

Appendix 1


**METROPOLITAN
POLICE**
TOTAL POLICING
Form for Applying for a Summary Licence Review
Application for the review of a premises licence under section 53A of the Licensing Act 2003
 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:
Name: Tower Hamlets Licensing

Address:

Mulberry Place, 5 Clove Crescent, London

Post town: London

Post code: E14 2BG

Ref. No.:
I PC Michael Rice

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

1. Premises details
Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Oval Space, 29-32 The Oval, London

Post town: London

Post code: E2 9DT
 (if known)

2. Premises licence details
Name of premises licence holder or club holding club premises certificate (if known):

Oval Venues Limited, 71 Fanshaw Street, London, N1 6LA

Number of premises licence or club premises certificate (if known):
3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

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

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

Police called to Temple Street, E2 on 30/08/22 at 0420hrs following a member of the public finding a male with injuries to both of his legs. Police and London Ambulance Service have attended, the victim was treated and transported to the Royal London Hospital and put under armed guard.

It has transpired that prior to the victim being found he had been at a Notting Hill After Party at Oval Space, 29-32 The Oval, Cambridge Heath Road, London, E2. An initial CCTV review has been undertaken and the victim has been seen to drive and park his vehicle at approximately 0200hrs outside Tesco which is located on Hackney Road, E2. The victim alongside two males exits the vehicle and walks towards Oval Space. At 0422hrs CCTV captures the victim running from the direction of Oval Space, E2 and runs along Hackney Road. The victim has then ran into Temple Street on his own. On CCTV a male has been seen to chase the victim into this road.

During an interview of the victim in hospital he has described that bullets were fired within the venue, hence why he has run from the club.

During the CCTV review by attending officers on 30/08/22 officers spoke to two members of security who stated they did not see any altercation occur outside the club at this time.

A member of the security did however state that at around 0415hrs there was a bang on the dance floor which resulted in the security turning on the lights and searching the upstairs dancefloor and those present. They believed that this sound was from a balloon bursting. They stated that a large amount of people left the club.

A Police Officer from CE Licensing (who was on rest day) received an email from a Police Officer at Trident on the 6th September 2022. The Police Officer has explained that they were investigating an incident and had concerns about Oval Space, E2. The Police Officer stated that the suspect for the shooting and his friends had attended the event. She explained that whilst they queued they did not have masks on however they have then put masks on when in the venue. CCTV has shown a male bypassing the queue and officers from Trident were told by bouncers that the male who bypassed the queue regularly attends with promoters. The security did not disclose his name. This male who bypasses the queue is passed a bag by the suspect (shooter). After getting past security the bag is passed back to the suspect group. The officers strongly believe that this bag contains the firearm.


Officers then believe a shot is discharged in the club which leads to the crowd to dispersing, the victim fleeing and shortly after being chased down the road and being shot twice.

A/DS Cook also explains that the suspects attends in tracksuits, some with hoods on. The officers from Trident were told that hooded tops weren't allowed however they were still allowed inside the premises.

I (PC Michael Rice) have spoken to another Police Officer today (07/09/2022) he has also given me a similar account of the incident. He has confirmed that a firearm was discharged within Oval Space. This has been seen on CCTV. The security have claimed that this was a balloon. After this the victim has escaped out of a fire escape and has been chased by the suspect into Hackney Road and then Temple Street. He has been shot in the legs. He has stated that five days of the investigation have been wasted as the General Manager was not contactable and has given the account that her phone was lost/stolen.

To date, CE Police Licensing have not received any notification of this incident occurring from the venue, Oval Space. No representative of the venue has contacted any officer within the Licensing department.

Signature of applicant

Signature:	 21796.	Date:	07/09/2022
Capacity:	Central East Police Licensing		

Contact details for matters concerning this application

Surname:	Rice	First Names:	Michael
Address:			
33 Stoke Newington High Street, London,			
Post town:	London	Post code:	N16 8DS
Tel. No.:		Email:	

Notes for guidance

PROTECTIVE MARKING

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12



TOTAL POLICING

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

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

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

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

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

Oval Space, 29-32 The Oval.

Post town:

London

Post code:
(if known)

E2 9DT

Premises licence number (if known):

139996

Name of premises supervisor (if known):

Salma Massioui BELGADA

I am a Superintendent* in the Metropolitan Police Service.

