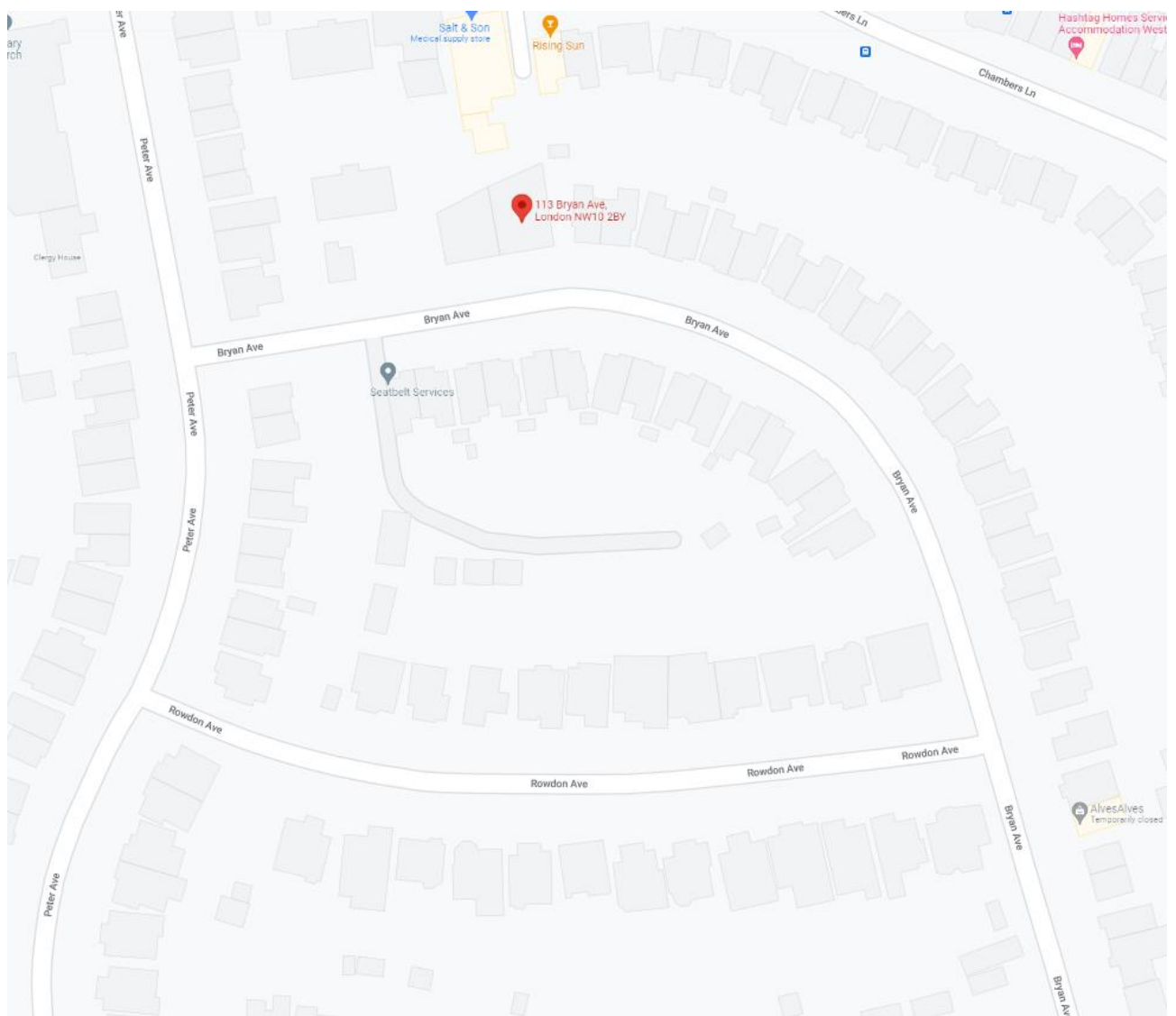


## **Background**

Premises Licence number 20885 was granted on 18<sup>th</sup> May 2021 in the Licensing hearing, subject to a number of conditions which can be found at **Appendix 1**. The premises begun supplying alcohol on 27<sup>th</sup> May 2021. To date there have been four Designated Premises Supervisors at the premises with the most recent being varied in March 2022.

