



APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

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 this 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.
You may wish to keep a copy of the completed form for your records.

I...Police Constable Paul Whitcomb on behalf of the Commissioner of the Metropolitan Police Service.....

[insert name of applicant] **apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description	
Watkins Folly Bar Empire House Empire Way Wembley	
Post Town: Middlesex	Post Code (if known) HA9 0EW
Name of premises licence holder or club holding club premises certificate (if known)	
Mr. Martin Gaughan	
Number of premises licence or club premises certificate (if known)	
679917	

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ Yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Paul Whitcomb PC 782QK Brent Police Licensing Unit Wembley Police Station 603 Harrow Road Wembley Middlesex HA0 2HH
Telephone number (if any) 02087333206
E-mail address (optional) paul.whitcomb@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|-----------------------------------------|----------|
| 1) The prevention of crime and disorder | X |
| 2) Public safety | X |
| 3) The prevention of public nuisance | X |
| 4) The protection of children from harm | |

Please state the ground(s) for review (please read guidance note 1)

Watkins Folly Bar is failing to promote three of the licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance.

The licence holder is Mr. Martin Gaughan and the designated premises supervisor is Ms. Claudia Muresan.

Since January 2016, Brent police licensing unit has been working closely with the venue in order to address late night, drunken, violent crime and disorder which has either taken place inside or outside of the venue. Police held a meeting with the licence holder, immediately after the first incident (dated January 2016 shown below) and a verbal warning was given. The licence holder stated that he would install an I.D scanner and increase his door supervisors to address issues raised. This has not worked.

Between January and April 2016 there was another violent, drunken late night incident. Police again met the licence holder and the DPS to discuss the incidents. I was concerned to learn during this meeting that Ms. Muresan (the DPS) only works day shifts. She does, however, work some event day and night shifts at the pub. However, I was assured that this would not be an issue moving forward and that Mr. Gaughan as the licence holder works most of the late shifts. An action plan was issued to assist the management in upholding the licensing objectives.

As you can see from the evidence below, two further alleged late night incidents have occurred since the issue of the action plan. The incident from December 2016 apparently involves drunkenness. There were also breaches of the premises licence during the visit I made on Friday 5th January 2017. During my visit, I further noted that the beer garden where the disorder occurred, and can be seen in the CCTV footage of the incident on the 11th December 2016, is not part of the current plan submitted to the licensing authority. I have examined the current plan and it shows what appears to be a service yard where the beer garden is now. Having spoken to Brent council licensing team, they have informed me that NO variation has ever been submitted in relation to the creation of a beer garden or rear smoking area. Therefore the current plan does not represent the premises in its current form and is in breach of the premises licence in relation to Annexe four (Plans).

As you can see from the above measures, police have worked with the venue for twelve months now and taken a proportionate approach in terms of enforcement. Warnings have been given along with an action plan. However, we do not feel that these measures have worked and therefore this review application, being the next step, is wholly necessary in order to fully promote the licensing objectives.

The current premises licence already contains twenty-one (21) conditions. To tackle the issues raised in this application police believe that the following changes are both necessary and proportionate:

1. The current DPS, Ms. Claudia Maursan, is removed and a new DPS appointed in her place.

Reason: *I am not satisfied that Ms. Maursan has sufficient contact with the business in order for her to ensure that the licensing objectives are upheld and issues raised in this review are dealt with in the future. During a meeting with police last year, Ms. Maursan stated that she normally works day shifts and some event days and night shifts. Although the guidance in relation to a DPS does not dictate what shifts or hours they should work, other than having 'day to day' charge of the business', I would suggest that this particular venue, which is a busy late night licensed premises, would require a DPS who can work the later shifts and be fully involved as possible. From my own person dealings of the premise I generally have only ever seen the licence holder and his father, Mr. Tom Gaughan managing the venue, whereas Ms. Maursan has not been present.*

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2. Reduction of permitted hours

Police feel that the committee should seriously consider a reduction of the permitted hours in order to prevent any further late night incidents, particularly those involving drunken violence. The venue is a pub/bar not a nightclub, and police feel that this particular venue could be better controlled with reduced

hours.

Police **suggest** the following hours are applied:

All permitted regulated Entertainment (With the exception of Live Music and the Provision of Entertainment Facilities for Dancing):

Sunday - Thursday 1000 - 23:00

Friday - Saturday 1000 - 00:00

Live Music

Sunday & Thursday ONLY 20:00 - 23:00

Friday & Saturday ONLY 20:00 - 00:00

Provision of Entertainment Facilities for Dancing:

Monday- Thursday 18:00 - 23:00

Friday 18:00 - 00:00

Saturday 12:00 - 00:00

Sunday 12:00 - 23:00

Supply of Alcohol:

Sunday - Thursday 10:00 - 23:00

Friday - Saturday 10:00 - 00:00

Provision of late night refreshment:

Friday - Saturday 23:00 - 00:00

The Opening Hours of the Premises:

Sunday - Thursday 10:00: 23:30

Friday - Saturday 10:00 - 00:30

The above hours allow customers half an hour of drinking up time and for staff to stagger dispersal.

Reason: *Looking at the evidence below, you can see that SEVEN late night incidents have occurred over a twelve month period. These incidents appear to occur after 12.00am on Saturday and Sunday morning's. Customers and police have been assaulted during these incidents and the likelihood is that local residents are disturbed by such incidents. If the committee were only to reduce hours on the weekend, I suspect that the licence holder would switch these events to weekdays, where he could open until 2.00am. This is highly likely, as when I attended the pub recently, the venue was advertising holding student events on Thursday evenings. Therefore police suggest that all hours are reduced to those shown above.*

If the above hours were amended by the committee, current condition number two (2) in relation to the use of door supervisors should be re-worded to:

On Friday and Saturday door supervisors of a sufficient number and gender mix shall be employed from 20:00 hours and shall be on duty until all customers have left the premises.

Reason: *Currently the venue only has to use door supervisors after 8pm when alcohol is being sold or supplied after midnight. Although the hours may be reduced, current condition number five (5) requires adequate provision be made by the venue for keeping out excluded individuals, preventing admission to drunks and those departing the venue that have been causing disorder inside. The venue must maintain an orderly queuing system. This would be far more likely to occur on Friday and Saturday*

evenings and therefore a door supervisor condition, despite a possible reduction in hours, will still be required.

3. CCTV

Having viewed the CCTV system of the venue, some cameras are poor in terms of quality. Camera 4, for example is extremely blurry to view. Police suggest that the licence holder reviews all CCTV cameras and ensure that they are functioning correctly. I would further suggest that cameras covering the entrance to the premises on Empire Way are reviewed as there is only one external entrance camera and this points up towards Fulton Road.

Police suggest that current conditions seven (7), eight (8) and nine (9), in relation to CCTV are removed and replaced with:

CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

4. Drunkenness

Drunkenness appears to be a serious issue with this premise. Regular training improves staff knowledge around the offences of serving to anyone who appears to be drunk and more importantly, how to identify the signs of drunkenness and when to refuse sales to those whom are already intoxicated. Police suggest that the following condition is added to the premises licence:

Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

5. Rear Beer Garden/Smoking Area

As I have already mentioned in this application, I have been informed by Brent council that no application to vary the premises licence to include a rear beer garden or smoking area has ever been made. Police suggest that an **application is made to Brent council to vary the premises licence immediately with new up to date plans incorporating the rear garden and smoking areas as it is now.**

Police feel these requests are in keeping with the licence holders human rights and promote the running of his business and livelihood. These conditions are wholly reasonable, proportionate and appropriate measures to be put in place to fully promote and uphold the licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 2)

Saturday 23rd January 2016 at 1.30am - Crime report number 1901763/16 refers to a criminal damage. Police were called to a large disturbance inside the pub after twenty males had been involved in disorder. Police officers and the use of police dogs were used to quell the disorder and disperse all parties from the venue in a controlled fashion. As no party wished to make any complaint no arrests were made. There were numerous smashed glasses, so a report for criminal damage was created and later closed. Staff did not wish to make a complaint and the officer states in his report that he was told by staff that *'It's just one of those things'* (in relation to this incident). The crime report was later closed.

