

Kojima Ltd**(the “Applicant”)****Application for a New Premises Licence****Katsute, 147 Brick Lane, London E1 6SB (the “Premises”)****Written Submissions**

This statement is made in support of an application for a new Premises Licence with the intention of outlining the Applicant’s case and seeking to address the concerns of the Licensing Authority which is maintaining a representation.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing.

Background

The Premises opened on 12 September 2021 as a Japanese Boutique and Team Room. It currently sells Japanese food and tea with the hope that it will be permitted to also sell Japanese sake, whiskey and beer as is permitted at its sister establishment in Islington which opened in 2018 and has traded without complaint. Further information can be found at <https://www.katsute100.com/> drink menu at **annex 1**. Please also see pictures of the Premises at **annex 2**.

The Application & Layout

The Premises does not intend to operate as a traditional bar or off-licence, hence the Applicant has applied for a relatively early terminal hour of 22.30 throughout the week and conditions were proffered (more of which below) which limit the breadth of any alcohol sales.

The layout is very simple. Unlike Katsute Islington there is no outside area. The ground floor level has a central service counter, loose tables and chairs, a display counter and a WC. The basement has further loose tables and chairs and a storeroom.

The Representations

The Applicant is very pleased that no representations were received from any local residents or residents' groups. Furthermore, the following additional conditions have been agreed with the Metropolitan Police:

1. When the designated premise 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 any authorised officer
2. 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:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures/finds of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
3. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so 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.
4. There shall be no sales of alcohol for consumption off the premises after (22:30 HOURS).
 5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 6. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.
 7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
 8. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
 9. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
 10. A Challenge 21 or 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.

11. 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.

However, there is a single representation from the Licensing Authority, predominately on the grounds of policy. The Applicant's comments on this representation are as follows:

The Cumulative Impact Zone was established as the majority of 'late night' licensed premises are concentrated in one area and, after consultation, it was thought that 'there might be exceptional problems of nuisance, disturbance and/or disorder on or away from those licensed premises as a result of their combined effect'. The key question is whether a grant of a new premises licence for the Premises will add to these problems.

After the further conditions were agreed with the Metropolitan Police (the experts on what can cause crime and disorder) they were satisfied that a grant would not add to the existing problems. The same can be said for Environmental Health (the experts on public nuisance) as they did not raise a representation.

The Representation from the Licensing Authority helpfully quotes from the London Borough of Tower Hamlets Statement of Licensing Policy which cites three examples of factors which could be seen as an exception to policy. Two are relevant in this case. **The Premises is small with a capacity of fifty persons or fewer, is not alcohol led and operates within framework hours.** By way of reference, the sale of alcohol at Katsute Islington accounts for only 5% of overall sales.

Furthermore, the conditions proffered and agreed will prevent the Premises from morphing into an operation which could add to cumulative impact. Alcoholic products are limited to Japanese food and drink, sake, shochu, Japanese wine, Japanese whisky and bottled or canned craft beers – a niche offer too restrictive for a conventional bar or café – and only 15% of the front of house can be used for the display of alcoholic drinks, hence the Premises cannot become a dedicated off-licence. The alcohol that is sold is a delicacy of interest to connoisseurs of Japanese culture. For example the cheapest glass of sake is £6.75 (for only 100ml) and bottles to takeaway start at £23 for 300ml with the majority being

considerably more expensive. Such an offer will not appeal to the heavy drinkers which add to cumulative impact in the Brick Lane area.

In the event of a grant, the Licensing Authority has listed several conditions it would like to be added to the premises licence, namely:

1. When the designated premise 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 any authorised officer.

2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

3. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

4. 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.

5. 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.

These are all acceptable to the Applicant. However, it has also been suggested that there are conditions added to ensure that there is no vertical drinking and that the supply of alcohol is ancillary to a meal. The former has been proffered as a condition but having the supply of alcohol ancillary to a meal is not acceptable to the Applicant. Whilst the Premises offers a wide range of cakes and a full afternoon tea (which are very popular) it does not have proper cooking facilities and hence is not able to provide full meals.

Conclusion

The Applicant sincerely hopes that the above addresses the concerns raised by the Licensing Authority. The promised offer is strictly limited and numerous enforceable conditions have been proffered or agreed. It is hoped that the Premises will be a welcome addition to Brick Lane and the licensing sub-committee is respectfully asked to grant the application as sought.

Niall McCann
KEYSTONE LAW