The premises is licensed to supply off sales of alcohol by delivery only Monday to Sunday, from 08:00 until 00:00.

The premises in question is located at the above address and for point of reference, marked red on the following map:-

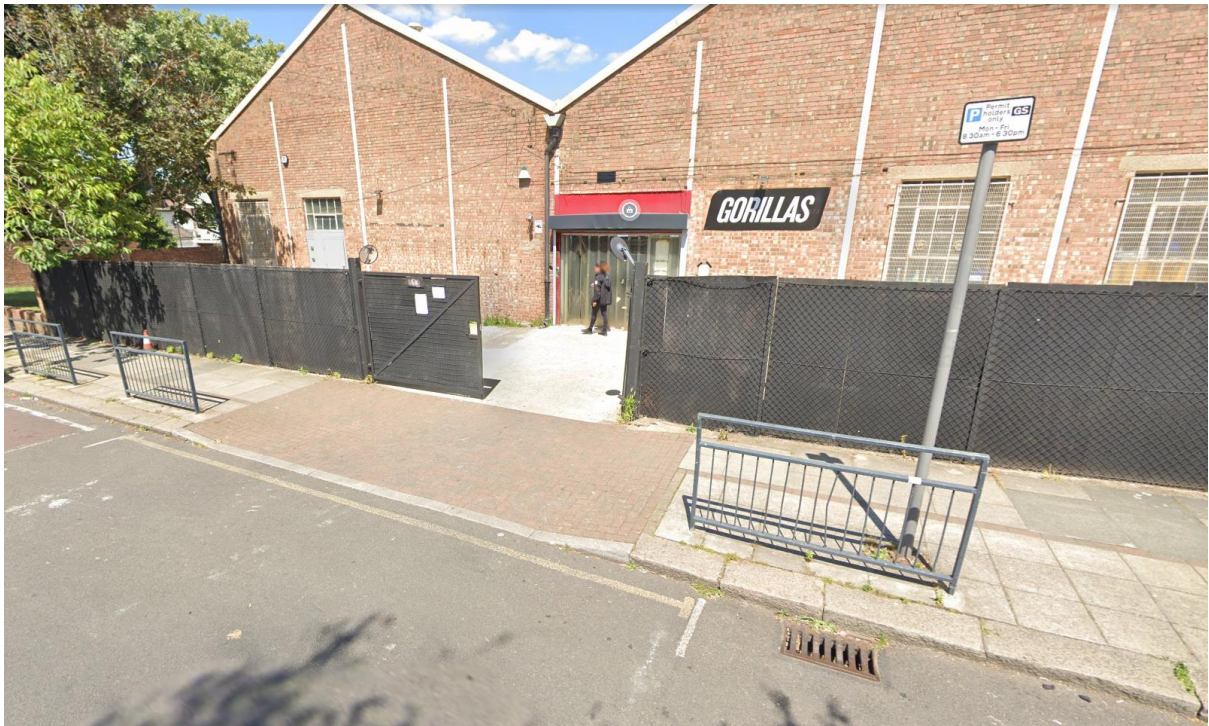


Gorillas Site Map

Gorillas, 113 Bryan Avenue, NW10 2AS – Supplementary Document



Photograph of the area outside the premises



Photograph of the entrance to the Gorillas site

### **Grounds for Review**

The grounds for review of the above premises are as follows;

#### **1. Public Nuisance**

- a) The premises repeatedly breaches condition 16 'Deliveries to the premises in vehicles of 7 tonnes or more are not to take place before 9am or after 3pm', despite this being imposed by the Licensing Sub-Committee on 18.05.2021.
- b) The industrial waste that comes out of the premises and into the neighbouring front gardens is causing a nuisance. This includes wrapping and delivery notes.
- c) The riders congregate both in the loading bay and in the street. They smoke cigarettes and drop their butts, they play music and talking loudly amongst themselves or on the telephone.
- d) The lights inside the warehouse and flood lights directly outside the premises are often on from 04:30hrs.
- e) The street outside appears to be damaged by the regular large vehicles that attend the premises. There is evidence of cracking in the tarmac directly outside of the premises, something that Gorillas are not being held accountable for.

