



## 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.....Susana Figueiredo.....

..... [insert name of applicant] **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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	
The Field 249 Neasden Lane	
Post Town London	Post Code (if known) NW10 1QG
Name of premises licence holder or club holding club, premises certificate (if known)	
Mark Anthony Counihan	
Number of premises licence or club premises certificate (if known)	
14861	

## 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) x
- 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  Licensing Department Brent Council Brent Civic Centre Engineers Way
Telephone number (if any) 02089375359
E-mail address (optional) business.licence@brent.gov.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☒  
☒  
☒  
☐

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

The grounds for review are:

- Failure to comply with premises licence conditions in relation to the maintenance of CCTV
- Failure to comply with government regulations in relation to The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and it's later replacements in that the premises was operating at a time when restrictions have been in place.

Relating to Licensing Objective(s):

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

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

Please see attached document and relevant supplied evidence

Have you made an application for review relating to this premises before? Please tick ✓ Yes  
☐

If yes, please state the date of that application

Day		Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please see information in relation to this in the attached document

## 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
- I understand that if I do not comply with the above requirements my application will be rejected

X

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 .....

Date ..... 11.05.2021 .....

Capacity ..... Licensing Enforcement Officer.....

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.



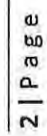
The Field  
249 Neasden Lane  
London  
NW10 1QG

Review Application  
Supplementary Information

Premises Location

The premises is a small public house located in Neasden Lane shopping centre.







### Background

The premises was originally owned by a **Mr Tim Sheehan** under premises licence number 261872 and subsequently transferred to a Sharon Mullarkey (**SF001**). However, as a result of problems at the premises and the fact that the premises was still found to be related to Tim Sheehan, the premises licence was revoked in August 2018 (**SF002**).

A new application was then applied for and granted in May 2019 to a **Mr Mark Counihan** (**SF003**). The application appeared before the Licensing sub-committee as a result of concerns that Mr Sheehan was still involved in the business. The decision for this premises licence as per the committee (**SF004**), determined that the *'premises had an incredibly poor history, most of which is down to mis-management by Mr Sheehan'* (pg3) and *'It was emphasised that the basis of the application was that Mr Sheehan was going to remove himself from running the premises, and the Applicant would have day to day management of the premises'* (pg2).

The current Licence Holder Mr Counihan has never been available since prior to the initial lockdown in March 2020. Strong evidence has also been found that Mr Tim Sheehan is still involved in the premises. In May 2019 an application to vary the Designated Premises Supervisor (DPS) was applied for and changed from Margaret Harnett to a Ms Camelia Mihoc. **Camelia Mihoc** has been the DPS ever since. This was confirmed in a text message by Ms Mihoc on 11<sup>th</sup> May 2021 (**SF005**).

### Complaints and Enforcement to Date

Based on the data provided by the Institute for Government Analysis on page 6 of this document, the following complaints were received and inspections undertaken at a time when Government restrictions prevented the premises from opening but subsequently were found to be contravening those restrictions. This is with the exception of the inspection undertaken on 4<sup>th</sup> July 2020 and 11<sup>th</sup> December 2020.

- On 23<sup>rd</sup> March 2020, a telephone complaint was received to state the premises are still operating and customers are entering via the rear.
- On 25<sup>th</sup> March 2020, the Licensing Enforcement Officer Esther Chan spoke to the DPS Camelia Mihoc who confirmed the premises had been closed.
- On 7<sup>th</sup> April 2020, a complaint was received to the police that drunks were stumbling out of the premises.
- On 11<sup>th</sup> April 2020, a complaint was received to the police stating that the previous licence holder **Tim Sheehan** is letting people call him to arrange letting them in via the rear of the premises to drink in the pub.
- On 29<sup>th</sup> April 2020, a complaint was received that the premises was open to members of the public, despite there being a national government lockdown. Information was also received that **Tim Sheehan** is still involved in the business.
- On 29<sup>th</sup> April Sgt Damien Smith attended the premises three times and then at 17.42hrs found persons on the premises. As officers drove past the front of the venue a male staggered out of the front door known as the licence holder, he said he'd been checking on the pub and pointed at the Field. He then informed officers he has the keys. Officers asked the male to open the door with his key or reasonable force would be used under the Licensing Act 2003 (Sec 179) as they suspected licensable activity was taking place inside. The male handed the keys to police. Entry using the key was made and inside the venue there were customers sat at the bar with pints of alcohol on the go and some were smoking with the DPS present.



