

Merton Council

Licensing Sub-Committee

Membership

Councillors:

Philip Jones

Judy Saunders

Linda Taylor OBE

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

Date: 6 February 2017

Time: 1.30 pm

**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
- 4 Quintessence Wines, 13 Harewood Road, SW19 2HD 1 - 14

Note on declarations of interest

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

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

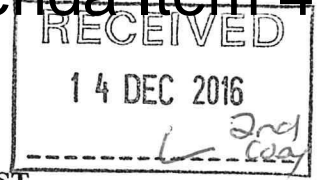
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Procedure to be followed at Licensing Hearing

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Responsible Authorities and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.
16. The Sub Committee will return and re-open for public session.
17. The Chair will invite the Legal Officer to present the advice provided during private session.
18. The Sub-committee's decision will be read out either by the Chair or the Chair will invite the Legal Officer to do so.
19. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing



**Application for a premises licence to be granted
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 JULIET CLARE FLAVELL

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
13 HAREWOOD ROAD			
Post town	LONDON	Postcode	SW19 2HD
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£ N/A		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Other Title (for example, Rev)	
Surname FLAVELL			First names JULIET CLARE		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
30	01	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

MY HOME, A SEMI-DETACHED VICTORIAN PROPERTY OWNED BY MYSELF AND MY PARTNER OUTRIGHT, TO BE USED TO STORE WINES AND SPIRITS FOR OFF-SALES ONLY VIA A WEBSITE. NO ON-SALES AND NO DIRECT OFF-SALES. ALL THE ALCOHOL WILL BE PACKAGED AND SENT BY POST.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7) NO SALES DIRECTLY FROM THE PREMISES	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0900	1800	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	0900	1800			
Wed	0900	1800			
Thur	0900	1800	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 (please read guidance note 5)		
Fri	0900	1800			
Sat	0900	1800			
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	JULIET CLARE FLAVELL
Address	AS ABOVE
Postcode	
Personal licence number (if known)	LN 2016 3652
Issuing licensing authority (if known)	MERTON COUNCIL

K

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 (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)	State any seasonal variations (please read guidance note 4)																									
	THE PREMISES WILL NOT BE OPEN TO THE PUBLIC.																									
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>	Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			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 (please read guidance note 5)	
Day	Start	Finish																								
Mon																										
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M Describe the steps you intend to take to promote the four licensing objectives:

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

THE ALCOHOL AND OTHER GOODS FOR SALE WILL BE KEPT IN A LOCKABLE ROOM AT THE FRONT OF THE HOUSE. THERE WILL BE NO ON-SALES. THE GOODS WILL BE PACKAGED AND DRIVEN TO THE POST OFFICE. A BURGLAR ALARM WILL BE FITTED.

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

THE RISKS WILL BE MINIMAL BECAUSE THERE WILL BE NO SALES DIRECTLY TO INDIVIDUALS FROM THE HOUSE.

c) **Public safety**

SEE (b) ABOVE

d) **The prevention of public nuisance**

SEE (b) ABOVE

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

SEE (b) ABOVE

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	14/12/16
Capacity	APPLICANT

For joint applications, signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

SCHEDULE 11
PART A

London Borough of Merton
Merton Civic Centre, London Road, Morden SM4 5DX

Consent of individual to being specified as premises supervisor

I JULIET CUARE FLAVELL of
[full name of prospective premises supervisor]

13 HAREWOOD ROAD
[home address of prospective premises supervisor]

COLLIERS WOOD

SW19 2HD

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for A PREMISES LICENCE
[type of application]

by MYSELF
[name of applicant]

relating to a premises licence AS ABOVE for
[number of existing licence, if any]

E-COMMERCE WEBSITES : QUINTESSENCEWINES.CO.UK
[name and address of premises to which the application relates]

QUINTESSENCEHAMPERS.CO.UK

and any premises licence to be granted or varied in respect of this application made by