Outcome:

- I. The residents are continuously woken out of their sleep by approaching, idling and reversing vehicle alarms undertaking deliveries inside and outside of the above permitted hours.
- II. The residents are unable to move freely up and down the street in their vehicles as the road is blocked by deliveries
- III. The residents are inconvenienced by the riders congregating outside making noise and dropping litter.
- IV. The residents have to clean up the waste that is left by the deliveries that take place.
- V. The residents are woken by the bright lights and noise coming from the warehouse from 04:30hrs.
- VI. The cracks in the tarmac outside is causing a nuisance to the residents as it is damaging where they reside.

#### **2. Public Safety**

- f) The premises takes no responsibility for the safety of members of the public. Delivery riders, ride with no lights on, pull in and out of the loading bay onto and off the street without checking oncoming pedestrians, ride at speed and do not stop at junctions, wear clothing that is too dark to be visible to members of the public and wear helmets that aren't strapped on. The riders have no consideration for members of the public and will ride on the pavement in close proximity to pedestrians.

Outcome:

- I. The residents are continuously on edge when walking in the local vicinity. Being aware of the above practices, they also fear for the safety of others that walk through who are oblivious to those practices.



- II. Residents also feel when they are away from their homes, their vehicles on the street are vulnerable with no one available to watch them in case there is an incident.
- III. At one point last winter a resident was providing riders with lights to use for their bikes so as keep them safe.

### **3. Crime & Disorder**

- g) After being told and provided with a photograph of an example of riders leaving and returning to the warehouse without any lights on, the Head of Legal for Gorillas UK stated that the photograph would need to be checked by their tech team to see if it had been digitally altered. This therefore suggesting that residents were modifying photographs. The riders have continued to be permitted to ride without lights with no one checking resident's concerns. This also remains to be of a public safety concern to residents. As a result of the suggestion that residents were being dishonest and other excuses for issues (See **Appendix 2**), an overt camera was set up on Bryan Avenue to capture:-

- Contraventions relating to riders
- Whether deliveries are going to residential properties
- Whether there are early and late deliveries taking place
- Whether deliveries are blocking the road and driveways

The outcome of this exercise can be found in **Appendix 3**. It shows that:-

- Riders are riding without lights on
  - Deliveries in large vehicles are not going to residential properties as suggested by the business
  - Early and late deliveries in 7 ton lorries are taking place
  - Deliveries to the premises are blocking the road
- h) Despite only being permitted to supply off sales of alcohol via delivery as per condition 6 'All sales of alcohol are for delivery only. Members of the general public must not be allowed access to the premises in order to buy, collect, browse or be supplied directly with alcohol at any time', in 2021 the premises were found to be permitting members of the public to attend the premises to purchase alcohol via the 'Too good to go' app. This practice has ceased in June 2021 but is mentioned to indicate the number of issues that have taken place at the business.
  - i) Condition 17 'A signature at the point of delivery should be obtained. No delivery shall be left without a signature' has never been met by the premises despite this being implemented by the Licensing Sub-Committee on 18.05.2021.
  - j) Prior to a meeting held on Monday 28<sup>th</sup> June 2022 where the conditions of the licence were checked. It was also found that condition 5 'The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises' and condition 'At the time the order is placed, a declaration will be required from the person placing the order that the person is over '18 years of age'', were also not being met. Considering the premises has only been in possession of their Premises licence for little over a month where the conditions had only just been agreed, it is irresponsible of the business not to ensure they had been met. These two conditions were subsequently met.

Outcome:

- I. Members of the public are at risk of being hit by a rider. This is an accident waiting to happen.
- II. Although the 'Too good to go' app is no longer in use in relation to alcohol sales, the premises breached and were irresponsible in their actions in permitting members of the public to collect alcohol from the warehouse when this breaches condition 6.
- III. The condition relating to obtaining a signature at the point of delivery was added by the Licensing sub-committee. The premises were asked to submit a variation on 4<sup>th</sup> October 2021. This variation was submitted as a minor variation. However due to the fact that the committee implemented this condition and further having discussed this with Brent's legal team, the reasoning surrounding the implementation of the condition in the first place, suggested that a full variation is required. This has not been submitted to date and therefore the premises remain in breach of condition 17.

