



# L I C E N S I N G   S U B C O M M I T T E E   D

## S U P P L E M E N T A R Y   P A C K

Thursday, 17th September, 2020

at 2.00 pm

**TIM SHIELDS**  
Chief Executive

Contact:  
Natalie Williams , Governance Services Officer  
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The press and public are welcome to attend this meeting

# AGENDA

Thursday, 17th September, 2020

## ORDER OF BUSINESS

Title	Ward	Page No
5 Premises License: Protein Studios, 31 New Inn Yard, EC2A 3EY	Hoxton East & Shoreditch	(Pages 1 - 14)

## APPLICATION FOR A PREMISES LICENCE

OAT, 31 NEW INN YARD, LONDON EC2A 3EY

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## APPLICANT SUBMISSIONS

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### INTRODUCTION

1. The premises is a coffee shop and restaurant situated at 31 New Inn Yard, EC2A 3EY. The concept is Scandinavian inspired with a healthy plant-focused food menu.
2. The application is made to authorise the sale of a limited selection of alcohol alongside the food menu during lunch and early evening. The proposals are made to support the business as it adapts to survive in extremely challenging circumstances as a result of the Covid-19 pandemic.

### CONSULTATION & AMENDED PROPOSAL

3. The applicant consulted with [REDACTED] prior to submission. Thereafter the applicant prepared and submitted an application for a core hours restaurant licence, together with a comprehensive operating schedule of model conditions.
4. The applicant met the Metropolitan Police at the premises during the consultation period. Conditions proposed by the Police were subsequently agreed by the applicant. The Police did not object to the application as a result.
5. The applicant has also engaged with the Environmental Protection Team and the Community Safety & Enforcement Authority following receipt of their representations.

6. The applicant has engaged further with [REDACTED] following receipt of his objection. After consideration of his and other interested parties' concerns, the applicant has voluntarily amended the application to significantly scale back the proposals. A document summarising the extent of the amendments is appended and includes:
- (a) Withdraw off-sales of alcohol;
  - (b) Withdraw late night refreshment;
  - (c) A significant reduction in terminal hours to 9.00 pm Sunday – Thursday and 9.30 pm Friday and Saturday;
  - (d) Additional conditions controlling the use of the external area.
7. The applicant is preparing to engage with all outstanding objectors to explain the amendments and to clarify the limited extent of the proposals. In particular, the applicant can confirm that there is no intention to use the premises licence to authorise large-scale events across the premises building. The proposed licence demise is limited to the coffee shop and external area at ground floor level only.
8. The applicant submits that all remaining concerns have been addressed by this clarification and agreement to conditions. A premises licence imposes a statutory layer of control and enforceable conditions on the business operation that would otherwise not be available for the local community to rely upon. This is particularly relevant in respect of concerns about:
- (a) Noise and public nuisance – controlled by the reduced hours and proposed conditions 6, 7, 11, 13, and 15.
  - (b) Waste refuse – controlled by proposed conditions 14, 16, 17, 18, 19, 20 and 21.
  - (c) External area – controlled by reduced hours 1 hour earlier than the 10pm preference under Policy LP6 and proposed conditions 4, 5, 9, 22 and 23.

## **POLICY**

9. The applicant understands the Licensing Authority's primary concerns relate to the Shoreditch Special Policy and Policies LP10 and LP11. The applicant invites the Licensing Sub-Committee to determine that

the following factors enable the applicant to demonstrate that the proposed activity and operation of the premises will not add to cumulative impact:

- (a) The proposed hours are well below the LP3 core hours. The cumulative impact policies are correctly aimed at controlling problems associated from the proliferation of late-night licensed premises, not those ceasing alcohol sales at 9.00 pm or 9.30 pm to seated customers with a meal.
- (b) The premises, being a small coffee shop and restaurant, is not the type of premises causing, or likely cause, serious problems of nuisance and disorder<sup>1</sup>.
- (c) The premises cannot realistically be anticipated to result in the problems identified by paragraph 3.2 of the Statement of Licensing Policy.
- (d) The application proposes conditions ensuring alcohol is only supplied to seated persons consuming a meal on the premises. These conditions safeguard the use and prevent alcohol-led activity on the premises.
- (e) The effect of the Covid-19 pandemic on levels of cumulative impact in Shoreditch (see below).

