

# EXTRAORDINARY LICENSING SUB COMMITTEE

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Wednesday, 22 April 2015 at 10.30 a.m.

Room MP704, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,  
London, E14 2BG

This meeting is open to the public to attend.

**Contact for further enquiries:**

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

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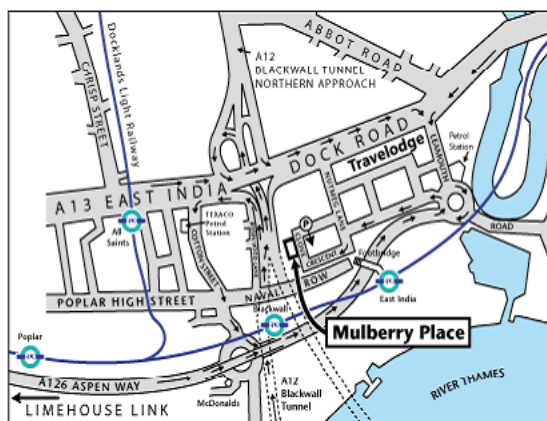
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**APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

**2. RULES OF PROCEDURE (Pages 5 - 20)**

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

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3 .1 Application for a Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR (03 May 2015)</b>	<b>21 - 62</b>	<b>Bow West</b>
<b>3 .2 Application for a Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR (30 May 2015)</b>	<b>63 - 104</b>	<b>Bow West</b>

**4. EXCLUSION OF THE PRESS AND PUBLIC**

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

5. **APPLICATION FOR REVIEW UNDER SECTION 105 - 174 Limehouse**  
**53 A OF THE LICENSING ACT 2003, FOR**  
**WESTFERRY ARMS, 43 WEST INDIA DOCK**  
**RD, E14 8EZ**

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# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

### **Further advice**

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801



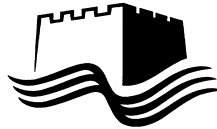
## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

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**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **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 Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 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.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

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

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three 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. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

## **3. Timescales**

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
  - conversion of an existing club certificate;
  - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

**Note:** *Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.*

### **3.2 Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

### **3.3 Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
  - a person specified as a Designated Premises Supervisor
  - an interim authority
  - transfer of a premises licence
  - a temporary event notice
  - a personal licence

- Any holder of a premises licence or club premises certificate where:
  - application is made for review

**Note:** *Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.*

### 3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

### 3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest  
or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

**Note:** Transition hearings cannot be adjourned to a date beyond the date that which causes an application to deemed as determined by default.

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#### **4. Procedure at the Hearing**

- 4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-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.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the 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. 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.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee either in the Officer's report or otherwise. That will be followed by the

evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-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.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority 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.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-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.
- b) The parties and any person representing them may be excluded in the same way as another member of the public



c) The Licensing Sub-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 the authority may specify.

4.5 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. 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.

## **5. Determination of Application – Time Limits**

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

## **6. Record of Proceedings**

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

## **7. Irregularities**

- 7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

## **8. Notices**

- 8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:
  - a) it can be accessed by the recipient in a legible form;
  - b) it is capable of being reproduced as a document for future reference;
  - c) the recipient has agreed in advance to receive it in such form;
  - d) a copy is sent in documentary form forthwith to the recipient.

## **9. Appeals**

- 9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

**Note:** *An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.*

## APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises license)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

<b>Application Type</b>	<b>Period of Time within which Hearing to be Held (after reps have closed)</b>	<b>Notice Period of Hearing</b>	<b>Notice Sent To</b>	<b>Attendee Reply Form Back In</b>
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

## **APPENDIX B**

### **Regulation 8**

#### **Action Following receipt of notice of hearing**

1. A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary.
2. In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3. In the case of a hearing under:
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4. In the case of a hearing under:
  - (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
  - (c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
  - (d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5. In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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## 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. Decision letter will be sent to all interested parties confirming the decision made.

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# Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>LicensingSub Committee</b>	22 <sup>nd</sup> April 2015	<b>Unclassified</b>		

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR</b>
Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Ward affected: <b>Bow West</b>

## 1.0 Summary

Applicant: **Philip Kirton**

Address of Premises: **Courtyard  
33-35 Monier Road  
London  
E3 2PR**

Objectors: **Metropolitan Police  
Environmental Health**

## 2.0 Recommendations

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

LOCAL GOVERNMENT 2000 (Section 97)  
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

**Kathy Driver**  
**020 7364 5171**

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 The application was given on 15<sup>th</sup> April 2015 for the event on 3<sup>rd</sup> May 2015. The Licensing Authority has deemed the application a standard temporary event despite the box being selected for a Late TEN as notice is given more than 9 working days.
- 3.3 An additional application was made for Courtyard 2 on the same date and timings, which in the view of the Licensing Authority was the same area for the same event, upon giving advice this was withdrawn.
- 3.4 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.5 The applicant has described the nature of the application as follows: The supply of alcohol and Regulated Entertainment for European Music Event for a capacity of 499.
- 3.6 The premises that has been applied for is: Courtyard, Ican Studios, 33-35 Monier Rd, London E3 2PR
- 3.7 The dates that have been applied for are as follows: 3<sup>rd</sup> May 2015
- 3.8 The times that have been applied for are as follows: 14:00 hours to 21:30 hours
- 3.9 A map showing the relevant premises area and immediate area is included as **Appendix 2**.

### 4.0 **Premises Licence**

- 4.1 The venue has a premises licence which covers the indoor area of the premises. This licence does not include the outdoor area. The licence is attached in **Appendix 3**.
- 4.2 A request to utilise a non standard timing on 3<sup>rd</sup> May 2015 has been requested and awaiting Police and Environmental Health agreement.

### 5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.

- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses). The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 12 TEN per calendar year or 21 days. The responsible authorities that can object are the Metropolitan Police or Environmental Protection.
- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 The Police objections are contained in **Appendix 4**.

6.2 The Environmental Health Objections are in **Appendix 5**

## 7.0 **Advice to Members**

7.1 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.

7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.

7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.

7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 8.0 **Legal Comments**

8.1 The Council's legal officer will give advice at the hearing.

## 9.0 **Finance Comments**

9.1 There are no financial implications in this report.

## 10.0 **Appendices**

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Premises licence
<b>Appendix 4</b>	Police Objection
<b>Appendix 5</b>	Environmental Health

# Appendix 1



\* required information

**Section 1 of 9**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

First name

Family name

E-mail address

Main telephone number  Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

**Applicant Business**

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status



**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 9**

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

Have you had any previous or maiden names?

Yes  No

Enter details of any previous names or maiden names

First name

Family name

Your date of birth  /

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Continued from previous page...

### Correspondence Address

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

Yes  No

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

Building number or name	<input type="text" value="35"/>
Street	<input type="text" value="Monier Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Bow"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E3 2PR"/>
Country	<input type="text" value="United Kingdom"/>

### Additional Contact Details

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

Yes  No

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

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

## Section 3 of 9

### THE PREMISES

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

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

Does the premises have an address?

Yes  No

Continued from previous page...

**Address**

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

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

- Yes                       No

Building number or name	35
Street	Monier Road
District	
City or town	Bow
County or administrative area	
Postcode	E3 2PR
Country	United Kingdom

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

- Neither       Premises licence       Club premises certificate

Premises licence number	18182
-------------------------	-------

**Location Details**

Provide further details about the location of the event

The event will take place at ICAN Studios which is situated in Bow, East London.
----------------------------------------------------------------------------------

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

The event will take place in Courtyard , ICAN Studios E3 2PT
--------------------------------------------------------------

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

ICAN Studios is a converted warehouse used for conferences, events and parties.
---------------------------------------------------------------------------------

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

The event is a European Music Event
-------------------------------------



**Continued from previous page...**

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

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

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

**Section 5 of 9**

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

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

Relevant entertainment will be provided during the times stated 14.00 - 21.30

**Section 6 of 9**

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

Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue  /  /   
dd mm yyyy

Date of expiry  /  /   
dd mm yyyy

Any further relevant details

**Section 7 of 9**

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

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

*Continued from previous page...*

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

1

Have you already given a temporary event notice for the same premises in which the event period:

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

### Section 8 of 9

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

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

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

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

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

Yes  No

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

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

Continued from previous page...

**Section 9 of 9**

**CONDITION** (See also guidance on completing the form, note 17)

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

**PAYMENT DETAILS**

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

**DECLARATION** (See also guidance on completing the form, note 18)

- \* The information contained in this form is correct to the best of my knowledge and belief
- \* I understand that it is an offence:
  - \* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- \* ..... For completion by the Licensing Authority .....
- \* ..... I acknowledge receipt of this temporary event notice .....
- \* SIGNATURE \_\_\_\_\_ On behalf of the Licensing Authority NAME OF OFFICER  
\_\_\_\_\_ DATE \_\_\_\_\_
- Ticking this box indicates you have read and understood the above declaration

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

Full name	<input type="text" value="Philip Kirton"/>
Capacity	<input type="text" value="Director"/>
Date	<input type="text" value="15"/> / <input type="text" value="04"/> / <input type="text" value="2015"/> dd mm yyyy

Once you're finished you need to do the following:  
1. Save this form to your computer by clicking file/save as...  
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/tower-hamlets/apply-1> to upload this file and continue with your application.  
Don't forget to make sure you have all your supporting documentation to hand.

