

# **Response to representations and further information in support of an application by Marj London Ltd for a new Premises Licence at Rack and Bite, 36 Great Eastern Street, London, EC2A 3ES**

## **The Applicant**

The directors of the applicant company are experienced in the catering industry, of good character and live locally. They have engaged with interested parties and risk assessed their application throughout, to ensure that the Licensing Objectives are promoted.

They appreciate that the premises is situated in a Special Policy Area, and they have sought to address that in their application and in subsequent dialogue with Responsible Authorities and other parties.

## **The Premises**

The premises is a modest building situated on the A1202 Great Eastern Street, near to the crossroads with Curtain Road. Great Eastern Street is a no-stopping Red Route.

No external areas are to be licensed.

## **The business**

<https://www.rackandbite.com/#>

The premises accommodates a maximum of only 11 seated customers.

Food delivery is now exclusively facilitated by 3<sup>rd</sup> party companies and all collections and deliveries are by way of bicycles and e-bikes. No motor vehicles are used to deliver food.

The business has now operated for three months without incident and has been very successful in its early stages:

- 5-star Hygiene rating recently issued
- Rated 5/5 Google Reviews
- Rated 4.7/5 by Deliveroo
- Rated 5.8/6 Just Eat

## **The Application**

The business currently closes at 23.00 at which time there is an opportunity to serve a significant number of customers. These customers are currently turned away. This apparent demand motivated the application for later hours.

The applicant undertook a risk assessment and engaged professional help. They seek Late Night Refreshment only.

## **The Consultation**

Prior to submission the Applicant shared the application with Responsible Authorities for their comments and feedback – seeking to accommodate views at the earliest opportunity.

Environmental Protection at this early stage confirmed they were pleased with the proposed conditions and would make no representations.

## **Representations**

Those who did make representations made reference to the SPA, cumulative impact and the broader issues the local area faces. More specifically, they suggested that the premises will add to the volume of people in the area, that the premises would encourage people to remain longer in the area and not disperse, and concerns were raised about the possibility of disturbance caused by delivery vehicles.

The Applicant hopes to have addressed all of these more specific concerns below.

## **A note on Planning use**

The Planning Authority provided an informative representation on planning use. Although planning permission was correctly sought and granted in respect of the rear high-level extraction unit, the correct planning use does not appear to be in place. The Applicant was not aware of this oversight and is grateful for Planning bringing this to their attention. A Planning Consultant was swiftly instructed and an application for change of use prepared. It is understood that this application will have been submitted by the time of the subcommittee hearing.

The premises does have the benefit of planning permission for the rear extraction unit which will bring some comfort that issues of fumes odours, and noise have been properly regulated.

## **Special Policy Area and Core Hours**

The Applicant respectfully draws the members' attention to the following relevant paragraphs of the Statement of Licensing Policy:

2.16 The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the application any relevant representations received as well as the requirement to promote the licensing objectives.

3.6 It should be noted that special policies are not absolute. The individual circumstances of each application will be considered on its merits. The Council will grant applications where the applicant has demonstrated that the operation of the premises is unlikely to add to the cumulative impact that is already being experienced in the area.

The Applicant seeks to demonstrate that the proposed activity and operation of the premises will not add to the cumulative impact that is already being experienced.

The Applicant seeks to demonstrate that the hours sought, although outside of the core hours, are appropriate because they have identified risks that may undermine the promotion of the Licensing Objectives and have put in place robust measures to mitigate those risks.

## **Responses and Proposals**

### Reduced opening hours

The Applicant appreciates that the original timings sought (02:00 am and 04:00 am) caused concern and were significantly adrift of the Core Hours.

After considering the representations and consulting with their landlord, the Applicant wishes to substantially reduce the hours sought to the following:

Sunday to Tuesday to 23:45

Wednesday to Saturday to 01:00 am

The hours sought would mean that the premises would close earlier than other licensed premises in the area, significantly: bars, clubs and pubs supplying alcohol. These earlier hours would address the concerns expressed that people, 'spilling out of neighbouring properties' would prolong their time in the area after attending the premises.

For example, the closing times now sought are earlier than those of the neighbouring pub The Old Blue Last. At the pub's closing time, Rack and Bite will already be closed.

### No supply of alcohol

The applicant recognises that one of primary factors for the problems experienced in the area is the abuse of alcohol. The applicant considers that this 'food only' operation does not directly contribute to this problem.

### Modest size of the enterprise

The business is small and only able to accommodate a modest number of seated costumers. There would be no customers eating on the premises after 23:00 each night which reduces the opportunity for noise or disturbance to emanate from the building.