#### **COVID-19 & CUMULATIVE IMPACT**

10. Licensing decisions should take into account the wider economic impact of a proposal made by a local business. This was recognised by the Court of Appeal in the leading case of *Hope and Glory* [2011] EWCA Civ 31, when Toulson LJ observed [at 42]:

*“Licensing decisions often involve weighing a variety of competing considerations: 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.”*

11. During lockdown, there was zero, or at least close to zero, cumulative impact arising from licensed premises in Shoreditch. As lockdown is gradually lifted, it is reasonable to conclude that any impact arising from licensed premises will be materially lower than experienced in recent times and lower than at the time of the Council’s last Cumulative Impact Assessment.

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<sup>1</sup> Paragraphs 2.3, 2.19 and 3.1 Statement of Licensing Policy

## PLANNING

12. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) introduced wide-ranging changes to the planning regime in order to support the high street revival.
13. The Licensing Sub-Committee is not bound by decisions made by the planning authority<sup>2</sup>. The planning and licensing regimes involve consideration of different policies and different matters<sup>3</sup>. As a result, the applicant submits that the Licensing Sub-Committee should exercise caution when considering submissions made by objectors in relation to the planning status of the premises.

## SUMMARY

14. The premises is a small coffee shop and restaurant. The amended application proposes hours significantly less core hours, together with comprehensive conditions to control the use and promote the Licensing Objectives. The premises and application proposals cannot realistically be described as the type of late-night problematic premises that LP10 and LP10 seek to control.
15. The applicant invites the Licensing Sub-Committee to grant the amended application accordingly. In doing so, the Licensing Sub-Committee will signal its support to a local business doing its best to adapt and play its part in the responsible revival of the local economy in Shoreditch.

**10 September 2020**

**THOMAS & THOMAS PARTNERS LLP**

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<sup>2</sup> Paragraph 14.64 s.182 Guidance

<sup>3</sup> *ibid*

**31 New Inn Yard Shoreditch EC2A 3EY**

**Amended Application for a Premises Licence**

**Proposed Licensable Activities:**

	<b>Sale of Alcohol (on &amp; off the premises)</b>	<del>Late</del> <del>Night</del> <b>Refreshment</b>	<b>Opening Hours</b>
<b>Monday to Thursday</b>	08:00 to <del>23:00</del> <b>21:00</b>	N/A	07:00 to <del>23:30</del> <b>21:30</b>
<b>Friday &amp; Saturday</b>	08:00 to <del>00:00</del> <b>21:30</b>	<del>23:00 to 00:00</del>	07:00 to <del>00:30</del> <b>22:00</b>
<b>Sunday</b>	10:00 to <del>22:30</del> <b>21:00</b>	N/A	07:00 to <del>23:00</del> <b>21:30</b>

NB. No regulated entertainment or non-standard timings.

**Proposed Conditions:**

1. The supply of alcohol at the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Hackney 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 preceding 31 day period.
3. 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 is 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.
4. Whenever the external areas shown on the approved plans are used for the consumption of alcohol then there shall be at least one member of staff on duty whose role requires them to regularly monitor and supervise the use of those seating areas.
5. ~~There shall be no licensable activities in external areas after 22:00.~~

**The use of the external area shall cease at 2100 hours save for a maximum of 5 smokers**

6. The licensee shall display the telephone number/email address of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.
7. There shall be a written dispersal policy in a form agreed with the Police and Licensing Authority, a copy of which shall be kept on the premises and produced to Police or an authorised officer upon request.

8. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take alcoholic drinks with them.
9. Smokers shall only be permitted to use the premises external areas for smoking and not the public highway.
10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City 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. all seizures of drugs or offensive weapons;
  - f. any faults in the CCTV system or searching equipment or scanning equipment;
  - g. any refusal of the sale of alcohol; and
  - h. any visit by a relevant authority or emergency service.
11. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and businesses and leave the area quietly.
12. 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.
13. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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.
16. 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.
17. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
18. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
19. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check



should be made at close of business.

20. 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.
21. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Protein Studios.  
This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier  
the date of commencement of trade waste contract the date of expiry of trade waste contract  
the days and times of collection  
the type of waste including the European Waste Code

**Additional Conditions Agreed with Police:**

22. The sale of alcohol outside the premises shall be to seated customers only
23. The external capacity shall be limited to 35 persons.

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**Fwd: OAT license application**

1 message



14 September 2020 at 10:51



**Date:** Friday, 11 September 2020 at 23:56



**Subject:** Re: OAT license application

Dear Neighbour,

I wanted to personally write to you to provide some additional reassurance about our motivations for licensing our cafe OAT.

