

/Committee: Licensing Sub-Committee	Date 12 November 2024	Classification Unclassified	Report No.	Agenda Item No.
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Report of: Tom Lewis Service Manager of Regulatory Services (Commercial) Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a Premises Licence for (Bourbon / Kisses from Nonna), 387 Roman Road, London E3 5QR Ward affected: Bow West
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1.0 Summary

Licence holder: **387 Roman Road Ltd**

Name and **(Bourbon/Kisses from Nonna)**

Address of Premises: **387 Roman Road, London E3 5QR**

Licence sought: **Licensing Act 2003 - variation**

- **To extend the times of licensable activities**
- **To add the provision of late night refreshment on to the licence**

Representations: **Environmental Protection**
Other persons (residents)

2.0 Recommendations

2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Mohshin Ali 020 7364 5498

3.0 Background

3.1 This is an application for a variation of a variation of a premises licence for (Bourbon / Kisses from Nonna), 387 Roman Road, London E3 5QR.

3.2 A copy of the existing licence (Lic no. 29276) is enclosed as **Appendix 1**. The licensable activities and timings are stated below for information only:

The supply of alcohol (both on and off sales)

- *Monday to Sunday from 11:00 hrs to 23:00 hrs*

The provision of regulated entertainment, in the form of recorded music (indoors)

- *Monday to Sunday from 11:00 hrs to 23:00 hrs*

Hours premises are open to the public:

- *Monday to Sunday from 11:00 hrs to 23:00 hrs*

3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the variation as follows:

“To extend the closing time, sale of alcohol and recorded music at the premises by 1 hour and add late night refreshments for Friday and Saturday plus New Year’s Eve”.

3.4 The applicant has also been operating under Temporary Event Notices before and after making this application.

3.5 The licensable activities and timings that have been applied for are:

The supply of alcohol (both on and off sales)

- *Friday and Saturday from 23:00 hrs to 00:00 hrs*

The provision of regulated entertainment, in the form of recorded music (indoors)

- *Friday and Saturday from 23:00 hrs to 00:00 hrs*

The provision of late night refreshment (indoors)

- *Friday and Saturday from 23:00 hrs to 00:00 hrs*

Licensable activities - Non standard timings

- *New Year’s Eve, from 11:00 hrs to 00:00 hrs*

Hours premises are open to the public:

- *Monday to Sunday from 11:00 hrs to 00:00 hrs*

Hours open to the public - Non standard timings

- *New Year’s Eve, from 11:00 hrs to 00:00 hrs*

4.0 **Location and Nature of the premises**

4.1 Maps of the venue are included as **Appendix 3**.

4.2 Photographs showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2023.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in December 2023.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 **Representations**

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made against the application by the following:

- Nicola Cadzow (EP) ----- **Appendix 6**
- Amit Patel ----- **Appendix 7**
- Clementine Cornwall ----- **Appendix 8**
- Karin Schumacher ----- **Appendix 9**

6.4 In addition, relevant representation has also been received supporting the application by the following:

- Ben Prebble ----- **Appendix 10**

6.5 Essentially, the relevant parties have made representations under the following licensing objective(s).

- the prevention of public nuisance
- the prevention of crime and disorder

6.6 All of the responsible authorities have been consulted about this application. In addition the application has been advertised in a local newspaper and by a blue public notice at the premises.

6.7 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 **Conditions consistent with Operating Schedule**

7.1 No additional conditions offered so it is as per the conditions on the existing premises licence (See **Appendix 1**):

8.0 **Conditions in consultation with the responsible authorities/other person**

8.1 There was some correspondence between the licence holder's agent and the Police. However, in the end there was no agreement between them, and this correspondence is included for member's information only (See **Appendix 11**).

9.0 **Licensing Officer Comments**

9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31st March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused

- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at

<https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.3 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.4 Members must consider all the evidence and then decide from the following alternatives:
- Grant the application as applied for
 - Grant the application with modifications (adjust hours and conditions)
 - Refuse

10.0 Licensing Policy and Home Office Advice

- 10.1 The Council’s licensing policy and the Home Office Guidance will be available at the hearing.

11.0 Legal Comments

- 11.1 The Council’s legal officer will give advice at the hearing.

12.0 Finance Comments

- 12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Maps of the venue
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Representation of Environmental Protection
Appendix 7	Representation of resident Amit Patel
Appendix 8	Representation of resident Clementine Cornwall
Appendix 9	Representation of resident Karin Schumacher
Appendix 10	Representation (support) of resident Ben Prebble
Appendix 11	Agent's correspondent with Police