The reasoning behind the condition was as follows:-

- It was mentioned during the hearing that alcohol related offences are on the rise including alcohol theft.
- It is believed that the requirement goes to (a) the prevention of crime and disorder and (b) prevention of a public nuisance . A signature would help monitor and trace deliveries to discouraged thieves and criminal activity .
- Concerns were also raised that the identity of the recipient of the order is identified, including children hence the protection of children from harm objective is also engaged. Brent's Policy 21 clearly states that; 'We aim to protect children by ensuring we carry out rigorous checks. The fact that a child can receive delivery of alcohol without it being an offence does not mean the local authorities is excused from its obligation to protect the welfare of that child'.
- The signature condition was specifically put to Gorillas' lawyer and he agreed with the condition saying, 'they have agreed do it any way'. Legal representation for members reminded the lawyer representing Gorillas that this was in line with our policy 21 and in line with pre hearing discussions held with him. The condition was then put to the Gorillas' lawyer to ask if he had any objections. His answer was, 'that is dealt with anyway, customers have to sign for their goods, there is no problem there'. The lawyer mentioned s151 at the hearing but still agreed to the conditions when he was specifically asked about them. Condition 17 also forms part of one of the model conditions used by Brent.

Brent Council's Policy 21 specifically states :-

Policy 21: Delivery Services • Policy: The Council expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance related to delivery vehicles, ensuring the security of premises, delivery drivers, and protecting children by applying rigorous age checks at both purchase and delivery points.

**Committee Hearing 18<sup>th</sup> May 2022**

The residents have expressed that during the initial Premises Licence application hearing they were told:-

- There would only be a few deliveries in vehicles of 7 tonnes or more per week. It was agreed and drawn up as a condition to take place between 9am and 3pm
- There is a large yard in the front of the warehouse for the lorries
- The gates to the premises would be kept closed at all times
- 15 riders in total, bikes will be kept inside the warehouse. Riders will be required to remain inside unless riding.
- Deliveries would be undertaken on the property within the loading bay and not outside on the public highway
- There would be a point of contact for residents should they need to speak to someone as per condition 19 'The licensee shall make available a contact name and telephone number for residents to make contact'. It was further agreed after the hearing that a named contact with contact details would be placed at the front of the premises for residents to communicate when necessary. This notice has never been replaced and has now become illegible.
- The first person to arrive at the premises will be around 6am. Last person will leave the site at around 12.15am. Locking up the site will take no more than 15/20 seconds. Everyone will be off site by 12.15/12.30am the latest.
- The Couriers are employees of Gorillas, paid by the hour.

Some of this has also been captured from the Licensing sub-committee hearing that took place. Most of the above has either not been put into place or has remained inconsistent.

### **Complaints**

Since the Premises Licence was granted on 18<sup>th</sup> May 2021, there have been in excess of 140 reports of nuisance (see **Appendix 4**). Each time the premises is contacted in relation to this, there have been seldom attempts to resolve any of the issues that residents face. I have had no further contact from the premises to resolve the presenting issues since they were emailed on 15<sup>th</sup> November 2021

The residents have, over the last 17 months attempted to speak to the premises about numerous issues. The staff at the warehouse apologise but the same issues continue. Where this remains unresolved, the residents have given up on making any contact with the business.

The premises in my opinion are not a responsible business and therefore should not be in possession of a Premises Licence. The residents on the other hand are aware that the Premises Licence provides some protection in terms of conditions attached to the licence and would prefer that the licence not be revoked.

To be clear, the residents do not oppose the business' existence but do not wish to be continuously affected by their operation.

### **Proposed Conditions**

The following proposed conditions, together with the existing conditions (see **Appendix 5**) would go some way in upholding the licensing objectives and rectifying the issues that the premises themselves are unable to. The reasoning for each condition is given directly after.

