

Meeting of the

LICENSING SUB COMMITTEE

Thursday, 11 March 2010 at 6.30 p.m.

A G E N D A

VENUE

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Carli Harper-Penman	Bethnal Green South
Councillor Rupert Eckhardt	Millwall
Councillor Peter Golds	Blackwall & Cubitt Town

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 11 March 2010

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	15 - 30	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 9 th February 2010 and 11 th February 2010.		
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	31 - 88	Whitechapel

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

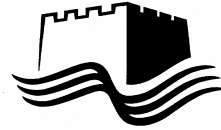
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

TOWER HAMLETS



LICENSING COMMITTEE

**RULES OF PROCEDURE
GOVERNING APPLICATIONS FOR
PREMISES LICENCES
AND OTHER PERMISSIONS
UNDER THE LICENSING ACT 2003**

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority

- transfer of a premises licence
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

Note: Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

4. Procedure at the Hearing

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

- a) their application, representation or notice; and
- b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit the person to return; or
- allow them to return only on such conditions as the authority may specify.

4.5 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

grant of personal licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 31(3)(a) (determination of application for a provisional statement).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 48(3)(a) (cancellation of interim authority notice following police objection).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 88(2) (determination of application for review of club premises certificate).	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 105(2)(a) (counter notice following police objection to temporary event notice)	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).				

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.05 P.M. ON TUESDAY, 9 FEBRUARY 2010

**COMMITTEE ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)

Councillor Rajib Ahmed
Councillor Rachael Saunders

Other Councillors Present:

Councillor Marc Francis
Councillor Alex Heslop

Officers Present:

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

Applicants In Attendance:

PC Alan Cruickshank	- Metropolitan Police
PC Andy Jackson	- Metropolitan Police
Ian Mosely	- Trading Standards
Mahbub Alom	- (Royal Duke Superstore)
Abdul Hussain	- (Royal Duke Superstore)
Elaine King	- (Royal Duke Superstore)
Dawn Bever	- (Royal Duke Superstore)

Objectors In Attendance:

Robert Benzynie	- (Old Ford Mini Market)
Ibrahim Ozan	- (Old Ford Mini Market)
Hasan Ozan	- (Old Ford Mini Market)
Stephen Whale	- (Royal Duke Superstore)
Rashmi Patel	- (Royal Duke Superstore)
Zane Malik	- (Royal Duke Superstore)
Harry Bentley	- (Lovers Wines & Sprits)
Kalendar Onay	- (Lovers Wines & Sprits)
Kayar Ali	- (Lovers Wines & Sprits)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Peter Golds declared a personal interest in agenda item 5.2, Application to review the premises license for Royal Duke Superstore, 474 Commercial Road, London E1 on the basis that over the past two years he has raised and handled numerous enquires from residents in his capacity as a Councillor. He referred those in attendance to page 202 of the agenda where there was a copy of an email request from residents, dated January 2008, to raise a members' enquiry regarding anti-social behaviour on the Pitsea Estate. This was done by passing the matters raised to an officer in Members Services.

Cllr Golds stated that by simply raising an enquiry from residents some two years ago would not impair his judgement in any way in considering this application on its merits.

Councillor Alex Heslop, from the Public Gallery declared a personal interest in agenda item 5.1, Application to Review the Premises License for Old Ford Mini Market, 389 Old Ford Road, London E3 2LU on the basis that he was a Ward Councillor and was a freeholder of the property on 385 Old Ford Road, which was a few doors away from the premises.

3. RULES OF PROCEDURE

The rules of procedures were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee held on 14th January 2010 were agreed as a correct record of proceedings.

5. ITEMS FOR CONSIDERATION**5.1 Application to Review the Premises Licence for Old Ford Mini Market, 389 Old Ford Road, London, E3 2LU (LSC 048/910)**

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, Kathy Butler, Acting Principal Licensing Officer introduced the report which detailed the review application for the Old Ford Mini Market, 389 Old Ford Road, London E3 2LU. It was noted that the review had been triggered by the Metropolitan Police Authority.

At the request of the Chair PC Andy Jackson, Metropolitan Police addressed the committee and explained that under the Licensing Act Her Majesty's Revenues & Customs (HMRC) carried out an operation in which the Police and Trading Standards were involved in where 14 premises were raided and out of the 14, 8 were found in possession of counterfeit goods therefore reviews have been triggered.

He then referred to his statement on page 38 of the agenda which explained the incident which had led to the review when officers from HMRC attended the premises and seized 103.5 litres of smuggled wine and 48.5 litres of smuggled spirits.

Mr Ian Mosely, Trading Standards Officer informed Members that on 6th December 2005 a penalty charge notice was issued to a Mr Hasan Ozan in relation to the sale of alcohol to an underage test purchase volunteer. On 16th October 2008 a quantity of non-duty paid tobacco was found on the premises. Mr Ibrahim Ozan Junior, the premises owner accepted a simple caution under the provisions of the Consumer Protection Act 1987. On 26th May 2009 an underage test purchase attempt for tobacco was refused. On 24th August 2009 an underage test purchase attempt for alcohol was refused. And on 5th December 2009 alcohol was sold to an adult test purchaser outside the permitted hours of the licence. This was evidenced by the statement tabled at the meeting.

Mr Jackson then referred to page 40 of the agenda, the HMRC Officer's report which gave a detailed breakdown of the alcohol that had been seized as it was apparent that duty had not been paid as there were no supporting invoices and in total it was calculated that the total amount of evaded tax duty and VAT was of the sum of £754.80.

Mr Jackson referred to guidance from DCMS on the seriousness of the sale of smuggled tobacco and alcohol. Mr Jackson also questioned the authenticity of the supporting petition submitted on behalf of the Premises License Holder and highlighted that some addresses had been duplicated and were mainly of business premises rather than residential properties. He also mentioned that the letters of support were in relation to purchases of groceries and not alcohol and therefore the store could still operate without the sale of alcohol. Mr Jackson concluded by asking for revocation of the license.

At the request of the Chair Mr Robert Benzynie, Counsel for the Premises License Holder, Mr Ibrahim Ozan Junior, stated that the petition was made up of people and addresses of those who visited the shop on a regular basis which did include local residents and therefore these are to be accepted as there was a large number of names who have provided their support. Mr Benzynie read through a tabled document, a statement from Mr Ibrahim Ozan Senior who was the father of Ibrahim and Hasan Ozan which provided mitigating circumstances for the purchase of the counterfeit alcohol. It was noted that for a short period in November Mr Ozan Senior was helping out in the shop when both his sons were either recovering from an operation or ill. Whilst at the shop he was approached by a salesman selling alcoholic

products, who also said that he had competitive prices and had sold the same products to other local shops in the area. He explained that he would not have been able to buy stock from the cash and carry as he was on his own so he had purchased items which he thought were needed. He had been given a receipt which he had placed in the receipt book. He also explained that when his sons returned to the shop they had asked about the purchase and he had said that he had placed the receipt in the receipt book.

He then explained that after a few days the HMRC officer visited the premises, he had tried to locate the receipt but could not find it. He had thought the purchase had been correct as the man who had sold them appeared genuine and couldn't see anything wrong with the purchase as the bottle didn't look any different. He concluded that he was distressed with the problems he had caused his sons. Mr Benzynie explained that the purchase was accepted by the Premises License Holder however this had been purchased by the father and not him and therefore revocation was an extreme measure.

Mr Benzynie gave a brief background history of the premises, it's owners and their style of operation. It was noted that since 2005 the shop had been running very successfully. He then addressed the statement from the Trading Standards Officer, indicating that after the first incident of underage sale of alcohol, Mr Hasan Ozan transferred the license to Mr Ibrahim Ozan Junior. The second incident, the cigarettes had not been for sale but for personal use as only one carton of 200 cigarettes were found. He then highlighted the other two incidents when purchases had been correctly refused.

Mr Benzynie concluded by asking Members to take into account the mitigating circumstances for the purchase of the counterfeit alcohol and it was noted that a further visit was done by HMRC after a week of the raid and there was no report of any repeated incidents.

Cllr Alex Heslop then addressed the Committee in support of the Premises License Holder he stated that he didn't dispute the findings or condoned the happenings however highlighted the impact it would have on local residents if revocation was granted. It was noted that the area was primarily a residential area which needed to be taken into account and gave examples of the reassurances the premises supplies to local residents and asked for the mitigating circumstances to be taken into account.

Cllr Marc Francis explained that the shop was well managed, which was apparent by the number of supporter for the premises, he stated that he had been in the shop and had seen the brothers (Hasan & Ibrahim Ozan) to be well regarded by their customers, and was more of a community facility. Cllr Francis stressed that the Premises License Holders had clearly learnt their lesson and if the license for sale of alcohol was to be revoked they would not be able to survive. Also this would mean that local people would have to walk to Roman Road for their groceries and residents would feel unsafe going there as there have been a lot of anti-social behaviour in the area with a recent murder and stabbing etc.

In response to questions from members Mr Ozan confirmed that they had CCTV cameras in operation which were kept for a week but they were currently considering keeping the tapes for 31 days.

In response to questions, Mr Jackson explained the visible differences between original products and counterfeit products. It was noted that the cigarettes had been purchased at the market for personal use and just the one time. It was noted that Mr Ozan Senior was helping in the shop for a week. It was noted that the alcohol did not look dubious and therefore not questioned. The receipt was kept in the receipt book which was taken to the accountants and was then missing. Members also questioned how the alcohol was paid for and where they normally buy their stock.

Concluding remarks were sought from both parties, who gave a brief summary of their previous submissions.

The Chair advised that the Sub Committee would at 3.10pm adjourn to consider the evidence presented. The Members reconvened at 3.20pm, to ask further questions of the Premises License Holder.

In response to a question Mr Hasan Ozan stated that banking was done every 1-2 days and that minimum cash each day would be £800 and maximum £1000 and including card payments, oyster, mobile top ups etc would be a maximum taking of £2500 per day.

The Chair advised that the Sub Committee would at 3.22pm adjourn to consider the evidence presented. The Members reconvened at 3.28pm, the Chair reported that the Sub Committee had;

RESOLVED

That the review application for the premises license for Old Ford Mini Market, 389 Old Ford Road, London E3 2LU be **GRANTED** with the revocation of the license for the sale of alcohol.

Reason for Decision

After hearing representations from the Metropolitan Police, Trading Standards and subsequently hearing submissions from the Licensee and Local Ward Councillors, Members felt that they could not be satisfied that the Licensee would promote the licensing objectives of crime and disorder.

Members felt that they heard no specific reassurances from the Licensee to satisfy them that appropriate steps would be taken and followed. Members were very concerned at the licensee's admission that despite a large quantity of alcohol having been bought in the absence of the two people that run the shop, the licensee did not look at the purchases properly nor make enquiries even though the new stock was clearly visible around the shop.

Therefore Members felt that there was no other option but to revoke the sale of alcohol license.

In reaching their decision, Members also took into consideration that previously a penalty charge notice had been issued and the licensee had accepted a simple caution in relation to non-duty paid tobacco and also that recently alcohol had been sold beyond the terminal hours under the licence which is a breach of licensing conditions.

5.2 Application to Review the Premises Licence for Royal Duke Superstore, 474 Commercial Road, London E1 (LSC 049/910)

At the request of the Chair, Kathy Butler, Acting Principal Licensing Officer introduced the report which detailed the review application for the Royal Duke Superstore, 474 Commercial Road, London E1. It was noted that the review had been triggered by the Metropolitan Police Authority and supported by the Local Tenants Resident Association and local residents.

At the request of the Chair PC Alan Cruickshank, Metropolitan Police explained the incidents that had led to the review, he explained that as part of a multi-agency approach with HMRC and Trading Standards a search was taken place on the premises and smuggled goods were found on the shelves and in the basement stock room which were seized. Mr Cruickshank referred to the statement by Matthew Clark an HMRC Officer and it was noted that one hundred and fifty bottles of non UK duty paid wine were seized and the total amount of duty evaded was £269.33.

Mr Ian Mosely, Trading Standards Officer referred to his statement on page 94 of the agenda and explained the incidents that had occurred he mentioned that on 4th November 2009, a member of staff sold a can of fosters lager to a volunteer aged under eighteen and as a result the member of staff was issued with a penalty notice of £80. On 20th August 2009 and 15th September 2009 underage tests purchases for tobacco and alcohol was correctly refused. During the joint visit on 17th November 2009 with the Police and HMRC, no problems relating to Trading Standards were raised.

It was noted that as a result of the joint operation this was one of four off licenses in Tower Hamlets which was being currently reviewed over the offence of smuggled goods. Mr Cruickshank referred to the DCMS guidance which stated that the selling of smuggled goods is deemed a serious criminal offence and therefore asked the Sub-Committee for revocation of the license.

The Chair then invited residents who wished to address the Committee, Mahbub Alom, Dawn Beaver, Abdul Hussain and Elaine King were among the residents who spoke in support of the review application, each addressing similar concerns in relation to crime and disorder, public nuisance, noise nuisance, and anti-social behaviour, and mainly the increase in anti-social behaviour due to premises having a alcohol license. Residents urged members to take their views into consideration when making the decision and revoke the licence.

At the request of the Chair, Mr Stephen Whale, Counsel presented on behalf of the Premises License Holder, Ms Rashmi Patel. He explained that the evidence submitted on behalf of the residents were wide materials dating back to years old and that there concerns were wider than what is being considered in terms of crime and disorder for which the review had been triggered for and not for public nuisance. He stated that the Premises License Holder accepted the purchase and accepted the mistake made and apologised for the mistake as this was due to naivety on her part however there was no dishonesty and no intention to evade tax duty.

He explained that this was one error on an unblemished record, a one off incident and that the case should be dealt on its own merits. Mr Whale explained that the shop employed a Security Guard, had CCTV cameras inside and outside the shop which are kept for 31 days. Additional conditions were offered by the Premises License Holder such as meeting with the residents on a regular basis, employing an extra Security Guard for all hours of operation, further staff training on sale of alcohol and possibly the change of Designated Premises Supervisor.

Members asked questions about parking, and where alcohol is usually purchased from.

Concluding remarks were sought from both parties, who gave a brief summary of their previous submissions.

The Chair advised that the Sub Committee would at 4.16pm adjourn to consider the evidence presented. The Members reconvened at 4.35pm, the Chair reported that the Sub Committee had;

RESOLVED

That the review application for the premises license for the Royal Duke Superstore, 474 Commercial Road, London E1 be **GRANTED** with the revocation of the license for the sale of alcohol.

Reason for Decision

After hearing representations from the Metropolitan Police, Trading Standards, local residents and subsequently hearing submissions from the Licensee, Members felt that they could not be satisfied that the licensing objectives of crime and disorder and public nuisance would be upheld and promoted.

Members noted that issues of concern in relation to these premises were not solely due to the non-duty paid alcohol found on sale in the premises but also the crime and disorder being caused to residents from customers of the premises. Members did not feel that the licensee had proposed potential steps that could be taken to resolve issues and did not feel that they had been provided with an explanation as to why non-duty paid alcohol was purchased to sell.

Members accepted that residents had been subjected to serious anti-social behaviour and disorder and although they did consider the imposition of conditions to alleviate the strong concerns of the local residents, due to the beaches of licensing and other legislation, were not confident that conditions would resolve the issues.

5.3 Application to Review the Premises Licence for Bar 54, 54 Commercial Street, London E1 6LT (LSC 050/910)

This item was **adjourned** at the request of the Applicant

5.4 Application to Review the Premises Licence for Lovers Wine, 69 Ben Jonson Road, London E1 6LT (LSC 051/910)

At the request of the Chair, Kathy Butler, Acting Principal Licensing Officer introduced the report which detailed the review application for the Lovers Wines and Spirits, 69 Ben Jonson Road London E1 4SA . It was noted that the review had been triggered by the Metropolitan Police Authority.

At the request of the Chair Mr Alan Cruickshank explained that again a joint operation was conducted, taking part in a multi-agency approach with HMRC and Trading Standards. A search was conducted in the shop and smuggled goods were found in both the stock room and on top of a storage unit in the shop, they were then seized by HMRC. It was noted that thirty non UK duty paid cases of wine were seized and the total amount of duty evaded was £2055.71. This was supported by statement from an HMRC Officer.

Mr Ian Mosely, Trading Standards Officer referred to his statement on page 418 of the agenda and explained that on 19th August 2008 an adult test purchaser was able to buy non-duty paid cigarettes at the premises. A further visit to the premises found a quantity of non-duty paid tobacco products in a vehicle owned by a member of staff, however it was not proved that the items were intended for sale in the premises.

