

Licensing Sub Committee

**Tuesday, 18 June 2024 at 2.00 p.m.
Council Chamber - Town Hall, Whitechapel**

Supplemental Agenda

- 6. Temporary Event Notice for Colour Factory, Unit 8a Queens Yard 43
White Post Lane London E9 5EN**

Contact for further enquiries:

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<http://www.towerhamlets.gov.uk/committee>



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Agenda Item 6

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	18 June 2024	Unclassified		

Report of Tom Lewis Regulatory Services (Commercial) Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Temporary Event Notice for Colour Factory, Unit 8a Queens Yard 43 White Post Lane London E9 5EN Ward affected: Bow East
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1.0 Summary

Applicant: **Nathanael Williams (Run the Booze)**

Address of Premises: **Colour Factory
Unit 8a Queens Yard
43 Whitepost Lane
London
E9 5EN**

Objectors: **Environmental Protection**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicates 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

Licensing Act 2003 Section 182 Guidance
Licensing Policy
File Only

Corinne Holland
020 7364 5008

3.0 **Background**

3.1 This is an application for a Standard Temporary Event Notice.

3.2 Enclosed is a copy of the application - **See Appendix 1**.

3.3 The applicant has described the nature of the application as follows:

The TEN is to tend the usual provision of regulated entertainment including recorded music and live DJ performances to the mezzanine area located adjacent to the main licensed premises. The mezzanine will be used for additional seating, drinking, eating and an additional smoking area.

LICENSING OFFICER COMMENTS: Having spoken with the applicant he confirms that the area in question is the external first floor terrace/balcony rather than the internal mezzanine area. This external area does not form part of the current licence.

3.4 The capacity of the event will be up to 499 persons.

3.5 The Notice was given on Wednesday 5th June 2024 and the Responsible Authorities were notified of the Temporary Event Notice on Thursday 6th June 2024

3.6 The premises that has been applied for is: Colour Factory, Unit 8a
Queens Yard 43 White Post Lane London E9 5EN

3.7

3.8 The dates and times that have been applied for are as follows:

Sale of alcohol (on and off) and Regulated entertainment

Thursday 20th June 09:00 – 23:30 hours

Friday 21st June 09:00 – 03:30 hours

Saturday 22nd June 09:00 – 03:30 hours

Sunday 23rd June 09:00 – 23:30 hours

3.9 A map showing the relevant premises (including photos of the balcony area) and immediate area is included as **Appendix 2**.

4.0 **Premises Licence**

4.1 The Premise Licence for this premises is contained in - **Appendix 3**

5.0 **Temporary Event Notices**

5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The

maximum number that can attend at any one time is 499. At least 10 full working days' notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.

- 5.2 The Licensing Authority cannot oppose an application, (nor can local residents or businesses). The Licensing Authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits for 2022 and 2023 are as follows: 20 TEN per calendar year or 26 days. The Responsible Authorities that can object is the Metropolitan Police or Environmental Protection.
- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 At any time before a hearing is held or dispensed, the premises user and EH or Police may come to an agreement and modify the temporary event notice by making changes to it.
- 5.5 Following an objection by the relevant Responsible Authority the Licensing Authority must decide whether;
 - (1) Grant the TEN;
 - (2) Grant the TEN with conditions (if a premises licence is in place) and specify conditions as appropriate to the TEN.
 - (3) Refuse the TEN by serving a Counter Notice
- 5.6 The Licensing Authority can apply one or more conditions ;
 - (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
 - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.7 Where the authority decides to impose one or more conditions;
 - (a) the authority must give the premises user notice of the decision;
 - (b) the notice must be accompanied by a separate statement (the "statement of conditions") which sets out the conditions that have been imposed on the temporary event notice; and
 - (c) a copy of the notice and statement of conditions must be given to each relevant party.

- 5.8 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.9 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 The Environmental Protections' objection is contained in **Appendix 4**.
- 6.2 The applicant's response it contained in **Appendix 5**
- 7.0 **Advice to Members**
- 7.1 The Police Reform and Social Responsibility Act 2011 amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
- 8.0 **Legal Comments**
- 8.1 The Council's legal officer will give advice at the hearing.
- 9.0 **Finance Comments**
- 9.1 There are no financial implications in this report.

