



Licensing Sub Committee

Supplementary Agenda

**Tuesday, 14 March 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel**

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A Guide to Licensing Sub Committee

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 14 March 2023

6.30 p.m.

4 .3 Application for Review for Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN - SUPPLEMENTARY AGENDA ATTACHED (Pages 5 - 12)

Licensing Objectives:

- The Prevention of Crime and Disorder

Representations:

- London Legacy Development Corporation

Bow East Ward

Next Meeting of the Licensing Sub Committee

Tuesday, 28 March 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



Agenda Item 4.3

Statement on behalf of Premises Licence Holder for The Colour Factory, Unit 8a, Queens Yard, White Post Lane, London, E9 5EN

Introduction

Run the Booze Limited is the Premises Licence Holder of Colour Factory. The company apologises unreservedly to the Licensing Committee and Police for the amount of time that has had to be dedicated to this review application following the tragic incident which occurred in the early hours of Sunday 12th February 2023, and which ultimately gave rise to the current review application. The company would also like to offer their sincere condolences to the friends and family of the victim.

The Company

Run the Booze Limited is a small independent operator that owns and operates Colour Factory in Hackney Wick, a multi-faceted event space that offers a plethora of events and opportunities for the local community and beyond. Colour Factory is open seven days a week, with local street food provided throughout the daytime, leading to late-night events in the evening, attracting individuals from all backgrounds. Colour Factory prides itself on being a safe space for everyone, especially those within the LGBTQ+ community, where individuals can express their true selves without fear of judgment or discrimination.

Nathanael, the DPS and owner of Colour Factory, has been working in the music industry for over 10 years and is deeply passionate and committed to providing opportunities and safe spaces for underprivileged and underrepresented individuals. Nathanael is not only a musician himself but has published academic papers about ethnicity and language, represented his country at the University Olympics, and is a care leaver who has worked alongside many cultural causes including being vice-chair of the Cultural Interest Group. Nathanael has so far never taken a wage from running Colour Factory, and through his broad community experience, holds a unique perspective on the importance of creating spaces that cater to the needs of marginalized and underrepresented communities.

The venue hosts a variety of community events, including charity nights, conscious programming of diverse and marginalized people, and community socials with trusted stakeholders of marginalized and at-risk communities. Examples of this include events for the Asian collective Daytimers, who used the funds raised to support people in India during earthquakes. Other examples include events such as HOWL and Inferno, which are irreplaceable pillars of the LGBTQAI+ community. Colour Factory also hosts the largest open mic Jazz jam in London, which happens every Monday and has proven to be a vital breeding ground for the next generation of jazz musicians from a predominantly ethnic minority background. Mehooni is an event that gives a musical home for Iranian artists of color to express themselves through electronic music. Even this coming weekend, Colour Factory has an upcoming event called Big Fish Little Fish, where 400 parents bring their children, usually toddlers, to a daytime rave featuring everything from bubble blowing to drawing classes to mini glow sticks. Future upcoming events include the likes of Club Soft, a party providing space for sober dancers, and Positive Frequency Fundraiser, a fundraising party to raise funds for a hardship fund for migrant folks subject to the 'no recourse to public funds' condition. Additionally, there are five independent food traders on site who open during the daytime and rely on our evening programming to operate.

The venue has taken many voluntarily proactive measures outside of the conditions of their license to ensure the safety and well-being of its patrons. For over a year, the venue has voluntarily utilised an ID scanner, which proved to be useful in assisting Police with their investigations. Additionally, the venue has had a medic present at all late-night events for the past six months, further enhancing the safety and security of its patrons. To prevent any instances of welfare emergencies, the Colour Factory has also implemented the use of a dedicated welfare manager, which has proven to be highly effective. These measures demonstrate the venue's commitment to providing a safe and enjoyable experience for all patrons.