This is further mitigated by the proposed condition that doors and windows are to be closed from 21:00 each night.

### No Regulated Entertainment

There is to be no application for regulated entertainment such as music which mitigates the prospect of noise emanating from the premises. There is to be no entertainment which might encourage people to stay longer than is necessary at the premises.

### Good track record of trouble-free operation to date

As the business has been operating for a few months, albeit not until the later hours sought, the members have an opportunity to see its track record of trouble-free operation which should give them confidence that the Licensing Objectives would continue to be promoted if the business extended its hours.

### Not a destination in itself

Aside from the delivery side of the business, the premises relies upon passing trade for its custom. The premises does not consider itself a destination it itself and the Applicant suggests that that the existence of the premises is unlikely to increase the volume of people travelling to the area. This can

been seen in contrast to an application for a bar, restaurant or nightclub where one might reasonably conclude that the premises would draw additional volumes of people to the area.

#### Experience of dispersal or queuing issues to date

To date, it has not been the Applicant's experience that customers having purchased take away food have lingered outside the premises. Similarly, the applicant has not experienced any queuing by customers to enter the premises. The Applicant does however appreciate that these issues could possibly arise in the future and that if they were to arise that they could result in nuisance if not checked.

The Applicant suggests the following condition be added to the operating schedule:

*The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly so as to ensure that there is no public nuisance or obstruction to the public highway*

The application already contains the following proposed condition:

*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.*

#### Well organised delivery policy and use of e-bikes – a Food Delivery Policy

The business no longer uses motorised vehicles for the delivery of food. This addresses concerns over idling delivery vehicles and other issues of public nuisance associated with motor vehicles.

Currently, delivery cyclists arrive at the premises only when orders are prepared and ready for collection. This minimises the length of time cyclists need to spend at the premises to an absolute minimum. The Applicant has yet to experience any negative issues regarding delivery personnel but acknowledge that they must keep this under review and risk assess the situation on an on-going basis to ensure that public nuisance is avoided.

The Applicant suggests that a condition be attached to the operating schedule requiring the Premises Licence holder to maintain a Food Delivery Policy and that staff receive training on this policy.

The Food Delivery Policy is designed to minimise the risks of delivery personnel causing a public nuisance and would require the Licence holder to continually risk assess the delivery process. The Policy would require the adoption of working methods to ensure:

- Delivery personnel spend as little time at the Premises as possible.
- That they arrive and depart as quietly as possible
- That they and their bikes are positioned so that they do not cause an obstruction or nuisance.

#### No parking outside the venue

The premises' situation on a no-stopping Red Route prevents the prospect of customers parking outside the venue and causing a disturbance.

#### A willingness to compromise and cooperate

It is hoped that evidence of a willingness to compromise and cooperate with Responsible Authorities and interested parties will give the members comfort that the Applicant would be a responsible Premises Licence holder, more likely to promote the Licensing Objectives.

A willingness to enter into dialogue and respond to issues

It is hoped that evidence that the Applicant is willing to enter into dialogue and respond to issues will give the members comfort that the Applicant would be a responsible Premises Licence holder, more likely to promote the Licensing Objectives.

Representations were received from a resident residing above the premises who made reference to a noisy extractor fan and shutter at the rear of premises. The issue of noise comes about partly due to the resident's single glazed windows. The applicant is grateful to the resident for bringing these issues to their attention of which they were previously unaware. The rear shutter can be removed and replaced which would resolve that issue completely. The applicant is in dialogue with the landlord to see if double glazing can be fitted to the resident's flat - the applicant being happy to contribute towards the cost of this.

The applicant is anxious to respond to any problems as and when they might arrive and proposes that the following condition be added to the operating schedule:

*A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity*

Issues regarding waste have been dealt with

The comprehensive set of conditions proposed by Environmental Protection have been adopted in full.

