

For Consideration By	Licensing Sub-Committee
Meeting Date	22 September 2022
Type of Application	Premises Licence
Address of Premises	Rack and Bite, 36 Great Eastern Street, London, EC2A 3ES
Classification	Decision
Ward(s) Affected	Hoxton East and Shoreditch
Group Director	Rickardo Hyatt

1. **Summary**

- 1.1. This is an application for a premises licence to allow authorisation for the provision of late night refreshment on Monday to Sunday.

2. **Application**

- 2.1. Marj London Ltd has made an application for a premises licence under section 17 of the Licensing Act 2003.
- 2.2. The premises is located within Shoreditch Special Policy Area.
- 2.3. The applicant is seeking authorisation for the following licensable activities and times:

Late Night Refreshment	Standard Hours: Mon 23:00-02:00 Tue 23:00-02:00 Wed 23:00-04:00 Thu 23:00-04:00 Fri 23:00-04:00 Sat 23:00-04:00 Sun 23:00-00:00
The opening hours of the premises	Standard Hours: Mon 12:00-02:00

	Tue 12:00-02:00
	Wed 12:00-04:00
	Thu 12:00-04:00
	Fri 12:00-04:00
	Sat 12:00-04:00
	Sun 12:00-00:00

2.4. The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

3. **Current Status/History**

3.1. The premises is not currently licensed for any activity.

3.2. No temporary event notices have been given for this premises in current year.

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	Representation has been withdrawn based on agreed conditions as set out in para 8.1
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority (Appendix B1)	Informative
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Licensing Authority (Appendix B3)	Representation received on the grounds of The Prevention of Public Nuisance
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
9 representations received from and on behalf of local residents. (Appendices C1-C9)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

6. **Guidance Considerations**

- 6.1. The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) and LP10 (Special Policy Areas-Dalston and Shoreditch) are relevant.

8. **Officer Observations**

- 8.1. If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:
1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
 2. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show Police or authorised council officer recent data or footage when requested.
 3. An 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
 - b. All ejections of patrons
 - c. Any complaints received
 - d. Any incidents of disorder

- e. Seizure 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
 - h. Any visit by a relevant authority or emergency service
4. All doors and windows shall remain closed save for access and egress after 21.00.
 5. Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers requiring customers to leave the premises and the area quietly.
 6. 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 are situated.
 7. There shall be no idling of vehicles, being delivery vehicles outside the premises whilst the premises is in operation.
 8. Waste collections shall be restricted to timings to be determined by the local authority.
 9. The Licensee shall ensure that all relevant 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.
 10. 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.
 11. 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.
 12. 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.

13. 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.
14. 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 Rack & Bite. 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

9. **Reasons for Officer Observations**

- 9.1. Conditions 1 to 8 are derived from the applicant's operating schedule and conditions 9 to 14 have been agreed with Environmental Enforcement.

10. **Legal Comments**

- 10.1. The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 10.2. It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. **Human Rights Act 1998 Implications**

- 11.1. There are implications to;
 - **Article 6** – Right to a fair hearing
 - **Article 14** – Not to discriminate
 - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. **Members Decision Making**

12.1. **Option 1**

That the application be refused

12.2. **Option 2**

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. **Conclusion**

13.1. That Members decide on the application under the Licensing Act 2003.

Appendices:

Appendix A: Application for a premises licence and supporting documents

Appendix B: Representations from responsible authorities

Appendix C: Representations from other persons

Appendix D: Location map

Background documents

Licensing Act 2003

LBH Statement of Licensing Policy

Report Author	Name: Shan Uthayasangar Title: Licensing Officer Email: shan.uthayasangar@hackney.gov.uk Tel: 02083562431
Comments for the Group Director of Finance and Corporate Resources prepared by	Name Title Email Tel
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Name Title Email Tel

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Marj London Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Rack and Bite 36 Great Eastern St,			
Post town	London	Postcode	EC2A 3ES

Telephone number at premises (if any)	
Non-domestic rateable value of premises	Not given

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality British					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name- Marj London Ltd
Ground Floor, 36 Great Eastern Street, London, England, EC2A 3ES
Registered number (where applicable) 13575466
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A S	A P	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

The premises is a quality Burger and Grill establishment trading since the 9th June.

It is situated on the A1202 Great Eastern Street, close to the cross-roads with Curtain Road.

The premises currently operates from 12.00 to 23:00.

The premises offers take-away food and drink which is collected by customers in person.

Food is also delivered to customers who make telephone or online orders.

There is modest and time-limited provision for customers who wish to consume their food and drink on the premises. The premises has seating for a maximum of 11 customers. The premises serves seated customers from 12:00 until 22.00 at which point the premises operate as delivery and collection take-away only.

The applicant seeks a Premises Licence only for the purposes of providing late night refreshment.

