

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON THURSDAY, 2 SEPTEMBER 2021****COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Shad Chowdhury
Councillor Ayas Miah**Officers Present:**

Kathy Driver	– (Principal Licensing Officer)	
Jonathan Melnick	– (Principal Enforcement Lawyer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Alun Thomas	3.1	(Legal Representative)
Ian Hart	3.1	(Applicant)
Hilary Hart	3.1	(Applicant)
Siobhan Feeley	3.1	(Designated Premises Supervisor)
Jesse Liston	3.2	(Applicant)
James Darglish	3.3	(Legal Representative)
Timothy Gray	3.3	(Applicant)
Richard Vivian	3.3	(Acoustic Engineer)

Representing objectors	Item Number	Role
Nicola Cadzow	3.1/3.2/3.3	(Environmental Health Officer)
Corinne Holland	3.1/3.2	(Licensing Officer)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for EMS Ltd 149 Commercial Street, London E1 6BJ

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for EMS, 149 Commercial Street, London E1 6BJ. It was noted that objections had been received by responsible authorities representing the Licensing Authority and Environmental Health and local residents. It was noted that following consultation with residents a number of them had withdrawn their objections. It was also noted the hours originally applied for had been reduced and further conditions offered.

At the request of the Chair, Mr Alun Thomas, Legal Representative on behalf of the Applicant, gave a brief background of the Applicants, the company and its style of operation. He explained that it was a bespoke application and that licensable activities had been revised and on sales would only be for tasting sessions and off sales alcohol would only be sold in sealed containers. Mr Thomas said that when the nature of the business and its style of operation was explained to the objectors, more than half of them withdrew their objections. Mr Thomas went on to explain that the premises specialised in premium gins, wines and ciders and spirits, and brands that are not sold on the high street.

Mr Ian Hart, Applicant, briefly explained how wines and gins were produced, and his experiences to date. He also explained that it was a family business with 10 employees. There would be a pre-booking policy only and would operate the Challenge 25 policy. Mr Thomas highlighted that the premises had a capacity of 40 people and believed that it ought to be considered as an exception to Cumulative Impact Policy (CIZ).

Members then heard from Ms Corinne Holland, Licensing Officer. She explained that the premises was in the CIZ and therefore the onus was on the applicants to show that they would not negatively impact on the area.

Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 70 of the agenda and explained that the original application had insufficient information in the operating schedule to show how the premises would not negatively impact on the area and how the applicant would promote the licensing objectives. Ms Cadzow did acknowledge the reduction in hours and the conditions proposed.

It was noted that the remaining objectors were not present for the meeting therefore their written objections were considered and noted.

In response to questions the following was noted;

- That this premises was not like any other premises and was selling premium alcohol. These would be purchases for special occasions and gifts rather than street drinking or used to fuel alcohol related crime and disorder or public nuisance.
- That there would be 2-3 tasting sessions a week where drinks would be consumed on the premises.
- Drinks would be served at tables during tasting sessions.
- That off sales would be for drinks that would be taken away from the premises as gifts or to take home for meals or special occasions.
- The applicant agreed to add a condition, if members were minded to grant the application, to limit the sale of alcohol to premium gins and wines, ciders and spirits only.
- That the capacity of the premises could be reduced to 30 people.
- That noise nuisance would be kept to a minimum as the Applicants know the area well and staff will have been trained to deal with any issues sensitively.

Concluding remarks were made by all parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

The application originally sought authorisation for the sale by retail of alcohol from 10:00 hours to 23:00 hours Monday to Sunday and encompassed both on and off-sales. The Premises are located within the Brick Lane Cumulative Impact Zone (CIZ). Representations against the application were received from the Licensing Authority and the Environmental Health Service based on the potential impact upon the CIZ, particularly with regard to public nuisance later at night. A number of local residents also made representations against the application.

