

<b>For Consideration By</b>	Licensing Sub-Committee
<b>Meeting Date</b>	12 October 2023
<b>Type of Notice</b>	<b>TEMPORARY EVENT NOTICE – COUNTER NOTICE</b>
<b>Address of Premises</b>	The Gun, 235 Well Street, London E9 6RG
<b>Classification</b>	Decision
<b>Ward(s) Affected</b>	Homerton
<b>Director</b>	Rickardo Hyatt

1. **Summary**
  - 1.1. The Environmental Protection have given the Licensing Authority and the premises user notice of objection to Temporary Event Notice for an event to be held on **15/10/2023** from **11:30** finishing on **16/10/2023** at **02:00am** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.
2. **Current Status/History**
  - 2.1. The premises is licensed under the Licensing Act 2003 and the licence document is attached as Appendix C.
3. **TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 15/10/2023 - 16/10/2023**
  - 3.1. A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice is attached as Appendix A.
4. **Objections**
  - 4.1. The Environmental Protection have objected to the TEN on the grounds of the prevention of public nuisance. A copy of the objection is attached as Appendix B.

## 5. **Guidance Considerations**

- 5.1. That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

## 6. **Policy Considerations**

- 6.1 When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user

- 6.2 Consider any other control measures proposed to mitigate the objection

## 7. **Human Rights Act 1998 Implications**

- 7.1. **There are implications for;**

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing; **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

## 8. **Members; Decision Making**

- 8.1. **Option 1**

**That the Licensing Authority decides not to give a counter notice.**

- 8.2. **Option 2**

**That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.**

## 9. **Conclusion**

- 9.1. That Members decide whether or not to issue a counter notice for the event scheduled to take place on **15/10/2023** from **11:30** finishing on **16/10/2023** at **02:00am** at location **above**.

**Appendices:**

Appendix A – Temporary Event Notice

Appendix B – Objection from the Responsible Authority

Appendix C – Current Premises Licence

Appendix D – Location Map

<b>Report Author</b>	Name: Suba Sriramana Title: Principal Licensing Officer Email: Subangini.Sriramana@hackney.gov.uk Tel: 020 8356 4915
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## Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	O'Farrell
Forenames	Tom
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
4. Your place of birth	<input type="text" value=""/>
5. National Insurance Number	<input type="text" value=""/>
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<input type="text" value=""/>	
Post town	<input type="text" value=""/>
Postcode	<input type="text" value=""/>
7. Other contact details	
Telephone numbers	<input type="text" value=""/>
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	<input type="text" value=""/>
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

The Gun 235 Well St	
Post town      London	Postcode      E9 6RG
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
235 Well St E9 6RG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	067240
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Pub	
Please describe the nature of the event below. (Please read note 5)	
Late licence for extending opening hours from 11.30 to 02.00 on October 15 <sup>th</sup> into 16 <sup>th</sup> 2023.	

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3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>	
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
October 15 <sup>th</sup> / 16 <sup>th</sup>		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)		
11.30 – 02.00 on October 15 <sup>th</sup> and 16 <sup>th</sup> 2023.		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	80	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Playing of recorded music (DJ)</p>
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4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes	<input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	[REDACTED]	
Licence number	[REDACTED]	
Date of issue	[REDACTED]	
Any further relevant details	[REDACTED]	


5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.	6	

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No X
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	6.9.23
Name of Person signing	Tom O'Farrell





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**Re: Gun TEN application 15/10/23 - TEN/151023/235WELL**

1 message

**Gurch Patti** <gurch.patti@hackney.gov.uk>

20 September 2023 at 22:11

To: "Licensing (Shared Mailbox)" &lt;licensing@hackney.gov.uk&gt;, [REDACTED]

Cc: Christopher Sibanda &lt;christopher.sibanda@hackney.gov.uk&gt;, HackneyLicensingUnit-GN@met.police.uk, Subangini Sriramana &lt;Subangini.Sriramana@hackney.gov.uk&gt;, Ashraful Haque &lt;ashraful.haque@hackney.gov.uk&gt;, Adeshola Awomolo &lt;adeshola.awomolo@hackney.gov.uk&gt;

**TEN - OBJECTION**

Dear Licensing Team,

Please see comments from the Environmental Protection Team below.

In respect to the temporary event notice scheduled for:

**Start Date : 15-10-2023      End Date : 16-10-2023****Start time: 11:30              End Time: 02:00**The Environmental Protection Team **objects** to the above Temporary Event Notice.**Grounds of Objection****The Prevention of Public Nuisance:**

This premises has a history of complaints from nearby residents alleging disturbances from loud music. A visit was carried out on Sunday 20th August 2023 at 01:18 hours. Loud amplified music was clearly audible on street level. Over 30 people were dancing to the music on the street. A noise abatement notice (Section.80 Environmental Protection Act 1990) instructing the legal owner to abate the noise nuisance was served on Tuesday 22nd August 2023. Environmental Protection (EP) have concerns that regulated entertainment during this event could amount to a further statutory noise nuisance hence undermining the licensing objective (Public Nuisance).

Kind regards,

Gurch

On Fri, 15 Sept 2023 at 09:58, Licensing (Shared Mailbox) &lt;licensing@hackney.gov.uk&gt; wrote:

Attached TEN for your comments.

Kind Regards,

Licensing Service  
London Borough of Hackney  
Tel: 020 8356 2431



This premises licence has been issued by:  
 Licensing Service  
 1 Hillman Street  
 London  
 E8 1DY

Premises licence number 067240

#### Part 1 - Premises Details

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

The Gun  
 235 Well Street

Post town

London

Postcode

E9 6RG

Telephone number

020 8986 9721

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Recorded Music  
 Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Recorded Music:

**Standard Hours:**

Mon 10:00-23:30  
 Tue 10:00-23:30  
 Wed 10:00-23:30  
 Thu 10:00-23:30  
 Fri 10:00-00:30  
 Sat 10:00-00:30  
 Sun 10:00-23:30

**Non-Standard Hours:**

On each public holiday and on each Sunday proceeding a bank holiday up to 01.00 hours.

Supply of Alcohol

**Standard Hours:**

Mon 10:00-23:30  
 Tue 10:00-23:30  
 Wed 10:00-23:30

Web Page

Thu 10:00-23:30  
Fri 10:00-00:30  
Sat 10:00-00:30  
Sun 10:00-23:30

**Non-Standard Hours:**

On each public holiday and on each Sunday proceeding a bank holiday up to 00.30 hours.

**The opening hours of the premises**

**Standard Hours:**

Mon 10:00-00:00  
Tue 10:00-00:00  
Wed 10:00-00:00  
Thu 10:00-00:00  
Fri 10:00-01:00  
Sat 10:00-01:00  
Sun 10:00-00:00

**Non-Standard Hours:**

On each public holiday and on each Sunday proceeding a bank holiday up to 01.00 hours.

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

On Premises

Web Page

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**Part 2**

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

The Gun Well Street Ltd  
259 London Road  
Chippenham  
SN15 3AR

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

08773896

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

Nicholas Patrick Stephens

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

**Date of grant: 14 April 2015**

**Gerry McCarthy**

**Head of Community Safety, Enforcement and Business Regulation**

**Document re-issued : 11/05/2023**

**Annex 1 - Mandatory Conditions  
Supply Of Alcohol (On/Both)**

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (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 a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. 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 sales or supply of alcohol.  
  
5.2 The designated premises supervisor in relation to the premises licences must

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years if 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.

6. The responsible person shall 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:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

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.

### **Minimum Drinks Pricing**

7. 7.1 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.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(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.

7.3 Where the permitted price given by Paragraph 7.2(b) above 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.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above 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.

#### **Door Supervision**

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority

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

9. The licensee shall ensure that noise or vibration shall not emanate from the premises or from any associated external area from any equipment, machinery or live performance such as to cause persons in the neighbourhood to be disturbed.

10. The licensee shall ensure that the sound system shall at all times be routed through a Sound Limiting Device. The Sound Limiting Device shall be kept in a secure, lockable cupboard or similar location. The system is to be completely independent of control by persons other than the Licensee/DPS.

11. The Sound Limiting Device shall be set and calibrated by an Acoustic Consultant. A copy of calibration certificate shall be forwarded to the Community Safety Team prior to the coming into force of the variation being sought.

12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

13. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.

14. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.

15. Signs will be prominently displayed in any smoking areas reminding customers to leave quietly and respect local residents.

16. A 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 driving licence or passport.

17. There shall be a personal licence holder on duty whenever alcohol is being sold.

18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:

- a. All crimes reported
- b. All ejections of patrons
- c. Any complaints received.
- d. Any incidents of disorder.
- e. Seizure of drugs or offensive weapons.



- f. Any faults in the CCTV system or searching equipment or scanning equipment.
- g. Any refusal of the sale of alcohol.
- h. Any visit by a relevant authority or emergency service.

19. The premises will have a written dispersal policy that ensures that all patrons exiting the venue are encouraged to leave the area quickly and quietly.

20. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs, Weapons and Theft policy where appropriate.

21. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. There shall be written records kept which can be produced to a police officer or other authorised officer upon request.

22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

23. No waste or recyclable materials including bottles, shall be moved, removed from or placed in outside areas between 2300 hrs and 0800 hrs on the following day.

24. Patrons will not be allowed to take drinks, glass or open containers outside of the building at any time.

25. After 22:30 hours there shall be a maximum of 6 smokers outside the venue at any one time

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

26. First floor terrace area to be seated only with no standing and a maximum of 20 persons.

27. Alcohol may only be consumed outside whilst seated at tables.

28. The outside areas shall not be used after 22:30 hours except for smokers.

29. SIA registered door supervisors to be employed on a continual operational risk assessment basis. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officers immediately upon request.

**Annex 4 - Plans**

PLAN/067240/160215 (A)

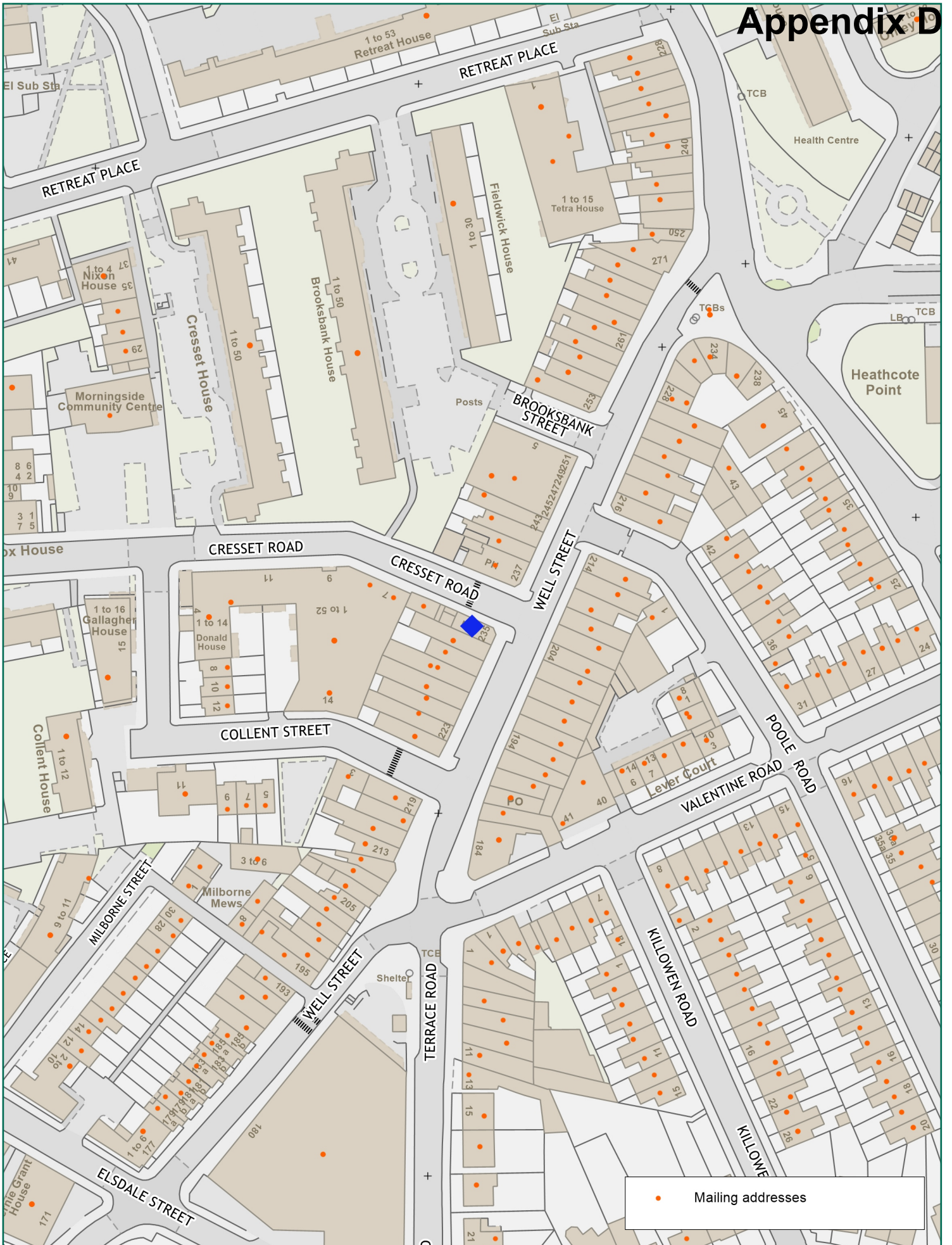
PLAN/067240/160215 (B)

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● Mailing addresses

  
Scale: 1:1250 at A4



**The Gun, 235 Well Street, E9 6RG**

Ref:	Produced by: unspecified	please specify copyright statement
Monday, October 9, 2023	email:	