Monday 25th January 2016 - Mr. Nick Mortimer (Ex Brent Police Licensing Unit Manager - Now retired) visited the venue in order to discuss the disorder from the 23rd January 2016. Mr. Mortimer met with the licence holder, Mr. Martin Gaughan. During that the meeting I understand that the venue was given a verbal warning about the incident. Mr. Gaughan told Mr. Mortimer that the problem was that he now faced a *'new older crowd'* frequenting his venue and that *'drugs use appears to have increased'*. To address these issues, Mr. Gaughan stated that he will install an I.D Scanning device and put on two extra SIA door supervisors on weekends moving forward.

Sunday 31st January 2016 at 1.30am - Crime report 190216/16 refers to a common assault. Male suspect was in the bar drinking and apparently rude and aggressive all night. He later broke a glass and was asked to leave by door supervisors. The suspect ripped the door supervisor's jacket and after a struggled, was escorted outside where he assaulted the door supervisor. He was detained and police were called where he was arrested. The officer mentions in the report that there were witnesses but *'they were all drunk'*. When interviewed, the following day, the suspect admitted that he was *'drunk'*. The suspect was later issued an adult caution for common assault and criminal damage.

Saturday 6th February 2016 at 12.45am - CAD (Computer Aided dispatch) Reference: 400/06JAN16 - (This is a record which is created when a member of the public dials 999 or 101 for the Metropolitan Police) refers to a fight at the venue. Crime report number 1903047/16 also refers. PC 368QK Mike Sullivan and I were on duty carrying out licensing patrols at this time. I attended the venue along with emergency response team police officers. Apparently, some drunken males and a female started trouble inside the pub and are ejected by SIA door supervisors. The fight continued outside and one of the males smashed a window of the pub. One male was arrested for criminal damage. As there had been disorder and to prevent any further I requested that Mr. Gaughan, the licence holder, close the venue. He did so voluntarily. The venue had four SIA door supervisors on duty and they were using an I.D scanning machine, which captures facial images of all patrons. During interview, the suspect admitted to consuming six to eight pints and was drunk. The suspect later received an adult caution for criminal damage.

Tuesday 29th March 2016 at 6.10pm - Crime report number 1907589/16 refers to an affray (later re-classified to a crime related incident - for drunk and disorderly). This incident took place prior to the England v Holland football match at Wembley Stadium. Staff from the venue flagged down police officers as their door supervisors had ejected a male because they suspected that he was *'on something'*. Officers went around the corner and found the male armed with a stick with nails protruding from it. He was hitting the stick on a fence and had to be restrained by officers. He was initially arrested for affray but later was issued a penalty notice for disorder for being drunk and disorderly.

Sunday 3rd April 2016 at 5.35pm - Crime report number 1907987/16 refers to an affray (fight). This incident took place prior to the FA Trophy match between Barnsley v Oxford United at Wembley Stadium. Police officers noticed a fight outside the pub. Three men were arrested. In interview they stated that they were drinking at the pub and one was using the outside smoking area when an argument started about which team one of the men supports. One man was headbutted in the face. All three men were arrested. Later, no further action was taken against one man, a second was charged with causing harassment, alarm or distress (s. 5 Public order Act) and a third was issued with a penalty notice for causing harassment, alarm or distress (s. 5 Public order Act).

Sunday 10th April 2016 at 2.07am - Crime report number 1908563/16 refers to a crime related incident report in relation to an affray (fight). Staff from the pub called police reporting a fight. Upon

police arrival they found one male with a 3cm cut to the bridge of his nose, and other persons involved in the rear beer garden area. The officer states in his report that all were 'very drunk and un-cooperative' with police. Door staff told officers that there had been a 'large scale fight at the location'. When ambulance staff arrived they suspected that the victim may have sustained a possible broken nose and a fracture to the right wrist. However, the victim did not wish to make a formal allegation of crime to police and the crime report was later closed.