Appendices

Appendix 1	A copy of the application
Appendix 2	Maps of the area and photos
Appendix 3	Premise Licence
Appendix 4	Environmental Protection Objection
Appendix 5	Applicants response

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Appendix 1



* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name	<input type="text" value="8a Queens Yard"/>
Street	<input type="text" value="43 White Post Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E9 5EN"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Premises licence number	<input type="text" value="133063"/>
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Location Details

Provide further details about the location of the event

This event will take place in the venue known as 'Colour Factory' and will include the new mezzanine area. The mezzanine, located adjacent to the main licensed premises will be used for additional seating, drinking, eating and as an additional

Continued from previous page...

smoking area. The mezzanine is equipped with necessary safety measures including fire exits and safety equipment. As we have been operating an outdoor area for the past four years we have an excellent history of very little public nuisance.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

We have an egress and dispersal policy which will move customers towards Hackney Wick station, at this time trains will be available for people to get home. This also clears up White Post Lane and the congestion of Uber's being called and people waiting around.

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

We are a food court, live music venue who have carried out a comprehensive risk assessment to ensure that the public safety is paramount and that the venue is fit for purpose of late night entertainment. In addition to this we have carried out a noise survey with an acoustic consultant to ensure that we are fully aware of the risks the premises poses regarding public nuisance from break out and gives us clear parameters to prevent this from occurring.

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

We wish to extend our usual provision of regulated entertainment recorded music and sale by retail of alcohol on site between

09:00 - 23:30 (Thursday)
09:00 - 3:30 (Friday and Saturday)
09:00 - 23:30 (Sunday)

There will be no live music after 11pm in accordance with our current license.

This event is part of our promoted events calendar which has been shared with Tower Hamlets Police Licensing and will be operated in accordance with our risk assessments.

There will be at least 1 SIA trained security guard on site per 100 customers and we also operate a joined up security plan with all other venues in Queens Yard with 'A Polite Solution'. In case of emergency please contact our General Manager Jimmy on + [REDACTED] or Head of Security Bernard on + [REDACTED]

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
([See also guidance on completing the form, note 7](#)).

Continued from previous page...

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 8\)](#)

Event start date / /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 10\)](#)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

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[\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue
dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 15\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

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Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

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CONDITION [\(See also guidance on completing the form, note 17\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 18\)](#)

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

* For completion by the Licensing Authority

* I acknowledge receipt of this temporary event notice

Continued from previous page...

* SIGNATURE _____ On behalf of the Licensing Authority NAME OF OFFICER _____
DATE _____

