

**LICENSING ACT 2003 APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR
DISCOUNT SUIT COMPANY (LIBERTY LOUNGE), 1A BELL LANE, LONDON E1 7LA**

WITNESS STATEMENT OF ANDREW KERR

I, **ANDREW KERR**, of The Umbrella Projects Limited of 24 Old Bond Street, London, United Kingdom, W1S 4AP (**the Company**) say as follows:

1. I am a joint founder and director of the Company, a position I have held since 2013 when the Company was founded. My remit within the Company includes oversight of the licensing of each of the Company's venues as well as general management of operations.
2. I have 24 years of experience in the hospitality industry including numerous positions in high end restaurant and bar operations in the UK, plus designing, building and opening a hotel in Mexico and many other consultancy roles. I have been a personal licence holder for 10 years. The licence for the discount Suit Company (DSC) is in my own name.
3. The Company was set up by me and my two business partners, Alistair Tatton and Stephen Thompson. We now run three establishments with a view to expanding. We currently employ 20 staff across three sites and brewery operations (Discount Suit Company, The Sun Tavern, The Umbrella Workshop and Umbrella London).
4. The DSC has been open since January 2014. It is a basement cocktail bar with a speakeasy atmosphere. It has no signage or advertising outside and sits beneath a formal wear clothes shop. The capacity is 60 people, with 41 people seated. We are currently open from 5:00pm until midnight on Sunday to Thursday and until 1am on Friday and Saturday.
5. We are requesting an extension of our licensed hours by one hour on Thursday to Saturday.

Background

6. The DSC has a small menu which serves up to nine high-end, vintage-inspired, cocktails with a limited wine list and bottle beer selection.

7. We serve some small plates intended as accompaniments to the cocktails; these include a cheeseboard, hummus and breadsticks and olives. All our menu items are dine-in only, meaning there is a low risk of patrons littering. A copy of our menu is appended to this statement (Annex A).
8. Our patrons tend to be aged between mid-twenties to those in their sixties. In the week, our customers are likely to be professionals finishing work and, on the weekend, it is a mix of local people and tourists. Our customers come to DSC as a destination to have artistically made cocktails with good music, as opposed to a low-cost late-night place where the volume of alcohol to be consumed may be more of a priority.
9. The DSC very rarely has issues with intoxicated customers. We would notice immediately if someone was arriving having had too much alcohol – the staircase entrance would make this apparent. We have had very few incidents where people have had to be removed from the premises. At the end of the night, our staff log any issues in our till system so a record is made. The nature of our menu is such that our customers are most unlikely to leave in an intoxicated state.
10. We have never received any direct noise complaints from any of the nearby residents and have a good relationship with the other business owners in the area. This is in part due to DSC's small capacity and basement location.
11. When leaving the premises, our security personnel point customers towards Commercial Street (A1202) to decrease the noise levels affecting residents. Departing customers are advised to hail taxis or Ubers from this road as opposed to waiting outside the bar to further decrease the risk of excessive noise.

Representations

(a) *The Police*

12. The London Borough of Tower Hamlets' Statement of Licensing Policy (**the Licensing Policy**) recommends that the police are consulted when considering their plans for licensing schedules (para 7.2).
13. Prior to submitting the application, we consulted with the police licensing officer Mark Perry and met with him on 27 April 2022. We discussed the proposed extension and the modernisation of the current licence. Following agreement on conditions, PC Perry

confirmed that he would not make a representation. The police conditions are included in the application.

(b) *Environmental Health*

14. Similarly, the Licensing Policy requires that we consult with the Borough's Environmental Health Officers (para 8.2) prior to making an application.
15. We arranged to meet with the environmental health officer, Nicola Cadzow, on 27 June 2022. Ms Cadzow had no comment on the operating schedule but, as the premises are within the Brick Lane Community Impact Zone (CIZ), stated she would like the application to be heard by the licensing sub-committee.

(c) *Other representations*

16. I further understand that the Licensing Authority has consulted all residents and businesses within 40 metres of the premises.
17. We have taken the representations from residents seriously. In the light of the concerns raised we instructed an independent licensing consultant, Adrian Studd to review the likely impact of our existing operation on nearby residents on a Thursday and Saturday night. We also asked Mr Studd to consider the likely impact of the variation of hours. Mr Studd's report is at Annex B.

The Licensing Policy

18. We have considered the Licensing Policy and are conscious that the premises fall within the Brick Lane CIZ.
19. I am pleased to note that the Licensing Authority recognises the positive benefits that the leisure industry brings to the Borough. We believe that the DSC is contributing to the rich mixture of cultural diversity and creativity that exists in the Borough (para 4.16).
20. The Licensing Policy simultaneously recognises that the activities taking place at licensed premises should also have little impact on members of the public who are working and engaged with normal activity (para 4.9). The report of Mr Studd demonstrates that the DSC is having a limited impact on local residents and that there is "little discernible difference in the area between the premises being open and the premises being closed".
21. Para 14.6 deals with extended hours. I do not believe that our existing operation has resulted in alcohol related antisocial behaviour persisting into the night and early hours of

the morning. Mr Studd's report supports this assertion and reports no antisocial noise or behaviour at the premises or in the vicinity.