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

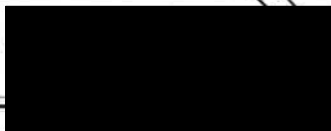
I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

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

Appears that venue have allowed suspect into the venue what search, who has then fired a gun in the venue. The venue have also not adequately responded to the aftermath, or the police investigation.

Signature

Signature:



Date:

7/9/22.

Sypr ED Wells
259530

Appendix 2

(Oval Space)

29 –32 The Oval
London
E2 9DT

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 4th September 2012

Minor Variation 22/7/16
Review 9/11/21
Amended Appeal 4/5/22



Part A - Format of premises licence

Premises licence number

144669

Part 1 - Premises details

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

(Oval Space)

29 – 32 The Oval

Post town

London

Post code

E2 9DT

Telephone number

[REDACTED]

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 regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

The provision of regulated entertainment

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

The provision of late night refreshment – Indoors and outdoors

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: “All outdoor events to cease at 21:00hrs”.

Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

The opening hours of the premises

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

Part 2

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

Oval Venues Ltd
71 Fanshaw Street
London
N1 6LA

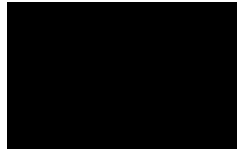


Registered number of holder, for example company number, charity number (where applicable)

08501737

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

Salma Massioui Belgada



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

Personal Licence No. 12749

Issuing Authority: London Borough of Greenwich

Annex 1 - Mandatory conditions

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

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

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

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$\mathbf{P = D + (D \times V)}$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted;
2. For a period of 3 years from 1st February 2014, Oval Space agree not to apply to vary the number of late night events beyond 40 occasions per annum. Oval Space also agrees that after this date, to enter into consultation to involve the Lithuanian Church and a relevant responsible authority before any variation to this condition would be submitted;
3. Oval Space and the Lithuanian Church representatives to also have a meeting each quarter to discuss issues arising from licensed activities.
4. No music or other amplified sound shall be played within the premises and/or external areas so as to cause a nuisance from any affected residential facade;

Conditions for the allocation of 6 events (maximum) in the external areas per calendar year (of which there is a maximum of 4 on a Sunday):

5. The music noise level (MNL)* should not exceed the background noise level** by more than 10 dB(A) over a 15 minute period;
6. Low frequency level should not exceed the background noise level** by more than 10dB @ 63Hz at any affected noise sensitive residential facade;
7. The events to cease by 9pm;
8. The static noise monitoring position to be at Imperial Wharf, which is to be maintained, calibrated and monitored by Oval Space;
9. The background noise level to be agreed by EH/EP prior to 28 days prior to the first event;
10. All noise data for each of the (up to) 6 events to be sent to Tower Hamlets Environmental Protection within 14 days from the end of each event;
11. The Oval Space to notify EH/EP, Licensing and local residents 7 days prior to each event of the maximum 6 events allocation.
12. The Oval Space shall have security in place that has been agreed with the Police Licensing. The policy shall be agreed annually.

** The LAeq of the music noise measured at a particular (agreed) location with EH/EP.*

*** The value used should be the arithmetic average of the hourly LA90 measured over the last four hours of the proposed event if scheduled to last for less than four hours*

Annex 3 - Conditions attached after a hearing by the licensing authority

Conditions attached following the Licensing Subcommittee hearing of the 4th September 2012:

13. "Quiet marshals" shall be employed during late events due to the close proximity of the church to recognise the function of the clergy;
14. That Holy Saturday [Easter Eve], Christmas Eve, Maundy Thursday, Good Friday, Easter and Christmas Days shall be excluded for any licensable activities.

Conditions attached following review 9/11/21:

15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

16. 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 are open. This staff member must be able to provide a Police or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
18. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
19. On any occasion that regulated entertainment is provided, not less than 1 SIA accredited door supervisor will be engaged per 100 customers.
20. Where SIA accredited door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.
21. All persons entering or re-entering the premises shall be searched by an SIA accredited member of staff and monitored by the premises CCTV system.
22. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.
23. 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:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
24. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
25. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and or 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 by calling 101 and arranging collection at least once a month.
26. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
27. A Challenge 25 proof of age scheme shall be operated at the premises, whereby the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
28. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
29. A written dispersal policy agreed by Central East Police Licensing annually shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
30. The premises shall adopt Central Easts Drug Policy.
31. The premises management shall risk assess and plan for the safe running of each event. The risk assessments and plans shall be made available to Police upon request.
32. When running music events, the venue shall operate an ID scanner for customers entering the premises.
33. All security, bar staff and management will ensure that yearly role specific industry recognised training is undertaken. Records or training to be kept

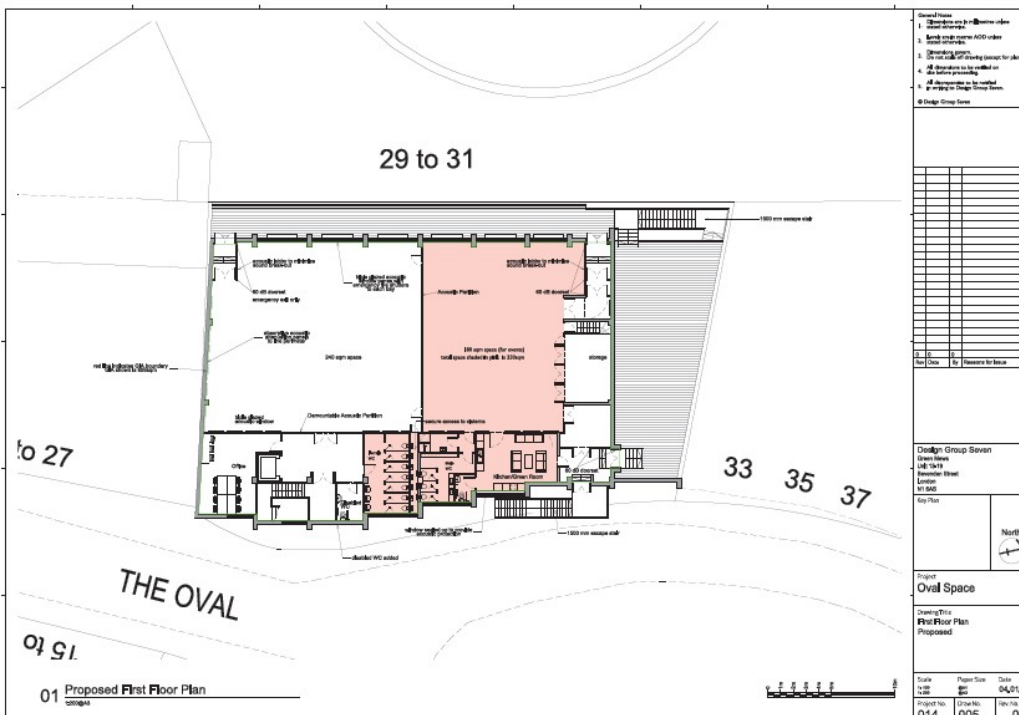
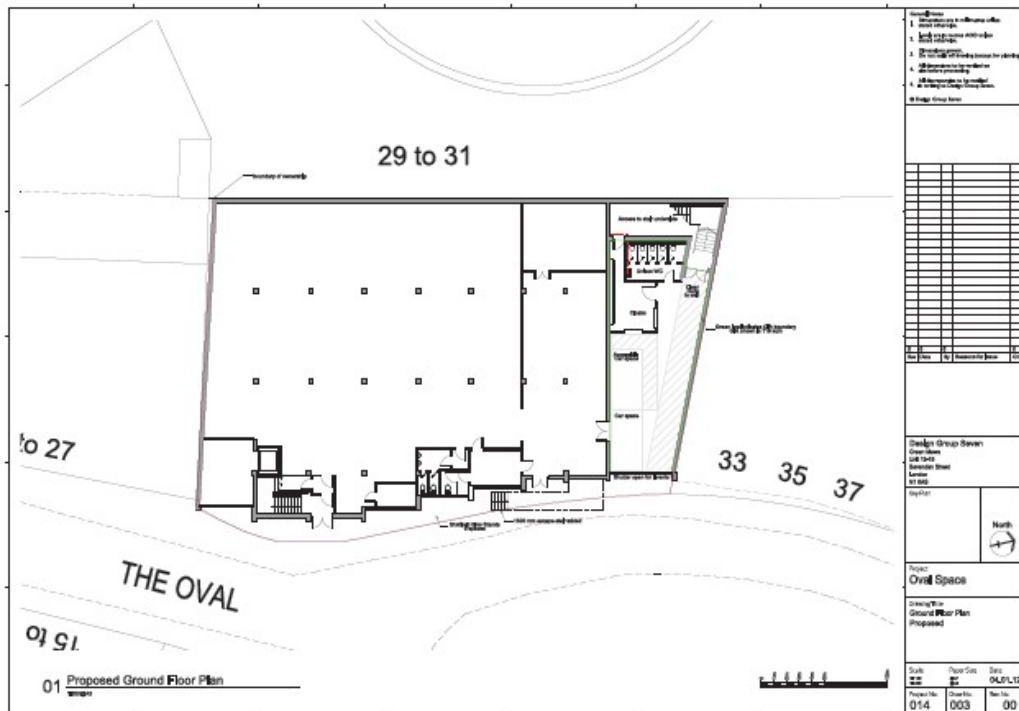
and made available to Police upon request.

34. The premises licence holder shall give the London Borough of Tower Hamlets a months' notice of when an event taking advantage of the non-standard timings is taking place.

Annex 4 - Plans

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

25th June 2012 – Ground floor (Draw No. 003, dated 04.01.12)
 First floor (Draw No. 005, dated 04.01.12)



Part B - Premises licence summary

Premises licence number

144669

Premises details

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

(Oval Space)

29 – 32 The Oval

Post town

London

Post code

E2 9DT

Telephone number

[REDACTED]

Where the licence is time limited

Not applicable

Authorised Licensable activities

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

The provision of regulated entertainment

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

The provision of late night refreshment – Indoors and outdoors

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: "All outdoor events to cease at 21:00hrs".

Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

The opening hours of the premises

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

Name, (registered) address of holder of premises licence

Oval Venues Ltd
71 Fanshaw Street
London
N1 6LA

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

Registered number of holder, for example company number, charity number

08501737

Name of designated premises supervisor

Salma Massioui Belgada

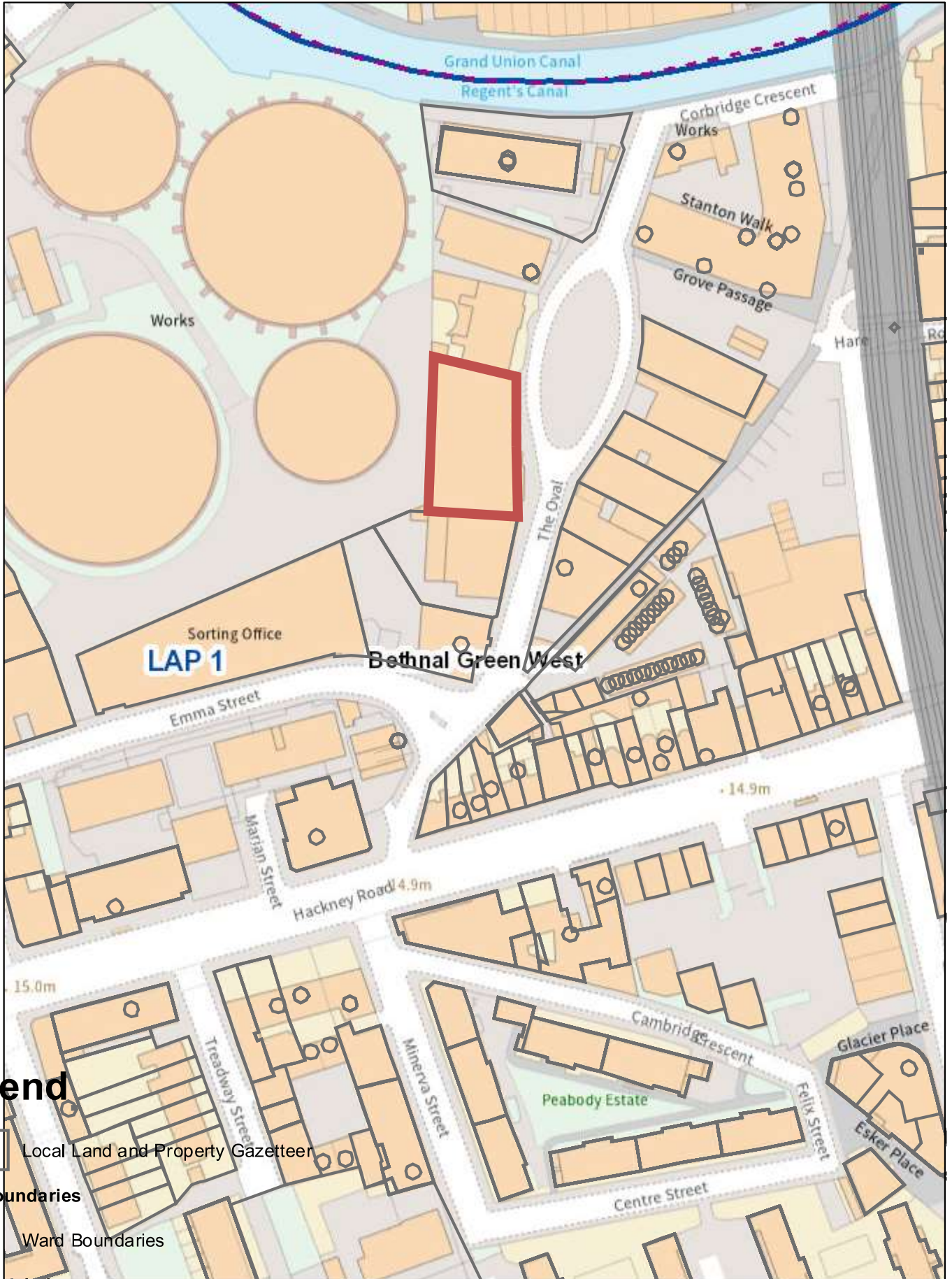
State if children, premises access restricted

