

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on 30th May 2017 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

Greene's Bar
362-364 Neasden Lane North
NW10 0BT

1. Members of the Sub-Committee

Councillors Long (Chair), Harrison and McLeish.

2. The Application

The application is for a summary review of the premises licence held by Mr Timothy Sheahan under section 53A of the Licensing Act 2003.

The application was brought by PC Michael Sullivan on behalf of the chief officer of police for the Metropolitan Police.

3. Representation

The applicant was represented by PC Michael Sullivan.

The licence holder, Mr Sheahan, attended unrepresented.

Mrs Sheahan also attended.

4. The Hearing

PC Sullivan set out the police representations. There was a serious incident on the 21st May 2017 which started inside the premises and ended up with a gentleman being seriously injured outside.

Police attended to find an unconscious male outside and another male with facial injuries. The male who was unconscious was taken to St. Mary's and has serious injuries. It started inside when a group of Eastern Europeans were asked to drink up.

Something was thrown at the bar maid and she was then grabbed around the throat. Others picked up pool cues to help her. They hit the Eastern Europeans with the pool cues. Punches and glasses were thrown. One glass hit a male causing the facial injuries. It was initially thought he had serious injuries but they have transpired to be more superficial. One elderly male helping the bar maid was accidentally shut outside with the Eastern Europeans. They started kicking the door trying to get back in. They then turned on the elderly man who had fallen to the floor.

The CCTV was shown of the outside of the bar. The time shown is incorrect. The call to the police was just before midnight. The males can be seen being pushed out. The elderly man falls out of the door with them and goes to the floor. Punches can be seen being thrown as the males are ejected. The males then start kicking the man on the ground. Although it was a short incident, a number of hard kicks were aimed at his head. He was also jumped on by one male. After the males ran off two members of the public came to his assistance.

The incident happened 18 days after the review on the 4th May. PC Sullivan has discussed the matter with Mr Sheahan who has already purchased an ID scanner. He has three doormen at Sal's Bar (now called The Field). It was suggested that one of the doorman will come and assist to close the pub up.

Photos were shown of the injured gentleman. He has suffered a collapsed lung. According to Mr Sheahan he is now out of hospital.

PC Sullivan proposed the two conditions be imposed as interim steps.

In answer to questions from the sub-committee, PC Sullivan confirmed it was a Sunday evening and the police were called at 23.54. Mr Sheahan has been told to rectify the time on the CCTV. The bar maid is believed to be the person who called the police. The supply of alcohol on a Sunday is until 22.30. Mr Sheahan had told him that they had stopped serving but were struggling to remove people. PC Sullivan has not yet had a chance to check the internal CCTV to see if that is correct. He did confirm that the pint thrown did look to be almost full. PC Sullivan said that his understanding was that the European men had been sitting on the benches outside drinking cans of their own beer. The bar maid said they could not do that and told them they needed to buy alcohol which they did. There were some problems with them using the pool table but the locals left them alone. The problems only started when she asked them to go at closing time. There appears to have been one bar maid working on her own. That is why doormen are needed to assist.

Mr Sheahan presented his case and started by apologising for what he acknowledged was a terrible and serious incident. He pointed out that the locals did not start the fight but were trying to protect the bar maid. They were outnumbered. There would not usually be such problems at Greene's as the clientele is usually Irish. The ID machines cost £4,500 plus maintenance costs. He bought two of them as soon as he heard of the incident. Anyone unknown will be asked for ID before they are allowed in. It has facial recognition too. As far as he is aware, no other bars in the area have such a machine. He would be prepared to send extra security down from his other bar.

In response to questions from PC Sullivan, Mr Sheahan confirmed that the bar was open over the Bank Holiday weekend. He did not have security staff on because it closed at 22.00 hours on Saturday and Mr Sheahan was there himself on Sunday. The ID scanner is in place and was used at the weekend. The staff have been trained on how to use it. In future, on Friday, Saturday and Sunday nights a member of door staff from Sal's would be sent down.

In response to questions from the sub-committee, Mr Sheahan confirmed that the man who was seriously injured is a regular and was being a good Samaritan. Mr Sheahan has never seen the Eastern Europeans on the CCTV before. He hopes they will be brought to justice.

When he was asked why there were still people there nearly an hour after closing Mr Sheahan said the three regulars still there were waiting for taxis.

Mr Sheahan said he was in Ireland at the time. The Designated Premises Supervisor was at Sal's Bar. The bar maid did not call anyone; she tried to deal with it herself.

When asked about the drunkenness of the customers, Mr Sheahan said the regulars had to stay in the pub until 6am in order to give statements. They were told by the police that they could have a drink but could not leave.

Mr Sheahan said they had not previously had problems with the benches outside.

Mr Sheahan was asked whether he thought it was ridiculous that his bar had some of the earliest closing hours in Neasden and yet they needed an ID scanner. He said there were gangs in Neasden and problems with drugs. He said that this weekend, people he would not be happy with had stayed away because of the ID scanner.

Mr Sheahan said he was appealing the suspension imposed on the 4th May. He did not think shutting the place was a good way of dealing with it.

Mr Sheahan was asked how the scanner works. He said that it's operated by the bar maid. It's kept at the bar. If someone comes in that she's not happy with, she asks them to put their ID in. At the weekends, everyone will be scanned after 9pm.

Mr Sheahan said that the bar maid who was working on the 21st May 2017 is in her mid-40s and is very competent.

PC Sullivan summed up by saying it was a serious incident. There are a number of outstanding questions that he has had insufficient time to deal with. He reminded the sub-committee that, according to the CRIS, victims 1 and 2 were too drunk to provide statements as was the brother of victim 1. He asked that the ID scanner be used to check all customers and that door staff were present from one hour before closing at the weekend.

Mr Sheahan had nothing to add to what he had already said.

5. Determination of the Application

Pursuant to sections 53A and 53B of the Licensing Act 2003, the sub-committee considered whether it was necessary to take interim steps pending the determination of a review of the premises licence. The sub-committee considered whether to modify the conditions of the premises licence, to exclude the sale of alcohol by retail from the scope of the licence, to remove the designated premises supervisor from the licence, or to suspend the licence.

Those matters were considered with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Home Office Summary Review Guidance and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee listened carefully to the submissions made by both parties.

They found it necessary to suspend the licence as an interim step with immediate effect.

The sub-committee were concerned that the incident took place nearly an hour and a half after alcohol should have ceased being served and nearly an hour after closing time. One of the drinks seen being thrown on the CCTV was almost a full pint. The sub-committee was also concerned that three of the witnesses in the pub were considered to be too drunk to give statements to the police.

The sub-committee took into account the history of problems at the venue and the fact that this incident took place shortly after a review.

The sub-committee was concerned that the Designated Premises Supervisor was, yet again, not on site and was not contacted by the bar maid when the problems started.

The sub-committee did not consider the steps proposed by the police to be sufficient to allay their concerns because they will not address the main concerns which relate to drunkenness and non-compliance with licensable hours.

7. Review Hearing

A review of the premises licence will take place on a date to be notified.

8. Right of Appeal

The holder of the premises licence has the right to make representations against this decision.

Dated 30th May 2017