On 8th April and June 30th 2009 underage test purchasers were able to buy alcohol at those premises and a proposal to review the license was initially considered however on 6th July 2009 the license was transferred to a Mr Kalendar Onay with Mr Pinar the Leaseholder remaining as the Designated Premises Supervisor and the review process was then halted because of the change of control. A further attempt to make an underage test purchase was made on the 28th October 2009 and was correctly refused.

Mr Cruickshank concluded that a sword was also found in the shop which was denied of any criminal use and was for ceremonial use only and the owners had willingly agreed to have the sword destroyed. It was noted that the sword was behind the counter and the shop staff had easy access to it and this was of some concern to the police. He then referred to the DCMS guidance and suggested the revocation of the license.

Mr Harry Bentley, Counsel for the Premises License Holder, Mr Kalender Onay, read through a statement from the licensee, which gave a background of Mr Onay's previous experience, the reasons for the transfer of the license, how these goods had been purchased and the effects of this. He explained that the sword had been seen before by Officers but had not been raised as a concern but when this was mentioned it was destroyed. It was further noted that the licensee had received a text message from Times Cash & Carry about special offers on wines, spirits etc and therefore had sent Mr Pinar to make the purchase, Mr Pinar had left the receipt in the receipt book and when HMRC arrived the receipt was shown to officers however this had different wines listed on the receipt. He explained that a job advert had been placed for a new member of staff and once recruited, Mr Pinar would be dismissed.

Mr Bentley acknowledged there had been a problem with non duty paid cigarettes however the underage sale of alcohol had taken place before the current licensee. It was noted that Mr Onay became the Premise License Holder in July 2009 and the next test purchase was correctly refused when under Mr Onay's supervision. It was further noted Mr Onay was the Premise License Holder and DPS of his other premises, which had had no problems or complaints.

Mr Bentley explained that Mr Pinar's involvement in premises has caused complications and Mr Onay was mindful of that. He explained that there had been an immediate improvement when Mr Onay became in control. Mr Bentley concluded by suggesting some alternative conditions for members to consider such as immediate change of DPS, staff to undergo training etc. It was noted that this was Mr Onay's first offence, and a petition for support was also available if members wanted to view this.

Members asked questions about when the job advertisement was placed and where the counterfeit goods were brought from. It was further noted that Mr Pinar was the Leaseholder of the premises.

In accordance with the Council's Constitution, at 5.05pm the Chair extended the meeting by a further 30 minutes.

Concluding remarks were sought from both parties, who gave a brief summary of their previous submissions.

The Chair advised that the Sub Committee would at 5.08pm adjourn to consider the evidence presented. The Members reconvened at 5.20pm, the Chair reported that the Sub Committee had;

RESOLVED

That the review application for the premises license for Lovers Wine, 69 Ben Jonson Road, London E1 4SA be **GRANTED** with the revocation of the license for the sale of alcohol.

Reason for Decision

After hearing representations from both parties, Members reached the decision to GRANT the application and grant the revocation of the licence for sale of alcohol. Members noted the guidance that they were referred to by the Licensee's Counsel and also the guidance that they had been referred to by Metropolitan Police in particular the guidance issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003.

Members felt that serious issues existed in the management of the business which had led to non-duty paid alcohol being made available for purchase at the premises. Members were also surprised that the licensee did not advise the police that he had bought the alcohol from a cash and carry at the time the alcohol was discovered as the police confirmed that this was the first time that they had been advised of this.

Although the licensee's counsel did propose steps which may have alleviated concerns, he could not provide a complete assurance that the steps would be accepted by all parties and adhered to. Having evaluated the overall situation, members could not be satisfied that that existing problems would not continue and felt that there was no other option but to revoke the sale of alcohol license.

The meeting ended at 5.35 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

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

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Rupert Eckhardt
Councillor Rachael Saunders

Other Councillors Present:

Councillor Joshua Peck

Officers Present:

Mohshin Ali	- (Acting Senior Licensing Officer)
Zakir Hussain	- (Solicitor)
Paul Johnson	- (Environmental Health Officer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Clare Eames	- All Star Lanes
Mark Von Westenholz	- All Star Lanes
Graham Hall	- All Star Lanes
Sharif Ansar	- All Star Lanes

Objectors In Attendance:

David Hornbrook	- Balman's Kebab House
Alex Josephy	- Balman's Kebab House
Heather Dyer	- Balman's Kebab House
Simon Reynolds	- Balman's Kebab House

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. ITEMS FOR CONSIDERATION

4.1 Application for a Variation of the Premises Licence for Balman's Kebab House, 401 Roman Road, London E3 5QS (LSC 052/910)

At the request of the Chair, Mohshin Ali, Acting Senior Licensing Officer introduced the report which detailed the variation application for Balman's Kebab House, 401 Roman Road, London E3 5QS. It was noted that objections had been received from local residents.

It was noted that the applicant was not present at the meeting, therefore in the applicants absence the Sub Committee noted and considered the application for variation of the premises licence.

At the request of the Chair, Councillor Joshua Peck spoke on behalf of the residents of Ellesmere Road. He stated that residents objected to the extension of the hours for the provision of late night refreshments due to the cumulative impact it would have on the residents. He explained that residential houses were in very close proximity to the premises, and residents are often unable to sleep due to the anti-social behaviour, noise nuisance and public disorder he explained that residents often find customers sitting on their door steps, urinating, vomiting and throwing litter on the streets.

Councillor Peck explained that Balman's Kebab House together with the 24 hour licensed Mini Supermarket attracted late night clubbers and disorderly drunken people to the area creating a night time economy providing food and alcohol in a residential area.

A letter from the Metropolitan Police was tabled by Councillor Peck, addressed to the Premises License Holder of Balman's Kebab House stating there concerns and their intent to make an objection to the application for variation. Councillor Peck concluded that it was inappropriate to extend hours for the provision of late night refreshments as it would increase public nuisance, crime and disorder and anti-social behaviour.

Members asked questions about the types of public nuisance residents witnessed and encountered.

The Chair advised that the Sub Committee would at 6.48pm adjourn to consider the evidence presented. The Members reconvened at 6.59pm, the Chair reported that the Sub Committee had;

Resolved

That the application for a Variation of the Premises License for Balman's Kebab House, 401 Roman Road London E1 5QS be **REFUSED**.

4.2 Application for a New premises licence for Barworks (Brick Lane) Limited, 143 - 147 Brick Lane, London E1 6SB (LSC 053/910)

This item has been adjourned at the request of the Applicant.

4.3 Application for a Variation of the Premises Licence All Star Lanes, 95 Brick Lane, London, E1 6QL (LSC 054/910)

At the request of the Chair, Mohshin Ali, Acting Senior Licensing Officer introduced the report which detailed the variation application for All Star Lanes, 95 Brick Lane London E1 6QL. It was noted that objections had been received by Environmental Health.

At the request of the Chair, Ms Clare Eames, Counsel for the applicant addressed the committee, she explained that the application was to extend the hours of licensable activities and hours of operation.

She gave a brief background history of All Star Lanes, its nature of business, its style of operation, its clientele and the need for extension of the hours. It was noted that they had two other branches and their branch in Holborn had already been granted extended hours. It was noted that All Star Lanes provided an all encompassing night out which catered for food, drinks and bowling. She explained that it mainly catered for corporate events with high spend, with a steady flow of movement from customers in terms of access and egress.

It was noted that it was a successful business and wished to further its current success. Ms Eames stated that on average visits are usually for 3.5 hours as 90% of the events are pre booked and therefore there is prior knowledge of those attending, however there were also provisions for entrance on the night. The capacity of the dining area was for 180 people and having made a Freedom of Information request it was confirmed that there had been no direct complaints about the premises.

Ms Eames referred to the supplemental agenda which included supporting documents submitted on behalf of the applicant and highlighted the dispersal policy, the signage when exiting, menus, taxi protocol etc. Ms Eames explained that the reception area would always be manned with SIA door

supervisors and no drinks would be allowed outside. It was noted that there was approximately 30 members of staff with 3-4 managers on duty everyday. That the outside area was cleaned regularly and CCTV cameras would be in operation inside and outside the premises. It was further noted that management had a good relationship with the police and that they would be called if needed as managers were also trained to deal with difficult situations. Ms Eames concluded by suggesting conditions such as after 11pm only main door to be used for access and egress and to possibly restrict entry to one hour before the terminal time for all licensable activities.

At the request of the Chair Mr Paul Johnson, Environmental Health Officer explained that the premises was in a noise sensitive location with residential area in close proximity giving rise to high levels of public nuisance. It was noted that there was potential for noise/public nuisance to nearby residential premises primarily from access and egress and customers smoking through operating hours. He then referred to his supporting documents with included emails from numerous residents who had been writing to Environmental Health outlining the problems associated with the number of licensed premises within the area.