22. Para 14.8 sets out factors that the Licensing Authority will consider when applications fall outside of framework hours. Mr Studd described the area as "generally quiet" and expressed he could not see how the behaviour he observed "would cause disturbance or nuisance to residential premises." Mr Studd further notices a lack of queues for the bar (as it is largely bookings only on Thursdays to Saturdays) and no large dispersal of customers at closing time. Our operation of the premises demonstrates that the amendments to our licence will not have an adverse impact on crime in the area.
23. Para 8.3 encourages licence holders to train staff in spotting signs of harassment and to report this to management. I personally train all our staff. We are in the process of formalising our training regime with an external consultant.
24. In the light of the resident representations we have proposed an additional condition that the ground floor door be kept closed from 11pm save for when customers enter or depart.
25. We submit that the grant of the application will have no negative impact on local residents or businesses.

Special Cumulative Impact Policy for Brick Lane

26. The CIZ was reviewed pre-pandemic in 2017/2018. The hospitality industry was hit heavily by the pandemic and has changed significantly from the date of this review. I hope the CIZ, and this application are considered in light of the new landscape.
27. In para 19.7, the Licensing Policy states there is a presumption of refusal for licensing conditions where the premises falls within the CIZ. The following are given as examples of characteristics that would rebut this presumption:
 - a. **Genuinely exceptional circumstances** – DSC is itself exceptional. It is a specialist cocktail bar. It is small both in terms of physical size and capacity. It does not encourage excessive consumption of alcohol. We have no history of causing any sort of alcohol related disturbance.
 - b. **Relevant good practices** – despite the SIA licenced security not being part of our licensing conditions, we have employed one on our busiest nights. We have had no complaints about noise throughout our operation. Please refer to Mr Studd's report for further details.

- c. **Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area** – we keep smokers limited to five at a time and drinks are not permitted outside the premises. In fact, we rarely have even five customers smoking. Very few now leave the premises to smoke. We have put forward a detailed list of measures in our operating schedule which has been approved by the police.
- d. **Measures used to promote the licensing objectives** – as detailed in paras 19 to 24 of this statement.

28. I consider that DSC operates in an exceptional manner and that granting the requested hours, outside the core hours, will not negatively add to the cumulative issues within the CIZ and the impact on the licensing objectives would be minimal.

Temporary Event Notices (TENs)

- 29. We applied for three TENs extending our hours to 2am on 26 August, 2 September and 10 September 2022. As of the date of this statement there have been no incidents of disorder and no complaints have been received from neighbours.
- 30. I submit that this further demonstrates that the licence variation will have a limited impact on the surrounding area of the DSC.

Licence Conditions Amendments

- 31. The existing licence includes no obligation for SIA door supervisors. The following condition is included in the submitted operating schedule:

“An SIA licensed door supervisor shall be on duty at the premises from 2100 hrs to the close of business and they must correctly display their SIA licence(s) when on duty so as to be visible.”

- 32. Our intention is that this condition applies only to the days on which the extended hours are sought. For clarity the condition should read:

“On Thursday Friday and Saturday an SIA licensed door supervisor shall be on duty at the premises from 2100 hrs to the close of business and they must correctly display their SIA licence(s) when on duty so as to be visible.”

- 33. The police licensing officer has indicated that this was his understanding of the condition. A copy of his email dated 29 July 2022 agreeing to this is annexed to this statement (Annex C).

34. As stated above we propose the following additional condition:

“At 2300hrs the public entrance to the premises will be closed save for access and egress from the premises.”

Reason for application

35. It is our experience that some customers leave our premises early in order to frequent venues with later terminal hours. This means that we lose significant trade not only in the additional hour but in the hours before we close. Our customers would prefer to remain at DSC rather than to move around the area looking for a late-night venue.

36. In the London Borough of Tower Hamlet’s (LBTH) report on ‘Understanding the impact of Covid-19 in Tower Hamlets’ (extract at Annex D), the LBTH recognised that the hospitality and entertainment industries were the most severely impacted by the pandemic.

37. Since the pandemic, we have seen increasing costs across the board. Not only energy prices, but stock prices have increased, and wages have needed to remain in step with inflation in order to retain staff. We are looking to the licensing sub- committee to support us and believe accepting the licensing variation will positively impact the Borough and its rich culture.

Signed

Andrew Kerr

Date 7 September 2022

Annex A – Discount Suit Company Menu

Annex B - Adrian Studd – Liberty Lounge report of Observations

Annex C - 29 July email from PC Mark Perry

Annex D – Extract of LBTH Impact Statement