MYSELF
[name of applicant]

concerning the supply of alcohol at AS ABOVE
[name and address of premises to which application relates]

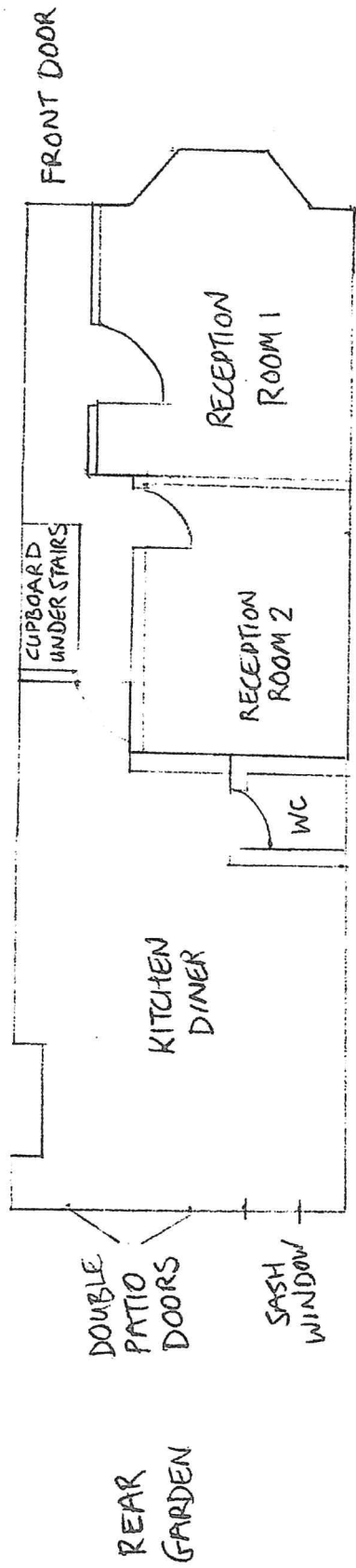
I also confirm that I ~~am applying for, intend to apply for,~~ currently hold a personal licence, details of which I set out below. Personal licence number LN 2016 3652
[insert personal licence number, if any]

Personal licence issuing authority LONDON BOROUGH OF MERTON
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed 

Name JULIET FLAVELL
[please print]

Dated 14 8/12/16



13 HAREWOOD ROAD, SW19 2HD
WINE AND OTHER GOOD FOR OFF-SALES VIA WEBSITE
TO BE STORED IN RECEPTION ROOM 1 WHICH HAS
A LOCKABLE DOOR (MORTISE LOCK). AN ALARM
SYSTEM WILL BE INSTALLED ON THE PROPERTY.

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COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director

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

Public Health
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Direct Line: 020 8545 4833

Date: 21st December 2016

Re: Application for a Premises Licence to be granted under the Licensing Act 2003 – 13 Harewood Road

Application ref	WK/201610061
Applicant	Ms Juliet Clare Flavell
Premises address	13 Harewood Road, Colliers Wood, London, SW19 2HD
Ward	Colliers wood ward
Summary of the application	Off license for online wine seller storing alcohol in the reception room of a residential property. <u>Proposed hours for the supply of alcohol:</u> Monday – Saturday 09:00-18:00

As a responsible authority under 2012 amendment to the Licensing Act 2003, the Director of Public Health for Merton wishes to make representation to the application on the following licensing objectives:

1. The protection of children from harm
2. The prevention of crime and disorder

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>

Data from a Public Health England report shows that 83% of the national population are drinking over the recommended amount of 14 units spread evenly over a week (depicted in figure 1) as per the UK Chief Medical Officers' alcohol guidelines.

