## Bundle for Hearing - 10 August 2022

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Your ref:

Our ref: 11114-Flour and Flowers LTD

Date: 02/08/2022

By email:

**Giambrone & Partners LLP** 

2nd Floor 12 Bridewell Place London EC4V 6AP United Kingdom

> DX 378 LDE

T: +44 (0) 20 7183 9482 www.giambronelaw.com

Please ask for: Vincenzo Senatore

**Tower Hamlets Council** 

Licensing Sub-Committee 1st Floor, Town Hall Mulberry Place 5 Clove Crescent E14 2BG

By email:

Dear Sir or Madam

Position Statement | Giada Botti | 10 August Hearing

Please see the attached document and its enclosures.

Yours faithfully

Giambrone & Partners

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#### **POSITION STATEMENT**

OF

**GIADA BOTTI** 

(FLOUR AND FLOWERS LTD)

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TOWER HAMLETS
COUNCIL
PREMISES LICENCE
APPLICATION
HEARING

**POSITION STATEMENT** 

OF

**GIADA BOTTI** 

(FLOUR & FLOWERS LTD)

For the HEARING on

10 AUGUST 2022, at 2PM

### Essential pre-reading:

- Notice of Hearing, dated 27 July 2022;
- Application for a Premises Licence, dated 25 may 2022;
  - Witness Statement of the Applicant, Giada Botti;
- Witness Statement of Tiago Micaelo, owner of Outdoor Gear shop on 412 Hackney Road;
- Witness Statement of Fatih Ince, owner of a mini market on the Applicant's premises);
  - Witness Statement of Paula Dixon
    - Witness Statement of Chris Polgliase, customer;

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  - Witness Statement of Emma Kowalchuk, customer;
    - Witness Statement of Paula Dixon, customer;
    - Witness Statement of Susan Keys, customer;
    - Witness Statement of June Gardiner, customer;
  - Witness Statement of Kenndal Thomas, customer;
  - Witness Statement of Carolina Siqueira, customer;
  - Witness Statement of P. Carpenter and M. Feng, customers;
- Pictures of nearby establishments/businesses supplying alcohol in the area.

#### A. Introduction

- 1. This Position Statement is prepared for the hearing which is listed before the Tower Hamlets Licensing Sub-Committee on 10 August 2022, at 2pm, on behalf of Ms Giada Botti (hereinafter the "Applicant"), owner and director of Flour and Flowers Ltd (hereinafter "Flour and Flowers" only), a company incorporated in England and Wales, company number 12281676, on 25 October 2019.
- 2. The Applicant runs her business, Flour and Flowers, from the premises at 408 Hackney Road, E2 7AP, London.
- 3. Flour and Flowers is a coffee and flowers shop serving food for consumption on the premises and for take-away from 8.30am to 5.00pm, on a daily basis. Alongside her pastries and brunch menu, the Applicant would like to serve alcoholic drinks to her clients and would sell alcohol for consumption on the premises only between 11:30am and 5:00pm during the week.
- 4. The Applicant filed an Application for Premises Licence (herein after only the 'Application') for the supply of alcohol on 25 May 2022, which has been disputed by two neighbours of the shop and by the Freeholder/Landlord.

5. A hearing has now been arranged at Tower Hamlets Council by the Licensing Authority to hear representations from the parties on 10 August 2022.

#### B. Representations

- 6. The hearing to consider granting the Application in object has been scheduled by Tower Hamlets Council as a result of concerns as to the Licensing Objective and, namely:
  - the Prevention of Public Nuisance and
  - the Prevention of Crime and Disorder.
- 7. The Applicant understands that the purpose of the hearing is to obtain 'relevant representations' which are 'about the likely effect of the grant of the premises licence on the promotion of the licensing objectives'.
- 8. In light of the above, the Applicant contends that she has duly submitted an Application in accordance with section 17 Licensing Act 2003 on 25 May 2022 and maintains she has complied with any requirements imposed on her under subsection (5) of that section.
- Moreover, the Applicant maintains that she is aware of the mandatory conditions which have been prescribed by section 19 Licensing Act 2003 and that she intends to abide by them.
- 10. The Applicant further contends that representations have already been presented to her by the Landlord/Freeholder and other interested parties against her Application, alleging that it would be against the prevention of public nuisance to grant her a premises licence for the supply of alcohol.
- 11. The Applicant contends that such representations appear to be 'frivolous or vexatious' under subsection (7)c of the aforementioned section 17 Licensing Act 2003. As such, the Applicant invites this Sub-Committee to accept her position statement as written representations at the hearing, together with the supporting witness statements therein enclosed.
- 12. Specifically, the Applicant contends that:
  - she is legally entitled to apply for a premises licence for the supply of alcohol and that Flour and Flower has been operating as a business regularly and is in full compliance with all the Food Safety and Health and Safety regulations;

