

## COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director

To: Licensing Department  
London Borough of Merton  
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Public Health  
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### 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	<b>Off license for online wine seller storing alcohol in the reception room of a residential property.</b> <u>Proposed hours for the supply of alcohol:</u> Monday – Saturday 09:00-18:00

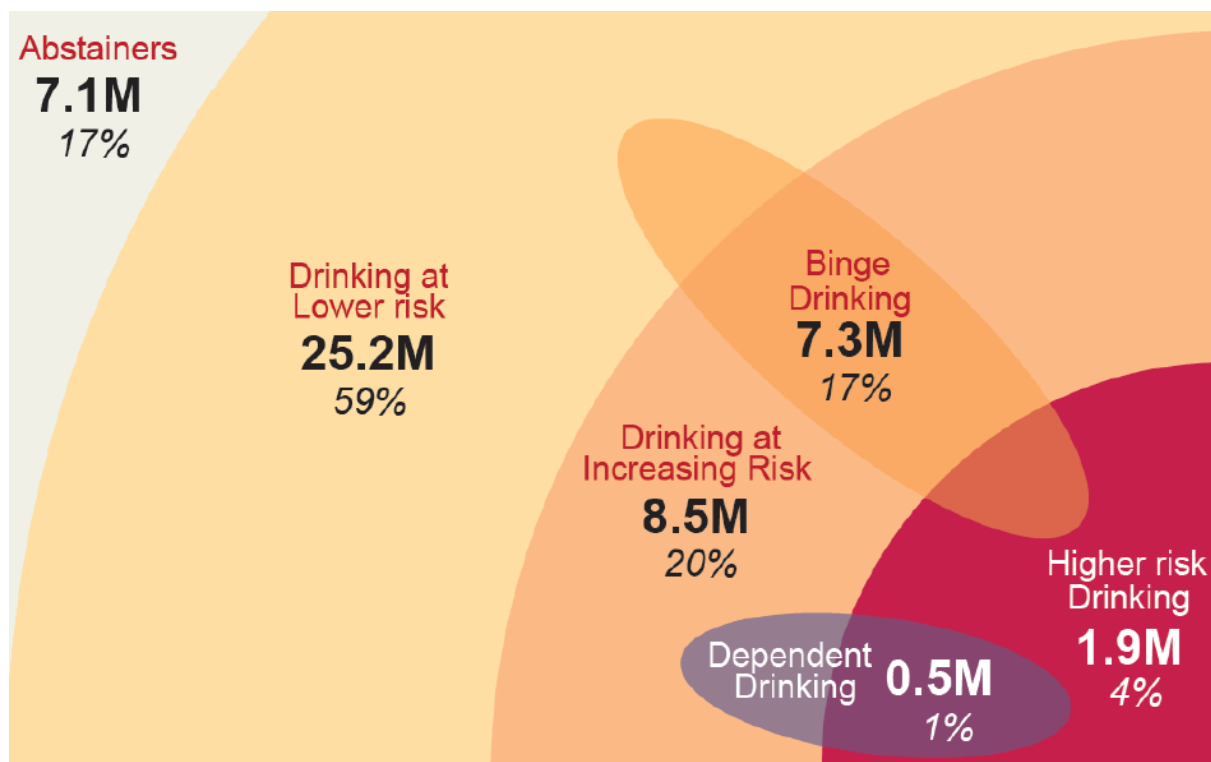
As a responsible authority under 2012 amendment to the Licensing Act 2003, the Director of Public Health for Merton wishes to make representation to the application on the following licensing objectives:

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  $\leq 14$  units; Increasing risk defined as  $> 14$  and  $\leq 50$  units for men and  $> 14$  and  $\leq 35$  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 home<sup>1</sup>.

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 groups<sup>1</sup>. 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.**

<sup>1</sup> 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 conceptions<sup>2</sup> (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 requested<sup>3</sup>.

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>4</sup>

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.<sup>5</sup>
- An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.<sup>6</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>7</sup>
- Reducing the availability of alcohol through regulating sales outlets, hours and prices can substantially decrease violence.<sup>8</sup>

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.

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

<sup>3</sup> This report can be found at: [http://www.alcoholconcern.org.uk/wp-content/uploads/woocommerce\\_uploads/2014/12/On-your-doorstep-final.pdf](http://www.alcoholconcern.org.uk/wp-content/uploads/woocommerce_uploads/2014/12/On-your-doorstep-final.pdf)

<sup>4</sup> 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>

<sup>5</sup> Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

<sup>6</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>7</sup> WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

<sup>8</sup> 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