The previous licence holder **Mr Tim Sheehan** was sat inside drinking alcohol and appeared drunk. All were asked to leave with immediate effect and all complied. Closer inspection of the venue revealed that two whole new barrels of alcohol had been delivered and ready for consumption. The DPS was told that Licensing will apply for a review of the premises licence and the Local authority will be informed. Two new beer barrels arrived whilst police were on the scene. A statement provided by Sgt Smith is attached **(SF006)**.

- On 30<sup>th</sup> April 2020 an email was received from Sgt Damien Smith stating that anonymous intelligence received to the police to state the premises is open to members of the public carrying out licensable activities
- On 4<sup>th</sup> May 2020 a call was made to 999, when police attended **Mr Tim Sheehan, Ms Mihoc** and another male were outside the premises door. The call had been made by Tim Sheehan. When officers went in, the taps were wet and the premises smelt strongly of cigarette smoke.
- On 7<sup>th</sup> May 2020 the police and I attended the The Field. Sgt Smith went to the rear of the premises to find a male sat on the steps. He stated he was waiting for **Tim Sheehan** to let him in. Tim arrived and was rude to officers. When the police said they would force entry, Tim Sheehan replied, that he would sue, which was suspicious because he should have nothing to do with the premises. The male (a priest from Gerrards Cross), collected the items he stated he came to collect and left.
- On 12<sup>th</sup> May 2020, I attended the premises to serve a prohibition notice **(SF007)** based on the visit undertaken by the Police on 29<sup>th</sup> April 2020 where the premises were found to be open and carrying out licensable activities. On this day, the police arranged removal of the CCTV hard drive as evidence. A replacement was to be given to the premises.
- On 17<sup>th</sup> May 2020, a complaint was received that the premises are opening on Friday's, Saturday's and Sunday's and letting customers in through the back door after making a call to **Tim Sheehan**.
- On 26<sup>th</sup> May 2020, I visited the premises to speak to the DPS regarding the prohibition notice that was served as further complaints were still being received.
- On 12<sup>th</sup> June 2020, a complaint was received that on Sunday 7<sup>th</sup> June 2020, stating the premises was busier than ever with at least 15 customers in the premises.
- On 19<sup>th</sup> June 2020, a complaint was received that there were at least 8 customers in the premises.
- On 4<sup>th</sup> July 2020, Esther Chan, a licensing enforcement officer visited the premises with the police. The premises were permitted to be open on this day. At the time of the visit, Ms Chan spoke to the DPS regarding the CCTV and the DPS stated that when the police took their hard drive and swapped it with another one, they did not give the premises the password to the CCTV system. A number of non-compliances were found in relation to the premises licence conditions.
- As a result of non-compliances during the inspection at the premises on 4<sup>th</sup> July 2020, Esther wrote a warning letter to the premises on 16<sup>th</sup> July 2020 **(SF008)**. The letter asked Mr Counihan to make contact as there was no telephone number or email address to communicate with him. Mr Counihan did not reply. A year earlier on 5<sup>th</sup> Jul 2019, I had



written a similar warning letter to the premises in relation to premises licence conditions that were breached (SF009).

