

**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.
- [REDACTED]

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:

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

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.