- 1. Deliveries to the premises shall be in vehicles no larger than a transit van and shall not take place before 9am and after 7pm Monday to Saturday and before 10am and after 5pm on a Sunday. Deliveries shall be made directly into the loading bay and not anywhere in the entire***

***street or surrounding streets. Where a delivery arrives outside of these times, they shall be told to leave and return during the correct timings.***

This would replace condition number 16. It has been noted that when deliveries take place at the premises, the vehicles seldom transport more than a few trolleys (it is usually in fact only a few crates) worth of items to the premises. Therefore a large vehicle is unnecessary.

Should the committee disagree with the above proposed condition, condition 16 'Deliveries to the premises in vehicles of 7 tonnes or more are not to take place before 9am or after 3pm', shall remain. However, the committee should note that the business has been unable to uphold this condition despite being aware that deliveries are still arriving outside of these times. In fact the representative for Gorillas, [REDACTED] stated he was happy for deliveries to be restricted to between 9am and 2pm. during the committee hearing for the initial Premises Licence application.

Further members should also be reminded that Mr [REDACTED] made a further comment confirming there is a large yard in the front of the warehouse for the lorries to undertake deliveries. This clearly needs to be conditioned as the business has not followed through on this.

Some deliveries are currently parking further down the road and then wheeling the rolling cages or crates on wheels along the entire road. This is causing a nuisance to residents.

***2. On arrival at the premises, all deliveries to the premises must turn off their vehicles in order to avoid idling. This includes turning off the refrigeration units.***

Vehicles idling has caused a great amount of nuisance to residents preventing them from enjoying their homes. Not only do deliveries arrive early, vehicles also remain turned on, causing continued nuisance.

***3. Delivery vehicles carrying deliveries to the premises shall not be permitted to reverse up or down Bryan Avenue.***

The premises is located in a residential area, the warehouse being the only commercial premises in the immediate area. Not only does the reversing vehicle create a noise nuisance for residents, it also poses a risk to public safety with persons crossing the road in such a narrow road.

***4. Delivery vehicles carrying out deliveries to the premises shall not be permitted to block driveways or other vehicular traffic from driving up and down Bryan Avenue.***

Large delivery vehicles that attend the premises regularly block the road preventing other vehicles from travelling through the road. This can cause drivers to blow their horn out of frustration, which then causes a nuisance to neighbouring residents. It also prevents residents themselves from travelling freely.

***5. Refuse collections shall take place between 9am and 3pm during the week and 10am and 3pm on Saturdays, with the exception of Sunday when there shall be no such collections permitted***

Refuse collections take place early in the morning and particularly on the weekends when residents are woken with the trucks arrival.

**6. A supervisor shall be present to supervise the leaving and returning of all electric bike riders undertaking deliveries to customers and arrival of all deliveries to the site. This should include:-**

- a) Checking that bikes are braking in enough time on approaching the premises and that they dismount on the public highway (not on the dropped curb leading into the premises).**
- b) Checking that riders are using their lights at appropriate times**
- c) Ensure that riders do not mount their bikes until they are on the public highway (not on the dropped curb leading out of the premises)**
- d) Ensuring that riders do not mount the curb or ride on the pavement on leaving or arriving at the premises**
- e) Ensuring that riders do not arrive or leave at speed**
- f) Ensuring that riders do not have earphones or headphones on when leaving or arriving at the premises**
- g) Ensuring riders are not using their phones when leaving or arriving at the premises**
- h) Ensuring that rider's helmets are strapped when leaving and arriving at the premises**
- i) Ensuring that no delivery riders are in the loading bay after 9pm unless they are carrying out a delivery**
- j) Ensuring that deliveries arriving at the site do not block any driveway or other vehicular traffic from moving freely**
- k) Ensuring that deliveries to the site are monitored from when the vehicle arrives to when it leaves the site**
- l) Ensuring that deliveries to the site do not impede on pedestrians walking past**

The majority of the issues take place outside the front of the premises. Where there is no one to monitor the delivery riders or arrival of deliveries, it is suggested that the above condition be put in place.

