

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON TUESDAY, 4 OCTOBER 2022, 7:00PM – 8:25PM

PRESENT:

Councillors: Lester Buxton, Ajda Ovat (Chair) and Nick da Costa

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were none.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

None were declared.

5. SUMMARY OF PROCEDURE

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

6. APPLICATION FOR A NEW PREMISES LICENCE AT UNIT 1, RANGEMOOR INDUSTRIAL ESTATE, BERNARD ROAD, TOTTENHAM, LONDON N15 4ND (TOTTENHAM CENTRAL)

Presentation by the Licensing Officer

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- The application sought the sale of alcohol between 07:00–00:00. The alcohol would be supplied and consumed off the premises.
- The business was an online delivery business.
- The representation that had been made by Public Health had been withdrawn as conditions had been agreed between Public Health and the applicant.
- Two of the residents that had submitted representations were present at the meeting but the Sub-Committee could take into account what the other resident representations had stated.

- It was not within the Sub-Committee's gift to consider traffic related issues.
- The premises was located in industrial estate and the applicant was looking to operate an online delivery service.
- The Planning Authority had advised that the premises had no conditions attached to it regarding the operating hours.

In response to questions, Ms Barrett informed the Sub-Committee that:

- In agreeing conditions, the applicant had agreed conditions with Public Health with slight revisions to the wording.
- The application had followed the procedure set out in the Licensing Act and no representations had been made by the Police, Environment Health, Child Safeguarding or Planning.
- Nobody from the primary school nearby has made an objection to the application.

Presentation by the applicant

Mr Richard Taylor and Mr David Ives representing the applicant, informed the Sub-Committee that:

- The applicant was Deliveroo Hop Ltd which delivered grocery based goods.
- In addition to providing a platform for restaurant operators to deliver their food, the business worked in partnership with established High Street grocery stores such as Waitrose, Morrisons and Boots and provided a platform for delivery service for those stores. The business also operated as a grocery store in its own right.
- This would be the eighth grocery hub for the applicant in London. All but one were located in industrial estates. The business had operated for over a year with no problems.
- The business had delivered free meals to vulnerable people and supplied and supported local food banks.
- The premises would operate on a delivery only basis and would have no customer access.
- The business could already operate deliveries based on bread, ready-made meals, milk and other general groceries except alcohol. The application simply extended the range of goods that could be sold by the business.
- The business was a responsible national operator and operated CCTV, Challenge 25, staff training and the multi flag system. This system informed delivery drivers that the grocery package contained alcohol and needed to be delivered to an adult over the age of 18.
- The premises staff would have adequate tools to ensure that they only delivered alcohol to those over the age of 18 and provide records of sales.

- The applicant had liaised with the Licensing Authority and Public Health and had agreed conditions.
- Conditions proposed by the applicant included notices being displayed asking drivers to be mindful of residents, including one specifically requested by Public Health regarding signage and toilet facilities for drivers were to be provided.
- Refreshments and phone charging sockets would be made available in addition to adequate parking.
- Residents had raised queries regarding issues caused by traffic, but this was not relevant to the contents of the grocery shopping that would be delivered.
- There were no planning restrictions regarding the use of the premises.
- The local care home had not objected to the application.
- The local school head not objected to the application despite having been notified of it by residents.
- Questions had been raised regarding the possibility of antisocial behaviour put the premises was located in an industrial state and the business operated without any difficulty whatsoever operating out of industrial estates.
- The Police had not objected to the application.

In response to questions, Mr Taylor and Mr Ives informed the Sub-Committee that:

- The business had a multi flag procedure for ensuring that the Challenge 25 policy was carried out. Delivery drivers would be flagged to ensure that they checked identification, and this needed to be registered on the app.
- The business was confident that the Challenge 25 procedure was secure in ensuring that a sale of alcohol would not happen unless the individual purchasing was over 25.
- To address any safety concerns, the business would not allow any sales of alcohol that would be delivered to a non-residential or non-business address.
- There was very clear method to clarify who was involved in a purchase and who was involved in a delivery. If a delivery driver experienced any problems, then there was a clear method to identify who had placed the order.
- If a Challenge 25 test was not satisfied, then the alcohol would be removed from the shopping.
- The business used legal electric bikes to deliver goods, but goods could also be delivered via mopeds which ran on petrol or electric bikes as the business used a mixed platform. Sometimes cars would be used and this approach was more common in the urban areas of London.
- Of the eight sites operated in London, seven were located in an industrial area and the eighth had opened most recently in Oxford Street. Other sites included Maida Vale,

Vauxhall, Battersea, Bermondsey and Hoxton. Most of the premises were often close to residential populations.