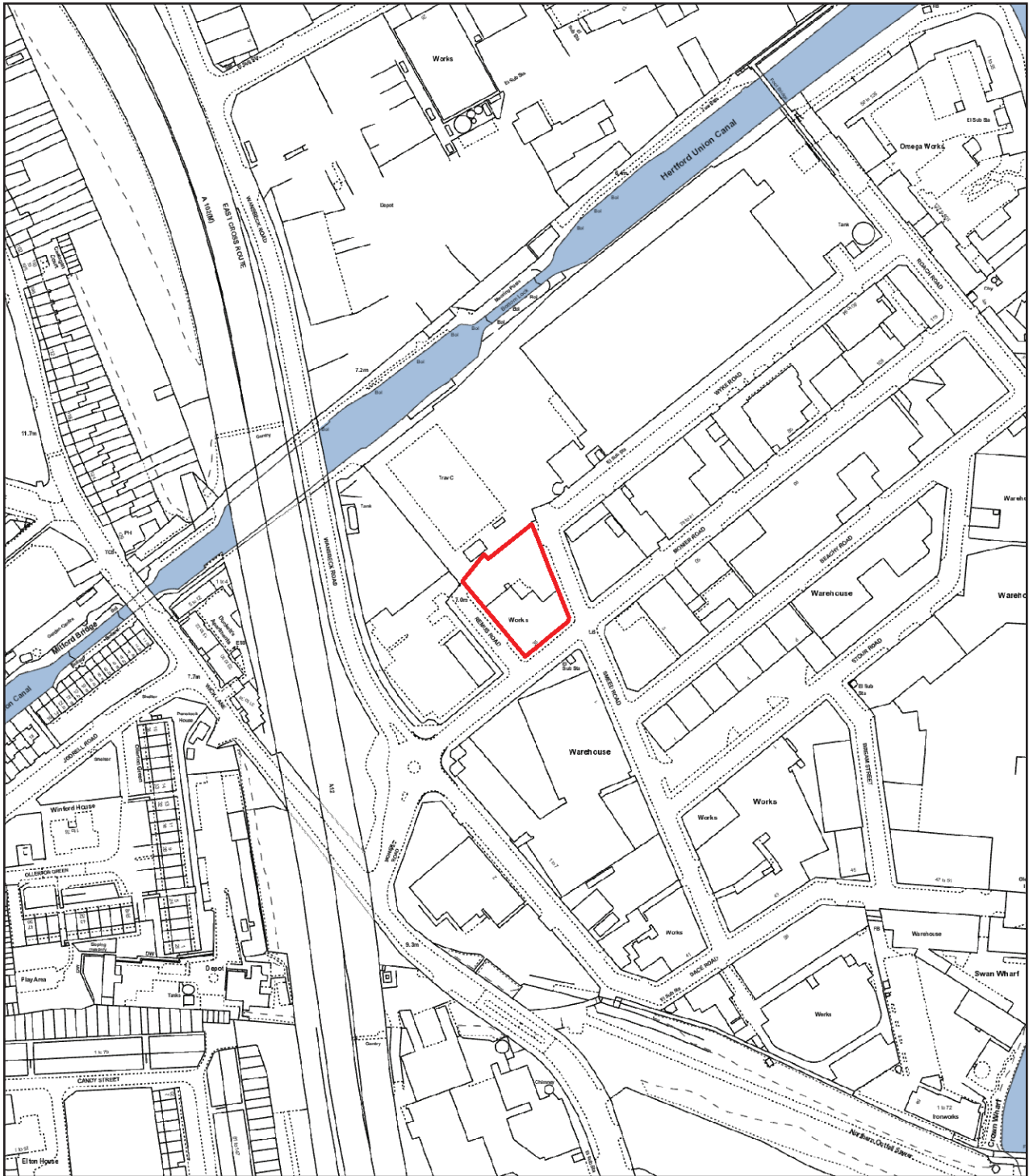
**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[< Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [Next >](#)



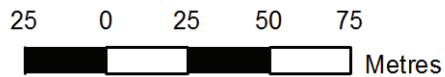
# Appendix 2



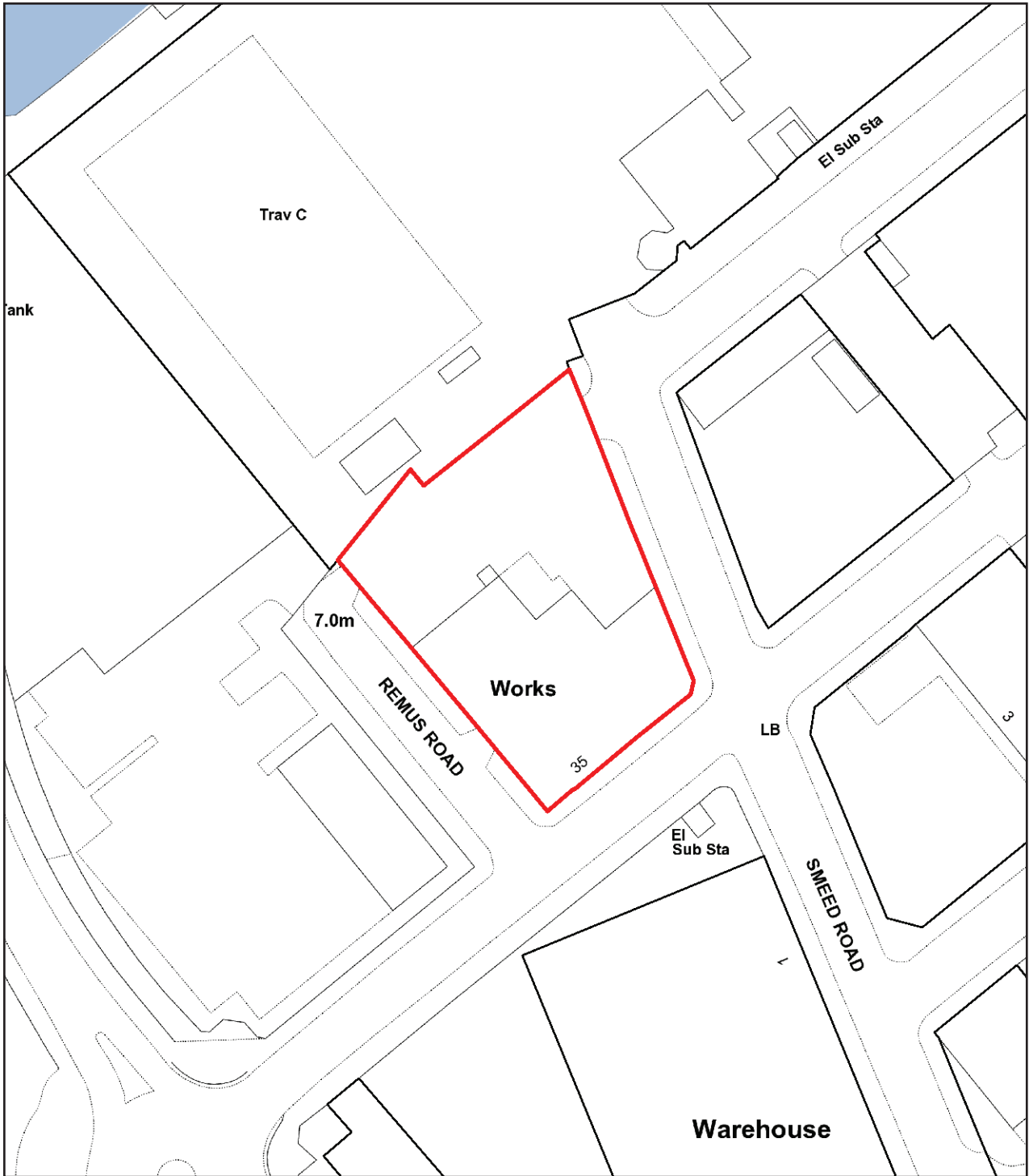
## 33-35 Monier Road



Scale 1:2837



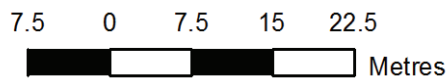
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## 33-35 Monier Road



Scale 1:851



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# Appendix 3

**(A Class Above Events & Hospitality Ltd)**  
**33-35 Monier Road**  
**London**  
**E3 2PR**

**Licensable Activities authorised by the licence**

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

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 17<sup>th</sup> October 2013**  
**Variation 8<sup>th</sup> July 2014**



**Part A - Format of premises licence**

Premises licence number

18369

**Part 1 - Premises details**

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

(A Class Above Events & Hospitality Ltd)  
33-35 Monier Road

**Post town**

London

**Post code**

E3 2PR

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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

**The times the licence authorises the carrying out of licensable activities**

**The supply of alcohol**

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**The provision of late night refreshment (both indoors and outdoors)**

- Friday to Saturday from 23:00hrs to 00:00hrs

**The provision of regulated entertainment in the form of films (indoors), Live Music (indoors), Recorded Music (indoors), Performances of Dance (indoors), Anything of a Similar Description (indoors); Provision of Facilities for Making Music (indoors), Provision of Facilities for Dancing (indoors) and Anything of a Similar Description (indoors)**

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**Non-Standard Times**

2) Fifty (50) non-standard hours of operation - from 10:00 to 06:00 am

The non-standard hours of operation require that:

A) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health

B) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

**The conditions of the license still apply when the non-standard hours are used.**

**The opening hours of the premises**

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

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

- On and off sales
- Pizzeria – On sales only

## **Part 2**

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

A Class Above Events & Hospitality Ltd  
35 Monier Road  
Bow  
London  
E3 2PR

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

Registered Number: 08098228

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

Philip Kirton

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

Licence Number: [REDACTED]  
Issuing Authority: London Borough of Barnet



## **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

### **Security:**

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

### **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 must be adhered. Otherwise the recommendation of the film classification body must be followed. 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)

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(1);
  - (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(2)
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

## **Annex 2 - Conditions consistent with the operating Schedule**

Note: The conditions of the license still apply when the non-standard hours are used.