I have personally lived and worked in Shoreditch since 2001 and have, like you, seen it change over the years. I set Protein up in 1998 with the goal to help businesses grow. Over 20 years later, we're still a fully independent business without any major shareholders or investment, so the recent Covid-19 lockdown has had a devastating impact on our Studios business on New Inn Yard. As a result we've had to completely rethink how we operate to survive. Our upstairs workspace has gone from a small number of creative businesses on fixed contracts to over 60 different teams and freelancers coming in one day at a time and our event spaces downstairs are in the process of being reconfigured into flexible work, retail and virtual events spaces to adjust to the new commercial reality of no large gatherings for the foreseeable future.

The same challenges and changes apply to OAT, our new cafe operator, who are having to regularly adjust to the new Covid-Secure, social distancing and track & trace measures, as well as significant drop (and potential revenue) from the lack of local footfall on New Inn Yard. OAT was founded on the principle to "Become the local meeting place to connect and support the local community" (see below) and specialises in predominantly plant based menu developed by local chef [redacted]. OAT also follows in the footsteps of our 3 previously successful local operators:

[redacted] on Hackney Road. Our motivation to license OAT is to enable it to responsibly generate some much needed additional revenue and jobs, as well as supporting a start-up independent cafe that serves our members upstairs as well as the local businesses and residents.

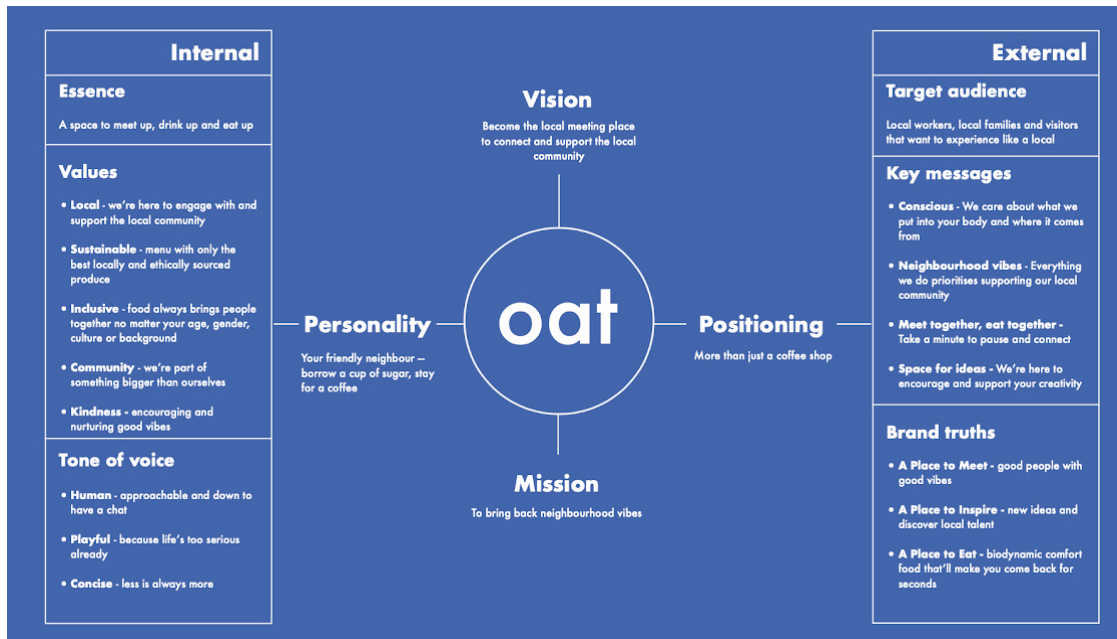
In the spirit of neighbourly co-operation, we have revised our proposal (attached), so I'm keen to hear, understand and hopefully resolve your concerns before the hearing on the 17th, so am available anytime on: [redacted]



Founder & CEO

Protein

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The purpose is made of several components that capture both emotional and functional benefits, as well as addressing community insights and leveraging our ambition.



 31 New Inn Yard App Summary - Amended 4.9.20.docx  
26K



Licensing (Shared Mailbox) &lt;licensing@hackney.gov.uk&gt;

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**Re: Application for a premises licence at 31 New Inn Yard, Hackney, London, EC2A 3EY**

1 message

11 September 2020 at 13:00

Reply-to: [REDACTED]  
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Hackney Licensing

The applicant's letter raises important issues. I will submit additional representations in due course. However, there are two (related) points requiring urgent attention.