- The business wanted to be careful of protecting its brand name and making sure that the behaviour of staff was appropriate. In order to do this, the business put up signs and the site teams would be monitored CCTV and would go into the yards to make sure noise was at acceptable levels. They also communicated with the delivery drivers to ensure that noise levels were kept at acceptable level
- The business would encourage any residents who had an issue to contact the business through the corporate communication channels that can be found on the business' website or simply to visit to the premises as employees on site would listen to any issues and complaints, investigate the issue and find solutions.
- The business sought to operate like any major High Street supermarket. The full product range would be made available throughout the times that the business sought to operate. The Home Office had issued guidance stating that a full range of products should be allowed to be sold to the public unless there were good reasons under the licensing objectives. Public Health or other responsible authorities had not indicated that sale of a full range of products was an issue. It was important to note that just because a product was bought at 07:00 did not mean that the product would be consumed at 07:00.
- As this was an application for premises licence, it was not necessary for the business to model issues relating to traffic in the area.
- Toilet facilities were available for delivery drivers, but not all delivery drivers would use the toilet at the same time as some would be out delivering goods.
- The amount of delivery drivers at the premises would be present depending on the time of day.
- There was no third-party security staff employee and the business did not have experience of needing that as it managed such sites through experienced and responsible site teams who carried out operational management plans in all the licensed premises run by the business.
- The premises was not a site which would have public access. It would be occupied largely by delivery staff and therefore the chances of risk that required security personnel was minimal.

In response to a query, Ms Barrett informed the Sub-Committee that there was a Deliveroo Hop in the Hornsey area which had a licence to sell alcohol and had been operating since 2019.

Presentation by interested parties

Mr Simon Finn, resident, informed the Sub-Committee that:

- Some of his concerns had been addressed by the applicant, but he still had some core objections.

- There was concern regarding the business operating from 07:00 to 00:00. No planning concerns had been raised because the previous business was a Topps Tiles and no business had operated the hours that the applicant intended to operate.
- There were no businesses that operated between 07:00 to 00:00 in the area. Generally speaking, the core hours were between 07:00 to 19:00 with no trading on Sunday.
- The business used a wide variety of vehicles including a high volume of mopeds and many of the delivery drivers were self-employed. Whilst the delivery drivers were driving, they were still private citizens and the business had no control over how they behaved.
- The school and the home care facility in the area was accessed by a single access road and the traffic would go past a care home for the elderly. The manager for the care home had expressed concern regarding the application what happened informed by management not to submit a representation.
- The nearest residential building was less than 75 m away from the premises and once the unit was operating, it would not be clear what impact it would have in the area.
- As the business was not yet running, he would request that if the Sub-Committee was minded to grant the licence, then it should impose amendments to the application so that the business would operate ordinary business hours.
- There was a concern for the safety of delivery staff as members of public would be aware that drivers were carrying 'high-ticket' items.

Ms Audrey Droisen, resident, informed the Sub-Committee that:

- She was a Chair of Residents Association.
- She had spoken to residents and their biggest concern most public nuisance.
- Residents had previously been ensured that there would be a light use of the industrial estate including a minimal noise or smoke fumes.
- Rangemoor Road, a one-way system, would be used for motorbikes to zoom up and down the industrial estate. This would cause a disturbance to residents and was a deviation from the agreement that had been given to residents previously.
- There was likely to be noise until midnight of motorbikes going back and forth.
- If the Sub-Committee was minded to grant the licence, then the operating hours should be from 07:00 to 19:00.

In response to questions, Mr Finn and Ms Droisen informed the Sub-Committee that:

- Residents were not aware that the business could even be allowed to use the industrial estate and first became aware when the notice of been put up.
- The applicant was likely to deliver alcohol at night than any other time of day and therefore the hours of sale should be restricted from 07:00 to 19:00.

