

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 2 March 2021

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION FOR A PREMISES LICENCE - DAREUS DEALS, 6 PRETORIA ROAD, ROMFORD RM7 7AS	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Dareus Deals 6 Pretoria Road Romford RM7 7AS</p> <p>APPLICANT Adesewa Onajobi</p> <p>1. Details of requested licensable activities The application for a premises licence was made by Dareus Deals Ltd under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 11 January 2021.</p> <p>The application is to permit the following licensable activity:</p> <table border="1"> <tr> <td align="center" colspan="3">Off-supplies of alcohol</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Sunday</td><td>07:00</td><td>23:00</td></tr> </table>	Off-supplies of alcohol			Day	Start	Finish	Monday to Sunday	07:00	23:00
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		<p>Comments and observations on the application</p> <p>The application contains the following clarifying details:</p> <ul style="list-style-type: none"> • Alcohol sales and orders will be conducted on-line. • A small amount of products may be held at this property as most fulfilment of orders will be handled by other distribution partners and Amazon. • Amazon requires all companies selling products through their online services to have their own premises licence. This is an application primarily to enable that relationship. • Sales online may occur 24 hours each day, but fulfilment of orders will occur only between 0700 – 2300hrs on any day. • No public callers will attend the premises. <p>Comments on the application</p> <p>In response to contact from the Licensing Authority the applicant reduced the terminal hours for two non-standard timings to the hours detailed below.</p> <ul style="list-style-type: none"> • the application has been amended to reduce the hours of operation from 0700 – 2300hrs to 0700 – 1700hrs each day and to add these extra conditions: • No deliveries shall be despatched direct from the licensed premises. • All orders for alcohol held at the licensed premises shall be taken from the licensed premises by the licence holder to be despatched from a Post Office or other courier service despatch point or via UPS collection to AMAZON. • No individual(s) will visit the licensed premises address to purchase any alcohol. • No courier services shall be permitted to collect alcohol from the address for direct delivery to a customer.

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		<p>2. Promotion of the Licensing Objectives</p> <p>The Licensing Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.</p> <p>The applicant acted in accordance with regulations governing the advertising of the application.</p> <p>3. Details of Representations</p> <p>There were no representations opposing the application from responsible authorities.</p> <p>There were eighteen representations against this application from nearby residents. Eleven of eighteen representations against the application, made by nearby residents had withdrawn representations following discussions with the applicant's agent.</p> <p>The remaining seven representations against the application were considered at the hearing which included two residents who attended the hearing to make oral representations.</p> <p>The applicant was present for the hearing along with a Licensing Consultant who made submissions in support of the application.</p> <p>4. Determination of Application</p> <p>The Sub-Committee considered the application for a premises licence for Darius Deals Ltd situated at 6 Pretoria Road Romford RM7 7AS.</p>

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		<p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under S182 of the Licensing Act and the Council's own Statement of Licensing Policy.</p> <p>Where relevant representations are made, the authority must hold a hearing and then take such steps as it considers necessary for the promotion of the licensing objectives (section 18(3), LA 2003). These steps may include rejecting the application or modifying the conditions to the extent that the authority considers necessary for the promotion of the licensing objectives</p> <p>The Sub-Committee heard from a resident who took the opportunity to reiterate the written representations.</p> <ul style="list-style-type: none"> - The main concern related to deliveries being delivered to and from the premises. - Delivery drivers causing nuisance by being noisy when delivering items at the premises - Delivery drivers parking their vehicles on the road and pavements inconsiderately effecting local residents including families who attend a nursery further along the road - The objector's concerns remain that delivery drivers will disturb her mother and her enjoying their garden, due to delivery drivers attending the applicant's premises frequently. <p>The Sub-Committee heard from another resident who explained her concern in respect of the business, that the area was a quiet residential road.</p> <p>The Sub-Committee heard from the applicant Adesewa Onajobi and her representative Michael Nickson. They reiterated the business model as per the written application and representations found in the agenda and the supplementary agenda apart from,</p>

