

LICENSING SUB COMMITTEE

Tuesday, 9 June 2020 at 5.30 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

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For further information, see the main agenda.

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3.1 Application for a Variation of the Premise Licence for Boom Bap Burgers, Arch 252 Paradise Row, London E2 9LE	3 - 8	St Peter's

Supporting documents submitted on behalf of the Applicant.

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**Boom Bap Burger
Arch 252 Paradise Row
London E2 9LE**

SUMMARY OF PROPOSALS

**THOMAS & THOMAS PARTNERS LLP
38A MONMOUTH STREET
LONDON
WC2H 9EP**

**Reference: AT/HM/BAG.1.1
Solicitors for the Applicant**

Introduction

1. The premises have been licensed since May 2014, when an application was granted following redevelopment of the arches and associated planning use in that year.
2. The original licence was for a premises known as 'Resident' and the licensed area consisted of the internal and external areas in the deposited plans. Those areas mirrored those neighbouring arches along Paradise Row.
3. In October 2014 a minor variation was made. The intention of that application was to include a mezzanine level into the licensed area, which was granted. An unintended consequence of that application appears to be that that the plans delineating the external area unintentionally fell away from the licence.

The Application

4. The application is therefore to:
 - 4.1 Reincorporate the external area into the licensed area, (as originally granted in 2014);
 - 4.2 Amend the start time for the sale of alcohol to commence at 09:30 (within framework hours and existing opening hours); and
 - 4.3 Add off sales.

Minor Variation

5. The Applicant recently submitted a minor variation to reflect the new layout of the Premises. As part of that minor variation a mezzanine level which had been traded by a previous operator was removed from the licenced area. The mezzanine measured 53.5m², of which 32m² was set out for seating with 33 covers.

Existing Licence Conditions

6. The licence has a substantial number of conditions which support the Licensing Objectives and indeed retains conditions applicable to the *historical use of the external area*. In relation to the external area, the intention of the application as applied for is that those existing conditions remain in place and would once again govern the external area.

7. These conditions are:

Existing Condition No.	Condition
34	No customer drinking in the Premises external area after 22:00hrs.
35	No more than 10 smokers to smoke in the external areas after 22:00hrs

8. In terms of any concerns regarding noise or nuisance, the licence requires the following:

Existing Condition No.	Condition
5	As far as it practical that persons on leaving or leaving the Premises will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
21	The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
22	Noise levels within the premises resulting from the operation of any musical instrument or amplified equipment will be regulated so as to protect the hearing of any employees therein in accordance with current standards.
23	Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly
24	The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
25	Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such time or in such a manner as to prevent nuisance and disturbance to nearby residents

26	The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
27	The handling of beer kegs, bottle and other similar items

Amendments to the Application

9. The Applicant proposes to **further restrict the use of the external area** so that, save for the provisions for smokers as set out at existing licence condition 35, the external area will be closed to customers as from 22:00.
10. The Applicant proposes to **reduce** the permitted Sunday hour for licensable activities from 23:30 to 23:00 in line with the opening hours for the Premises.

POLICY

Bethnal Green Cumulative Impact Area

11. The Premises are located in the Bethnal Green Cumulative Impact Zone. The applicant must demonstrate why the granting of the application will **not negatively add to the cumulative impact already experienced within that CIA.**
12. Furthermore, the recent removal of the mezzanine level via minor variation has resulted in a *reduction* of the internal licensable area of the Premises. This area in total was 53.5m² in size of which a seated area of 32m² provided for a seated capacity of 33 people. The external area is 59.5 m² in size, with seating for 36 customers.
13. By closing off the external area at 22:00 the premises will effectively reduce its capacity in the licensed area by 33 persons between the hours of 22:00 and 00:00 Friday and Saturday, 22:00 – 23:30 Monday to Thursday and 22:00 – 23:00 on a Sunday.
14. To support the use of the external area, the Applicant has offered to **restrict the use of this area to a greater degree than required by the existing licence** – by *closing* it to customers, save for the use of smokers, from 22:00. At present the licence requires only that the customers cannot *drink* in the external area after 22:00.

15. In terms of off sales, the applicant offers the following additional condition: *“All sales of alcohol for consumption off the Premises shall be in sealed containers only, and shall not be consumed on the Premises.”*
16. Given the current climate resulting from COVID-19, the ability to offer sales by off sale would provide a lifeline to the applicant for the survival of the Premises whilst of course offering a further option to those in the locality.
17. The premises opening times under the existing licence is 09:30 Monday to Sunday. The earlier commencement time for the sale of alcohol sought in the application will bring the sale of alcohol in line with these opening hours and allow customers to order an alcoholic drink with their breakfast/brunch.

Conclusion

18. The application can be split into two parts, the first to reintroduce the external area into the premises which was previously included in the realm of the licensed premises; the second to allow for flexibility in the use of the licence within the existing opening times of the Premises.
19. The recent removal of the mezzanine level has led to a reduction in size of the licensed premises licence by 53.5m². The use of the external area will cease at 22:00¹, meaning an overall **reduction** in capacity within the Premises from 22:00 onwards.
20. The addition of off sales, especially now given the current climate, will allow the applicant to provide a take-away and delivery service.

1 June 2020
THOMAS & THOMAS PARTNERS LLP

¹ Save for smokers

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