In addition to Colour Factory, Nathanael is also the DPS of another venue in London called Jumbi. Jumbi celebrates diaporic food, music, drinks, and has never had any incidents whatsoever since its inception. Through Nathaniel's community-focused approach to programming, Colour Factory has become an important community platform in London. Despite London being an incredibly diverse place, there is a lack of black-owned venues that can support the culture they have played a part in creating. Nathaniel is a diverse employer of around 100 employees, half of whom work at Colour Factory, and he believes that diversity should be reflected in the staff he hires. All of his staff members are paid above the London living wage, and he is committed to providing a safe and inclusive working environment for everyone on his team.

Colour Factory has the overwhelming support of the local community and the Mayor's office for the future vision of London. The venue has a good working relationship with the police and the local council and is committed to complying with regulations to provide the safest possible space for underrepresented communities to come together and celebrate diversity in London.

Analysis of the key issues raised in the Police review application

The principle concern which has been identified by the Police, both in their application and in their ongoing dialogue with the Premises Licence Holder, has been that the current conditions on the premises license and practices were not adequate for the size and style of operation.

The first issue raised by the authorities surrounded the searching of customers upon entry and production of adequate photographic identification.

The Police, upon viewing the CCTV, identified some areas for improvement in the searching of customers, and recommended the use of metal detecting wands. Concerns were expressed that if the searching of customers was not adequate, there remained a real risk of customers bringing weapons into the premises.

Company actions following the incident on 12th February 2023

Following the tragic incident on the 12th of February 2023, the Company acted swiftly and promptly to assist the Police with their investigation.

The company immediately, at the request of the Police, offered voluntarily to close the premises for the foreseeable future to allow the Police to carry out their investigations.

A meeting was then held on the 16th February 2023 with PC Sian Giles and PC Mark Perry to discuss the operation of the premises. In attendance from the Company was myself, Bernard

– Head Door and owner of the SIA company 'A Polite Solution', Tara – Welfare and Security Manager, Jimmy – General Manager and Felix Faulkner – Solicitor.

At the meeting, considerable discussion was held around the operation of the premise that night and the searching of customers. All individuals who entered Color Factory were evidenced to have been searched by both CCTV footage and a subsequent spot inspection conducted by the Police Licensing. The CCTV was shown to both PC Giles and PC Perry of random times of the evening, including the search of the suspect at the time. The suspect had their ID scanned and was searched before being permitted entry to the premises

PC Perry then proceeded to review the refusal log and incident log at the premises and explained to myself and my team areas where this could be improved going forward.

PC Perry and PC Giles both provided operational advice and guidance throughout the meeting which was taken on board and prepared to be put into practice.

It was agreed at the meeting that Colour Factory would remain closed voluntarily on the following weekend, 18th and 19th February, following the advice of the Police.

The meeting ended amicably, and it was agreed that a bespoke substantive set of conditions would be proposed to the Police to show the Colour Factory's commitment to continually improve and provide a safe premises for all customers.

Following the meeting, on Friday 17th February 2023, a composite list of conditions was sent to PC Mark Perry and PC Sian Giles with associated updated policies and procedures to show the companies commitment to improvement and appreciation of the need for progression.

On Monday 20th February 2023, the company was in receipt of the summary review application from the Police.

In the interim, discussions were held by the companies solicitors with the Police, and agreement was reached on a proposed set of conditions.

The application was listed for a hearing on the 22nd February 2023. During the hearing, the Police referenced the hard work undertaken during the interim by the company, and thanked the company for closing the premises voluntarily. The Police confirmed the current working theory was that they did not believe the weapon used in the fatal incident had been inside the premises.

At the interim steps hearing, all the proposed conditions were imposed on the premises licence with immediate effect. The premise has subsequently operated every day since then, including over 2 weekends, with the new operation in place and with no major concerns.

The company would like to take this opportunity to thank the relevant authorities for their time and patience in working with the company during this process, and being understanding and cognisant throughout.

Representations

During the consultation period, one comment was received from LLDC regarding the planning permission for the premises.

The company was unaware of any issues surrounding the planning permission, having acquired these premises from a previous night club operation. Consistently with their approach throughout these proceedings, the company has immediately engaged with LDC and also instructed a planning consultant to assist them. The company is currently taking the planning consultants advice in terms of the best means of resolution of any issue related to planning and the committee will see that LDC in turn, have amended their comment to simply invite an application from the company.