- the premises from where the business operates have CCTV, External Security Lighting and Video Intercom systems in place as part of the service charge regularly paid by Flour and Flowers as Under Tenant of 408 Hackney Road;
- the premises are food-led and alcohol would be sold, should the Application be granted, ancillary to food, either at the table or in bottles to take away;
- there are several premises operating in the immediate vicinity of 408
   Hackney Road serving alcohol to customers or selling bottles of wine and other alcoholic beverage for consumption on and off premises;
- the premises referenced above are licensed to sell alcohol to customers well beyond the opening times of Flour and Flowers;
- the premises where Flour and Flowers operate only during the designated opening hours, that is from 8.30am to 5pm;
- staff arrives at the shop not earlier than 7.30/7.50am and leaves by no later than 5.45pm;
- a proof of entry/exit from the shop can be provided via the CCTV cameras operating in the premises;
- a pavement licence is displayed in the shop for the table in Hackney Road only;
- the clientele of Flour and Flowers is mainly professionals, families, and retired couples, all very mindful and respectful, who only come to the shop to relax while having a bite of food and a drink;
- only soft music is ever played during opening hours for the benefit of the customers, at a low volume and in compliance with noise level and nuisance regulations;
- live music was performed <u>exclusively</u> on one occasion, during the launch event on 18 November 2021, and the business held a Temporary Events Notice (TEN) ahead of the event;

- a smear campaign has been made by the Freeholder/Landlord of 408
   Hackney Road in order to discredit her and prevent her business from trading since her Application was submitted to the Council;
- the Freeholder/Landlord of 408 Hackney Road has threatened legal action against Flour and Flowers if the Application is not withdrawn immediately. This is causing severe post-traumatic stress disorder to the Applicant, considering the groundless and frivolous nature of the allegations made against her and, as such, is affecting her day-to-day business activities.
- the aforementioned threats and allegations from the Freeholder/Landlord of 408 Hackney Road have, quite oddly, started only after the premises licence application was submitted;
- the Freeholder/Landlord of 408 Hackney Road has been a regular customer
  of Flour and Flowers until recently, and never complained about the music in
  the premises or raised any concerns in relation to any possible nuisance
  originating from the premises;
- a number of residents who were habitual customers of Flour & Flowers and never complained about any nuisance coming out of the premises, have since joined the smear campaign led by the Freeholder/Landlord of 408 Hackney Road;
- specifically, written emails from said residents have been forwarded to the Applicant stating that loud music/noise can be heard from the premises at any time of the day and night, well beyond the usual business hours;
- the above allegations can easily be disproven by reviewing the CCTV recordings of the premises which show that no business activities take place before and after said working hours as specified above;
- in spite of the baseless allegations, in order to better protect residential amenity, a request to better soundproof the premises has been made by Flour and Flowers, as the Under Tenant, to the Leaseholder of 408 Hackney Road, subject to acceptance by the Landlord/Freeholder;
- in order to promote the licensing objectives, the Applicant is ready to comply with all the necessary steps to: prevent (i) crime and disorder; see that

appropriate (ii) safety procedures are in place; avoid (iii) public nuisance and protect (iv) children from harm.