Sunday 10th April 2016 at 2.25am - Crime report number 1908562/16, is connected to the above incident and refers to an assault on a police officer (although shown as ABH on the report). Whilst dealing with the fight mentioned above, a police officer was elbowed and punched in the back by two persons inside the pub beer garden. Both were arrested, but due to evidential difficulties both were issued with penalty notices for being drunk and disorderly.

Monday 11th April 2016 - I attended the venue in order to speak with the licence holder or DPS. Neither was present but I did speak with the licence holder's father, Mr. Tom Gaughan. I expressed my concerns regarding the two incidents from the 10th April 2016, especially around drunkenness, which appears to run throughout a lot of the incidents that have occurred recently. In respect of the incident from the weekend the police officers involved claimed that the group concerned in the affray were all very drunk. This account was corroborated by one of the female bar staff (name given but redacted from this report) who we spoke with today. She claimed the group were 'very, very drunk'. We asked Tom and his team to concentrate on tackling this issue and refusing sales where it is believed that the customer has had too much to drink. This is clearly leading to incidents of late. I will speak with the DPS Claudia and licence holder Martin and devise an action plan in order to work with the premise to tackle some of the issues here.

Wednesday 20th April 2016 - I held a Meeting at Brent Centre to discuss recent issues in relation to drunkenness and late night violent incidents at the venue. Present was myself, PC 369QK Mike Sullivan, DPS Ms. Claudia Muresan and licence holder Mr. Martin Gaughan. The meeting was opened with Claudia confirming that she predominantly works day shifts only, but also works event days and some nights. We went over some of the recent incidents in the pub and it was pointed out that Mr. Nick Mortimer and PC 157QK Nicola McDonald had already attended the pub earlier in the year to discuss similar incidents where a verbal warning was issued. Martin explained that he had upped his SIA door supervisors from two to four supervisors on weekends and that he had an I.D scanner in place. However, it appears that incidents stem from patrons becoming extremely intoxicated. I suggested to Martin that he needs to educate his staff that even if the customer appears 'slightly drunk' then they are not to be served any more alcohol. Mike suggested that as these incidents often occur after 12am, that the pub looks to curb its opening hours or introduce a no entry/re-entry police after 11.30pm for example. We then went through all the licence conditions attached to the premises licence. There were some historic conditions attached to it and some were being breached, for example on event days the pub is required to operate as a food led business; however, it currently operates as a vertical drinking establishment. I suggested a variation in order to remove these historic conditions. It appeared to me that neither the licence holder nor the DPS had read the licence conditions in detail up until now. I issued Mr. Gaughan an action plan to assist him in upholding the licensing objectives moving forward. (Action plan has been attached).

Saturday 3rd September 2016 at 3.00am - Crime report 1931758/16 refers to a grievous bodily harm (GBH). The victim states that he left the venue and outside he saw a group of three people. One of them said, 'you look like someone I know from back home' and then punched the victim in the face. The victim was then put in a headlock and punched repeatedly. Police and ambulance attended. The victim was described as being 'very intoxicated'. He sustained a one inch cut to his left eyebrow. The report was later closed as the victim returned home to Ireland and failed to respond to repeated attempts by CID officers to contact them. I requested CCTV from the venue in relation to this matter and can confirm that the incident was not captured. As there was no physical or clothing description of the victim, I was unable to formally verify whether the victim was in the venue or not. I did also speak with the licence holder, Martin Gaughan and he told me he was working that night and was not aware of an incident involving any of his customers either inside or outside the venue. Mr. Gaughan stated that if an incident did occur, it would have been after the pub had closed and away from the venue.

Sunday 11th December 2016 at 1.30am - Crime report number 1931758/16 refers to a grievous bodily

harm (GBH). The victim exited the venue and saw a male outside with his shirt off, shouting and screaming. The victim asked him to 'calm down'. The suspect then hit the victims' head off a window to the pub. The suspect then started to hit his own head off a nearby pole. The victim believed that the suspect was drunk. I later spoke with the victim on the telephone and he told me that he first saw the suspect inside the venue at around 9.00pm. He claimed that he heard that the suspect was earlier involved in a fight which occurred inside the pub. Police were not called to the venue as the victim went straight to hospital where he had to have his head glued. On the Monday following the incident the victim stated that he fainted on his way to work and again had to attend the hospital where he was told that he was suffering with concussion. The victim later attended his local police station to make a formal report. This is an ongoing investigation.

