

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 11 MARCH 2010

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Rupert Eckhardt
Councillor Peter Golds

Other Councillors Present:

None

Officers Present:

Jackie Randall-Peltier – (Acting Licensing Services Manager)
Zakir Hussain – (Solicitor)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Jane Burke - Metropolitan Police
Alan Cruickshank - Metropolitan Police

Objectors In Attendance:

Martin Goldworthy - Mr Pickwicks
Simmone Pizzie - Mr Pickwicks

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. RULES OF PROCEDURE

The rules of procedures were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee held on 9th February and 11th February 2010 were agreed as a correct record of proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application for Full Licence Review (Under Section 53A of the Licensing Act 2003) for Mr Pickwicks, 70 Leman Street, London E1 8EH

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

At the request of the Chair, Jackie Randall, Acting Licensing Services Manager introduced the report which detailed the full license review application for Mr Pickwicks, 70 Leman Street, London E1 8EH.

It was noted that further to the Appeal hearing on 15 December 2009 at the Thames Magistrates Court, the magistrate had made the decision to remit the application back to the Licensing Authority for determination with the consent of all parties.

It was further noted that on the 29th October 2008, the Licensing Sub Committee decided to revoke the premises license, "The Chair added that, since the initial review, in the light of further representations and evidence, the Sub Committee had not considered that on balance there were any alternative measures that could be adopted which would adequately address the serious crime and disorder issues that have been identified and meet the crime and disorder licensing objective.

At the request of the Chair, PC Alan Cruickshank explained that the review application for Mr Pickwicks had been considered by the Licensing Sub Committee previously and referred to his statement on pages 46 and 47 which detailed the events which led to the Section 53 expedited review. It was noted that Metropolitan Police had served licensing review papers on this premises following the conviction of Premises License Holder on two counts of supplying cocaine and permitting the use of her premises for the supply of cocaine. He then referred to DCMS guidance and statements from police officers. He explained that Mr Pickwicks had been operating without a DPS approximately since 18th December 2007. Ms Simone Pizzie, Premises License Holder had constantly stated that she was the DPS however there was no evidence of this at LBTH Licensing Services and currently at present there is no DPS.

Mr Cruickshank explained that on 1st October 2008 he had applied for an expedited review, in relation to a homophobic assault that took place in the pub on 27th September at about 3am. This took precedence over the initial premises review which was submitted on the 22nd September 2008.

As a result, a Licensing Sub Committee was held on the 2nd October 2008. The Metropolitan Police asked the committee to consider a suspension of the license until a full review could be heard. The Premise License Holder and DPS at the time had been convicted of supplying Class A drugs and Ms Pizzie had been convicted of permitting the use of her premises for the supply of cocaine. The decision of the committee was not to revoke the license but to add a number of conditions to the license. On the 29th October, the Licensing Sub Committee decided to revoke the license. The pub had remained open until the appeal at the Thames Magistrates Court.

Mr Cruickshank then explained events that took place on 10th April 2009 at about 04:59 hrs it was reported that a man had been assaulted by the landlord and his staff and knocked down to the floor, the victim was a disabled man on a walking stick. On 1st May at about 04:14 hrs a fight occurred inside the bar, When Ms Pizzie was asked why there were people at the pub at such late hours she had replied that they weren't drinking and that she often found it hard to get people to leave the bar. On 21st August 2009, sometime between 22:30 hrs and 02:00 hrs a victim had their iphone stolen whilst they were in the pub.

On 2nd September 2009 Mr Cruickshank attended Mr Pickwicks with Mr Ian Wareing from Environmental Protection investigating a noise nuisance the previous weekend. Whilst there Mr Cruickshank conducted a drug testing procedure, there was immediate indication that cocaine was used in the male toilet. There was no trace in the female toilet. On the 19th September the toilets were tested and small trace of cocaine was found and on again on 5th November, when tested a small trace of cocaine on the back of the toilet seat was detected.

In conclusion, Mr Cruickshank stated that revocation was the correct decision and Ms Pizzie as Premises License Holder had failed to maintain the licensing objectives and did not have full control of her premise.

At the request of the Chair, Ms Pizzie explained that she had complied with all the conditions imposed at the summary review hearing on 2nd October 2008. She explained that the toilets are now checked every 15 minutes and windows and doors are kept shut but occasionally she found it difficult to keep them shut. She explained that the reduced hours of operation had been affecting her and her staff financially. She alleged that the local businesses had been conspiring against her hence making false allegations regarding Mr Pickwicks. She explained that a Mr Martin Goldsworthy was prepared to be a Personal License Holder for the premises, she stated that she had a good clientele of customers who were professional and well behaved and that she always monitored those who attended the pub. She then referred to her supporting information and explained she had an incident book where she and staff recorded any incidents that take place.

Ms Pizzie explained that she now had a disclaimer about lost property, had CCTV cameras in operation, and had an arrangement with a local cab firm for customers. She explained that the lost/stolen phone which was reported could have been checked via the CCTV camera. She concluded that she wanted to

put the past behind her, having done 250 hours of community service she felt that she had given back to the community.

Martin Goldworthy, customer of Mr Pickwicks expressed his support for Mr Pickwicks and explained that it was a friendly karaoke bar which he regularly visited and briefly explained some of the incidents which had occurred in the premises.

Members asked questions about the number of visits the police had made to the premises, and if there was CCTV footage of the incidents which had occurred recently, Ms Pizzie stated there was CCTV tapes, however, the manager at the time had removed all the tapes and therefore she only had CCTV tapes since 5th November 2009 and nothing prior to that. It was noted that it was an open plan premises with a pillar in the middle of the bar.

Members expressed concerns about the number of occasions the premises had been opened after the hours of operation, Ms Pizzie denied this however this was then supported by a statements from Police Officers. Mr Cruickshank stated that the number of times police had visited Ms Pizzie, they had never been shown the incident book which was included in the supporting information provided by Ms Pizzie and this was the first time he had seen it.

The Chair advised that the Sub Committee would at 7.10pm adjourn to consider the evidence presented. The Members reconvened at 7.25pm, the Chair reported that the Sub Committee had;

RESOLVED

That the review application for the Mr Pickwicks, 70 Leman Street, London E1 8EH be **GRANTED** with the revocation of the license.

Reason for Decision

After hearing representations from the Metropolitan Police and Licensee, Members felt that they could not be satisfied that the Licensee would promote the licensing objective of the prevention of crime and disorder.

Members felt that they heard no reassurances from the Licensee to satisfy them that the appropriate steps would be taken and followed. They had serious concerns about the management of the premises and had evidence that the premises was continuing to trade and breach licensing conditions. Therefore Members were unanimous in that they felt that there was no other option but to revoke the license.

The meeting ended at 7.30 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee