



# Licensing Sub Committee

## Agenda

**Wednesday, 22 February 2023 at 2.00 p.m.**

**Online 'Virtual' Meeting -**

**<https://towerhamlets.public-i.tv/core/portal/home>**

### Contact for further enquiries:

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



## Public Information

### Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

### Meeting Webcast

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<http://towerhamlets.public-i.tv/core/portal/home>

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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

Wednesday, 22 February 2023

2.00 p.m.

### **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

#### **1. DECLARATIONS OF INTEREST (PAGES 7 - 8)**

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine: whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interest form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior the meeting by contacting the Monitoring Officer or Democratic Services.

#### **2. RULES OF PROCEDURE (PAGES 9 - 18)**

To note the rules of procedure which are attached for information.

#### **3. ITEMS FOR CONSIDERATION**

#### **4. Application for Review under Section 53 A of the Licensing Act 2003 53A Review (Colour Factory), Unit 8a Queens Yard, London E9 5EN (PAGES 19 - 58)**

Licensing Objectives:

- Crime & Disorder

Representations by:

- Metropolitan Police

Ward: Bow East

#### **5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

**Next Meeting of the Licensing Sub Committee**

Tuesday, 28 February 2023 at 6.30 p.m. to be held in Online 'Virtual' Meeting -  
<https://towerhamlets.public-i.tv/core/portal/home>



The best of London in one borough

**Tower Hamlets Council**  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

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# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



## TOWER HAMLETS



### LICENSING COMMITTEE

#### RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

<b>Date Last Reviewed:</b>	14 <sup>th</sup> June 2016
<b>Reviewed By:</b>	Senior Corporate and Governance Legal Officer
<b>Approved By:</b>	Licensing Committee
<b>Date Approved:</b>	14 <sup>th</sup> June 2016
<b>Version No.</b>	1
<b>Document Owner:</b>	Paul Greeno
<b>Post Holder:</b>	Senior Corporate and Governance Legal Officer
<b>Date of Next Scheduled Review:</b>	31 <sup>st</sup> March 2018

## **1. Interpretation**

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

## **2. Composition of Sub-Committee**

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

## **3. Procedure**

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
  - a) their application, representation or notice; and
  - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

#### **4. Exclusions**

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.

- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

### (2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

#### Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

### (3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

### (4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

**(5) What can be circulated?**

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

**(6) How will the applications be considered?**

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

**(7) How can I find out about a decision?**

You can contact Democratic Services the day after the meeting to find out the decisions.

**(8) Queries on reports.**

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				Licensing Officer



## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. A Decision letter will be sent to all interested parties confirming the decision made.

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# Agenda Item 4

Committee : <b>Licensing Sub-Committee</b>	Date	Classification <b>Classified</b>	Report No.	Agenda Item No.
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Report of <b>David Tolley</b> <b>Head of Environmental Health and Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title <b>Licensing Act 2003</b> <b>Application for Review under Section 53 A of the Licensing Act 2003 for Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN</b>  Ward affected <b>Bow East</b>
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## 1.0 Summary

Licence Holder: **Run the Booze Limited**

Name: **Colour Factory**

Address of Premises: **Unit 8a Queens Yard  
White Post Lane  
London E9 5EN**

**Review under Section 53A by a senior officer of the Metropolitan Police**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and 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

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
0207 364 3986

### 3.0 **Background**

- 3.1 This is an application made by a senior officer of the Metropolitan Police under Section 53A of the Licensing Act 2003. The Act was amended by the Violent Crime Reduction Act 2006.
- 3.2 The form applying for a summary licence review is contained in **Appendix 1**.
- 3.3 The Certificate under Section 53A of the Act is contained as **Appendix 2**.
- 3.4 The premises licence is in **Appendix 3**.
- 3.5 A map of the premises is at **Appendix 4**.

### 4.0 **Determinations**

- 4.1 The Licensing sub-Committee is, in effect being asked to make an interim decision, which is subject to a full review hearing within 28 days from receipt of the senior officer's documentation (received on the 20<sup>th</sup> February 2023).
- 4.2 Members must consider whether interim steps are necessary for the promotion of the licensing objectives as follows
  - The modification of the conditions of the premises licence
  - The exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence
  - The removal of the designated premises supervisor from the licence
  - The suspension of the licence
- 4.3 Members may, of course conclude that no action is necessary.

### 5.0 **Advice issued by the Home Office**

- 5.1 The Home Office has issued advice to licensing authorities about Section 53 A of the Licensing Act 2003. The relevant Sections, along with a flow chart are in **Appendix 5**.

### 6.0 **Legal Comments**

- 6.1 A legal officer will advise Members at the hearing.

### 7.0 **Financial Comments**

- 7.1 There are no financial implications in this report.

## 8.0 Appendices

**Appendix 1** The form applying for a summary licence review

**Appendix 2** The Certificate under Section 53A of the Act

**Appendix 3** The premises licence

**Appendix 4** Map of the site

**Appendix 5** Home Office advice

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# Appendix 1



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Form for Applying for a Summary Licence Review**

**Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
(premises associated with serious crime, serious disorder or both)

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

**Insert name and address of relevant licensing authority and its reference number:**

<b>Name:</b>	Central East Police Licensing		
<b>Address:</b>	33 Stokenewington High Street, Hackney		
<b>Post town:</b>	London	<b>Post code:</b>	N16 8DS
<b>Ref. No.:</b>			

**I PC Mark Perry 1748CE**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description:</b>			
Colour Factory, Unit 8a, Queens Yard, White Post Lane			
<b>Post town:</b>	London	<b>Post code:</b> (if known)	E9 5EN

**2. Premises licence details**

<b>Name of premises licence holder or club holding club premises certificate (if known):</b>	
Run the Booze Ltd, Studio 4, 117 Wallace Road, London E9 5LN	
<b>Number of premises licence or club premises certificate (if known):</b>	
/	

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



**PROTECTIVE MARKING**

**4. Details of association of the above premises with serious crime, serious disorder or both**  
(Please read guidance note 2)

## PROTECTIVE MARKING

At around 4:43 am on Saturday 11<sup>th</sup> February 2023 an assault took place in Queens Yard, following a music event at the Colour factory, which resulted in a person being stabbed to death.

Although this is the early stages of the investigation we know that the suspects and the victims had been at an event in the Colour Factory prior to the assault. The victim and the suspects were in separate groups in Queens yard when a dispute takes place. The suspect starts shouting at and abusing a female in Queens Yard. The victim intervenes and a fight ensues, the suspect produces a knife and stabs the victim killing him.

We have concerns about the Colour Factory remaining open with its current conditions and practises.

The investigation has revealed that some of the customers going into Colour Factory have not been searched on entry or had to produce ID. One of the undertakings given by the venue following a previous incident at the Colour Factory was that all customers would be searched, it is part of the security policy which is condition 9 Annex 2 of the license. Failing to search customers or allowing them into the venue without ID runs the very serious risk of allowing weapons and drugs into a place where they can be used, with very serious consequences.

Although we have attended the Colour Factory and spot checked CCTV and could find nobody who was not searched, this was for only one night. We observed that some of the searching was poor, and there was no use of metal detecting wands. The venue has agreed to implement new measures and has sent proposed new conditions over to us study.

A second concern is that people are attending events at the Colour Factory and bringing weapons with them. The investigation is still in its early stages and although the current working theory is that the suspects may have got weapons from a vehicle parked in Queens Yard this has not been confirmed and to date have had no evidence on where and when the weapons were obtained.

If customers are bringing weapons with them to events you are running, and the searching is inconsistent or not effective then there is a real risk of people being able to bring weapons inside the venue and serious violence taking place inside.

While we are in discussions with the venue about new conditions we believe that the following interim steps are needed to protect members of the public.

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.

A record shall be kept 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 available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.

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

## PROTECTIVE MARKING

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.

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.

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 physical search, and a full bag search.

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 comprehensive Egress Policy shall be produced and implemented at the premises, with all management staff trained on the most up to date policy. The policy should include (but not necessarily be limited to) the following:

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.

The premises will carry out a risk assessment into all artists and promoters appearing at the venue.

a) The purpose of this is to identify any risks and measures that can be put in place to mitigate against them.

b) Research will include but is not limited to contacting venues they have appeared recently and looking at their social media sites.

c) Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement.

d) This risk assessment, including all identified risks and mitigating measures taken (including SIA numbers), must be a documented and made available to Police upon request

e) This shall also apply to any queer/fetish/kink events taking place on the premises.