The committee will be aware that planning is an entirely separate regime with its own powers of enforcement, should they prove necessary. The company assures the committee that it will take whatever steps are necessary to resolve the planning situation.

Conditions

The company has accepted the need for a fresh package of conditions to be attached to the licence to provide its commitment to a safe and responsible operation, and allow the licence to be enforceable if it is so needed. The licence, as it currently stands, has very little upon it in terms of conditions, and the company accepts that this licence requires "tightening up".

Following negotiations with the Police and the interim steps hearing, the following package of conditions is proposed to be added to the licence and has been agreed with the Police on the 10/03/2023:

NB: This bank of condition is identical to the interim steps conditions save for minor amendments to condition 4 and condition 12 (the police are in agreement with the rewording of condition 12 with the proposed rewording of condition 4, having been sent to them on Friday 10th March for their comment)

1. All SIA Staff to be re-trained on searching customers and their bags prior to the venue re-opening for late night events and documentary proof sent to CE Police Licensing. SIA refresher training to be every 6 months and also documented.
2. The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
3. The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.
4. When Regulated Entertainment is taking place past 23:00, a risk assessment will be undertaken to determine the necessity or otherwise of searching and / or wandling all or some of the customers. Such risk assessment will be signed off by premises management and by the security company. The risk assessments will be the subject of an independent audit carried out at least once every 6 months.

5. The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
6. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
7. A written egress policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway. The Egress Policy shall include:
 - a. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
 - b. Details of public transport in the vicinity and how customers will be advised in respect of it.
 - c. Details of the management of taxis to and from the premises.
 - d. Details of the management of any 'winding down' period at the premises.
 - e. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
 - f. Details of any cloakroom facility at the premises and how it is managed.
 - g. Detail of road safety in respect of customers leaving the premises.
 - h. Details of the management of ejections from the premises.
 - i. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.
8. The premises shall adopt the Central East Police Licensing Drugs Policy.
9. 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. ejections of patrons;
 - c. any complaints received concerning crime and disorder
 - d. all 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.
 - i. All entries relating to crime, disorder, ejections, and seizures of drugs and weapons to include a comprehensive account of the incident, actions taken and outcome.

10. Each bar shall keep and maintain a record detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be filled out as soon as practicable and kept behind the bar. Each record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
11. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a. the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
12. There must be at the premises a lockable drugs box to which no member of staff, save the DPS, security manager, General manager and Duty manager shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.
13. The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated "welfare officers" at peak times who will be easily identifiable, to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated and liaising with management/security staff to assist them where necessary. staff training on customer welfare such as "WAVE" and availability of free water to customers. The policy must be written, reviewed yearly, and made available to Police upon request.
14. Where indicated by the event risk assessment, welfare staff will be deployed to the event. The welfare staff will be easily identifiable to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated or otherwise vulnerable and liaising with management/security staff to assist them where necessary. All welfare interventions and outcomes to be logged in the welfare log.
15. Drinking water to made freely throughout the venue, Signage to advertise this information to customers.
16. All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises). This training shall be documented and repeated /refreshed at six-monthly intervals.

17. The venue will conduct a comprehensive in house risk assessment for all promoted events, The risk assessment shall demonstrate any measures to be put place to mitigate any identified risks, together with the rationale applied. A copy of all risk assessments shall be retained on the premises for 1 year and made available for immediate inspection by police or responsible authorities upon request.

Conclusion

The company reiterates its regret and apology to all parties for the tragic incident which occurred outside this premises. Colour Factory has never had any formal enforcement action imposed against the premises during its operation under the company, and is extremely confident it can continue to operate with minimal authority intervention.

The company is determined to continue to operate a safe and welcoming premises to all through the provision of a fresh package of conditions to ensure the smooth running of the premises moving forwards.

It is submitted that the conditions proposed, which have been agreed with the Police, will enable the premises to be a shining example of an exceptionally well-run events space and allow the premises to promote the licensing objectives.

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