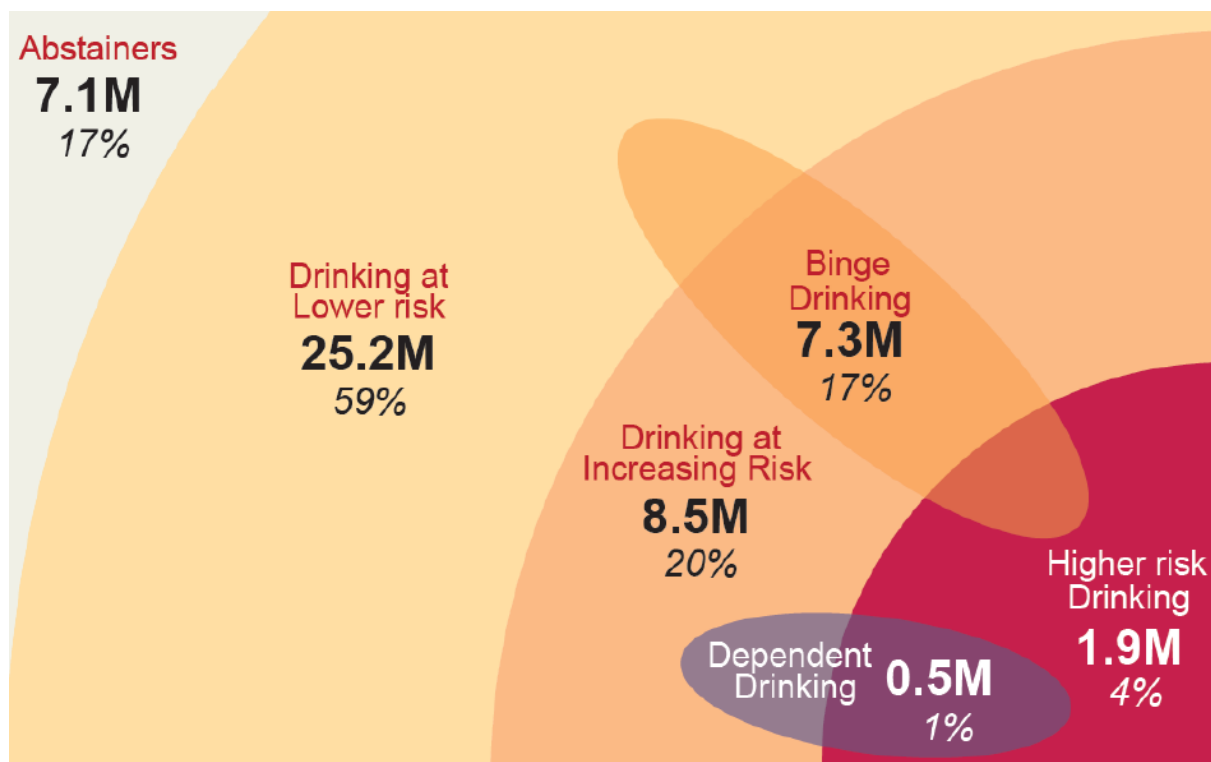


Figure 1 The distribution of drinkers in England, 2014

Lower risk defined as ≤ 14 units; Increasing risk defined as > 14 and ≤ 50 units for men and > 14 and ≤ 35 units for women; Higher risk defined as > 50 units for men and > 35 units for women; Binge drinking defined as 8+/6+ units on heaviest drinking day in previous week for men and women respectively. Dependent drinking derived from the Adult Psychiatric Morbidity Survey

Since 1980, sales of alcohol in England and Wales have increased by 42%, peaking at 567 million litres in 2008. This growth has been driven by increased consumption among women, a shift to higher strength products, and increasing affordability of alcohol. Over this period, the way in which alcohol is sold and consumed also changed with increased license premises in England and Wales, and a shift in drinking location such that most alcohol is now bought from shops and drunk at home¹.