The premises shall adopt the Central East Police Licensing Drugs Policy.

## PROTECTIVE MARKING

**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;  
all ejections of patrons;  
any complaints received concerning crime and disorder  
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.**

**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.**

**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.**

**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.**

**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.**

**PROTECTIVE MARKING**

**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.**

**Drinking water to made freely throughout the venue, Signage to advertise this information to customers.**

**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.**

**Signature of applicant**

<b>Signature:</b>	<i>P. [Redacted] 1742CE</i>	<b>Date:</b>	<i>20/2/2023</i>
<b>Capacity:</b>	<i>Police Licensing Officer</i>		

**Contact details for matters concerning this application**

<b>Surname:</b>	Perry	<b>First Names:</b>	Mark
<b>Address:</b>	33 Stokenewington High Street, Hackney		
<b>Post town:</b>	London	<b>Post code:</b>	N16 8DS
<b>Tel. No.:</b>		<b>Email:</b>	CE-Licensing@met.police.uk

**Notes for guidance**

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years  
MP 146/12

# Appendix 2



**Certificate under Section 53A(1)(b) of the Licensing Act 2003**

**Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG**

**I hereby certify that in my opinion the premises described below are associated with:  
both serious crime and serious disorder**

**Premises** (Include business name and address and any other relevant identifying details):

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**  
Colour Factory, Unit 8a, Queens Yard, White Post Lane

<b>Post town:</b>	Tower Hamlets	<b>Post code: (if known)</b>	E9 5EN
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**Premises licence number (if known):**  
133063

**Name of premises supervisor (if known):**  
Nathanial Williams

**I am a Superintendent\* in the Metropolitan Police Service.**

\*Insert rank of officer giving the certificate, which must be superintendent or above.

**I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:**

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

**A Murder has taken place outside the venue involving customers who had been at the Colour Factory. The investigation into this tragic murder has revealed that searching and security policies are currently insufficient.**

**This coupled with the fact that at least one customer of the Colour Factory brought a knife to the area poses an unacceptably high risk of more serious incidents taking place when the venue has ineffective security.**

**Despite entering discussions with the venue about new conditions and security policies these conditions are not yet in place on the licence and therefore not enforceable. We believe that they need to be in order to promote the licensing objective of preventing crime and disorder. I therefore request that the interim steps are added to the license.**

**Signature**

PROTECTIVE MARKING

Signature:



Date:

20/02/2023

Retention Period: 7 years  
MP 147/12



# 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: 5<sup>th</sup> February 2016**

- 24<sup>th</sup> November 2016, amended by a variation
- 8<sup>th</sup> November 2017, amended by a variation
- 30<sup>th</sup> July 2019, amended by a variation (times extended)
- 25<sup>th</sup> November 2020 – variation (adding off sales)



**Part A - Format of premises licence**

**Premises licence number**

133063

**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  
Studio 4  
117 Wallace Road  
London  
E9 5LN

**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



Mobile: [REDACTED]