The applicant implies I personally endorsed the application ("*The applicant consulted with [REDACTED] prior to submission. Thereafter the applicant prepared and submitted an application for a core hours restaurant license....*") and the revisions ("*The applicant has engaged further with [REDACTED] following receipt of his objection. After consideration of his concerns ... the applicant has voluntarily amended the application....*").

This is a gross misrepresentation, possibly intended to deceive. Neighbours have already contacted me, surprised that I agreed. I did nothing of the sort.

Correspondence with the applicant is attached, and is easily read. I told the applicant he should not over-reach. Later I told him I would not support the proposed revised hours.

More importantly, I've been involved in more licensing (and planning) hearings than I can count, and reviewed hundreds of applications. I have **never** seen an applicant abuse a neighbour's name and privacy like this. I am very uncomfortable with this breach of privacy protocol and good common sense.

For reasons to be raised in due course, I firmly believe the applicant can not demonstrate its ability to uphold the licensing objectives, and this application should be rejected in full.

Please can this note (and the attachment) be circulated to those who received the applicant's note. I normally request my personal details not be released, but the applicant has already breached that protocol. I have redacted all other personal details.

Kind regards

[REDACTED]

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## Re: OAT license application

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From: [REDACTED] [REDACTED])

To: [REDACTED]

Date: Thursday, September 10, 2020, 10:40 AM GMT+1

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Hi -

I personally oppose anything that exceeds current planning, on principle.

As far as I understand the current planning, operations are limited to a cafe, and roughly to the old Cream hours. As I said below, I wouldn't object to that. I can't speak for others though.

Regards,

[REDACTED]

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On Wednesday, September 9, 2020, 04:39:22 PM GMT+1, [REDACTED] wrote:

hi [REDACTED]

appreciate you're busy, but wanted to get your thoughts on our revised proposal? happy to jump on a quick call if that's easier?

cheers, [REDACTED].

On Fri, 4 Sep 2020 at 22:04, [REDACTED] wrote:

hi [REDACTED]

thanks for coming back and clarifying your position.

we took your concerns on-board and have scaled back our proposal, which you can find attached marked up in red. in summary, we're proposing to withdraw off-sales, reduce opening hours both inside and out as well as reducing external capacity. i've also attached the floor plan to clarify and reassure the license would only be used for and by OAT during their trading hours and not by protein studios for events. i appreciate you're super busy at the moment, but i'm obviously keen to try and reach an agreement with you and the other objectors, so let me know your thoughts on the above when you can.

have a great weekend.

cheers, [REDACTED].

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On Fri, 4 Sep 2020 at 11:15, [REDACTED] [REDACTED] > wrote:

Hi [REDACTED] -

Apologies, I'm absolutely swamped.

You told me you were applying for a license and would run the space more similar to the old Cream days. You didn't mention running a restaurant until 0:30, with booze on the pavement from 8:00-22:00, with an off license. I didn't say I was OK with a license similar to Tonkotsu or Casa do Frango. What I did say was that the neighbours would object if the application was excessive, and I understand why they did object.

Through the grapevine I've heard [REDACTED] is planning on running the space during the old Cream hours. I personally don't have a problem with a beer indoors with a meal during those hours.

But that's just me. I don't think there is an "SCA" submission; you'll need to speak to the folks that objected if there's something you want to propose.

Let me know if I can help, but unfortunately I'm really tight on time at the moment.

[REDACTED]

On Friday, September 4, 2020, 10:54:08 AM GMT+1, [REDACTED] wrote:

hi [REDACTED]

tried calling you a couple of times.

i wanted to follow-up our conversation on 22nd june regarding our license application for OAT. my understanding from that call was that provided we applied for a restaurant license within core hours, as tonkotsu and casa do frango have done successfully, then there wouldn't be any objections from the shoreditch community association. i was therefore surprised to receive a number of objections that went against this understanding.

in the spirit of neighbourly co-operation, i'm keen to resolve yours and the other members of the sca's concerns before the hearing on the 17th, so would appreciate a call back ([REDACTED]) or details of any conditions via email and we can work things out from there.

looking forward to hearing from you.

cheers, [REDACTED].

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[Join Protein now](#) to meet, listen, work and grow.

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[REDACTED]  
[REDACTED]  
[REDACTED]

[Join Protein now](#) to meet, listen, work and grow.

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