

McGowan's Public House
88 Walm Lane
NW2 4QY

3rd February 2016

Our Ref 201408
Your Ref 223523079

Licensing Act 2003
Licensing Representation to the Review of the Premises License for McGowan's, 88
Walm Lane NW2 4QY

I certify that I have considered the application shown above and I wish to bring to your attention the following issue for the reasons indicated below.

Officer: Lavine Miller-Johnson– Licensing Inspector

The application has been made for a review of the premises licence under section 51 of the Act.

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The Licensing Authority representations are concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance and
- the protection of children from harm.

One of the role of the licensing inspector is to ensure that the licensing database is up to date of any complaints made or activities of visits are logged. I have made observations of the database information relating to the premises and CCTV provided by the licensee and have found the following information based on complaints received and visits made by the licensing department.

The ward officer Susana Figueiredo has compiled a breakdown of the premises history and actions that have been taken in order to assist the premises in preventing the nuisance caused. This premises history has been attached for references. **See Appendix 1.**

Based on visits conducted by Susana Figueiredo a number of CCTV footage were requested in order to assess complaints of nuisance connected to the premises.

I hereby present a history of complaints instigated by residents and action taken by the Licensing Team:

No	Date	Complaint
1	16 th February 2015- 8 th March 2015	Complaints received from resident 1 relating to <ul style="list-style-type: none"> Noise nuisance Customers from McGowan's regularly urinating and vomiting on the front door and pavement Abusive language from staff members
<p>Action Taken</p> <p>Susana Figueiredo conducted a visit to the premises but found no issues as mentioned above. The licensing team did not have sufficient evidence to review the premises. Based on the evidence gathered by the resident, Susana Figueiredo advised the resident to submit the a review application of the premises.</p> <p>John McGowan, the director of the JDM Investments Limited who holds the premises licence had been made aware of these complaints. Since the complaints have been received, Mr McGowan has installed a CCTV system for improved and clearer monitoring. Susana Figueiredo has carried out on going monitoring of the premises.</p> <p>Since the complaints, up until March 2015 Susana Figueiredo had been visiting the premises on a number of occasions and found them to be closed before 00:00hrs. See Appendix 1</p>		

No	Date	Complaint
2	11 th August 2015	Complaint received from resident 1 regarding <ul style="list-style-type: none"> Possible sales of Drugs Fighting Drinks being taken out of the boundaries of the premises onto the public footpath Customers Harassing pedestrian and the pedestrians having to walk into the road due to over crowding on the footpath Further complaints of urinating Spitting
<p>Action Taken</p> <p>Following the complaints in August 2015, a meeting was held on 7th September 2015 between the licence holder Mr John McGowan and Nick Mortimer from the Licensing Police. During the meeting John and Nick agreed that the following steps would be agreed to relieve the residents from the discomfort of nuisance they are witnessing.</p> <ul style="list-style-type: none"> Cigarette Butts - There is a cleaner who cleans and tidies the external area every day between 9am and 11am however he will ask staff to monitor throughout evening and clean up if necessary Music – Mr McGowan denied that music is played outside the licence hours CCTV - There is a new system installed consisting of 12 camera's Drugs – Mr McGowan denied again. However, he will brief SIA and staff to be aware and look for issues. The licensee is more than happy to support a test swabbing of the premises and users at any time Noise on dispersal - uses a taxi company and door staff are already aware of the issues. 		

No	Date	Complaint
3	6th October 2015	Complaint received via telephone <ul style="list-style-type: none"> Issues outside premises on Saturday 3rd October 2015 at 23.53hrs with customers shouting.

Action Taken

Following the complaint received, Susana Figueiredo contacted John McGowan to request CCTV footage for the issues relating to Saturday 3rd October 2015 at 23:53hrs.

I viewed the footage that was submitted to Susana Figueiredo. My observations of the footage between 23:30hrs - 00:00hrs are as follows:

23:30hrs - 23:32hrs outside of the premises customers can be seen walking out with open glass containers onto the public footpath. No SIA could be seen preventing the customers from leaving. 1 customer holds 4 bottles (consuming one) whilst having a conversation. Customer appears to have purchased multiple drinks for him own consumption.

- **Breach of the premises licence condition 4.**

Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

- **Undermines prevention of public nuisance, crime & disorder and public safety**

23:33hrs - Customers were seen outside the neighbouring property leisurely conversing, drinking and smoking.