Email: [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**

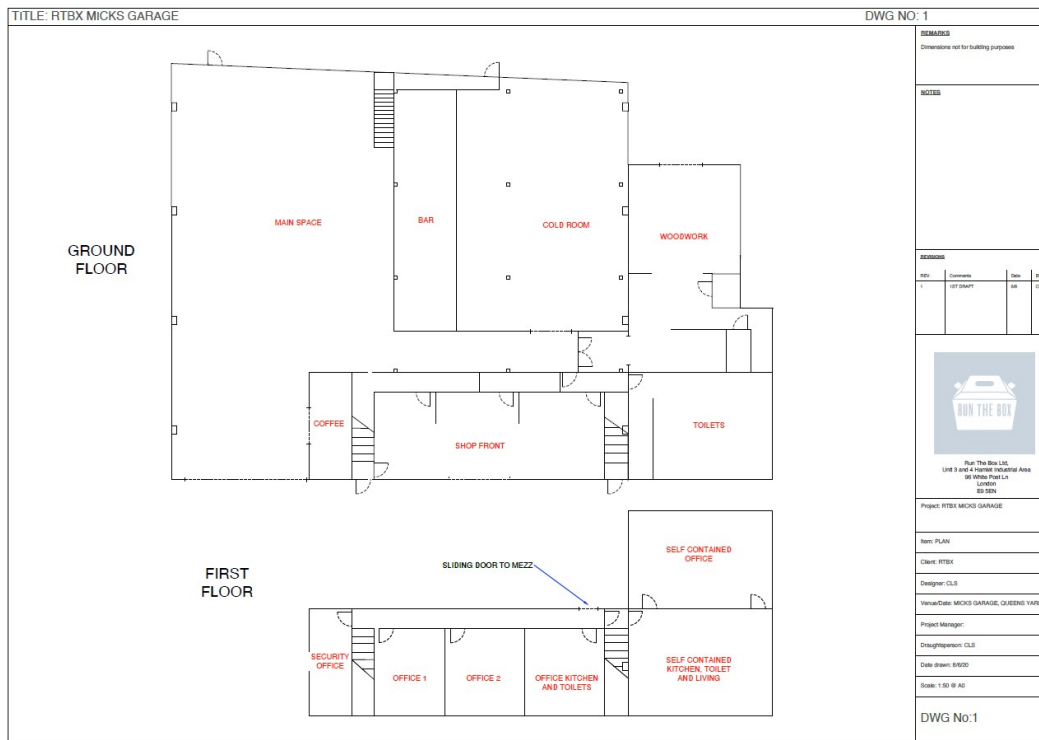
Not applicable

## Annex 4 - Plans

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

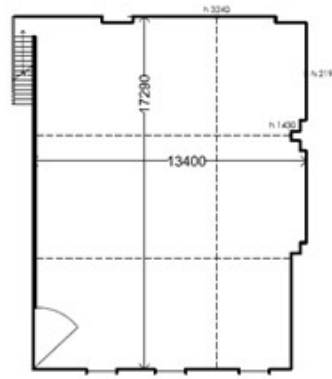
27<sup>th</sup> October 2020:

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



19<sup>th</sup> October 2016:

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



Queens Yard, Unit 8 Existing FF  
SCALE 1:200

0.0 1.5 3.0 4.5 6.0 7.5m

<p>1. This drawing has been based upon a measured survey of the site, but it is noted that the condition of the site may vary from the information provided.</p> <p>2. This drawing can be used as a base for the construction of the work, but it is noted that all dimensions are checked carefully before any work commences on any part of the site.</p>	<p>3. Where applicable, a suitable structural engineer or other qualified person should be consulted to ensure that any proposed work complies with the relevant codes of practice and standards.</p> <p>4. Unless otherwise stated, all dimensions are given in millimetres, and all dimensions are to the face of the work, unless otherwise stated.</p>	<p>5. Dimensions must be checked on site and verified before any work commences. It is the responsibility of the contractor to ensure that any dimensions given in this drawing are correct for the application.</p>	<p>Ref: 1510112 Date: 15/08/15 Drawn: TJB Checked: TJB</p>	<p><b>T.J.BESTWICK</b> Professional CIVIL ENGINEER &amp; PLUMBER 100 T. Queens Yard, Hoxton, London, E9 6JH</p>	<p>Drawing Name: Queens Yard, Unit 8, Existing FF Date: August 2015 Job No: 1510112 Drawing No: 2 Scale: 1:200 (A3) No. Sheets: 1 Drawn by: TJB</p>
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**Part B - Premises licence summary**

