

Entropy Drinks Ltd

VARIATION OF PREMISES LICENCE

Bar Lotus, 480 Kingsland Road, London E8 4AE

SUMMARY OF PROPOSALS

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LONDON
WC2H 9EP**

**Reference: HM/ENT.2.1
Solicitors for the Applicant**

Introduction

1. This is an application for variation of premises licence in relation to Bar Lotus, 480 Kingsland Road, London E8 4AE (“**Bar Lotus / the Premises**”).
2. The applicant has been operating at the Premises since July 2023.
3. Whilst previously within the Dalston Special Policy Area, the current Statement of Licensing Policy (“**the Policy**”), effective from 1 August 2023, does not designate this location as a Special Policy Area.

The Application

4. The application is to vary the premises licence as follows:
 - a. Update the layout of the Premises;
 - b. Extend the current permitted hours for the sale of alcohol on the premises and late night refreshment to 01:00 Monday to Thursday and to 02:00 Friday and Saturday;

	Opening Hours	Sale of Alcohol (On sales)	Late Night Refreshment
	Timings	Timings	Timings
Monday to Thursday	10:00 – 01:30	10:00 – 01:00	23:00 – 01:00
Friday & Saturday	10:00 – 02:30	10:00 – 02:00	23:00 – 02:00
Sunday	10:00 – 23:00 (No change)	10:00 – 22:45 (No change)	N/A

- c. Remove Indoor Sporting Events from the permitted licensable activities;
 - d. Remove condition 16 of the existing licence which states:
“Police and LBH contracted drugs dogs or drug detection equipment will be given immediate access to the premises without notice for the purpose of detecting and reducing incidences of drug misuse.”
 - e. Add conditions to regularise the use of the rear garden (not currently restricted) and Premises generally:
 1. *The use of the garden shall cease at 23:00 Monday to Saturday and 22.30 Sunday.*
 2. *The capacity of the premises shall be 32 inside and 20 in the garden (excluding staff).*
 3. *The sale of alcohol shall be by waiter/waiter service to customers who are seated.*
5. Following comments from the Licensing Authority, off sales have been removed from the scope of the variation application and will therefore continue to cease at 22:45.

Representations

Public

6. No residential representations (individual or via amenity societies) have been made to the application. The applicant would invite the Committee to infer from the absence of such representation that the applicant has demonstrated that its customers are not such that cause issues in the area.

Responsible Authority

7. Pre-application advice was sought from the Police prior to submission of the application.
8. No representations have been received from the Police or Environmental Health to the application. Appropriate weight should be given to the absence of these representations, being the Licensing Authority's experts in crime and disorder and public nuisance respectively.
9. The Licensing Authority have submitted a representation to the application on Policy grounds. The applicant has addressed the comments made by amending the application as set out above and in the preparation of a Dispersal Policy. An updated versio of which is attached.

Policy

LP3: Core Licensing Hours

10. The hours applied for are later than Core Licensing Hours. Policy LP3 confirms: *"Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks."*
11. Policy paragraph 2.19 confirms: *"The Council will therefore take an approach to licensing hours that seek to balance the needs of the licensed trade whilst protecting residential amenity in order to promote the licensing objectives."* In this specific instance a balancing act is not required as there are no residential – or Environmental Health – objections on grounds of public nuisance (or otherwise).
12. The applicant has offered a requirement for the sale of alcohol to be by waiter/ess service to seated customers. This condition will apply to the sale of alcohol at all times at the Premises.
13. A dispersal policy has been drawn up to manage the dispersal of guests from the Premises.
14. The hours applied will also support a natural dispersal of customers from the premises at the end of the night. This will be supported by SIA registered door staff employed at the Premises when licensable activities are taking place after midnight (premises licence condition 21). Policy paragraph 2.18 notes *"The Council support the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application."*

LP6: External Areas and Outdoor Events

15. The use of the rear garden is not currently restricted under the existing licence. The variation proposes a new layout for the rear garden, whilst maintaining the same number of customers as indicated on the existing plan – but not restricted by condition on the existing licence.

16. The conditions proposed bring the use of the external area within the standard time limit of 23:00. Crucially no representations are made by any neighbour, or Environmental Health, about the use of this external space in terms of likelihood of public nuisance.

Hackney Nights venue accreditation scheme

17. The Premises will join the Hackney Nights venue accreditation scheme and will ensure that all appropriate staff are encouraged to undertake all relevant training offered through that service.

Sustainability

18. The applicant is committed to sustainable choices.

Conclusion

19. There is no Policy Presumption to refuse the application. The premises are no longer designated as being within a Special Policy Area. Regulated entertainment has been surrendered from the permitted licensable activities. The extension to off sale hours has been withdrawn.
20. The hours applied for in relation to the sale of alcohol on the Premises are in excess of Core Licensing Hours. However, additional conditions controlling how alcohol is sold has been offered and shall apply at all times and, importantly, no residential representations have been made.
21. The applicant has considered the dispersal of customers from the Premises late at night (see Dispersal Policy). SIA registered staff are already conditioned when the Premises operates beyond midnight and will therefore apply to the hours applied for.
22. Appropriate weight should be given both to the absence of Police and Environmental Health representations, as the Licensing Authority's experts in crime and disorder and the prevention of public nuisance and resident representations being those most likely to be impacted by the application.

THOMAS & THOMAS PARTNERS LLP
03 October 2023