

Licensing Sub Committee D - 23 February 2021

Minutes of the meeting of the Licensing Sub Committee D held at by Zoom on 23 February 2021 at 6.30 pm.

Present: **Councillors:** Nick Wayne (Chair) Joe Caluori and Phil Graham.

Councillor Nick Wayne in the Chair

- 102 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Nick Wayne welcomed everyone to the meeting and officers and members introduced themselves. The licensing officer introduced herself, the applicant and the interested parties. The procedure for the conduct of the meeting was outlined.
- 103 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillor Paul Convery.
- 104 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Phil Graham substituted for Councillor Paul Convery.
- 105 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 106 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 107 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 17 December 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 108 **GETIR UK LTD, 5 BAKERS ROW, EC1 - NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that a summary from the applicant and a petition had been circulated separately. The applicant had held a meeting with two residents and had offered a condition that deliveries to the premises should be between 9am and 5pm. The applicant confirmed that this condition should be from Mondays to Fridays.

The Licensing Authority stated that her representation had been submitted before the police, noise team and trading standards had agreed conditions with the applicant. The premises was in a cumulative impact area but it was accepted that

this was not a normal off-licence. Delivery vans and drivers went into a loading bay inside the premises. There were concerns remaining, particularly regarding the training of staff for Challenge 25 and difficult customers and particularly regarding the end point of delivery of alcohol rather than from the premises.

In response to a question regarding the lack of representation from public health it was noted that this was a busy time for the team and also there were not many off licences or delivery businesses in this particular area.

A local resident spoke in objection to the application and stated that a petition had been circulated with over 40 signatures. The objections were mainly noise from the business operation and concerns about a 24 hour licence for alcohol near the residential block with 25 flats. She stated that the meeting held with the applicant had been productive but was concerned about the potential for a huge business on the doorstep. This was a very narrow road. She was grateful that the delivery times to the premises had been amended but there was still the issue regarding deliveries going out and the potential noise nuisance and safety. She had concerns that this bordered on Islington and Camden and all issues had not been taken into account.

In response to questions the residents raised concerns that with the addition of the sale of alcohol the business could become a bigger operation. The resident stated that she contacted the business at the end of January when she had seen the application advertised on a lamp post. She did not hear anything from the applicant until they invited her to a meeting this weekend. She was unable to attend and it was rearranged for yesterday. She welcomed the amendment to the change in times for deliveries to the premises but was concerned about the noise of deliveries from the premises. This was a very narrow street and she considered that the noise from increased traffic would add to the noise level and the noise would echo around the building. The resident clarified that she had contacted the applicant directly on the 28 January.

The applicant's agent stated that Getir was an established business that had been brought to the UK. There were other sites in other Boroughs. The business model was to deliver groceries to homes. It was not alcohol led and was a small part of the business. He accepted that he should have contacted residents sooner but he hoped that the meeting yesterday had been productive and alleviated some concerns. This was the beginning and residents would be invited to future meetings. There were proposed conditions which were detailed in the case summary. A condition to alleviate concerns about noise had been proposed. This was a delivery hub with no public access or collections. The licensing policy had not been designed for this business model. The business was inside the premises and not outside to cause nuisance. Delivery drivers were employees of the company and training was extensive and included Challenge 25, ID, refusals, difficult customers and proxy sales. Training was recorded and certificates provided. All vehicles used for deliveries from the premises were electric.

In response to questions it was noted that the entrance had a roller shutter. Vehicle engines were switched off and electric vehicles used for delivery for minimum

disturbance. The applicant's agent stated that he would have no objection to an additional condition that required delivery drivers to be employees of the company should the licence be granted. It was envisaged that there would be 8-10 couriers employed on a Friday evening. Training would be given by Knight training and included refresher training. The company were considering DBS checks for drivers in the future although it was noted that contact with customers would be minimal. There may be four shifts in the future although not immediately. Currently, shifts would be one in the morning, one in the evening and one in between. It was stated that alcohol was less than 10% of the goods on offer.

In summary, the licensing authority asked that the licensing agent address how delivery staff would be monitored and how they would deal with difficult issues on the doorstep. She also was concerned about the size of the loading bay as it could possibly accommodate 8-10 vehicles.

The resident stated that there had always been pubs/restaurants on the doorstep and more venues were being approved. More alcohol would bring with it more noise. She was reassured that alcohol was less than 10% of the goods on offer but asked what the proportion of sales was alcohol.

The applicant's agent stated that delivery drivers would be trained to refuse the sale of alcohol where necessary. There would be a mix of e bikes and scooters used to make deliveries from the premises. The proportion of sales of alcohol with other produce, when looking at current sites, was 2%. The business was committed to not be a nuisance to residents and would meet with residents if required.

