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PE29 6GB

Monday the 19th of August 2024

Re: New Restaurant Premises Licence:

7a Ezra Street, London, E2 7RH

Dear Residents,

I write on behalf of my client Solid Floor Ltd the current leaseholder of the above premises and applicant in this matter. Thank you for your comments on the application, apologies it has taken a little while to reply.

This letter will explain the application process and plans for the premises in more depth.

When an application is put together it is well thought out and considered before submission. Whilst this venue does not sit within a cumulative impact area, the operating schedule was put together with the view that the venue *was* and is doing so, made more robust.

We consider the licensing objectives and ensure that the operation the client is applying for will not be of negative impact. It is impossible to detail everything within an application and despite my client operating from this premises for the last 5 years and having honourable intentions with the application, it is difficult to know exactly how local residents will react. For my client to submit an application for the sale of alcohol and late-night refreshment for a restaurant with very tight controls, we genuinely did not expect the level of response we have had.

This is an application for the sale of alcohol, and late-night refreshment, NOT an application for a restaurant. There is no requirement for a licence to operate a restaurant, and I am aware of numerous restaurants in London that operate without issue whilst not having a premises licence, permitting their customers to 'bring your own' alcohol. Whilst this does not require a licence, it is far better to have a venue with a regulated licence than to have one without.

The applicant applied for and was granted a certificate of lawful development in November 2023 for permitted use of the premises to Class E (a) to (g) (iii), It is important to reiterate that the venue would still operate as a restaurant whether or not this application to sell alcohol and offer late night refreshment is granted. If the premises licence were granted, it would give assurances under the Licensing Act 2003 of the manner in which the premises will be managed.

We are very aware that not every person will have had full sight of the application, many will respond solely to the blue notice or the legal notice in the local newspaper. Unfortunately, with such a large operating schedule we simply cannot put the full application within such notices. I have attached the proposed operating schedule to the foot of this letter.

In terms of the responsible authorities, the experts that deal day in and day out with the main issues of operating a licensed premises are that of the licensing authority, environmental health and the police. We put the schedule together in the hopes that the responsible authorities with their knowledge and expertise of the area would find no fault and be of the opinion that in their minds, the application would not impact the licensing objectives.

Environmental health did ask that we amend the operating schedule slightly to ensure the following:

- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- The premises shall only operate as a restaurant where the supply of alcohol is by waiter or waitress service only
- The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

You will note later that we had already stated the venue was to operate as a restaurant, so this slight amendment was not an issue. It has been agreed and as such Environmental health have now withdrawn their representation.

Neither the police, licensing authority nor any other expert responsible authority have submitted a representation to the application.

Having reviewed the representations, many of which are similar in content, I have gathered them together below and for clarity, answered each point. We have also responded to some of the concerns and offer additional condition to mitigate those concerns as detailed below.

- Open from 9am till late

As stated, in terms of a restaurant the venue needs no licence to trade, my client is happy to amend the hours for the commencement of alcohol sale to 11am.

- More extractors for food smells etc.

Please note conditions 24 and 25 on the proposed operating schedule. The licensee will be duty bound to ensure that there is no noise, steam or odour emitting from the premises that could cause nuisance.

- Already lots of noise and anti-social behaviour, considerably more people on the street

The applicant does not wish to add to any of the current issues that residents face and it is useful to know residential concerns given that no such evidence or concern has been given by the police or environmental health. The aim is for the venue to be a relaxed dining experience for patrons, and as has been stated the operating schedule put together highlighting the importance of ensuring little or no impact to residents.

- Overloading the area with 'boozers'

This venue will be a high end destination restaurant, not a 'boozier'. As per the agreed condition with the local authority, only persons taking a table meal may drink alcohol at the premises ancillary to their meal. Patrons will not be permitted to stand with drinks, nor get a drink without having ordered a table meal.

