

DIRTY BONES
1 CLUB ROW
LONDON
E1 6JX

SUMMARY OF PROPOSALS

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Reference: TOM/PAN.1.5
Solicitors for the Applicant

INTRODUCTION

1. Dirty Bones is a restaurant and bar situated at 1 Club Row, London E1 6JX ("**the Premises**").
2. The Premises currently has a licence for the on sale of alcohol and late night refreshment from 10:00 to 23:30 Monday to Thursday, from 10:00 to 00:00 (midnight) Friday and Saturday and for the sale of alcohol from 10:00 to 22:30 on Sundays, closing 30 minutes thereafter.
3. The Premises has operated successfully as Dirty Bones for over 4 years.
4. The Applicant is not aware of any issues or complaints associated with the operation of the Premises either to the Licensing Authority or direct to the Premises.
5. Dirty Bones is a New York City-inspired dining concept, specialising in gourmet on-the-bone meats, using top quality ingredients.

APPLICATION

6. The application is to:
 - a. Vary the terminal hour for the sale of alcohol and late night refreshment to 01:00 Monday to Sunday, closing 30 minutes thereafter at 01:30.
 - b. Include the sale of alcohol for consumption off the premises, subject to the following condition:

"All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises."
 - c. Amend the existing non-standard timing to read:

"From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day."
7. Following consultation with the Metropolitan Police Service, the following **additional conditions** have been agreed, and have resulted in the Police not submitting a representation against the application:
 1. *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.

- 2. 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.*
- 3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:*
 - 3.1 all crimes reported to the venue;*
 - 3.2 all ejections of patrons;*
 - 3.3 any complaints received concerning crime and disorder*
 - 3.4 any incidents of disorder;*
 - 3.5 all seizures of drugs or offensive weapons;*
 - 3.6 any faults in the CCTV system, searching equipment or scanning equipment;*
 - 3.7 any refusal of the sale of alcohol;*
 - 3.8 any visit by a relevant authority or emergency service.*
- 4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:*
 - a. the police (and, where appropriate, the London Ambulance Service) are called without delay;*
 - b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;*
 - c. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and*
 - d. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.*
- 5. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and /or [XX], shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.*

6. *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
 7. *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.*
 8. *The Premises shall adopt Central East Licensing drugs policy which is attached.*
 9. *The premises shall have a written risk assessment for all licensable activities and events taking place at the venue which will be made available to Police upon request.*
8. Where similar conditions are already endorsed on the licence these updated versions will replace them, ensuring the premises licence is fully up-to-date with all requisite standards and requirements.

POLICY

BRICK LANE CUMULATIVE IMPACT ZONE

9. The Premises is located in the Brick Lane Cumulative Impact Zone. The applicant must demonstrate that the variation sought will not negatively add to the cumulative impact already experienced within that cumulative impact area.
10. The applicant submits that extended hours will not add to cumulative impact for and cumulatively the following reasons:
 - 10.1 The premises has operated without complaint or incident since opening, which must be some evidence of the likelihood that they will not add to cumulative impact;
 - 10.2 Paragraph 19.3 of the Licensing Policy references local crime mapping and levels of crime in disorder in its reasoning for maintaining the Brick Lane CIZ. The significance of no Police representation raised against the application is an important indication as to the **lack of crime associated with this particular premises** – indicative of an exceptional justification to grant the application as sought.

- 10.3 The premises licence incorporates a good practice regime into the management process, with the operation of a Challenge 21 policy (to be updated to Challenge 25), management of smokers and cleanliness of the external area from building line to kerb edge and management of noise to the nearest noise sensitive premises. All such conditions will extend to the additional timings sought.
- 10.4 The concern for late night premises ignores the positive impact that a well-lit and managed premise can have in deterring crime and disorder, as well as promoting public safety in the vicinity. It is submitted that the track record and premises licence conditions (existing and proposed) affords the premises the opportunity to be such a deterrent.

POLICY – FRAMEWORK HOURS

*"Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, **will be decided on their own merits** and with particular regard to the following¹:..."*

Particular regard to...	Specifics of Application addressing these factors
(a) The location of the premises and the general character of the area in which the premises are situated (i.e. does the area include residential or business premises likely to be adversely affected).	The premises are located on a busy thoroughfare at the B122 junction with Old Nichol Street. No representation submitted by any neighbour – residential or business.
(b) The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises.	Sale of alcohol and late night refreshment will cease at 01:00 with the premises closing by 01:30.
(c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder and the prevention of public nuisance.	See existing premises licence conditions and additional conditions agreed with the Police (paragraph 7 above). The Police have withdrawn its representation following agreement of additional conditions.

¹ Policy paragraph 14.8

(d) Where the premises have been previously licenced, the past operation of the premises.	The applicant is unaware of any issues or complaints raised in respect of the premises since it began operating as Dirty Bones.
(e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.	Both train and bus transport links within close proximity - nearby Shoreditch High Street Train Station (London Overground) and a short walk from Bethnal Green Road, a very busy through route and used by a large number of night buses and taxis.
(f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.	See report

REPRESENTATIONS

POLICE

11. The Applicant has satisfied the concerns raised by the Police in their representation with the addition of conditions as set out at paragraph 7 above. As a result, the Police did not submit a representation against this application.

ENVIRONMENTAL HEALTH

12. The Environmental Health Officer has raised concerns with *“noise breakout from the venue affecting neighbouring residents.”* The premises licence already safe guards against this with the following conditions, which will apply to the extended hours applied for:
 - “10. No music or amplified sound shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises.*
 - 11. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.”*

13. In terms of access and egress, the premises are not aware of any issues or concerns that have been recorded against it. It is a well managed premises with existing conditions promoting the consideration of neighbours as set out at paragraph 12 above.

LICENSING AUTHORITY

14. It is noted that there is no objection to the re-wording of the New Year's Eve non-standard timing.
15. There appears to be a misunderstanding on behalf of the Licensing Authority in respect of the off sales element of the application. The removal of existing condition 2 (*"No drinks shall be taken outside the premises"*) is simply to allow off sales of alcohol purchased to be taken away from the Premises. To be clear, there is **no** intention for there to be external drinking at the Premises. The variation seeks the ability to sale alcohol for consumption off the Premises only. To reinforce this, a condition has been offered as part of the application that such sales will be **restricted to sealed containers**:

"All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises."
16. The Licensing Authority's concerns about *"alcohol fuelled anti-social behaviour/crime and disorder as people leave the premises"* are not shared by the Police.

INDIVIDUAL REPRESENTATIONS – RESIDENTIAL OR COMMERCIAL

17. None submitted.

CONCLUSION

18. The Premises is a restaurant and bar with a clean proven track record.
19. The applicant has offered additional, appropriate conditions, which bring the licence up to date with current preferred conditions.
20. The Police, following the applicant's proposed conditions, have not made a representation against the application. This is significant given the location of the premises in the CIZ.
21. There are no individual residential representations to the application and no specific evidence suggesting this application will have a negative impact on the CIZ.
22. In light of the above, it is submitted that the application is appropriate for grant.

21 July 2020