Not restricted





Appendix 3




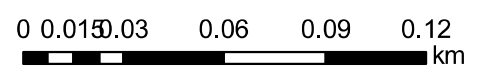
29-32 The Oval

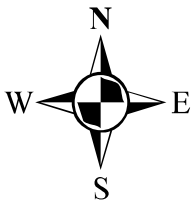


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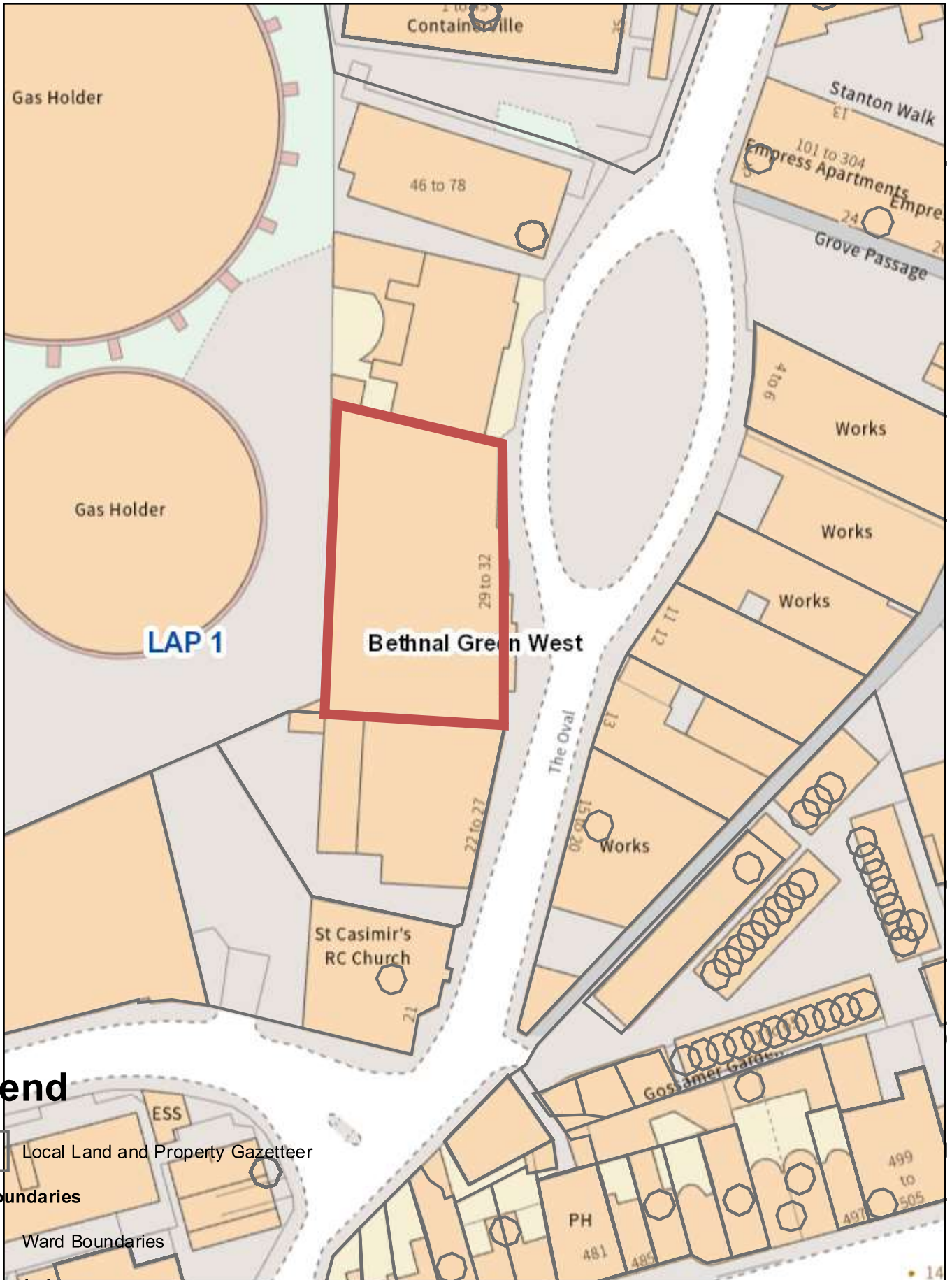
-  Local Land and Property Gazetteer
-  Ward Boundaries
-  Ward Boundaries
-  LAP Boundaries