Thursday 5th January 2017 - I attended the venue in order to collect CCTV which I requested before Christmas in relation to the incident from the 11th December 2016. The CCTV appears not to show the incident referred to in crime report number 1931758/16. However, it does show a fight which occurred in the rear beer garden.

All footage appears to be shown in quick time. There was no way for me to change this into normal speed. Camera four was particularly poor in terms of quality. The images are quite blurry to view. The footage shows a time and date stamp and I have no reason to believe that this is incorrect.

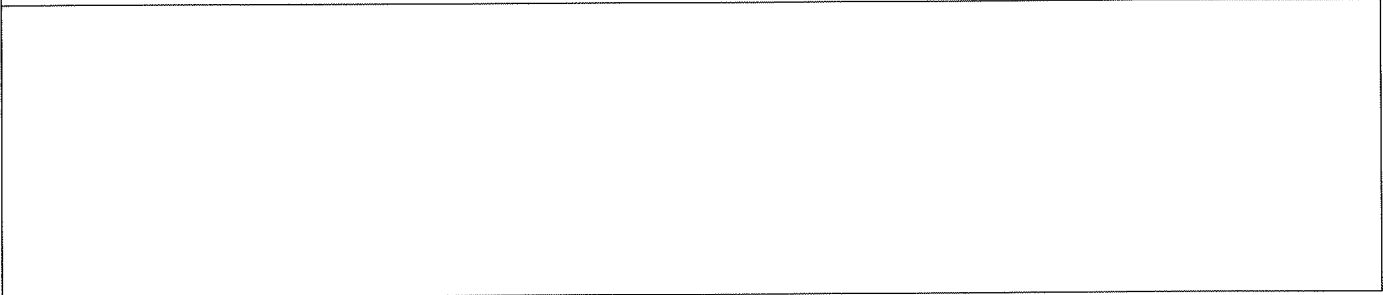
Camera 3 (Covers the rear beer garden smoking area) - At 1.58am - A group of around ten males and females can be seen fighting for around one to two minutes before it calms down. They go off camera view and onto camera four.

Camera 4 (Covers the rear beer garden. This camera shows part of the smoking area and part of the outdoor seating area). At 1.58am you can see part of the fighting which takes place and comes into view from camera three.

Camera 6 - 12.03am - Although this camera does not show the incident. It does show patrons being allowed into the venue. This is disappointing as the venue has agreed as part of an action plan not to allow entry or re-entry after 12.00am.

Friday 6th January 2017 - In order to ascertain where exactly camera three is in relation to the premises I attended the pub at around 12.15pm. Neither the licence holder nor the DPS were present. I spoke with the licence holder's father, Mr. Tom Gaughan. He pointed out the outside smoking area and the spot where the incident involving the fighting seen on CCTV occurred. I had a copy of the current plan with me and noticed that the outside beer garden and smoking areas are not shown. During the visit I enquired as to which member of staff on duty held a personal licence. Mr. Gaughan told me that no member of staff currently on duty held one. However, his son would be at the pub soon and that does. I advised Mr. Gaughan that the pub must stop selling alcohol as condition one of the premises licence requires a personal licence holder be present throughout the permitted hours for the sale of alcohol. Further, The DPS, Claudia, was apparently out of the country for another week. There was a delegated authority attached to the main entrance but this was dated February 2016, last year. I then requested to inspect the SIA door supervisor log for the premises. It was produced, but was only partially completed. (Photograph attached) There were no times of duty shown, as required by condition three of the premises licence.

Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.



Please tick ✓ **Yes**

Have you made an application for review relating to this premises before?

If yes, please state the date of that application

Day

Month

Year

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If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *P. Whitcomb PC7822K*

Date *9TH JANUARY 2017*

Capacity: Licensing Constable on behalf of the Commissioner of the Metropolitan Police
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

Trading Standards
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359

Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