

LICENSING SUB-COMMITTEE

TUESDAY 13 JULY 2021

(9:45 am - 12:01 pm)

Councillor Olly Wehring (Chair)
Councillor Lesley Heap
Councillor Kim Bailey

1. APPOINTMENT OF CHAIR

Resolved that: Councillor Wehring was appointed Chair for the meeting.

Voting: Unanimous

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the previous Licensing Sub-Committee hearing held on 6 July 2021 were confirmed as a true and correct record.

4. GROCEMANIA, 1 KINGS PASSAGE, KINGSTON UPON THAMES, Appendix A KT1 1AQ

The Licensing Officer introduced the matter for determination and informed the Sub-Committee that the application sought the grant of the following:

- to permit the sale by retail of alcohol (for consumption off the premises), Monday to Sunday from 09:00 to 23:00 in line with the operating hours set out in Annex 2 of the report to the Licensing Sub-Committee. The sale of alcohol is to fulfil online orders only and there will be no public access to the premises at any time.

The Licensing Officer explained that the applicant had advertised the application, as required, by way of the statutory poster at the premises and by advertisement in a local newspaper and that the application had also been advertised on the Council's website for the full consultation period. In addition, 55 addresses were consulted in writing and informed that an application had been received. 4 valid representations were received from Other Persons. The representations made reference to matters that relate to the prevention of public nuisance and prevention of crime and disorder licensing objectives. It was confirmed that all Responsible Authorities received a copy of the application and no representations were received from those Responsible Authorities.

The Licensing Sub-Committee first heard from the applicant who first sent their apologies for an error in the public notice that showed the applicant as Grocemanía Ltd and not Grocemanía K Ltd. It was clarified that both companies are in partnership in the overall commercial venture and therefore a premises licence can effectively be granted to either company. The applicant also explained that the conditions do not permit alcohol to be delivered to anyone in a public space but only to residential or commercial premises, as was agreed with the relevant responsible authorities.

Deliveries are also only to be made by bicycle only with no use of moped or motorcycles and the premises would be stocked once a week.

The Licensing Sub-Committee queried the applicant in relation to whether only alcohol could be ordered on its own. The applicant explained that this would be possible but that based on operations of the Grocmania delivery service elsewhere, this was not a particularly common occurrence but they wished for it to remain as a possibility for customers.

In response to queries from the Licensing Sub-Committee on the outsourcing of Grocmania logistics to 'Stuart', the applicant explained that this is information from the operations of Grocmania elsewhere and not in Kingston. The deliveries would be carried out by two current employees of the company. The ambition was for two delivery cyclists to fulfil the expected 80 daily orders with an aim to upgrade to 3 cyclists as a maximum. These employees would be contracted full-time regardless of the overall number of deliveries required. The bicycles would be stored inside the premises when not in use and there would be no intention to use third party delivery services. The applicant was happy to allow an additional condition imposed by the Licensing Sub-Committee to ensure that bicycles were stored inside the premises at all times that they were not being used to carry out deliveries.

Concerns were raised by the Licensing Sub-Committee as to the possibility of underage deliveries and what steps were in place to eliminate the likelihood of these occurring. The applicant explained that the initial online process of ordering alcohol was attached with warnings and requires confirmation that the customer must be 18 years or older along with debit/credit card verification on the purchase. The most important part of the process for ensuring that under 18 alcohol deliveries were not permitted was the delivery itself. All delivery staff would receive the appropriate training as well as not being permitted to leave the alcohol unattended as well as operating under the 'challenge 25' policy.

In response to concerns made in representations from other persons over the disposal of waste at the premises, the applicant confirmed that a contract to dispose of the waste is now in place with First Mile Waste and Recycling. All waste packaging will be removed by collection every Friday and Monday.

Representations from local residents were received which covered a variety of concerns which ranged from: the nature of the application itself, a lack of explicit warnings and verification process for the purchase of alcohol and cigarettes, the impact of selling alcohol to areas which already experience higher numbers of alcohol-related crime and disorder, bike safety in the Kings Passage and loud music being played from the premises.

The Licensing Sub-Committee queried the local residents on what the experience has been like living near the premises during its operation for the previous 3 weeks. It was explained that there is a bell on the premises door (with a 'bing/bong' sound) that has been causing a particular noise nuisance for neighbouring residents. The local resident also voiced their frustration at several unsuccessful attempts to open a dialogue with the applicant.

Reasoning and decision

The Licensing Sub-Committee took into account the applicant's submissions, the written and verbal representations made by other persons, the conditions agreed as well as the modified and additional conditions imposed by the Licensing Sub-Committee members. The Licensing Sub-Committee members regarded the operation as relatively small and were required to consider relevant evidence, applying the case of *Thwaites* when considering the evidence submitted from other persons. The Licensing Sub-Committee considered this licensing application under the Licensing Act 2003 and its Regulations and was not able to consider the planning position (applying the case of *Blackwood*) or other statutory regimes (applying the case of *Somerfield*). In approving the application as above, the Licensing Sub-Committee were satisfied that the Premises Licence granted was appropriate and proportionate and that the conditions imposed addressed the concerns in relation to the prevention of public nuisance and prevention of crime and disorder Licensing Objectives raised in the written and verbal representations.