**7. Daily staff training for delivery riders will take place when delivery riders arrive at the premises at the beginning of their shift. The training shall include:-**

- a) Reminding riders to dismount on approaching the premises**
- b) Reminding riders to use their lights at appropriate times**
- c) Reminding riders not to mount their bikes until they are on the public highway (not on the dropped curb leading out of the premises).**
- d) Reminding riders not to mount the curb or ride on the pavement at any time and particularly on leaving or arriving at the premises**
- e) Reminding riders that they should not speed at any time but particularly on leaving and arriving at the premises**
- f) Reminding riders not to wear earphones or headphones, where this may prevent them from hearing other road users**
- g) Reminding riders not use their phones when they riding**
- h) Reminding riders that their helmets should be strapped when riding**
- i) Reminding riders that they must stop at junctions to prevent accidents with other vehicles and pedestrians**
- j) Reminding delivery riders they must not stand in the loading bay after 9pm unless they are carrying out a delivery**



***Delivery riders that fail to comply with the above, shall no longer be permitted to carry out any further deliveries for the premises. All training shall be signed and dated by the rider and additionally signed by the person carrying out the training. Such records will be available for inspection by Police and Local authority officers***

It is understood that delivery riders are not all employed by the company, instead they are employed via an agency. In order to ensure that they are fully conversant with what is expected and accountable for their actions, the above condition is suggested as being necessary. During the initial application hearing Mr [REDACTED] stated that ALL riders are employees of Gorillas, paid by the hour. Clearly this is not the case.

In addition to the above condition 14 'Staff training must be documented and based on legislation and operating procedures. All training shall be signed and dated and a copy of such records will be available for inspection by Police and Local authority enforcement officers' would remain.

- 8. After each delivery, a responsible person will check that no waste as a result of said delivery has littered the street. Where the street has been littered, this shall be cleaned up immediately.***
- 9. All delivery riders shall remain within the confines of the loading area in between deliveries. Riders shall not be permitted to stand in the street at any time. Before 10am and after 9pm riders shall not be permitted to stand in the loading area unless they are preparing for a delivery. Noise in relation to preparation for the delivery, shall be kept to a minimum so as to avoid disturbing neighbouring residents.***

Complaints have been received from residents whereby riders are congregating out on the street as a group or taking phone calls. The noise from this is causing a nuisance to neighbouring residents. Residents have also complained of riders spitting in the street which is understandably upsetting because the street forms a very strong part in what they care for.

In the committee hearing for the initial Premises Licence application, the representative [REDACTED] stated that the riders would remain inside the building unless riding. This has not been followed through and therefore should be conditioned.

- 10. All delivery riders shall wear clothing and carry bags that of a colour that is visible at all times of the day and night***

Gorilla riders currently wear black clothing which is not visible to other road users such as pedestrians including neighbouring residents. This also includes the black bags that they carry. This has caused near misses with riders coming to and from the premises. One resident who was nearly knocked over with his son, has to date never been contacted by the premises.



- 11. The gates to the loading bay must be kept closed at all times, unless someone is leaving or accessing the premises.***

Riders do not stop when they are leaving or approaching the entrance to the loading area. This would give residents extra reassurance that riders would slow down and dismount from their bikes before entering the premises.

- 12. The gates to the premises shall not make noise when being opened and closed shut***

Residents have complained that when the gates are opened early in the morning and shut at night, they make a very loud noise in doing so. The premises would therefore be asked to modify the gates to remove any such noise. If the above condition 11 is included, this will mean that the gates will be opened and closed more frequently and therefore be more of a reason to ensure the gates are not noisy upon opening and closing them.

- 13. A sign stating 'Riders must dismount before entering these gates' must be visible outside the main gates and visible to any rider approaching. A similar notice shall be placed on the inside of the gates which states 'Riders must walk their bikes out of the gates and ONLY mount bikes once in the street (not the dropped curb)'.***

In addition to the supervisory role mentioned above at condition 6, it is suggested that a notice is visible for all delivery riders.

- 14. The lights to the premises shall remain turned off from 1am until 6am, unless there is an emergency***

Residents have commented on occasions when the premises lights have come on in the night. When this happens, the lighting from the premises is causing a nuisance to residents.