The applicant does not wish to supply alcohol or provide regulated entertainment

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

n/a

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)

h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	23.00	02.00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23.00	02.00			
Wed	23.00	04.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	04.00			
Fri	23.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	04.00			
Sun	23:00	00:00			



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	02.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	12.00	02.00	
Wed	12.00	04.00	
Thur	12.00	04.00	
Fri	12.00	04.00	
Sat	12.00	04.00	
Sun	12.00	00.00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The applicant is an experienced caterer and understands the nature of the locality in which the premises is located. The nature of the locality has been taken into consideration when preparing the operating schedule.

The applicant's intention is that the operating schedule demonstrates that this application will not add to the cumulative impact being experienced in the area.

The applicant understands that the premises is situated in the Shoreditch Special Policy Area and draws attention to the following points to demonstrate that the operation will not add to the cumulative impact in the area:

- Thoughtfully constructed operating schedule
- Quality of the establishment and the record of Management
- Good character of the applicant
- Modest size of the operation
- No external areas
- No supply of alcohol
- No regulated entertainment
- No customers eating on the premises from 22.00 each night
- Trouble free operation to date.

A draft of this application was sent to responsible authorities. Environmental Health have confirmed that they are happy with the proposed conditions at M(d) and that they will not be making representations against the application when formally submitted.

b) The prevention of crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

2. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show Police or authorised council officer recent data or footage when requested.

3. An 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
- b. All ejections of patrons
- c. Any complaints received
- d. Any incidents of disorder
- e. Seizure 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
- h. Any visit by a relevant authority or emergency service

c) Public safety

1. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

d) The prevention of public nuisance

1. All doors and windows shall remained closed save for access and egress after 21.00.
2. Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers requiring customers to leave the premises and the area quietly.
3. 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 are situated.
4. There shall be no idling of vehicles, being delivery vehicles outside the premises whilst the premises is in operation.
5. Waste collections shall be restricted to timings to be determined by the local authority.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.

- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
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Signature	██████████
Date	18/07/2022
Capacity	Legal representative

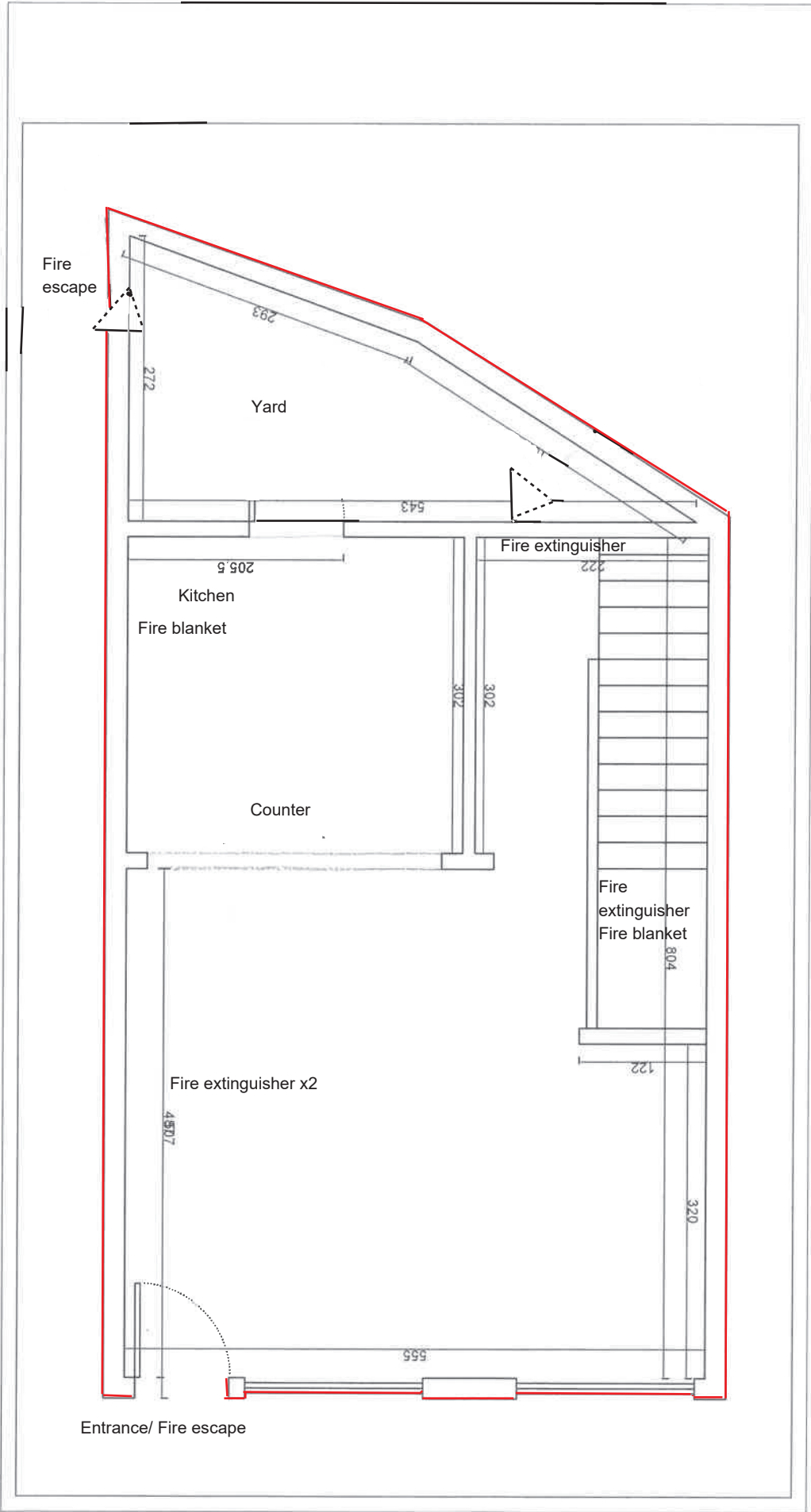
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
TV Edwards Solicitors LLP ██████████			
Post town	██████████	Postcode	██████████
Telephone number (if any)	██████████		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) ██████████			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.