Mr Johnson explained that the venue catered for large groups approximately 40 people who would arrive together and leave together and highly likely to create disorder. Egress of these customers at the proposed terminal hour would add to the already congested area and create further public nuisance to the existing residents.

Mr Johnson concluded that if the premises was to open till the hours requested it was more than probable that there would be noise and public nuisance impacting on nearby residential premises and it is likely that noise and public nuisance would be caused from members of the public frequenting the premises up till early morning hours, noise from customers leaving till the proposed hours and those outside smoking throughout the operating hours proposed.

In response to a question, Mr Johnson explained that Planning Enforcement and the Metropolitan Police would have objected to this application however due to administrative error were unable to send in their objections within the consultation period and therefore unable to make a formal objection. Ms Eames referred to her supporting documents which had evidence that all regulatory bodies had been notified of the application including Planning Enforcement and the Metropolitan Police.

Concluding remarks were sought from both parties, who gave a brief summary of their previous submissions.

The Chair advised that the Sub Committee would at 7.30pm adjourn to consider the evidence presented. The Members reconvened at 7.40pm, the Chair reported that the Sub Committee had;

Resolved

That the application for a Variation of the Premises License for All Star Lanes, 95 Brick Lane London E1 6QL be **GRANTED** in part with the following conditions;

Sale of Alcohol

Sunday to Thursday from 10:00 hours to 00:00 hours (midnight)
Friday to Saturday from 10:00 hours to 01:00 hours

Regulated Entertainment

Sunday to Thursday from 10:00 hours to 00:00 hours (midnight)
Friday to Saturday from 10:00 hours to 01:00 hours

Late Night Refreshments

Sunday to Thursday from 10:00 hours to 00:00 hours (midnight)
Friday to Saturday from 10:00 hours to 01:00 hours

Hours Premises is Open to the Public

Sunday to Thursday from 10:00 hours to 00:30 hours
Friday to Saturday from 10:00 hours to 01:30 hours

Additional Conditions

1. No admission 1 hour before the terminal time for all licensable activities.
2. After 11pm only main door to be used for ingress and egress.

The meeting ended at 7.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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Agenda Item 5.1

Committee: Licensing Sub-Committee	Date: 11 March 2010	Classification: Unrestricted	Report No. LSC 057/910	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Commercial Originating Officer: Mohshin Ali Acting Senior Licensing Officer	Title Licensing Act 2003 Application for Full Licence Review (under Section 53A of the Licensing Act 2003) for Mr Pickwicks, 70 Leman Street, London E1 8EH Ward affected: Whitechapel
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1.0 Summary

Licence Holder: **Simmons Pizzie**
Name: **Mr Pickwicks**
Address of Premises: **70 Leman Street, London E1 8EU**

Full Review under Section 53A of the Licensing Act 2005
originally triggered by a Senior Officer of the Metropolitan Police.

The review is supported by: Local Business

2.0 Recommendations

That the Licensing Committee considers the application for review and then adjudicates accordingly

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 Background

3.1 Further to the Appeal hearing on 15th December 2009 at Thames Magistrates Court, the Magistrate made a decision to remit this matter back to the Licensing Authority for determination with the consent of all parties. The matters are therefore put forward for the committee's deliberation and decision. Please see the original Licensing Subcommittee report in **Appendix A**.

3.2 For Member's information on the 29th October 2008, the Licensing subcommittee decided to revoke the premises licence. ***"The Chair added that, since the initial review, in the light of further representations and evidence, the Sub-Committee did not consider that, on balance, there were any alternative measures that could be adopted which would adequately address the serious crime and disorder issues that had been identified and meet the crime and disorder licensing objective"***

4.0 Legal Comments

A legal officer will advise Members at the hearing.

5.0 Financial Comments

There are no financial implications in this report.

6.0 Appendices

Appendix A the original Licensing Subcommittee report

Appendix A

Committee : Licensing Sub-Committee	Date	Classification Unrestricted	Report No.	Agenda Item No.
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Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for Full Licence Review (under Section 53A of the Licensing Act 2003) for Mr Pickwicks, 70 Leman Street, London E1 8EH
Originating Officer: Jackie Randall Principal Licensing Officer	Ward affected Whitechapel

1.0 Summary

Licence Holder: **Simmone Pizzie**
Name: **Mr Pickwicks**
Address of Premises: **70 Leman Street, London E1 8EU**

Full Review under Section 53A of the Licensing Act 2005 originally triggered by a Senior Officer of the Metropolitan Police.

The review is supported by: Local Business

2.0 Recommendations

That the Licensing Committee considers the application for review and then adjudicates accordingly

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Jackie Randall 020 7364 5109

3.0 Background

This is a full review hearing following a summary licence review triggered on 1st October 2008 by a Senior Officer of the Metropolitan Police under Section 53A of the Licensing Act 2003. (The Act was amended by the Violent Crime Reduction Act 2006.)

3.1 The result of the summary hearing was that:

- The current DPS (Mark Fraher) was removed with immediate effect.
- The Sale of alcohol was suspended immediately until new DPS appointed and in place

The transfer of the designated premises supervisor took place on 3rd October 2008

- The hours of the premises licence were varied to Wednesday to Saturday to Sat inclusive - all licensable activities to end at 1am and premises to close at 1.30am.
- SIA registered Door Supervisors are to be employed at the premises from 9pm until close Wednesday through to Saturday.
- Members would expect to see CCTV installed by time of full review.

3.2 The form applying for a summary licence review is contained in **Appendix 1.**

The Certificate under Section 53A of the Act is contained as **Appendix 2.**

The current licence is in **Appendix 3.**

Consultation

4.0 This review went through the normal procedure, that is notification to the responsible authorities and advertisement of the review by way of a poster, but with a truncated response time. A copy of the poster is attached in **Appendix 4.**

4.1 Representations were received from a local business, see **Appendix 5**

5.0 Determinations

5.1 The Licensing Sub-Committee is being asked to review the premises licence, which it must do within 28 days from receipt of the Senior Police Officer's documentation (received on the 1st October 2008).

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) 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.

5.3 Members may, of course conclude that no action is necessary.

6.0 **Advice issued by the Department for Culture, Media and Sport**

The DCMS has issued advice to licensing authorities about Section 53 A of the Licensing Act 2003. The relevant Sections, along with a flow chart are in **Appendix 6**.

7.0 **Legal Comments**

A legal officer will advise Members at the hearing.

8.0 **Financial Comments**

There are no financial implications in this report.

9.0 **Appendices**

Appendix 1 The form applying for a summary licence review

Appendix 2 The Certificate under Section 53A of the Act

Appendix 3 The current licence

Appendix 4 Copy of Public Notice

Appendix 5 Local Business Representation

Appendix 6 **DCMS** Guidance on Reviews

Appendix 1

Metropolitan Police Service
 Tower Hamlets OCU
 12a Victoria Park Square
 Bethnal Green,
 E2 9NZ

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

Premises²:
 Mr Pickwicks
 70 Leman Street
 London
 E1 8EU

Premises licence number (if known): 12124

Name of premises supervisor (if known): No listed DPS

I am a Superintendent Bending
 police force.

³ in the Metropolitan

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

On Saturday 27th September 2008 at about 0449 police were called to Mr Pickwicks where there was an allegation of a homophobic assault. At about 0300 the victim went to the toilet and on coming out of a cubicle he was set upon by two male suspects.. He was then hit about the head and during this time he heard the suspects say the word "queer". The victim received cuts and bruising to his face. The suspects made off prior to police arrival. The victim was taken to the RLH and was awaiting a CT scan on his head injuries

¹ Delete as applicable.

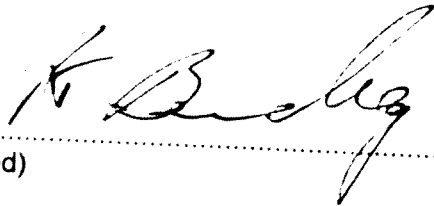
² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ 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.

The Licensing Office at Bethnal Green have already instigated a standard review on this premise, as Ms Pizzie was convicted at Southwark Crown Court for the offences of being concerned in the supply of cocaine and permitting the use of her premises for the supply of cocaine. Pizzie is to be sentenced at Southwark Crown Court on the 13th of October 2008 after the judge had asked for reports on Ms Pizzie.