1. No nudity or semi nudity permitted;
2. Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian;
3. The Acoustic Report (Report Reference: SA-2411, Report Date: 14.01.2013) forms part of the operating Schedule
4. The venue is to do all that is necessary and possible to ensure that the best possible standards of security are being met;
5. CCTV will be installed to Police satisfaction with the following conditions: The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period;

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested;
7. In addition to the requirements under condition (2) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been capture on CCTV as they enter the premises;
8. The CCTV Camera system and coverage thereof must cover both internal and external to the premises;

#### **Entry and Search Policy**

9. There shall be an ID Scanner in operation during every event at Ican Centers where there is regulated entertainment or the sale of alcohol. It is the duty of both the licensee or DPS and the duty manager to ensure that everyone that enters the premises has had their ID scanned; the I D Scanner shall be activated 7 pm each evening the premises is opened;
10. Operate the "Challenge 25" scheme and must always request valid photographic ID from anyone appearing to look under the age of 25 years;
11. SIA Door Staff are to carry out checks on bags and personal items that customers may be carrying with them. Checks are also to be made on customers' upon entry to the venue In the event of any weapons or of illegal substances and being discovered the individual should be detained, the item confiscated, the duty manager notified and the Police called immediately;
12. A drug safe log system will be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with the police for regular collection of seized drugs. All seized items will be placed in sealed bags the bags will be sealed, signed by the person seizing, taking the drugs or confiscated items and date written and a quantity and description shall also be entered on the log;
13. Registered Door Supervisors employed at the venue must maintain a refusals log which should record a time, date, and place of the refusal, this will include a comprehensive description of the refusal subject including their dress;

#### **Drugs Seizure Police**

14. Premises to operate a zero tolerance policy to drugs and comply with the Tower Hamlets Council and Metropolitan Police "Venue Watch - Code of Practice";

15. Toilet areas of the premises are to be checked regularly by members of staff for unusual activity and no less frequent than 2 times each hour when regulated entertainment is in progress;
16. Seizure: If any substances are found they should be seized, placed into an evidence bag, sealed, signed counter signed, and placed into the drug box and transferred to the safe at the venue. Any person found with suspected illegal drugs on them is to be detained and by security and the police called via the 999;
17. Collection: A phone call is made to the Met Police's 101 number to arrange the collection of any confiscated drugs. Each drug bag is to be individually numbered and will need to be accounted for by the venue manager;
18. Notices at the entrance and around the building and on promotional literature notifying customers that "We do not permit entry to those who are found with any controlled substance. Any person found with suspected illegal drugs on them is to be detained and by security and the police called via the 999";
19. Retention: A written record will be made in the venue in the incident book/drug seizure form. This will include the date, time, signature of the finder, a brief description of the suspect (or a picture from CCTV), and if then placed in the venue safe, the venue manager will also sign. The written record will also include the name of the person who was searched;
20. An elected member of the door team must carry out a head count in the venue using a mechanical 'clicker' and use this to continue counting customers in and out of the venue during the course of the shift. This member of door staff must ensure that there are no more people on the premises than is allowed;
21. SIA Staff are to wear "high visibility" reflective jackets clearly identifying them as security, with SIA badges on display at all times;  
Registered Door Supervisors will be responsible for searching every customer as they enter the venue and the search is to be conducted only in areas covered CCTV;
22. The premises shall engage with the Metropolitan Police regarding noise and drugs issues in the immediate surrounding area of Monier Road, Remus Road and Smeed Road;

### **Theft on the premises**

23. The I Can Studios will actively discourage and monitor theft activities on its premises;

### **Before Entry**

24. Security Briefing – Managers will endeavour to make the Security Team aware of any specific issues of theft and pick pocketing associated with any particular promoted event during the security briefing before doors open;
25. Profiling: Are they typical customers, have they been to the venue before, where did they hear about the event etc. – identifying any potentially suspicious behaviour from people at the point of entry;
26. Dress Code issues – identify any potential risks such as girls with large handbags with suspiciously few belongings in them, or guests wearing tracksuit bottoms over additional bottoms;
27. Talk to everyone: To detect accents, knowledge of the event. etc. – ensuring that anyone associated with a group that has been identified as potentially suspicious can be detected as early as possible;
28. Communicate with high-risk guests – ensure they are specifically told of what they can do to minimize the risk of being targeted (use the cloakroom, watch out for your phones, keep your handbag in front of you, don't dance around handbags and check them in instead);
29. Ticketing issues: Names on tickets – fake names, repeated names – adhering to a strict ticketing policy that prevents entry to anyone who cannot verifiably confirm the provenance of their ticket.
30. Assessing large groups and people on their own: Do they stand out? If so, go through questions and checks to confirm that they have a valid reason for attending the event. Do they know the name of the act, the names of the acts member(s);
31. Extra signage: as part of security checks, the Security Team should ensure that there is sufficient signage around the premises ahead of doors opening warning people to look out for their belongings and to report any suspected thefts as quickly as possible. The Security Team and the Manager will work closely together on ensuring communications to the public in that respect are as clear as possible;

#### **During the Event**

32. Informing all Staff & Security – in the event of alleged theft, make sure that all managers, Security Team and all other staff are aware of the issue and actively monitoring & reporting any suspicious activity;
33. Directing Theft Allegations – ensuring there is a procedure to distinguish lost property issues (to be directed to the cloakroom) from alleged theft issues, which all need to be reported to the Head of Security and suitably documented as relevant;

34. Response to Allegations – when instructed to do so by the Manager (or head of Security) and wherever possible, ensure the Security Team re-direct their attentions and efforts towards identifying and catching any persons suspected of theft;
  35. Security Checks on the Way Out – random bag & coat checks on the way out to help identify anyone who may be concealing additional possible stolen items;
  36. Stop & Search procedure – Identify any guests who have had allegations made against them (from guests, staff or security team) – Firstly call the police and report your suspicions. Security must keep watching the suspected person;
  37. Documenting all incidents – Security Team to ensure relevant lost property /theft forms after each reported incident are filled in and documented;
  38. Communications with police – Security Team to be aware of the correct procedure in terms of involving the police for any serious reports or incidents. Any questions please contact Pc Mark Perry or the Tower Hamlets Licensing Unit or if not available Met Police's 101 crime number;
  39. Refusal of Sale of Alcohol - Any refusal of the sale of alcohol to a guest is to be recorded in the refusal log;
- Closing down procedure
40. All patrons waiting for a minicab/taxi will be encouraged to wait within the premises;
  41. Cab operators shall be informed of the need to keep noise to a minimum and switch their vehicles' engines off whilst waiting for clients;
  42. All minicab/taxi firms used shall be requested to instruct their drivers not to block Monier Road or the entrance of the premises (Remus Road) or roads in the immediate vicinity of the premises at any time, all minicabs/taxi firm shall not be permitted to blow their car horns or wait with their engines running whilst outside the premises. [To prevent noise disturbance and in the interest of public safety];
  43. Large street signage to deter taxi touting to be displayed during opening hours;
  44. Prominent and clearly legible notices shall be displayed in all egress areas of Remus Road and Smeed Road requesting patrons to respect the needs of local residents and to leave the premises and area quietly;



45. A nominated person from the premises to engage with the Metropolitan Police and Transport to assist with illegal taxis not assigned to the premises;
46. Last orders for alcoholic beverages will be 30 minutes before the closure of the premises;
47. After the last song has finished the house lights will be turned on by the duty manager – operating schedule;
48. Please wait fifteen minutes after the lights being turned on before asking customers to leave. This will stagger the egress and help ease the cloakroom;
49. Management should be actively involved with seeing customers off the premises, wishing them goodnight and to also be considerate to the neighbours as they leave;
50. The SIA staff is to be deployed in numbers and a pattern agreed by the Police;
51. Registered Door Supervisor (SIA) will be employed (1) SIA per one hundred (100) customers or part thereof. On other occasions security is to be considered on a continual basis. All details (full name, DOB, Address, SIA badge number, company and Booking on - off times) to be recorded and to be made available to police immediately;
52. DPS / Premises Licence Holder will ensure that customers shall not be permitted to take any drinks outside/including the car park and smoking area of the premises;
53. Patrons permitted to temporarily leaving the premises (for smoking) and then re-enter the premises shall be monitored by an SIA member of staff;
54. Person's re-entering the premises (from the smoking area) shall be searched by a registered door supervisor (SIA);
55. A register of all Registered Door Supervisors to be maintained. [This shall include name, badge number on prominent display, the employer agency (if any) and the time of starting and finishing work];
56. Sale/Supply of alcohol under the Premises Licence must be made or authorize by a person who hold a personal licence;
57. There shall be a Designated Premises Supervisor or Personal licence holder on duty on the premises at all times when the premises when opened to the public;