Many indicators of alcohol-related harm have increased, and among those aged 15 to 49 in England, alcohol is now the leading risk factor for ill-health, early mortality and disability and the fifth leading risk factor for ill-health across all age groups¹. There are now over 1 million hospital admissions relating to alcohol each year, half of which occur in the lowest three socioeconomic deciles. Alcohol-related mortality has also increased and in England, the average age at death of those dying from an alcohol-specific cause is 54.3 years (compared to 77.6 for all causes). More working years of life are lost in England as a result of alcohol-related deaths than from cancer of the lung, bronchus, trachea, colon, rectum, brain, pancreas, skin, ovary, kidney, stomach, bladder and prostate, combined.

Providing access to alcohol easily through online sales without any assessment of the recipient of the sales can add to the harmful effects of alcohol. It is our belief that if approved this application it would not be promoting the licensing objectives.

¹ PHE. The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies. Public Health England, 2016.

1. The protection of children from harm

In younger people, risky drinking behaviour is associated with anti-social behaviour and teenage conceptions² (Merton JSNA).

In March 2013 South Wales Police undertook test purchase operations in Cardiff, 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 requested³.

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."⁴

The applicant is requesting a licence to sell alcohol on their website quintessencewines.co.uk and quintessencehampers.co.uk. They plan to store the alcohol in a locked room in their owned residential property. The business model includes orders being packaged and driven to the post office. They have made no comments on how age of recipient will be checked upon delivery to prevent underage drinking.

2. The prevention of crime and disorder

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.

National and international scientific evidence shows the following:

- Overall, more alcohol is consumed when it is easily available.⁵
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.⁶
- 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 violence⁷
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.⁸

The business model of alcohol being delivered via the post office with no checks that the recipient is not intoxicated does not fulfil the licensing objectives.

² Merton JSNA: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

³ This report can be found at: http://www.alcoholconcern.org.uk/wp-content/uploads/woocommerce_uploads/2014/12/On-your-doorstep-final.pdf

⁴ The full report can be found at: <http://www.alcoholpolicy.net/2012/07/checked-out-the-role-of-id-checks-in-controlling-underage-drinking-report-warns-of-underage-drinking.html>

⁵ Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

⁶ 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

⁷ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

⁸ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

Conclusion

The applicant states that the risks will be minimal as they will have no direct sales to individuals from the house. Whilst they have taken steps to lock the storage room and fit a burglar alarm on the property, they have made no consideration of the recipient who will receive the alcohol, be it an underage or intoxicated customer. Their business model of relying on delivery to the post office with no further checks is insufficient to promote the licensing objectives.

Therefore we would recommend that this application is rejected.

If the committee is minded to approve the application, based on the information provided, we would recommend that the following conditions are applied to the licence:

1. The Premises Licence Holder shall ensure that a prominent statement is put on the website used for selling alcohol that it carries out age-verification checks on all orders for alcohol, and that they will not sell alcohol to drunk people. 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 we may refuse the sale at point of delivery on these grounds' would be appropriate.
2. Alcohol shall only be delivered to people who have ordered it and have produced the appropriate identification to prove they are over 18 years of age.
3. The Premises Licence Holder shall ensure that full training is provided to all staff on commencement of employment on their Challenge 25 policy and the law relating to the sale of alcoholic products, and 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 (with written record of all training).
4. 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 courier must adopt a policy of not allowing minors to sign in for and accept deliveries. 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.
5. Drinkaware will be promoted through the business website and drinking sensibly and appropriately will feature on any menus and marketing literature.
6. Any promotional material online or elsewhere will adhere to the Portman Group Code of Practice (<http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>)
7. **No alcoholic drinks can be delivered within the any CIZ. A statement of which is made on the purchasing website with addresses in this saturation zone not able to be selected in the purchasing page of the website.**

We believe that these conditions are reasonable and proportionate in order to promote and maintain Merton's safe and sociable approach to alcohol.

Yours sincerely,

Dr Aalaa Jawad
Public Health Speciality Registrar

On Behalf of Dr Dagmar Zeunar
Director of Public Health