APPENDIX B1

Planning Authority Representation: Application under the Licensing Act 2003

Details of Authority	1 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Claudette Abraham
Officer telephone number	020 8356 4870
Officer's email address	claudette.abraham@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Rack and Bite 36 Great Eastern St, London EC2A 3ES
Applicant name	Marj London Ltd

COMMENTS

I make the following relevant representation in relation to the above application at the above address.

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

The application proposes for a new premises licence as a quality Burger and Grill Restaurant trading since the 9th June. The premises currently operates from 12:00 to 23:00. There is modest and time-limited provision for customers who wish to consume their food and drink on the premises. The premises has seating for a maximum of 11 customers. The premises serves seated customers from 12:00 until 22:00 at which point the premises operate as delivery and collection take-away only. The premises offers take-away food and drink which is collected by customers in person. Food is also delivered to customers who make telephone or online orders under the Licensing Act 2003.

The licensable activities are:

Late Night Refreshment Mon-Tue 23:00-02:00, Wed-Sat 23:00-04:00, Sun 23:00-00:00

Hours of Opening Mon-Tue 12:00-02:00, Wed-Sat 12:00-04:00, Sun 12:00-00:00

Planning permission ref: 2021/0800 Erection of an extraction flue to the rear of the property.

No record could be found for the approval of the use of the premises as a restaurant, take away food establishment. Therefore the applicant is advised that planning permission may be required for the usage of the premises. Operation of the premises without appropriate planning permission is unlawful and may result in enforcement action.

No representation with informatives

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Please provide the following information (if applicable)

Area (that permission applies to)	Ground Floor
Permitted use	Class A3
Permitted hours	N/A
Specific/restrictive conditions	N/A
Recent applications	N/A
Decisions	N/A
Pending Decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

No representation with Informative

No record could be found for the approval of the use of the premises as a restaurant/take away food establishment. Therefore the applicant is advised that planning permission may be required for the usage of the premises. Operation of the premises without appropriate planning permission is unlawful and may result in enforcement action.

The applicant is advised that these comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.

Signed	
Name	Gareth Barnett
Date	03.08.2022

APPENDIX B2

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 3288CE Amanda GRIGGS
TELEPHONE NUMBER	07796 183078
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Rack and Bite 36 Great Eastern Street London EC2A 3ES
NAME OF PREMISES USER	Marj London Ltd

COMMENTS

I make the following relevant representations in relation to the above application for a Premises Licence at the above address.

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Representations (which include comments and/or objections) in relation to:

Police make the following representations in relation to the application for a Premises Licence at Rack & Bite, 36 Great Eastern Street, London, EC2A 3ES for the following reason(s);

This premises is located in the middle of the Shoreditch Special Policy Area (SPA).

Police have seen a vast increase in serious violence and disorder in Shoreditch over the past several months – year, as the footfall has increased to unprecedented levels since the easing of Coronavirus Restrictions. Behaviours and attitudes to drinking seem to have changed and we have seen a big increase in levels of extreme drunkenness and illness due to intoxication on the streets of Shoreditch. There are crowds of people on the streets after midnight in Shoreditch and police regularly receive complaints from residents in relation to ASB, violence, litter and noise. Granting a late night licence here has the potential to increase numbers hanging around the area. Although the venue is not selling alcohol, by encouraging people to gather whilst waiting for their food the potential for violence and disorder is increased.

As per LP10, it is up to the applicant to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact in this area. Police do not believe that this application does this. Should the applicant be able to demonstrate this then as per LP10, core hours would apply. The hours applied for here are far outside the core hours as detailed in LP3.

