

# Licensing Sub Committee

**Tuesday, 23 July 2024 at 2.00 p.m.**  
**Committee Room - Tower Hamlets Town Hall,**  
**160 Whitechapel Road, London E1 1BJ**

## Supplemental Agenda

**3 .3 Application for a Variation of a Premises Licence for (Gopuff), 89 Hemming Street, London, E11 5BW (Pages 3 - 16)**

Supporting documents submitted on behalf of the Applicant.

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**IN THE TOWER HAMLETS**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR VARIATION OF “DELIVERY CENTRE” PREMISES LICENCE**

Gopuff, 89 Hemming Street, Bethnal Green, London E1 5BW

**APPLICANT’S SUPPORTING BUNDLE**

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**IN THE TOWER HAMLETS**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR A VARIATION OF A “DELIVERY CENTRE” PREMISES LICENCE**

Gopuff, 89 Hemming Street, Bethnal Green, London E1 5BW

**SUMMARY OF APPLICATION**

**The application**

1. The Applicant, Gobrand UK Holdings Ltd t/a Gopuff, is an experienced global operator of licensed delivery centre facilities. In central London, the Applicant currently operates 19 centres, with a further 17 centres nationally. Attached to this summary, is an Operation Overview of the application site that provides an insight into the proposed operation of the Premises.
2. The application site was a former automotive servicing business, offering amongst other things, MOT testing and automotive repairs prior to it being taken over by Gopuff. It is located within the arches under a major railway bridge (site outlined in yellow below):







Image of site circa June 2019.



Image of site circa September 2020.

3. The site is overlooked by a number of residential apartments that share this mixed use road, as can be seen in the following image:



#### 4. Engagement

5. No Representation has been made by the Environmental Health Officer.
6. No Representation has been made by the Police.
7. The Applicant has considered the Representations made by local residents and has identified the concerns raised. In response to these concerns, and in line with the best practices employed by the Applicant, the Applicant proposes the following new Condition 8a (in red text), to follow existing Condition 8 on the Premises Licence:

8. Deliveries will be made by electric vehicles (being electric mopeds or electric bikes) or bicycles or by foot to customers home addresses, wherever possible. Any other vehicle will not be permitted to provide delivery services from the premises at any time an electric vehicle is available.



8a. After 22:00 Sundays, 23:30 Mondays to Thursdays and midnight Fridays and Saturdays (until 6am day following), only electric or pedal powered vehicles shall be used by delivery drivers/riders delivering products sold from the Premises, to customers.

8. Further, the Applicant puts forward for the Committee Members' consideration, the attached Operational Overview and Safety Training documents, along with the example staff awareness poster that will be displayed prominently around the Premises. These policies and posters are supported by the contracts in place between the Applicant and their team of drivers, which state:

*"You must comply at all times with the Company's rules, policies and procedures in respect of health and safety, food safety, data protection, and harassment, and any other policies which the Company may notify you are relevant to your engagement, copies of which are available on request."*

9. The applicant will consider any other reasonable conditions, as they adopt a partnership approach to all stakeholders interested in their operation.

### **Policy Considerations**

10. Tower Hamlets Statement of Licensing Policy identifies the prevention of public nuisance as not only one of the four Licensing Objectives, but as a Main Principle of the Policy:

#### ***"4 Main Principles of the Licensing Policy***

*... 4.1 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:-*

*... 4.4 The prevention of public nuisance*

*Consideration of the prevention of irresponsible promotions, **methods of preventing and managing noise** and light pollution, and ways of managing litter."* [emphasis added]

11. The Policy goes on to note, in relation to Noise Nuisance:

*“9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence.”*

And:

*“13.5 ... The Licensing Authority considers that the possibility of disturbance to residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken.”*

12. The application site is not open to the public, serving as a distribution centre rather than a pub, bar, club or even a conventional grocery store. This avoids a number of the issues identified by the Policy; however, the comings and goings of delivery drivers and their behaviour when at the Premises are still relevant matters to consider. To that end, the Applicant submits that the conditions detailed above and in the current Premises Licence, enshrining the best practice adopted and detailed in the attached documents, address those matters appropriately.