**Premises licence number**

**133063**

**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)

The opening hours of the premises	<ul style="list-style-type: none"> <li>• Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <u>Live Music &amp; Recorded Music (indoors &amp; outdoors) – Live music cease 23:00 hours outside)</u> <ul style="list-style-type: none"> <li>• Monday to Thursday 09:00 hours to 23:30 hours</li> <li>• Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>• Sunday 09:00 hours to 00:00 hours (midnight)</li> </ul> <u>Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors</u> <ul style="list-style-type: none"> <li>• Monday to Thursday 09:00 hours to 23:30 hours</li> <li>• Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>• Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><b><u>Non-standard timings:</u></b> 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>
	<ul style="list-style-type: none"> <li>• Monday to Thursday 09:00 to 23:30 hours</li> <li>• Friday &amp; Saturday 09:00 to 04:00 hours (the following day)</li> <li>• Sunday, from 09:00 to 00:00 hours (midnight)</li> </ul> <p><b><u>Non-standard timings:</u></b> 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
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
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Registered number of holder, for example company number, charity number (where applicable)	Company Number: 12001934
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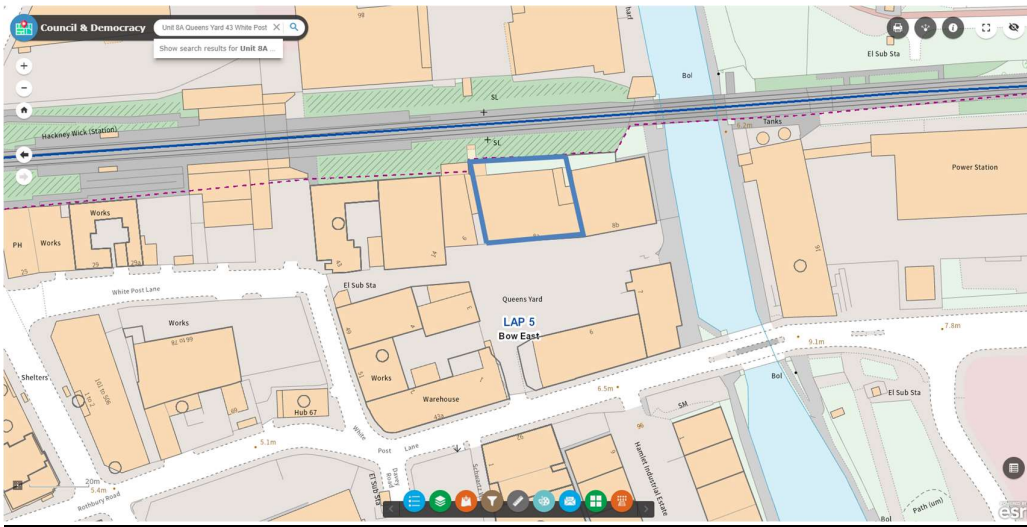
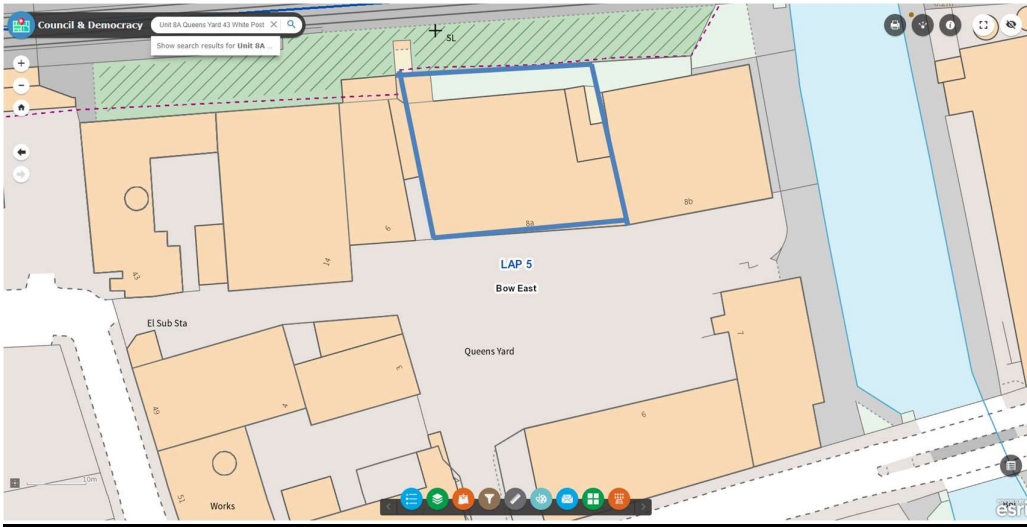
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Nathanael Williams
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State whether access to the premises by children is restricted or prohibited	The venue shall operate an over 18 policy after the 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.
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# Appendix 4



# Maps – 8a Queens Yard



# Appendix 5

# 12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

## Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
  - The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
  - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
  - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

## **The licensing authority and interim steps pending the review**

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded<sup>11</sup>.
- 12.11 The licensing authority may want to consult the police about the steps that it thinks are

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<sup>11</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.



necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw

or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

## **Making representations against the interim steps**

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
  - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
  - the chief officer's representations (if any); and
  - any representations made by the premises licence holder.
- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's

decision at this stage.

## **The review of the premises licence under section 53C**

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of a licensable activity from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
  - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
  - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
  - whether he considers a hearing to be unnecessary.
  - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
  - any person who made relevant representations; and
  - the chief officer of police who made the original application.