- On 11<sup>th</sup> December 2020, I visited the premises and gave advice on manual registration and 2m spacing. The premises were again permitted to be open on this day. Whilst at the premises, checks were made to ensure the premises had the password given to the premises by the police for the CCTV hard drive. I checked past dates to ensure the CCTV was recording.
- On 18<sup>th</sup> December 2020, an anonymous call was received at approx. 15.00hrs stating the premises is open with customers currently there.
- On 18<sup>th</sup> December 2020, PC Paul Scott attended at 18.10hrs and did not find anyone at the premises.
- On 19<sup>th</sup> December 2020, PC Paul Scott attended the premises and did not find anyone at the premises.
- On 31<sup>st</sup> December 2020, during routine visits, PC Paul Scott attended the premises twice following a complaint that the premises was open, to find the premises appeared closed. Another police unit attended later and found the same outcome.
- On 6<sup>th</sup> January 2021 a complaint was received that the premises is open but no specific dates or times were given.
- On 8<sup>th</sup> January 2021, Covid Enforcement officers [REDACTED] and [REDACTED] visited the premises to find three males at the rear external area all appearing to be under the influence of alcohol. There was no definitive evidence they had come from inside the premises. There was no sound from within the premises.
- On 16<sup>th</sup> January 2021, Covid Enforcement officers [REDACTED] and [REDACTED] visited the premises @ 23.26hrs to find four men coming from the back of the premises. At 23.33hrs there were two men at the rear who were clearly drunk. No direct evidence that they had come from within the premises.
- On 17<sup>th</sup> January 2021, Covid Enforcement officers [REDACTED] and [REDACTED] visited the premises @ approx. 20.23hrs to find two men leave the rear of external area to the premises. At 20.57hrs another man was seen leaving the rear of the external area. Observations ceased at 21.21hrs.
- On Monday 25<sup>th</sup> January 2021 I sent a text message to the DPS to ask for CCTV footage in relation to the 16<sup>th</sup>/17<sup>th</sup> January 2021. The DPS agreed to download this. I was to collect on Wednesday 27<sup>th</sup> January 2021 (SF010).
- On Wednesday 27<sup>th</sup> January 2022 I attended the premises to collect the CCTV footage. The DPS stated the following:- she did not have the USB stick, the CCTV was not working, they were awaiting a technician, they had had a power cut, they could not get a technician in because they couldn't afford it. When I asked why Ms Mihoc had let me attend without informing me, she apologised and said it was because I may have wanted to come in to confirm it wasn't working. I did not go into the premises. Myself and Ms Mihoc checked the DPS's phone and there were no recordings.



- On 3<sup>rd</sup> February 2021, I sent a warning letter to the premises stating the premises were contravening a condition on their licence, primarily the one where CCTV must record for 31 days. The premises were given 7 days from the date of the letter to repair the CCTV or a review of the licence would be instigated (SF011). In the same letter, the licence holder was asked to again provide a contact email and telephone number in order to communicate with him. Mr Counihan did not reply to this letter.
- On 16<sup>th</sup> February 2021 on recognising that the premises may state they had not received the letter, I sent a text to the DPS (SF012) to ask whether the CCTV had been repaired. The DPS replied stating that it was still not working and would be repaired within the next few days. This was 7 days overdue from date on which the CCTV should have been functioning as per the letter above.
- As will be seen in the information below, the police again removed the CCTV hard drive when they attended on 19<sup>th</sup> February 2021 and found licensable activities being undertaken.
- I sent a text to the DPS (SF012) on 22<sup>nd</sup> February 2021 asking whether the CCTV was now functioning to which the DPS replied stating that the CCTV drive had been removed by the police on 19<sup>th</sup> February 2021
- Friday 19<sup>th</sup> February 2021

This business was visited on Friday 19<sup>th</sup> February 2021 at 15.35 hours when the rear door to The Field, 249 Neasden Lane, NW10 1QG was seen opening with one male exiting the rear of the premises. The male admitted he was drinking in the premises, that there were other persons in the premises. He was drunk and issued with an FPN. As the rear door was then shut by another male holding the door, the police officers were therefore unable to gain entry.

At 16.40hrs, after calling for back up, the Police forced entry into the rear of the premises to find the following:

- The lights were on in the premises
- There were 11 (eleven) beer glasses with alcohol on the bar tops. The alcohol was very cold to the touch
- There were 2 (two) televisions turned on
- There were 2 (two) walking sticks
- There were 4 (four) newspapers (3 dated with 19<sup>th</sup> February 2021 and 1 dated 18<sup>th</sup> February 2021)
- 4 (four) of the nozzles were attached to the beer pumps
- The nozzle for the Guinness tap was dripping
- A calendar at the property was showing the month of February
- There was a coat on one of the bar stools and when the pockets were checked it was found to belong to a **Mr Tim Sheehan**. The police called Mr Sheehan and he agreed to return to the premises. When asked questions relating to his presence, Mr Sheehan's answers did not add up. Mr Sheehan then stated he was at the premises to check on things. Under the previous premises licence, condition Mr Tim Sheehan was not permitted to be anywhere near the premises. He was the previous licence holder and as a result of the premises licence being revoked, there were concerns that someone else may become a new licence holder as a cover up to him still being the owner. Increasing evidence has shown that Mr Sheehan is still involved in the business.
- Till transactions for 13<sup>th</sup> January 2021, 14<sup>th</sup> January 2021, 24<sup>th</sup> January 2021, 18<sup>th</sup> February 2021 and 19<sup>th</sup> February 2021.
- 2 (two) cash & carry invoices dated 3<sup>rd</sup> February 2021 and 8<sup>th</sup> February 2021 during a time when the premises should be closed



- Reset reports for 22<sup>nd</sup> December 2020, 31<sup>st</sup> December 2020, 12<sup>th</sup> January 2021, 14<sup>th</sup> January 2021, 17<sup>th</sup> January 2021 and 19<sup>th</sup> February 2021 which show regular transactions from the start of December. There were also individual receipts for other dates which have all been seized.
- Sign in sheets from customers attending regularly since December

I attach statements from Police officers and a Covid Enforcement officer [REDACTED] who attended on the day (SF013), (SF014), (SF015), (SF016).