13. In support of this Application, the Policy identifies that:

*“14 Shops, Stores and Supermarkets*

*14.1 The Licensing Authority will generally licence shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.”*

14. As a distribution centre, this application site is a lower-impact use than a traditional “Shop” that allows access to the Premises by the public. Further, it is open for on-line shopping until 2am, and will ultimately be open 24 hours a day.



## **Conclusion**

15. The Applicant has considered the concerns of local residents and provided a robust update to the Premises Licence Conditions (breach of which can result in an unlimited fine or up to 6 months in prison, or both) to address those concerns.
16. If any issues do arise, they have been and will continue to be ironed out quickly by this responsible, experienced operator. This approach serves the best interests of all involved and, in the applicant's view, it is simply the neighbourly thing to do.
17. The licensing sub-committee is respectfully invited to grant the Application to the extent set out in the Application papers, together with the updated Conditions - all of which are designed to promote the Licensing Objectives in an appropriate and proportionate manner.

**MARCUS LAVELL**  
**Barrister**  
**Keystone Law**

18 July 2024



**Gopuff’s Operational Overview of 89 Hemming Street, Bethnal Green, E1 5BW**

This document provides an overview of who we are, how we operate our site at 89 Hemming Street, Bethnal Green, E1 5BW (the “Site”) and how we manage our fulfilment and delivery operations to ensure we meet our responsibility to local residents to minimise noise and disruption and to also safely deliver age verified products in full accordance with our legal and regulatory obligations.

If you have any questions regarding issues not covered by this document please don’t hesitate to reach out to us at the following e-mail address: [matthew.michelson@gopuff.com](mailto:matthew.michelson@gopuff.com)

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**Who are we?**

We’re a full service on demand grocery company that delivers all of your daily needs, including cleaning and home products, over-the-counter medications, baby and pet products, snacks and drinks, as well as alcohol. We store about 4,000 products at each of our sites and we fulfill all deliveries made on our app directly from our own sites using our own drivers. Our customers range in age from 20s to the elderly, with new parents and customers over 35 being our fastest growing customer groups! During the COVID-19 pandemic, customers valued Gopuff’s contact-free delivery, and the ability to purchase a COVID test kit, soup and tissues all in the same order. From day-to-day to sick days, Gopuff is there for our customers in an instant.

We were founded in 2013 and are now serving customers in more than 1,000 cities in the United States, United Kingdom, France and Spain. We currently have 36 sites across the United Kingdom in London, Birmingham, Bristol, Cambridge, Cardiff, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield.

**What will be the opening hours at the Site?**

We currently operate and fulfill customer orders to 2am daily, and are rolling our 24-hours-a-day operation over the next 12 months.

**How do customers purchase products from the Site?**

Customers order products from the Site via the Gopuff app.

**Can customers walk into the Site to purchase products?**

No. This Site does not allow customers entry to purchase products.

To minimise food waste, we have a relationship with Too Good To Go across our network of sites in the UK where we make food products reaching their expiry available to the public for purchase at a significant discount. Such orders are collected by members of the public from the Site. We are deeply dedicated to this partnership, and since September 2021, our Gopuff UK sites have donated over 5 tons of food, or almost 5,000 meals to Too Good To Go.

**How do we deliver orders to customers?**

We deliver orders from our sites using our fleet of professional drivers.

All our deliveries from this Site will be made by our drivers operating bicycles, eBikes or electric mopeds, save for when no such conveyance is available, when we use ICE vehicles to meet our customers' demand. Our fully electric mopeds are energy efficient and generate little to no noise and are regularly maintained.

We have a dedicated area at the Site for our drivers with toilet facilities and other amenities. So, unlike most grocery and takeaway delivery operators, our drivers won't be loitering outside or in close vicinity to the Site awaiting orders and generating noise and nuisance for local residents and businesses.

Ensuring we are a responsible neighbour and minimising disruption to our community is one of our key priorities. Our neighbours are our customers and we provide training to our drivers on behaviour to avoid in or around our sites to minimise noise and disruption to the local area, including not leaving engines idling outside and not loitering outside the site or nearby residential properties. We also have signage affixed at the Site to remind our drivers to be courteous when entering and exiting the Site and the wider complex. Our on-site team also provide regular reminders on this to our drivers.

### **Do we sell alcohol?**

Yes, albeit alcohol products form only a small proportion of the overall number of products stored at our sites. It is key to us that customers have access to our full range of products at all times when making their choice for remote-delivery groceries.

We plan to fulfill orders from the Site 24 hours a day as we roll out these new, longer hours.

### **How do we meet age restricted delivery legal requirements?**

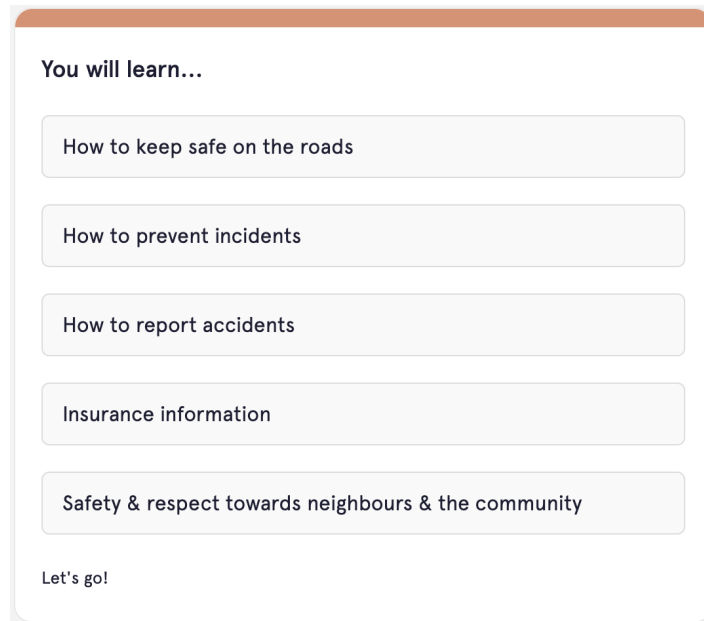
The safety and wellbeing of our customers is of utmost importance to Gopuff. We take our responsibility to ensure age restricted products such as alcohol are not delivered to minors very seriously.

It's Gopuff policy to check the customer's ID for all orders containing age restricted products, even if the customer looks older than the legal age for buying those items. Customers are notified in the app before placing an order containing an age restricted product, of the requirement to present valid ID upon delivery of the order, and are sent further reminders ahead of delivery. We only accept the following types of IDs from customers: Passport; European Union photocard driving license; Photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram; and National identity card issued by a European Union member state (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland.

When a driver pick up any order from the Site, the receipt attached to the package flags to our driver that the order contains an age restricted product. Our delivery app used by our drivers also notifies them and prompts our drivers to check the customer's ID. Where a customer is underage or unable to provide valid ID, our drivers will return the entire order to the Site and the customer is then refunded. All refused sales are logged by our drivers in our driver app and we retain records of such refusals centrally.

We provide dedicated training to all our drivers on our "*Age restricted product verification policy*" during their onboarding. This training is repeated quarterly by our drivers. We also have signage affixed at the Site to remind drivers to undertake ID checks when delivering age restricted products and our on-site team also provide them with regular reminders.

## Safety : EduMe Training



### Practice Safe Driving Techniques

Monitor blind spots, travel at safe speeds and reduce speed in work zones, keep up with regular vehicle maintenance, adjust driving techniques in bad weather, load cargo safely, and reduce speeds on curves to prevent your vehicle and cargo from tipping over.

