

**Slurp Noodles Spitalfields Ltd**

**(the “Applicant”)**

**Application for a variation of a Premises Licence**

**Slurp, 60 – 62 Commercial Street, London E1 6LT (the “Premises”)**

**Applicant’s Written Submissions**

This statement is made in support of an application to vary a premises licence with the intention of outlining the Applicant’s case, proposed amendments to the application and seeking to address the concerns of the two statutory authorities maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing if the outstanding representations are not withdrawn.

**Background**

Until February 2024 the Premises traded as Andina, a Peruvian Picanteria and Pisco Bar where patrons could enjoy Peruvian Cuisine or simply have a few drinks. The basement was used for functions, most notably private parties.

The lease of the Premises has now been assigned to the Applicant which has opened a branch of Slurp Noodles (<https://slurpnoodles.co.uk/>) specialising in Hong Kong style rice and noodle dishes. There are sister sites in Soho and Wapping. Indicative menus and photographs of the interior of the sister sites are at **annex 1**. The intention is to operate a sophisticated cocktail bar in the basement of the Premises called Dang’s where patrons can enjoy a pre or post dinner drink and a simpler food menu. Indicative drinks and food menus for Dang’s are at **annex 2**.

**Nature of the Application**

The current premises licence allows for alcohol led vertical drinking across both the ground floor and basement with the basement having later hours with the only stipulation being that this space must be prebooked. This application proposes to amend the current conditions on the premises licence so that more onerous conditions apply, namely:

- The ground floor has to operate a restaurant, as opposed to a bar.
- No vertical drinking is permitted on either floor.
- Patrons can no longer be served at the bar with only waiter/waitress service being permitted.
- Capacity in the basement being limited to 50.

As a quid pro quo, the application also seeks to extend the hours of the basement between Thursday and Saturday for licensable activities by an hour with an additional 30-minute drinking up time to reflect good practice (there being no drinking up time currently provided for in the basement).

Given that the proposed amendments to conditions will significantly impact on the value of the premises licence, should the application proceed to a licensing sub-committee hearing, the members are respectfully asked to either grant the application with later hours or to refuse the application rather than adding more onerous conditions to the licence and not granting later hours.

Whilst this application includes a variation of layout in the basement, the changes sought are immaterial and, as neither of the representations raise concerns in this respect, the Applicant has no further comments to make.

### **The Representations**

The Applicant is pleased that there are no representations from any local residents and that the Metropolitan Police, on hearing more about the application, also did not object.

Given that the Premises is located within the Special Cumulative Impact Policy for Brick Lane, the Applicant understands why representations have been made by both the Licensing Authority and Environmental Health but, having read their submissions, would welcome discussions to ascertain whether their representations can be withdrawn to avoid the time and cost of a licensing sub-committee hearing.

The Applicant's comments on the two representations are as follows:

#### Licensing Authority

As would be expected, the representation of the Licensing Authority focuses primarily on the Licensing Policy of the London Borough of Tower Hamlets (the "Policy").

The Applicant accepts that a proliferation of vertical drinking late night bars and nightclubs in the Brick Lane area is having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. However, the Applicant submits that the amended conditions proposed will reduce any potential cumulative impact more than the additional hours sought in the basement will add to it.

The Applicant's reasons for this belief are as follows:

- There is no representation from the Metropolitan Police who have confirmed that they have no issues with the application. The Section 182 Guidance states, "the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective".
- The Applicant has a very good relationship with local residents and is unsurprised that no residents have objected. They are fully aware of what is being proposed and must therefore be satisfied that a grant as sought will not add to public nuisance in the immediate locality.
- It is widely accepted that alcohol led vertical drinking establishments have a greater propensity to generate crime and disorder and public nuisance than restaurants or when patrons must be seated. Indeed, in the example exemptions listed in the Policy, arrangements to prevent vertical drinking is specifically cited. This application seeks to remove a vertical drinking bar and party venue and replace it with a restaurant and 'low key' sophisticated cocktail bar with food.

- The capacity of the basement is limited to 50, which is another example of a potential exemption to the Policy.

The Applicant is happy to adopt the suggested condition, namely:

- **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 authorised officer.**

#### Environmental Health

The concerns raised by Environmental Health and the Applicant's comments are as follows:

#### Noise Outbreak from the Premises Affecting Neighbouring Residents

With no application to add regulated entertainment to the premises licence there will be no live or recorded music playing at the Premises after 23.00 and hence the risk of 'noise breakout from the venue affecting neighbouring residents' is significantly reduced. There is also the following condition on the premises licence which protects local residents:

- **No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.**

In addition, both entrances/exits have acoustic lobbies and the Applicant is happy to amend the existing condition:

- **All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.**

To:

- **All windows and external doors shall be kept closed at all times except for the immediate access & egress of persons.**

This will ensure that local residents are not disturbed by the chatter of patrons.

#### Access and Egress to and from the Premises Disturbing Local Residents

The Premises now has a considered dispersal policy (see **annex 3**) and a condition has been proffered ensuring that this remains in place. This dispersal policy is specifically aimed at preventing disturbance from patrons leaving the Premises.

#### The Hours of Operation

Whilst the hours sought are in excess of framework hours, the Policy is clear that every application will be decided on its own merits. The relevant criteria and the Applicant's comments thereon are as follows:

- Location of the Premises and general character of the area

Whilst there is residential accommodation near the Premises, it is located on Commercial Street, a very busy road which, even at night, is not quiet. Steps have been taken (see above) to ensure that residents are not disturbed either by patrons inside the Premises or leaving it.

- Proposed hours during which licensable activities will take place

The application is only to extend hours in the **basement** on Thursday, Friday and Saturdays for one and half hours.

- Adequacy of the Applicant's proposals to address the issues of crime and disorder and public nuisance.

Please see measures explained above.

- Where the Premises have been previously licensed, the past operation of the Premises

The Applicant is not aware of any issues with the previous operation of the Premises.

- Whether customers have access to public transport when arriving at or leaving the Premises at nighttime and in the early hours of the morning

Whilst many patrons will walk home or catch taxis, the Premises is particularly well served by public transport. Night tubes run from Liverpool Street and Shoreditch High Street. There are also multiple night bus routes.

- The proximity of the Premises to other licensed premises in the vicinity and the hours of those other premises

There are several bars near the Premises which operate outside of framework hours, including the likes of Discount Suit Company and the Cocktail Club which open until 2.00 a.m.

### Financial Factors

This is the third opening for the Applicant and a brave move considering the delicate state of the economy. Whilst a relevant argument pre-Covid, the consideration of economic factors is now even more important. The Applicant wishes to remind the licensing sub-committee of the case of *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* [2011] EWCA Civ 31, and the observation of Toulson LJ that:

*“Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand**, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”*

### Conclusion

It is the Applicant's belief that replacing a bar and party venue with a restaurant and small basement cocktail bar (with slightly later hours) will, on balance, reduce cumulative impact and have a beneficial impact on the licensing objectives, thus being an exception to the Policy. The Policy states that 'the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received'.

In this case, whilst we have representations from the Licensing Authority and Environmental Health, there are none from local residents. Therefore, the Applicant submits that the needs of the local residents will not be affected if the application is granted. Finally, if the Licensing Authority and Environmental Health still have concerns they are kindly asked to consider whether any further conditions could be proffered which would overcome them and thus avoid the time and cost of a licensing sub-committee hearing.

**Niall McCann**  
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