#### C. Witness Statements in support

The above mentioned Application and the position statement in object are supported by a number of witness statements from business owners/residents conducting business nearby as well as from regular customers who have been visiting the shop since its opening, which in summary, state that:

- Flour and Flowers starts trading at 8.30am and closes at 5.00pm every day.
   Witnesses state that the 'staff always respectfully asks' the customers 'to leave promptly at 5.00pm when the coffee shop closes' and that they 'have never seen Flour and Flowers open past 5pm';
- There have been neither noise complaints nor any other nuisance-related issues since Flour and Flowers opened for business. Witnesses state that music is played quietly and that 'the cafe' is always closed when they pass by in the early evening' and that they 'have never seen it open later than 5pm';
- Since its opening, Flour and Flowers has been a 'tremendous benefit for the community' and 'an asset for Hackney Road', and described it as 'a bright spot on a drab congested road';
- Flour and Flowers is considered 'a friendly and quiet environment' by all. The
  witnesses maintain they have never 'encountered any noise or anti-social
  behaviour' while at the shop;
- Witnesses who live 'in the area close to its previous premises and not far from
  its current premises' claim they 'cannot recall any instance where there have
  been disturbances or complaints from residents'.
- Ultimately, with reference to the issue of nuisance, witnesses state that 'the
  atmosphere and experience that Flour and Flowers offers sets it apart from
  other establishments in the local area' and that customers of the shop are
  'able to enjoy freshly baked, homemade sweet and savoury pastries in an
  environment that enables you to carry on with conversations'.

### D. Closing Statement

The Applicant respectfully invites the Licensing Authority, in the form of this Sub-Committee, after considering the oral and written representations of all parties, and having regards to the supporting evidence presented in support of this position statement, to discharge their duties under the Licensing Act 2003 and grant the Application for a Premises Licence under the Licence Act 2003 at the conditions they see fit.

#### **Giambrone & Partners LLP**

Solicitors for

the Applicant Giada Botti

Owner and Director of Flour and Flowers Ltd

London, 2 August 2022

## Section B Witness Statement of the Applicant - Giada Botti Index

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On Behalf of: Flour and Flowers Ltd

Witness: Giada Botti

No. of witness statement: 1

Date: 2 August 2022

BEFORE
TOWER HAMLETS
LICENSING SUBCOMMITTEE
FOR THE HEARING
ON
10 AUGUST 2022
at 2pm

WITNESS STATEMENT OF GIADA BOTTI (FLOUR AND FLOWERS LTD)

- I, Giada Botti of 95 Papworth Gardens, London, N7 8QP, will say as follows:
- 1. I am the owner and director of Flour and Flower Ltd.
- 2. I make this witness statement in support of my Premises Licence Application for the Supply of Alcohol for my business, which operates from 408 Hackney Road E2 7AP.
- 3. My Application was duly submitted to the Licensing Authority at Tower Hamlets Council on 25 May 2022.
- 4. I run a small family business and started trading under Flour and Flowers on the first week of the first lockdown, back in March 2020.
- 5. Before I submitted this Application, my business already had a premises licence for selling on/off site of alcohol and reproducing live music in our previous location and we never had any complaints. We organised evenings and served glasses of wine to our customers during brunch and during the week.
- 6. I moved our premises in 408 Hackney Road in November 2021 and applied for a premises licence for selling alcohol and perform live music. When I discovered that our business hours could not run after 50m, we withdrew our application.
- 7. Flour and Flowers is a very chilled and amenable coffee and flowers shop, serving food on the premises and for take-away during the week and offering brunch during the weekend. Regular customers came from the previous shop to the new one and we built up a loyal clientele in the past 8 months.
- 8. Flour and Flowers is a family business serving a community of people that come to work from our shop, to chill and relax in our premises while having a coffee and a chat with our amazing team, which is supporting me all along this difficult process.
- 9. Flour and Flowers comprises of a team of Italians, French, English, Greeks and Moroccans and its ambiance is truly inclusive to all. The team works hard to make sure our customers feel welcome in our shop while having pastries and food of high-quality standards and making sure our surrounding areas on the street are always kept spotlessly clean.
- 10. Flour and Flowers complies with any rules, paperwork, licenses and any other regulation or requirement in place and operates according to the law at all times.
- 11. I applied for a Premises Licence because this could help our business to stay afloat and to generate more revenue. It is also part of our business plan and would help promote our brand. Not being able to serve alcohol during the designated times is making us lose customers who would be drawn to our premises if we could offer the option of a nice glass of wine with their meal.

- 12. Flour and Flowers is frequented by young professionals, families, and retired couples. The clientele is of different ages but all are very respectful and mindful of our locations and our operating times.
- 13. At Flour and Flowers we do everything we can to make sure not to ever disturb our neighbours.
- 14. Having a Premises Licence for the supply of alcohol would allow Flour and Flowers to enlarge its business and to attract new customers, that could perhaps wish to celebrate a birthday lunch at ours, organise a staff meeting, an art exhibition or any such event where the service of alcohol on the premises is required.
- 15. I would greatly appreciate if the Licensing Authority would consider my application on its merits, having in mind the difficulties I encounters every day, as an entrepreneur to run my business, in these post-Covid times especially.
- 16. Obtaining a Premises Licence is a necessity for the survival of my business,
- 17. As a business owner and an employer, I have a duty to do everything possible under the law to let my business grow, not only for me, but for my staff especially, having always in mind, first and foremost, that a business is there to serve a community and needs to in respect its neighbours at all times.

In Faith,

#### Giada Botti

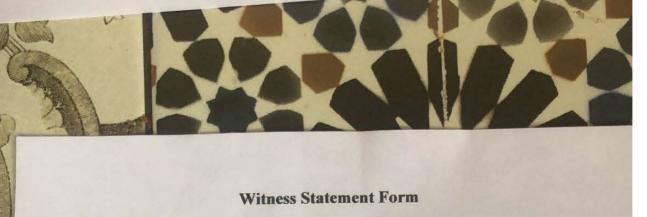
Ower and Director of Flour and Flowers Ltd



2 August 2022

# Section C Witness Statement of Tiago Micaelo, owner of Outdoor Gear shop on 412 Hackney Road Index

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## Section D Witness Statement of Fatih Ince, owner of a mini market on 399 Hackney Road (opposite the Applicant's premises) Index

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Witness Statement of Fatih Ince, owner of a mini market on 399 Hackney Road (opposite the Applicant's premises)

1

### Witness Statement Form

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### Section E Witness Statement of Paula Dixon, customer Index

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1	Witness Statement of Paula Dixon, customer	23

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Witness Statement Form

## Section F Witness Statement of Chris Polgliase, customer Index

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## Witness Statement Form

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## Section G Witness Statement of Rebecca Unverzagt and Robert Andari, customers Index

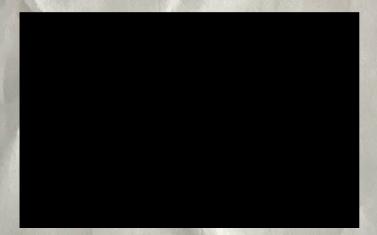
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1	Witness Statement of Rebecca Unverzagt and Robert Andari, customers	27

To whom it may concern,

We live on Canrobert Street and have been visiting Flour & Flowers as customers since it opened at the end of last year.

In our view, Flour & Flowers is a tremendous benefit to the community. Jaida's café is a bright spot on a drab, congested road and her home-made food and cakes are delicious. The staff are very friendly and respectful. We go there weekly for coffee and lunch, frequently with our two small children, and have never encountered noise or anti-social behaviour from Flour & Flowers. The café is always closed when we pass by in the early evening. We have never seen it open later than 5pm.

Yours faithfully,



## Section H Witness Statement of Beatrice A. Milano, customer Index

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### Witness Statement Form

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### Section I Witness Statement of Emma Kowalchuk, customer Index

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### Witness Statement Form

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### Section J Witness Statement of Susan Keys, customer Index

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Witness Statement Form

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## Section K Witness Statement of June Gardiner, customer Index

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#### June Gardiner

Flour & Flowers previous location was in a residential area and there were never any issues or concerns regarding disturbances. As a customer, it is the perfect place to have enjoy great food, excellent service and with a relaxed ambiance. A contrast to some of the other places in the surrounding area where it can be quite difficult to chill and have a conversation.

### Section L Witness Statement of Kenndal Thomas, customer Index

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#### Hi Giada,

I hope you're well.

As promised, please see below my supporting statement that I am happy for you to pass on to your lawyers to support your application for your alcohol license.

Full name: Kenndal Thomas

Mobile \_\_\_\_\_
Email:

I have been visiting Flour & Flowers since it was at its previous premises and have nothing but positive things to say about my experiences.

I live in the area close to its previous premises and not far from its current premises and I cannot recall any instance where there have been disturbances or complaints from residents.

The atmosphere and experience that Flour & Flowers offers sets it apart from other establishments in the local area. You are able to enjoy freshly baked, homemade sweet and savory pastries in an environment that enables you to carry on with conversations and feel like you are in a home away from home.

Please do not hesitate to contact me if you require anything further, I could of course go on and on if necessary:)

Kind regards,

Kenndal

## Section M Witness Statement of Carolina Siqueira, customer Index

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### Witness Statement Form

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## Section N Witness Statement of P. Carpenter and M. Feng, customers Index

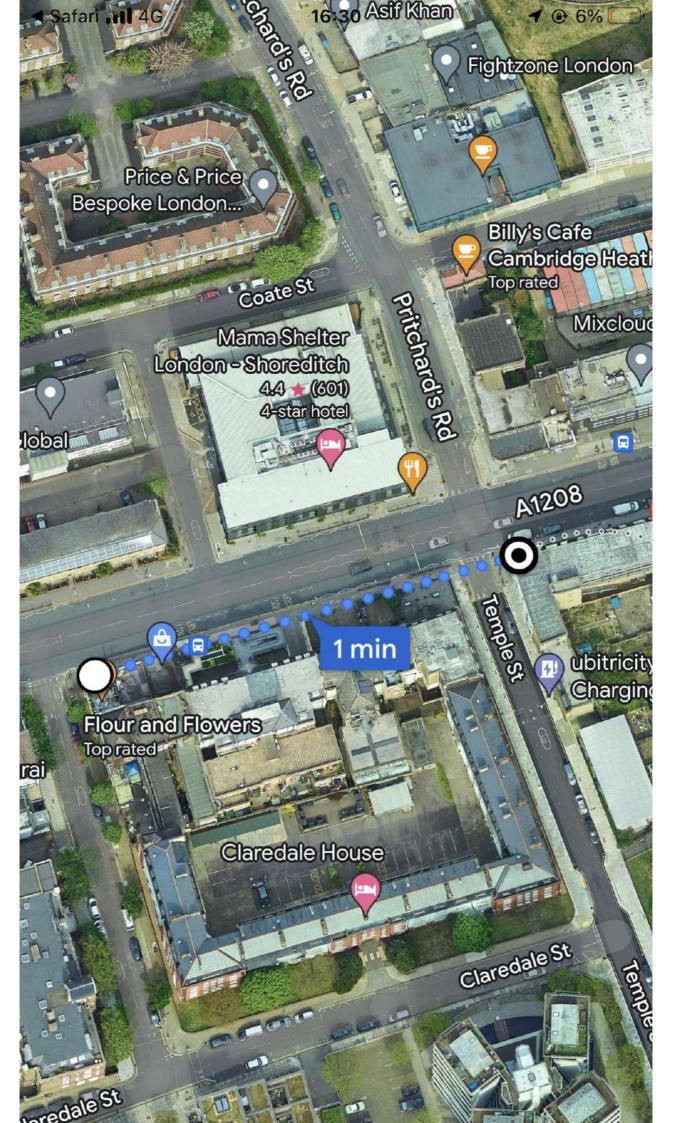
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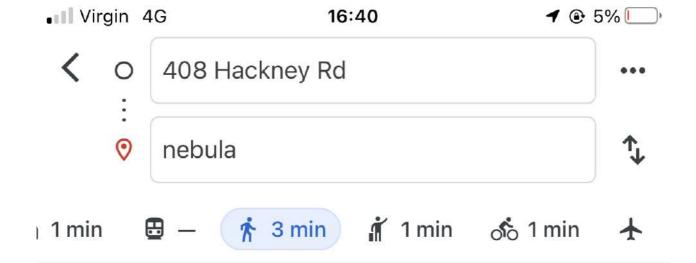
#### Witness Statement Form

