

## **LICENSING SUB-COMMITTEE MINUTES**

**Tuesday 20 July 2021 at 7.00 pm**

**Present:** Councillor Fred Cowell, Councillor Martin Tiedemann and Councillor Pauline George

**Apologies:**

### **1 Election of Chair**

MOVED by Councillor Martin Tiedemann, SECONDED by Councillor Pauline George  
RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting.

### **2 Declaration of Pecuniary Interests**

None were declared.

### **3 Licensing Applications for the Grant / Review of a Premises Licence**

#### **3a Quick Commerce, Unit B, 1 - 5 Hinton Road, London, SE24 0HJ (Coldharbour)**

##### **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 section 5, (Policies 1, 3, 4 and 8) 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 10 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a new premises licence.
- The premises proposed to operate a convenience goods store which would include the sale of alcohol for consumption off the premises.

- Objections had been received from the Licensing Authority, the Metropolitan Police and one resident.
- The applicant had proposed that the conditions to the application be the same as the ones for a recently granted application for a premises located in Hercules Road.
- The conditions could be found from page 5 on the additional agenda papers.
- On 19 July 2021, the applicant had agreed a condition whereby orders containing alcohol may be delivered between the hours of 08:00- 00:00 only.
- The Licensing Authority was content with the 35 additional conditions that had been submitted by the applicant in addition to an agreement for reduced operating hours for the delivery of alcohol.
- The Licensing Authority maintained its representation in order to provide any clarification that the Sub-Committee might require.

### **Presentation by the applicant**

The applicant Mr Nils Howland and the applicant's representative Mr Robert Botkai informed the Sub-Committee that:

- Assuming that the 35 conditions listed on the additional agenda papers were the same ones that he had submitted to the Licensing Authority, he concurred with the Licensing Officer's representation.
- The applicant had originally applied for a 24-hour licence and was keen to get the premises operating.
- The applicant had agreed that no alcohol delivery would take place between 00:00 and 08:00.
- The applicant hoped that the proposed conditions would allow the licence to then be granted.
- The licence would still be a 24-hour licence as the technical sale of alcohol would take place when the goods would be appropriated to the transaction. This required a licence.
- Both the Licensing Authority and the Police were content with the 35 conditions put together with the condition of the timing of the deliveries.
- The premises was a convenience store with no patrons. There would be no customer access to the premises.
- There would be staff working in the premises and the business ran a mobile app named Zap.
- Customers would be able to place an order and in a short period time, they would be able to obtain the goods they ordered through delivery.
- The delivery drivers were employed by the business directly and only used electric bikes.
- The general delivery process occurred in silence.
- The delivery drivers were allowed to bring their bikes into the premises, so there would be no loitering in the outside area.

- The delivery drivers would have access to refreshments and seating at the premises.
- At some point during their shift, delivery drivers would be handed their delivery items where they would have to make their delivery and then return to the premises. This was not like using a third-party delivery service where delivery drivers would be in scooters or cars looking for the next licensed premises from which to deliver.
- The business operated a Challenge 25 policy and warnings were listed on the business' website.

In response to questions from Members, Mr Howland and Mr Botkai informed the Sub-Committee that:

- The applicant would not agree to a modification whereby condition 22 would be amended to read that the delivery would be made to a person inside a particular address.
- In the event of a refusal of a sale, delivery drivers would withhold age restricted products, make a record of the refusal and bring the alcohol back to the premises. Many third-party delivery drivers would be told to dispose of the alcohol themselves.
- There would be no financial implication for delivery drivers carrying out their duties relating to upholding the licensing objectives
- If any suspicious activity was noted via an order, the actual customer would be contacted directly regarding their actual location and their order.
- Premises staff would confirm that the delivery was to be made to a residential or business address before sending any delivery drivers to make a delivery.
- If any age restricted products were to be returned to the premises, the incident would be logged, the order number would be recorded, the items that were refused would be recorded and location managers would be made aware of the incident. During a handover process, relevant staff members would be made aware of the incident as part of their shift.
- In relation to age verification, all customers would have to create an online account which would include a record of personal details.
- Once an alcoholic product was ordered, the business' app would indicate that the product was age restricted and that, at the time of delivery, physical age verification checks may be carried out.
- Age verification checks would take place at the point of transferring the alcohol to the customer which would often include employing the Challenge 25 policy.
- Customers would be aware that they would be requested to show identification. This would be signalled online when any order took place.
- Age restricted products had an 18+ sticker on them and the delivery driver would be informed to employ the Challenge 25 policy before the items were submitted for delivery.
- The conditions made it clear step-by-step what needed to happen for premises staff to meet the licensing objectives.
- Any customer ordering from the premises would need to have a credit card in order to set up an account and they would have to declare that they were over 18. They would also run the risk of alcohol being withheld from them at the doorstep.