*

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

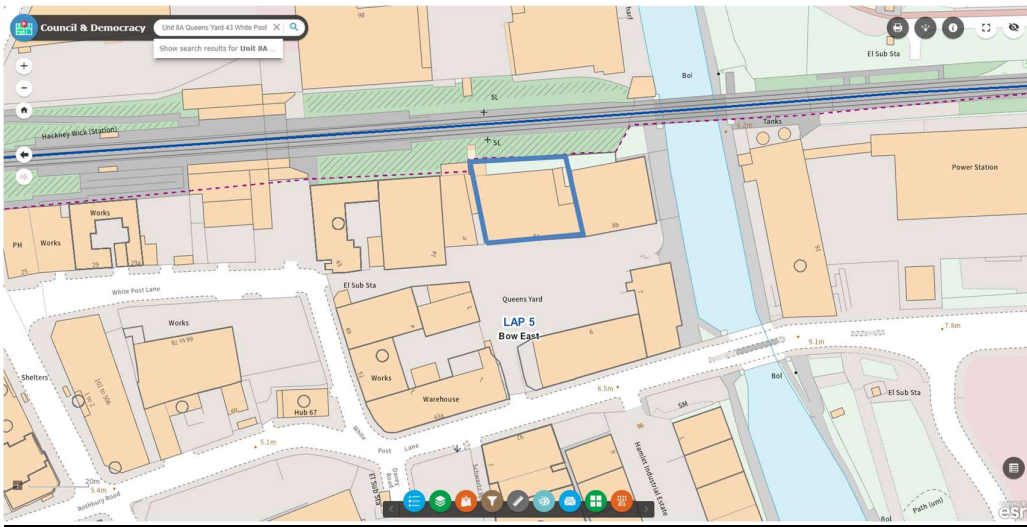
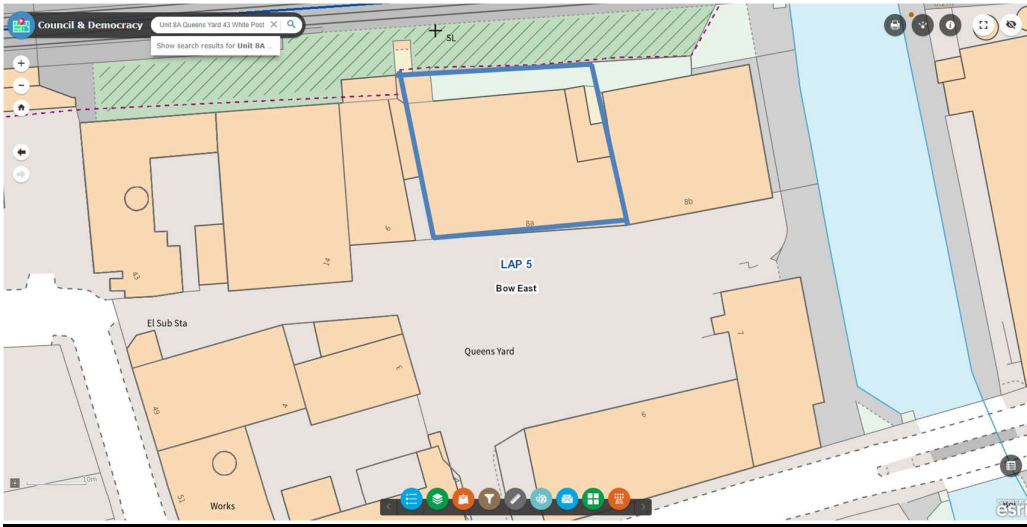
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Appendix 2

Maps – 8a Queens Yard



Photos – balcony area, Colour Factory, Unit 8a Queens Yard





Appendix 3

(Colour Factory)
Unit 8a, Queens Yard
White Post Lane
London
E9 5EN

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late-night refreshment

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 5th February 2016

- 24th November 2016, amended by a variation
- 8th November 2017, amended by a variation
- 30th July 2019, amended by a variation (times extended)
- 25th November 2020 – amended by a variation (adding off sales)
- 17th March 2023 – amended by police review (conditions added)



Part A - Format of premises licence

Premises licence number

157480

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Colour Factory)
Unit 8a, Queens Yard
White Post Lane

Post town
London

Post code
E9 5EN

Telephone number
020 8124 6118

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description)
The provision of late-night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on & off sales)

- Monday to Thursday 09:00 hours to 23:00 hours
- Friday & Saturday 09:00 hours to 03:30 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

The provision of late-night refreshment – Indoors and outdoors

- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

The provision of regulated entertainment

(Plays, Performances of Dance) – indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

(Films) - indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday, from 09:00 hours to 04:00 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

(Indoor Sporting Event)

- Monday to Thursday, from 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

Live Music & Recorded Music (indoors & outdoors) – Live music cease 23:00 hours outside)

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday 09:00 hours to 00:00 hours (midnight)

Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

Non-standard timings:

- For the 20 occasions per year for Live music, recorded Music, late night refreshment until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.

The opening hours of the premises

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

Non-standard timings:

For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and off sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Run the Booze Ltd



Registered number of holder, for example company number, charity number (where applicable)

Company Number: 12001934

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Nathanael Williams

[REDACTED]

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence No. [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the

permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

(i) **P** is the permitted price

(ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Films

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:

If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction
Otherwise the recommendation of the film classification body.