Witness's Name:		Date of Incident: 31/07/22
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Accountant Occupation	Castumer Relationship	Age: 40
	STATEMENT	
We visit loffee	shop whenever	we are uptown.
It's always a	very and oxp	erdence of relaxing.
The food & d	rank is a comp	at standard.
The hoot is	alibare menu fr	enterce & relaxing. cat standard. dendly & altertine.
Alicated Reco	Secretary Vivia	econg a acrossive
11147174 1832	3~\2N9CB	
The information I have provided in	this report is true and correct	to the best of my knowledge. The
information report contains everyt	11	
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V		

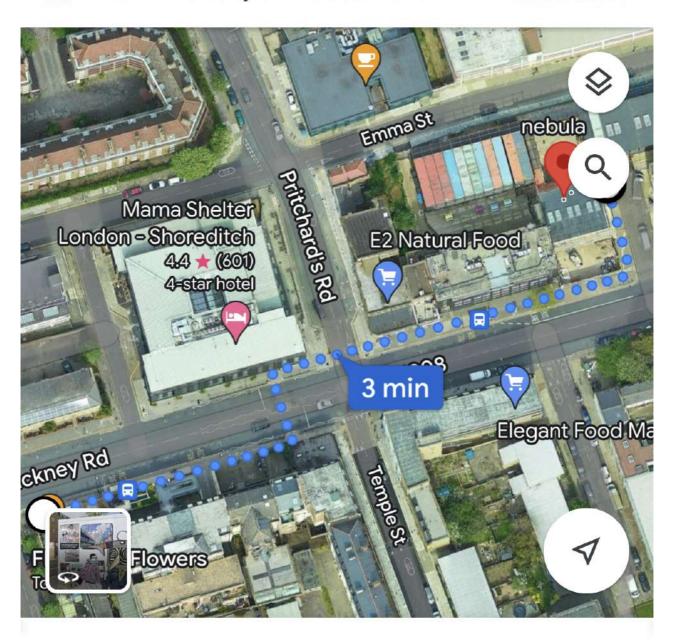
# Section O Pictures of nearby establishments/businesses supplying alcohol in the area Index

		Page(s)
1	Pictures of nearby establishments/businesses supplying alcohol in the area	43 - 54