### Be aware of your Surroundings

- Familiarise yourself with your delivery zone and routes e.g. what streets or shortcuts might be better avoided.
- Park near to the delivery address to avoid walking alone in areas.
- Take note of any vehicles that may be following you.
- Only deliver to valid addresses e.g. we cannot deliver to parks or street side.

### Physical Exertion

- Be sure not to carry loads that are too heavy on your back (bike)
- When using a cargo trailer be aware that the back of your bike may be heavier (bike/moped)\_
- Be careful when handing over heavier bags to customers or moving the cargo trailer




# Safety : EduMe Training

## Dress Appropriately

- Using lights, fluorescent strips and bright clothing will make you stand out more on the roads
- Wear a helmet - this will help prevent serious injury **(bike/moped)**
- Dress for the weather \_e.g. waterproofs for rain/snow and lighter clothes and sunscreen for sun. It is as important to protect yourself from sunburn and cold/flu as it is from falls. **(bike/moped)**

They are then asked a short quiz:

Choose the correct answer(s)




QUESTION 1 OF 3

What is this cyclist doing that is not safe?

- Using a phone and loosely holding handlebar on other side
- Wearing a tshirt
- Wearing sunglasses

Choose the correct answer(s)




QUESTION 2 OF 3

What should you be aware of in this situation?

- The roads might be icy
- Wearing warm clothing
- It's dark

Choose the correct answer(s)



QUESTION 3 OF 3

What is the main hazard here?

- The person in the red jacket crossing the road without looking
- The weather
- The road markings

Answers: A, ALL , A

# Safety : EduMe Training

## Preventing Incidents

- You can prevent incidents by being aware of other drivers/ cyclists on the road.
- Check your bike/moped before use \_e.g. check tyre pressure, handlebar alignment, gear changes, lights\_
- Check over your car before use and ensure ample petrol levels
- Do refresher safety training every 3 months

## Reporting Accidents

**\*\*We try to keep you as safe as possible while at work but accidents can happen!\*\***

- If an accident happens on the road, pull over to the side of the road & contact your MFC **\*\*when it is safe to do so\*\***.
- Note the vehicles, registration numbers and any passengers, as well as the incident scene.
- Never admit liability at the scene.

## Insurance

- Please share the name of our insurance company and policy number with anyone who asks at the scene of the accident. (The Store Manager of the MFC can provide this).\_(bike and moped only)\_
- **\*\*Zego\*\*** is the name of the company that provides our insurance \_(bike and moped only)\_
- Drivers must have an H&R insurance policy that runs alongside their SD&P policy \_(independent contracted drivers only)\_

## Our Neighbours are our Customers

**\*\*Please avoid:\*\***

- shouting/ loud conversations outside the MFC - particularly early morning and late at night.
- using horns
- leaving engines running outside
- loud music when coming and going from the MFC
- loitering outside the MFC or nearby residential properties


# Safety : EduMe Training

## While you're Waiting

- If your MFC has a driver waiting room you must wait in there rather than outside the premises or in your vehicle.
- Please park your vehicle responsibly as to not upset any nearby residents. \_e.g. do not park over double spaces, mopeds parked on pavements or bikes overflowing into pedestrian areas\_

## Quiz:

Choose the correct answer



What should you take pictures of at the scene of an accident (if possible)?

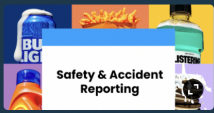
Vehicle(s) involved

Passengers

Location of the incident

Vehicle(s) Registration Number

Choose the correct answer



QUESTION 2 OF 3


What should you never admit to at the scene of an accident?

Liability

Your Age

Your Name

Choose the correct answer



QUESTION 3 OF 3

When will you get safety refresher training?

Every 3 months

Never

Every year

**Answers: All, A, A**

**WE'RE  
SUPER-FAST,  
NOT NOISY.**

**Please be respectful of  
our neighbours. Leave and  
enter the site quietly.**

**Thank you.**

**goppuff**