

**Merton Council**  
**Licensing Sub-Committee**  
**12 July 2018**  
**Supplementary Agenda 1**

7 Additional Information - Unit 3065

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## FW: Premises License Fee question

Env Health

To rob@hopfresh.co.uk

15:51 ▶  1 attachment View Open in browser Download

Hi Rob

The amount of fee is £100.00.

**Business Information Team**

Regulatory Services Partnership

Serving Merton, Richmond &amp; Wandsworth Councils

Civic Centre, London Road, Morden SM4 5DX

**020 8545 3025****Ehealth@merton.gov.uk****From:** Licensing**Sent:** 21 May 2018 09:53**To:** Env Health <[Env.Health@merton.gov.uk](mailto:Env.Health@merton.gov.uk)>**Subject:** FW: Premises License Fee question

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**From:** [rob@hopfresh.co.uk](mailto:rob@hopfresh.co.uk) [[rob@hopfresh.co.uk](mailto:rob@hopfresh.co.uk)]**Sent:** 18 May 2018 15:02**To:** Licensing**Subject:** Premises License Fee question

Dear Sir/Madam,

I would like to apply for a premises license for a 50 square foot unit inside a self storage facility.  
Safestore 67 Gap Road, London, SW19 8JA

The site will be used to pick and pack beers sold through an online store.

The total area of the site is 6771.71 sq metres. Site plan attached.

My unit is 50 square foot.

The rateable value of the whole site is £171,000.

What are the Premises License Fees attributable to my unit for this application please?

Best regards,

Rob Stoker



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FAO Merton Licensing Sub-Committee

**Re: Hopfresh Premises License Application**

Dear Sir/Madam,

The premises license application above contains thorough details of the steps I intend to take to promote the four licensing objectives.

I am acutely aware of the need to protect children from harm. The committee will be aware that there are a number of online businesses operating under a similar model in the UK. They all have licensed warehouse facilities and identical safeguards in place.

I met with Russ Stevens of the Metropolitan Police who had no objections and I consulted with the licensing department at Kingston Council (details attached).

I have nothing further to add to my application. I fully respect the committee's judgement in this matter.

The following is a direct response to Mr Terrafranca's objections:

- I share concerns about alcohol consumption levels in Wimbledon. The product I sell is premium craft beer which my customers consume at home. The link with 'alcohol fuelled evening visitors' and 'warzones' is misplaced.
- The application clearly states no sale or supply of alcohol shall be made direct from the premises. To clarify further no deliveries will be made to customers the same day. They will be next day deliveries at the very earliest.
- I would love to open a shop in Wimbledon town and certainly have plans to do so in the future. Unfortunately rent and rates are such that only established businesses and chain stores can afford to operate. New businesses have zero chance of success under such conditions.
- The unit is 50 square foot and my understanding is any move to a larger unit would need to be accompanied by a change in premises license. As such all references to traffic issues are far fetched.
- The advert was placed as per the guidelines. There was no option for it to be set out any other way. I agree it was very small and I'd be happy for it to be re-run at Mr Terrafranca's expense.

Yours sincerely,

Robert Stoker

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**From:** marcella **On Behalf Of** RBK Licensing  
**Sent:** 25 May 2018 14:36  
**To:** rob  
**Subject:** Re: Hopfresh - Business Proposal

Dear Rob,

Apologies for the delay in getting back to you.

In addition to what we had already discussed over the telephone, please see the following parts of the Home Office Guidance which are relevant and helpful:

### **Mobile, remote, internet and other delivery sales**

3.7 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

3.8 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.9 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Paragraph 10.52 under Age Verification is also useful:

10.52 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years.

Should you have any further queries please do not hesitate to contact us.

Thank you.

Kind regards,  
Marcella

Royal Borough of Kingston - Licensing Team

Regulatory Services  
Kingston & Sutton Shared Environment Service  
Royal Borough of Kingston Upon Thames | Guildhall II | High Street | Kingston upon Thames | KT1 1EU  
Email: [licensing@kingston.gov.uk](mailto:licensing@kingston.gov.uk)  
[www.kingston.gov.uk](http://www.kingston.gov.uk)

On 14 May 2018 at 10:49, <Rob > wrote:

This email is being sent to outline my business proposal and to clarify my intentions with regards to the sale and distribution of alcohol.

It follows consultation with the Licensing Department at Kingston Council.

I live in Kingston so that is where I have applied for my personal license.

### **Hopfresh Limited**

My business will sell craft beer gift boxes and subscriptions.



**Gift boxes** will include craft beers from a selection of different breweries. Initially I will sell gift boxes from market stalls by way of a personal license and a TEN. Once I have found a suitable storage facility and obtained a premises license I intend to sell the gift boxes online.

**Subscriptions** will include craft beers from a single brewery. This brewery will change every month. Subscription sign up will be online and the payments will recur monthly. Initially, before my storage facility is in place, I intend to dispatch the beers direct from the brewery to the customer.

I have interest from a number of breweries some of which sell direct to the public and others who only sell wholesale.

No firm commitments have been sought at this stage but this is a selection:

Wild Card Brewery, Walthamstow.

Pressure Drop, Tottenham

One Mile End, Tottenham

Moncada, Acton

Mondo, Battersea

I would welcome any comments and advice you might have.

Best regards,  
Rob Stoker

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