Children means persons aged under 18 and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Annex 2 - Conditions consistent with the operating Schedule

1. A CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
 - a. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - b. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.
4. A number of SIA staff to be set at a level agreed with the Tower Hamlets Police Licensing, with a minimum of 4 SIA Staff, (at least one of whom must be a female) when hosting events for more than 100 people.
5. 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.
6. An incident book shall be kept and maintained every day the premises is open.
 - a. The book shall contain the names and SIA numbers of security staff, their time on duty and time off duty.
 - b. It shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.
 - c. It shall be signed off by the duty manager at the end of each day.
7. A diary of events shall be sent to Tower Hamlets Police Licensing on a monthly basis.
8. Events that finish past the terminal time for public transport to have a travel plan put in place to ensure that customers can leave without causing nuisance to local residents.
9. A security policy shall be agreed with Tower Hamlets Police Licensing.
10. The amplified music levels as advised in the noise assessment report from KP Acoustics Ref 13779.NIA.01 to be set to a maximum limit of 85dB(A). The operational panel of the amplified noise equipment shall be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises License Holder. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Environmental Health Service.
11. Recorded Music outside to be played at an ambient level.
12. Live music not to be played outside after 23:00 hours.

13. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. The venue shall operate an over 18 policy after the hours of 21:00 hours, any events which are subject to non-standard timings are also subject to over 18s checks and Challenge 25 at the door.
15. Children must always be under the supervision of a responsible adult. Staff and security personnel shall be on duty to monitor for lost children.
16. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
17. Alcohol shall only be delivered to a residential or business address and not to a public place.
18. Ensure delivery partners are aware of licence obligations.
19. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation

Annex 3 - Conditions attached after a hearing by the licensing authority (Review 14th March 2023)

20. 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.
21. The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
22. 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.

23. When regulated entertainment is taking place past 11pm, a risk assessment will be undertaken to determine the necessity or otherwise of searching and/or wandng all or some of the customers. Such risk assessment will be signed off by the premises management and by the security company. The risk assessments will be the subject of an independent audit carried out at least once every six months.
24. 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 is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
25. A written egress policy shall be in place and implemented at the premises to move customers away from 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:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Detail of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.

26. The premises shall adopt the Central East Police Licensing Drugs Policy.
27. 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:
- all crimes reported to the venue;
 - ejections of patrons;
 - any complaints received concerning crime and disorder all incidents of disorder;
 - all seizures of drugs or offensive weapons;
 - any faults in the CCTV system, searching equipment or scanning equipment;
 - any refusal of the sale of alcohol;
 - any visit by a relevant authority or emergency service.
 - 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.
28. 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.
29. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - 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.
30. 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.

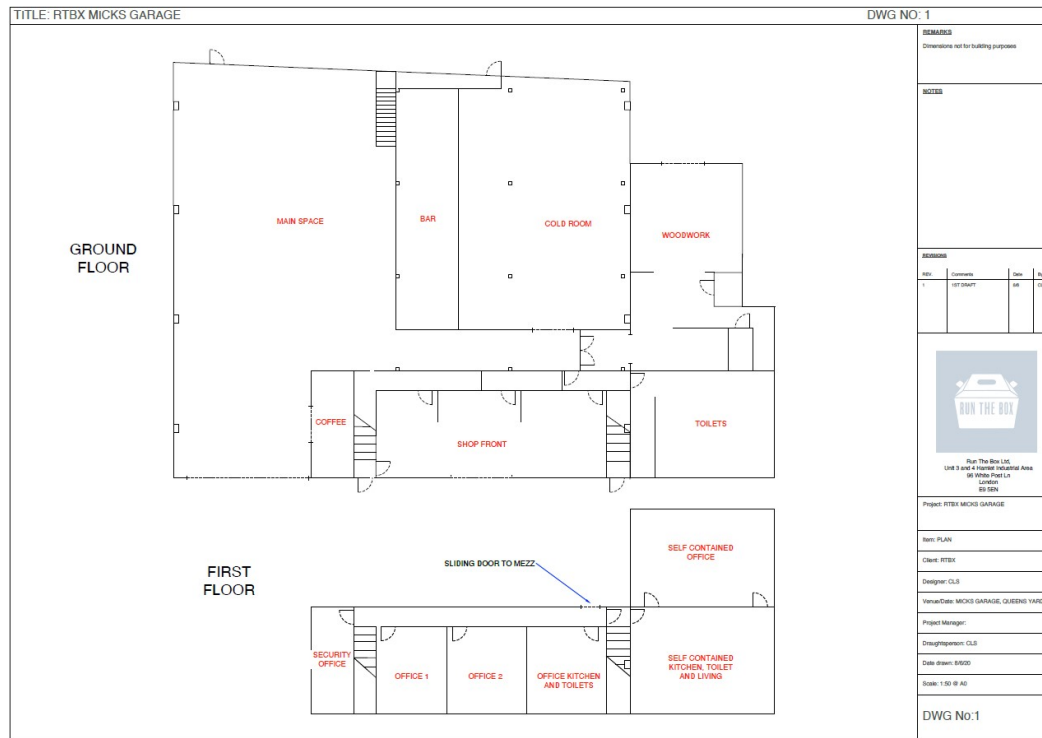
31. The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated “welfare officers” at peak times who will be easily identifiable, to customers, 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.
32. 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.
33. Drinking water to made freely throughout the venue, Signage to advertise this information to customers.
34. 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.
35. 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.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

