

Getir UK Ltd

Application for a Premises Licence at Arch 196, Carlisle Lane, London SE1 7LH

CASE SUMMARY

1. This is an application for a new Premises Licence at Arch 196, Carlisle Lane, London SE1 7LH (“the Premises”).
2. The applicant is Getir UK Ltd (“the Applicant”).
3. Getir means “bring” in Turkish, which is where the company originated. The concept is very simple - Getir deliver household groceries to customers rather than them having to go out for them. In order to do this they charge a small uplift on the standard price of items and a fixed delivery fee. Orders are placed via an app or online via a website.
4. This application seeks to allow alcohol to be part of the range of items available to customers. Nothing more, nothing less.
5. The original application sought to sell alcohol (off-sales via delivery only) 24 hours a day, 7 days a week. In consultation with the Responsible Authorities that objected to the application, this has been changed to the sale of alcohol from **08:00 to 00:00 daily**. The business as a whole will operate continue to operate 24/7.
6. We invite you to consider the following alternative scenarios:

Scenario A

The Applicant operates the premises selling household groceries to their customers. **This does not include alcohol**. The deliveries are picked up by delivery drivers who are employed by the Applicant for that purpose and delivered to the customer. This goes on 24 hours a day, 7 days a week and does not require a Premises Licence because no Licensable Activities take place.

Scenario B

The Applicant operate the premises selling household groceries to their customers **including alcohol**. The deliveries are picked up by delivery drivers who are employed by the Applicant for that purpose and delivered to the customer. This goes on 24 hours a day, 7 days a week but alcohol is only sold and delivered between 08:00 and 00:00 daily

7. There is no substantial difference between the way the premises will operate in scenario A (without alcohol) to how the premises will operate, we hope, in scenario B (with alcohol) save that scenario B affords the Licensing Authority an enormous degree of control over how the Applicant goes about its business. Scenario A does not offer that control. We suggest that what you need to focus on when considering this application is whether, by the mere fact that alcohol could be included in a delivery, the Licensing Objectives will be undermined or negatively impacted upon. We say, for a whole host of reasons, that they will not.
8. You are required to determine this application because there have been relevant objections to it. The objections come from:
 - a. The Licensing Authority (as a Responsible Authority); and
 - b. Other Persons.
9. Objections were also received from the Police Licensing Team and the Environmental Health Team. Both of those objections have been withdrawn and both Responsible Authorities are happy that this application as it now stands promotes the Licensing Objectives.
10. Having been through the remaining objections we believe that the following are the outstanding issues that you need to consider:
 - a. The hours for Licensable Activities relative to your Statement of Licensing Policy; and

- b. Whether the measures suggested by the Applicant are appropriate and proportionate to promote the Licensing Objectives and if not, what other measures could be employed to promote them.
11. The Applicant has tried to address the various observations made by those still objecting to the application in its document "Applicant's Response to Objections."
12. It is important to remember that we are focusing on the difference between how the Applicant will operate selling alcohol and how the applicant will operate without.
13. The key difference is that you have the power, via the Licensing Act 2003, to regulate certain aspects of the Applicant's business such as they relate to the Licensing Objectives.
14. The Applicant has put forward a comprehensive schedule of conditions dealing with each of the four Licensing Objectives. They are set out in full at Appendix A to this Case Summary.
15. Further to that, the Applicant has accepted a number of additional conditions requested by the Responsible Authority Officers. The Applicant has done this because it recognises the value in seeking to mediate concerns as best it can.
16. There are, unfortunately, some conditions that the Applicant has not been able to agree. Where that is the case the Applicant has liaised with the Responsible Authority Officers to explain why it cannot agree those specific conditions. The Applicant is not seeking to be difficult, but it would be wrong for the Applicant to sign up to a condition that was not right for its business or worse, not enforceable.
17. The Applicant operates a number of these sites around London, all of which operate 24 hours a day, 7 days a week and the Applicant maintains a good relationship with its neighbours. In many instances, they are the Applicant's best customers!

18. The Applicant wishes to distinguish itself from third-party delivery companies like Deliveroo, Uber Eats and Just Eat. Those companies connect riders with providers with customers. The Applicant's model is different - the Applicant is the provider and it itself provides the goods to the customer. It is better to consider the Applicant in the context of a closed supermarket making deliveries than it is to consider them alongside third-party delivery companies.
19. In summary, the Applicant has modified its application and agreed conditions above and beyond its comprehensive operating schedule. This has satisfied two Responsible Authorities that the application can be granted as now applied for. We commend the application to you and ask that you grant it.
20. We thank you for taking the time to read this Case Summary.

Chris Nixon

Licensing Agent

For and on behalf of Getir UK Ltd

25 March 2021

Appendix A
Applicant's schedule of conditions
to promote the Licensing Objectives

General - all four Licensing Objectives

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. Deliveries will only be made using electric or non-motorised vehicles, when a delivery vehicle is utilised

The Prevention of Crime and Disorder

4. A camera CCTV system is in place on the premises. The CCTV system shall continuously record whilst the premises is open for licensable activities. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer.
5. There will always be at least one person present whilst the premises is open who is able to operate and download images from the CCTV.
6. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, 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
 - f) All ejections of patrons
 - g) All seizures of drugs or offensive weapons
 - h) Any refusal of the sale of alcohol

The Prevention of Public Nuisance

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. Details of customer orders shall be retained for a period of 6 months and will be made available on request to the police or an authorised officer.
10. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Public Safety

12. The premises will be maintained in a safe manner at all times
13. All exits will be kept unobstructed, easy to open and clearly signed
14. The company website will provide links to the 'drink aware' and 'alcohol concern' webpages/app.

The Protection of Children from Harm

15. The company website/app will request confirmation of age on order booking, when an order for alcohol is made.
16. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for

inspection on request by an authorised officer of the Licensing Authority or a constable.

17. An approved proof of age scheme shall be adopted, implemented and advertised on all websites and materials associated with the premises such as “Challenge 25” whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. 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, military identification card and passport.
18. A log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are or appear(s) to be under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of the Council. The log shall be checked on a regular basis by the DPS to ensure that it is being used by the staff and each check shall be recorded in the log.

Additional conditions agreed with the Responsible Authorities

19. All sales of alcohol order shall be made via online platforms for delivery only and must be paid for by debit or credit card
20. Alcohol deliveries shall only to be made to business and/or private residences and not to any public/open spaces.
21. All staff engage in the sale or supply of alcohol shall be trained in the prevention of underage sales, drunkenness and proxy sales before being allowed to sell or supply any alcohol. All such training to be updated as necessary, for instance when legislation changes. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
22. Orders containing alcohol may only be delivered between the hours 08:00 – 00:00.

23. No members of the public will be allowed on the premises, or be permitted to collect their order from the premises.
24. The premises are to be used as a delivery service at all times
25. There shall be a dedicated area for delivery personnel to safely park their vehicle and collect the customer order
26. Staff members packaging the order will make delivery staff aware that the order contains age restricted products Any relevant software used will provide an automated pop up to notify the driver.
27. Details of the order (including the type, amount of alcohol, name, and address of the customer) must be accessible to any Police Constable or Local Authority Officer inspecting the order
28. The details shall be shown on the delivery drivers electronic app device. All delivery drivers and riders must allow any Police Constable or Local Authority Officer to inspect any alcohol or order details on request
29. In all instances whereby a delivery is made, the person supplying age restricted goods must exercise the Challenge 25 Policy to the recipient whereby at the point of delivery, where the recipient is believed to be under the age of 25, appropriate age verification identification must be obtained from said person to prove they are above the age of 18.

Getir UK Ltd

Application for a Premises Licence at Arch 196, Carlisle Lane, London SE1 7LH

APPLICANT'S RESPONSE TO OBJECTIONS

Introduction

1. This document sets out the Applicant's response to the various objections received in relation to its application for a Premises Licence at Arch 196, Carlisle Lane, London SE1 7LH ("the Premises").
2. The application attracted objections from:
 - a. The Police Licensing Team (PC Watson);
 - b. The Licensing Team (as a Responsible Authority) (Ms Williams);
 - c. The Environmental Health Team (Mr Kokkoz); and
 - d. Other Persons (Mr Demwell, Ms Honey, and Mr Hoskins).
3. The application has undergone a number of revisions to further promote the Licensing Objectives. The hours requested for Licensable Activities have been amended and further conditions proposed and agreed. These changes are set out in full in the Applicant's Case Summary.
4. In view of these changes the Police Licensing Team and the Environmental Health Team have withdrawn their objections. They are content that the application, as amended, promotes the four Licensing Objectives as set out in the Licensing Act 2003.
5. This document will address the relevant points raised in the remaining objections. Most of the objections also contain some matters which are not relevant to the Applicant's application and they are not dealt with accordingly.

The Licensing Team (As a Responsible Authority)

6. The Applicant has read and considered Ms Williams' objection on behalf of the Licensing Team (as a Responsible Authority).
7. The Applicant thanks Ms Williams for acknowledging that ***“the Premises are not likely to be associated with street drinking or be targeted by underage drinkers.”*** This is a useful starting point for addressing the rest of the concerns expressed in Ms Williams' objection.
8. Ms Williams, it seems, does not object to the Applicant per se, but rather believes that it should be restricted in a way that is appropriate and proportionate to promoting the Licensing Objectives. The Applicant could not agree more.
9. Ms Williams rightly acknowledges that the success or otherwise of this application has no bearing whatsoever on the Applicant's business save as it relates to the Applicant being able to sell alcohol.
10. Ms Williams seems content with the hours for Licensable Activities being from 08:00 - 00:00 daily provided that the Applicant is able to agree to a number of conditions. The Applicant is happy to agree the vast majority of the conditions requested, but has been unable to agree some of the conditions because they are unworkable or unenforceable. For a full list of the conditions currently proposed and agreed by the Applicant please refer to the Applicant's Case Summary.
11. Ms Williams' objection doesn't offer any evidence or explanation as to why the Applicant's application, even as it was originally drafted, would undermine the Licensing Objectives, but rather points out that the application is beyond the hours envisaged within your Statement of Licensing Policy¹ (“the Policy”).
12. It is submitted that the Policy doesn't apply to Premises of this type. Although “Delivery Services” are identified at Policy 15, the Policy doesn't include delivery only operations, such as this one, as a type of Premises at Appendix 5. It is wrong, in our respectful submission, to consider this

¹ Lambeth Statement of Licensing Policy 2019 - 2024

Premises in the context of either an off-licence or a takeaway, it is neither. To consider this Premises as either an off-licence or a takeaway is to, respectfully, try to fit a square peg into a round hole.

13. That the Policy doesn't account for premises such as this doesn't, in our submission, matter, because you, the Sub-Committee, have the discretion to consider this application on its merits and decide it accordingly. You are not bound by your policy and you can depart from it where the circumstances are right to do so.

Other Persons

14. The application has attracted three objections from Other Persons, Mr Demwell, Ms Honey and Mr Hoskins.
15. The Applicant has read and considered these objections and makes the following points in response.

Mr Demwell

16. The Applicant thanks Mr Demwell for his observations regarding the application and hopes that the changes the Applicant has made to the application are useful.
17. Mr Demwell's is the longest and most complicated of the objections. It raises a number of technical issues and attempts to invalidate the application. These are not relevant we trust that these will be dealt with by the Licensing Officer when presenting his report. We propose to focus on the other issues raised pertinent to the Licensing Objectives.
18. One of the issues cited by Mr Demwell is public nuisance from existing delivery services in the area. The Applicant operates differently to other delivery services like Just Eat and Deliveroo. It directly employs its drivers allowing it to exert control over their behaviour.
19. The behaviours described by Mr Demwell (and by Ms Honey and Mr Hoskins) are abhorrent to the Applicant and are in no way reflective of the

manner in which the Applicant conducts its business, which is what you must focus on. Mechanisms exist both under the Licensing Act 2003 and other legislation to deal with premises that are not promoting the Licensing Objectives and our case is that it is not appropriate or proportionate to punish this Applicant for the wrongdoing of other others.