- Additional drunkenness on top of problems already suffered

You will note on condition 37 with regard to training that it specifically points out training with regard to intoxication. Being a restaurant and only permitting the sale of alcohol to those customers taking a table meal, this itself reduces that possibility enormously. Restaurants per se, especially with such conditioning as this application is offering, do not tend to add to such issues.

- Continuous noise of people talking outside to around 11pm every night except on a Sunday when it will close at 8pm

External licensable areas will be closed by 9pm.

- Would inevitably attract a great volume of traffic putting children at risk. Other venues allow customers to block the road and footpath as well as using a large area of pavement for waste – more deliveries in the street.

Currently there are already deliveries to the venue, and there is no restriction on how these deliveries take place. My client has taken note of the concerns and as such is happy to add a further condition with regard to this. Suppliers tend to turn up at the same time of day and at similar timings, so we offer the following to mitigate this concern;

'All suppliers of food and drink to the venue will be instructed by the licensee to park their vehicles in the yard and not to park on the street'

In reality, this is exactly what happens now so there will be no blocking of the road or footpath for deliveries. The overwhelming majority of people that travel to restaurants

these days do so by public transport, not by their own vehicle.

- Another pub does not adhere to its licensing conditions and is not visibly having anything enforced by the borough. This raises more local concern for the impact of new business on the scale in the application for 7a Ezra Street

Each application under the Licensing Act 2003 is dealt with on its own merits. We are fully aware that there are other licensed venues in the vicinity, the majority of which not in Ezra Street. We cannot comment on how other operators run their venues but obviously we can dictate and manage how this venue will be run, given the levels of concern from residents it is imperative that the applicant does just that.

- If the applicant wishes to sell and serve alcohol at 9am until late at night this poses a potential danger to children and a public nuisance risk.

The venue will be a restaurant where the service of alcohol is ONLY to those taking a table meal there and alcohol cannot leave the premises. Conditions 35-38 adequately deal with protecting children on the premises. The venue will not be a danger to children outside or inside the premises.

- First Mile Bin lorries arrive between 0100 and 0230

Businesses are powerless as to when bin lorries arrive and take waste, they are informed by contract when they will arrive, and their work is to ensure that the waste is in the correct place to be removed. The current business already has a waste agreement so this will not increase.

- Soundproofing the rear wall due to potential escape of ambient noise from staff, patrons and music.

An excellent point regarding potential escape of ambient noise and one which my client had considered but given that it is to be a quiet restaurant with only background music it was not considered unnecessary to condition. But as there is a concern; to safeguard the future we offer this further conditioning

'No speakers or other vibrating appliance/equipment will be placed on the rear wall'

For the sake of clarity, background music is music placed at a level by which patrons can hold a normal conversation without raising their voices.

There is no necessity for my client to apply for a licence to play recorded music during the daytime and early evening as they are permitted to play 'background music' at this low level anyway. However, the condition was entered to reassure residents that there was no intention of ever playing music that may disturb

- **A concern that there will be light escape from the rear windows and a potential invasion of privacy to neighbours, especially in the evenings, a suggestion of a window upgrade (double glazing) with sound testing be made a condition**

This will not be the case and there would be no necessity for a window upgrade as the *Introduction states - '..Furthermore, the two windows on the first floor at the rear of the premises will be permanently closed and blocked off so as to be unusable. This is to ensure and respect the privacy of the neighbours at the rear...'*

We have no issue this being a condition on the licence as it is going to happen anyway so therefore resolves the issue in entirety. My client is not averse to blocking the windows permanently/bricking them up, but advice will be taken on the legality of doing so

- **There would inevitably be a vast amount of extra rubbish in the shape of wine bottles and food waste on a street where we already have problems with fly-tipping - issues with rodents attracted by refuse - Litter and crowd debris will clutter the streets**

Conditions 21-23, 26-28 cover refuse disposal and litter.

Waste will be kept on the premises until collection.