58. The premises shall not take part or carry out arrange or participate in any irresponsible promotions in relation to the premises. [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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children];
59. The premises to have in place a waste Management Plan to include the public highway areas of Monier Road and Smeed Road;
60. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00hrs and 08:00hrs;
61. No rubbish shall be left on the pavement outside the premises at any time;
62. An incident log shall be maintained at the premises, and made available on request to an authorised officer of the Council or the Police, recordable offences will include allegations of criminal offence and which will record the following:
- a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received;
  - d) any incidents of disorder;
  - e) seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system or searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service;
63. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection by the police or an authorised officer of the Council at all times;
64. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale;

**Additional Conditions:**

65. All events with regulated entertainment to be risk assessed and a 696 form completed and submitted to  
SCD9ProactiveLicensingIntelligence@met.police.uk at least 3 weeks prior to the event;

66. While the premises is open to the public and selling alcohol there shall be a manager who is a personal license holder;

Prevention of Public Nuisance

67. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service;

68. Loudspeakers shall not be located in the entrance lobby or outside the curtilage of the building;

69. All windows and external doors shall be kept closed after 19:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons;

70. A lobby entrance arrangement to be installed and maintained at the entrance of the premises;

Prevention of Noise Pollution and Public Disturbance

71. Music levels are not to exceed acceptable levels even at peak times. These Levels are to be mutually agreed upon by the DPS, Local Authorities Environment Department and local residents (if necessary);

72. As relevant, the noise limiter should be set to ensure that both a level of music and patron noise is achieved at least -10 dB below the lowest recorded background noise level or not audible at either 1.0m outside any affected residential façade or within any affected habitable rooms with the windows open;

73. For all events that finish past Tower Hamlets framework hours, Quiet Marshalls in high visibility tabards are to operate outside the premises to make sure that customers are leaving the area quietly;

74. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly;

75. Customers arriving and leaving the premises will be advised that there shall be no parking towards Iron Works or Omega Works [To prevent the likelihood

of noise disturbance to local residents]. This shall be supervised by authorized staff members dressed in “high visibility vests”;

76. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business from 21:00 hours;
  77. A direct telephone number for the manager at the premises shall be publicly available, the telephone number shall be made available to residents in the vicinity;
  78. Designated Premises Supervisor or Personal Licence Holder (nominated /responsible member of staff who holds a Personal Licence) to be present when trading after 21:00 hours. [Allowing close supervision of staff and a single point of contact for the police and other agencies when attending the location];
  79. A cloakroom attendant shall be on duty in the cloakroom when the premises is open to the public;
  80. The premises shall prominently display signage informing customers: -
    - a. To leave quietly and to respect your neighbours;
    - b. CCTV is in operation and police have instant access to the footage;
    - c. Searching of customers prior to entry is a requirement of entry. No search – No entry policy is operated on the premises;
- Public safety
81. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear “high visibility” reflective jackets clearly identifying them as members of staff;
  82. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway;
  83. The attending manager or designated responsible staff member of the premises shall remain on the premises until it is fully cleared of all customers;
  84. Smoke detectors and a fire alarm system shall be installed within the premises and be maintained in working order at all times;
  85. Adequate facilities shall be maintained for disabled visitors and arrangements shall be in place to enable the safe evacuation of disabled visitors in the event of an emergency and that disabled visitors are made aware of these arrangements;

86. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device;

**Protection of Children from harm**

87. The venue shall prominently display notices advising customers of The “Challenge 25 Policy” the acceptable proof of age such evidence may include a UK photo driving licence or passport and proof of age cards bearing the PASS hologram symbol.

**Pizzeria:**

88. There will be no regulated entertainment in the pizzeria area, including the roof of the pizzeria and the external area of the pizzeria.

89. On days when the other areas of the venue are going to be open to customers, the pizzeria will close one hour before those areas are opened to customers.

90. The external area of the pizzeria, including the roof, will be closed to customers from 21:30 hours each day. After this time customers of the pizzeria can use the ground level external area of the pizzeria for smoking. Customers going into this area to smoke cannot take drinks with them.

91. During events that utilise other areas of the Ican Centre, the pizzeria will only be open to existing guests of the event, there will be no extra admission to customers who solely wish to use the pizzeria. On these occasions the opening hours, and hours for the sale of alcohol and the provision of late night refreshments, will be the same as those of the other areas of the venue.

92. Drinking will be permitted in the outdoor area of the pizzeria when only the pizzeria is trading

93. The service to outside tables will cease at 21.30 hours, the terrace and external areas of the pizzeria will close and furniture will be put away.

**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:

- Ground Floor Plan - Drawing Number: 302(00)100.16 and 302(00)100.02.
- First Floor Plan – Drawing Number: 302(00)100.18.
- Project Number: 302.G.1212.01.
- Pizzeria Area submitted on 14/3/14



**Part B - Premises licence summary**

**Premises licence number**

18369

**Premises details**

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

(A Class Above Events & Hospitality Ltd)  
33-35 Monier Road

**Post town**

London

**Post code**

E3 2PR

**Telephone number**

None

Where the licence is time limited  
the dates

Not applicable

Licensable activities authorised  
by the licence

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

**The supply of alcohol**

Sunday to Thursday from 10:00hrs to 23:00hrs  
Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**The provision of late night refreshment (both indoors and outdoors)**

Friday to Saturday from 23:00hrs to 00:00hrs (midnight)

The times the licence authorises the carrying out of licensable activities

**The provision of regulated entertainment in the form of films (indoors), Live Music (indoors), Recorded Music (indoors), Performances of Dance (indoors), Anything of a Similar Description (indoors); Provision of Facilities for Making Music (indoors), Provision of Facilities for Dancing (indoors) and Anything of a Similar Description (indoors)**

Sunday to Thursday from 10:00hrs to 23:00hrs

Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**Non-Standard Times**

Fifty (50) non-standard hours of operation - from 10:00hrs to 06:00hrs the following day.

The non-standard hours of operation require that:

a) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health;

b) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

**The conditions of the full license still apply when the non-standard hours are used.**

The opening hours

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

Name, (registered) address of holder of premises licence

A Class Above Events & Hospitality Ltd  
35 Monier Road  
Bow  
London  
E3 2PR

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

On and off sales  
Pizzeria – On sales only

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

Registered Number: 08098228

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Philip Kirton

State whether access to the premises by children is restricted or prohibited

Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian.

# Appendix 4



## Kathy Driver

---

**From:** MARK.J.Perry@met.pnn.police.uk  
**Sent:** 19 April 2015 17:55  
**To:** [REDACTED]  
**Subject:** Objection Late Temporary Event Notice Applications - Ican Studios

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear all,

Tower Hamlets Police formally object to the two late notice Temporary Event Notices for Ican Studios at 35 Monier Road on the 3rd and 30th May 2015. This objection is on the grounds of Crime and Disorder.

A Critical Incident occurred at an event at "A class above events and hospitality" (ICan Studios) in the early hours of Saturday the 16th April 2015.

Police were called to outside "ICan Studios", Monier Road, London E3 where it was initially alleged that a firearm had been discharged and a person had been shot.

On Saturday 18th April 2015, Police were called to outside "I ICan Studios", Monier Road, London E3 where it was initially alleged that a firearm had been discharged and a person had been shot. In addition to this, a further call was received stating that two people had been run over at the location, their injuries were life threatening, and that the vehicle had made off.

It has since transpired that, on 18th April an event occurred at "I ICan Studios" Monier Road, and at approx 6am, all parties were leaving the venue. One of the persons leaving the venue is attacked and stabbed in the neck by an unknown attacker.

At some point during this incident two further people sustained serious injuries as a result of apparently being deliberately hit by a motor vehicle. The driver has made off from the scene.

The three victims were initially taken to the Hommerton Hospital but transferred to the Royal London Hospital due to the serious nature of their injuries. The male who has been stabbed in the neck has now been discharged from hospital. Of the two victims hit by the motor vehicle one is suffering from "Life Changing injuries", both remain in the hospital awaiting treatment but their injuries are no longer life threatening.

From witnesses to the incident, it appears that, at the time of closing, occupants of a motor vehicle attended the location. One of the males exited the vehicle and produced a firearm. Shots were fired and they made off. However, this is still currently being researched by the police and the facts remain unclear. No victim has sustained injuries consistent with gun shot wounds.

Research shows that one of the victims has links to the London Fields Gang in Hackney.

This investigation is being led by The Metropolitan Police's 'Trident Gang Crime Command', and investigations are ongoing.

Initial investigations by Tower Hamlets Police Licensing have raised concerns about the management of the premises.

Police fear that if the premises were to remain open that there will be a risk of revenge attacks taking place, and that the weak management will not be able to safely operate the premises. A Closure Order is being sought at Thames Magistrates Court on Monday 20th April 2015.

Due to concerns at the management of the premises and the fear of further violence Tower Hamlets Police ask that these Temporary Event Notice applications are refused.

Regards

Pc Mark Perry  
Licensing Officer  
Tower Hamlets Borough  
Toby Club  
Vawdry Close  
E1 4UA

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# Appendix 5

## Kathy Driver

---

**From:** Ian Wareing  
**Sent:** 20 April 2015 15:49  
**To:** Kathy Driver  
**Subject:** Representation TEN \_ iCan Studios

Dear Licensing please accept this as a representation against the TEN's applied for at the above address.

EH are not satisfied that the noise emitted from these events can be controlled to not cause Public Nuisance. I have looked through a report provided by iCan admin, it does not show any predicted noise levels at the residential facades and the sound test was undertaken at a time that is not representative of the event timings.

We have had cause to object to these outside events before as they are problematic and difficult to control.

We remain convinced that these events will cause noise nuisance for nearby residents and therefore as no conditions can be imposed, it is recommended that this application be refused.

Ian

**Ian Wareing**  
Technical Officer  
Pollution Team  
Environmental Protection  
Environmental Health  
2<sup>nd</sup> Floor  
Gladstone Place Offices  
1 Ewart Place  
London  
E3 5EQ

020 7364 5008  
[ian.wareing@towerhamlets.gov.uk](mailto:ian.wareing@towerhamlets.gov.uk)

# Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>LicensingSub Committee</b>	22 April 2015	<b>Unclassified</b>		

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR</b>  Ward affected: <b>Bow West</b>
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## 1.0 Summary

Applicant: **Philip Kirton**

Address of Premises: **Courtyard  
33-35 Monier Road  
London  
E3 2PR**

Objectors: **Metropolitan Police  
Environmental Health**

## 2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and objections then adjudicates accordingly.

**LOCAL GOVERNMENT 2000 (Section 97)**  
**LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

**Kathy Driver**  
**020 7364 5171**

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 The application was given on 15<sup>th</sup> April 2015 for the event on 30<sup>th</sup> May 2015. The Licensing Authority has deemed the application a standard temporary event despite the box being selected for a Late TEN as notice is given more than 9 working days.
- 3.3 An additional application was made for Courtyard 2 on the same date and timings, which in the view of the Licensing Authority was the same area for the same event, upon giving advice this was withdrawn.
- 3.4 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.5 The applicant has described the nature of the application as follows:  
The supply of alcohol and Regulated Entertainment for European Music Event for a capacity of 499.
- 3.6 The premises that has been applied for is: Courtyard, Ican Studios, 33-35 Monier Rd, London E3 2PR
- 3.7 The dates that have been applied for are as follows: 30<sup>th</sup> May 2015
- 3.8 The times that have been applied for are as follows: 14:00 hours to 21:30 hours
- 3.9 A map showing the relevant premises area and immediate area is included as **Appendix 2**.

### 4.0 **Premises Licence**

- 4.1 The venue has a premises licence which covers the indoor area of the premises. This licence does not include the outdoor area. The licence is attached in **Appendix 3**.
- 4.2 A request to utilise a non standard timing on 30<sup>th</sup> May 2015 has been requested and awaiting Police and Environmental Health agreement.

### 5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.

- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses). The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 12 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.
- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 The Police objections are contained in **Appendix 4**.

6.2 Environmental Health objections are contained in **Appendix 5**.

## 7.0 **Advice to Members**

7.1 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.

7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.

7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.

7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 8.0 **Legal Comments**

8.1 The Council's legal officer will give advice at the hearing.

## 9.0 **Finance Comments**

9.1 There are no financial implications in this report.

## 10.0 **Appendices**

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Premises licence
<b>Appendix 4</b>	Police Objection
<b>Appendix 5</b>	Environmental Health



# Appendix 1



\* required information

**Section 1 of 9**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

First name

Family name

E-mail address

Main telephone number  Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

**Applicant Business**

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 9**

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

Have you had any previous or maiden names?

Yes  No

Enter details of any previous names or maiden names

First name

Family name

Your date of birth

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

*Continued from previous page...*

### Correspondence Address

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

Yes  No

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

Building number or name	<input type="text" value="35"/>
Street	<input type="text" value="Monier Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Bow"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E3 2PR"/>
Country	<input type="text" value="United Kingdom"/>

### Additional Contact Details

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

Yes  No

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

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

## Section 3 of 9

### THE PREMISES

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

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

Does the premises have an address?

Yes  No

Continued from previous page...

**Address**

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

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

- Yes                       No

Building number or name	<input type="text" value="35"/>
Street	<input type="text" value="Monier Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Bow"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E3 2PR"/>
Country	<input type="text" value="United Kingdom"/>

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

- Neither       Premises licence       Club premises certificate

Premises licence number

**Location Details**

Provide further details about the location of the event

The event will take place at ICAN Studios which is situated in Bow, East London.

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

The event will take place in Courtyard 1 E3 2PT

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

ICAN Studios is a converted warehouse used for conferences, events and parties.

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

The event is a European Music Event

Section 4 of 9

LICENSABLE ACTIVITIES

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

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

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

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

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

(see also guidance on completing the form, note 8)

Event start date  /  /   
 dd mm yyyy

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

Event end date  /  /   
 dd mm yyyy

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

(see also guidance on completing the form, note 9)

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

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

**Continued from previous page...**

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

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

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

**Section 5 of 9**

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

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

Relevant entertainment will be provided during the times stated 14.00 - 21.30

**Section 6 of 9**

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

Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue  /  /   
dd mm yyyy

Date of expiry  /  /   
dd mm yyyy

Any further relevant details

**Section 7 of 9**

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

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

**Continued from previous page...**

Have you already given a temporary event notice for the same premises in which the event period:

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

### Section 8 of 9

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

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes  No

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

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

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

- Yes  No

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

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



Continued from previous page...

**Section 9 of 9**

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

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

**PAYMENT DETAILS**

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

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

- \* The information contained in this form is correct to the best of my knowledge and belief
- \* I understand that it is an offence:
  - \* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- \* ..... For completion by the Licensing Authority .....
- \* ..... I acknowledge receipt of this temporary event notice .....
- \* SIGNATURE \_\_\_\_\_ On behalf of the Licensing Authority NAME OF OFFICER  
\_\_\_\_\_ DATE \_\_\_\_\_
- Ticking this box indicates you have read and understood the above declaration

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

Full name	<input type="text" value="Philip Kirton"/>
Capacity	<input type="text" value="Director"/>
Date	<input type="text" value="15"/> / <input type="text" value="04"/> / <input type="text" value="2015"/> dd mm yyyy

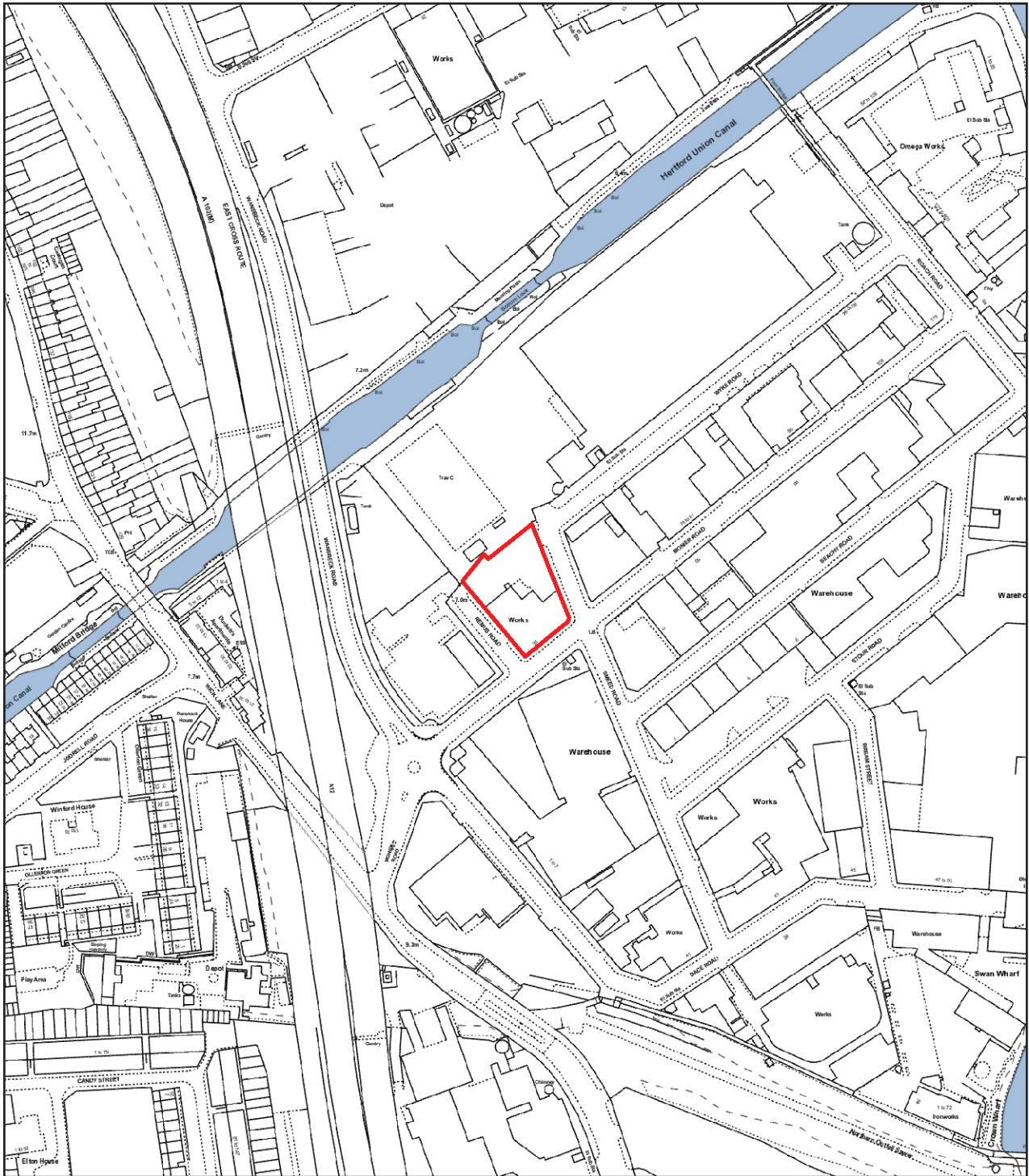
Once you're finished you need to do the following:  
1. Save this form to your computer by clicking file/save as...  
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/tower-hamlets/apply-1> to upload this file and continue with your application.  
Don't forget to make sure you have all your supporting documentation to hand.

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[< Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [Next >](#)

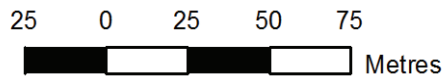
# Appendix 2



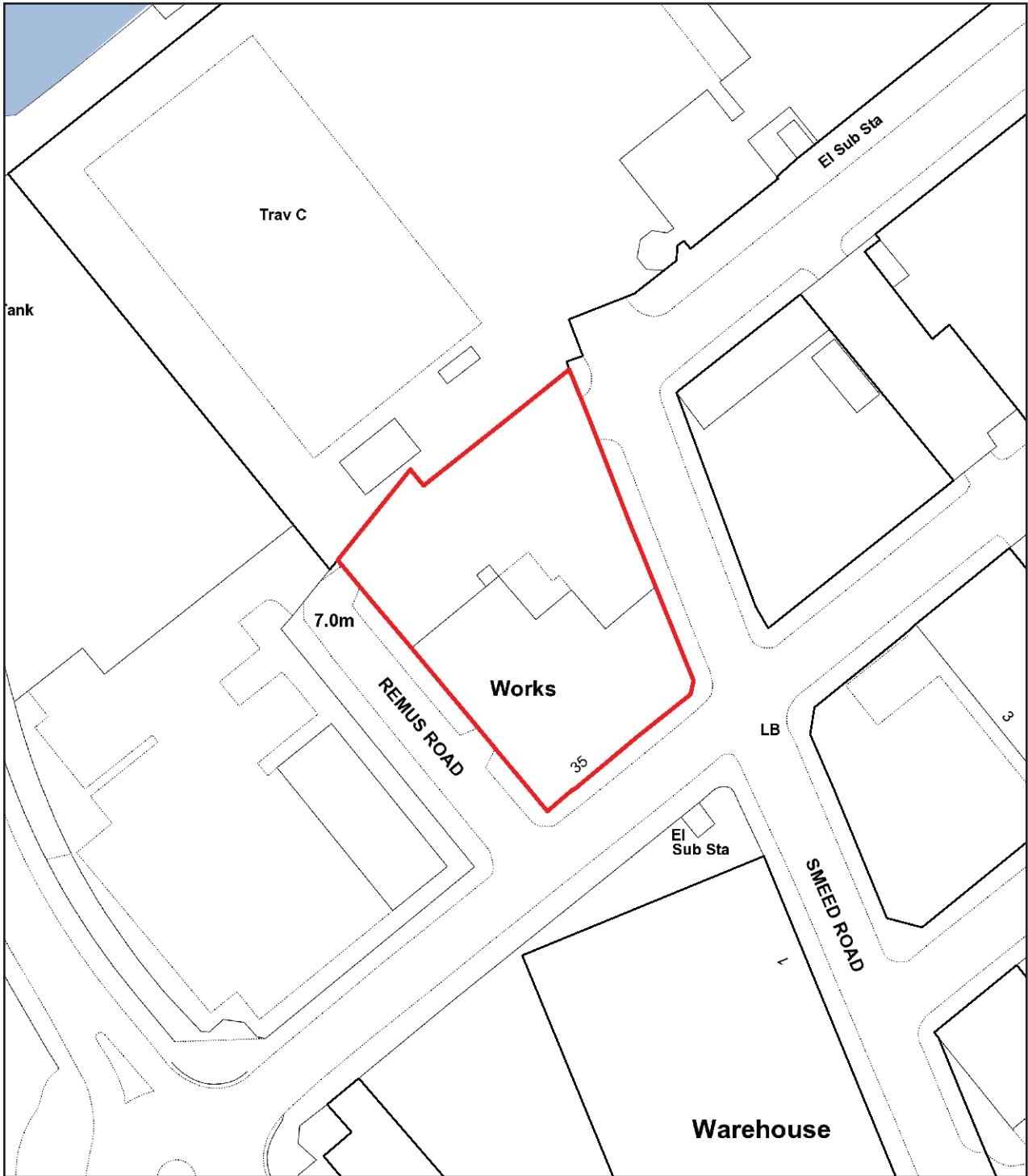
## 33-35 Monier Road



Scale 1:2837



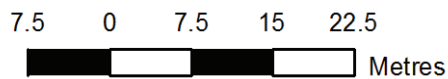
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## 33-35 Monier Road



Scale 1:851



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# Appendix 3

**(A Class Above Events & Hospitality Ltd)**  
**33-35 Monier Road**  
**London**  
**E3 2PR**

**Licensable Activities authorised by the licence**

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

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 17<sup>th</sup> October 2013**  
**Variation 8<sup>th</sup> July 2014**



**Part A - Format of premises licence**

Premises licence number

18369

**Part 1 - Premises details**

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

(A Class Above Events & Hospitality Ltd)  
33-35 Monier Road

**Post town**

London

**Post code**

E3 2PR

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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



**The times the licence authorises the carrying out of licensable activities**

**The supply of alcohol**

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**The provision of late night refreshment (both indoors and outdoors)**

- Friday to Saturday from 23:00hrs to 00:00hrs

**The provision of regulated entertainment in the form of films (indoors), Live Music (indoors), Recorded Music (indoors), Performances of Dance (indoors), Anything of a Similar Description (indoors); Provision of Facilities for Making Music (indoors), Provision of Facilities for Dancing (indoors) and Anything of a Similar Description (indoors)**

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**Non-Standard Times**

2) Fifty (50) non-standard hours of operation - from 10:00 to 06:00 am

The non-standard hours of operation require that:

A) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health

B) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

**The conditions of the license still apply when the non-standard hours are used.**

**The opening hours of the premises**

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

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

- On and off sales
- Pizzeria – On sales only

## **Part 2**

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

A Class Above Events & Hospitality Ltd  
35 Monier Road  
Bow  
London  
E3 2PR

07415413235  
icanexcel1@gmail.com

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

Registered Number: 08098228

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

Philip Kirton



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

Licence Number:   
Issuing Authority: London Borough of Barnet

## **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

### **Security:**

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

### **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 must be adhered. Otherwise the recommendation of the film classification body must be followed. 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)

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(1);
  - (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(2)
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

## **Annex 2 - Conditions consistent with the operating Schedule**

Note: The conditions of the license still apply when the non-standard hours are used.