Live: A little busy at this destination Learn more



3 min (0.1 mi) Mostly flat via Hackney Rd/A1208

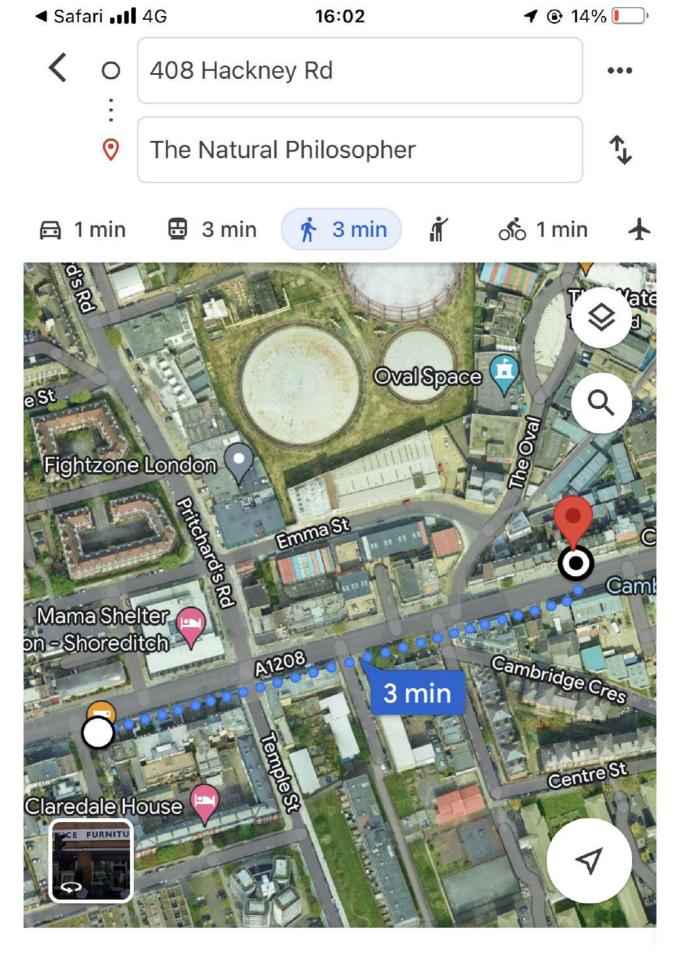








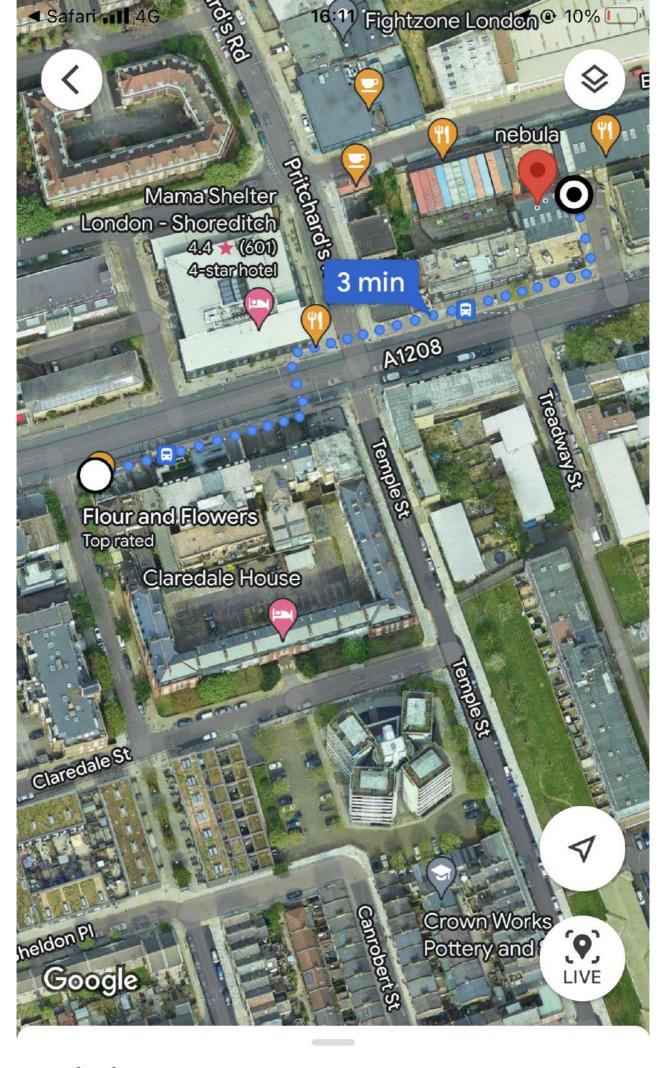




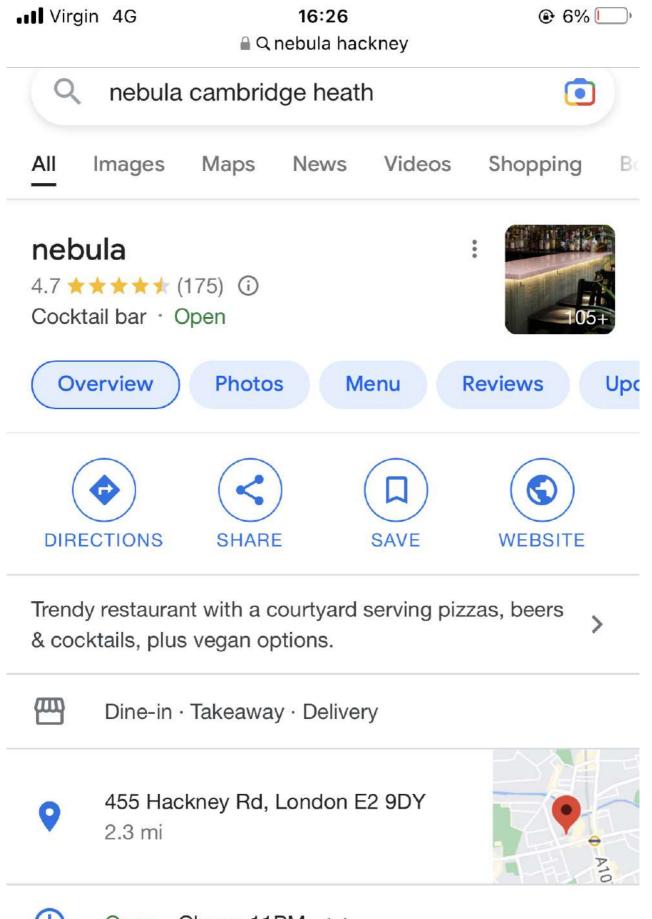
3 min (0.2 mi) Mostly flat via Hackney Rd/A1208







