

Wendy Hansen

From: Marina Vincent
Sent: 04 June 2021 09:52
To: corinne.holland@towerhamlets.gov.uk
Cc: Lavine Miller-Johnson
Subject: Ref: LIC/137564/CH - New premises Licence application - Chau-UK - 3-6 Steward Street (CHA499/1)
Attachments: Cumulative Impact Policy.pdf; 03/06/2021 23:55 - Chau-UK - Delicious Pho Dispersal Policy 2021.pdf - - ATT.pdf

Dear Ms Holland,

I write on behalf of the applicant to respond to your letter of 21 May objecting to my clients application for a premises license. I refer to the headings in your letter.

Cumulative Impact Policy

Please see attached my clients Cumulative Impact Policy taking into account that these premises are within the Brick Lane Cumulative Impact Zone.

With regard to membership of Pubwatch or other trade groups, our client has made extensive enquiries and has been unable to find an active scheme to join. Our client is ready and willing to join such a scheme. Are you able to recommend one? Alternatively, my client is willing to start such a scheme. Our client is not yet part of any Accreditation of Award Scheme, but again, would be ready and willing to participate in such a scheme.

With regard to good operational practice and promoting the licensing objectives, please see the Cumulative Impact and Dispersal Policies attached.

With regard to whether this application falls within the ambit of "exceptional circumstances" we would refer to the example:-

"instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the Special Policy Area"

This appears to be aimed at not increasing the number of licensed premises in the Zone. My client has not had premises in the Zone before, but these premises were formerly restaurant and take away premises, and accordingly would not add new licensed premises to the Zone. Ideally my client would have taken a transfer of a Licence, but the former occupier surrendered the Licence in July 2018. It may be said that July 2018 is not recent, but as the premises were not used for any different activity since then, and as activity has been interrupted generally because of the Covid 19 restrictions, my client would argue that this should be considered as if it were a situation of a recent surrender of an old Licence.

Licensable activities and times

The applicant is willing to adopt the framework hours set out in your letter.

Application

As detailed in the attached Cumulative Impact Policy, off sales of alcohol will only be made for pre-ordered click and collect and through delivery partners(Deliveroo/UberEats/Just Eat), so sales will not be made to walk in customers.

My client believes it has addressed the issues of disturbance to local residents by adopting the framework hours and by the terms of its Dispersal Policy attached.

In the circumstances I ask that you reconsider your objection to our clients application. Our clients Director, Kevin Huynh is happy to discuss any further concerns with you to try to resolve any outstanding issues.

Yours sincerely,

Marina Vincent

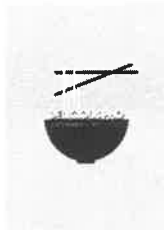
Brick Lane Cumulative Impact Zone Cumulative Impact Policy

This policy recognises that 3 – 6 Steward Street, Spitalfields, E1 is in the Brick Lane Cumulative Impact Zone. By this policy, Chau-UK Limited, trading as Delicious Pho, (Chau-UK) confirm the steps it will take to address the issues of crime and disorder and/or public nuisance which can arise due to high numbers of people and late-night drinking in this area.