## **Review of the interim steps under section 53D**

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

## **Right of appeal against review of interim steps decision**

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard in full by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.



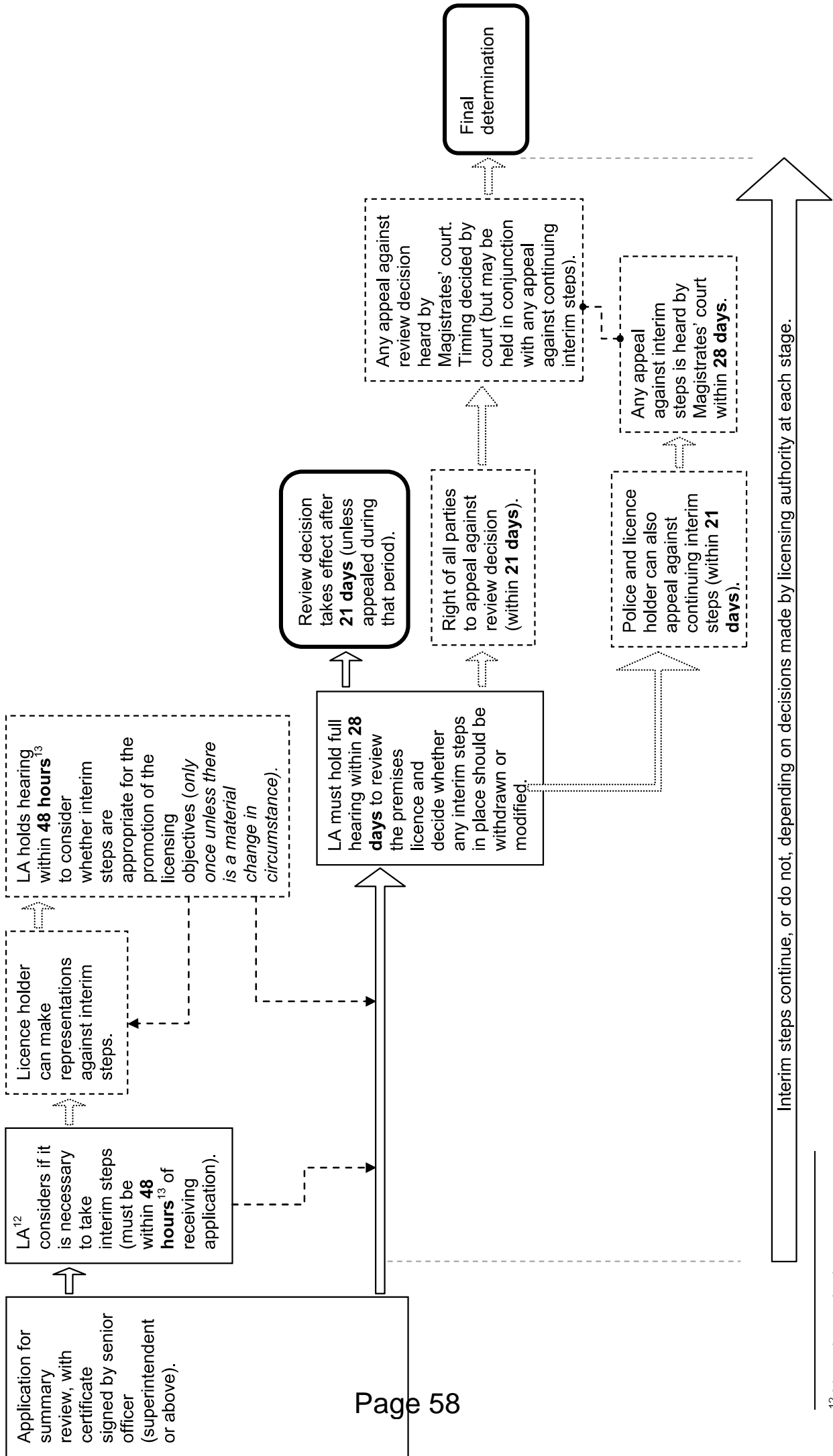
## **Right of appeal against final review decision**

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

## **Flow diagram of the summary review process**

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



<sup>12</sup> Licensing authority

<sup>13</sup> Only working days count