At present there is no DPS at Mr Pickwicks but Ms Pizzie is the Premise Licence Holder. It is clear that she is failing to maintain the licensing objectives. She has also been found to be intoxicated on a police licensing visit. In light of the recent assault, there is a need for the immediate suspension of the premise licence, pending a full review, as police fear more incidents will occur at this public house.


.....
(Signed)

29th 08
.....
(Date)

Appendix 2

[Insert name and address of relevant licensing authority and its reference number (optional)]

London Borough of Tower Hamlets, Mulberry Place, PO Box 55739, 5 Clove Crescent, London, E14 1BY

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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**.

I Alan Cruickshank [on behalf of] the chief officer of police for the Tower Hamlets Borough of 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 if none or not known, ordnance survey map reference or description:

**Mr Pickwicks
70 Leman St**

Post town: London

Post code (if known): **E1 8EU**

2. Premises licence details:

Name of premises licence holder (if known): **Simmons Pizzie**

Number of premises licence holder (if known): **12124**

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 disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

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

[Please read guidance note 2]

This Section 53 expedited review has been applied for on the grounds that a recent homophobic assault took place in the toilet area of Mr Pickwicks on Saturday 27th September 2008 at about 0300.

On Saturday 27th September 2008 at about 0449 police were called to Mr Pickwicks where there was an allegation of a homophobic assault. At about 0300 the victim went to the toilet and on coming out of a cubicle he was set upon by two male suspects. He was then hit about the head and during this time he heard the suspects say "You fucking queer". The victim received cuts and bruising to his face. The suspects made off prior to police arrival. The victim was taken to the RLH for his injuries. A CT scan was also to be done. As a result, he has several stitches to the rear of his head. The doctor informed him that his cut may have been as a result of a knife, as it was a clean cut.

Police served licensing review papers on this premise on the 22nd of September following the conviction of Ms Pizzie on two counts of supplying cocaine and permitting the use of her premises for the supply of cocaine. As there is no DPS, Ms Pizzie as Premises Licence Holder, has failed to maintain the licensing objectives and does not have the full control of her premise.

The most recent incident is of such a serious nature that to wait for the premises review could result in further serious criminal offences. The police are therefore seeking to curtail any further violence by requesting the suspension of the licence

BACKGROUND

Simmons Pizzie is the current premises licence holder and was also the licence holder at the time of her arrest that has led to this review application. She became premises licence holder on the 18th October 2005. In November 2005, the Metropolitan Police, Clubs and Vice Unit (to be referred to as CO14) began a covert operation at Mr Pickwicks in relation to the supply of drugs, namely Class A drugs (cocaine)

Between October 2005 and June 2007, undercover officers (Test Purchasers / TPOs) purchased cocaine on twenty occasions. During this time they met Ms Pizzie, who was associated with the then drug dealers. She told the TPOs that she was a user of cocaine, customers were users and she was related to a dealer.

On one occasion she arranged for the supply of cocaine to one of the TPOs. On Thursday 10th November 2005, a TPO asked Pizzie where to "get sorted". Pizzie then arranged the supply of cocaine to this TPO. The then current DPS, Mark FRAHER handed over to another male, who handed it to the TPO. These wraps were later analysed and found to be cocaine. More information on this

operation is provided in the statement by DC Andrew Nolan.

On Wednesday 28th November 2007 at 1015 , Pizzie was arrested for allowing the premises controlled by her to be used for the supply of cocaine and also for being concerned in the supply of cocaine .On Tuesday 18th December 2007, Pizzie was charged with being concerned in the supply of cocaine and permitting the supply of cocaine from a premises she controlled.

On Monday 15th September at Southwark Crown Court , Pizzie was found guilty of the above two offences. She was bailed to the 13th October 2008 , in order that the judge can obtain reports on Ms Pizzie. In relation to the above, also convicted of supplying cocaine was the DPS, Mr Mark Fraher, Steven Crump and Jeffrey Hatt.

Further to the above, Mr Pickwicks has been operating without a DPS since at least the 18th of December 2007. Ms Pizzie has constantly stated that she is the DPS. There is no evidence of this at LBTH Licensing and at present there is no DPS.

On the 9th of August I requested a licensing visit to the premises after complaints of noise. At about 0030, Inspector Richard Hendron attended Mr Pickwicks. He met Ms Pizzie, he found her smelling of alcohol and her speech was slurred. She was incoherent and did not make sense. The bar itself was playing very loud music and could be clearly heard across the street. Attached is Mr Hendron's statement.

A further example of Ms Pizzie's failure to promote the licensing objectives occurred on the 8th August 2008. A female victim attended the premise with her friends at around 2300. She continued drinking till about 0600. During this time she alleged she was raped by a male customer, not far from the pub. Although Ms Pizzie cannot be blamed for the alleged rape itself, her blatant ignoring of the licensing law allowed this scenario to develop.

On the 28th August 2008, PC 150HT Allen and myself attended the venue due to complaints of noise. On our arrival at 2230 the windows were wide open and it was extremely noisy, with someone singing karaoke . We asked to see Ms Pizzie but were told she was "up North " . We then asked to see the person in charge. A white male aged about 26 years of age spoke to us. We asked if he had written authority by Ms Pizzie to manage the premise. He said yes and went off to find this letter. We waited for 20 minutes , during which time he never reappeared. We then left the scene.

On 16th September 2008 , I telephoned Ms Pizzie to enquire what she was going to do with the premises and that I was seeking to review her licence. She became abusive and kept repeating that she was innocent of the charges and she was to appeal. I spoke to Mr Richard Smyth , the area manager of Enterprise Inns and informed of the court's decision. On Wednesday 17th September 2008 at about 1100 am he attend Mr Pickwicks to speak to Ms Pizzie and found her smelling of alcohol and belligerent. On Thursday 18th September at about 1413 Ms Pizzie attended the Empress Restaurant, 141 Lemn St. She began to harangue the owner Mr Islam. She began shouting and screaming at him that he had agreed to be her DPS at Mr Pickwicks. He never was going to be the DPS, as he has only a casual acquaintance with her when she visited his restaurant. Police were called, whereby she eventually left the restaurant.

Signature of applicant: *AC Cruickshank*
Date: 30th September 2008
Capacity: Licensing Officer - Tower Hamlets OCU

Contact details for matters concerning this application:

Address: Licensing Unit, Bethnal Green Police Station, 12 Victoria Park Square,
E2 9NZ

Telephone number(s): 02082176699

Email: Alan.Cruickshank@met.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Alan Cruickshank** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: *Alan Cruickshank* Date: **30th September 2008**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named officer and have been a Licensing Officer at Tower Hamlets for approximately six months. I have responsibility for licensed premises on the South West of the borough. This involves the administration of all licensing applications, licensing visits and dealing with any licensing issues following incidents that have occurred at premises on the borough.

Part of my job involves routine licensing visits. Attending a premise, ensuring that it is being managed in accordance with the four licensing objectives. We routinely ask to see the premises licence and speak to the Designated Premises Supervisor.

I became involved with Mr Pickwicks after being informed of a noise complaint that took place there on the 15th August. It was at this time I was informed by colleagues that the premise had been involved in the supply of drugs and that the present Premises Licence Holder, Ms Simone Pizzie had been arrested as part of this operation

On the 20th August 2008 I corresponded by e-mail with DI John Anderson of the Metropolitan Police Clubs and Vice Unit (CO14). We came to an agreement that I would wait to review Mr Pickwicks after Ms Pizzie's prosecution had been concluded at Southwark Crown Ct.

On the 28th August 2008, I conducted a licensing visit to Mr Pickwicks with PC 150HT Allen, after another complaint of noise. We were informed that Ms Pizzie was not there and on asking to see the person in charge we were met by a white male about 26 years of age. We asked if he had written authority from Ms Pizzie. He said yes and went off to look for a letter of authority. The male never returned and we left after another 20 minutes.

On Monday 15th September 2008 , Ms Pizzie was found guilty of allowing the premise controlled by her to be used in the supply of cocaine and also for being concerned in the supply of cocaine

On Tuesday 16th September 2008 I telephoned Ms Pizzie to enquire what she was going to do with the premises and that I was seeking to review her licence. She became abusive and kept repeating her innocence.

On the same day I spoke to a Mr Richard Smyth , the area manager of Enterprise Inns and informed him of the court's decision.

On Wednesday the 17th September after having spoken to Mr Smyth, Ms Pizzie telephoned me to apologise for her previous outburst. However as the conversation went on and I informed her that a review was still going to be necessary , she again became abusive.

