

LICENSING SUB-COMMITTEE 24TH JANUARY 2022

Item No: 4a

Report title: Gorillas Units 198 To 199 Carlisle Lane London (Bishops Ward)

Applicant: Gorillas Technologies UK Ltd

Application type: Premises Licence (Grant)

Application date: 13 September 2021

Wards: Bishops

Premises Type: Online Delivery Service

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

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APPLICATION SUMMARY

This is an application for a Premises Licence to allow for the sale of alcohol on Monday – Sunday from 08:00 to 00:00

POLICY IMPLICATIONS

Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the policy)

The Licensing Objective engaged by this application is:

- The prevention of public nuisance

Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)

The premises are not situated in the Clapham Cumulative Impact Zone.

Hours of sale and Location (Policy 8, pages 28 to 29 & Appendix 5, pages 46 to 47)

The premises are proposed to be operated as a delivery service of convenience goods including alcohol. Alcohol is proposed to be sold for consumption off the premises via an online platform and the area in which the premises are located is according to the Statement of Licensing Policy (the Policy), Appendix 7 an area generally deemed to be residential in nature.

The Policy recommends in this location the earliest start time for licensable activity of 11:00 hours and a terminal hour of 23:00 hours Monday to Sunday for premises of this kind in a residential area.

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

The Policy refers to Delivery Services businesses at Policy 16 (erroneously marked as Policy 15), paragraph 22 and further guidance is set out at paragraphs 3.8 – 3.10 and 10.50 of the s. 182 Revised Guidance (2018).

1. APPLICATION

- 1.1 This is an application for a premises licence under section 17 of the Licensing Act 2003.
- 1.2 The applicant is seeking authorisation for the sale of alcohol for consumption off the premises, during the following times:
Monday - Sunday 08:00 - 00:00
- 1.3 The opening hours for the premises are proposed as:
Monday to Sunday 08:00 - 00:00
- 1.4 A copy of the application form and the plan are attached as **Annex A**.

2. REPRESENTATION

- 2.1 One representation was received against the application from a ward councillor, which is based on the licensing objective of the prevention of public nuisance.
- 2.2 The representation highlights concern in respect of the negative impact of the premises in the area if the application is granted. A copy of the representation was provided to the applicant and is attached to the report as **Annex B**
- 2.3 The applicant has agreed conditions with the Licensing Authority and the Metropolitan Police, which has been communicated to the objector. A list of the conditions is attached to the report as **Annex C**
- 2.4 The last date for making representations was on 11th October 2021.

3. CURRENT LICENCE

- 3.1 There is currently no premises licence in place for this address.

4. BACKGROUND HISTORY

- 4.1 The premises are to be operated as a grocery store providing delivery services of foodstuffs including alcohol only. The general public would not be admitted to make purchases instore.
- 4.2 This is the fifth application from the applicant for locations in the borough within the last twelve months, four of which have been granted under delegated authority following agreement with interested parties.
- 4.3 Two Temporary Event Notices were submitted on 21st and 22nd December 2021 for authorisation to permit sale of alcohol for consumption off the premises on 13th to 17th and 19th to 24th January 2022.
- 4.4 The Planning Authority didn't make a formal representation in respect of the application. However, they did provide the following comments, which have been sent to the applicant. *"There is no formal planning history for these arches, though likely historically the arches may have been used as an ancillary space for Network Rail and therefore are likely to have been in use as general industry (Use Class B2). The proposed use appears to be what is being termed a "dark grocery". Recent appeal decisions as well as advice from senior officers is that these uses constitute sui*

generis uses; i.e. they do not sit within any use class and therefore will require planning permission for the commencement of any new use. As such, the commencement of the use proposed in the license application would result in a breach of planning control and may be subject of enforcement action”.

5. OBSERVATIONS

5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representation received are Chapters:

- 2) The Licensing Objectives;
- 3) Licensable Activities
- 8) Applications for Premises Licenses;
- 9) Determining Applications; and,
- 10) Conditions Attached to Premises Licenses and Club Premises Certificates; and,

5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

Chapter 5 - The Licensing Objectives

Policy 1 - Process for applications

Policy 3 - Partnership working

Policy 4 - Enforcement approach

Policy 8 – Hours of sale and locations

Policy 16: Delivery Services (note. erroneously marked as Policy 15)

Appendix 3: Prevention of Public Nuisance

Appendix 5: Types of premises and recommended hours

Appendix 6: Types of premises and potential impact

Appendix 8: What to expect from a Licensing Sub-Committee Hearing

6. CONCLUSION

Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.

The options available to Members of the Licensing Sub Committee are:

- a. Grant the application as it currently stands;
- b. Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives;
- c. Exclude from the scope of the licence any of the licensable activities to which the application relates;
- d. To refuse to specify the individual named in the applications as the DPS; or,
- e. Reject the application.

CONSULTATION INFORMATION

Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
Health & Safety Section (internal)	Y	-	N
Noise service (internal)	Y	-	N
Social Services (internal)	Y	-	N
Licensing Service (internal)	Y	06/10/2021	Y
Planning (internal)	Y	06/10/2021	Y
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	-	N
Police Licensing Unit (external)	Y	11/10/2021	Y
Health Authority (external)	Y	-	N

APPENDICES AND REFERENCE DOCUMENTS

Appendices	Annex A – Application form and plan Annex B – Representation Annex C – List of Conditions
Reference documents Local Government Act 1972 – Access to information documents used in the preparation of this report	<ol style="list-style-type: none"> 1. The Licensing Act 2003 (“the Act”). 2. Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”). 3. Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”).