Police respectfully request that this application be refused.

The above representations are supported by the following evidence and information.

Personal knowledge of the local area and issues in the area.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

None

Signed
PC 3288CE GRIGGS
(By E-mail)
Name (printed)

APPENDIX B3

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service 1 Hillman Street London E8 1FB
CONTACT NAME	Channing Riviere
TELEPHONE NUMBER	020 8356 4622
E-MAIL ADDRESS	Channing.riviere@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Rack & Bite 36 Great Eastern Street EC2A 3ES
NAME OF APPLICANT	Marj London Ltd.

COMMENTS

I make the following relevant representations in relation to the above application.

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance **x**
- the protection of children from harm

Representations (which include comments and/or objections) in relation to:

The application seeks the hours of operation for the premises beyond the core hours outlined in LP3 Core Hours section of the council's licensing policy for late night refreshment. The hours sought are as follows;

Late Night Refreshment

Mon:23:00 - 02:00

Tue:23:00 - 02:00

Wed:23:00 - 04:00

Thur:23:00 - 04:00

Fri:23:00 - 04:00

Sat:23:00 - 04:00

Sun:23:00 - 00:00

Opening Hours

Mon:12:00 - 02:00

Tue:12:00 - 02:00

Wed:12:00 - 04:00

Thur:12:00 - 04:00

Fri:12:00 - 04:00

Sat:12:00 - 04:00

Sun:12:00 - 00:00

The premises is located in the Shoreditch Special Policy Area (Shoreditch SPA), the Shoreditch SPA has been designated as such due to the impact of the number of premises within the area and their impact on the licensing objectives as well as the local amenity.

"LP10 Special Policy Areas – Dalston and Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

- quality and track record of the management;*
- good character of the applicant; and*
- extent of any variation sought*

May not be in itself sufficient.

It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply."

The presence of a further late night premises in the area increases the probability that persons are likely to remain in the area and not disperse, this leads to the further potential that the licensing objectives could be undermined. Additionally, there is no mention of how the premises would deal with late night deliveries/take-aways and the potential nuisance of idling vehicles. The premises is located in close proximity to the junction of Great Eastern Street and Curtain Road along a red route, the area can become extremely busy with traffic and footfall during the hours sought.

The Licensing Authority are not persuaded that the application, whilst limiting the activity to Late Night Refreshment, will have no impact on the Licensing Objectives.

The above representations are supported by the following evidence and information.

The Licensing Act 2003, Statement of Licensing Policy 2016 and Guidance issued by the Home Office.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

N/A

Name: Channing Riviere (Principal Licensing Officer)

Date: 10/08/2022

objection to licensing application

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Draft To: [Redacted]

On Mon, 1 Aug 2022 at 10:19, [Redacted] wrote:

Thanks, I did not understand that, but I still object to the late night opening as this place is below me and this late night licence, if granted, will cause noise at the front and back of my property.

I have single glazed windows so hear everything below me, and there is a noisy fan and shutter at the back which will make noise for longer, and later.

I have copied in my landlord as he also was not aware they would apply for this late opening licence either.

Thanks again, and I hope that you will consider my objection and my living space, when deciding whether to grant this request.

Best,

image001.png

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



image003.gif

image004.png

image005.png

From: david.tuitt@hackney.gov.uk <david.tuitt@hackney.gov.uk> **On Behalf Of** Licensing (Shared Mailbox)
Sent: 01 August 2022 10:15
To: [Redacted]
Subject: Re: Late alcohol licence

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact IT support

Dear [Redacted]

Many thanks for your email.

We confirm that we are in receipt of an application for a premises licence at this location. However, the application seeks to authorise late night refreshment only. Late night refreshment is the provision of alcohol for consumption on the premises in the case the application seeks to authorise late night refreshment from 23:00 to 02:00 Mon and Tue, 23:00 to 04:00 Wed to Sat and from 23:00 to 00:00 Sun. The application does not seek to authorise and alcohol sale

Let us know if you have any further queries.

Kind Regards,

Licensing Service
London Borough of Hackney
Tel: 020 8356 2431
Email: licensing@hackney.gov.uk
www.hackney.gov.uk/licensing

On Sat, 30 Jul 2022 at 11:17, [Redacted] wrote:

typo in original email, address is36.

Also landlord response to application.

Sent from my iPhone

Begin forwarded message:

On Wed, 27 Jul 2022 at 11:25, [REDACTED] wrote:

I would like to object to the application of Marj London, trading as Rack and Bite at 35 great eastern street, ec2a 3es for a late liquor licence.

I live right above this place and it will – im sure - cause me stress and there will be noise late into the evening.

I have a hard job working in [REDACTED] mon-fri 9-5.30pm.

I see they want the licence to run:

Mon, tues – 11pm – 2am

Wed-sat – 11pm-4am

Sun – 11pm-midnight

This means I will get little rest.

Rack and bite are not considerate neighbours – they fitted a noisy extractor fan to the back of the building and they have a shutter at the back which makes a loud noise when they leave at the pm.

I was under the impression that a restaurant was given permission, but this is a kebab shop.

I object strongly to this application.

Thanks,



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Licensing: RACK AND BITE 36 Great Eastern Street, London EC2A 3EH

1 message

5 August 2022 at 13:18


To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>**RACK AND BITE 36 Great Eastern Street, London EC2A 3EH**

Dear Hackney Licensing,

I would like to object to the licensing application from the above premises.

Shoreditch is completely over-saturated with bars and nightclubs and is increasingly noisy, unpleasant and infected with rising levels of anti-social behaviour. This may not be the responsibility of any particular venue but rather the cumulative effect since the Licensing Act of 2003. The only way to reverse this tide is to start restricting the endless expansion of the hours and these clubs and bars.

Regards,


Holywell Lane
EC2A 

(I do not consent to the release of any personally identifiable information.)

Rack and Bite, 36 Great Eastern Street, London EC2A 3EH

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Draft

On Fri, 5 Aug 2022 at 13:34, [REDACTED] wrote:

Ladies and Gentlemen,

I write to oppose the application by Rack and Bite, 36 Great Eastern Street, London EC2A 3EH for late night refreshment.

This application will see people lingering over greasy takeout after spilling out of the neighbouring venues, until 4:00 on many nights. It is completely inappropriate.

I oppose the application on the following specific grounds:

- The premises is located in the Shoreditch Special Policy Area, and should be rejected.

No evidence has been submitted with the application indicating exceptional circumstances.

It is the applicant's responsibility to demonstrate why the license should be granted, and they have not done so.

- The prevention of crime and disorder is paramount in Shoreditch, which has amongst the highest crime rates in London, heavily related to the late-night economy.

Additional late night venues, particular on this corner, will by definition contribute to the cumulative impact on crime,

and risks undermining the SPA/saturation zones in the area.

- Public safety is at risk with this new application. The neighbourhood already has significant issues with violence, vomiting, urination, defecation and drug use late into the night, presenting real safety, security and nuisance issues.

- This additional late night license contributes to the public nuisance via overwhelming crowds. A late night licence will enable significant noise from the venue, and the nuisance of people coming and going, with drunk and disorderly crowds gathering underneath bedroom windows.

- The protection of children from harm is vital. Evenings regularly attract violent people, illicit acts and vile behaviour, as confirmed by the police.

The addition of another late-night establishment will contribute to the impact on the numerous children in the neighbourhood.

I can be contacted at the address below. I wish to be notified of any hearing.

[REDACTED]
Batemans Row, London EC2A [REDACTED]

(I do not consent to the release of any personally identifiable information.)

Rack and Bite, 36 Great Eastern Street, London EC2A 3EH

1 message

5 August 2022 at 14:10

To: licensing@hackney.gov.uk

Cc: [REDACTED]

To whom it may concern,

I write to oppose the application by Rack and Bite, [36 Great Eastern Street, London EC2A 3EH](#) for late night food and refreshments. As a nearby resident suffering the noise pollution (shouting, very loud cars and motorcycles and loud music from parked cars), this application will see people lingering even longer after spilling out of the neighbouring venues, until 4:00 on many nights. Current late night dispersion policies do not work and this license will undermine dispersion policies even more.

We also oppose the application on the following specific grounds:

- The prevention of crime and disorder is paramount in Shoreditch, which has amongst the highest crime rates in London, heavily related to the late-night economy. Additional late night venues, particular on this corner, will by definition contribute to the cumulative impact on crime, and risks undermining the SPA/saturation zones in the area.
- Public safety is at risk with this new application. The neighbourhood already has significant issues with violence, vomiting, urination, defecation and drug use late into the night, presenting real safety, security and nuisance issues.
- This additional late night license contributes to the public nuisance via overwhelming crowds. A late night licence will enable significant noise from the venue, and the nuisance of people coming and going, with drunk and disorderly crowds gathering underneath bedroom windows.
- The protection of children from harm is vital. Evenings regularly attract violent people, illicit acts and vile behaviour, as confirmed by the police. The addition of another late-night establishment will contribute to the impact on the numerous children in the neighbourhood.

I can be contacted at the address below. I wish to be notified of any hearing.

[REDACTED]
[REDACTED]
Mills Court
EC2A [REDACTED]

I do not consent to the release of any personally identifiable information.

Sent from my iPhone

Objection to licensing application Rack & Bite 36 Gt Eastern St EC2A 3 EH

1 message

5 August 2022 at 16:02

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Sir/Madam,

RE: Rack and Bite, [36 Great Eastern Street, London EC2A 3EH](#)

I strongly object to the application by Rack and Bite, [36 Great Eastern Street, London EC2A 3EH](#) for late night refreshment. This application will hugely increase the cumulative impact of late night activities on residents in the area and until 4:00 on many nights. This is contrary to policy for the area. This kind of venues attract groups of people in the street and this create nuisance and disturbance. Residents are already experiencing much stress from existing venues. The area is already saturated with late night premises.

I oppose the application on the following specific grounds:

- The premises is located in the Shoreditch Special Policy Area, and should be rejected. There is no case in the application indicating exceptional circumstances.
- The prevention of crime and disorder: Shoreditch suffers from being the third highest crime area in the whole of London Met and this has been linked to the late night economy. Additional late night venues, particular on this spot, will act as a honey pot and contribute to the increase in crime in the area due to the added number of customers late at night at the premises. They will then disperse in adjacent areas and streets thus extending the impact much further than the immediate area.
- Public safety: This area has significant issues with violence and other anti-social behaviours such as substance/drug use, vomiting, urination, defecation, fights with broken glass, etc. presenting real safety, security and nuisance issues late into the night. As a female resident I do not feel safe having groups of late night revellers in the streets.
- Public nuisance: This additional late night license contributes to the public nuisance via increasing crowds. Noise from the venue, and the nuisance of people coming and going, with drunk and disorderly crowds gathering in the streets where we have bedroom and living spaces, will severely impact residents.
- The protection of children from harm: Late night venues attract violent people, illicit acts and vile behaviour, as confirmed by the police. The addition of another late-night establishment will contribute to the impact on the numerous children in the neighbourhood.

I wish to be notified of any hearing.

Yours sincerely,



 [Charlotte Road, London EC2A](#) 

(I do not consent to the release of any personally identifiable information.)

Sent from my iPad

Rack and Bite, 36 Great Eastern Street, London EC2A 3EH

1 message

5 August 2022 at 16:44

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

I write to oppose the application by Rack and Bite, [36 Great Eastern Street, London EC2A 3EH](#) for late night refreshment. This application will see people lingering over greasy takeout after spilling out of the neighbouring venues, until 4:00 on many nights. It is completely inappropriate.

I oppose the application on the following specific grounds:

- The premises is located in the Shoreditch Special Policy Area, and should be rejected. No evidence has been submitted with the application indicating exceptional circumstances. It is the applicant's responsibility to demonstrate why the license should be granted, and they have not done so.
- The prevention of crime and disorder is paramount in Shoreditch, which has amongst the highest crime rates in London, heavily related to the late-night economy. Additional late night venues, particular on this corner, will by definition contribute to the cumulative impact on crime, and risks undermining the SPA/saturation zones in the area.
- Public safety is at risk with this new application. The neighbourhood already has significant issues with violence, vomiting, urination, defecation and drug use late into the night, presenting real safety, security and nuisance issues.
- This additional late night license contributes to the public nuisance via overwhelming crowds. A late night licence will enable significant noise from the venue, and the nuisance of people coming and going, with drunk and disorderly crowds gathering underneath bedroom windows.
- The protection of children from harm is vital. Evenings regularly attract violent people, illicit acts and vile behaviour, as confirmed by the police. The addition of another late-night establishment will contribute to the impact on the numerous children in the neighbourhood.

I can be contacted at the address below. I wish to be notified of any hearing.


[Coronet Street](#)

N1 

(I do not consent to the release of any personally identifiable information.)

Rack and Bite, 36 Great Eastern Street, London EC2A 3EH

1 message

7 August 2022 at 18:29

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

To Whom it may concern,

We are writing to oppose the application by Rack and Bite, [36 Great Eastern Street, London EC2A 3EH](#) for permission to sell late night refreshments. This application seeks to extend the time for late night refreshment from 23:00 to 02:00am Mon and Tue, 23:00 to 04:00am Wed to Sat and from 23:00 to 00:00 Sun.

This extension would lead to further overcrowding of the Shoreditch area late at night, when noise pollution, anti-social behaviour, drinking in the streets, nitrous oxide consumption, and other behaviours (including criminal offences such as assaults and sexual offences) are already disrupting residents' ability to sleep and creating a threatening atmosphere. Allowing any additional sales will only add to these issues, which are currently slipping out of control again, after a few months of improvement between late 2021 and June 2022. In particular sales for consumption off-premises directly encourage groups to congregate and loiter in residential streets drinking through the night. We are objecting to all aspects of this proposal, however, it ought to be especially obvious that allowing sales until 02.00am on quite week nights and 04.00am four nights a week is particularly unreasonable and, in our opinion, impossible to justify for any venue.