1. No nudity or semi nudity permitted;
2. Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian;
3. The Acoustic Report (Report Reference: SA-2411, Report Date: 14.01.2013) forms part of the operating Schedule
4. The venue is to do all that is necessary and possible to ensure that the best possible standards of security are being met;
5. CCTV will be installed to Police satisfaction with the following conditions: The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period;

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member shall be able to download the images and present them immediately on request with the absolute minimum of delay when requested;
7. In addition to the requirements under condition (2) a monitor must be immediately viewable upon entering the premises showing real time footage so that patrons can clearly identify that they have been capture on CCTV as they enter the premises;
8. The CCTV Camera system and coverage thereof must cover both internal and external to the premises;

### **Entry and Search Policy**

9. There shall be an ID Scanner in operation during every event at Ican Centers where there is regulated entertainment or the sale of alcohol. It is the duty of both the licensee or DPS and the duty manager to ensure that everyone that enters the premises has had their ID scanned; the I D Scanner shall be activated 7 pm each evening the premises is opened;
10. Operate the "Challenge 25" scheme and must always request valid photographic ID from anyone appearing to look under the age of 25 years;
11. SIA Door Staff are to carry out checks on bags and personal items that customers may be carrying with them. Checks are also to be made on customers' upon entry to the venue In the event of any weapons or of illegal substances and being discovered the individual should be detained, the item confiscated, the duty manager notified and the Police called immediately;
12. A drug safe log system will be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with the police for regular collection of seized drugs. All seized items will be placed in sealed bags the bags will be sealed, signed by the person seizing, taking the drugs or confiscated items and date written and a quantity and description shall also be entered on the log;
13. Registered Door Supervisors employed at the venue must maintain a refusals log which should record a time, date, and place of the refusal, this will include a comprehensive description of the refusal subject including their dress;

### **Drugs Seizure Police**

14. Premises to operate a zero tolerance policy to drugs and comply with the Tower Hamlets Council and Metropolitan Police "Venue Watch - Code of Practice";

15. Toilet areas of the premises are to be checked regularly by members of staff for unusual activity and no less frequent than 2 times each hour when regulated entertainment is in progress;
16. Seizure: If any substances are found they should be seized, placed into an evidence bag, sealed, signed counter signed, and placed into the drug box and transferred to the safe at the venue. Any person found with suspected illegal drugs on them is to be detained and by security and the police called via the 999;
17. Collection: A phone call is made to the Met Police's 101 number to arrange the collection of any confiscated drugs. Each drug bag is to be individually numbered and will need to be accounted for by the venue manager;
18. Notices at the entrance and around the building and on promotional literature notifying customers that "We do not permit entry to those who are found with any controlled substance. Any person found with suspected illegal drugs on them is to be detained and by security and the police called via the 999";
19. Retention: A written record will be made in the venue in the incident book/drug seizure form. This will include the date, time, signature of the finder, a brief description of the suspect (or a picture from CCTV), and if then placed in the venue safe, the venue manager will also sign. The written record will also include the name of the person who was searched;
20. An elected member of the door team must carry out a head count in the venue using a mechanical 'clicker' and use this to continue counting customers in and out of the venue during the course of the shift. This member of door staff must ensure that there are no more people on the premises than is allowed;
21. SIA Staff are to wear "high visibility" reflective jackets clearly identifying them as security, with SIA badges on display at all times;  
Registered Door Supervisors will be responsible for searching every customer as they enter the venue and the search is to be conducted only in areas covered CCTV;
22. The premises shall engage with the Metropolitan Police regarding noise and drugs issues in the immediate surrounding area of Monier Road, Remus Road and Smeed Road;

### **Theft on the premises**

23. The I Can Studios will actively discourage and monitor theft activities on its premises;

### **Before Entry**



24. Security Briefing – Managers will endeavour to make the Security Team aware of any specific issues of theft and pick pocketing associated with any particular promoted event during the security briefing before doors open;
25. Profiling: Are they typical customers, have they been to the venue before, where did they hear about the event etc. – identifying any potentially suspicious behaviour from people at the point of entry;
26. Dress Code issues – identify any potential risks such as girls with large handbags with suspiciously few belongings in them, or guests wearing tracksuit bottoms over additional bottoms;
27. Talk to everyone: To detect accents, knowledge of the event. etc. – ensuring that anyone associated with a group that has been identified as potentially suspicious can be detected as early as possible;
28. Communicate with high-risk guests – ensure they are specifically told of what they can do to minimize the risk of being targeted (use the cloakroom, watch out for your phones, keep your handbag in front of you, don't dance around handbags and check them in instead);
29. Ticketing issues: Names on tickets – fake names, repeated names – adhering to a strict ticketing policy that prevents entry to anyone who cannot verifiably confirm the provenance of their ticket.
30. Assessing large groups and people on their own: Do they stand out? If so, go through questions and checks to confirm that they have a valid reason for attending the event. Do they know the name of the act, the names of the acts member(s);
31. Extra signage: as part of security checks, the Security Team should ensure that there is sufficient signage around the premises ahead of doors opening warning people to look out for their belongings and to report any suspected thefts as quickly as possible. The Security Team and the Manager will work closely together on ensuring communications to the public in that respect are as clear as possible;

#### **During the Event**

32. Informing all Staff & Security – in the event of alleged theft, make sure that all managers, Security Team and all other staff are aware of the issue and actively monitoring & reporting any suspicious activity;
33. Directing Theft Allegations – ensuring there is a procedure to distinguish lost property issues (to be directed to the cloakroom) from alleged theft issues, which all need to be reported to the Head of Security and suitably documented as relevant;

34. Response to Allegations – when instructed to do so by the Manager (or head of Security) and wherever possible, ensure the Security Team re-direct their attentions and efforts towards identifying and catching any persons suspected of theft;
  35. Security Checks on the Way Out – random bag & coat checks on the way out to help identify anyone who may be concealing additional possible stolen items;
  36. Stop & Search procedure – Identify any guests who have had allegations made against them (from guests, staff or security team) – Firstly call the police and report your suspicions. Security must keep watching the suspected person;
  37. Documenting all incidents – Security Team to ensure relevant lost property /theft forms after each reported incident are filled in and documented;
  38. Communications with police – Security Team to be aware of the correct procedure in terms of involving the police for any serious reports or incidents. Any questions please contact Pc Mark Perry or the Tower Hamlets Licensing Unit or if not available Met Police's 101 crime number;
  39. Refusal of Sale of Alcohol - Any refusal of the sale of alcohol to a guest is to be recorded in the refusal log;
- Closing down procedure
40. All patrons waiting for a minicab/taxi will be encouraged to wait within the premises;
  41. Cab operators shall be informed of the need to keep noise to a minimum and switch their vehicles' engines off whilst waiting for clients;
  42. All minicab/taxi firms used shall be requested to instruct their drivers not to block Monier Road or the entrance of the premises (Remus Road) or roads in the immediate vicinity of the premises at any time, all minicabs/taxi firm shall not be permitted to blow their car horns or wait with their engines running whilst outside the premises. [To prevent noise disturbance and in the interest of public safety];
  43. Large street signage to deter taxi touting to be displayed during opening hours;
  44. Prominent and clearly legible notices shall be displayed in all egress areas of Remus Road and Smeed Road requesting patrons to respect the needs of local residents and to leave the premises and area quietly;

45. A nominated person from the premises to engage with the Metropolitan Police and Transport to assist with illegal taxis not assigned to the premises;
46. Last orders for alcoholic beverages will be 30 minutes before the closure of the premises;
47. After the last song has finished the house lights will be turned on by the duty manager – operating schedule;
48. Please wait fifteen minutes after the lights being turned on before asking customers to leave. This will stagger the egress and help ease the cloakroom;
49. Management should be actively involved with seeing customers off the premises, wishing them goodnight and to also be considerate to the neighbours as they leave;
50. The SIA staff is to be deployed in numbers and a pattern agreed by the Police;
51. Registered Door Supervisor (SIA) will be employed (1) SIA per one hundred (100) customers or part thereof. On other occasions security is to be considered on a continual basis. All details (full name, DOB, Address, SIA badge number, company and Booking on - off times) to be recorded and to be made available to police immediately;
52. DPS / Premises Licence Holder will ensure that customers shall not be permitted to take any drinks outside/including the car park and smoking area of the premises;
53. Patrons permitted to temporarily leaving the premises (for smoking) and then re-enter the premises shall be monitored by an SIA member of staff;
54. Person's re-entering the premises (from the smoking area) shall be searched by a registered door supervisor (SIA);
55. A register of all Registered Door Supervisors to be maintained. [This shall include name, badge number on prominent display, the employer agency (if any) and the time of starting and finishing work];
56. Sale/Supply of alcohol under the Premises Licence must be made or authorize by a person who hold a personal licence;
57. There shall be a Designated Premises Supervisor or Personal licence holder on duty on the premises at all times when the premises when opened to the public;

58. The premises shall not take part or carry out arrange or participate in any irresponsible promotions in relation to the premises. [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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children];
59. The premises to have in place a waste Management Plan to include the public highway areas of Monier Road and Smeed Road;
60. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00hrs and 08:00hrs;
61. No rubbish shall be left on the pavement outside the premises at any time;
62. An incident log shall be maintained at the premises, and made available on request to an authorised officer of the Council or the Police, recordable offences will include allegations of criminal offence and which will record the following:
- a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received;
  - d) any incidents of disorder;
  - e) seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system or searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service;
63. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection by the police or an authorised officer of the Council at all times;
64. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale;

**Additional Conditions:**

65. All events with regulated entertainment to be risk assessed and a 696 form completed and submitted to  
SCD9ProactiveLicensingIntelligence@met.police.uk at least 3 weeks prior to the event;

66. While the premises is open to the public and selling alcohol there shall be a manager who is a personal license holder;

Prevention of Public Nuisance

67. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service;

68. Loudspeakers shall not be located in the entrance lobby or outside the curtilage of the building;

69. All windows and external doors shall be kept closed after 19:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons;

70. A lobby entrance arrangement to be installed and maintained at the entrance of the premises;

Prevention of Noise Pollution and Public Disturbance

71. Music levels are not to exceed acceptable levels even at peak times. These Levels are to be mutually agreed upon by the DPS, Local Authorities Environment Department and local residents (if necessary);