The Sub-Committee heard from Alun Thomas on behalf of the Applicant, as well as from Ian Hart and Hilary Jones, the directors of the company, and Siobhan Freely, the proposed designated premises supervisor. The Sub-Committee heard that there had been some confusion over the nature of the

Premises, with some member of the public having understood it to be a gentleman's club. Clarification had been provided to those objectors by the applicant. In addition, the opening hours had been amended to 09:00 hours to 21:00 hours, the hours for sale by retail of alcohol had been amended to 09:00 hours to 20:00 hours for on-sales, with off-sales ceasing at 20:30 hours. A number of conditions had been proposed and the result of these amendments was that some of the residents had withdrawn their objections.

The representatives on behalf of the applicant explained the nature of the Premises, which was predominantly a gin shop although some other items would be sold. It would not and could not become a pub, not least because one of the conditions permitted on-sales only to persons attending a pre-booked demonstration or tasting. Much of what was sold for consumption off the Premises was in the form of gift boxes. Further, the items sold were not inexpensive (prices ranging from around £30.00 to £90.00) and were not the sort of product one would purchase for immediate consumption. They did not tend to sell products that could be found on supermarket shelves. The Sub-Committee was told that tastings and demonstrations would not be held particularly often; two or three sessions per week with eight in a party for a tasting session was usual and they would not expect to have forty at any one time. The applicant was willing to reduce that if the Sub-Committee considered that to be necessary and indicated that a maximum of thirty patrons would suffice.

Ms Holland, on behalf of the Licensing Authority, and Ms. Cadzow, on behalf of the Environmental Health Service, maintained their objections. They noted the reduction in hours and the additional conditions but reminded the Sub-Committee that the CIZ had been put in place to deal with the problems caused by the proliferation of licensed premises within a relatively small area.

None of the residential objectors attended to address their representations. The Sub-Committee had nonetheless read these and taken them into account when making its decision. Several of those referred to the application as originally proposed, including the operation to 23:00 hours, and the reduction in hours and other conditions proposed addressed those concerns.

The main concern of the responsible authorities and the Sub-Committee was the potential impact on the CIZ, particularly later at night, when patrons might attend the Premises, purchase alcohol and then drink that on the street, which would inevitably impact on the CIZ. During the course of the hearing further conditions and amendments to the proposed conditions, to address this problem and help to alleviate the Sub-Committee's concerns, were explored. These included:

- an amendment to condition 9 in the supplemental pack so that it applied to the emptying of bottle banks and bins rather than general waste;
- a restriction in the numbers of patrons on site to thirty at any one time;
- a restriction in the types of alcohol that could be sold.

The Sub-Committee considered that, in light of the amendments to the application and the proposed conditions, as well as those additional and discussed at the hearing, and given the nature of the Premises, that the applicant ought to be treated as justifying an exception to the policy. In addition, the Premises were small, the emphasis was not on the venue being a drinking establishment, and the hours sought were within the Council's policy hours. The Sub-Committee also noted that some of those objecting who had withdrawn their objections had also indicated some support for the Premises. The Sub-Committee was satisfied that the grant of the licence would not adversely impact on the CIZ.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for EMS Ltd, 149 Commercial Street, London E1 6BJ be **GRANTED with conditions.**

Sale of Alcohol (On Sales)

Monday to Sunday from 09:00 hours to 20:00 hours

Sale of Alcohol (Off Sales)

Monday to Sunday from 09:00 hours to 20:30 hours

Hours open to the public

Monday to Sunday from 09:00 hours to 21:00 hours

Conditions

1. The sale of alcohol shall be ancillary to the retail use of the premises as a Sacred Gin Shop
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police

or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - a. b) all ejections of patrons;
 - b. c) any complaints received concerning crime and disorder
 - c. d) any incidents of disorder;
 - d. e) all seizures of drugs or offensive weapons;
 - e. f) any faults in the CCTV system,
 - f. g) any visit by a relevant authority or emergency service.
5. Alcohol shall only be sold for consumption on the premises to persons attending a pre-booked demonstration or tasting.
6. The supply and consumption of alcohol on the premises shall only be to a person seated by waiter or waitress service only.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
8. Deliveries to the premises shall only take place between 08:00 and 20:00 Monday to Sunday.
9. Bottle bins or banks shall only be emptied between 08:00 hours and 21:00 hours Monday to Saturday and between 09:00 hours and 21:00 hours on Sundays.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
14. The number of persons accommodated on the premises at any time excluding staff shall not exceed 30.

15. There shall be no licensable activity in the rear courtyard.

16. No beers or lagers are to be sold or supplied.

17. Alcohol products shall be limited to premium spirits, champagnes, wines and craft ciders.

3.2 Application for a New Premises Licence for JL Coffee Ltd 178a Brick Lane London E1 6SA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for JL Coffee Ltd, 178a Brick Lane, London E1 6SA. It was noted that objections had been received on behalf of officers representing the Licensing Authority and Environmental Health.

At the request of the Chair Mr Jesse Liston, Applicant, briefly explained that he was aware of the CIZ and the need for such a policy in the area to help protect resident. He explained that the hours applied for were within the Council's framework hours, that it was a coffee shop and there was no provisions for on-sales at the premises. He said he wanted a licence to be able to showcase craft beers and ciders from independent businesses. Mr Liston said that he would operate a Challenge 25 policy and all alcoholic drinks would be stored safely and securely behind the serving area. He strongly believed that this was a real opportunity to showcase products from small businesses, particularly local ones, and welcomed conditions from responsible authorities.

Members then heard Ms Corinne Holland, Licensing Officer. She explained that the premises was in the CIZ, an area which was already saturated. She did note that it was a small premises and that the hours applied for were within the council's framework hours and an initiative in supporting independent businesses. However, Ms Holland highlighted that there was no mention of CIZ being addressed in the application. She also said that a 11pm closing time could lead to street drinking and the Applicant needed to demonstrate that an additional premises selling alcohol would not negatively impact on the area.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who explained that there was insufficient information in the operating schedule. She explained that whilst the application is for earlier hours than the council's framework hours, there was insufficient information in the operating schedule to explain how the applicant would promote the four licensing objectives. She also explained that there was no consideration of the impact on public nuisance from people accessing and egressing the premises and people loitering outside whilst the premises is in operation especially when the premises is in the CIZ.

In response to questions the following was noted;

- That notices would be displayed asking customers to leave quietly and to respect the needs of local residents.
- Staff would be trained regularly for the responsible sale of alcohol.
- That the premises would help showcase products for independent businesses rather than to predominantly sell alcohol.
- That there would be no consumption of alcohol on the premises.
- The premises had a capacity of 4-5 persons at any one time
- It was a small coffee shop and not expecting big rowdy groups of customers.
- The premises have the right to refuse sales if persons were intoxicated or causing anti-social behaviour.
- That the applicant had no plans to offer seating inside the premises.
- That the applicant was happy to agree to conditions relating to online deliveries.
- The applicant agreed to have off-sales to persons attending the premises until 8pm and then delivery only until 11pm.

Concluding remarks were made by all parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

The application sought authorisation for the sale by retail of alcohol from 11:00 hours to 23:00 hours Monday to Sunday. The Premises are located within the Brick Lane Cumulative Impact Zone (CIZ). Representations against the application were received from the Licensing Authority and the Environmental Health Service based on the potential impact upon the CIZ, particularly with regard to public nuisance later at night.

The Sub-Committee heard from Jesse Liston, the director of the company, who explained his intention. He told the Sub-Committee that he did not want to add to the problems within the CIZ and that the focus of the premises would be on coffee, which was their speciality. The intention was to be able to sell small quantities of locally produced craft beers and which would assist other local businesses to showcase their products. There was no intention for the Premises to become alcohol-led.

Mr. Liston explained that the Premises were very small and could only accommodate four or five people comfortably. There was no seating indoors and so the Premises could only operate as a takeaway.

The main concern of the responsible authorities and the Sub-Committee was the potential impact on the CIZ, particularly later at night, when patrons might attend the Premises, purchase alcohol and then drink that on the street, which would inevitably impact on the CIZ. Mr. Liston confirmed that he would be willing to accept a condition that meant alcohol sales would be by delivery after a particular time. This was explored with the officers representing the responsible authorities. They confirmed that this would go some way to allaying their concerns about the impact that there might otherwise be on the CIZ. Ms. Holland, on behalf of the Licensing Authority, suggested that if the Sub-Committee was minded to restrict alcohol sales to delivery-only after a certain time, there would need to be appropriate conditions allied to that, such as age-verification policies and a prohibition on delivery to public spaces. These conditions were summarised for Mr. Liston's benefit and he indicated that he was content to accept those if the Sub-Committee was so minded. Ms. Cadzow indicated that she would also wish for a condition on the licence for notices to be displayed reminding patrons of the need to respect local residents and to leave the Premises quietly.

The Sub-Committee considered that this was a modest application. The onus was on the applicant to show that the grant would not negatively impact on the CIZ. The Sub-Committee was satisfied, having heard from the applicant, that the application, with the amendments and conditions discussed, justified an exception to the policy. In particular, the Premises were very small, with no indoor seating; they would not be predominantly selling alcohol; the hours sought were within the Council's policy hours; the conditions consistent with the operating schedule and the agreement to the conditions discussed at the hearing satisfied the Sub-Committee that there would be no adverse impact on the CIZ.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for JL Coffee Ltd, 178a Brick Lane London E1 6SA be **GRANTED with conditions.**

Sale of Alcohol (Off Sales only)

Monday to Sunday from 11:00 hours to 20:00 hours

Sale of Alcohol (online delivery only)

Monday to Sunday from 11:00 hours to 23:00 hours

Hours open to the public

Monday to Sunday from 06:00 hours to 23:00 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
5. All sales of alcohol shall be in sealed containers only, and shall not be consumed on the premises.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

8. A record of all staff training in the Challenge 25 policy, including dates that each member of staff is trained and retained for no less than 12 months, shall be maintained and made available within one hour on request by a Police officer or an authorised officer of the Licensing Authority.

Online delivery

9. From 20:00 hours Monday to Sunday all sales of alcohol shall be by way of a delivery service only. Alcohol will not be sold to customers attending the premises in person.
10. A standard age verification check shall be undertaken on entering the website. A name and signature at the point of delivery must be obtained. No delivery shall be left without a name and signature. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
11. Alcohol shall only be delivered to a residential or business address and not to a public place.
12. All off sales to be in sealed containers.
13. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld
14. The Licence holder shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.

3.3 Application for a New Premise Licence for The East London Wineworks, Unit 5 (Ground Floor), The Huntingdon Estate, Ebor Street, London E1 6JU

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a time limited premises licence for The East London Wineworks, Unit 5 Ground Floor, The Huntingdon Estate, Ebor Street, London E1 6JU. It was noted that objections had been made by officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Mr James Daghish, Legal Representative, explained that although Planning was a separate regime it was important to note that planning permission was being sought for the premises. It was noted that subject to outcome of this hearing it was more appropriate for the application to be for a time limited premises for a maximum of 2 years. He explained that the Applicant was a small independent business looking to sell

bespoke set of wines and non-alcoholic wines. Mr Daglish said the applicant would be focusing on events for private and corporate groups. They would be sampling different wines with food and then offering the option for them to purchase drinks as takeaway. He explained that the style of operation was very focussed and for a niche market and would not negatively impact on the area.

Members heard from Mr Richard Vivan, Acoustic Engineer, he referred to his findings and stated that this premises would be low impact on the area and was in line with the exceptional circumstances described in 19.8 of the Tower Hamlets Special Cumulative Impact Policy, as the hours were within council's framework hours and had a small capacity of 45 and had good practices in place. He referred Members to page 216 of the agenda which detailed conditions offered to help promote the licensing objectives for smokers, deliveries and collections and other good practices.

Mr Daglish emphasised that 19.8 of the Special Cumulative Impact Policy stated that exceptional circumstances applied to this premises as it had a capacity of under 50, and the hours applied for were within the framework hours. He also stated that the applicant would be willing to reduce the hours by 1 hour every evening and was also in agreement of the condition on page 251 of the agenda, which restricts the sale of alcohol ancillary to a meal or for pre-booked wine tasting events. Therefore, customers could not just walk in and use the premises as a drinking establishment.

Members then heard from Ms Kathy Driver, Licensing Officer, objecting to the application who explained that the premises was within the CIZ. She expressed concerns that the premises could turn into a bar in the future if a licence was to be granted. Ms Driver highlighted that the premises was on the border of Bethnal Green behind boundary estate where the highest levels of anti-social behaviour are reported. She suggested that if Members were minded to grant the application then they should consider the outdoor area to be closed by 9pm. Ms Driver also suggested that more detail should be given on where smokers would be situated and further conditions specifically for online deliveries should be considered.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer explained that although there are many conditions on the operating schedule including for the prevention of public nuisance it was unclear whether the premises could potentially become a wine bar and have an impact on the CIZ.

In response to questions the following was noted;

- That the Applicant would consider a reduced capacity of 40 persons at the premises.
- Agreed to limit 5 smokers to smoke outside at any one time.
- That the applicant would consider closing the external area for licensable activities by 9pm.
- That the lease doesn't allow the premises to turn into a bar.
- That there was no bar area inside the premises.
- There would be no music other than background music.

- There would be no speakers outside the premises.

Concluding remarks were made by all parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

The application sought authorisation for the sale by retail of alcohol from 12:00 noon every day and finishing at 23:00 hours Monday to Thursday, 23:30 hours Friday and Saturday, and 22:00 hours on Sunday. The Premises are located within the Brick Lane Cumulative Impact Zone (CIZ) as defined within the Council's Statement of Licensing Policy (2018-2023). Representations were received from responsible authorities, the Licensing Authority and the Environmental Health Service, against the application. The representations referred to the CIZ and were concerned that the applicant had failed to demonstrate that they should be an exception to the Policy.

The Sub-Committee heard from Mr. Daghish, the applicant's solicitor. He informed the Sub-Committee that planning permission had yet to be granted in respect of the Premises and that the lease of the Premises would be a short one. The result of planning permission would be that the unit would cease to exist in the future and, for that reason, he amended the application to seek a premises licence limited to two years.

Mr. Daghish explained that the emphasis would be on wine-tasting events but this would not be the primary use and, for that reason, they had offered a condition that all on-sales be limited to patrons attending for wine-tasting or to learn about wine production and would otherwise be ancillary to food. This would prevent the Premises from operating as a bar and, in any case, it did not have planning permission to operate as a bar.

Mr. Daghish suggested that the small number of patrons as well as the proposed hours, which were also within Policy, justified an exception. He also confirmed that the applicant would be willing to reduce the closing time and terminal hour for licensable activity by one hour, if that would assist and a condition that it could only operate as an East London Wineworks.

The Sub-Committee also heard from Richard Vivian of Big Sky Acoustics, who told Members that this was a low impact business in terms of noise and that there were various conditions proposed to address the public nuisance licensing objective, such as dispersal and limits on the number of smokers.

Ms. Driver, on behalf of the Licensing Authority, and Ms. Cadzow on behalf of the Environmental Health Service, maintained their objections because of the potential impact on the CIZ. Ms. Driver noted that patrons could still walk in off the street and consume alcohol and that it could nonetheless turn into a bar. The Premises themselves were on the border of Bethnal Green and opposite Box Park; this area had one of the highest rates of reported crime and disorder and anti-social behaviour within the CIZ.