- There was always a risk of issues occurring with any licensed premises, but research showed that most alcoholic drinks obtained by children came directly from parents.
- The applicant sought to be as robust as possible to ensure that children did not order alcohol through the app.
- It was rare for delivery drivers to be threatened by violence as most of the customers were repeat customers and delivery drivers would be aware they could not hand over alcohol to an individual who was underage or intoxicated.
- Delivery drivers went through a rigorous process before being appointed. They would have a telephone screening, an on-site screening and take a test that they would have to pass. They had a relationship with the business and wore a uniform jacket. They were also aware of the consequences of not being able to carry out their tasks appropriately and would have reasonable judgement when making any delivery.
- The only forms of identification that would be accepted would be any with the relevant holographic mark such as a passport, driver's licence or a Prove It card.
- Condition 29 had been proposed to ensure that no large trucks would be making any deliveries late into the night. There would be no delivering of goods to the premises between the hours of 22:00 – 08:00. Fresh food items would need to be delivered to the premises, but these would not be done in large trucks.

At this point in the proceedings, the Legal Officer clarified that what Members were proposing was an amendment to condition 22 so that it would read as follows, "all delivery orders shall be to a registered residential or business address and delivered to a named person inside that address. There shall be no deliveries to public/communal areas or open spaces". That this condition was being proposed by Members so as to ensure that the delivery of alcohol would be made to a person that could be linked to an actual address.

In response to questions from Members, Mr Howland and Mr Botkai informed the Sub-Committee that:

- The use of the term 'a named person' could cause issues as there was a concern about delivery drivers having to establish a particular person in order to whom they should make the delivery. Generally speaking, another adult person in the household where a delivery was to be made should be able to receive the order.
- The applicant would agree to the newly proposed condition 22 without the use of the words 'a named'.

### **Presentation by interested parties**

PC Mike Constable informed the Sub-Committee that:

- He was satisfied with the applicant's representation.

Ms Anthea Masey, resident, informed the Sub-Committee that:

- The premises was located in a large development area for Loughborough Junction and it could cause public nuisance.
- She was reassured by two things the applicant had clarified; that the delivery drivers would be employed directly by the business and that the delivery bikes would be

taken inside the premises.

- The premises was a large premises and would have a significant impact in the neighbourhood especially if deliveries were frequent.
- She was concerned about the large amount of traffic arriving into the residential district.
- There are concerns about public nuisance, excessive consumption of alcohol and the nuisance caused by the delivery of alcohol.

In response to questions from Members, Ms Masey informed the Sub-Committee that:

- She would probably be happier with the application if the terminal hour for the delivery of alcoholic goods ceased at 22:00.
- The Peabody Trust was about to build 134 homes on the other side of the premises. The premises was in Hinton Road which went through railway arches leading into an industrial estate. There was a concern that Delivery Hero may wish to regain access the premises, in which case it would be a nuisance for the soon to be residents for the Peabody Estate.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Howland and Mr Botkai informed the Sub-Committee that:

- The business had no association with Delivery Hero.
- Licensing laws did not take into account new development homes in the area.
- It was fair to say that the business wished to be financially successful and therefore would like to increase its number of orders. However, the amount of customers that the business had was simply not enough to require large quantities of deliveries.
- The business was not employing delivery drivers that were driving scooters and this perception had been instilled due to various delivery drivers that had been seen on mopeds and motorbikes and other noisy vehicles.
- The business would operate electric bikes which were almost silent. The business did not employ enough delivery drivers to be able to make significant noise from the vehicles by simply coming in and out of the premises.
- The applicant was happy to provide Ms Masey with contact details of premises staff so that she could raise any issues that she may have.
- Delivery drivers were not allowed to smoke or wait outside the premises.
- The business had a sophisticated algorithm to ensure that there was an appropriate number of delivery drivers employed at the premises at any one time.

### **Adjournment and Decision**

At 7:50pm, 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 all those who spoke. 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 application subject to conditions.

RESOLVED: To grant the application subject to conditions.

### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to grant the application subject to conditions.

The Sub-Committee decided to grant the licence subject to the 35 conditions as proposed in the additional agenda papers with modification to the wording of condition 22 so as to require orders be to a registered residential or business address and delivered to a person inside that address and an additional agreed condition limiting the delivery of orders containing alcohol to between the hours of 08:00 - 00:00 only. The Sub-Committee was satisfied that the conditions were appropriate and proportionate in order to meet licensing objectives. The Sub-Committee was mindful of the potentiality of public nuisance which could emerge from delivery businesses, but in this particular case, the Sub-Committee was satisfied with the applicant's responses to questions regarding how deliveries and delivery drivers would be managed. The Sub-Committee was aware that delivery-based businesses were difficult to consider in relation to licensable activity but the conditions were adequate enough to address the four licensing objectives.

## **4 Consideration of Objections to Temporary Event Notices**

### **4a Tea House Theatre, 139 Vauxhall Walk, London, SE11 5HL (Prince's)**

This item was withdrawn from the agenda.

The meeting ended at 7:56pm.

CHAIR  
LICENSING SUB-COMMITTEE  
Friday 20 August 2021

**Date of Despatch:** Friday 28 July 2021  
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