20. The position would be different if it was the Applicant's delivery drivers that were urinating on the street or threatening passers-by, but they aren't. There is no evidence, with the exception of a sale of alcohol, which I shall come on to, that the Applicant's drivers have in any way undermined the Licensing Objectives or would in any way undermine them moving forwards.
21. The Applicant's model is different to that of a Deliveroo, an Uber Eats, or Just Eat. The Applicant provides both dedicated parking/loading bays for its delivery drivers and most importantly, it provides an internal waiting room where drivers **must** wait in between deliveries.
22. The Applicant notes the complaints about a lack of pre-application consultation with local residents. It is not usual for applicants to engage in significant consultation with local residents prior to preparing and submitting a licensing application. It is also not practical because once that process starts who is to say what an acceptable amount of consultation is? An applicant could consult extensively for months and get absolutely nowhere because those they have consulted are diametrically opposed to the application.
23. The Licensing Act 2003 includes a statutory 28 day consultation period and the Applicant has made efforts to contact Mr Demwell subsequent to that to discuss his concerns. The position is slightly different in respect of Ms Honey and Mr Hoskins, which we apologise unreservedly for. In their case the Applicant was not actually supplied with their objections by the Licensing Officer and they only came to light when the Applicant's representative reviewed the Agenda Papers in preparation for the hearing. We hope it goes without saying that there would have been an attempt at dialogue with both Ms Honey and Mr Hoskins had the

circumstances been different and we hope that the Sub-Committee will not think ill of us because of it.

24. Other points raised in Mr Demwell's objection are either dealt with elsewhere or in the conditions offered by the Applicant to promote the Licensing Objectives, but there is one issue that we must address relating to a sale of alcohol that took place on 9 February 2021.
25. During the application period the Applicant applied for a number of temporary event notices (TENs) to enable it to sell alcohol from the Premises whilst awaiting a Premises Licence.
26. It appears that Mr Demwell sought to test the Applicant by trying to purchase one can of lager via the app on 9 February 2021. This was not a date that was covered by one of the TENs.
27. In this instance the sale was made to Mr Demwell and the sale should not have taken. The sale should not have even been possible. The Applicant has gone to great lengths to investigate what went wrong and set this out in a response to the Licensing Officer sent on 23rd March 2021. We enclose a copy of that response for ease of reference and because some of the objections accuse the Applicant of not dealing with the issue. The Applicant did, but it doesn't seem as though the information was shared internally amongst officers.
28. All we can do is repeat the treatise at the foot of that email and apologise. The sale should not have happened and measures have been put in place to ensure that it won't happen again. It is fair to say, we hope, that the sale was a quirk of the gap between the TENs and that, if the Sub-Committee is minded to grant this licence, it's not something that will happen, or could even happen, in future.

Ms Honey

29. The Applicant thanks Ms Honey for her observations regarding the application and hopes that the changes the Applicant has made to the application are useful.

30. Ms Honey's objection cites similar themes to Mr Demwell's and so I do not intend to repeat anything that has been said previously.
31. What I will say, on behalf of the Applicant, is this - Getir have every intention of being a good neighbour to residents local to them. Getir's hope is that those residents will be their customers. It benefits Getir in no way at all to sit idly by and watch its reputation impugned by the behaviour of drivers representing third-party delivery companies. The message from Getir is clear - it will stand shoulder to shoulder with local residents making sure that the problems experienced are dealt with by the appropriate authorities and it can commit to not being a cause of those problems itself.
32. Getir operate sensitively to the locations they move into and have opened a significant number of these types of premises, all operating 24/7, without problems or complaints.
33. Getir's experience is that local residents have been nervous of their applications but that once they have settled in residents have been complimentary about the way in which Getir operate.

Mr Hoskins

34. The Applicant thanks Mr Hoskins for his observations regarding the objection and hopes that the changes the Applicant has made to the application are useful.
35. Again, Mr Hoskins' objection raises matters that have been dealt with elsewhere in this document or in the Applicant's Case Summary, but there are a few points we would like to pick up on.
36. First, proximity. The Applicant needs to be close to the areas it serves as part of its business model, which is to get its customers the things they want quickly. That model does not work if they are located in out of the way industrial estates. Licensed premises and residents peacefully co-exist all over London and there is no reason why this application, by the Applicant, will be any different to those. Where there are problems, there

are mechanisms both within and without the Licensing Act 2003 to deal with them and Getir will be prepared to help.