- There was a reason why the applicant had not applied for a terminal hour of 22:00 for example, as the business model would show that most sales of alcohol would be made at nighttime. The applicant would have requested a 24-hour licence if they could.
- The 'high-ticket' items were sold late into the night.
- The licence would be detrimental to the neighbourhood as a whole.
- Unless the business shortened their operating hours so that motorbikes could not be heard all night, they could not agree to the application being granted.

In response to a query, Ms Barrett informed the Sub-Committee that a review application could be submitted if the applicant was observed to not be upholding the licensing objectives. Evidence would need to be gathered and an application form would need to be submitted. The law stated that the premises from where the alcohol was being appropriated needed a licence, which was why the premises needed a licence.

To summarise, Ms Barrett clarified that the Licensing Act 2003 had implemented regulations which removed the requirement to operate standard licensing hours. The use of standard licensing hours no longer existed.

To summarise, Ms Droisen stated that if the business was allowed to start operating and was unable to uphold the licensing objectives, then it would take considerable effort to collect information and put in an application for a review. The changes in regulation in 2003 had not been communicated to residents and residents had not been informed that licensed premises would be able to operate until 00:00. There should be a limit of the amount of motorbike activity as simply not delivering alcohol or not delivering alcohol late at night was too limited an action.

To summarise, Mr Finn stated that he understood that the Sub-Committee was not able to consider traffic issues, but could consider refusing to grant the licence if it did not think that the application had been placed in a suitable area. The premises was not a suitable location to be used for licensable activity from 07:00 to 00:00. There was likely to be a negative impact on residents in the area once the business had started running and it was unclear what the impact would be.

To summarise, Mr Taylor stated that applications needed to be determined on evidence, not supposition or guesswork. The Home Office had stated that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at times when retail outlets were open for shopping unless there were good reasons under the licensing objectives to restrict the hours. No evidence had been provided by the Police, Environmental Health or Planning regarding any issues. The business was a renowned national operator which operated seven delivery hubs already. These were mainly located in industrial areas near to residents and had no problems promoting the licensing objectives. The Police, who acted as the main source of advice for antisocial behaviour and crime and disorder, had not submitted a representation. Environmental Health had not submitted a representation and they were the experts in noise nuisance. In relation to noise that could potentially be caused by deliveries made by mopeds, the business was already allowed to do this 24 hours a day. The business simply wanted to add alcohol to a shopping bag. It did not make a difference what was in the bag. It was not reasonable to refuse an application simply because an individual may find it difficult to submit a review application. If there were issues, then a review application could be submitted. There was no evidence of the operator having

any problems with alcohol sales. The evidence pointed towards granting the application as sought subject to conditions that had already been agreed.

At 8:05pm, the Sub-Committee adjourned to consider the application.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence Unit 1, Rangemoore Industrial Estate, Bernard Road, Tottenham, London, N15 4ND by Deliveroo Hop LTD. In considering the application, the Committee took account of the London Borough of Haringey’s Statement of Licensing Policy, the Licensing Act 2003, section 182 Guidance, the report pack, the additional papers submitted by the Applicant and the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence subject to the following conditions to promote the licensing objectives.

The Licence is granted as follows:

Operating times:

Supply of Alcohol

Monday to Sunday 0700 to 00:00

For supply of alcohol OFF the premises between the above hours

Hours open to the public:

Monday to Sunday 0700 to 00:00

The following conditions are imposed to promote the four licensing objectives:

1. Prominent, clear, and legible notices must be displayed at all exits requesting self-employed delivery agents to respect the needs of local residents and to leave the premises quietly.
2. Toilet facilities at the premises shall be available for riders to use.
3. The applicant will require that all riders provide delivery services in a safe and professional manner.
4. The applicant will require that riders comply with the law on road use and parking.
5. Sales are only made by telephone or internet orders with deliveries made away from the premises.
6. Age verification will be implemented for online orders.
7. At the time an electronic order is placed for alcohol the purchaser will be subject to terms and conditions that confirm that they must be over the age of 18 to purchase alcohol on Deliveroo.
8. A Challenge 25 proof of age scheme (or a scheme of higher compliance, such as universal proof of age scheme, regardless of perceived age) shall be operated upon each delivery where the only acceptable forms of identification are recognised

- photographic identification cards, such as a driving licence, passport, national identity card or proof of age card with the PASS (Proof of Age Standards Scheme) Hologram.
9. No sales will be allowed by persons calling at the premises.
 10. The company will require that all orders are to be delivered to residential or business address and will require that delivery riders do not complete deliveries that are not to a residential or business address.
 11. Access to alcohol will be limited to fulfilment staff who have signed-in and are over 18.
 12. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
 13. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for trading. All recordings shall be stored for a minimum period of 30 days with date and time stamping. Viewing of recordings shall be made available with the absolute minimum of delay upon the reasonable request of a Police or authorised officer throughout the entire 30-day period.
 14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open for trading. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
 15. All images downloaded from the CCTV system must be provided in a format that allows them to be viewed on readily available equipment without the need for specialist software.
 16. Drivers who are delivering alcohol must be over 18.
 17. No super-strength beer, lagers or ciders over 6.5% ABV (alcohol by volume) or above shall be stocked or sold at the Premises save that this shall not apply to premium beer, lager, cider or perry with an ABV over 6.5% or above such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event. No promotional sales of alcohol where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold.
 18. The premise shall not be open to the general public and no collection shall be made by the public outside of the alcohol hours requested. Alcohol shall only be supplied in sealed containers.
 19. Alcohol shall be stored securely, when on premises, at all times.
 20. A record (which may be electronic) of alcohol orders shall be kept which shall include the customer's name & address. Following data protection regulations, this log shall be made available to Police and local authority officers upon request (and in all circumstances such records shall be treated confidentially by the responsible authorities unless it is required for the purposes of an investigation or prosecution and shall always be subject to applicable privacy laws).
 21. The company will instruct delivery riders/drivers that all orders are to be delivered to residential or business address and will require that delivery riders do not complete deliveries that are not to a residential or business address.
 22. At the time an electronic order is placed for alcohol the purchaser will be subject to terms and conditions that confirm that they must be over the age of 18 to purchase alcohol on Deliveroo.
 23. All delivery riders shall receive training in age restricted sales and the operation of the Challenge 25 policy.
 - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - Training records will be available for inspection by a police officer or other authorised officer on request.

- Training records will be electronically stored by the licence holder for a period of 12 months.
24. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
 25. A record of refusals shall be maintained which documents every instance that a sale or supply of alcohol is refused, indicating the date and time the refusal was made. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the police on request.
 26. The applicant shall affix a sign outside the premises requesting riders to be mindful of the residents, users and visitors of Earlsmead Primary School and Pricilla Wakefield Care Homes; and shall provide evidence of the sign being affixed to Public Health.
 27. The Applicant shall affix a clear and visible sign where local residents can see it, providing details of a phone number and/or e-mail to enable residents to make direct contact with the Applicant in case of complaints regarding any breach of the licensing conditions.

REASONS

The Committee gave serious consideration to the submissions by the applicant & their representative, and to the concerns raised by the objectors again both of which were made in writing and orally.

The Committee noted that the objections related mainly to issues around potential increase in traffic, the suitability of the location for the applicant's business and the fact that the business would operate from 7am to midnight everyday, whereas no such current business exists on that site.

However, the Committee noted that it could not consider matters relating to traffic, which in any event were not evidenced and was the only basis for the objections based on location. The Committee noted the grant of the application would not make any difference to the amount of traffic noise as the applicant can operate now delivering groceries.

The Committee noted that no complaints or objections had been raised by any of the responsible bodies, such as public health, police, or the local school or the care home. In addition the applicant had engaged with all responsible bodies to come up with and agree a set of conditions which it was deemed would satisfy the objectives in the Licensing Act.

In addition to the agreed conditions the Committee has added a condition that the applicant must place signage so that residents can make contact or make complaints about any breaches of the licensing conditions.

With these conditions the Committee is of the view that an appropriate balance has been struck between the wishes of the applicant, the objections of local residents and the overriding licensing objectives with the conditions proposed.

7. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT LOUNGE, 34 HIGH STREET, LONDON N8 (HORNSEY)

This application was withdrawn from the agenda.

8. NEW ITEMS OF URGENT BUSINESS

There were no items.

CHAIR: Cllr Ajda Ovat

Signed by Chair

Date4 October 2022.....