

LICENSING SUB-COMMITTEE 13 JUNE 2022

Item No: 4a

Report title: Getir Unit 9 Bessemer Park Industrial Estate 250 Milkwood Road London

Applicant: Getir UK Limited

Application type: Premises Licence

Application date: 23 February 2022

Wards: Herne Hill

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 authorisation for the sale of alcohol on Monday – Sunday from 00:00 to 00:00 (24 Hours)

POLICY IMPLICATIONS

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

The Licensing Objectives engaged by this application are:

- The prevention of public nuisance
- Public safety and
- The protection of children from harm

Types of Premises and Recommended Hours (appendix 5, pages 46 to 47 and appendix 6, pages 48 to 50 of the policy)

The premises are proposing to operate as a delivery service of groceries & conveniences items including alcohol. The area in which the premises are located, is an area generally deemed to be residential in nature according to the Statement of Licensing Policy (the Policy), Appendix 7

The recommended hours within the policy for a premise of this kind in a residential area, is Monday to Sunday from 11:00 to 23:00.

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 00:00 - 00:00
- 1.3 The opening hours for the premises are proposed as:
Monday to Sunday 00:00 - 00:00
- 1.4 A copy of the application form, conditions and the plans are attached as **Annex A**.

2. REPRESENTATION

- 2.1 Eight representations have been received against the application from the Licensing Authority, a local Councillor and six residents, based on the licensing objectives of prevention of public nuisance, public safety and protection of children from harm.
- 2.2 The representations highlight concerns in respect of the hours originally sought and the negative impact of the premises in the area if granted, including an increase in air pollution, traffic flows, parking pressure, noise nuisance and risk to public safety. Copies of the representations were provided to the applicant and are attached to the report as **Annex B**.
- 2.3 The Licensing Authority has proposed what are considered to be appropriate conditions to address the licensing objectives, which are yet to be agreed by the applicant. A list of these conditions is attached to the report as **Annex C**.
- 2.4 The last date for making representations was on 23rd March 2022.

3. CURRENT LICENCE

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

4. BACKGROUND HISTORY

- 4.1 The premises proposes to operate as a grocery store providing delivery services of food including alcohol. The general public would not be admitted on to the premises to make purchases.
- 4.2 This is the fourth application from the applicant who has applied for licences in various locations around the borough within the last 18 months. Two of the applications were granted under delegated authority following agreement with interested parties and one was granted by the Licensing Sub-Committee.
- 4.3 Four Temporary Event Notices have been submitted in respect of the premises in 2022 for authorisation to permit sale of alcohol for consumption off the premises on the following dates:
 - 22nd March - 26th March
 - 29th March – 3rd April
 - 5th April - 10th April

- 12th April – 14th April

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. *"The use, as with other Getir premises, appears to be a dark grocery operation. These are relatively new operations and there is limited settled case law as to which use class they may fall in to. At this time the council's legal advice is that such operations are sui generis and would therefore need a specific planning permission. The applicant should therefore be advised to ensure that they have the correct permission in place prior to the commencement of operations at the premises. If they consider that the proposed operation would fall within the permitted use of the industrial estate, they should apply for a Certificate of Proposed Lawful Development."*

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 2: Public Safety

Appendix 3: Prevention of Public Nuisance

Appendix 4: Protection of Children from Harm

Appendix 5: Types of premises and recommended hours

Appendix 6: Types of premises and potential impact

Appendix 7: Major, District and Local Town Centres and South Bank Strategic Cultural Area

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	16/03/2022	Y
Planning (internal)	Y	16/03/2022	Y
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	-	N
Police Licensing Unit (external)	Y	-	N
Health Authority (external)	Y	-	N

APPENDICES AND REFERENCE DOCUMENTS

Appendices	<p>Annex A – Application form, applicant’s conditions and plans</p> <p>Annex B – Representations</p> <p>Annex C – List of Conditions</p>
<p>Reference documents</p> <p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<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”).