37. Parking is a tricky issue because it is not, strictly, relevant to licensing. What we will say is that Getir provide an area for their drivers to park so there should be no question of Getir's drivers blocking residential parking spaces.
38. We do have to take issue with the suggestion that Getir's drivers will spend time loitering in the street, urinating and generally behaving in an unsavoury manner. When choosing sites Getir always factor in facilities for their drivers to wait/use the toilet etc. within their units. They have watched how third-party delivery companies operate (Getir are not a third-party delivery company) and they don't like it or support it. This is why Getir have set their model up the way that they have.

Conclusion

39. It is completely understandable that residents would be nervous about the prospect of a 24 hour alcohol licence being granted on their doorsteps. They perhaps might have seen the blue notice displayed on the Premises or the advert in the local newspaper. Those adverts don't perhaps explain the nuances of an application in the way that I hope I have been able to.
40. We hope that the amendments made to the application are useful - the reduction in hours and the conditions offered, over and above those set out in the application, to promote the Licensing Objectives.
41. We thank you for taking the time to read our response to the objections.

Chris Nixon

Licensing Agent

For and on behalf of Getir UK Ltd

25 March 2021

Thomas Dunn

To: Ola Owojori
Cc: Sarah G Williams
Subject: RE: 21/00008/PRMNEW - Arch 196, Carlisle Lane, London, SE1 7LH (Bishops) Representations

From: Chris
Sent: Tuesday, March 23, 2021 4:02 PM
To: Ola Owojori <OOwojori@lambeth.gov.uk>
Cc: Sarah G Williams <sgwilliams@lambeth.gov.uk>
Subject: RE: 21/00008/PRMNEW - Arch 196, Carlisle Lane, London, SE1 7LH (Bishops) Representations

Dear Ola & Sarah,

Thank you for bringing this to my attention.

At my request Getir conducted a full investigation into whether any alcohol was sold without a permission on:

- 9 February 2021; or
- 10 February 2021; or
- 15 February 2021.

Unfortunately, it looks as though a single sale did take place to a Mr Matthew Demwell as part of a larger order containing other items on 9 February 2021 between 16:04 (order placed) and 16:29 (order delivered). The item sold was a 330ml can of Camden Town Pale Ale.

No sales of alcohol took place on either 10 or 15 February 2021.

Getir are extremely disappointed by this and sorry that it has happened because it shouldn't have. Getir have gone to great lengths to understand what caused it and what they can do to ensure that it doesn't happen in the future; not just in Lambeth, but at any of their sites, existing or prospective.

What should have happened

The Getir app works in real time meaning that a customer should only see as "available" items that are available in the nearest delivery centre, a bit like looking at a shelf in a shop. An item might not be available because Getir have run out of that particular item, or in the case of alcohol, because the item cannot be sold at that particular time.

The initial process of categorising items and specifying when they can and cannot be sold takes place centrally. Whilst operating under the Temporary Event Notices (TENS) alcohol was manually added to the inventory for the Lambeth delivery centre and manually removed when it could not be sold. This worked for the most part.

In the case of the can of the can of Camden Town Pale Ale this should have been removed from sale, but wasn't. This was human error, plain and simple. It is thought that the Camden Town Pale Ale may have been mis-categorised as non-alcohol, which is why it wasn't picked up as part of the removal process. By the time the investigation was carried out the item had been correctly categorised as alcohol and there is no way to track when that change was made.

Moving forwards, Getir have specifically created new back-end functionality within their app to allow the automation of the categorisation process so, for example, if alcohol cannot be sold between 5am and 9am the system would automatically remove alcohol from being able to be ordered at 05:00 and brings it back online at 09:00, a bit like bringing a shutter down or locking a chiller. Getir have also added keyword functionality to pick up

terms commonly associated with alcohol e.g. wine, beer, ale, cider etc. to ensure that those products are removed in event the event they have been mis-categorised. Getir are extremely confident that should a further “test” take place that they would pass it with flying colours.

There’s not really much else that I can say other than that Getir are extremely sorry and embarrassed by this mistake. It is regrettable that it happened, but I hope this email goes some way to explaining how it happened and that you can see that this has been taken seriously and rectified moving forwards.

Kind Regards,

Chris Nixon

Co-Ordinator, Licensing Agent | [email](#)



134 The Barracks | White Cross Business Park | South Road | Lancaster LA1 4XQ

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