

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY 16TH FEBRUARY 2021

Councillors Present: Councillor Brian Bell in the Chair

Councillor Kofo David
Councillor Peter Snell

Officers in Attendance: Amanda Nauth, Legal Officer
Suba Sriramana, Principal Licensing Officer
Gareth Sykes, Governance Services Officer
Karishma Mahomed, trainee solicitor, Legal Services (observing)

Also in Attendance Item 5 Weezy Fulfilment Centre, Arch 384, Mentmore Terrace, E8 3PH

Applicant:

Mr Vic Ivanovici - Weezy Operations Manager

Mr Sam Ader - Weezy Expansions Director

Ms Lisa Sharkey - Agent from Poppleston Allen

Other Person*:

Katy Emami

Christine Molloy

Louise Cunnington

Ruby Holland

*The other persons were unavailable to attend and therefore did not speak at the meeting.

1 Election of Chair

1.1 Councillor Brian Bell was elected as the Chair.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest

3.1 There were no declarations of interest.

4 Licensing Sub-Committee Hearing Procedure

4.1 The Chair outlined the hearing procedure, type A, as set out in the papers.

5 Application for a premises licence: Weezy Fulfilment Centre, Arch 384, Mentmore Terrace, E8 3PH**

5.1 The Principal Licensing Officer introduced the application as set out in the published report. The proposed licensable activity for this application was the supply of alcohol (off premises). The Police, the Licensing Authority and Hackney Council's Environmental Health section had withdrawn their representations following the agreement of a number of conditions (see paragraphs 9.1 and 9.2 in the application report). The sub-committee also noted that there had been a number of objections from local residents (appendix B1 to B4 in the application report).

5.2 The agent for the applicant presented their case in support of the application. They began by giving a brief overview of the operation of the business; it was an online grocery delivery service, delivering to local customers homes and places of business. The sub-committee noted that the premises were not open to the public and alcohol made up approximately 28% of their online shopping orders. They aimed to deliver groceries, via electric and non motorised vehicles, within 15 minutes. . The applicant agreed to keep a log of any breakdowns of its delivery vehicles which resulted in motorised vehicles being substituted.

The other persons were unavailable to attend and therefore did not speak at the meeting.

5.3 The sub-committee proceeded to the discussion phase of the meeting where a number of points were raised including the following:

- The hours specified in Condition 20 had been suggested following correspondence with Hackney Council's Environmental Health section
- However the applicant was agreeable to a further reduction to require that after 21:00 hours only electric or non-motorised vehicles would be used for deliveries
- The premises had been in operation since the 23rd of January 2021. They also had premises serving Fulham and Chelsea, Battersea and Clapham, and Lambeth and Westminster
- Weezy's business model was not as a 24 hour business, primarily because the groceries needed to be restocked and wholesale supplies needed to be delivered daily before local deliveries were made each day

- The applicant argued that concerns about street drinking were not relevant as the premises was not open to members of the public. Also deliveries took place predominantly during the daytime, and many grocery deliveries were made before 17:00 hours (subject to demand)
- All deliveries to the premises would take place to the front entrance on Mentmore Terrace. The applicant agreed that deliveries to the premise shall normally only be made between 06:00 - 20:00 hours daily. "A record of any exceptions shall be maintained and made available for inspection on request by the Licensing Authority or another authorised officer".
- Mindful of the concerns raised by local residents, it was stressed that the business was not an off licence and would be delivering online shopping orders to customers places of business or their homes only
- It was noted that the premises contact telephone details would be made available to local residents. One local resident had already been in contact with the business to introduce themselves. The committee considered requiring regular liaison meetings with residents, but on balance decided this would have been over onerous
- The sub-committee stressed that they were keen for the applicant to use electric and non-motorised vehicles for deliveries whenever possible

5.4 The agent for the applicant made their closing remarks highlighting how the business would operate and how its focus was on being popular with the local community. They also highlighted that they had agreed to a number of conditions both prior to and during the hearing.

5.5 In response to a question from Councillor Snell, the agent for the applicant replied that planning permission was already in place. However, the applicant did agree to an informative to be added reminding them that they needed to operate the premises according to any current planning permission relating to its use class, conditions and hours.

The decision

The Licensing sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy, and together with the proposed conditions as set out in paragraph 8.1 of the report, with the following amendments:

- Condition 13 to be amended and read as follows:

“Deliveries and orders dispatched shall be from the front entrance on Mentmore Terrace only. Deliveries to the premise shall only be made between 06:00 - 20:00 hours daily. A record of any exceptions shall be maintained and made available for inspection on request by the Licensing Authority or another authorised officer”.

- Condition 20 to be amended and read as follows:

“To minimise disturbance to local residents after 21:00 hours, when a delivery is made utilising a vehicle, then only an electric or non-motorised vehicle will be used except in the event of an emergency and breakdown. A record of any exceptions shall be maintained and made available for inspection on request by the Licensing Authority or another authorised officer”.

Reasons for the decision:

The application has been approved, as amended with the agreement of the applicant, because the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that the Responsible Authorities (Environmental Enforcement, the Licensing Authority, and the Metropolitan Police Service) had withdrawn their objections in advance of the hearing based on agreed reduced hours and conditions with the applicant. Four representations were received by Other Persons relating to issues of operating hours, noise nuisance and anti-social behaviour affecting local residents in the area.

The applicant's representative made submissions that the premises were a local home delivery grocery business serving the immediate area. The premises are not open to the public. The items of grocery shopping including are delivered to local customers usually within 8 minutes of the premises. The business offers to deliver online orders within 15 minutes of these being placed, and all deliveries to customers are normally by one of three electric vehicles. The business model is not a 24 hour business primarily because the groceries need to be restocked, and wholesale supplies need to be received daily before home deliveries are made.

The applicant's representative stated in their submissions that the grocery deliveries are made only to businesses or private residents who place orders online. It was noted that the premises are part of a small chain of online grocery delivery services, with other branches located in Battersea and Fulham. The sub-committee was told that alcohol accounted for 28% of overall grocery sales.

The applicant's representative confirmed that members of the public cannot collect their groceries from the premises. The issues of street drinking or pre-loading should not occur as the premises are not open to members of the public. Wholesale deliveries to the premises took place during the daytime, and many grocery deliveries were made before 17:00 hours subject to demand. The applicant's representative stated that the premises would be operating in accordance with their planning permission.

The applicant's representative confirmed that a letter had been sent to the Other Persons through the Licensing Service in advance of the hearing to inform them of the applicant's amended application: to reduce the hours, the conditions agreed with the Responsible Authorities, and to give them assurances about how the premises will operate.

The sub-committee carefully considered all the representations presented to them from the applicant's representative, the applicant, and the representations submitted by the Other Persons.

The application was considered on its merits. The sub-committee was satisfied that, on balance, the applicant's operation of the premises for licensable activities should not undermine the licensing objectives. The sub-committee felt that the reduction in hours, agreed by the applicant, would reduce the risk of noise nuisance, anti-social behaviour in the area, and was a reasonable compromise to protect local residents, including families and children.

The sub-committee felt that the applicant presented a reasoned argument for operating beyond core hours because it is a different business model which justified the sub-committee making an exception to Policy LP4. The sub-committee believed that the additional conditions agreed by the applicant during the hearing addressed further issues such as the impact of early morning deliveries to and from the premises. They felt that the applicant had demonstrated that they were prepared to work with the local residents to resolve any concerns they may have in the future.

The sub-committee felt that the concessions made by the applicant addressed many of the concerns raised by the Other Persons and would prevent noise nuisance and anti-social behaviour. The sub-committee were pleased to hear that the deliveries would usually be made using electric or non-motorised vehicles. Having taken all of the above factors into consideration, the Licensing sub-committee was satisfied, when granting this premises licence, that the licensing objectives would not be undermined.

Planning Informative:

The applicant is reminded of the need to operate the premises according to any current planning permission relating to its use class, conditions and hours. It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.

6 Temporary Event Notices - Standing Item

6.1 There were no Temporary Event Notices (TENs) for consideration at the meeting.

Duration of the meeting: 14:00 – 14:50 hours

Signed

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Chair of Committee, Councillor Brian Bell

Contact:

Governance Services Officer: gareth.sykes@hackney.gov.uk

**The papers for this Licensing Sub-Committee meeting can be viewed in full by the following link and scrolling down to the relevant meeting on the Hackney Council website:

<https://hackney.gov.uk/council-business>

The Youtube Livestream for this meeting is as follows:

<https://youtu.be/rg9CAiNHWlw>