- As a result of the visit on 19<sup>th</sup> February 2021 a Fixed Penalty Notice (FPN) was issued to the premises via post on 25<sup>th</sup> February 2021 (SF017). At the time of writing this review application, payment has not been received for this.
- On 21<sup>st</sup> April 2021 a further complaint was received stating that the premises are letting people into the premises then locking the door, not responding to police or anyone who tries to check the premises.
- Friday 23<sup>rd</sup> April 2021

On Friday 23<sup>rd</sup> April 2021 at approximately 14.00hrs, I visited The Field as a result of complaint dated 21<sup>st</sup> April 2021 which stated that the premises was again opening at a time when Government restrictions prevented them from operating.

On entering the alleyway at the rear of the premises, I noticed an unknown male sat at a bench. He asked me if I was looking for the pub, to which I responded 'yes'. He then whistled over to a an older unknown male who appeared from behind a wall. The first male sat at the bench then told the male that I wanted to enter the pub. The male looked me up and down, asked if I wanted to go in, to which I nodded and he responded 'I don't know you, but I trust you', proceeded to unlock the door with a key, let me in and then close the door behind me and locked it.

I walked down a small corridor in the premises which led to a second door and upon opening this, entered to find nine males sat in the premises drinking alcohol and two members of staff behind the bar. I introduced myself, asked everyone to stop drinking and the males all stood up and slowly made their way to the back door.

The staff behind the bar immediately began to throw away the alcohol and clean up behind the counter. All of the beer pumps were lit up and had the nozzles attached. The till was also turned on and lit up. Once all of the males left, I spoke to the two members of staff who had both worked at the premises for approximately two weeks. They had both begun working as cleaners but had subsequently been asked to work behind the bar serving customers. They were both aware that they should not be serving any customers at the premises and when asked, stated that they knew it was wrong. I asked if they knew who the owner was and they responded 'Mark', but knew nothing else about him.

I then stated to the two females that I was going to go behind the bar to check for any evidence of paperwork, where I found receipts and delivery notes dated; 12<sup>th</sup>, 14<sup>th</sup>, 15, 17<sup>th</sup> and 22<sup>nd</sup> April 2021. I exhibit photographs of these and of the premises taken whilst onsite (SF018). I then left the premises at approximately 14.15hrs.

#### Further Information

- I am aware the business has applied for a Government grant issued to businesses that were unable to operate during the pandemic. This grant was issued to the business.
- The business rate payer is registered as Mr Mark Counihan when checked on 10<sup>th</sup> May 2021



### Summary

On three different occasions, the premises have been found to be operating at a time when Government restrictions in relation to the Covid-19 pandemic, have prevented them from doing so. It is clear from the evidence shown that the persons running the premises have no regard for the law and have continued to operate as they so wish, causing continuous nuisance. They have also caused issues of public safety in terms of the pandemic by permitting persons to congregate in the premises. They have also locked customers in the premises via a key to the rear door. Should there have been an emergency, they may not have been able to get out.

In relation to CCTV, this has not been available and despite a deadline to provide CCTV, this was not met. It appears that the premises were knowingly avoided the recording of CCTV so that they could operate during the lockdown without being caught.

It has been impossible to make direct contact with Mr Counihan and despite efforts to contact him, the Licensing Team have received no response.

It is also clear that Mr Tim Sheehan is still involved in the premises. Since last year Mr Sheehan has either been seen or mentioned on seven (7) occasions in relation to The Field. As stated premises licence number 261872 previously held by Mr Tim Sheehan was revoked and the new premises licence was granted on the basis that Mr Sheehan no longer had any involvement in the business.