**Supporting Documents**

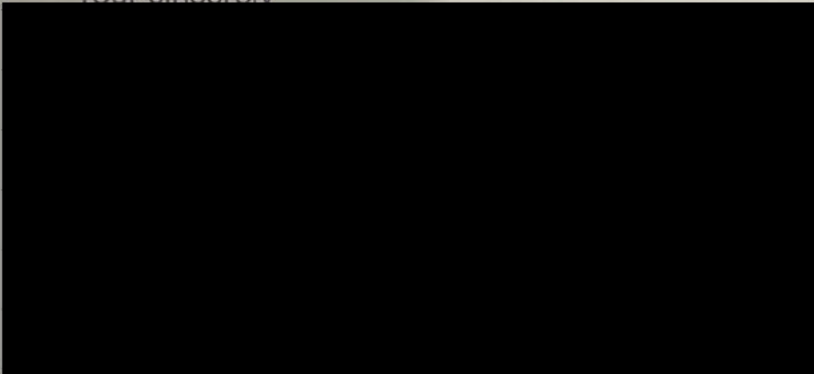
1. Deliveroo Rating
2. Google Review
3. Just Eat Review
4. Customer Testimonials

To Whom It May Concern

This is a really great spot for a casual meal – great ambience, relaxed feel, not noisy, lovely wait staff, well priced. I had an issue with my grill chicken strips, it was wrong flavour, and it was replaced straight away, and cheerfully, with a nice tender pieces of grill chicken strips.

I work locally till late sometimes in the weekend but unfortunately, they close very early. I hope they get grant for late night operation.

Your sincerely



To Whom It May Concern

The food and the atmosphere are very nice. Staff are very friendly and the service is excellent. I live locally , it's hard to find good halal burger place at late night. Especially I really liked the Texan BBQ.

If this place stay till late night , it would help me and others like me to find a good place to eat at late night locally.


Your sincerely,

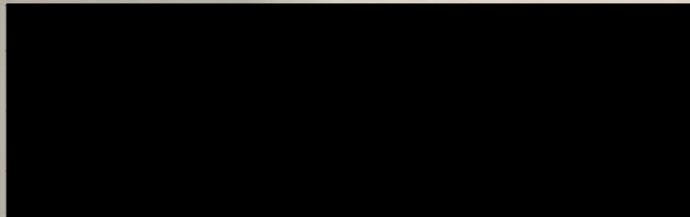


To Whom It May Concern

Absolutely delicious burger place for me, great cooking and superbly made fresh salad, and quality fries. Dined here with a friend and every item on the menu we tried hit the mark and could not have been better. The service was excellent and the staff super friendly, social and warming. The prices for this place were reasonable.

I work locally and it would have been great for me to see the longer hours of operation which could give me the opportunity to try their food.

  
Your sincerely,





To Whom It May Concern

Great addition to the Shoreditch for food. Staff were friendly, food is decent and well-priced and the milkshake and grill chicken wrap is excellent. Highly recommended to all.

It's a shame that they don't open till late, I work locally, it's difficult for me to find a good place for food at the late night. I believe their late night operation will help many more like me.

Your sincerely,

[Redacted signature]

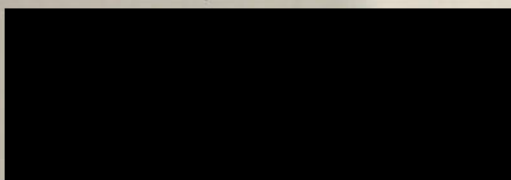
To Whom It May Concern

I write to say that Rack and Bite has been an all time favourite place for us. Really nice and attentive service during lunch. Very friendly staff.

I would like to recommend this place for the quality of food, excellent staff service and ambience.

I reside locally and I would like to recommend this place for longer hours of operation. I would be happy if the place would be open until later.

Yours sincerely,





← Back



# Rack & Bite - Shoreditch

25 - 40 min · American · Dessert · Burgers

★ 4.7 Excellent (62) · 0.30 miles away · Closes at 23:00 · £1.99 delivery · £7.00 minimum

Info  
Map, allergens and hygiene rating >

Deliver in 25 - 40 min [Change](#)

[Start group order](#)

[Sign up or log in](#) [Menu](#)

## Salads

### Salads

Fresh, healthy salads made with mixed leaf cherry tomatoes, olives and topped with a rack dressing.

#### Grill Chicken Salad

Chicken breast strips flame grilled and basted in your choice of flavouring.

£7.99

#### Falafel Salad

Traditional falafel balls basted in your choice of flavouring.

£6.99

#### Mixed Salad

2 chicken breast strips flame grilled to perfection and basted in your choice of flavouring.