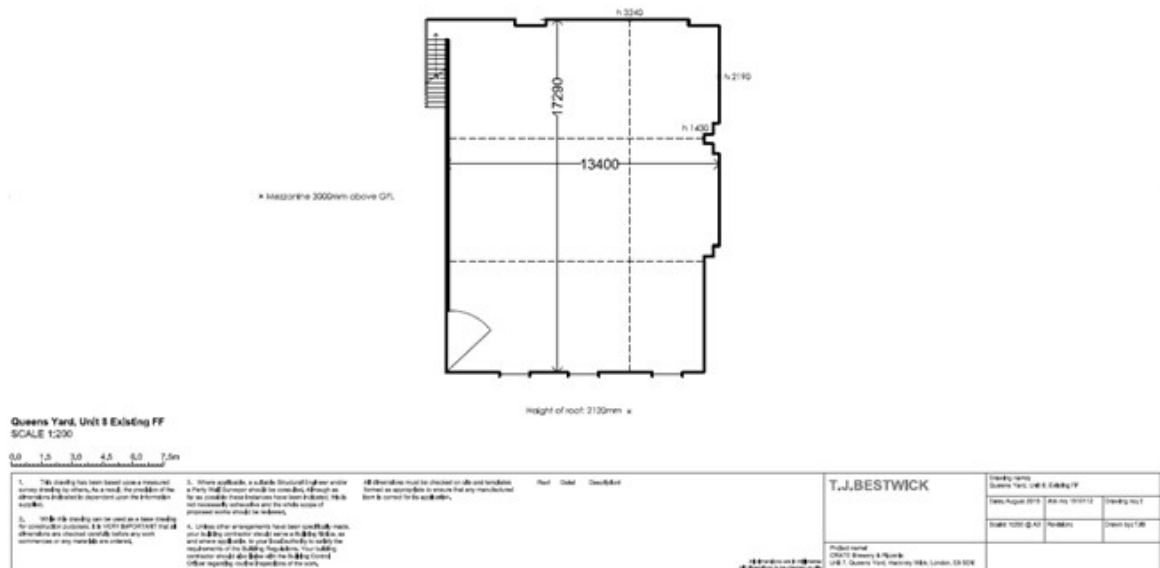
27th October 2020:

Ground Floor and First floor(DWG No.1 dated 08/06/20)



19th October 2016:

Mezzanine Floor (Job No: 1510112, Drawing No 2, dated August 2015)



Part B - Premises licence summary

Premises licence number

157480

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Colour Factory)
Unit 8a, Queens Yard
White Post Lane

Post town

London

Post code

E9 5EN

Telephone number

020 8124 6118

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description)
The provision of late-night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on & off sales)

- Monday to Thursday 09:00 hours to 23:00 hours
- Friday & Saturday 09:00 hours to 03:30 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

The provision of late-night refreshment – Indoors and outdoors

- Friday and Saturday, from 23:00 to 02:00 hours the following day

The provision of regulated entertainment

(Plays, Performances of Dance) – indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday 09:00 hours to 00:00 hours (midnight)

