

Essential Living Management Limited
(the “Applicant”)
Application for a new Premises Licence
150b Commercial Street London E1 6BD (the “Premises”)

Statement of Case

This statement is made in support of an application for a new Premises Licence with the intention of briefly outlining the Applicant’s case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing, if one is necessary.

Background

The Applicant is a well-established property fund which owns the freehold of the Premises. Positioned on the periphery of Shoreditch, A3 planning use permission has recently been granted to change the planning use of the ground floor and basement of the Premises from B1 office to A3 restaurant.

Currently a shell, if a suitable premises licence is granted, the ground floor basement will be let to a start-up Mexican restaurant operator, Rico’s, which is owed by Ry Jessop, formerly the Executive Chef Director of the six strong Homeslice pizza restaurant group. A mood board depicting Rico’s proposed fitout is at **annex 1** with indicative food and drinks menus at **annex 2**. It is anticipated that the restaurant will have 90 covers. Rather than have only waiter/waitress service, the intention is that, after being greeted at the meeting station near the entrance, patrons will be asked to order their food before it is served at table or, where possible, directly, in much the same way as happens at the popular Nando’s group. This is an essential aspect of providing a relaxed Mexican ‘vibe’. It will not be ‘fast food’ with the average spend likely to be in the region of £16 to £20.

The Application

Care was taken with the application to ensure that conditions were proffered, not only with the four licensing objectives in mind, but also to 'future proof' any granted Premises Licence so that the Premises could not morph into a bar. In particular, the application included reference in the operating schedule to alcohol only being sold with a meal and only framework hours are being sought.

Representations

Whilst the Applicant was pleased not to receive any representations from local residents, representations have been made by the Licensing Authority and Environmental Health.

The Applicant's comments on those representations are as follows:

The Licensing Authority

The Applicant is aware that the Premises is located within the Brick Lane Cumulative Impact Zone and that this presents a rebuttable presumption to refuse the application which needs to be overcome. Whilst framework hours are not to be regarded as the 'normal' terminal hour, an example of an operation which may be considered exceptional are 'premises which are not alcohol led and operate within Framework Hours, such as coffee shops'. Whilst the Premises is to be run as a restaurant, rather than a coffee shop, the principle remains that the operation is not to be alcohol led. The projected split between alcohol and other sales is predicted to be 70/30 towards food. Furthermore, dispersal will be quick and easy. The Premises is on several bus routes with Liverpool Street, Aldgate and Aldgate East tube stations also being in easy walking distance.

Nevertheless, the Applicant is happy to accept most of the conditions requested (many of which are similar to those proffered with the application), namely:

- **The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be**

covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- When the designated premises supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
- There shall be no “vertical drinking” of alcohol at the premises.

The difficulty with the suggested restaurant condition is that:

- as explained above, the proposed style of operation does not allow for customers to be ‘shown’ to their table;
- there will not be full waiter/waitress service; and
- for stylistic reasons, the food will not necessarily be served on non-disposal crockery.

However, the proposed operation would allow a more encompassing restaurant condition than that proffered with the application, namely:

- **The premises shall only operate as a restaurant:**

- **which provide food in the form of substantial table meals that are prepared on the premises;**
- **which do not provide any take away service of food or drink for immediate consumption;**
- **which do not provide any take away service of food or drink after 23.00,**
- **where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there,**
- **and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.**

Environmental Protection

From the representation made by Environmental Protection, it would appear that their only concern is the ability to have outside tables due to 'noise outbreak from the external use of the venue affecting neighboring residents'. Whilst Commercial Street is busy with high levels of background noise well into the evening it is accepted that patrons outside the premises could disturb local residents unless controls are in place. Therefore, the applicant is happy to proffer two further conditions, namely:

- **No more than 6 patrons will be permitted to consume alcohol outside the premises at any one time.**
- **Patrons will only be permitted to consume alcohol outside whilst sat at tables.**

Conclusion

With the further conditions now proffered it is hoped that the concerns of the two statutory authorities have now been elevated. However, if not, the Applicant would welcome discussions and contact details for the writer, Niall McCann, can be found in the email accompanying this statement.

Niall McCann
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