On the 22nd of September following the conviction of Ms Pizzie on two counts of supplying cocaine and permitting the use of her premises for the supply of cocaine, I served licensing review papers on this premise .

As there is no DPS , Ms Pizzie as Premises Licence Holder, has failed to maintain the licensing objectives and does not have the full control of her premise.

On 1st October 2008 , I applied for an expedited review on the grounds that a recent homophobic assault took place in the toilet area of Mr Pickwicks on Saturday 27th September 2008 at about 0300.

Signature: *Alan Cruickshank* Signature witnessed by:

On Saturday 27th September 2008 at about 0449 police were called to Mr Pickwicks where there was an allegation of a homophobic assault. At about 0300 the victim went to the toilet and on coming out of a cubicle he was set upon by two male suspects. He was then hit about the head and during this time he heard the suspects say "You fucking queer". The victim received cuts and bruising to his face. The suspects made off prior to police arrival. The victim was taken to the RLH for his injuries. A CT scan was also to be done. As a result, he has several stitches to the rear of his head. The doctor informed him that his cut may have been as a result of a knife, as it was a clean cut.

As there is no DPS, Ms Pizzie as Premises Licence Holder, has failed to maintain the licensing objectives and does not have the full control of her premise.

The most recent incident is of such a serious nature that to wait for the premises review could result in further serious criminal offences. The police are therefore seeking to curtail any further violence by requesting the suspension of the licence but ultimately we seek the revocation of the premises licence at a full hearing.

I have not spoken to Ms Pizzie in person as I believe this would only inflame the situation, as I don't believe she would be receptive to my views as a licensing officer.

M. Allen PC150HT

Signature: *M. Allen PC150HT*

Signature witnessed by: _____

Home address:
.....
Home telephone number Postcode:
Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Height: Ethnicity Code:
Dates of witness non-availability:

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with this form.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name):

Station:

Time and place statement taken:

Signature of witness:

WITNESS STATEMENT


(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Andrew NOLAN** URN:

01	CX		08
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 188850**

This statement (consisting of: **3** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true

Signature:  Date: **26th 2008**

Tick if witness evidence is visually recorded (supply witness details on rear)

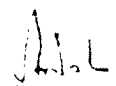
This statement covers the events leading up to the court appearance of Simone PIZZIE the licensee for Mr PICKWICKS licensed premises situated in LEMAN Street LONDON E1. PIZZIE was charged with two counts. Being concerned in the supply of cocaine contrary to Section 4(1) Misuse of Drugs Act 1971 and one count of permitting use of premises for the supply of cocaine contrary to section 8(b) of and Schedule 4 to the Misuse of Drugs Act 1971.

In November 2005 the Metropolitan Police Clubs & Vice Unit mounted Operation Telon a covert investigation. This targeted the supply of Class A drugs at licensed premises in the Leman Street area of the London Borough of Tower Hamlets.

One of the premises identified by intelligence as being a cocaine-dealing venue was MR PICKWICKS PUBLIC HOUSE, 70 Leman Street, London, E1. The premises consist of a small ground floor bar and an upstairs function suite that is not usually open. This function suite is accessed via a separate door on Leman Street, adjacent to the entrance to the public bar.

Between the 27th October 2005 and 15th June 2007 Police Test Purchase Officers (TPO's) purchased Cocaine on 20 occasions within MR PICKWICKS. In addition the officers noted the widespread consumption of cocaine on the premises. The vast majority of these visits were subject to covert audio and video recording. All items purchased were submitted for forensic analysis and found to contain cocaine.

One of the persons encountered by the TPO's within MR PICKWICKS was the defendant Simone PIZZIE. Initially they met her socially as she was associated with persons who had supplied drugs

Signature:  Signature witnessed by:

to the TPO's on earlier visits to the venue. Upon meeting her she made references to using cocaine herself and cocaine usage by other patrons, including those that managed the premises who she stated she was related to. On one occasion PIZZIE arranged for the TPO's to meet a cocaine dealer for the purpose of buying cocaine. The dealer supplied cocaine to the TPO's a short time later.

Records at the London Borough of Tower Hamlets Licensing Department show that on the 18th of October 2005 Simone PIZZIE became the premises licence holder for 'Mr Pickwicks.' This, in effect, put her in charge of running MR PICKWICKS.

A male by the name of Mark FRAHER was the Designated Premises Supervisor for the premises during this time. Mr FRAHER has been charged with two counts of supplying cocaine and allowing premises controlled by him to be used for the supply of cocaine (between November 2005 and the 11th April 2006). Mr FRAHER pleaded guilty to these offences

On Thursday 10th November 2005 Test Purchase Officers AMANDA and JEZ attended Mr PICKWICKS Public House. During the evening AMANDA spoke to Simone PIZZIE, who appeared to be a customer in the premises that AMANDA suspected of earlier using cocaine in the toilets. AMANDA asked her if she knew where to "get sorted" (buy drugs). PIZZIE explained that she did. AMANDA explained that she wanted two grams of cocaine. PIZZIE told her that she knew someone and would ask him

PIZZIE then spoke to a male in the premises known as RICKY before returning to AMANDA and explaining that it would cost £50 per gram. RICKY then spoke to AMANDA and said that he would speak to someone. AMANDA then handed him £100.

RICKY then spoke to another male, Mark FRAHER, before returning to AMANDA and explaining that the drugs would be obtained from upstairs. A short time later FRAHER (a manager at the premises) walked over to RICKY and spoke with him. RICKY then handed two paper wraps to AMANDA.

These wraps were submitted for forensic analysis and found to contain 1.53 grams of white powder, containing 75% cocaine.

Fraher then went on to supply the test purchase officers in the same way using HATT and CRUMP as conduits a further (6) six times. When he felt comfortable with the test purchase officers Fraher supplied them twice more directly.

On Monday 15th September at SOUTHWARK Crown Court a jury found Simone PIZZIE guilty of the above two counts. Judge PRICE presiding over the trial stated he would wait for reports on Simone PIZZIE before sentencing her on 13th October 2009 at the same court.

ABL

Signature *ABL*

Signature witnessed by:

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Richard Hendron**..... URN:

01	ab	10671	06
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 219651**

This statement (consisting of: ... 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

On Saturday the 9th August 2008 I was on duty in full uniform as operator in a fully marked police vehicle. I was the Night Turn duty Inspector for the Borough of Tower Hamlets. I was in the company of Sergeant 8HT Steve Tatler. At about 0030hrs We attended The Mr Pickwicks public house on 70 Leman Street EC1, in order to carry out a licensing visit. On our arrival we found about 40 people inside the premises and another 10 outside. The average age of the customers seemed to be about 30 years old, mostly sober. It was Karaoke night and there was a great deal of noise coming from the premises. It was very loud and could be clearly heard from the other side of the street. As sergeant Tatler and I were looking round the premises I was approached by a female who gave her details as Miss Simone Pizzie. She was about 40 years of age, 5'8 tall and of medium proportionate build. I explained that we were doing a licensing visit and requested to speak to the DPS, to which she replied "I am the DPS". Simone Pizzie smelt strongly of alcohol, her eyes were glazed and her speech was slurred. She was very unsteady on her feet, She Was Drunk she started to get very emotional crying saying that she was only trying to make an honest living and that she won't have any drugs on the premises. She became incoherent and due to the fact that she was drunk and did not make sense. A male friend of hers came over and I requested that he go and get her a glass of water, which he did. I asked Simone Pizzie how much she had to drink to which she replied. "I have only had a couple of Vodkas, you need to in order to get the Karaoke going". I then told her that the music appeared to loud and that it was not appropriate for her to be drunk if she was in charge of the premises. I informed her that I would be reporting what I have found to the licensing unit for there consideration to prosecute. We then left the Scene.

Signature: Signature witnessed by:

20040501 MGT 1111

Home address:
.....
Home telephone number Postcode:
Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable)
Date and place of birth:
Former name: Height: Ethnicity Code:
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name): **Inspector 219651 Inspector RICHARD HENDRON**

Station:

Time and place statement taken:

Signature of witness:

WITNESS STATEMENT

(MCA Act 1967, s.51; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r 70)

Statement of Richard Hendron URN:

01	ab	10671	06
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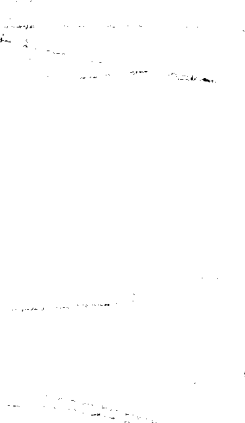
of rank Over 18 (Over 18 or over 18 next year 18) Occupation Police Officer 219651

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief and I declare knowing that it is tendered in evidence. I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false or do not believe to be true.