 LAP Boundaries



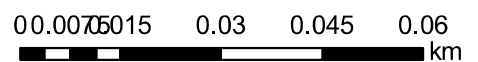


29-32 The Oval



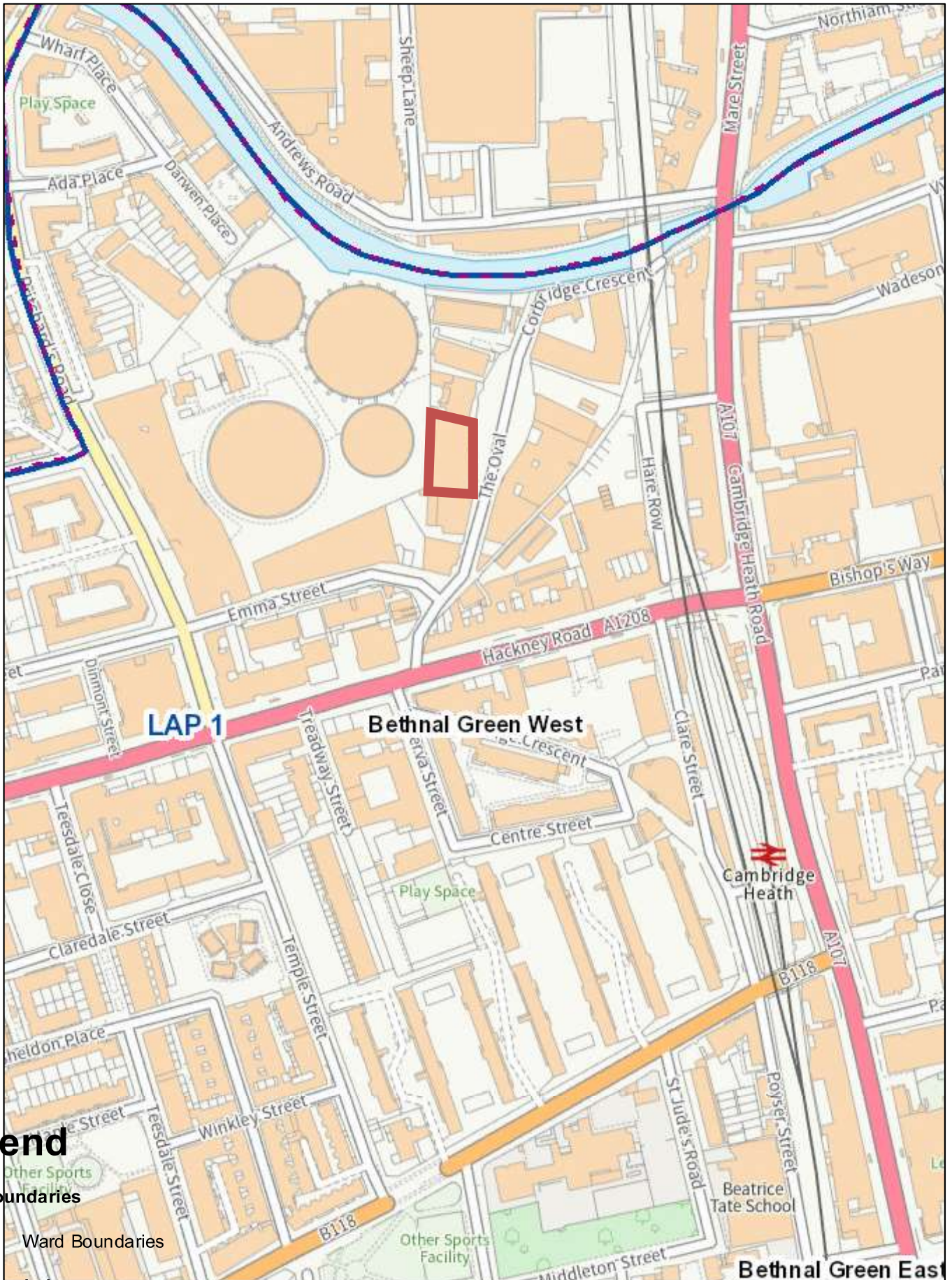
Legend

- Local Land and Property Gazetteer
- Ward Boundaries**
 - Ward Boundaries
- LAP Boundaries**
 - LAP Boundaries





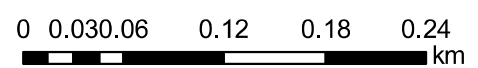
29-32 The Oval



Legend

- Ward Boundaries
- Ward Boundaries

- LAP Boundaries
- LAP Boundaries



Appendix 4

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON THURSDAY, 8 SEPTEMBER 2022****COMMITTEE ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Suluk Ahmed (Chair)

Councillor Faroque Ahmed (Member)

Councillor Kamrul Hussain (Member – Virtually present)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for Review under Section 53 A of the Licensing Act 2003 for
Oval Space, 29-32 The Oval, London E2 9DA**

The Committee has heard everything said by the Police and the License Holder, there is no question that this was a very serious incident and the Sub Committee's overriding concern has to be the safety of the public.

The Sub Committee accepts that the investigation is still at an early stage, the Sub Committee also accepts that the police are sure that the firearm was discharged inside the premises. The evidence showed a number of breaches of conditions particularly in regards to searches. At best this demonstrates negligence on the part of the management and security and particularly given that the premises still appeared to be open beyond the 4am terminal hour.