We oppose the application on the following specific grounds:

The premises are located in the Shoreditch Special Policy Area. We are not aware of any information provided by the applicant as to how this application avoids any negative impact on this area. We understand that it is the applicant's responsibility to demonstrate why the license should be granted. Arguments based on concerns about recent increases in prices, pressures on customers due to inflation, etc. apply to all hospitality business of this kind and do not therefore constitute an acceptable reason to extend any individual licence.

The prevention of crime, disorder, anti-social behaviour and noise pollution ought to be the top priority in Shoreditch, which is heavily residential and where a proper balance needs to be struck between the Council's duty to its residents and the wishes of late night economy venues. Additional late night hours will by definition contribute to the cumulative impact on crime, disorder, anti-social behaviour and noise pollution, and risks undermining the SPA/saturation zones in the area. Longer sales hours will deepen the problems already being experienced.

Public safety is also at risk with this new application. The neighbourhood already has significant issues with violence, vomiting, urination, defecation and drug use late into the night, presenting real safety, security and nuisance issues. This is not limited to the immediate vicinity of any venue, but spreads to the streets such as ours where groups gather throughout the night.

This extension of hours will only add to the crowding issue. Consumption of refreshments will create significant noise from the venue, the noise created by groups coming and going, and drunk and disorderly crowds gathering underneath bedroom windows.

The protection of residents, including children, from harm is an important consideration. Residents cannot be expected to put up with the disruption caused by extended hours, as the existing amount of venues, alcohol and refreshments consumed are already stretching the resources of the police and Hackney enforcement to manage and control the late night economy to breaking point. We have just submitted a report to the police about the situation over the last two weekends in our street, which reflects the deterioration already occurring this summer (CAD reference [REDACTED]). Adding to this will only make a difficult situation worse.

We can be contacted at the address below. We wish to be notified of any hearing. We do not consent to the release of any personally identifiable information.

[REDACTED]
[REDACTED] Cleeve House, Calvert Avenue, London E2 [REDACTED]

Rack and Bite, 36 Great Eastern Street, London EC2A 3EH

1 message

14 August 2022 at 22:24

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

To whom it may concern,

I write to oppose the application by Rack and Bite, [36 Great Eastern Street, London EC2A 3EH](#) for late night refreshment. This application will see people lingering over greasy takeout after spilling out of the neighbouring venues, until 4:00 on many nights. It is completely inappropriate.

I oppose the application on the following specific grounds:

- The premises is located in the Shoreditch Special Policy Area, and should be rejected. No evidence has been submitted with the application indicating exceptional circumstances. It is the applicant's responsibility to demonstrate why the license should be granted, and they have not done so.
- The prevention of crime and disorder is paramount in Shoreditch, which has amongst the highest crime rates in London, heavily related to the late-night economy. Additional late night venues, particular on this corner, will by definition contribute to the cumulative impact on crime, and risks undermining the SPA/saturation zones in the area.
- Public safety is at risk with this new application. The neighbourhood already has significant issues with violence, vomiting, urination, defecation and drug use late into the night, presenting real safety, security and nuisance issues.
- This additional late night license contributes to the public nuisance via overwhelming crowds. A late night licence will enable significant noise from the venue, and the nuisance of people coming and going, with drunk and disorderly crowds gathering underneath bedroom windows.
- The protection of children from harm is vital. Evenings regularly attract violent people, illicit acts and vile behaviour, as confirmed by the police. The addition of another late-night establishment will contribute to the impact on the numerous children in the neighbourhood.

I can be contacted at the address below. I wish to be notified of any hearing.

Regards

[Redacted]

[Redacted]

[Redacted] [Charlotte Road](#)

[Shoreditch](#)

[EC2A](#) [Redacted]

I do not consent to the release of any personally identifiable information.

Objection: Rack and Bite, 36 Great Eastern Street, London EC2A 3EH

1 message

15 August 2022 at 02:52

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Licensing Team,

We live just behind Great Eastern Street, at the corner of Charlotte Road and Rivington Street, the path used by night revellers on their way to Hoxton Square and other late night venues in Shoreditch.

Our nights regularly involve noisy brawls, fights, people urinating and vomiting on our doorstep, or using our porch as a dustbin for their greasy take-away leftovers ...

The latest incident being a fight, half an hour ago just under our bedroom window.. waking us up in the middle of the night.

We understand that the night economy brings business, which on paper is a good thing (jobs, tax receipts, activity) but it should not be at the detriment of residents who also have jobs, contribute to the local economy, its community, and have a right to a decent quality of life. This situation is very upsetting indeed.

We experience first-hand the direct impact of late opening of bars, fast food restaurants, delis, etc in the area. These attract AND keep people out on the streets until the early hours of the morning on a quasi-daily-basis, causing severe nuisances and countless degradations.

With the above in mind, **we vigorously object to the application by *Rack and Bite*, 36 Great Eastern Street, London EC2A 3EH for late night refreshments licence**. Should this licence be granted, in our view, it would contribute to the cumulative impact of late night anti-social activity in our area, which has been a source of tremendous stress to us (residents) for many years and is pushing the fantastic local police team close to break point.