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		<ul style="list-style-type: none"> - The purpose of seeking the license was to enable the applicant to establish a business relationship with Amazon. Amazon requires that any sales of alcohol or alcohol related products can only be done if the applicant has a premises licence permitting the sale of alcohol. - The nature of the products the applicant offers for sale are seasonal gift packages which can range from chocolates that have alcohol ingredients to bottles of prosecco. The applicant does not intend to sell individual bottles of spirits but seeks to sell gift sets, which may include alcohol. - The applicant seeks to use a part of her garage (the premises), as outlined in the agenda pack, to stock few items that can be used to model gift sets. - Amazon will keep products for sale in their warehouse from where the products will be dispatched. - The applicant's supplier of products will deliver goods directly to Amazon. Amazon will pack and bundle the products according to the model samples sent to them by the applicant. - Products kept at the garage will be limited to around 10 items and will occupy only 1% of the garage space. - The products are kept at the premises to allow the applicant to assemble tailored gift sets. Pictures of the final gift sets are sent to Amazon. Amazon then assemble and dispatch the gift sets from their warehouse as per the model product. - Delivery services to the premises are engaged to collect the model products from the premises and sent to Amazon or UPS delivery sites. No such deliveries will take place on the weekends. - There will be no large quantities of stock kept on the premises including alcohol - There will be no sales to individuals from the premises - There has been no representations from any relevant authority against the application - 11 of the 18 representations from neighbours have been withdrawn after clarification of the business model

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		<ul style="list-style-type: none"> - The premises is not situated in a Cumulative Impact Zone - The premises operates a floodlights system and CCTV for security. <p>Having considered and heard all of the evidence listed above, the Sub-Committee was of the view that the premises licence be granted as follows:</p> <p><u>The conditions are as follows:</u></p> <p><u>Licensable Activities:</u></p> <p>Sale of Alcohol off premises only</p> <p>Monday to Sunday 0700 to 1700 hours</p> <p>Conditions:</p> <p>In reaching this conclusion the Sub-Committee have taken into account conditions proposed by the applicant in the operating schedule and the further conditions proposed by the applicant in the supplementary agenda pack which are as follows</p> <ul style="list-style-type: none"> - No deliveries shall be despatched direct from the licensed premises. - All orders for alcohol held at the licensed premises shall be taken from the licensed premises by the licence holder to be despatched from a Post Office or other courier service despatch point or via UPS collection to AMAZON - No individual(s) will visit the licensed premises address to purchase any alcohol. - No courier services shall be permitted to collect alcohol from the address for direct delivery to a customer

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		<p>The Sub-Committee also stipulated the following condition;</p> <p><u>Deliveries</u></p> <ul style="list-style-type: none"> - No deliveries, to the premises or from the premises, are permitted to take place on Saturdays and Sundays, which concerns the sale of alcohol or receipt of alcohol for the purposes of any online business sales connected to Darius Deals Ltd <p>The condition have been added to the premises licence to promote the licensing objectives of prevention of Public Nuisance. The Sub-Committee consider the condition to proportionate, justifiable and be capable of being met taking into account the size, type, location and characteristics and activities taking place at the premises concerned</p> <p>The Sub-Committee accepted the representations from the local residents that delivery and pick up of business products from the premises were likely to cause public nuisance to residents in the near proximity of the premises given the premises is on a residential street.</p> <p>The Sub-Committee seek to promote the licence objective of prevention of public nuisance by preventing such deliveries to take place on the weekend where generally a large number of the population will be at home and away from work and the nature of the premises is on a residential street. The Sub-Committee are concerned that as the business will grow, it is likely the applicant will need to dispatch more model products to Amazon or UPS in order for them to bundle the supplies in the warehouse. In addition, it is likely during certain months of the year, where seasonable gifts are more in demand, the applicant is likely to have an increase of model products being picked up from her premises and sent to Amazon who will bundle and dispatch all like sales.</p>

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		<p>The Sub-Committee also considered the Secretary of State's National Guidance 182 guidance, which states that individuals other than the applicant are accountable in their own right. In this case, the principle extends to delivery drivers who have a personal responsibility in the manner they conduct deliveries, not to cause public nuisance. On balance of evidence presented at the hearing by all parties, the Sub-Committee noted that the premises is on a residential street, surrounded by residential homes in a quiet street and the business model relies on model products being delivered to and from the premises therefore it is proportionate to restrict deliveries to weekdays only to prevent public nuisance</p> <p>Finally, the Sub-Committee appreciated that the applicant had stated deliveries will only take place during the weekdays and not the weekend, however in any event, the Sub-Committee feel such condition is necessary for the promotion of the licensing objectives. Having considered and heard all of the evidence listed above, the Sub-Committee decided to grant the application.</p> <p>Right of Appeal Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
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