

MINUTES OF THE LICENSING SUB COMMITTEE MEETING HELD ON THURSDAY, 19TH AUGUST, 2021, 7.00 - 8.40 PM

PRESENT: Councillor Reg Rice (in the Chair), Councillor Alessandra Rossetti, and Councillor Daniel Stone.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

It was noted that Councillor Reg Rice was in attendance in place of Councillor Sheila Peacock.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT GETIR, TEXTILE HOUSE, CLINE ROAD, LONDON, N11

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Getir, Textile House, Cline Road, London, N11. It was explained that the application requested a licence for the sale of alcohol off the premises from 0000 to 0000 hours (24 hours) on Monday-Sunday, with online sales only and no public access. It was noted that the premises were situated on an industrial unit with residential accommodation nearby.

It was stated that representations had been received from four other persons and these were set out in full in the report. It was added that no representations had been received from Responsible Authorities. It was explained that the application carried the conditions offered by the applicant, the majority of which were set out on page 16 of the agenda pack.

It was also noted that the relevant laws and guidance were listed in the report, from section 6 onwards. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that the application requested a 24 hour licence on every day of the week for the sale of alcohol. Cllr Rice stated that the timings shown (0000 to 0000 hours) were slightly unclear. The Licensing Officer stated that this was the standard timing to demonstrate 24 hour sales but noted this point.
- It was noted that some residents had stated that the timings requested had been listed as different timings on the Council's website Khumo Matthews, Legal Advisor, noted that the timings had been correctly advertised at the physical location of the premises. It was added that the Licensing Sub-Committee would consider the hours as part of their decision and any hours would remain at the Committee's discretion. It was confirmed that this would not invalidate an application.

The Committee received representations from objectors:

- Rebecca Thomas, local resident, noted that the timings on the application had been different on the website and had showed an application to sell alcohol from 8am until midnight seven days a week. She stated that not all local residents had been aware that the application was for 24 hour sales of alcohol. She commented that the notice on the site had been too small and too high up to be accessible for the public.
- In relation to the prevention of crime and disorder, Rebecca Thomas stated that the presence of a warehouse with alcohol stock and deliveries by scooter could lead to an increase in crime. She noted that this premises would be the only location within the trading estate that stocked alcohol, including a reasonable quantity of spirits.
- In relation to public safety, Rebecca Thomas felt that the application would lead to an increase in traffic movements with delivery riders and supplier lorries and that this would constitute a greater risk to public safety for residents and school children. She stated that this felt contradictory to the recent introduction of a Low Traffic Neighbourhood (LTN) in the area. She noted that scooters could evade traffic barriers, that they often moved more quickly than normal traffic, and that they were harder to hear if they were electric. She added that there were concerns that the messaging for Getir, which promoted delivery in 10 minutes, was not consistent with safe driving.
- In relation to the prevention of public nuisance, residents believed that the licence would lead to increased noise levels from delivery drivers and lorries using the premises 24 hours a day. Rebecca Thomas stated that she had seen deliveries made by petrol bikes and by car and that she had seen deliveries at the Cline Road entrance to the site which had blocked the road. It was noted that Cline Road was a narrow street with parked cars and poor sight lines and that there was a more appropriate entrance at the rear of the site.

- In relation to the protection of children from harm, Rebecca Thomas felt that the business model was contrary to Haringey's public health goals and stated that her full argument was set out in the written representation.
- Rebecca Thomas summarised that there were concerns about the increases in traffic and the use of lorries at the Cline Road entrance to the site in particular. She added that she could hear the lorries from her home which was not far from the Cline Road entrance.

In response to questions from the Committee, the following responses were provided:

- It was enquired whether the residents had seen deliveries associated with this business or whether they might be associated with other businesses. Rebecca Thomas noted that she had not watched the deliveries in full but she believed that all other businesses on the site used the Ringway entrance whereas the Cline Road entrance was more convenient for Getir's location.
- It was asked whether the Low Traffic Neighbourhood (LTN) might prevent the use of the Cline Road entrance for deliveries. Rebecca Thomas noted that Cline Road was at the edge of the LTN and that vehicles would be able to use the road. It was added that residents had some scepticism that delivery bikes would be contained by the LTN as they could go through barriers designed for cars.
- Cllr Rossetti stated that the Cline Road and Ringway entrances would be in the LTN. Rebecca Thomas acknowledged that the groceries element of the business was separate but stated that the proposed licence would lead to increased traffic. Khumo Matthews, Legal Advisor, clarified that this was not included within the licensing objectives. Chris Nixon, UK Compliance Manager, stated that evidence about the LTN had not been circulated prior to the hearing and that the applicant did not consent to this evidence being presented.

Chris Nixon (UK Compliance Manager), Ali Al-Mehdar (Operations Associate), and Sofia Koleva (Regional Manager) introduced the application. Chris Nixon noted that there was no invalidation mechanism for licensing applications; he explained that the application was validated by officers and that it could not be invalidated. He added that the hours in the application could not be restricted on this basis whilst, although he acknowledged the issue of timings, this was outside of the applicant's control.

Chris Nixon stated that Getir was well established in Britain and it provided a delivery service for convenience items from baby products, food, seasonings, small electricals, to milk and bread. It was highlighted that Getir did not allow the public inside the premises and operated a delivery service only. It was explained that, in order to make a purchase, the customer was required to download the Getir app which was a bespoke app designed and maintained by Getir and with no other sales. It was noted that the customer had to register their details, including their address, before they could order items to their verified address. In the case of any alcohol sales, Chris Nixon stated that a notification appeared informing the customer that they must be over 18 and that identification would be requested upon delivery. It was explained that, after an order was placed, it went to a Getir delivery hub where a member of packing staff selected the items and took them to a delivery driver who would pack the items into a Getir bag. It was noted that drivers were required to verify the products and would only conduct one delivery at a time. It was added that, if alcohol was part of the delivery, the driver's app would remind them that they must conduct a Challenge 25 identification check upon delivery.

Chris Nixon explained that the Getir model did not have large warehouses but used small, low impact delivery hubs to enable quick delivery and that the maximum capacity at the site during peak times was 15 drivers. It was noted that Getir had premises throughout the country, in every London borough, and currently had two operational premises in Haringey. It was explained that the business was typically busiest from 5pm-9pm; although there was a dramatic decrease in demand outside of these hours, providing a service at all times was a small but important element of the business. It was noted that alcohol sales constituted approximately 5-8% of products and 2-5% of the total turnover but that Getir wanted to offer all products at all times and alcohol was a small but important aspect of the business. It was added that the most popular items sold during the night were milk, bread, nappies, and phone chargers.

It was stated that all delivery drivers underwent training. It was highlighted that contractors were not used and that all drivers were directly or indirectly employed by Getir. It was explained that all drivers had to sign contracts, wear Getir uniforms, and use Getir branded vehicles. Chris Nixon noted that some residents were concerned that drivers would congregate outside the premises but explained that there would be a courier room within the premises and delivery drivers would be strictly supervised and controlled by site managers. It was noted that all drivers were required to complete a training programme which was extensive, including identity checks, Challenge 25 checks, identifying proxy sales, how to refuse alcohol sales, and conflict management. It was explained that the training programme also included theoretical and practical road safety and was provided by a team of experts who trained drivers to excellent standards. It was added that, if drivers did not pass the training, they were not permitted to make deliveries for Getir. Chris Nixon also noted that Getir's primary choice of delivery vehicle was electric mopeds and bicycles and that these vehicles were prominently identifiable with Getir's bright yellow and purple branding.

Chris Nixon stated that there had been some comments on traffic and parking. He noted that he had spoken to some of the residents and that parking, traffic, and delivery vehicles were not part of the Licensing Act 2003, the licensing objectives, or the decision of the Licensing Sub-Committee. He explained that Getir was a shop that was purely online and that alcohol was not the primary product for their sales. It was noted that Getir operated throughout the UK on a 24 hour basis, including at other locations in Haringey. Chris Nixon commented that none of the Responsible Authorities had objected to the application and he believed that this reflected their satisfaction in how the company operated. He acknowledged that the application for a 24 hour licence often generate concerns but that, in his experience, these never materialised. It was noted that Getir operated in residential areas throughout London as they needed to be close to their customer base and that this was done successfully in numerous locations.

In relation to the protection of children from harm, Chris Nixon argued that alcohol deliveries to homes resulted in safer streets. He stated that customers did not order to their homes and then go out to drink in the street. He suggested that a delivery business ensured the protection of children from harm.

Chris Nixon stated that the law required retailers to ensure that the customer was not underage or drunk and that the licensing regime was permissive. He noted that on sale premises could not be held responsible for the decisions or actions made by people after they had left the premises. He commented that there would be no public access to the premises and that the decision was based on the sale of alcohol alone. He added that the issue for consideration was whether the way Getir sold alcohol undermined the licensing objectives.

It was noted that traffic was not a consideration under the Licensing Act 2003 and that the LTN in the local area could not be considered as part of the decision. Chris Nixon explained that the premises had actually been operating and delivering alcohol for the past two weeks using a Temporary Event Notice (TEN) and that there had been no accidents, incidents, or complaints. He added that Environmental Health Officers had not submitted any objections to the application.

Chris Nixon noted that public health was not a licensing objective under the Licensing Act 2003 and that the frequency or content of sales was not part of the licensing decision. He acknowledged the concerns of residents in relation to the advertised 10 minute delivery period but he explained that there were no incentives for drivers to deliver within this time period. It was noted that the model of the sites, being smaller hubs within residential areas, meant that it was easier for Getir to deliver in a short time period. It was added that drivers were encouraged to make deliveries as quickly and as safely as possible and that electronic mopeds were limited to 15.5 miles per hour which prevented speeding.

Chris Nixon stated that Getir would make a commitment to local residents that, upon the grant of the licence, they would put up a sign at the premises which would include direct contact information for the site.

