

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 MARCH 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Peter Golds (Leader of the Conservative Group)
Councillor Ahmodul Kabir
Councillor Abdul Wahid

Members In Attendance Virtually:

Mr Rankin Counsel
PC Mark Perry

Officers Present in Person:

Farzana Chowdhury Democratic Services Officer (Committees)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting of the 17th and 31st January 2023 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application to consider a premises licence application remitted back to the Licensing Sub-Committee following an appeal for (Oval Cafe) 11-12 The Oval, London E2 9DU - RESOLVED

This application was resolved before the sub-committee.

4.2 Application for a new Premise Licence for Eastern Kula UK Ltd, Third Floor 7-9 Fashion Street E1 6PX RESOLVED

This application was resolved before the sub-committee.

4.3 Application for Review for Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN - SUPPLEMENTARY AGENDA ATTACHED

Applicant

The Sub-Committee considered an application by the Metropolitan Police for a review of the premises licence, held by Run the Booze Ltd., in respect of Colour Factory, Unit 8a, Queen's Yard, White Post Lane, London, E9 ("the Premises"). The review was the statutory review required under s.53C of the Licensing Act 2003. An interim steps hearing had been held on 22nd February 2023, at which the Sub-Committee had imposed a number of conditions on the premises licence as an interim step.

During the consultation period, one representation had been received. This was from the London Legacy Docklands Corporation (LLDC) and which initially referred to the lack of planning permission and the permitted hours. The representation was substantially amended on 10th March 2023.

The interim steps that had been imposed had been the product of an agreed negotiation between the Police and the premises licence holder. The Sub-Committee heard from Mr. Rankin on behalf of the police. He outlined in brief the circumstances giving rise to the tragic events of 11th February 2023 and which had, ultimately, led to this review. He emphasised the considerable degree of cooperation which had been afforded to the police by the premises, which included the provision of guest and staff lists, access to CCTV, and the provision of witness statement.

There was no evidence that the weapon had been inside the Premises at any point. Since the interim steps hearing there had been discussions between the licence holder and the police, which had resulted in a further set of agreed conditions which the Sub-Committee understood to replicate the conditions imposed as an interim step, subject to some minor amendments. The police were satisfied that the imposition of the agreed conditions on the premises licence would be appropriate and proportionate for the promotion of the licensing objectives.

Premises Licence Holder

The Sub-Committee heard briefly from Mr. Cushion, on behalf of the licence holder. He apologised for the time taken up by all concerned in addressing this matter and expressed Mr. Williams' disappointment that the tragedy had been associated with his venue. He confirmed that conditions had been agreed with the police and that since the last hearing the Premises had tightened up its various policies and had also shown the police their training and searching procedures to ensure that they were content with the steps taken.

The Sub-Committee was satisfied that it was appropriate and proportionate to follow the agreed position. There had been no prior history at the Premises

and the incident had not been associated with it to the extent, for example, that the weapon had managed to get inside the Premises or that the altercation had started inside and spilled out later; indeed, the Sub-Committee noted that the Premises was closed.

However, as Mr. Rankin indicated, the concern was that if men of violence attended premises such as these, the searches and other steps being taken to ensure public safety needed to be very much tightened up. The concern was of course to manage risk. The Premises had re-opened safely since the incident, without any cause for concern, and in those circumstances the Sub-Committee considered that imposing the agreed conditions (which appeared at Pages 8 to 11 of the Supplementary Agenda pack) was the appropriate measure to take in the particular circumstances. Mr. Rankin drew the Sub-Committee's attention to the fact that conditions 2 and 5 were duplicates and so, for the avoidance of doubt, condition 5 will be deleted and the remaining sixteen conditions added.

Decision

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

- 1) All SIA Staff to be re-trained on searching customers and their bags prior to the venue re-opening for late night events and documentary proof sent to CE Police Licensing. SIA refresher training to be every 6 months and also documented.
- 2) The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
- 3) The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.
- 4) When regulated entertainment is taking place past 11pm, a risk assessment will be undertaken to determine the necessity or otherwise of searching and/or wandng all or some of the customers. Such risk assessment will be signed off by the premises management and by the security company. The risk assessments will be the subject of an independent audit carried out at least once every six months.

5) A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

6) A written egress policy shall be in place and implemented at the premises to move customers away from the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

The Egress Policy shall include:

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

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

8) An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- all crimes reported to the venue;
- ejections of patrons;
- any complaints received concerning crime and disorder
- all incidents of disorder;
- all seizures of drugs or offensive weapons;
- any faults in the CCTV system, searching equipment or scanning equipment;
- any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service.
 - All entries relating to crime, disorder, ejections, and seizures of drugs and weapons to include a comprehensive account of the incident, actions taken and outcome.

9) Each bar shall keep and maintain a record detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the

name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be filled out as soon as practicable and kept behind the bar. Each record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.

10) In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- the police (and, where appropriate, the London Ambulance Service) are called without delay;
- all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

11) There must be at the premises a lockable drugs box to which no member of staff, save the DPS, Security Manager, General Manager and Duty Manager shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.

12) The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated “welfare officers” at peak times who will be easily identifiable, to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated and liaising with management/security staff to assist them where necessary. Staff training on customer welfare such as “WAVE” and availability of free water to customers. The policy must be written, reviewed yearly, and made available to Police upon request.

13) Where indicated by the event risk assessment, welfare staff will be deployed to the event. The welfare staff will be easily identifiable to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated or otherwise vulnerable and liaising with management/security staff to assist them where necessary. All welfare interventions and outcomes to be logged in the welfare log.

14) Drinking water to be made freely throughout the venue, Signage to advertise this information to customers.

15) All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises). This training shall be documented and repeated /refreshed at six-monthly intervals.

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

The Sub-Committee then considered the interim steps, as required under s.53D. It was not disputed by either party that the conditions imposed ought not to continue. Indeed, given the decision made on the review, it would be inconsistent with that for the conditions imposed as an interim step to not remain. Mr. Cushion suggested that the conditions be those that the Sub-Committee has now decided to impose on the licence, with which Mr. Rankin agreed. A modification of the interim steps is permitted by virtue of s.53D(2)(c) and (3)(a) of the Licensing Act 2003 and the interim steps are therefore modified accordingly.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003 The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

Bow Super Market 163-167 Devons Road E3 3QX	28 th March 2023
Hamlet Pizza 479 Cambridge Heath Road E2 9BU	28 th March 2023
Chaiwala 55 Brick Lane E1 6PU	28 th March 2023

The meeting ended at 7.10 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee