

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.

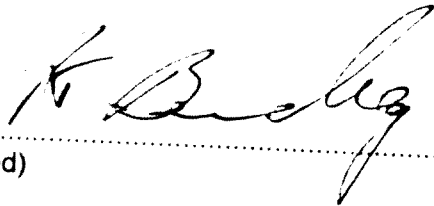
² Include business name and address and any other relevant identifying details.

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)

29⁹ 08
.....
(Date)

Appendix 2

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

[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 Louise Pizzie

Signature: *M Louise Pizzie*

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 leaflet.
- 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)

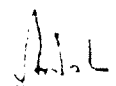
This statement covers the events leading up to the court appearance of Simone PIZZIE the licensee for Mr PICKWICKS licensed premises situated in LEMAN Street LONDON E1. PIZZIE was charged with two counts. Being concerned in the supply of cocaine contrary to Section 4(1) Misuse of Drugs Act 1971 and one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

Handwritten signature/initials

Signature *[Handwritten Signature]*

Signature witnessed by:

Date:

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:

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:

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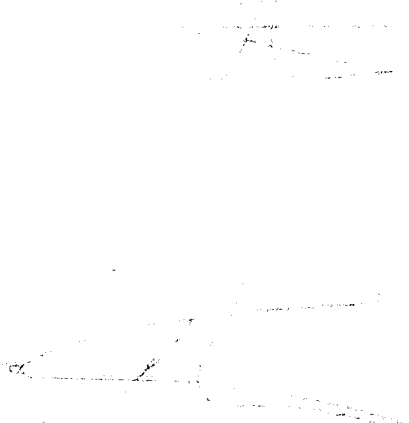
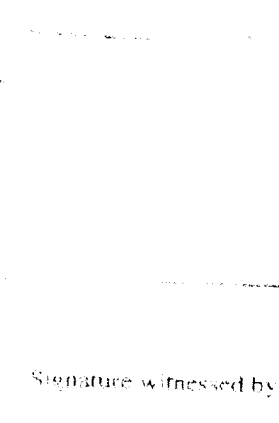
of rank Over 18 (Over 18 or over 18 used here 18) Occupation: Police Officer 219651

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 Saturday the 9th August 2008 I was on duty in full uniform as operator in a fully marked police vehicle. I was on the Metropolitan duty assignment for the Borough of Tower Hamlets. I was in the company of Sergeant 8HI Steve [redacted] 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 [redacted] 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". Miss 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 [redacted] 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 the fact 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: 

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	133085	1-100	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 Leman 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
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The provision of regulated entertainment consisting of:

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

Live music:

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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 Leman 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:-

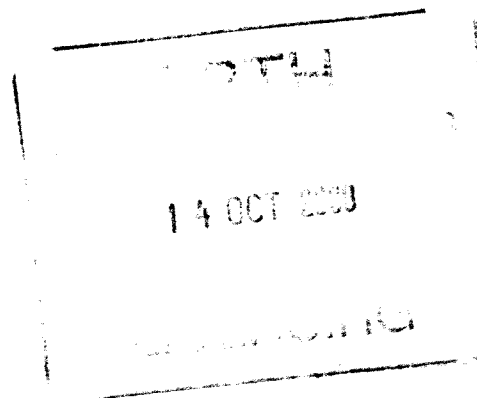
- 1) I own the building which is leased to various companies, who of whom have complained about the noise levels emanating from the public house next door. Often the party will still be going on from the night before and when the staff come in at 8 – 9 am, they are confronted with drunken people including 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.

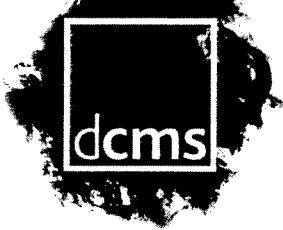
I trust that the above meets with your requirements but if you have any queries, please do not hesitate to contact me.

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.