£7.99

## Sides

#### Fries

£3.49



#### Cheesy Fries

£4.49



#### Sweet Potato Fries

£4.49



Your basket is empty

[Go to checkout](#)

**All reviews**

5.0  
★★★★★  
40 reviews

Reviews aren't verified

[Write a review](#)

- Sort
- All burger 4 delicious 3

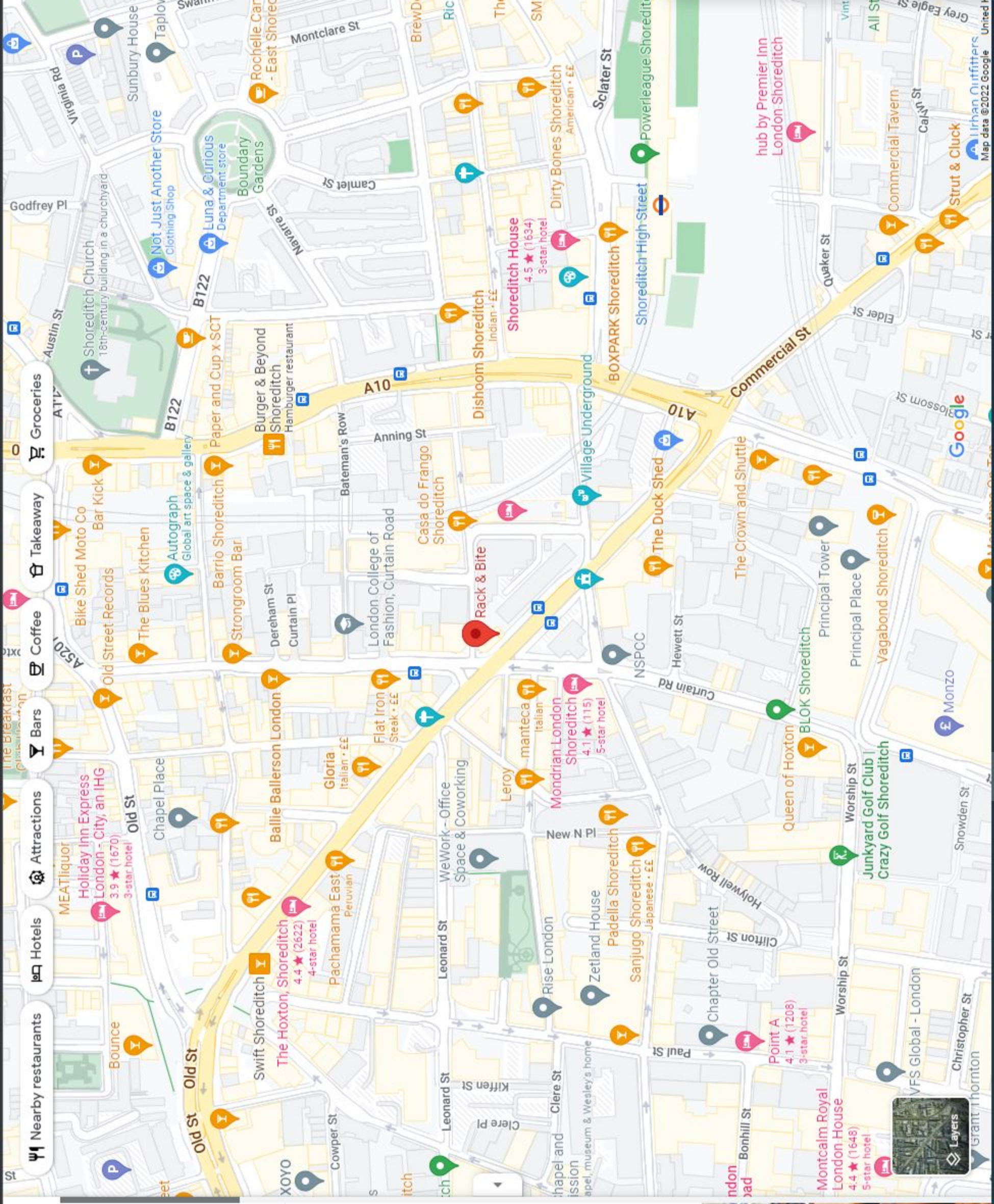
**Admin Ebonics**  
12 reviews

★★★★★ a month ago

Absolutely yes. This is the place after a night out!  
Positioned strategically.  
They have great hotdogs!  
And its beef!!! I'm coming back my G!

**Meal type**  
Dinner

**Price per person**  
£10-20





Home > EC2A > Rack & Bite

Deliver with Just Eat Log in Help



### Average customer rating



141 reviews

★★★★★	<b>Michal</b>	11/09/2022	★★★★★	<b>Julia</b>	10/09/2022
★★★★★	<b>Nadia</b>	07/09/2022	★★★★★	<b>Susan</b>	07/09/2022
★★★★★	<b>Snow</b>	07/09/2022	★★★★☆	<b>Husain</b>	04/09/2022

£2.49-3.99 delivery fee ⓘ No min. order

Note: Food Allergy Notice