Signed:  Date 9/08/08

Is a witness evidence is visually recorded (supply witness details on rear)

On the 5th August 2008 I was on duty in full uniform as operator in a fully marked police vehicle. I was the Metropolitan duty inspector for the Borough of Tower Hamlets. I was in the company of Sergeant 8HI Steve ... about 00:30hrs. We attended The Mr Pickwicks public house on 70 Ceman Street EC1, in order to carry out a licensing visit. On our arrival we found about 40 people inside the premises and another 10 outside. The average age of the 20 females seemed to be about 30 years old, mostly sober. It was Karaoke night and there was a great deal of noise coming from the premises. It was very loud and could be clearly heard from the other side of the street. As sergeant Fisher and I were looking round the premises I was approached by a female who gave her details as Miss Simone Pizzie. She was about 40 years of age, 5'3 tall and of medium proportionate build. I explained that we were doing a licensing visit and requested to speak to the DPS, to which she replied "I am the DPS". Simone Pizzie had a strong smell of alcohol, her eyes were glazed and her speech was slurred. She was very unsteady on her feet. She was drunk she started to get very emotional crying saying that she was only trying to make an honest living and that she won't have any drugs on the premises. She became incoherent and due to the fact that she was drunk and did not make sense. A male friend of hers came over and I requested that he go and get her a glass of water, which he did. I asked Simone Pizzie how much she had to drink to which she replied, "one or two and a couple of vodkas, you need to in order to get the Karaoke going". I then told her that the police seemed to be on and that it was not appropriate for her to be drunk if she was in charge of the premises. I advised her that I would be reporting what I have found to the licensing unit for their consideration to prosecute.

Signed:  Signature witnessed by: 
Page 56

Alan Cruickshank

Communities, Localities & Culture

Environmental Health, Environmental Protection
Mulberry Place (AH)
5 Clove Crescent
London E14 1BY

Enquiries Fathema Khatun

Tel 020 7364 5008

Fax 020 7364 6831

Flare Ref 108247

Your Ref

Email : environmentalhealth@towerhamlets.gov.uk

www.towerhamlets.gov.uk

24th September 2008

Dear Mr Cruickshank,

Re: Mr Pickwicks, 70 Leman Street

I am writing to acknowledge your e-mail regarding the above, which was received by this department on 18th September 2008.

Please find below a table that details all the noise complaints this Department has received from the above public house.

Ref No.	Date Recd	Perpetrator Address			Detail
66816	04/08/2006	Mr Pickwick Public House	70 Leman Street	E1 8EU	Loud Music
78653	04/08/2007	Mr Pickwick Public House	70 Leman Street	E1 8EU	Loud Music
90268	31/07/2008	Mr Pickwick Public House	70 Leman Street	E1 8EU	Loud Music
90340	31/07/2008	Mr Pickwick Public House	70 Leman Street	E1 8EU	Loud Music
91018	15/08/2008	Mr Pickwick Public House	70 Leman Street	E1 8EU	Loud Music

If you need to contact this department concerning the same matter, please use the e-mail address above and quote the Flare reference number, which is at the top of this letter.

Kind regards

Fathema Khatun
Senior Admin Officer

Corporate Director
Communities, Localities & Culture
Stephen Halsey

Appendix 3



(Mr Pickwicks)
70 Leman Street
London
E1 8EU

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

John Cruse *J. Cruse*
Team Leader Licensing

Date: 18/10/05

FOR OFFICE USE

Receipt Number

Fee Paid

Fee Req.

Date

Initial

M:\LICENSING\Word97\2003 LicAct certs & lics\Prem Lics\Leman Street 70.doc

17823

183085

1-10

18/10/05

JK



Part A - Format of premises licence

Premises licence number

12124

Part 1 - Premises details

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

70 Leman Street

Post town

London

Post code

E1 8EU

Telephone number

0207 488 3096

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

Sunday, Monday and Tuesday from 09:00 hours to 00:30 hours the following day
Wednesday, Thursday, Friday and Saturday from 09:00 hours to 03:30 hours the following day

The provision of regulated entertainment consisting of:

Recorded Music, Films, Indoor Sporting events, Voice amplification, Karaoke:

Sunday, Monday and Tuesday from 10:00 hours to midnight
Wednesday, Thursday, Friday and Saturday from 10:00 hours to 02:00 hours the following day.

Live music:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 19:00 hours to midnight.

The provision of late night refreshment

Sunday, Monday and Tuesday until midnight
Wednesday, Thursday, Friday and Saturday until 03:00 hours the following day

In addition to the above: 15 special events;

In the event of a recognised event (the event not exceeding 15 annually) which falls outside the current permitted hours on the Premises Licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the event, the details of the event to be notified to the Licensing Authority and the Police at least 10 days beforehand, with the Police giving a prior written consent in each case.

However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day

The opening hours of the premises

Sunday, Monday and Tuesday from 09:00 hours to 01:00 hours the following day
Wednesday, Thursday, Friday and Saturday from 09:00 hours to 04:00 hours the following day

In addition: On a recognised event the hours shall extend to allow 30 minute wind down period after the end of the sale of alcohol.

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

Simmons Pizzie
(Mr Pickwicks)
70 Leman Street
E1 8EU
0207 488 3096

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

N/A

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

Robert Edward Madigan
104 Windermere Avenue
Hullbridge
Essex
SS5 6JT

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:ROC/05/005/86/LAPER
Issuing Authority: Rochford District Council

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

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)

The sale by retail of alcohol

Sunday, Monday and Tuesday from 09:00 hours to 00:30 hours the following day

Wednesday, Thursday, Friday and Saturday from 09:00 hours to 03:30 hours the following day

The provision of regulated entertainment consisting of:

Recorded Music, Films, Indoor Sporting events, Voice amplification, Karaoke:

Sunday, Monday and Tuesday from 10:00 hours to midnight

Wednesday, Thursday, Friday and Saturday from 10:00 hours to 02:00 hours the following day.

Live music:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 19:00 hours to midnight.

The provision of late night refreshment

Sunday, Monday and Tuesday until midnight

Wednesday, Thursday, Friday and Saturday until 03:00 hours the following day

In addition to the above: 15 special events:-

In the event of a recognised event (the event not exceeding 15 annually) which falls outside the current permitted hours on the Premises Licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the event, the details of the event to be notified to the Licensing Authority and the Police at least 10 days beforehand, with the Police giving a prior written consent in each case.

However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day

Annex 2 - Conditions consistent with the operating Schedule

No person under the age of 18 to be present on the premises after 22:00 hours.

Function bookings to be limited to prevent overcrowding.

Volume to be turned down at least one hour before the end of regulated entertainment.

All windows and doors to be closed at midnight.

Signs to be placed on exit doors to instruct customers to leave quietly and respect the neighbours.

The premises will be constructed in accordance with drawing number PL/L.O1 as submitted with the variation application dated 5 March 2007. In the case of any alterations to it, these will be served on the licensing authority and the responsible authorities prior to the premises opening.

Within 28 days completion of the proposed works a full acoustic noise assessment to be undertaken at the premises. A copy of this report is to be submitted to Environmental Health, Environmental Protection for inspection and any remedial works highlighted or further works agreed with this department must then be undertaken to our satisfaction.

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:

04 Aug 2005 and amended the 5 March 2007.

Part B - Premises licence summary

Premises licence number 12124

Premises details

Postal address of premises, or if none, ordnance survey map reference or description 70 Lemn Street	
Post town London	Post code E1 8EU
Telephone number 0207 488 3096	

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
 The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol
 Sunday, Monday and Tuesday from 09:00 hours to 00:30 hours the following day
 Wednesday, Thursday, Friday and Saturday from 09:00 hours to 03:30 hours the following day

The provision of regulated entertainment consisting of:
Recorded Music, Films, Indoor Sporting events, Voice amplification, Karaoke:
 Sunday, Monday and Tuesday from 10:00 hours to midnight
 Wednesday, Thursday, Friday and Saturday from 10:00 hours to 02:00 hours the following day.

Live music:
 Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 19:00 hours to midnight.