- 15. The licensee shall make available a contact name and telephone number for residents to make contact. The name, telephone number and email address shall be provided on the outside of the premises, by the entrance. If contacted, the named person must provide a response in writing to the resident within 48 hours, with an outcome to the issue.***

Condition 19 currently states that the 'The licensee shall make available a contact name and telephone number for residents to make contact'. Residents are never able to find a consistent contact they can reach out to if there are any issues. The above would give residents some reassurance that if there are any issues, there is not only someone to contact, but someone available to resolve any issues. Residents are at times able to speak to a manager, not necessarily the contact they have been provided with. The issues with this, is that although they speak to someone, there is never any resolution to the continuous issues with no accountability for the businesses overall actions.

***16. A meeting shall be scheduled with residents by the named contact displayed on the front of the premises, every three months. The resident invitees shall include anyone residing in Bryan Avenue. The meeting will allow for discussion on any outstanding issues and any updates in changes to the business operation. These shall be followed up in writing to residents within 48 hours after the meeting has ended.***

The lack of response to residents is evident, but what is even more evident is the resolution to any of the issues.

***17. Music shall not be played in the loading bay at any time***

The residents report that riders congregate in the loading bay playing music with no consideration.

***18. All premises licence conditions shall be placed in the foyer of the building inside the entrance and visible to all members of staff including delivery riders.***

All members of staff should be made aware of what the conditions are under which the business are required to operate. It is clear that staff are either not aware or are ignoring the agreed conditions. By having the conditions displayed, there will be no room for anyone to claim they were not aware.

***19. The premises shall be equipped to deal with emergency situations and incidents, such as cones, tape and other relevant material.***

On 28<sup>th</sup> September 2022, on pulling off from the outside of the Gorillas warehouse, a delivery truck ripped out the railings that form part of the street furniture. The staff had nothing in place to boundary the incident. It took for one of the residents to find a cone further up the road and to provide their own gaffer tape to the business to cordon off the area.



### **Resident Statement**

The below was provided in an email from a resident in April 2022 in relation to the issues at the premises.

‘THIS CANNOT CONTINUE. I am having to adjust how I live in my own house by going to bed early on nights I am not working just to get more than 5hrs sleep. When I have evening shifts and don't get home till 12 I get less than 4hrs sleep before being woken. There is a wealth of scientific and medical information about the damage lack of sleep causes but unless I change career I can't be home and in bed by 8pm to get the suggested 8hrs of rest - and nor should I have to!

I didn't choose a house on a busy street, on a bus route, near a tube line, next to a school, or on a high street. I selected a quiet side road with a warehouse that was out of use but had previously worked normal 9-5 on weekdays and less or not at all on weekends.

We were told the operating hours would be 6am - 12am and that there would be 1 large delivery and a few smaller deliveries each day. This is clearly not the case and something must be done. I am sick of going over to talk to XXXX and getting the same apologies and platitudes with nothing changing. Sleep deprivation is a health risk and should not be allowed to go on - they don't ask their

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staff to work shifts the full length of their operating hours but with the noise they are creating we the residents are having to be awake across their full schedule and it is becoming increasingly unsafe’.

### **Summary**

The premises has been in operation for 17 months. Since the very beginning, they have breached their premises licence conditions and until today have failed to rectify any issues that are presented to them. The residents are given apologies but the issues continue. I have had no further response to the email I sent to the premises on 15<sup>th</sup> November 2021 in relation to the issues.

When the premises first opened, I was the first person to tell the residents to give the business some time to deal with teething issues, teething issues that have never ended. The residents do not object to the business being in operation but they would like to live in harmony and enjoy the peace in their own homes as opposed to feeling like they are in the middle of an industrial estate.

There is an option to revoke the premises licence, something that I consider to be the right course of action, however the residents have to live with the issues and if the proposed conditions go some way in restoring the life they had pre Gorillas, then I do not object to this.

What is clear, is that the Licensing objectives are not being upheld and the residents of Bryan Avenue and neighbouring streets cannot continue living like this any further.