RESOLVED

- 1) That the application for a new premises licence, in respect of Getir UK Ltd, 5 Bakers Row, EC1, be granted to allow:-
 - The sale of alcohol, off sales only, 24 hours daily.
 - Operating hours 24 hours daily. N.B. The premises is not open to the public.

- 2) Conditions detailed on pages 36 to 38 of the agenda shall be applied to the licence with the following amendments:-

Condition 28 to read. The delivery of licensable goods to the premises shall be restricted to the hours between 09:00 and 17:00 hours Monday to Friday. No deliveries shall be made on a Sunday or a Bank Holiday.

Additional condition:- Delivery drivers must be direct employees of the company and receive the appropriate training.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Clerkenwell cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Six local resident objections, a representation from the Director of the Board of Warner House and a petition had been received. One resident attended. There had been no representations made by the police and the noise team since their conditions had been accepted. The Licensing Authority representation remained seeking further clarification. A meeting had taken place with the residents the previous evening. Both parties described it as productive and the applicant agreed to amend the times of deliveries to the premises to 9am to 5pm.

The Sub-Committee heard from the resident that she was concerned that granting the premises licence would significantly increase the output of the operation which was a 24 hour business on residents' doorsteps. She was concerned about noise in the street from vehicles and drivers, safety of pedestrians and pollution.

The Sub-Committee heard evidence that the nature of the business was a home delivery service of groceries, including alcohol, although alcohol would only be sold ancillary to food, as detailed in condition 20. The vehicles for delivery to customers were electric e-bikes or scooters and were very quiet. Waiting, loading and parking of vehicles would take place inside the premises and not in the street. This would be supervised by site managers. After taking instructions from his client, the licensing agent informed the Sub-Committee that typical proportions of sales of alcohol with other groceries amounted to 10.4% on average based on other operations of a similar nature.

The Sub-Committee questioned the licensing agent about training, especially of drivers. They would attend a course, be tested and would receive a certificate if they passed. The drivers would be employees of the company and subject to direct control. They would be trained in how to deal with difficult drunk and underage customers and all aspects of Challenge 25. The licensing agent said that the applicant would accept a condition that drivers would be employees of the company.

The Sub-Committee concluded that the application was well prepared and appeared to deal with all the relevant issues raised by the residents. The premises were not alcohol led and appeared to have to have no negative cumulative impact. The concerns in Clerkenwell were about street drinking and late night licence venues.

The Sub-Committee concluded that the granting of the licence with the agreed conditions, including the two offered by the applicant at the Sub-Committee, would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

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BUNCO AND WRAP, 53 CALEDONIAN ROAD, N1 - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that the resident representation had been withdrawn once it was clarified that the application was until midnight. That left two councillor representations. There had been no representation made by responsible authorities.

The applicant stated that the business was a steamed bao bun restaurant offering takeaway. The applicant wished to give the opportunity for customers to purchase alcohol with their food. Staff were fully trained and this training would be refreshed every six months. There was no vertical drinking and the business was not alcohol led. There was an off licence directly opposite which was open 24 hours. The hours proposed were not to cause disturbance to local residents. The food offered was mainly takeaway. The premises was in the Kings Cross cumulative impact area and the business had a responsible ethos, had conditions to minimise disturbance and was looking for a good relationship with residents.

In response to questions it was noted that alcohol proposed to be sold would be wine and beer with no spirits.

RESOLVED

- 1) That the application for a new premises licence, in respect of Bunco and Wrap, 53 Caledonian Road, N1, be granted to allow:-
 - The sale of alcohol, on and off sales, from 11am to 11pm Sunday to Thursday and from 11am until midnight Friday and Saturday.
 - The provision of late night refreshment from 11pm until midnight Friday and Saturday;
 - Opening hours from 8am until 11pm Sunday to Thursday and from 8am until midnight on Friday and Saturday.
- 2) Conditions detailed on pages 66 to 68 of the agenda shall be applied to the licence.

REASONS FOR DECISION

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This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Kings Cross cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

There were two representations from Ward Councillors based on the fact that the premises was in a cumulative impact zone but they did not attend the meeting. A resident had objected on the grounds that the premises would be open until 5 am but withdrew on realising this was a misunderstanding. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. Conditions had been agreed with the police and the noise team.

The Sub-Committee heard evidence that this was a licensed restaurant selling steamed buns with a Turkish touch. Take-aways would be aimed at the local community and only wines and beers would be sold with food. There would be no vertical drinking, there would be CCTV and signage reminding customers to respect neighbours. The applicant pursued a responsible ethos and wished to establish a good working relationship with residents and business. Training would incorporate Challenge 25 and there would be a refresher every six months.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives and there would be no negative cumulative impact. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

The meeting ended at 7.40 pm

CHAIR