We strongly oppose the application for the following reasons:

- *Rack & Bite* is located in the Shoreditch Special Policy Area.
- The cumulative impact on anti-social behaviour (SPA/saturation zone) in the area.
- Late night bar activity has a direct impact on Hackney residents safety (crime, thefts, fights, break-ins, drunkenness, vomiting, fouling and drug use).
- Public safety.

Thank you for considering our objection.

Should you have any questions, please feel free to get in touch.

We look forward to hearing from you on this matter. Do keep us posted on the outcome.

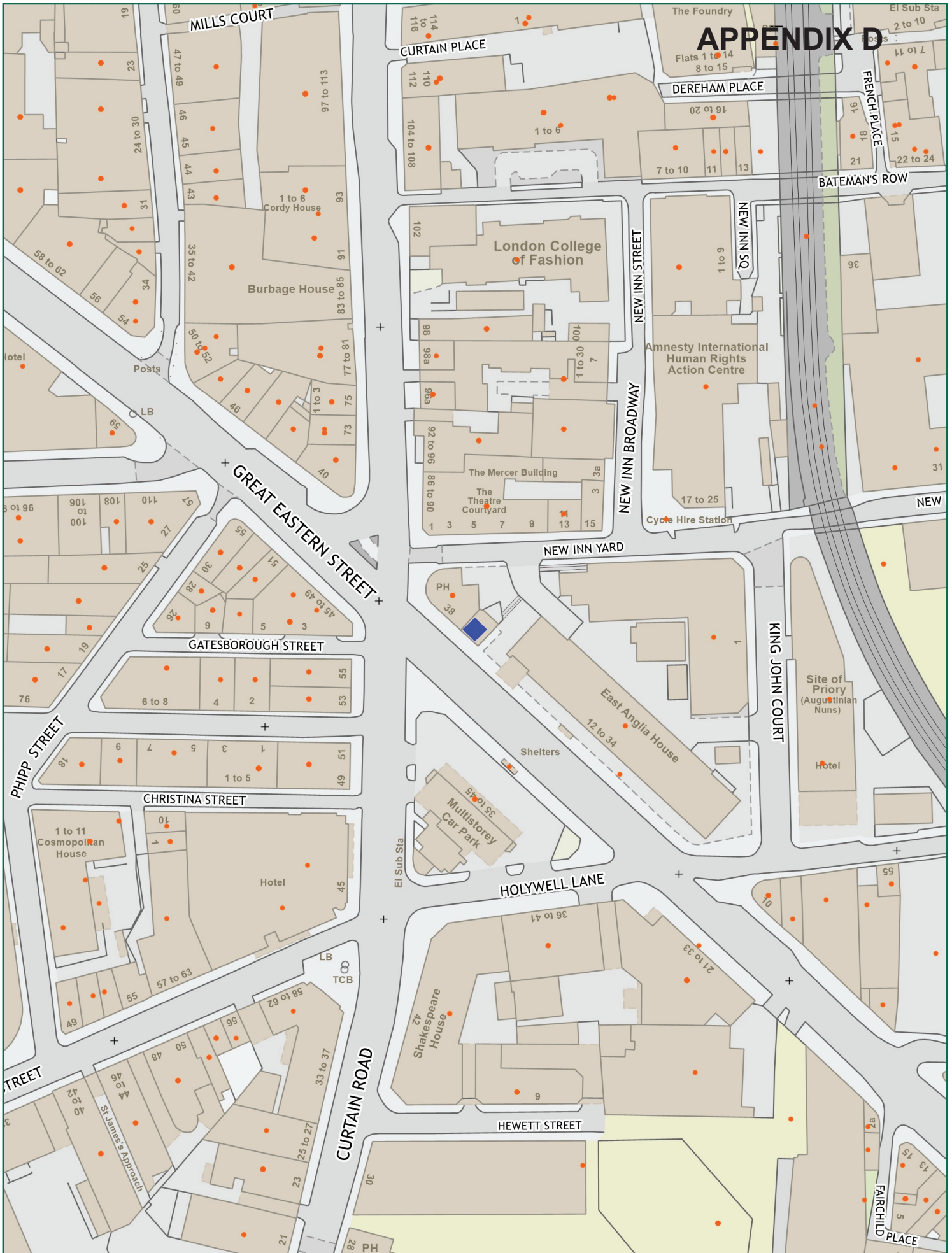
Yours gratefully,

[Redacted]

[Redacted] Rivington Street

London – EC2A [Redacted]

APPENDIX D



Scale: 1:1250 at A4

Rack and Bite, 36 Great Eastern Street, EC2A 3ES



Ref:
Monday, September 12, 2022

Produced by: unspecified

email:

please specify copyright statement