The police report also indicates difficulty in contacting the management. The Sub Committee accepts that Mr Dean James himself may have only become aware of the incident recently, again it begs the question why his own staff appeared not to have been keeping him apprised about such a serious incident.

The Sub Committee heard what Mr James said about the financial impact, however given the seriousness of the incident the Sub Committee does not consider it appropriate to reduce the hours as suggested to restrict it only to corporate events. The potential risks could happen at any time and the Sub

Committee accept the risks albeit unquantified of reprisals or retaliations. The Sub Committee is therefore to suspend the licence with immediate effect.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a review under Section 53A of the Licensing Act 2003 for Oval Space, 29-32 The Oval, London E2 9DA be **GRANTED with the suspension of the licence with immediate effect.**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Vout-O-Reenees, Basement, 30 Prescott Street, London E1 8BB	31/12/2022
CW Wood Wharf D1-D2 GP Limited), Unit D1.1, 14 Water Street, Wood Wharf, London E14 5GX	31/12/2022
KFC, Unit 41 Cannon Workshops, 3 Cannon Drive, London, E14 4AS	31/12/2022
Wicked Fish Queens Yard Whitepost Lane	31/12/2022
Pizza Hut, 195-195a East India Dock Road, London, E14	31/12/2022
Taj Mahal Fried Chicken & Grill, 512 Commercial Road, London E1 0HY	31/12/2022
Arch 410, Haven Mews, St Pauls Way, London, E3 4AG	31/12/2022
Albert Public House, 74 St Stephens Road, London, E3 5JL	31/12/2022

The meeting ended at 3.20 p.m.

