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TERRITORIAL POLICING

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Ref: 33182

Date: 31st October 2024

Dear Mr Flaherty,

**Licensing Act 2003 (Section 53A) – Summary Review
Re: Erin's Hope, 189 Edgware Road, NW9 6LP**

The Brent Police Licensing Team initiated a Summary Review of Erin's Hope Public House following a series of serious violent incidents at the venue. These incidents occurred in close succession. The first, in June 2024, involved a customer being stabbed by another patron. The most recent incident, in October 2024, saw a member of the door staff assault a member of the public. Both crimes took place in the early hours of the morning.

Following the sub-committee hearing held on Monday, 21 October 2024, I wish to formally submit supplementary evidence in support of the expedited review initiated due to serious incidents occurring at the premises in both June and October 2024.

Upon reviewing the historical reports and records associated with the premises, it is evident that the recent incidents stem from ongoing issues related to inadequate management practices. The nature of the incidents while serious points to mismanagement as the underlying cause.

These issues, if not addressed, may continue to undermine the promotion of the licensing objectives, specifically the prevention of crime and disorder and the promotion of public safety.

It is acknowledged that Mr Flaherty, the premises licence holder and Designated Premises Supervisor (DPS), has operated this establishment for several years, and it holds a longstanding presence within the local community.

During the sub-committee hearing, I appreciate his cooperation in the hearing and his proactive measures, including the voluntary reduction in opening hours and the cessation of regulated entertainment on receipt of the Summary Review. These are positive steps; however, they may not fully mitigate the risks identified without additional oversight and structural changes.

The police engaged with Mr Flaherty, following the initial incident and identified several breaches of the venue's licence conditions. An action plan was developed and agreed upon by Mr Flaherty in an effort to mitigate the risk of further serious incidents. As part of this, Mr. Flaherty was asked, and agreed, to submit a minor variation to the licence to incorporate these conditions.

Despite multiple attempts by the police and local authorities to contact Mr Flaherty regarding the submission of the variation, this has not been completed. Mr. Flaherty has consistently cited personal issues or unresponsive legal counsel as reasons for the delays.

Research indicates that several serious incidents, including violence and anti-social behaviour, have occurred in connection with the premises over the past few years. Additionally, numerous licence breaches have been identified during this time, such as failures in CCTV recording. In particular, recent incidents this year highlighted further shortcomings, as noted in both a warning letter and the agreed action plan.

Analysis of the timing of these incidents reveals that they often occur in the early hours when patrons are leaving other local licensed establishments. During the summary review, Mr Flaherty acknowledged that this contributes significantly to violence at the venue.

Despite the presence of SIA door staff, their effectiveness in upholding licensing objectives has been minimal. CCTV footage shows instances of drunkenness, patrons being permitted outside with alcohol, and a general lack of control at the entrance. In fact, the latest CCTV footage suggests that the door staff themselves may have instigated the violence.

Mr Flaherty has sought to distance himself from the disorder by claiming it occurred outside the venue and that the door staff are not his responsibility. He has also stated that he has managed pubs for 30 years without prior issues. However, reports to the police over the past few years indicate a pattern of disorder, licence breaches, and anti-social behaviour complaints linked to the premises.

At the hearing, Mr Flaherty attempted to portray the operation of his venue as trouble-free, attributing recent incidents to external factors rather than to himself or the pub. However, when questioned by the sub-committee regarding the conditions attached to the venue's license, it became evident that he was unfamiliar with them. Upon being challenged about potential breaches, Mr Flaherty grew defensive, asserting that his regular patrons would not accept such conditions.

When asked to outline the four licensing objectives, Mr Flaherty was unable to demonstrate any knowledge of them. Further inquiries were made about the pub's operating hours and staffing levels, to which he responded that the pub was open from 9 a.m. until the early hours of the morning, seven days a week. He mentioned that both he and his manager worked full-time, with two part-time staff covering the remaining hours.

The committee expressed concern that this staffing arrangement was unsustainable for such extended hours and could be contributing to the pub's operational challenges, a point to which Mr Flaherty reluctantly agreed.