The provision of late night refreshment
 Sunday, Monday and Tuesday until midnight

Wednesday, Thursday, Friday and Saturday until 03:00 hours the following day

In addition to the above: 15 special events;
In the event of a recognised event (the event not exceeding 15 annually) which falls outside the current permitted hours on the Premises Licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the event, the details of the event to be notified to the Licensing Authority and the Police at least 10 days beforehand, with the Police giving a prior written consent in each case.

However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day

Sunday, Monday and Tuesday from 09:00 hours to 01:00 hours the following day
Wednesday, Thursday, Friday and Saturday from 09:00 hours to 04:00 hours the following day

In addition: On a recognised event the hours shall extend to allow 30 minute wind down period after the end of the sale of alcohol.

The opening hours of the premises

Name, (registered) address of holder of premises licence

Simmons Pizzie
70 Leaman Street
London
E1 8EU

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)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Robert Edward Madigan

State whether access to the premises by children is restricted or prohibited

No person under the age of 18 to be present on the premises after 22:00 hours.

Appendix 4

**LONDON BOROUGH OF TOWER HAMLETS
LICENSING ACT 2003**

NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Notice is given that an application has been made to the London Borough of Tower Hamlets Licensing Authority for a Review of a Premises Licence under the Licensing Act 2003.

Premises Details	Mr Pickwicks 70 Leman Street London E1 8EU
The Grounds for the Review:	The licensing objectives which have not been met are: The Prevention of Crime & Disorder Public Safety The Prevention of Public Nuisance

Anyone who wishes to make representations regarding this application must give notice in writing to: The Licensing Section, London Borough of Tower Hamlets, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London, E14 1BY.

Representations must be received no later than 21st October 2008

The grounds for the review may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000)

Appendix 5

Fastwise Limited
Maylord House
68 Leman Street
London E1 8EU

13th October 2008

The Licensing Section
London Borough of Tower Hamlets
Mulberry Place
PO Box 55739
5 Clover Crescent
London E14 1BY

Dear Sir/Madam,

REVIEW OF LICENSE FOR MR PICKWICKS, LEMAN STREET, E1 8EU

I refer to the notices which have been posted outside our office regarding the re-license for Mr Pickwicks Public House and I sincerely hope that this is not renewed with the current license holder (s). My reasons for this are as follows:-

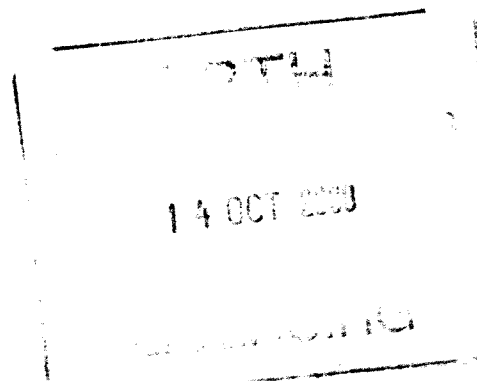
- 1) I own the building which is leased to various companies, who of whom have complained about the noise levels emanating from the public house next door. Often the party will still be going on from the night before and when the staff come in at 8 – 9 am, they are confronted with drunken people including the bar staff and owner partying outside the pub.
- 2) Beer bottles and glasses are often thrown into the basement of my premises which then have to be cleared up by us – the staff from the pub never do this
- 3) Glass is constantly found in the road and clients vehicles are often damaged by this
- 4) Drug paraphernalia is often found outside our office which is particularly disturbing
- 5) The karaoke is still going on at 10am which is very disconcerting when you are in meetings
- 6) customers believing that we are listening to the radio when in fact it is the noise from next door early in the morning
- 7) it is a known fact that sexual activities are carried out there on a regular basis quite openly in the bar
- 8) fights occur on a regular basis and are not prevented by the bar staff

I could go on but won't as it would take up too much time. I have actually complained to the Environmental Health Officers at LBTH who have noted their records and I have also informed the brewery as they are in breach of their licence.

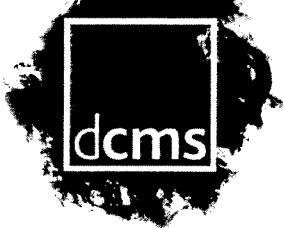
I trust that the above meets with your requirements but if you have any queries, please do not hesitate to contact me.

Yours faithfully,


JAN KNIGHTS FCII



Appendix 6



department for
culture, media
and sport

LICENSING ACT 2003

(as amended by the Violent Crime Reduction Act 2006)

EXPEDITED/SUMMARY LICENCE

REVIEWS GUIDANCE

October 2007

improving
the quality
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

INTRODUCTION

- 1.1 This Guidance explains how to use new provisions in the Licensing Act 2003 (the 2003 Act) which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). These provisions were inserted at section 53A of the 2003 Act by the Violent Crime Reduction Act 2006 and came into force on 1 October 2007. This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the new procedures.
- 1.2 The new powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, nor to those operating under a club premises certificate. The purpose of the new powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. The existing powers, in Part 8 of the 2003 Act, provide for the instant closure of premises by the police in some circumstances, and the review of premises' licences by the licensing authority. The new powers, which are in Part 3, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.3 The new powers will allow:
- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
 - the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.
- 1.4 In summary, the process is:
- a local chief officer of police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
 - on receipt of the application and the certificate the licensing authority must within 48 hours consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days of receipt of the application.
- 1.5 The range of options open to the licensing authority at the interim steps stage are:
- modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and
 - suspension of the licence.
- 1.6 Following the full licence review the Licensing Authority may do any of the above or may revoke the licence.

- 1.7 The purpose of this guidance is to:
- set out the circumstances where the power might be used; and
 - outline the process and the steps at each stage.

1.8 The process is set out in the diagram at Annex A.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 determines who may apply for an expedited review and the circumstances where it might be used.

Application for expedited review

2.2 The chief officer of police for the local area may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** this must be an officer of the rank of superintendent or above.
- **Certificate:** this is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is 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 attached at annex B to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in Section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act (2000). Those tests are: (a) that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years or (b) that the conduct 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:** 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 understood in its ordinary English sense, as is the case under section 12 of the Public Order Act 1986, where it is also used.
- **The Application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under s.53A of the Licensing Act 2003. The application must be made on a form prescribed by Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). Schedule 8A was inserted by the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 (SI 2007/2502), and must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex C of this guidance.

- 2.4 In deciding whether to sign a certificate the senior officer will want to 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;
 - 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 Sections 161 – 165 in Part 8 of the Licensing Act 2003 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?

2.5 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 felt 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.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might wish to make representations to the licensing authority suggesting that they modify the conditions of premises' licence to require searches of customers for offensive weapons upon entry. Under the new power this could be done on an interim basis, pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 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 paras 3.6 and 3.7 below).

2.8 However, as the explanatory notes that accompanied the Violent Crime Reduction Act state: 'These are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises'.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the Licensing Authority must give the premises licence holder and responsible authorities 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. When calculating the 48 hour period any non-working day can be disregarded.¹

¹ 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.

- 3.2 The licensing authority may wish to consult the police about the steps that it thinks 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 authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances).
- 3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions must be taken by the relevant licensing sub-committee, or by the authority acting as a whole (see new section 10(4)(via) of the 2003 Act). 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.
- 3.4 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 (or other licensable activities) 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 altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

- 3.5 If the licensing authority decides to take steps at the interim stage then:
- the decision takes effect immediately, or as soon after then 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 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 is empowered to 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, or not significantly different from the version given by phone.
- 3.6 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.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to a 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. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 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 the representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of receipt. When calculating the 48 hour period any non-working day can be disregarded.

4.2 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 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) are disapplied in order to streamline the hearing process. One result of this is that 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 Hearings regulations, 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 him or her the maximum practicable opportunity to 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.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are necessary for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 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.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) 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.

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

5.3 The licensing authority must:

- advertise the review inviting representations from interested parties² 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 authority's website (see regulation 38(1)(b) of the above Regulations). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and interested parties 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 authority³.

² Interested parties are defined under section 13 (3) of the Licensing Act 2003.

³ Responsible authorities are defined under section 13(4) of the Licensing Act 2003.

5.4 A party shall give to the 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.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). These Regulations apply to final hearings under the new power in a similar way to hearings following closure orders under section 167 of the Licensing Act (it should be emphasised that the truncated version of the Regulations described in paragraph 4.2 above applies to interim hearings only). The issues dealt with by the Regulations include who can make representations and what those representations can be about. It is therefore possible for interested parties or responsible authorities 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.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

5.7 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.

6. Right of Appeal

6.1 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 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 appeal is disposed of. Any interim steps taken will remain in force over these periods.

