

LICENSING SUB-COMMITTEE MINUTES

Monday 24 January 2022 at 2.00 pm

Members Present: Councillor Fred Cowell, Councillor Becca Thackray and Councillor Jennifer Brathwaite

1 Election of Chair

MOVED by Councillor Becca Thackray, SECONDED by Councillor Jennifer Brathwaite

RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting.

2 Declaration of Pecuniary Interests

There were none.

3 Minutes

RESOLVED: That the minutes of the previous meeting held on 7 January 2022 be approved and signed by the Chair as a correct record of the proceedings.

4 Licensing Applications for the Grant / Review of a Premises Licence

4a Gorillas Units 198 To 199 Carlisle Lane London (Bishops Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to chapters 2, 3, 8, 9 and 10 of the Statutory Guidance, and to Sections 1, 3, 4, 8 and 16 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6 of the report on page 14.

Mr Ola Owojori, the Licensing Officer confirmed:

- This was an application for a premises licence.
- The premises was proposing to operate as a delivery service, seeking authorisation for the sale of alcohol for consumption off the premises from Monday to Sunday from 08:00 - 00:00.
- One representation had been received against the application from a local councillor.
- The application and floor plan could be found at pages 17 to 26 of the report pack and the representation could be found on page 27.
- The applicant displayed a blue notice at the premises for 28 days and advertisement in

the South London Press newspaper within the first 10 working days of the submission date, evidenced by photographs sent on the 14 December 2021.

Presentation by the Applicant

Mr Craig Baylis, agent to the applicant informed the Sub-Committee that:

- Gorillas was an online delivery service that's operates Monday to Sunday from 08:00 to 00:00.
- Delivery arrived within 10 minutes of order via an app.
- This premises opened 13 January 2022 and had operated under Temporary Events Notices to serve alcohol, without complaint.
- Mr Baylis had offered two additional conditions to address the objection received from Cllr Ibrahim Dogus, and these were:
 1. All delivery riders shall only use bicycles or electric powered cycles for deliveries, in order to reduce noise in their activities.
 2. The premises license holder shall ensure the frontage of the premises is kept free from litter and shall carry out a daily litter patrol to ensure this is monitored.
- It was believed that the objections were in relation to an existing competitor, Getir, and the applicant had sent photographs to the Licensing Officer.
- The premises frontage had a private bay to park cycles, that was removed from the street.

In response to questions from Members, Mr Craig Baylis confirmed:

- In compliance with condition 22, riders were permitted to collect orders and deliver by pedal or electric bike and no motorised vehicles were used for delivery.
- The applicant did not understand the meaning of the term 'dark grocery' status.
- CCTV was monitored internally by a manager at the site.
- This was the first premises license application for this site, but there were several Gorilla sites in Lambeth and approximately 35 in Central London.
- Riders received training which was recorded and monitored by the designated premises supervisor (DPS), who operated the premises.
- Gorillas served all varieties of alcohol as part of the delivery offer.
- Riders completed one delivery at a time to minimise mistake.
- There were no more than 13 riders on site at one time.
- In relation to the Challenge 25 Policy, the app required confirmation of age and a visual check would be carried out at the delivery address. If the patron could not prove they were over 18, the delivery would be returned to the base.
- The suggestion of body camera surveillance was considered expensive and a disproportionate requirement, as other Gorillas premises did not operate this system.
- If a customer appeared intoxicated, riders were instructed to return alcohol to base.
- The applicant agreed to amend Condition 28 that no deliveries be made to the premises between 22:00 hours and 08:00 hours the following day.
- The applicant agreed to amend Condition 30 d), that training records will be electronically stored by the licence holder for "no less than" 12 months.
- A noise management policy was less relevant to this application as no public attended the premises and a condition could be amended to prohibit public from the premises.
- Most orders came in at 18:00 to 20:00 and the quietest trading hour was 23:00 to 00:00.
- If third party delivery agencies were required, Conditions 22 to 26 would be upheld by ensuring with Licensing Lawyers that these riders were fully trained.

Presentation by Interested Parties

Cllr Ibrahim Dogus, representing local residents, said that:

- Carlisle Lane was a narrow residential road with York House Estate.
- NHS staff lived in the area and due to night shifts required sleep during day hours.
- Residents had not seen the blue notice displayed at the premises, or the advertisement in the South London Press, and therefore had not put their concerns forward in time.
- Delivery hours had been a concern which was addressed by the 22:00 terminal hour for deliveries to the premises.
- The congregation of riders leaving the premises created noise and they should be provided with an indoor space.
- Gorillas' workers should be easily identifiable and uniformed in case of any issue.
- There had been cases where riders urinated in public and facilities for this should be provided on site.
- Waste management should be considered to prevent littering.
- Condition 26 should be amended to ensure riders do not block the road or pavement and riders should be reminded that waiting for delivery should take place inside.
- Electrical bicycles needed to adhere to a speed limit as children used the local park, especially at the weekend.
- The number of riders needed to be controlled in respect to the premises capacity.
- Concerns were not directly related to Gorillas' operation under the Temporary Events Notices, but more generally around the operation of dark grocery stores in the area.

In response to questions from Members, Mr Craig Baylis confirmed:

- The two conditions had been offered up in response to the objection.
- There was no waste in the premises forecourt and the applicant forwarded images to the Licensing Officer to demonstrate where the waste company collected waste.
- Riders were required to remain seated inside at all times and a staff room, kitchen and eating area were provided on the premises.
- An additional condition was agreed to ensure bikes were stored in the forecourt.
- An additional condition was agreed to make a contact number available to residents.
- An additional condition was agreed to limit the number of riders smoking outside.

Adjournment and Decision

At 15:01, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Cllr Ibrahim Dogus.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the license subject to all conditions as agreed and put forward by the applicant and with the following additional conditions:

1. There shall be no access to the premises by members of the public.
2. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
3. The applicant shall be required to ensure that all third-party riders adhere to all conditions of the licence.

4. The premises licence holder shall ensure the frontage of the premises is kept free from litter and shall carry out a daily litter patrol to ensure this is monitored.
5. All bikes used for deliveries shall be stored in the forecourts of the premises forecourt.
6. A contact number shall be made available to the residents to raise complaints or concerns directly to the licence holder.
7. No more than four persons shall be permitted to smoke directly outside the premises at any one time.
8. Training records shall be electronically stored by the licence holder for not less than 12 months.

Additional condition 7 is to replace condition 23, as specified in Annex C.

The members of the Sub-Committee were aware that residents had not met the deadline for submitting an objection to the application, but that the applicant had adhered to all statutory requirements. It was emphasised that the applicant ensure direct communication with the residents.

RESOLVED: To grant the license subject to the agreed conditions and additional conditions as outlined above.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the license and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the conditions met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

The meeting ended at 15:35

CHAIR
LICENSING SUB-COMMITTEE
Friday 24 February 2022

Date of Despatch: Friday 28 January 2022

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