1. The premises previously had the benefit of a Premises Licence and were used for a restaurant and take-away until July 2018. Accordingly, the grant of this licence will not be new and will not add to the impact in the area. The applicant will adhere to framework hours of opening and licensable activities will stop 30 minutes before closing.
2. The applicant will join Pubwatch or similar schemes in order to comply with and uphold appropriate standards aimed at avoiding crime, disorder and public nuisance.
3. Chau-UK's premises will be offering friendly service and the best of Vietnamese cuisine. The emphasis is on tasty and healthy food rather than alcohol sales and is not likely to attract visitors who might be intoxicated or disorderly. There is a separate area selling take away food (subject to the restrictions set out below) and a limited range of alcoholic beverages as off-sales.
4. Walk in patrons will not be sold alcohol to avoid the risk of customers purchasing and consuming their food and alcohol in the street. No seating will be provided outside the premises, so customers are not encouraged to remain in the area. Alcohol will only be sold with pre-ordered click and collect orders or orders through delivery partners such as Deliveroo/UberEats/Just Eat.
5. At the entrance for the restaurant, there will be a stand for staff to meet customers and arrange for them to be seated. If the restaurant is full, no one will be allowed to wait on the premises to be seated and will be asked to make a later booking or return later to try again. Accordingly, there will be no queuing for a table.
6. Customers wishing to smoke will be directed to a designated smoking area across the road and opposite to Brushfield Street. A maximum of 5 customers will be permitted to leave the premises to smoke at any one time.
7. If any customers asking for a table or attending the take-away section appear likely to be disorderly, or are intoxicated, they will not be seated and will be asked to leave. The staff will be trained how to deal with such clientele, and management will always be available and door supervisors will be employed at necessary.
8. It is not intended to run promotions where unlimited or unspecified quantities of alcohol are available for a fixed or discounted fee.
9. Tables can be booked in advance as well as taken by passing clientele. In order to ensure safe and orderly dispersal of customers at the end of the evening, Chau-UK intend to make the last table available for 6 diners or more

at 10pm and the last table for 5 or less diners to be 10.45pm. It is hoped that this will help stagger the number of customers leaving the premises at the end of the evening.

10. The applicant will operate a Dispersal Policy which is provided with this Policy. The premises are ideally situated to disperse customers. They are within easy walking distance of Liverpool Street main line and tube station and bus routes
11. Signs will be placed at the exit to the restaurant advising customers of the travel options and offering to assist customers in finding appropriate transport away from the premises. Staff and Door Supervisors will be trained to offer assistance/advice to customers regarding transport away from the premises and would be able to assist in arranging taxis.
12. To avoid nuisance to local residents the applicant will only allow deliveries between the hours of 9am and 5pm, and will source produce locally to avoid multiple deliveries. Suppliers will be instructed that that their drivers will not leave their engines running.



DISPERSAL POLICY

1. PURPOSE

This policy is designed to provide guidance for the management and employees and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps the premises will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

All staff are compelled by their contract of employment to comply with and actively implement this dispersal policy; where their job role includes these responsibilities.

It is the responsibility of the Designated Premises Supervisor to ensure that this policy is enforced at the premises and to regularly update the policy to meet the requirements of the business.

2. LOCAL CO-OPERATION

The premises will work in co-operation, where appropriate, with other premises in the area to ensure that local policies are co-ordinated.

The premises will, where practicable, work in partnership with Responsible Authorities through Pubwatch or similar partnership group to share information and best practice.

Where reasonably possible, the Premises will actively enrol in schemes such as area wide joint-radio systems, with the Police or other Responsible Authorities.

3. DISPERSAL

Dispersal shall take place through the front door of the premises onto Steward Street.

All conditions relating to dispersal included in the Premises licence will be enforced and relevant staff will be trained in these conditions, as well as the terminal hours and operating hours outlined on the premises licence.

Allocation of staff in the last 30 minutes prior to closing will be reviewed, to ensure that the collecting of glasses/plates and the clearing of other waste is prioritised; this provides a message to customers that the premises is in the process of closing and encourages them to finish their drinks and prepare for departure.

A suitable member of staff or a Door Supervisor will be visible at each public entrance/exit to control the dispersal, to remind people to leave quietly and to prevent patrons from re-entering the premises.

Action Points:

- Ensure adequate signage is available at each exit asking people to leave quietly and not to congregate outside or in the local area; direct patrons attention to these signs as they leave.
- Remove drinks and glass vessels from patrons as they leave to ensure no glass leave the premises.

4. DOOR SUPERVISORS/ TRAINED STAFF

Door Supervisors Licensed by the Security Industry Authority will be employed by the premises based upon the risk assessment carried out in relation to the following factors:

- Special event/occasion (New Year, Halloween, Local Festivals etc.)
- Premises Licence Conditions

Door Supervisors will not be employed on regular trading days when there are no special events/occasions and trained staff will be assigned this role.