(Films) - indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 to 04:00 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

(Indoor Sporting Event)

- Monday to Thursday, from 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)

	<ul style="list-style-type: none"> • Sunday, from 09:00 hours to 00:00 hours (midnight) <p><u>Live Music & Recorded Music (indoors & outdoors) – Live music cease 23:00 hours outside)</u></p> <ul style="list-style-type: none"> • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day) • Sunday 09:00 hours to 00:00 hours (midnight) <p><u>Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors</u></p> <ul style="list-style-type: none"> • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day) • Sunday, from 09:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u> For the 20 occasions per year for <u>Live music, recorded Music, late night refreshment</u> until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>
The opening hours of the premises	<ul style="list-style-type: none"> • Monday to Thursday 09:00 to 23:30 hours • Friday & Saturday 09:00 to 04:00 hours (the following day) • Sunday, from 09:00 to 00:00 hours (midnight) <p><u>Non-standard timings:</u> For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>

Name, (registered) address of holder of premises licence	Run the Booze Ltd Studio 4 117 Wallace Road London E9 5LN
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	Company Number: 12001934
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Nathanael Williams
State whether access to the premises by children is restricted or prohibited	The venue shall operate an over 18 policy after the hours of 21:00 hours, any events which are subject to non-standard timings are also subject to over 18s checks and Challenge 25 at the door.

Appendix 4

Corinne Holland

From: Nicola Cadzow
Sent: 10 June 2024 11:23
To: Licensing
Cc: 'MARK.J.Perry [REDACTED] Nathanael Williams
Subject: 169604 MAU REPRESENTATION Colour Factory Unit 8a, Queens Yard, 43 White Post Lane, London

Good morning Licensing,

I have regarded the TENs application for Colour Factory, Unit 8a Queens Yard, 43 White Post Lane, London and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity.

Due to ongoing noise complaints regarding a number of venues in Queens, and whilst no evidence of a statutory noise nuisance has been established, there has been a noise complaint regarding Colour Factory as recently as the 18th May 2024. I have to consider the licensing objective for the prevention of public nuisance, and the cumulative impact of public nuisance at the late hours sought.

I have discussed the TEN application with the applicant, but consideration has to be given that Environmental Protection cannot add conditions to a TENs application.

Applicant is proposing to extend use the mezzanine for additional seating, drinking eating and smoking

- until 23:30 hours Friday and Sunday
- until 03:30 hours Friday and Saturday.

Noise Sensitive premises: residential and commercial premises in close proximity to the premises including at Omega Works, 4 Roach Road, London, E3

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents, particularly from use of the external mezzanine area.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for Colour Factory, Unit 8a Queens Yard, 43 White Post Lane, London, E3 due to the greater likelihood of disturbance to residential premises at the noise sensitive hours sought, particularly when considering hours for use of the external mezzanine area.

If the committee are minded to grant the TENs application I would ask that consideration is given to reducing the hours for use of external area, and limiting the numbers of patrons outside after such time.

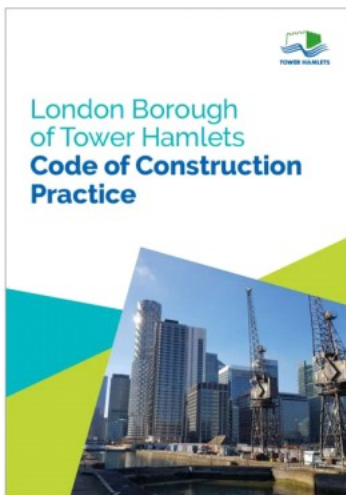
Kind regards

Nicola Cadzow
Environmental Health Officer
Environmental Protection (Noise) Team
Communities Directorate
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ


www.towerhamlets.gov.uk

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Construction Code of Practice 2023

- Development with Planning Permission granted and subject to Planning Conditions is adoption of the new Code will continue to operate under the conditions for working hours of **Code of Construction Practice 2006**.
Permitted to work Saturdays without s61 Agreement (8am to 1pm only)
- Development granted Planning Approval **after the 26th April 2023** and subject to Plan required to adhere to working hours as set out above and in the **Code of Construction Practice 2023**.
s61 Agreement required for works on Saturdays, Sundays, Bank Holidays, or Public Holidays
- Developments seeking amendments to Planning Approvals issued prior to 26th April 2023 Working Hours imposed if relevant to the details being amended.
- For more information, please click on the cover page of the Code of Construction Practice 2023

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply [here](#).