Of particular concern were two recent incidents involving violence in close succession. Mr Flaherty had been given an opportunity to address the issues by agreeing to an action plan, but for reasons known to him, he declined to take advantage of the assistance offered by both the Police and the Council's licensing team. This failure to act prompted the Police to initiate a summary review.

After reviewing the recent incidents and the pub's history, the Police concluded that the venue could still be successful if Mr Flaherty took steps to comply with the conditions recommended by law enforcement. It was noted that many of the incidents occurred in the early hours of the morning, often involving individuals leaving other venues or already intoxicated.

Given the pub's location on the busy A5 road, which sees significant foot traffic, the Police recommended reducing the venue's operating hours, proposing a closing time of 11 p.m. to mitigate the risk of violence.

Mr Flaherty informed the committee that he had already implemented this earlier closing time since the most recent incident and believed it was effective. He further noted that his busiest periods were earlier in the day and during the early evening, with little activity afterward aside from patrons seeking additional alcohol late at night. He mentioned that he had also discontinued DJ nights and stated that imposing this earlier closing time would not significantly impact the business.

The recent history of incidents associated with the venue is as follows:

Reports from Police systems:

CRIME – CRIMINAL DAMAGE

Date of Incident – 17/09/2022

Details of incident - Suspect male has punched and broken screen of gaming machine.

CRIME - VIOLENT CRIME

Time of Incident - 14.30hrs

Date of Incident - 18/09/2022

Details of Incident - Summary: Male has been assaulted on the HAND with a weapon outside the ERINS HOPE PUB, A5, NW9. The suspect is a work colleague of the victim. A mutual friend was outside the pub and witnessed this happen, although she did not see which weapon was used.

injury: Substantial bleeding coming from LEFT HAND, it is not yet known if it is a stab wound or a slash wound, as pub owner and LAS have bandaged the wound prior to police arriving. Victim was taken NORTHWICK PARK HOSPITAL, continuity officer:

CRIME - VIOLENT CRIME

Time of Incident - 00.30hrs

Date of Incident - 23/07/2023

Details of Incident - Fight broke out outside of the venue by customers who were drinking inside the venue previously. Fight resulted in males using poles as weapons and victims sustaining GBH injuries.

Police spoke to the manager and enquired if police have obtained CCTV. The manager explained that they were having issues with the CCTV. They can only view the live feed and needed an engineer to attend to retrieve the recordings.

ASB Incident

Incident number: 6912
Date/time of origin: 22/04/2024 20:12:26
Opening code(s): 215 - ASB - Nuisance

ASB from the pub Erin hope music very loud till 2am drunks urinating on the Indian restaurant shutters informant confronted then and got abused signs are up on lamppost about drinking in the street, Informant phoned the council out of hour but nothing could be done that night, reported to Barnet council Monday morning and made a report, informant has spoken to officers many times about the drinking in the streets but nothing's been done also there are people drinking outside now at 8pm.

In light of the above, I would respectfully recommend the imposition of the following robust conditions to ensure future compliance and assist Mr Flaherty in promoting the licensing objectives effectively (Exhibit MJS/08).

These conditions are intended to support Mr Flaherty in maintaining a safe and responsible environment at the premises, while also addressing the concerns raised by the serious incidents earlier this year. The aim is to safeguard public safety and ensure ongoing compliance with the Licensing Act 2003.

CCTV Coverage: The installation and maintenance of high-quality CCTV cameras, covering all key areas both inside and outside the premises, with a minimum retention period for footage of 31 days.

Staff Training: Mandatory training for all staff on the prevention of crime and disorder, responsible alcohol retailing, and the proper handling of incidents involving public safety. This training should be updated regularly, with records maintained for inspection.

Enhanced Operating Hours Restrictions: Formalisation of reduced opening hours to limit the risk of late-night disorder.

In consideration of the incidents that occurred after midnight, it would be prudent to adjust the operating hours, limiting them to a terminal hour of midnight from Monday to Sunday, it is clear that the premises were serving alcohol to intoxicated patrons, which contributed to the escalation of the altercation in June 2024.

I trust that the sub-committee will consider these recommendations carefully as part of the expedited review process.

Yours sincerely,

Michael Sullivant

Sergeant Michael Sullivan
PS 238NW Brent Licensing Police