

# Appendix 1


**METROPOLITAN  
POLICE**
**TOTAL POLICING**

Form 693

**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:** Central East Police Licensing

**Address:**

33 Stokenewington High Street, Hackney

**Post town:** London

**Post code:**

N16 8DS

**Ref. No.:**
**I PC Mark Perry 1748CE**

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

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

Colour Factory, Unit 8a, Queens Yard, White Post Lane

**Post town:** London

**Post code:**  
 (if known)

E9 5EN

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

Run the Booze Ltd, Studio 4, 117 Wallace Road, London E9 5LN

**Number of premises licence or club premises certificate (if known):**

1

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

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

**Please tick the box to confirm:**


## PROTECTIVE MARKING

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

## **PROTECTIVE MARKING**

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

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

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

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

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

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

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

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

**All SIA Staff to be re-trained on searching customers and their bags prior to the venue re-opening for late night events and documentary proof sent to CE Police Licensing. SIA refresher training to be every 6 months and also documented.**

**A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.**

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

## PROTECTIVE MARKING

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

The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.

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

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

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

Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.

Details of public transport in the vicinity and how customers will be advised in respect of it.

Details of the management of taxis to and from the premises.

Details of the management of any 'winding down' period at the premises.

Details of the use of security and stewarding in respect of managing customer dispersal from the premises.

Details of any cloakroom facility at the premises and how it is managed.

Detail of road safety in respect of customers leaving the premises.

Details of the management of ejections from the premises.

Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.

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

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

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

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

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

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

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

## PROTECTIVE MARKING

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

**all crimes reported to the venue;  
all ejections of patrons;  
any complaints received concerning crime and disorder  
any incidents of disorder;  
all seizures of drugs or offensive weapons;  
any faults in the CCTV system, searching equipment or scanning equipment;  
any refusal of the sale of alcohol;  
any visit by a relevant authority or emergency service.**

**All entries relating to crime, disorder, ejections, and seizures of drugs and weapons to include a comprehensive account of the incident, actions taken and outcome.**

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

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

**the police (and, where appropriate, the London Ambulance Service) are called without delay;**

**all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;**

**the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.**

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

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

# PROTECTIVE MARKING

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

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

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

## Signature of applicant

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

## Contact details for matters concerning this application

Surname:	Perry	First Names:	Mark
Address:			
33 Stokenewington High Street, Hackney			
Post town:	London	Post code:	N16 8DS
Tel. No.:		Email:	[Redacted]

## Notes for guidance

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


**METROPOLITAN  
POLICE**
**TOTAL POLICING**

Form 693A

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

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

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

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

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

Colour Factory, Unit 8a, Queens Yard, White Post Lane

**Post town:**

Tower Hamlets

**Post code:**  
(if known)

E9 5EN

**Premises licence number (if known):**

133063

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

Nathanial Williams

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

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

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

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

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

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

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

**Signature**



PROTECTIVE MARKING

Signature:

[Redacted Signature]

Date:

20/02/2023

Retention Period: 7 years  
MP 147/12

# Appendix 2

**(Colour Factory)**

Unit 8a, Queens Yard  
White Post Lane  
London  
E9 5EN

**Licensable Activities authorised by the licence**

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

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

**Signed by**

**David Tolley**   
**Head of Environmental Health & Trading Standards**

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

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

**Part A - Format of premises licence****Premises licence number****133063****Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description**

**(Colour Factory)**  
Unit 8a, Queens Yard  
White Post Lane

**Post town**

London

**Post code**

E9 5EN

**Telephone number**

020 8124 6118

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description)  
The provision of late night refreshment

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

### **The sale by retail of alcohol (on & off sales)**

- Monday to Thursday 09:00 hours to 23:00 hours
- Friday & Saturday 09:00 hours to 03:30 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

### **The provision of late night refreshment – Indoors and outdoors**

- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

### **The provision of regulated entertainment**

#### (Plays, Performances of Dance) – indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### (Films) - indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday, from 09:00 hours to 04:00 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

#### (Indoor Sporting Event)

- Monday to Thursday, from 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### Live Music & Recorded Music (indoors & outdoors) – Live music cease 23:00 hours outside)

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday 09:00 hours to 00:00 hours (midnight)

#### Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

#### Non-standard timings:

- For the 20 occasions per year for Live music, recorded Music, late night refreshment until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.

**The opening hours of the premises**

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

**Non-standard timings:**

For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.

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

On and off sales

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

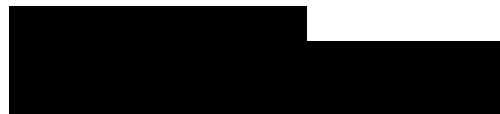
Run the Booze Ltd  
Studio 4  
117 Wallace Road  
London  
E9 5LN

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

Company Number: 12001934

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

Nathanael Williams



**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.** 063442

**Issuing Authority:** London Borough of Redbridge

## **Annex 1 - Mandatory conditions**

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

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

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

1.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the



permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

## **Films**

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:

If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction  
Otherwise the recommendation of the film classification body.

Children means persons aged under 18 and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

## **Door Supervisors**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

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

1. A CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
  - a. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
  - b. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.
4. A number of SIA staff to be set at a level agreed with the Tower Hamlets Police Licensing, with a minimum of 4 SIA Staff, (at least one of whom must be a female) when hosting events for more than 100 people.
5. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. An incident book shall be kept and maintained every day the premises is open.
  - a. The book shall contain the names and SIA numbers of security staff, their time on duty and time off duty.
  - b. It shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.
  - c. It shall be signed off by the duty manager at the end of each day.
7. A diary of events shall be sent to Tower Hamlets Police Licensing on a monthly basis.
8. Events that finish past the terminal time for public transport to have a travel plan put in place to ensure that customers can leave without causing nuisance to local residents.
9. A security policy shall be agreed with Tower Hamlets Police Licensing.
10. The amplified music levels as advised in the noise assessment report from KP Acoustics Ref 13779.NIA.01 to be set to a maximum limit of 85dB(A). The operational panel of the amplified noise equipment shall be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises License Holder. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Environmental Health Service.
11. Recorded Music outside to be played at an ambient level.

12. Live music not to be played outside after 23:00 hours.
13. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. The venue shall operate an over 18 policy after the hours of 21:00 hours, any events which are subject to non-standard timings are also subject to over 18s checks and Challenge 25 at the door.
15. Children must always be under the supervision of a responsible adult. Staff and security personnel shall be on duty to monitor for lost children.
16. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
17. Alcohol shall only be delivered to a residential or business address and not to a public place.
18. Ensure delivery partners are aware of licence obligations.
19. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation

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

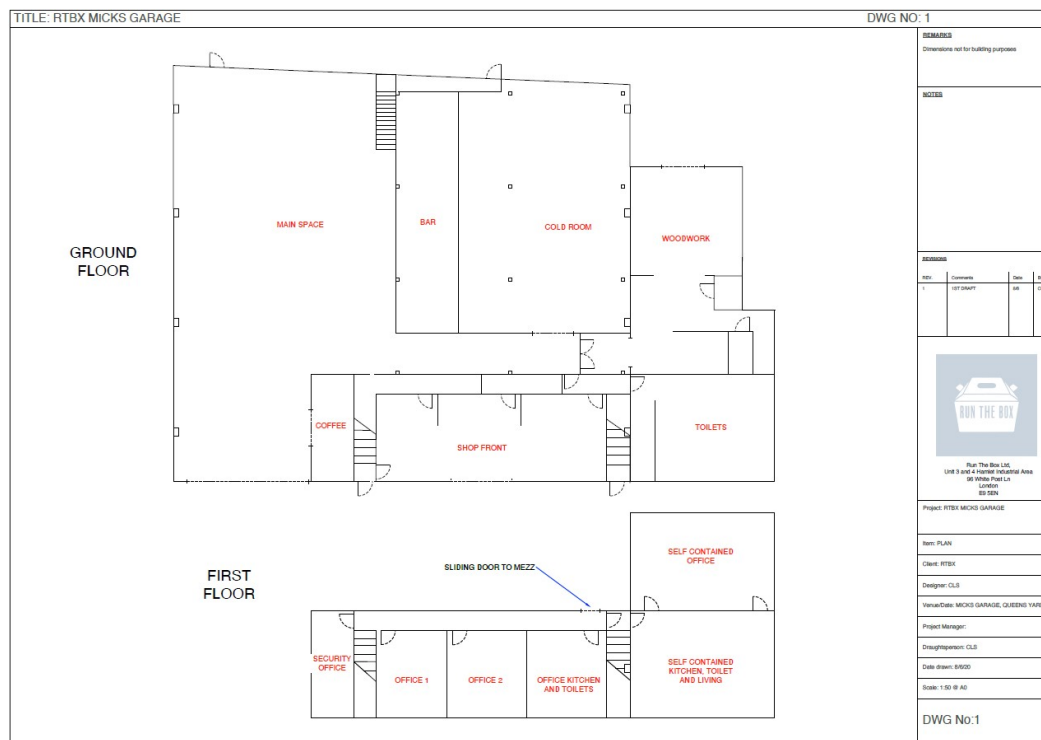
Not applicable

## Annex 4 - Plans

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

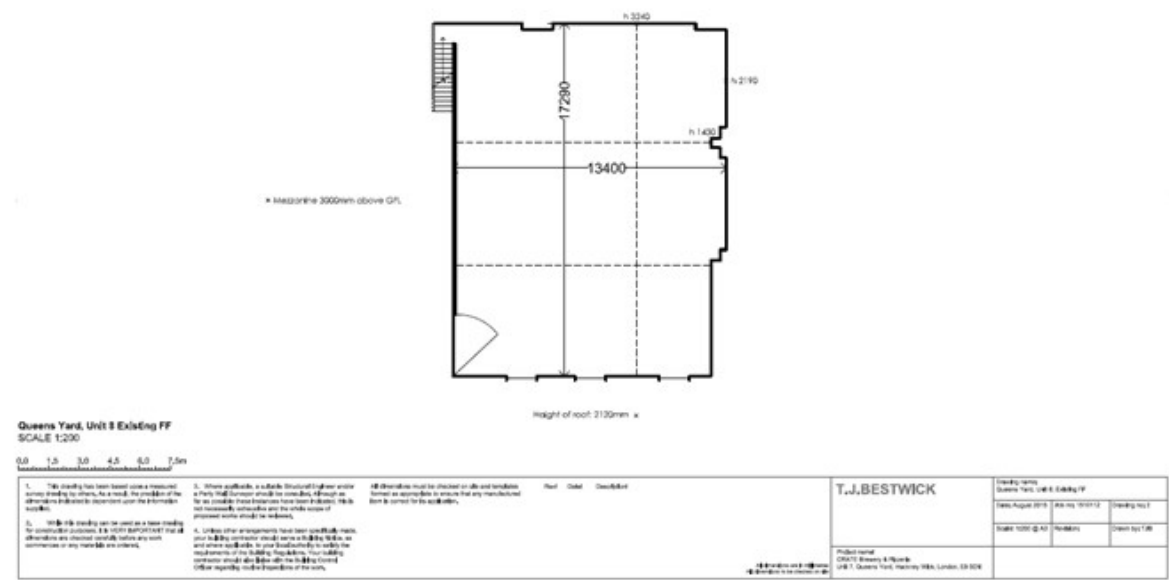
27<sup>th</sup> October 2020:

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



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

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



## Part B - Premises licence summary

**Premises licence number**

**133063**

### Premises details

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

**(Colour Factory)**  
Unit 8a, Queens Yard  
White Post Lane

**Post town**

London

**Post code**

E9 5EN

**Telephone number**

020 8124 6118

Where the  
licence is  
time limited  
the dates

N/A

Licensable  
activities  
authorised by  
the licence

The sale by retail of alcohol  
The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description)  
The provision of late night refreshment

The times the  
licence  
authorises  
the carrying  
out of  
licensable  
activities

#### **The sale by retail of alcohol (on & off sales)**

- Monday to Thursday 09:00 hours to 23:00 hours
- Friday & Saturday 09:00 hours to 03:30 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

#### **The provision of late night refreshment – Indoors and outdoors**

- Friday and Saturday, from 23:00 to 02:00 hours the following day

#### **The provision of regulated entertainment**

##### **(Plays, Performances of Dance) – indoors**

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday 09:00 hours to 00:00 hours (midnight)

##### **(Films) - indoors**

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 to 04:00 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

##### **(Indoor Sporting Event)**

- Monday to Thursday, from 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)

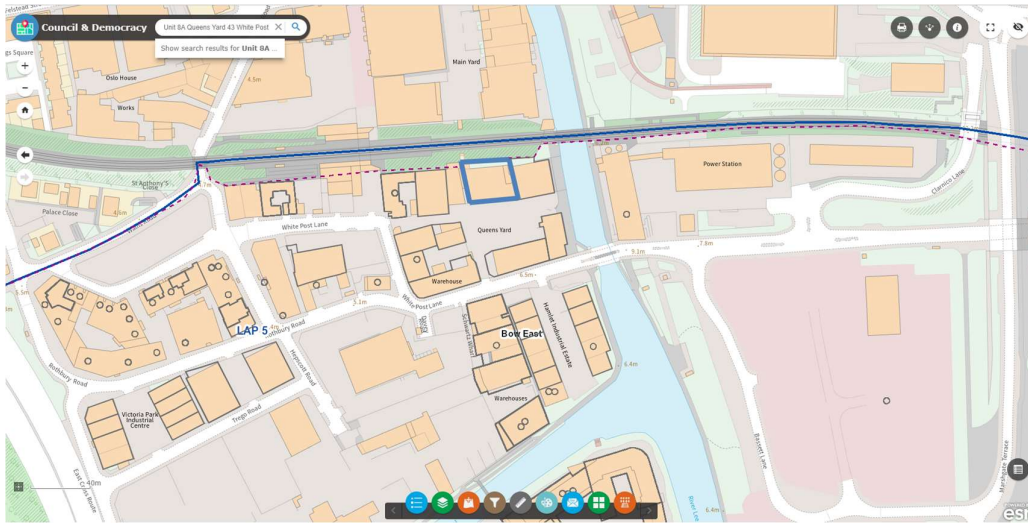
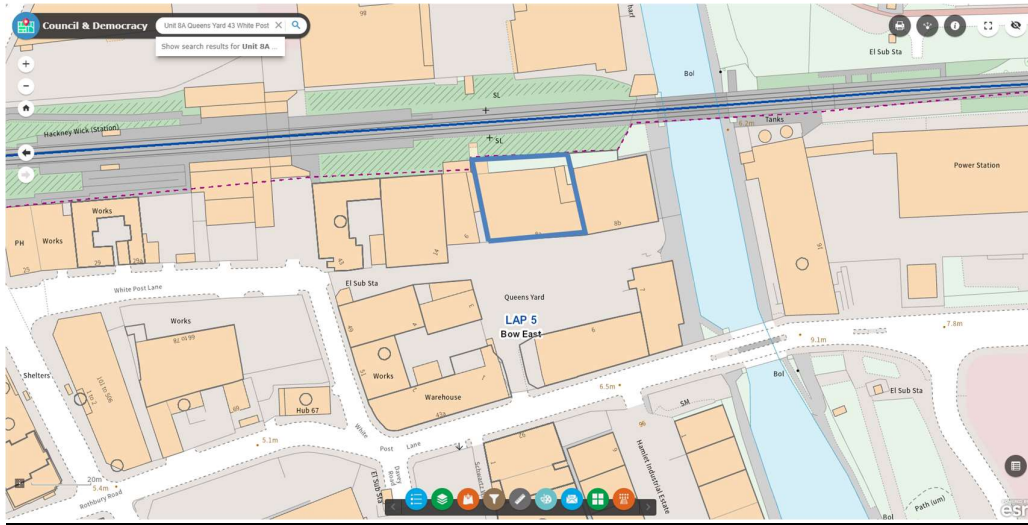
The opening hours of the premises	<ul style="list-style-type: none"> <li>• Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <u>Live Music &amp; Recorded Music (indoors &amp; outdoors) – Live music cease 23:00 hours outside)</u> <ul style="list-style-type: none"> <li>• Monday to Thursday 09:00 hours to 23:30 hours</li> <li>• Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>• Sunday 09:00 hours to 00:00 hours (midnight)</li> </ul> <u>Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors</u> <ul style="list-style-type: none"> <li>• Monday to Thursday 09:00 hours to 23:30 hours</li> <li>• Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>• Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><b><u>Non-standard timings:</u></b> For the 20 occasions per year for <u>Live music, recorded Music, late night refreshment</u> until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>
	<ul style="list-style-type: none"> <li>• Monday to Thursday 09:00 to 23:30 hours</li> <li>• Friday &amp; Saturday 09:00 to 04:00 hours (the following day)</li> <li>• Sunday, from 09:00 to 00:00 hours (midnight)</li> </ul> <p><b><u>Non-standard timings:</u></b> For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>

Name, (registered) address of holder of premises licence	Run the Booze Ltd Studio 4 117 Wallace Road London E9 5LN
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	Company Number: 12001934
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Nathanael Williams
State whether access to the premises by children is restricted or prohibited	The venue shall operate an over 18 policy after the hours of 21:00 hours, any events which are subject to non-standard timings are also subject to over 18s checks and Challenge 25 at the door.



# Appendix 3

## Maps – 8a Queens Yard



# Appendix 4

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON WEDNESDAY, 22 FEBRUARY 2023**

**ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)**

**Members In Attendance Virtually:**

Councillor Kamrul Hussain  
Councillor Peter Golds  
Councillor Amin Rahman

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION**

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

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

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

The Premises Licence Holder has agreed to the imposition of all these conditions, but the decision is ultimately for the Sub-Committee. Having heard from the parties the Sub-Committee is satisfied that these conditions are necessary as an interim measure. This will allow the premises to re-open and

to do so in a way that will ensure the promotion of the licensing objective of the prevention of crime and disorder.

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

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

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

1) All SIA Staff to be re-trained on searching customers and their bags prior to the venue re-opening for late night events and documentary proof sent to CE Police Licensing. SIA refresher training to be every 6 months and also documented.

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

3) The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.

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

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

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

7) A written egress policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on

queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

The Egress Policy shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

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

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

The meeting ended at 2.57 p.m.

Chair, Councillor Kamrul Hussain  
Licensing Sub Committee



## **DRUGS POLICY**

The premises is to operate a zero tolerance policy towards drugs.

When the premises is running a promoted event where DJ's will be performing, customers as well as artists will be searched for illegal drugs.

This will be a thorough search of customers, including customers bags, jackets, pockets etc. Searching to be done in an area covered by CCTV.

If a guest is found in possession of Drugs/illicit substances and it is believed it is for personal use then the drugs must be seized, the duty manager informed and the drugs must go into a numbered sealable bag. Confiscated drugs must be placed in a safe as soon as practicable. The person is not to be allowed entry to the premises.

The drugs log must then be filled out with the name and SIA number of the person finding and seizing the drugs, date and time of seizure, location of drugs find, description of the drugs , number of drugs and date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs, which Police say is anything over a combination of 4 wraps/pills then the following applies:

- The member of staff, door supervisor or security guard will immediately inform the DPS or other manager on duty.
- The DPS/manager and door supervisor/security guard will ask the individual to step into a quiet area (or if appropriate, a room) and ask the person to turn out their pockets and bags.
- If a personal/bodily search is unavoidable then the Police's assistance will be sought.
- Any drugs found will be confiscated and handed to the DPS or other manager to store and record in accordance with the procedures in this Policy.
- Security guards will (subject to the security guard firm's own policies, procedures, and health & safety requirement) seek to calmly detain suspected drug dealers in the Premises while the Police are contacted.
- However if there is difficulty in this respect with material resistance by the suspected drug dealer and/or if the Police are unable to attend the Premises without delay, to the

extent that the situation in seeking to detain the person becomes unmanageable, the security guards will not use powers of detainment under a citizens' arrest.

- In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the Police have not yet attended the Premises. In such instances the person will be removed from the Premises and a full Incident Report of the incident shall be completed and added to the Premises' Incident Report File.

Drugs are to be sealed in Police bags that will be supplied to the venue.

At the beginning of every month the premises will contact Tower Hamlets Police Licensing and arrange to the licensing officers to come and collect the drugs. A receipt will be signed for at the premises to document that the drugs have been taken by Police.

## **WEAPONS**

When a person is found in possession of a knife or other weapon then the Police are to be called immediately. If safe to do so, and in line with the security company's policies and procedures, the weapon is to be seized and the subject detained.

## **SIGNAGE**

There will be signage in a visible location in the entrance to the premises confirming the following:

- 1) There is to be a zero tolerance to drug use or supply at the premises.
- 2) Drug use and the supply of drugs in the premises is not permitted.
- 3) An enforced search policy identify drugs on customers entering the Premises.
- 4) Persons suspected of being involved in the supply of drugs will be detained, the drugs seized and the Police called.
- 5) No person found with drugs will be allowed onto the premises.
- 6) Entry to the premises may be conditional on searching.
- 7) Any drugs found on customers will be confiscated and given to the Police.

- 8) Any customer refusing a search will be refused entry to the Premises.
- 9) Female customers will be searched by a female door supervisor only.

## **TOILETS**

Toilets are to be checked every 30 minutes during promoted event where DJ's will be performing.

The checks will be to see if there is any drug usage taking place, and will include cubicles and the communal areas.

Any customers acting suspiciously are to be taken to a private area and searched for drugs, if drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

In the toilets all flat surfaces are to be either removed or altered in such a way so as to make it difficult for drugs to be taken on them.

## **SIA PATROLS**

SIA security are required to carry out patrols inside the venue to check on the customers and look for signs of drug use or taking.

Any person found taking drugs are to be taken to a private area and searched for drugs. If drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

Any person who has taken drugs or who looks like they have taken drugs, is to be taken to a private area and searched for drugs with the usual conditions applying. Medical assistance is to be offered and the London Ambulance Service called.

# Appendix 5

## Corinne Holland

---

**From:** Licensing  
**Sent:** 22 February 2023 14:53  
**To:** Corinne Holland  
**Subject:** FW: Expedited Review - Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN REF: M/157480

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Josh Hackner <[REDACTED]>  
**Sent:** 22 February 2023 14:47  
**To:** Licensing <[REDACTED]>  
**Subject:** RE: Expedited Review - Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN REF: M/157480

Hi Corinne,

Thank you for consulting us on this licensing application.

The current use of the premises appears to be unauthorised as the planning consent granted in 2016 (ref 16/00026/FUL) for use of the unit expired 1<sup>st</sup> November 2019. It should also be noted that the approved hours of use for part of the premises as Restaurant and Café for a temporary period of 3 years was restricted by condition 2 - The use hereby permitted under Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall not be carried on outside the hours of 17.00 to 23.00 on Fridays, 12.00 to 23.30 on Saturdays and 12:00 to 23:00 on Sundays.

LLDC PPDT will invite the applicant to make a planning application for the change of use for a further temporary period to regularize the continued current use for what appears to be a night club (sui generis). Should any application be successful it is likely to have the same restrictive hours of operation, due to new consented residential development in the area.

LLDC PPDT has no comments to make about the specific proposed amendment to the licence for the premises, to require further security measures are undertaken, but would request that any licenced hours follow 17.00 to 23.00 on Fridays, 12.00 to 23.30 on Saturdays and 12:00 to 23:00 on Sundays as the previous planning consent.

Kind regards

**Josh Hackner**  
Senior Planning Development Manager  
**Planning Policy & Decisions Team**  
LLDC

M: [REDACTED]

**THE MAXIMUM EMAIL SIZE WE CAN RECEIVE IS 10MB. ANYTHING OVER THIS WILL NOT BE DELIVERED.**

---

**From:** Licensing <[REDACTED]>  
**Sent:** 20 February 2023 18:45  
**To:** Licensing <[REDACTED]>; Trading Standards <[REDACTED]>;

# Appendix 6

# 12. Summary reviews

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

## Application for summary review

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

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

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

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

---

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



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

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

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

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

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

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

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

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

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

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

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

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

decision at this stage.

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

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

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

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

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

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

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

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

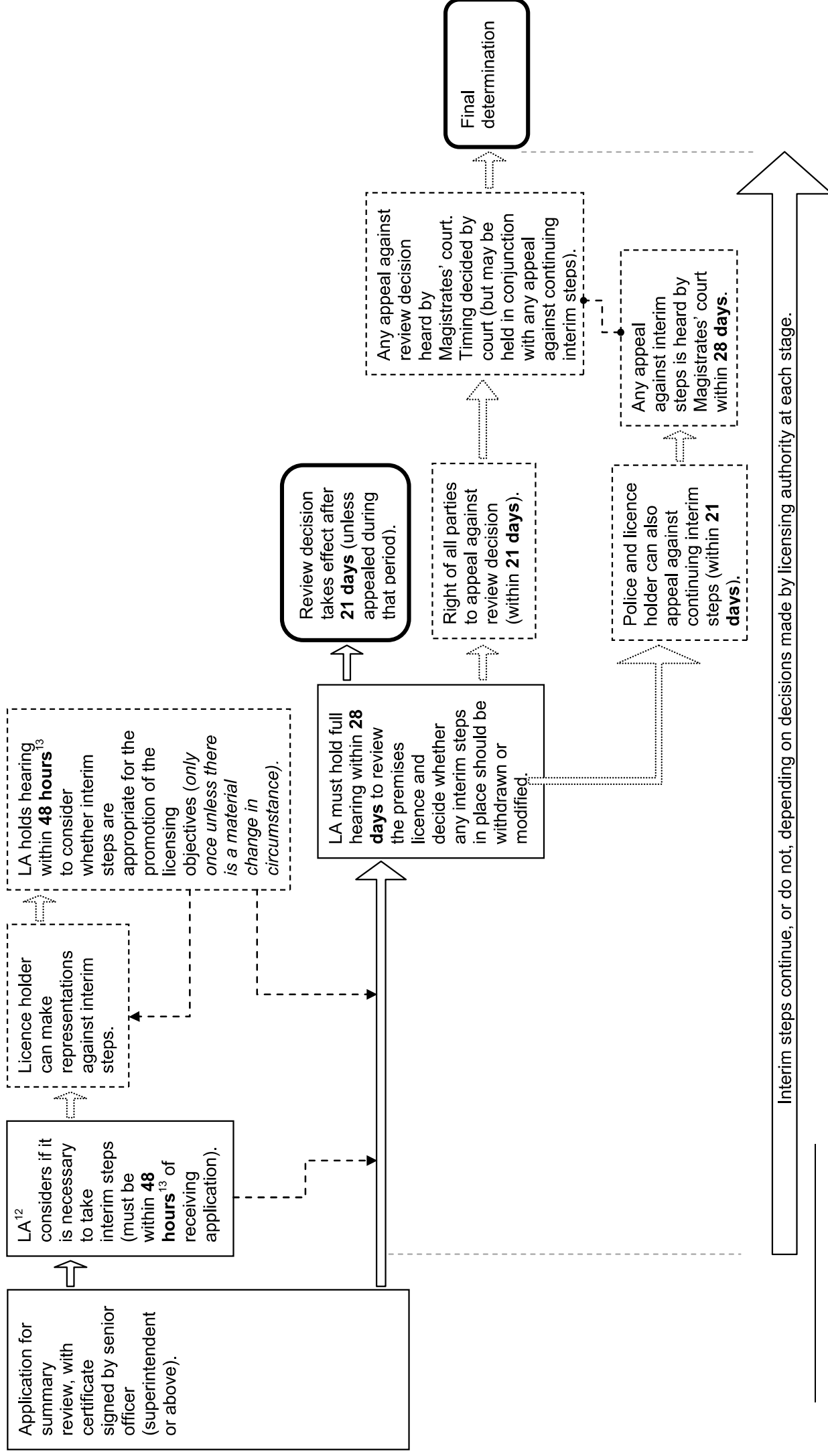
- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who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

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

- 12.35 The following flow diagram summarises the process.



## Summary review flowchart



<sup>12</sup> Licensing authority

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