Both also commented that permitting ten people outside to smoke at any one time, given that the capacity would be 45 patrons at any time, seemed very high, and suggested that this be reduced to four or five if the Sub-Committee was minded to grant the application. Both also suggested that the outside area not be permitted to be used after 21:00 hours. There was no objection to either of these from the applicant. As to the Premises becoming a bar, Mr. Daghish re-stated that the Premises did not have planning permission to operate as such and that the additional condition restricting on-sales would be sufficient. It was suggested that this could be restricted further by only allowing on on-sales to customers who had pre-booked a wine tasting or demonstration. Members also explored other matters such as a condition prohibiting vertical drinking and reducing numbers. Mr. Gray, the director of the applicant company, indicated that he did not expect that people would be drinking at the bar and that he would be amenable to a maximum capacity of forty persons.

The Sub-Committee carefully considered the application. The onus was on the applicant to rebut the presumption against grant of the licence. The Policy, at Paragraph 19.8, states that it will be strictly applied. It gives examples of factors that the authority may consider exceptional, such as small premises only operating during framework hours. However, these are not matters that the authority will consider to be exceptional in every case.

Notwithstanding the offer to reduce the permitted hours slightly, the Sub-Committee remained concerned that the Premises would still be operating reasonably late into the night and which gave rise to a risk of some impact on the CIZ, especially given that once patrons leave they would be outside of the Premises' control. As patrons leave and disperse it is entirely conceivable and, in the Sub-Committee's view, very likely, that there would be some additional noise impact on the CIZ. There would also be the additional footfall within the CIZ. The Sub-Committee noted also that the particular part of the CIZ in which the Premises were located was one of the worst areas for crime and disorder and anti-social behaviour.

In addition, the Sub-Committee was concerned that patrons not attending a pre-booked wine tasting or demonstration could still enter the Premises and order alcohol to consume on the Premises. The applicant had offered a condition that alcohol sales would be ancillary to food. However, the email in

which this was offered referred to the fact that there was no kitchen and the only food that could be offered would be cold platters. This would be very different to a restaurant, for example, where the emphasis would clearly be on the food offering.

The Sub-Committee also carefully considered the fact that the application had been amended so that any licence granted would be time-limited. Whilst superficially attractive, the fact remained that there would still be an impact. The Sub-Committee was not satisfied, having regard to everything that it had heard and read, that the application justified an exception to the Policy. The Sub-Committee's decision is therefore to refuse the application.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Time Limited Premises Licence for The East London Wineworks, Unit 5 (Ground Floor), The Huntingdon Estate, Ebor Street, London E1 6JU be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Vish Convenience, 59 Commercial Street, London E1 6BD (MA)	30/11
Hackney Wick Underground Unit 2-3 66-78 White Post Lane (LMJ)	30/11
Caligan Limited, Railway Arch, 459 Robeson Street, London, E3 4JA (CH)	30/11
True Italian Taste, 54 Middlesex Street, London, E1 7EZ (CH)	30/11
Pasha's Peri Peri, 637 Commercial Road, London E14 7NT (MA)	30/11
The Qube, Unit D1.4, 9 Water Street, London, E14 (CH)	30/11
Curry Bazaar, 77 Brick Lane, London, E1 6QL (CH)	30/11
Oval Space, 29-32 The Oval, London E2 (KD)	30/11
Nilly's Café, 16 Bell Lane, London, E1 7LA (CH)	30/11
Amigos Burgers & Shakes, 156 Commercial Road, London, E1 1NL (CH)	30/11
Toynbee Hall, 28 Commercial Street, London E1 6LS (CH)	30/11

The meeting ended at 9.20 p.m.

Chair, Councillor Shah Ameen
Licensing Sub Committee