The application is for ON sale of alcohol. This means that alcohol can only be purchased to drink on the premises.

There will be no cases of people leaving this premises with bottles of wine or any other form of drink vessel, therefore

there will be no increase in people drinking in the street as a result of this venue.

Condition 31 refers to smokers outside the premises, this is safeguarding, in reality there will be no necessity for patrons to leave the premises to smoke as there is sufficient outside area in which to do so within the premises. Given that on average only 15% of the population now smoke, this is drastically reduced from years gone by.

The applicant offers the condition whereby any area that has been used for the storage of waste is regularly swept and washed on a daily basis.

It is unlikely that a restaurant will cause any littering in the street, it is not in the business owners interest to have any form of litter outside the premises, note condition 26.

- We anticipate a rise in anti-social behaviour, vandalism and disturbances especially during late evening hours

We would disagree, a well-run, high end restaurant with a relaxed atmosphere will not increase these issues. If there were a link between such things as vandalism and restaurants, I am certain the police would have concerns.

I hope this has answered your concerns. My client has not ignored your representations, and we hope you note the offers to amend the operating schedule with additions to mitigate some of the issues raised. The original operating schedule as applied for is copied below, if the licence is granted, we will add the additions mentioned above onto the schedule.

If you have any further question or concerns, please do not hesitate to contact me on the details below. If the amendments offered to the

operating schedule and answers above have dealt with your concerns and you feel able to withdraw your representation, please inform the licensing authority.

Kind Regards

Peter Conisbee Q.Inst.Pa
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Draft Operating Schedule

General

1. A bound incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which 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. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.
2. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised officer of the council or the police upon request. Right to work documents must be retained at the premises for a minimum of 12 months after employment has ceased.
3. There shall be at least 1 personal licence holder on duty at all times the premises is operating with licensable activities.
4. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
5. The licensee shall operate the venue as a restaurant style premises with a substantial food offering and will be laid out to tables and chairs.

Prevention of Crime

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
7. The CCTV system serving the premises shall:
 - a) be maintained fully operational and in good working order at all times;
 - b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and

- c) show an accurate date and time that the images were made.
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- 8. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
 - 9. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
 - 10. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.
 - 11. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
 - 12. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately 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.
 - 13. The capacity of the premises shall not exceed 80 persons (not including staff).
 - 14. The premises licence holder shall display crime prevention posters/material as provided by the police, aimed at preventing the theft or loss of personal possessions. These posters/materials will be affixed/displayed in a prominent position to be agreed between the licence holder and a member of the police licensing team within the premises.
 - 15. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place.
 - 16. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

17. An adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
18. A fire safety risk assessment will be completed as per government guidelines on an annual basis (**Regulatory Reform (Fire Safety) Order 2005**) And produced to authorised officers of the council, Police or the Fire Service upon request.
19. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

Prevention of Public Nuisance

20. The volume levels of recorded music played will not exceed that of background levels.
21. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
22. The licensee will ensure that there is an adequate number of receptacles for waste within the premises for the public to use.
23. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
24. No noise generate 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.
25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises is situated.
26. 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 be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangement by close of business.

27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 2100 and 0700 hours the following day.
28. Bottling out shall not take place between 2100 and 0700 the following day.
29. Notices shall be prominently displayed at all exits requesting patrons leaving the premises to do so quietly respecting the needs of local residents and businesses.
30. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local businesses and residents.
31. 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 there is no public nuisance or obstruction of the public highway.
32. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
33. All windows and external doors shall be kept closed after 2100 hours, except for the immediate access and egress of persons.
34. External licensable areas will close for use at 2100 hours

Protection of Children from Harm

35. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.
36. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
37. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request/ Staff employed to sell alcohol and assist a licensable activity shall undergo training upon induction. This shall include, but not be limited to;

- The premises age verification policy
- Dealing with refusal of sales.
- Proxy purchasing
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication

38. Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council or the police upon request.