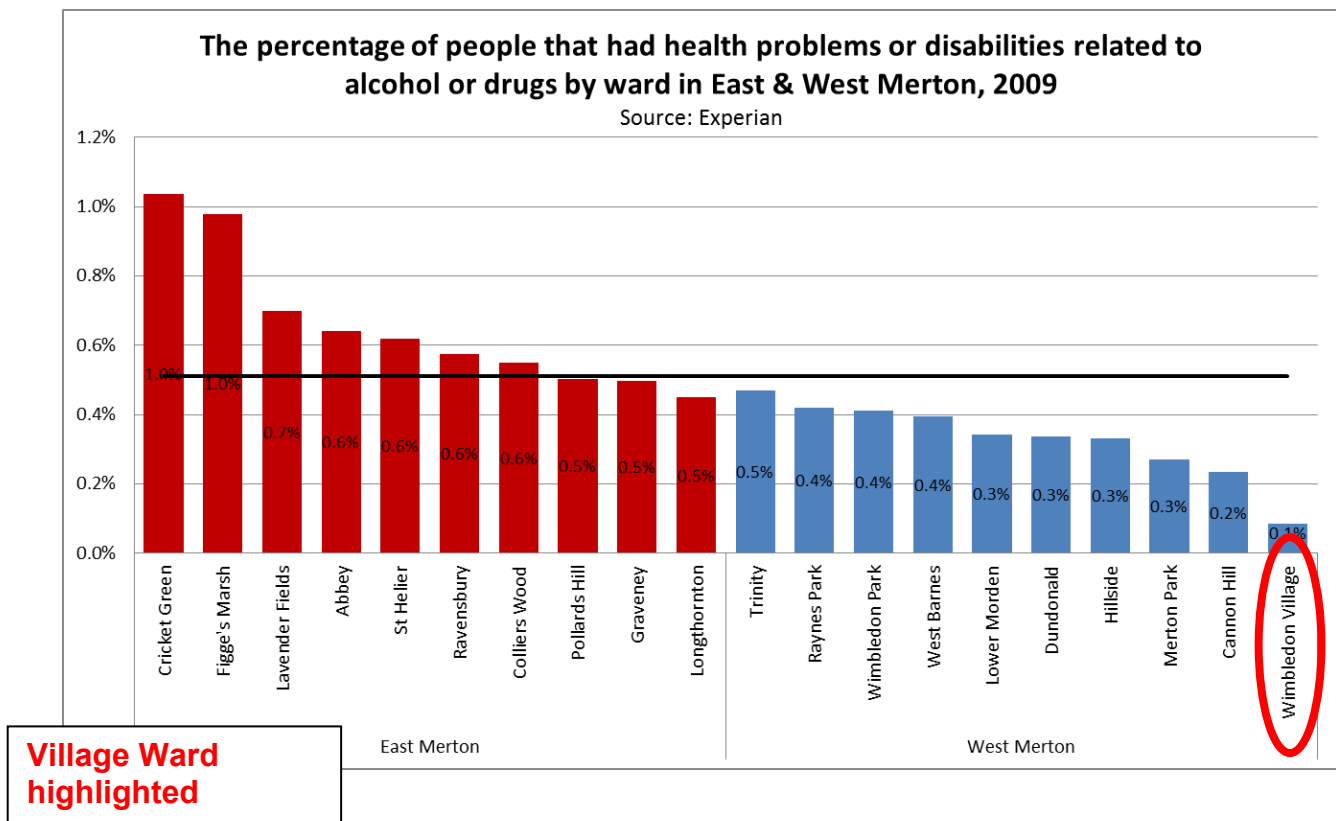
### Expected Prevalence of Alcohol Consumption at Home in Merton by Ward: Once a Day or More.