In response to questions from the Committee, the following responses were provided:

- The Chair enquired how Getir would ensure that they would not serve customers who were drunk. Chris Nixon stated that orders could only be placed through the app and that drivers were trained on how to identify drunkenness. It was added that this was a fairly obvious issue and that all shops across the UK were charged with monitoring this.
- Cllr Rossetti noted that the application mentioned the use of third party couriers and enquired whether the arrangements relating to training and the use of electric scooters would also apply to third parties. Chris Nixon acknowledged that there was a shortage of delivery drivers across the UK and that, if Getir was unable to directly employ enough drivers, they would use recruitment agencies. It was explained that Getir would select a pool of drivers and they would be subject to the same standards as a directly employed driver, including the training regimen, vehicles, and uniforms.
- It was noted that the use of electric vehicles related to the deliveries made by Getir rather than the supplier deliveries to Getir. Chris Nixon did not believe that electric supplier lorries were yet in use and that, in any case, this would fall outside of the remit of the licence.
- It was confirmed that the Designated Premises Supervisor (DPS) would be the site manager and would be entrusted with the day-to-day control of the premises and licensable activities. It was added that this person would have to be a personal

licence holder. Khumo Matthews, Legal Advisor, stated that a DPS authorised sales of alcohol in any retail setting. He explained that, as the sales in this case were conducted online, checks and balances would be built into the process and the DPS could conduct checks and audits.

- It was enquired whether supplier deliveries to the site would be scheduled at particular times and whether there would be protected hours free from deliveries. Chris Nixon explained that deliveries varied by site but that Getir had not asked its suppliers to avoid certain hours. It was noted that it would not make business sense to receive deliveries overnight as very few staff would be on site to assist. He stated that no evidence had been provided to suggest what would be an appropriate time limit for deliveries.

In response to questions from objectors, the following responses were provided:

- It was clarified that the electric mopeds were limited to 15.5 miles per hour and were not capable of high speeds.
- Rebecca Thomas noted that the commitment to provide a sign for the public at the premises was welcomed. She requested that this sign was positioned at an appropriate height and with large enough text so that it was accessible. Chris Nixon stated that, subject to the licence being granted, the applicant would install two signs which would be legible for all residents.
- Rebecca Thomas asked for confirmation of whether the business would use the Cline Road or Ringway entrance for deliveries. Chris Nixon stated that this did not fall within the licensing objectives or licensing decision.

The objectors were invited to summarise. Rebecca Thomas stated that it seemed like the majority of the residents' concerns did not fall under the remit of the Licensing Sub-Committee. She commented that it was unfortunate that a new business had started operating from the trading estate with no notice and that this hearing was the only opportunity for residents to express their concerns. She welcomed the installation of accessible signs at the premises with contact details and hoped that residents would receive some constructive responses to their concerns.

In summary, the representatives of the applicant stated that the application was for a licence to sell alcohol rather than an application for a delivery business. Chris Nixon noted that the applicant could deliver from the premises and make 24 hour deliveries without a licence but that the issue was whether the applicant could sell alcohol. He stated that, under the Licensing Act 2003 s182 guidance, the decision should be based on evidence and should be proportionate. He commented that there was no evidence that the applicant would undermine the licensing objectives in selling alcohol. Chris Nixon drew attention to paragraph 16.52 of the s182 guidance which stated that conditions on non-licensable activities should only be applied at a review, following issues at the premises. He believed that it was inappropriate and contradictory to the guidance to condition non-licensable activities, including deliveries. He added that Getir was experienced, operated throughout the UK, and could uphold the licensing objectives.

At 8.20pm, the Committee adjourned to consider the application.

RESOLVED

The Licensing Sub-Committee carefully considered the application for a new premises licence at Getir UK LTD, Getir, Textile House, Cline Road, Wood Green, London, N11 2LX. 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 oral 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. The premises licence holder will display two visible notices containing a dedicated contact number for the site manager, so that members of the public can raise concerns arising about the operation of the premises.
9. Delivery of alcohol will be refused whereby the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
10. No alcohol will be supplied to the public at the premises.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
12. 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 twelve 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.
13. Notwithstanding Conditions above; where third party couriers are employed for deliveries these third parties shall maintain their own Challenge 25 Policies & age verification training.
14. When using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only who have robust age verification systems in place.
15. 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.
16. 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.
17. 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).
18. 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.
19. 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.
20. 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.
21. 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).
22. Alcohol shall be stored securely, when on premises, at all times.

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

24. 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 proposed operation of the premises would fail to promote the licensing objectives. There was no evidence before the committee that this particular operation would result in public nuisance or public health issues.

The Committee acknowledged the Public Health issues raised and local issues but was not satisfied that the concerns were directly linked to the applicant or the application.

The Committee noted 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 rather than across the whole night.

The Committee was satisfied that the application and the proposed conditions would promote the licensing objectives and considered that there were insufficient grounds to demonstrate 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.

7. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Reg Rice (in the Chair)

Signed by Chair

Date