

Application for a New Premises Licence under the Licensing Act 2003 – GETIR UK LTD, Unit 5, 2 Overbury Road, Tottenham, London, N15 – 20 May 2021

The Special Licensing Sub-Committee carefully considered the application for a new premises licence at GETIR UK LTD, Unit 5, 2 Overbury Road, Tottenham, London, N15. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, and the written and verbal representations made at the hearing by the applicant and their representatives and by objectors.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following conditions:

Operating times:

Supply of Alcohol for delivery only:

Monday to Sunday 0000 to 0000 hours **online sales only**

Supply of alcohol **OFF** the premises

Hours open to the public:

No public access

The Committee imposed the following conditions:

1. No members of the public will be allowed on the premises.
2. Drivers will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the drivers when leaving, entering or smoking outside the Premises.
3. A digital CCTV system must be installed in the premises complying with the following criteria:
 - (a) Cameras must be sited to observe the entrance doors from both inside and outside.
 - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Provide a linked record of the date, time of any image.
 - (d) Provide good quality images - colour during opening times.
 - (e) Have a monitor to review images and recorded quality.
 - (f) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (g) Member of staff trained in operating CCTV at venue.
 - (h) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy

of the data they require. Copies must be available within a reasonable time to Police on request.

4. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - (a) All crimes reported to the venue.
 - (b) Any complaints received.
 - (c) Any incidents of disorder.
 - (d) Any faults in the CCTV system.
 - (e) Any visit by a relevant authority or emergency service.
5. The premises will be maintained in a safe manner at all times.
6. All exits will be kept unobstructed, easy to open and clearly signed.
7. Notices will be displayed asking staff to leave the premises quietly and to have respect for local residents.
8. Delivery of alcohol will be refused whereby the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
9. No alcohol will be supplied to the public at the premises.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
11. When a delivery is to be carried out by an employed driver:
 - (a) A Challenge 25 scheme shall be operated, whereby if supply of alcohol is to any person who appears to be under the age of 25 years of age, they will be required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - (i) Proof of age card bearing the PASS Hologram;
 - (ii) Photocard driving licence;
 - (iii) Passport; or
 - (iv) Ministry of Defence Identity Card
 - (b) All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.
 - (c) Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

- (d) A refusals record shall be maintained at the premises which details all refusals to supply alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the supply.
12. Notwithstanding Conditions above; where third party couriers are employed for deliveries these third parties shall maintain their own Challenge 25 Policies & age verification training.
13. When using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only who have robust age verification systems in place.
14. In order that residents are not caused nuisance or disturbed by any delivery service providers:
- (a) Drivers do not congregate on residential roads.
 - (b) Toilet facilities are provided for drivers at the premises.
 - (c) All delivery services are provided in a courteous, safe and respectful manner.
 - (d) All deliveries are provided in accordance with the law on road use, parking and licensing.
15. A record of orders shall be kept which shall include the customer's name & address. In accordance with data protection regulations, this log shall be made available to Police and local authority officers on request.
16. The delivery of alcohol shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of alcohol shall not be made or completed to a person in a public place (street corner, park, bus stop, etc).
17. All customers shall be contacted in writing (e.g. e-mail or text) to notify them that an order has been placed, with the date, and if possible approximate time, of the expected delivery.
18. Couriers delivering orders shall keep record require a signature from the recipient upon delivery in a form that can be captured and fed back to the licence holder. The only exception to this requirement is due to social distancing measures.
19. If the recipient of a delivery of alcohol appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
20. No super-strength beer, lagers or ciders over 6.5% ABV (alcohol by volume) or above shall be stocked or sold at the Premises (except for premium specialist beers).
21. Alcohol shall be stored securely, when on premises, at all times.

22. No spirits shall be sold with ABV (alcohol by volume) greater than 65%.

23. The company website/ app will request confirmation of age on order booking, when an order for alcohol is made.

Reasons

The Committee gave serious consideration to the concerns raised by the objectors. The Committee sympathised with the objectors but considered that there was insufficient evidence to demonstrate that the new premises licence application would undermine the promotion of the licensing objectives. It was noted that it would not be fair to attribute existing issues in the area to this application and there was no compelling evidence that this application in particular would result in public nuisance or public health issues.

The Committee acknowledged the concerns raised by Public Health. It was noted that the issues raised, although serious, related to the wider area and local issues in general. It was considered that the concerns were not directly linked to the applicant or the application in question and there was no evidence that the licensable activities applied for would undermine the licensing objectives. The Committee also noted that the issues raised in the representation from Public Health might be given more weight when the premises were the point of sale to the public and/ or the point of consumption of alcohol but that, in this case, there would be no public access to the premises and deliveries would only be made to residential or business addresses.

The Committee considered whether it would be appropriate and proportionate to reduce the hours for the sale of alcohol within the application, which had been suggested by a number of the objectors. The Committee acknowledged that the applicant had agreed to a number of conditions, including no public access to the premises, arrangements for delivery drivers when not making deliveries, a requirement that deliveries were made to home or business addresses only, and verification requirements for age and address at the point of registration and delivery. It was also noted that the business supplied groceries online with the option to purchase alcohol and that, although the business could operate 24 hours a day, the primary period of operation was normally between 5pm and 9pm and there were generally few deliveries throughout the night. It was also commented that issues raised in relation to deliveries were not specific to the sale of alcohol as they would also apply to the sale of groceries which was not a licensable activity. The Committee was satisfied that the application and the proposed conditions would promote the licensing objectives and considered that there were insufficient grounds which demonstrated that it would be appropriate and proportionate to seek a reduction in the hours for the sale of alcohol.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Date: 26 May 2021

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