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.**

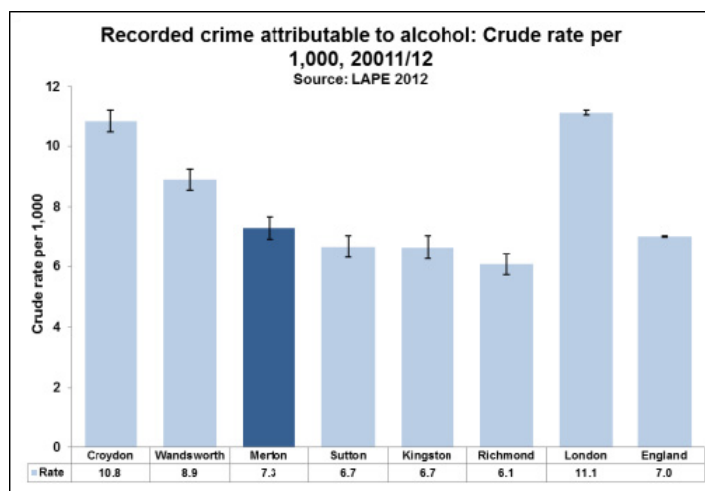
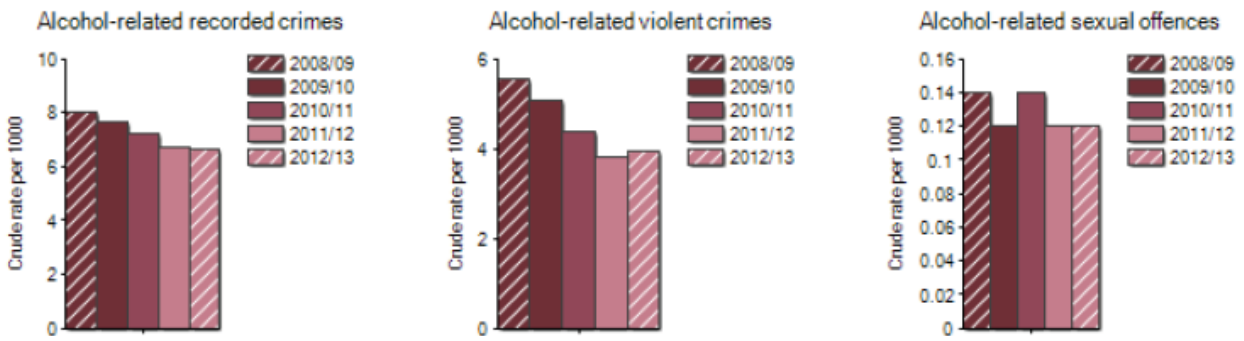


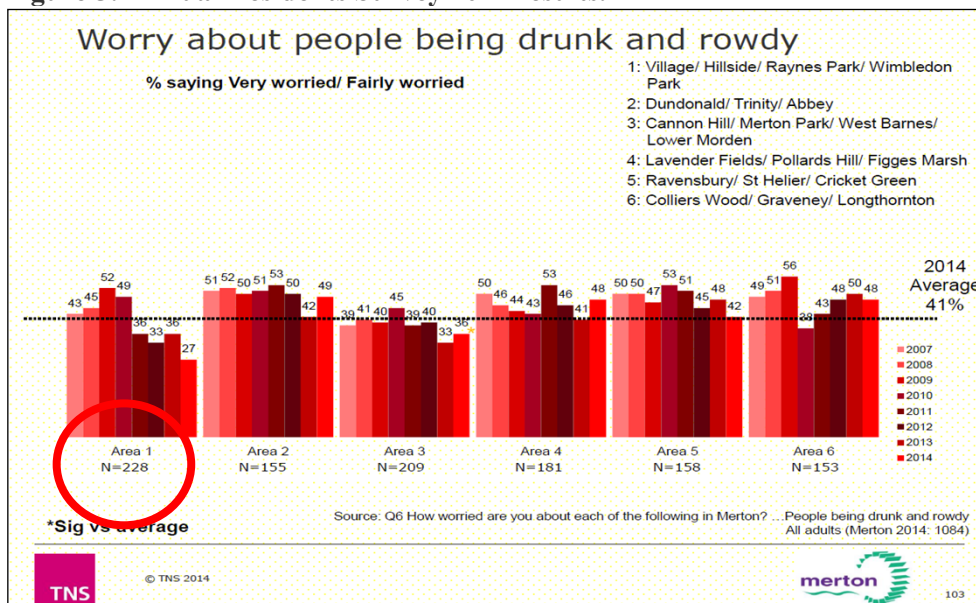


Figure 4: Alcohol-related crimes in Merton, 2008-09 to 2012-13.



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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