

Pilpel – New Premises Licence

Statement of Case

This statement is made in support of an application for a new premises licence at 38 Brushfield Street, E1 6NG (the “Premises”) with the intention of outlining the applicant’s case and seeking to address the concerns of the parties that have made representations.

The Application

The application is for a premises licence for the supply of alcohol with a table meal with off sales in sealed containers. If granted, sales of alcohol will be limited to organic bottled beer which will be stored in a locked fridge.

Background & Style of Operation

Opened in May 2005, the Premises operates as a casual, high quality, fast food, falafel Middle Eastern restaurant. With ten covers it predominantly operates as a takeaway business. Please see attached at appendix 1 pictures of the Premises and a sample menu.

The Premises has three sister restaurants in and around the City. The restaurant in Paternoster Square currently has the benefit of a premises licence and a nearby restaurant called Badolina (which is a similar offer, albeit with meat dishes, owned by the same directors of the applicant) has recently had an application for a premises licence granted. Please see attached at appendix 2 copies of recent Tripadvisor reports for a number of Pilpel sites.

The Representations

The applicant is pleased that representations have not been received from any local residents or the Environmental Health. However, it is noted that representations have been received from the Licensing Authority acting as a responsible authority and the Metropolitan Police which relate to the Council’s saturation policy.

Before lodging the application careful consideration was given to Tower Hamlet’s licensing policy. It was noted that the Premises is located in the Brick Lane Cumulative Impact Zone and hence, if the policy is followed (which is not a legal requirement) there would be a rebuttable presumption that ‘the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced’.

It is the applicant’s belief that, if a premises licence is granted, the Premises will not add to cumulative impact for the following reasons:

- The premises are extremely small with modest hours applied for. Whilst the applicant notes that a small capacity is not a specific exemption (as with some other London boroughs) the number of patrons attending the premises is considerably lower than most licensed premises located in the vicinity.
- The application is for a restaurant, not a bar, as a condition has been proffered which states –

‘The supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal.’

Therefore the operation of the Premises is not set to change save for, if desired, patrons can swap their usual soft drink for an organic bottle of beer. The 'fast food' nature of the cuisine also does not lend itself to 'dwell time' and therefore it is unusual for patrons to order more than one beverage. With the sale of alcohol only expecting to account for 3% of total sales, if the application is granted the net effect of having a premises licence will be negligible.

- A condition has been proffered that off sales are only to be in sealed containers so that patrons can take beer away to consume with their food either at home or at their desks. The applicant does not consider that this will cause more littering. If people wish to consume quantities of alcohol outside there are numerous off-licences nearby which sell a far greater range of alcoholic drinks considerably cheaper than the anticipated price point of £3 to £4. Given that the Premises will sell 'high end' organic beer if a littering problem does arise it can be quickly traced back to the Premises and, if not quickly addressed, the premises licence can be reviewed.
- The applicant has already shown itself to be a responsible operator with other licensing authorities satisfied that the grant of a premises licence would uphold the licensing objectives.
- The applicant is happy to accept the condition proposed by the Metropolitan Police concerning the use of CCTV.

Conclusion

The applicant was and is acutely conscious of the need to uphold the licensing objectives. This has resulted in the number of representations being relatively low and the concerns being focused on cumulative impact as opposed to specific current issues with the applicant in question. The Premises is run to the highest possible standards with it and its sister operations having a blemish free record. Therefore the Licensing Sub-Committee is urged to give the Premises a chance to sell a limited amount of alcohol and to grant the application as sought. Whilst off sales are a key aspect of the proposed operation, the applicant would happily consider any appropriate further conditions above and beyond those in the operating schedule.

Joelson Wilson LLP Solicitors