

Committee(s): <b>Licensing Sub-Committee</b>	Hearing Date(s): <b>18 May 2022</b>	Item no.
Subject: <b>Licensing Act 2003 - Public Hearing in Respect of an Application for the Grant of a Premises Licence</b>		
Name of Premises: <b>Gopuff</b> Address of Premises: <b>171-176 Aldersgate Street, Barbican EC1A 4HT</b>		
Report of: <b>Juliemma McLoughlin – Executive Director Environment</b>	<b>Public / <del>Non-</del> <del>Public</del></b>	
Ward (if appropriate): <b>Farringdon Within</b>		

## **1 Introduction and Purpose**

- 1.1 The purpose of this Sub-Committee is to consider and determine, by public hearing, an application for the grant of a premises licence under the provisions of the Licensing Act 2003, taking into consideration the representations of other persons and responsible authorities, as detailed in paragraphs 4 and 5 respectively, together with the policy considerations detailed in paragraph 6 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

## 2 Summary of Application

2.1 An application made by:

**Fancy Delivery UK Limited**  
**48, Hoxton Square**  
**London**  
**N1 6PB**

was received by the City of London licensing authority on 25 March 2022 for the grant of a premises licence in respect of the premises:

**Gopuff**  
**171-176 Aldersgate Street**  
**Barbican**  
**EC1A 4HT**

2.2 Full details of the application can be seen as Appendix 1.

2.3 The application seeks permission for the sale of alcohol for consumption on and off the premises. However, the application was amended by the applicant to remove the supply of alcohol on the premises leaving the application for off sales only. Amendment can be seen as Appendix 2. Times sought in the application are shown in the following table:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Supply of alcohol for consumption off the premises	N/A	Mon–Sun 00:00-00:00 (24 hours)
Opening Hours	N/A	Mon – Sat 00:00-00:00 (24 hours)

2.4 The operating schedule submitted with the application suggests steps intended to be taken in order to promote one or more of the four licensing objectives. Conditions consistent with this schedule which could be included as conditions on the premises licence are attached as Appendix 3.

### **3 Licensing History of Premises**

- 3.1 This is a new application for a premises licence with no previous licensing history. That being the case there are no complaints recorded against the premises.
- 3.2 The proposed application is to facilitate a grocery service that requires the sale by retail of alcohol off sales Monday to Sunday 00:00 to 00:00.

### **4 Representations From Other Persons**

- 4.1 There are 127 representations from 'other persons'. The representations are against the granting of the licence primarily on the basis that if granted it will undermine the licensing objective of 'the prevention of public nuisance'. It is also suggested that the granting of the application will undermine the licensing objective of 'the prevention of crime and disorder'.
- 4.2 The representations can be seen in full as Appendix 4.

### **5 Representations from Responsible Authorities**

- 5.1 There are 4 representations from Responsible Authorities namely, The Police, Environmental Health, Planning and Trading Standards. The representations are against the granting of the licence on the basis that if granted it will undermine one or more of the licencing objectives.
- 5.2 The representations can be seen in full as Appendix 5(1) to 5(4).

### **6 Policy Considerations**

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its statement of licensing policy and any statutory guidance issued under s 182 of the Licensing Act 2003.

### ***City of London Corporation's Statement of Licensing Policy (2022)***

- 6.2 The following pages/sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.
- 6.3 Pages 15-17 address the licensing objective 'The prevention of crime and disorder' and pages 22-25 address the licensing objective 'The prevention of public nuisance'.

Paragraph 92 states the need to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers.

Paragraph 92 also states an overriding policy principle namely, that each application will be determined on its individual merits.

Certain aspects of paragraphs 97 – 99 are relevant as they address the need of care when controlling noise from those persons leaving a premises – which can apply equally to staff at the premises.

Paragraph 104 considers various factors that should be taken into account when considering whether any licensable activity should be permitted.

Paragraphs 138-144 (Section 13) state the City of London Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

### ***Statutory Guidance***

The following sections/paragraphs of the statutory guidance issued under S182 of the Licensing Act 2003 are particularly applicable to this application (revised April 2018):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.15 states that it is, '*...important that in considering the promotion of [the public nuisance licensing objective, licensing authorities] focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.*' Also, paragraph 2.16 indicates that

the prevention of public nuisance could, in appropriate circumstances include, *‘the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.’*

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, *‘Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.’* To which is added; *‘Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.’*

## **7 Map and Plans**

- 7.1 Maps showing the location of the premises are attached as Appendix 6(a) and 6(b).
- 7.2 A plan of the premises can be seen as Appendix 7.

## **8 Summary**

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the licensing objectives. Each objective has equal importance. In carrying out its licensing functions, the licensing authority must also have regard to its Statement of Licensing Policy, any statutory guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The City of London Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City of London.

## **9 Options**

- 9.1 The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - i) grant the licence subject to any conditions consistent with the operating schedule modified to such extent as the Sub-committee considers appropriate for the promotion of the

- licensing objectives and include the mandatory conditions contained in Ss. 19-21 of the Licensing Act 2003;
- ii) exclude from the scope of the licence any of the licensable activities to which the application relates;
- iii) to refuse to specify a person in the licence as the designated premises supervisor;
- iv) reject the application.

For the purposes of paragraph 9.1(i) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added.

9.2 Where a licensing authority takes one or more of the steps stated in paragraph 9.1 above the applicant, or the holder of the licence and/or a person who made relevant representations in relation to the application, may appeal the decision to the Magistrates’ Court. Any appeal must be commenced within 21 days following notification of the decision to the appellant by the licensing authority.

**10 Recommendation**

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for the grant of a premises licence in accordance with paragraph 9 of this report.

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**Background Papers**

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2022)	MCP	3rd Floor Guild Hall
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. (April 2018)		<a href="#">Statutory Guidance</a>