Appendix 5

12. Summary reviews

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

Application for summary review

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

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

The licensing authority and interim steps pending the review

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded¹¹.
- 12.11 The licensing authority may want to consult the police about the steps that it thinks are

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

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

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

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

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

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

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

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

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

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

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

Making representations against the interim steps

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

decision at this stage.

The review of the premises licence under section 53C

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

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

Review of the interim steps under section 53D

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

Right of appeal against review of interim steps decision

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

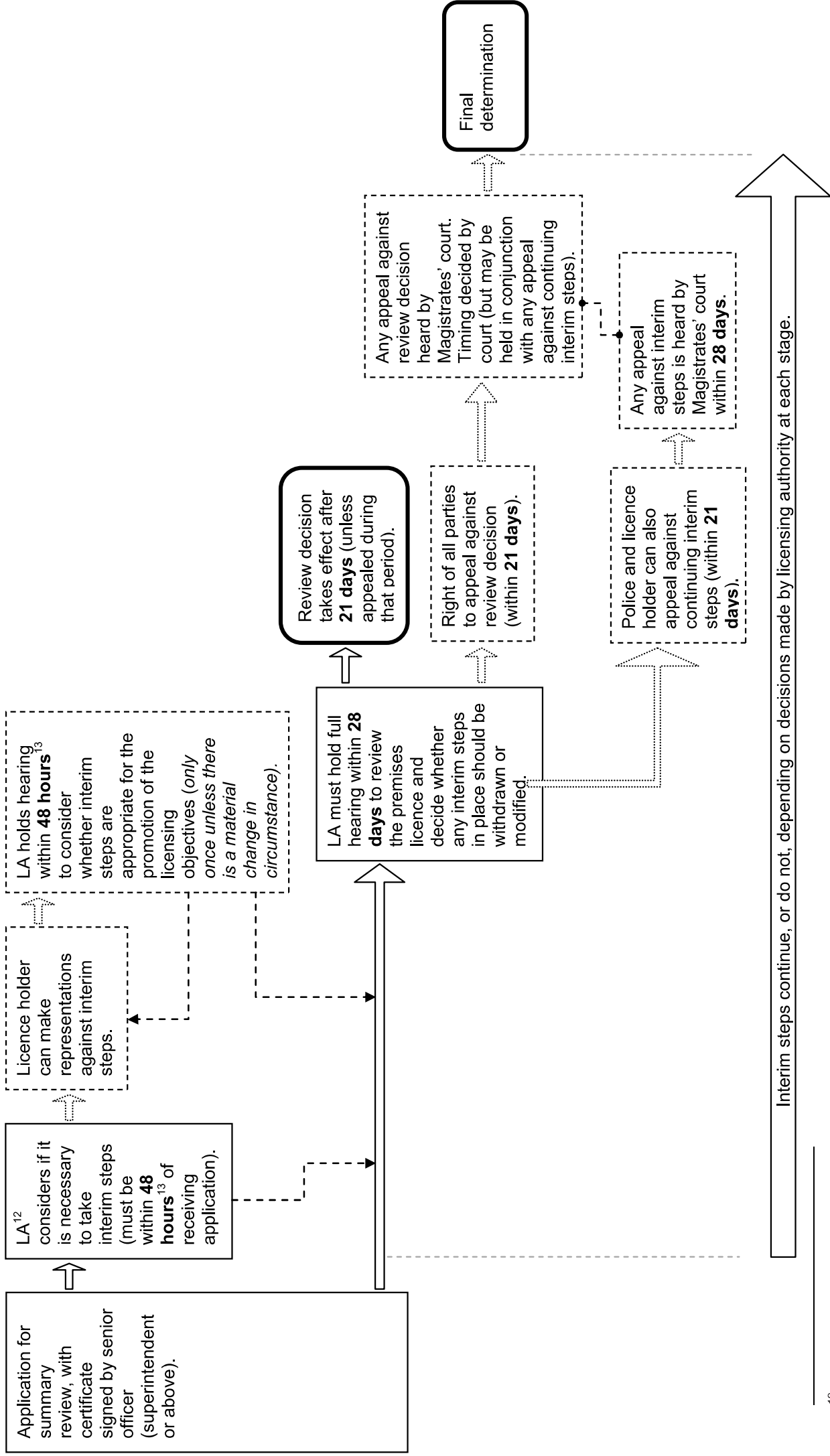
Right of appeal against final review decision

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

Flow diagram of the summary review process

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



¹² Licensing authority

¹³ Only working days count