To check the application status email environmental.protection@towerhamlets.gov.uk and use the FS reference number generated by your application.

Appendix 5

Corinne Holland

From: Nathanael Williams <[REDACTED]>
Sent: 10 June 2024 16:11
To: Licensing; Nicola Cadzow
Cc: MARK.J.Perry [REDACTED]
Subject: Re: 169604 MAU REPRESENTATION Colour Factory Unit 8a, Queens Yard, 43 White Post Lane, London

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Nicola,

Thank you for our phone call on Friday.

Could you kindly forward me the details of the noise complaint coming from Omega Works, 4 Roach Road, London, E3, so that we can understand the nature of the complaint? We have recently conducted a noise survey with an acoustic consultancy expert company, which shows that the measures we have implemented regarding sound insulation effectively mitigate any public nuisance from both internal and external noise. At my request they have provided some analysis confirming that in the past four years, despite operating in the same manner, why we have had no complaints about customers speaking loudly in our external area since COVID.

The sound consultant has produced this evidence at my request to hopefully alleviate any concerns:

Scenario 1: Colour Factory (300 metres away with a 50-metre building between)

Initial Sound Level: 300 people shouting in high spirits at an average around 85-90 dB.

Distance Attenuation:

- At 300 metres, the sound level decreases significantly. Using the inverse square law, the sound level drops by approximately 6 dB for every doubling of distance.
- At 1 metre: 90 dB
- At 2 metres: 84 dB
- At 4 metres: 78 dB
- At 8 metres: 72 dB
- At 16 metres: 66 dB
- At 32 metres: 60 dB
- At 64 metres: 54 dB
- At 128 metres: 48 dB
- At 256 metres: 42 dB

So at around 300 metres, the sound level would be slightly above the hearing threshold, approximate it to 40 dB.

Building Obstruction (50-metre deep building):

- The building can reduce sound by around 20-30 dB. Let's assume a 25 dB reduction.
- Sound level after obstruction: $40 \text{ dB} - 25 \text{ dB} = 15 \text{ dB}$.

City Background Noise:

- Average background noise in the city: 60-70 dB.

Conclusion for Colour Factory:

- The sound from the crowd at Colour Factory would be reduced due to the building obstruction and the distance.
- Given the city background noise of 60-70 dB, the sound from the crowd would be practically inaudible over the ambient city noise for someone standing 300 metres away.

However, from our phone conversation, I am happy to implement the additional following measures:

- No recorded or amplified live music after 11 pm on the mezzanine area (I am happy to reduce this to 10 pm if you prefer).
- Patrons limited to 30% of capacity after 1 am on Friday and Saturday to further mitigate any potential noise (this will match Crate Brewery's outdoor area operating hours, which is 162m away from Omega Works and, as far as I know, does not receive complaints about their outdoor area due to proximity).

I hope the above conditions address any concerns you have, and our compliance with the licensing objectives over these TENs sets a good precedent for our variation application.

If you are satisfied with these additional measures, I will inform Corrine from Licensing accordingly.

Many thanks,

Nathanael Williams

Director

He/Him | Colour factory



Unit 8a, Colour Factory, QueensYard , E9 5EN



On 10 Jun 2024 at 11:22 +0100, Nicola Cadzow , wrote:

Good morning Licensing,

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Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and

The hours of operation (inclusive of proposals)

CONCLUSION

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If the committee are minded to grant the TENs application I would ask that consideration is given to reducing the hours for use of external area, and limiting the numbers of patrons outside after such time.

Kind regards

Nicola Cadzow

Environmental Health Officer

Environmental Protection (Noise) Team

Communities Directorate

4th Floor Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BJ