

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON WEDNESDAY, 22 FEBRUARY 2023****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members In Attendance Virtually:**

Councillor Peter Golds
Councillor Amin Rahman

Officers In Attendance Virtually:

Corinne Holland (Licensing Officer)
Jonathan Melnick (Principal Lawyer-Enforcement)
Farhana Zia (Democratic Services Officer)

Representing applicants	Item Number	Role
Mr James Rankin	3.1	Counsel
PC Mark Perry	3.1	Metropolitan Police
PC Michael Rice	3.1	Metropolitan Police

Representing objectors	Item Number	Role
Mr Graeme Cushion	3.1	Senior Solicitor
Mr Felix Faulkner	3.1	Solicitor
Mr Nathanael Williams	3.1	Premises Licence Holder
Ms Paige Viaene	3.1	Legal Team

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 Review under Section 53 A of the Licensing Act 2003 53A Review (Colour Factory), Unit 8a Queens Yard, London E9 5EN

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a Section 53A expedited review hearing for Colour Factory, Unit 8a Queens Yard, London E9 5EN. It was noted that a review under Section 53A could only be triggered by a senior officer of the Metropolitan Police when there had been a serious incident of crime or disorder. Ms Holland explained that today's meeting would be to make an interim decision, followed by a full review hearing within 28 days, from the date of receipt of the application which was made on the 20th February 2023.

At the request of the Chair, Mr James Rankin Counsel for the Metropolitan Police explained that at 04:43a.m. on Saturday 11th February 2023 a fatal stabbing occurred outside the premises, which both the victim and suspect had attended earlier. Mr Rankin said the premises licence holder, Mr Nathanael Williams, had been exceptionally co-operative in aiding the Police investigation, allowing access to CCTV footage as well as voluntarily closing the premises whilst the investigation was on-going. Mr Rankin said spot-checks of the CCTV undertaken by the police showed patrons were searched before entering the premises. However, there was concern that processes and procedures at the premises could be tightened to promote the licensing objective of prevention of crime and disorder. Mr Rankin said the proposed conditions put forward were agreed with the Premises Licence Holder and would ensure the premises could re-open safely. Mr Rankin then took members through the proposed conditions and acknowledged conditions 7 and 8 were a duplication of conditions 3 and 4.

The Sub-Committee then heard from Mr Graeme Cushion, solicitor for the Premises Licence Holder. Mr Cushion stated his client, Mr Nathanael Williams had operated the premises for the last three years and had an exemplary record in running licensed premises. He said that on behalf of his client he wished to express his sincere condolences to the victim and the family. Mr Cushion stated that upon hearing of the incident, Mr Williams had fully cooperated with the police investigation and had ceased his business partnership with the promoter for the event which took place on the 11th February 2023. He said the Premises Licence Holder did not wish to be associated with events which give rise to crime and disorder. Mr Cushion said they had met with the Metropolitan Police's Licensing Team and had come up with a set of proposed conditions that would ensure the safe re-opening and operation of the venue. Mr Cushion said his client had agreed to the proposed conditions.

In response to questions the following was noted;

- Mr Rankin clarified that the weapon used in the fatal stabbing of the victim was not found inside the premises.

The Applicant and the Premises Licence Holder had no concluding remarks to make.

Decision

This is an expedited review interim steps hearing for the premises licence held in respect of the Colour Factory, Unit 8a Queens Yard, London E9 5EN under Section 53 A of the Licensing Act 2003.

The review arose after the tragic fatal stabbing in the early hours of the 11th February 2023. The Sub-Committee heard from the Metropolitan Police who referred to the steps that had been taken by the premises such as searches. Although there is no suggestion that the weapon was within the premises at any point, the investigation has indicated some shortcomings in the robustness of the conditions on the premises licence. The premises had been voluntarily closed and wish to re-open. In order to protect the public, the police have asked for a number of conditions to be imposed as interim steps.

The Premises Licence Holder has agreed to the imposition of all these conditions, but the decision is ultimately for the Sub-Committee. Having heard from the parties the Sub-Committee is satisfied that these conditions are necessary as an interim measure. This will allow the premises to re-open and to do so in a way that will ensure the promotion of the licensing objective of the prevention of crime and disorder.

The agreed conditions, with the exception of conditions 7 and 8 which were duplicates of 3 and 4 shall be imposed with immediate effect.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a review under Section 53A of the Licensing Act 2003 for Colour Factory, Unit 8a Queens Yard, London E9 5EN be **GRANTED with additional conditions on the licence.**

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 11pm, all persons entering or re-entering the premises after 8pm shall be searched by a SIA licensed member of staff while monitored by the premises CCTV system. The search shall include a metal detecting search using an arch or wand, followed by a search of the person, and a full bag search.

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:

- 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.

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:

- all crimes reported to the venue;
- ejections of patrons;
- any complaints received concerning crime and disorder
- all any 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.

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:

- 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.

12) There must be at the premises a lockable drugs box to which no member of staff, save the DPS and security 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.

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:
Oval Venues Limited Oval Café 11-12 The Oval London E2 9DU	14/03/2023
Eastern Kula 3 rd Floor 7-9 Fashion Street London E1 6PX	14/03/2023

The meeting ended at 2.57 p.m.

Chair, Councillor Kamrul Hussain
Licensing Sub Committee