72. As relevant, the noise limiter should be set to ensure that both a level of music and patron noise is achieved at least -10 dB below the lowest recorded background noise level or not audible at either 1.0m outside any affected residential façade or within any affected habitable rooms with the windows open;

73. For all events that finish past Tower Hamlets framework hours, Quiet Marshalls in high visibility tabards are to operate outside the premises to make sure that customers are leaving the area quietly;

74. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly;

75. Customers arriving and leaving the premises will be advised that there shall be no parking towards Iron Works or Omega Works [To prevent the likelihood

of noise disturbance to local residents]. This shall be supervised by authorized staff members dressed in “high visibility vests”;

76. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business from 21:00 hours;
  77. A direct telephone number for the manager at the premises shall be publicly available, the telephone number shall be made available to residents in the vicinity;
  78. Designated Premises Supervisor or Personal Licence Holder (nominated /responsible member of staff who holds a Personal Licence) to be present when trading after 21:00 hours. [Allowing close supervision of staff and a single point of contact for the police and other agencies when attending the location];
  79. A cloakroom attendant shall be on duty in the cloakroom when the premises is open to the public;
  80. The premises shall prominently display signage informing customers: -
    - a. To leave quietly and to respect your neighbours;
    - b. CCTV is in operation and police have instant access to the footage;
    - c. Searching of customers prior to entry is a requirement of entry. No search – No entry policy is operated on the premises;
- Public safety
81. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear “high visibility” reflective jackets clearly identifying them as members of staff;
  82. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway;
  83. The attending manager or designated responsible staff member of the premises shall remain on the premises until it is fully cleared of all customers;
  84. Smoke detectors and a fire alarm system shall be installed within the premises and be maintained in working order at all times;
  85. Adequate facilities shall be maintained for disabled visitors and arrangements shall be in place to enable the safe evacuation of disabled visitors in the event of an emergency and that disabled visitors are made aware of these arrangements;

86. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device;

**Protection of Children from harm**

87. The venue shall prominently display notices advising customers of The “Challenge 25 Policy” the acceptable proof of age such evidence may include a UK photo driving licence or passport and proof of age cards bearing the PASS hologram symbol.

**Pizzeria:**

88. There will be no regulated entertainment in the pizzeria area, including the roof of the pizzeria and the external area of the pizzeria.

89. On days when the other areas of the venue are going to be open to customers, the pizzeria will close one hour before those areas are opened to customers.

90. The external area of the pizzeria, including the roof, will be closed to customers from 21:30 hours each day. After this time customers of the pizzeria can use the ground level external area of the pizzeria for smoking. Customers going into this area to smoke cannot take drinks with them.

91. During events that utilise other areas of the Ican Centre, the pizzeria will only be open to existing guests of the event, there will be no extra admission to customers who solely wish to use the pizzeria. On these occasions the opening hours, and hours for the sale of alcohol and the provision of late night refreshments, will be the same as those of the other areas of the venue.

92. Drinking will be permitted in the outdoor area of the pizzeria when only the pizzeria is trading

93. The service to outside tables will cease at 21.30 hours, the terrace and external areas of the pizzeria will close and furniture will be put away.

**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:

- Ground Floor Plan - Drawing Number: 302(00)100.16 and 302(00)100.02.
- First Floor Plan – Drawing Number: 302(00)100.18.
- Project Number: 302.G.1212.01.
- Pizzeria Area submitted on 14/3/14



**Part B - Premises licence summary**

**Premises licence number**

18369

**Premises details**

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

(A Class Above Events & Hospitality Ltd)  
33-35 Monier Road

**Post town**

London

**Post code**

E3 2PR

**Telephone number**

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

**The supply of alcohol**

Sunday to Thursday from 10:00hrs to 23:00hrs  
Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**The provision of late night refreshment (both indoors and outdoors)**

Friday to Saturday from 23:00hrs to 00:00hrs (midnight)



The times the licence authorises the carrying out of licensable activities

**The provision of regulated entertainment in the form of films (indoors), Live Music (indoors), Recorded Music (indoors), Performances of Dance (indoors), Anything of a Similar Description (indoors); Provision of Facilities for Making Music (indoors), Provision of Facilities for Dancing (indoors) and Anything of a Similar Description (indoors)**

Sunday to Thursday from 10:00hrs to 23:00hrs

Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

**Non-Standard Times**

Fifty (50) non-standard hours of operation - from 10:00hrs to 06:00hrs the following day.

The non-standard hours of operation require that:

a) - 10 working days prior to the event notice is given of their use to both Tower Hamlets Police Licensing, and to Tower Hamlets Environmental Health;

b) - Both Tower Hamlets Police and Environmental Health have the right of veto of the use of non-standard hours.

**The conditions of the full license still apply when the non-standard hours are used.**

The opening hours

- Sunday to Thursday from 10:00hrs to 23:00hrs
- Friday to Saturday from 10:00hrs to 00:00hrs (midnight)

Name, (registered) address of holder of premises licence

A Class Above Events & Hospitality Ltd  
35 Monier Road  
Bow  
London  
E3 2PR

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

On and off sales  
Pizzeria – On sales only

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

Registered Number: 08098228

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Philip Kirton

State whether access to the premises by children is restricted or prohibited

Children will not be on the premises after 21.00 hours unless they are in the company of an adult/guardian.

# Appendix 4

## Kathy Driver

---

**From:** MARK.J.Perry@met.pnn.police.uk  
**Sent:** 19 April 2015 17:55  
**To:** [REDACTED]  
**Subject:** Objection Late Temporary Event Notice Applications - Ican Studios

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear all,

Tower Hamlets Police formally object to the two late notice Temporary Event Notices for Ican Studios at 35 Monier Road on the 3rd and 30th May 2015. This objection is on the grounds of Crime and Disorder.

A Critical Incident occurred at an event at "A class above events and hospitality" (ICan Studios) in the early hours of Saturday the 16th April 2015.

Police were called to outside "ICan Studios", Monier Road, London E3 where it was initially alleged that a firearm had been discharged and a person had been shot.

On Saturday 18th April 2015, Police were called to outside "I ICan Studios", Monier Road, London E3 where it was initially alleged that a firearm had been discharged and a person had been shot. In addition to this, a further call was received stating that two people had been run over at the location, their injuries were life threatening, and that the vehicle had made off.

It has since transpired that, on 18th April an event occurred at "I ICan Studios" Monier Road, and at approx 6am, all parties were leaving the venue. One of the persons leaving the venue is attacked and stabbed in the neck by an unknown attacker.

At some point during this incident two further people sustained serious injuries as a result of apparently being deliberately hit by a motor vehicle. The driver has made off from the scene.

The three victims were initially taken to the Hommerton Hospital but transferred to the Royal London Hospital due to the serious nature of their injuries. The male who has been stabbed in the neck has now been discharged from hospital. Of the two victims hit by the motor vehicle one is suffering from "Life Changing injuries", both remain in the hospital awaiting treatment but their injuries are no longer life threatening.

From witnesses to the incident, it appears that, at the time of closing, occupants of a motor vehicle attended the location. One of the males exited the vehicle and produced a firearm. Shots were fired and they made off. However, this is still currently being researched by the police and the facts remain unclear. No victim has sustained injuries consistent with gun shot wounds.

Research shows that one of the victims has links to the London Fields Gang in Hackney.

This investigation is being led by The Metropolitan Police's 'Trident Gang Crime Command', and investigations are ongoing.

Initial investigations by Tower Hamlets Police Licensing have raised concerns about the management of the premises.

Police fear that if the premises were to remain open that there will be a risk of revenge attacks taking place, and that the weak management will not be able to safely operate the premises. A Closure Order is being sought at Thames Magistrates Court on Monday 20th April 2015.

Due to concerns at the management of the premises and the fear of further violence Tower Hamlets Police ask that these Temporary Event Notice applications are refused.

Regards

Pc Mark Perry  
Licensing Officer  
Tower Hamlets Borough  
Toby Club  
Vawdry Close  
E1 4UA

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# Appendix 5

## Kathy Driver

---

**From:** Ian Wareing  
**Sent:** 20 April 2015 15:49  
**To:** Kathy Driver  
**Subject:** Representation TEN \_ iCan Studios

Dear Licensing please accept this as a representation against the TEN's applied for at the above address.

EH are not satisfied that the noise emitted from these events can be controlled to not cause Public Nuisance. I have looked through a report provided by iCan admin, it does not show any predicted noise levels at the residential facades and the sound test was undertaken at a time that is not representative of the event timings.

We have had cause to object to these outside events before as they are problematic and difficult to control.

We remain convinced that these events will cause noise nuisance for nearby residents and therefore as no conditions can be imposed, it is recommended that this application be refused.

Ian

**Ian Wareing**  
Technical Officer  
Pollution Team  
Environmental Protection  
Environmental Health  
2<sup>nd</sup> Floor  
Gladstone Place Offices  
1 Ewart Place  
London  
E3 5EQ

020 7364 5008  
[ian.wareing@towerhamlets.gov.uk](mailto:ian.wareing@towerhamlets.gov.uk)

# Agenda Item 5

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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of the Local Government Act 1972.

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