4.7 + + + + (175)







#### 

Showing results for *Elegant Hackney road* 

Search instead for Ekegant Hacney riad

### **Elegant Food Market**

4.8 **\* \* \* \* \*** (14) (i)

Supermarket · Open



Overview

**Reviews** 

**Photos** 

**About** 











In-store shopping



430a Hackney Rd, London E2 6QL 2.3 mi





Open · Closes 2AM V



020 7729 1526



https://www.allinlondon.co.uk > 480...

Elegant Food Market, 430 Hackney Road, London - Convenience Stores near ...



4.8 **\* \* \* \* \*** (14) (i)

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Overview

Reviews

**Photos** 

**About** 





Street View & 360°

All



Add a photo





### Images from the web



street food



southbank centre



covent garden





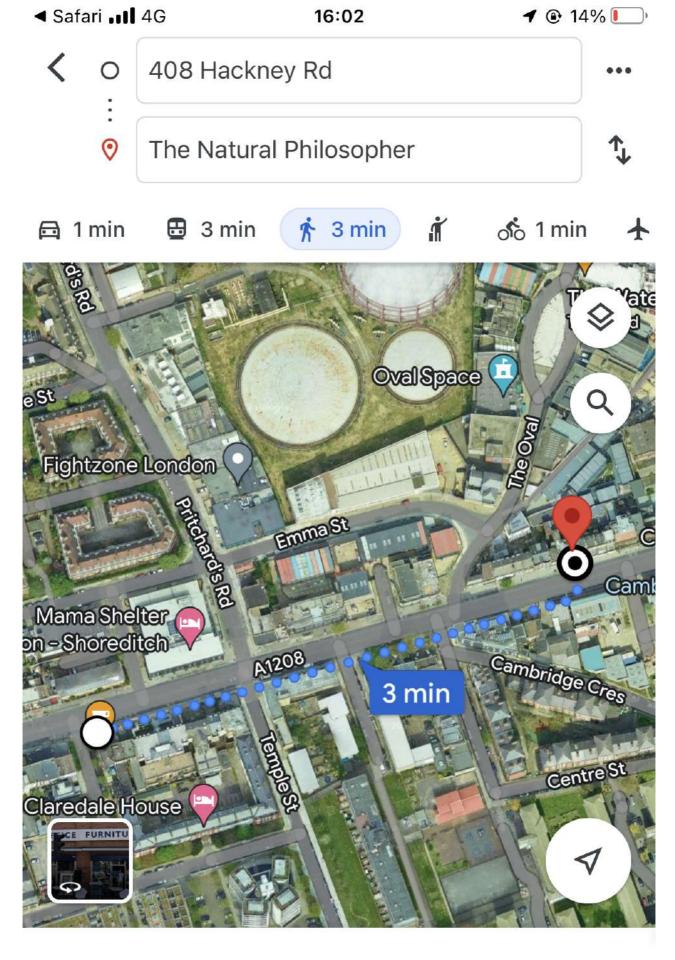
AΑ











3 min (0.2 mi) Mostly flat via Hackney Rd/A1208