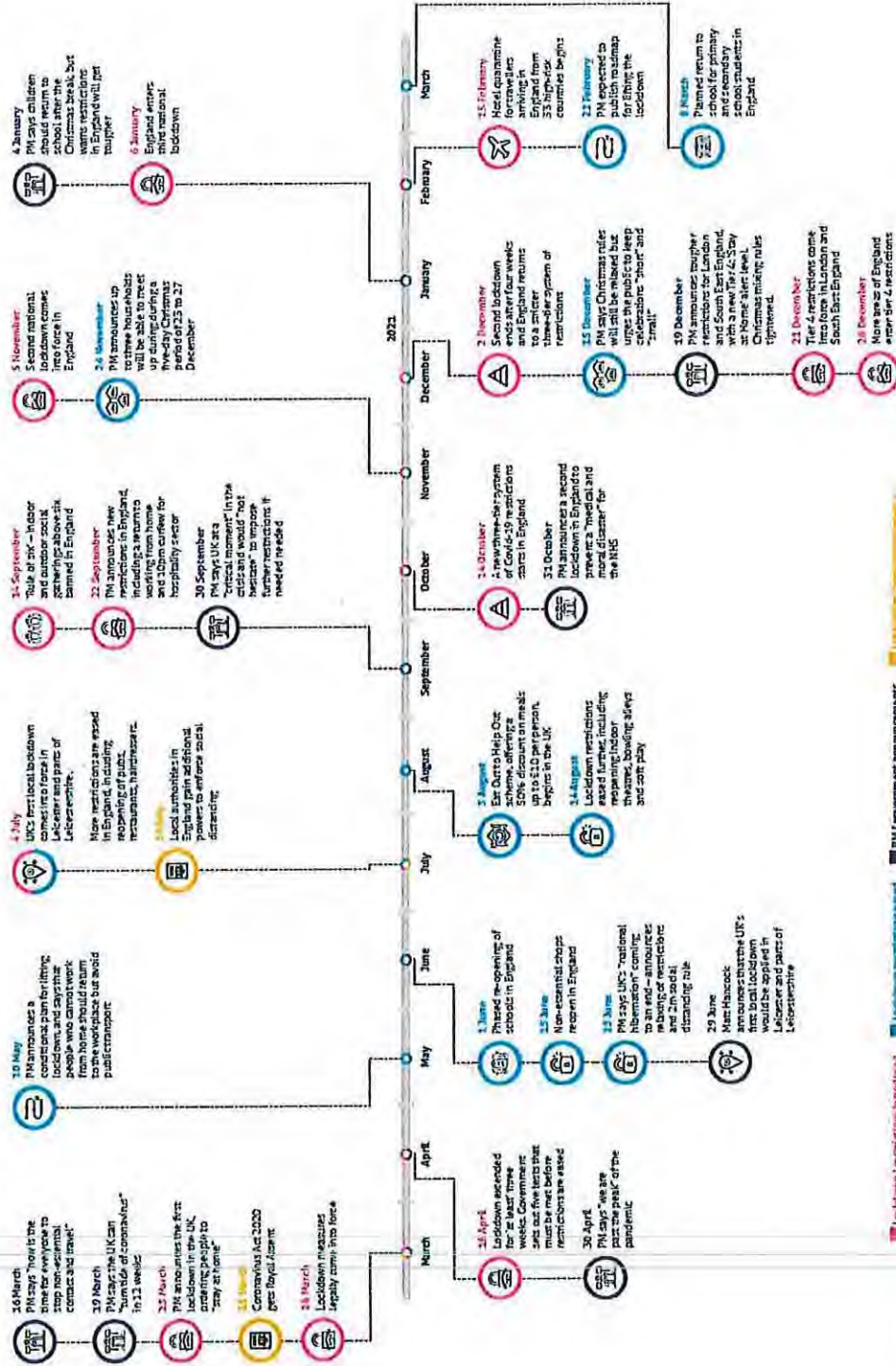
Despite an inspection and warning letter 2 months after the premises licence being granted in May 2019 where conditions were not being met, it was again found that in July 2020 the premises were once again not upholding the premises licence conditions.


Both Council officers and the Police have spent an enormous amount of time attending the premises as a result of contraventions, time that could have been more effectively spent elsewhere.

It is unquestionable that the premises are unable to uphold three licensing objectives, namely prevention of crime and disorder, prevention of public nuisance and public safety and the only option the Licensing Authority see for this premises licence is for it to be revoked with immediate effect.

# Timeline of UK coronavirus lockdowns, March 2020 to March 2021

IfG



**Signed:** 

**Name: Susana Figueiredo**

**Position: Licensing Enforcement Officer**