Door Supervisors/Trained Staff will be tasked with:

- **Dispersal from the Premises.** Door Supervisors/Trained Staff shall assist with the dispersal of customers from the area. The purpose of an effective dispersal is to ensure that patrons leave the area quickly, quietly and in an orderly manner.

The most effective approach to dispersal is to be friendly and helpful, understanding that one of the effects of alcohol is to inhibit the effective decision-making ability. What may seem obvious and logical to a sober person, may seem confusing and complicated to a person who has consumed alcohol.

People loitering may be doing so because they are unable to make a decision or easily access the information they require; often they will disperse when they are given this information. Many patrons will move on if they can be helped to achieve one of the following outcomes:

- How to get home?
- Where they can go next?

By providing this information it can encourage them to leave the immediate area more quickly.

Just because someone arrived using one form of transport, do assume that transport option is still available to them or that they can remember immediately how they arrived. Give them options, and offer assistance:

- Call a local taxi
 - Provide information on local bus / train / underground routes
 - Help to locate their friends
 - Call someone for them
- **Door Supervisors/Trained Staff will be easily identifiable.** The law requires Door Supervisors to display their SIA Licence, however, where Door Supervisors are not required, trained staff will be in uniform to provide greater awareness of their presence.

Action Points:

Door Supervisors/ Trained Staff can expediate the dispersal of patrons with their actions both at closing time by:

- Controlling the level of intoxication of patrons throughout the night and acting appropriately when people become intoxicated.
- Encourage patrons to leave gradually via the appropriate exits at the end of the night; try and avoid large numbers of patrons all leaving at the same time.
- Provide information about the transport options from the premises.
- Remove drinks and glasses from those leaving the premises
- Remind people who are leaving to do so quietly and direct their attention to the signs displayed
- Ask patrons not to assemble or loiter outside the premises once they have left; politely reminding people who do not comply that they may be refused entrance in the future if they fail to disperse.

5. SIGNAGE & LIGHTING

The following signs will be displayed at the premises:

- Signs requesting patrons to Leave Quietly and Respect the Neighbours
- Signs to inform patrons that drinks may not leave the premises at any time.

These signs are to be displayed prominently at every public entrance and exit from the premises.

Lighting (Internal) – The premises will turn on all lights to maximum setting 30 minutes prior to closing time; the time by which every patron must have left the premises.

Turning the house lights on to maximum is a clear indication to patrons that the premises is in the process of closing and generally encourages patrons to leave gradually over the following 30 minutes. There is a distinct advantage to patrons leaving of their own free will as they are much more likely to leave and disperse, then if they are asked to do so.

Lighting (External) – External lighting should be sufficient for patrons to leave the premises safely. Providing sufficient lighting in the external areas of the premises will encourage patrons to leave.

External lighting will be regularly reviewed to ensure it is not a cause of nuisance to neighbours.

Both internal and external lighting will be regularly reviewed to ensure it does not impede the effectiveness of CCTV.

6. TRANSPORT

In order to facilitate the dispersal of patrons from the premises, patrons will be provided with information on the various means of transport available from the premises:

- **Taxi & Taxi Ranks** – The premises shall display the number of a local taxi company and the location of any taxi rank located in the proximity of the premises. The local taxi company whose numbers are displayed will be contacted to advise them of the location of the premises and informed of the appropriate collection point; they will be asked not to sound their horns on arrival.

Where a taxi has been called for a Patron, those persons will be asked to wait inside for their taxi to arrive.

- **Local & Night Bus Services** – 8, 11, 26, 42, 78, 135, 205, N8, N11, N26, N205, N242
- **Underground** – Liverpool Street and Liverpool Street Station
- **Main Line Trains** - Liverpool Street Station
- **Car Parks** - The use of cars as a form of transport will be discouraged.

Door Supervisors/Trained Staff will be aware of patrons venturing into the street as they leave the premises and control this in order to promote Public Safety and prevent the potential for accidents and injuries.

7. SMOKING AREAS

The Premises will direct patrons to a designated smoking area opposite the premises in Bishops Square, which is recognizable by the landmark the I Goat Statue.

The maximum number of patrons permitted to leave to the smoking area at any one time is restricted to 5.

No drinks, glasses or bottles are permitted to leave the premises. Patrons will be asked upon leaving that once they have finished smoking, they should return inside the premises immediately to reduce the noise generated outside the premises. Any patrons leaving to smoke 30 minutes before closing will not be readmitted.

A member of staff will regularly check and clear any litter to ensure this area is kept clean and litter free.

8. BOTTLES, GLASSES & LITTER

The premises will maintain the area immediately to the front of the premises clear of bottles, glasses and litter by regularly sending a member of staff to the area to clear these items.

No glasses, bottles or other drinks are permitted to leave the premises and it is the responsibility of the Door Supervisor/Trained Staff to ensure this rule is enforced. This includes preventing such items being taken away from the premises at the end of the night.

It may be the case that glass bottles and glasses are brought to the area from other premises and left in the vicinity or at the front of the premises. It is the responsibility of the Door Supervisor/Trained Staff to ensure none of these items enter the premises or the smoking area.

Despite these items not originating from the premises, it is the responsibility of staff to clear them on a regular basis and to check at the end of the night that no such items remain to the front of the premises.

Effective house-keeping of this nature reduces the chances of glasses and bottles breaking or causing potential accidents. Consideration should also be given that such litter causes a nuisance to neighbours and while much of this may not originate from the premises an effort should be made to clear such litter as is reasonable by way of being a good neighbour.

Action Points:

- Place signs at the exits reminding customers that drinks may not be removed from the premises or be taken into the smoking area.
- Prior to closing the premises check that all litter to the front of the premises has been cleared
- Sweeping outside the premises at the end of the session not only clears smaller rubbish, but may assist in getting patrons to move away from the premises.

9. LOST PROPERTY

Any possessions that are found left behind at closing will be held for a period of three months unless claimed by their owner. At this time they will be donated to local charities and no claim can be made against the company. Notices to this effect will be displayed at the premises.

10. 'SOFT CLOSURE' - MUSIC & ENTERTAINMENT

A 'soft closure' is in place at the premises, this is designed to close the premises more slowly and thus to encourage a more even dispersal rather than everyone being asked to leave at the same time. This in turn seeks to minimise the potential for noise and anti-social behaviour which can occur when larger numbers of people leave a venue at the same time.

The music volume will be turned down 30 minutes prior to the premises closing and turned off 20 minutes before closure of the premises. This advises patrons that the premises is closing and also allows them to finish their drinks in a quieter environment; this in turn will reduce the noise patrons make when they leave. Patrons who leave a loud premises will naturally talk more loudly once they leave, thus the potential for nuisance is greater.

The music will not be turned back on by staff for their own entertainment while cleaning the premises, once customers have left the premises.

11. CONTROLLING CUSTOMERS & PREVENTING LOITERING

There are a number of solutions already described earlier in the policy on strategies which will help move people away from the premises and disperse them. However additional consideration can be given to the following:

- Lighting
- Notices and signage
- Staff allocation
- Thanking patrons on the way out; this also encourages them to return by ensuring their final interaction with staff is positive.
- Staff should be aware when leaving after their shift, where background noise may no longer drown them out, staff can be a source of nuisance themselves.
- Consideration should be given to additional training for key staff. Intoxicated customers may react more positively to messages from staff other than Door Supervisors. People who are intoxicated are instinctively adverse to authority figures, such as the police or door supervisors. While the Police and Door Supervisors are trained to handle conflict, the vast majority of patrons are not involved in conflict and for them a more positive outcome may be achieved by other staff providing them with the messages and information they require.

Created 01st June 2021 – Kevin Huynh