The Licensing Sub-Committee considered the merits of the application and had regard to the Council's Statement of Licensing Policy and guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Licensing Sub-Committee considered the steps which were appropriate and proportionate to promote the licensing objectives, and after taking account of all relevant issues that had been raised in the application and by the written and verbal representations, decided to GRANT the application for the Premises Licence, subject to conditions as set out below:

Conditions arising from Applicant's Operating Schedule:

The prevention of crime & disorder

Closed Circuit Television System (CCTV)

1. The premises shall install and maintain a comprehensive closed-circuit television system (CCTV). All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available within 24 hours upon the request of Police or authorised officer throughout the preceding 31 day period.
2. CCTV will be recording at all times, and the recordings will be of evidential quality in all lighting conditions and be of a sufficient quality to produce in court.
3. All images downloaded from the CCTV must be provided in a format which can be viewed on regularly available equipment without the need for specialist software.
4. The CCTV system shall be maintained in effective working order.

Sale of alcohol

5. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold from the premises.

The protection of children from harm

Refusals

6. A refusals book to record every instance that either a sale or delivery of alcohol is refused shall be maintained.
7. The refusals book shall document the date and time a refusal of sale or delivery is made and the member of staff refusing the sale or delivery. If a delivery is refused the address of the property will be recorded in the book and the reason given why delivery was refused.
8. The refusal book shall be available for inspection by the police or authorised local authority officers.

Staffing, training

9. All staff shall be trained before they are allowed to sell or deliver any alcohol to the public.
10. Records of staff training along with any training material used must be kept by the Designated Premises Supervisor or Premises Licence Holder.
11. All training records shall be signed by the trainer and trainee in respect of training received.
12. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.
13. Refresher training shall be carried out every six months for all staff and documented within the training records.
14. The training records shall be available for inspection by the police or authorised local authority officers.

Alcohol delivery

15. All sales of alcohol for delivery must be paid at the time of ordering using a debit or credit card.
16. All delivery persons must be aged 18 years or more.
17. The alcohol must be packaged separately from goods that aren't subject to age related sales, so that it can easily be retrieved to prevent an illegal sale.
18. Details of the order (including the type, amount of alcohol, name and address of the customer) shall be kept at the licensed premises and must be shown on the printout despatched with the order.
19. (*modified*) All delivery cyclists, store staff, DPS or premises licence holder must allow any police or authorised local authority officers to inspect any alcohol or order details on request.
20. The delivery of alcohol shall be made only to a residential or business address and the customer to be clearly resident inside the building. The delivery of alcohol will not be made or completed to a person in a public place (for example a street corner, park or bus stop).
21. The person taking the order and /or making the delivery must ensure that the recipient is 18 years of age. A check shall be made to ensure the person accepting the delivery has the debit/credit card used for the purchase. If they appear under 25 years of age, photographic ID will be required before the alcohol is handed over. Examples of appropriate ID include a passport, photographic driving licence, military ID and the Proof of Age Standards Scheme (PASS) approved age cards.
22. Where a third party courier is used to supply alcohol, they will be instructed to provide an age verification service or adopt a policy of checking age and ID at the time of delivery. The courier must adopt a policy of not allowing minors to sign for and accept deliveries. A record of all couriers used and the system that they use to verify age will be kept and produced upon request from the police or authorised local authority officers.

Modified conditions imposed by the Licensing Sub Committee:

19. All delivery cyclists, store staff, DPS or premises licence holder must allow any police or authorised local authority officers to inspect any alcohol or order details upon request.

Additional conditions imposed by the Licensing Sub Committee:

23. No waste packaging from the premises shall be left out for collection in Kings Passage. It shall be stored in the premises pending collection by any waste contractor.

24. Bicycles are not to be stored or left in Kings Passage pending a collection from the premises for delivery. When collecting orders for delivery, delivery staff will be required to store the bicycle inside the premises (or secure the bicycle on the Market place or Towpath but not Kings Passage and collect their order from the premises on foot).

25. No deliveries of stock to the premises or collection of waste or packaging by contractors from the premises will take place between the hours of 21:00 and 08:00.

26. Deliveries are to be carried out by bicycles only.

27. A direct line telephone number for the duty manager must be prominently displayed where it can be conveniently read from the exterior of the premises by the public. The telephone number must be manned and answered at all times the premises is trading.

28. The doorbell must be set at a volume so as not to constitute a nuisance.

29. Delivery staff will wait to collect any orders inside the premises and shall not loiter outside the premises on Kings Passage.

5. URGENT ITEMS AUTHORISED BY THE CHAIR

There were no urgent items.

6. EXCLUSION OF THE PRESS AND PUBLIC

This item was not required.

Signed.....Date.....
Chair