- **Undermines - the prevention of public nuisance**

23:53hrs - 1 male was seen leaving the premises. He appears to be rocking unsteadily on is feet (falling into a fellow patron) which could be an indication that he is intoxicated. A further 13 customers seen to be conversing in the road and on the pavement holding what appears to be glass vessels (can not tell how loud they talk due to no sound on CCTV). Some of these patrons were seen standing in the road holding glass vessels.

23:54hrs - The SIA came out of the premises. No attempt was from him to move the customers. He only came out to remove the A board and the bin.

- **Undermines - the prevention of public nuisance**

23:55hrs – The shutters came down.

Friday 9th October 2015 - At 22:53hrs a visit was conducted by Susana Figueiredo and myself. On entering the premises it was noted that music was audible from outside the premise. This was due to the lobby door being wedge open and the speakers being positioned at the front of the premises. I requested for the speaker to be moved away from the lobby main entrance and to be relocated further into the the premsies.

The DPS Ms Masda stated that she was not aware of the capacity of 5 persons to be allowed to smoke at the front of the premses. Susana Figueiredo had also asked the SIA at the front of the

premises if they had been instructed by John McGowan to only allow 5 customers to smoke at the front of the premises. They too had not been informed.

At a meeting held with John McGowan and Susana Figueiredo it was agreed that John would discuss the restrictions with the staff and SIA.

Additional Action Taken

Following the visit on the 9th October 2015, Susana Figueiredo sent John McGowan an email with further suggestions on how reduce the nuisance caused to the residents:

- No speakers near the door and that the lobby door be closed at all times
- Limit the numbers of smokers as agreed to 5 and that this is contained perhaps using small rope barriers. Any of those customers that do not wish to comply are refused re-entry.
- A proactive briefing with the DPS, employees and SIA staff to ensure these points are put across.

Following this email, on 13th October 2015, Mr John McGowan advised that the following Steps would be taken and monitored over the next few months:

- Confirmation that DJ will be stopped for 3 months
- Will monitor and push smokers up the road towards Sainsbury's away from the neighbouring property
- Inner door to be closed at all times
- Strictly no drinks outside

9th November 2015- Susana Figueiredo was advised by John McGowns and his staff of how they are monitoring the outside area by means stated in **Appendix 1**.

According to the emails between Susana Figueiredo and the residents, it would appear that the roped of area has made some difference to the nuisance that was being caused although still seems difficult to enforce. Please bear in mind that these measures of control were merely suggestions and are not enforceable. It has also been noted that on Thursday nights customers are often still seen by the residents spilling out onto the footpath which could be addressed if SIA are present.

No	Date	Complaint
5	Thursday 19th November 2015	A complaint received - customers seen at 22:27hrs hrs spilling onto the public footpath. CCTV footage seen from 22:25hrs. No evidence noted at that time to suggest customers where spilling onto the footpath.
6	Sunday 29th November 2015	a complaint was received to the council regarding noise, nuisance customers standing outside of the designated area and drunkenness between 20:37hrs -23:00hrs. The resident approached the SIA who didn't seen bothered by the complaint.
7	Sunday 6th - Monday 7th December 2015	On 8th December 2015, complaint received by the council of customers leaving the premises at 01:15hrs and 01:30hrs. This is a breach of the licensed hours as opening hours of the

		premises are until 00:30hrs
8	Sunday 20th December 2015 - Monday 21st December 2015	complaint regarding noise when customers are leaving the premises between 00:00hrs-00:30hrs.

Action Taken

Friday 11th December 2015- Night visit undertaken by the Susana Figueiredo to collect CCTV and to discuss the complaints received. The information on the licensing data base following the visit, states the DPS was aware of the incident that took place on 6th December 2015 whereby a customer had been difficult to remove. The DPS said that she had stopped selling alcohol an hour earlier. The CCTV from the night of Sunday 6th Decemeber 2015 was viewed and it showed that the tills were closed at 23:00 as a pro-active measure.

Monday 14th December 2015- Susana Figueiredo emailed John McGowan and Terry Kelly (employee), discuss the visit that took place on 11th Decemeber 2015. John and Terry were advised that a review would be taken if the nuisances continued.

Susana Figueiredo requested for a meeting to discuss an action plan.

John has upgraded the CCTV system to HD which is now of better quality.

Tuesday 15th December 2015 – Meeting held between Susana Figueiredo and John McGowan. An action plan was discussed to help prevent nuisance caused. For action plan please see **Appendix 2**

Sunday 20th –Monday 21st December 2015 – CCTV was viewed between 00:00hrs –00:30hrs. I have viewed the CCTV footage and can verify that the contents of appendix 1 of Susana Figueiredo notes on the premises history dated 5th January 2016 is correct.

No	Date	Complaint
9	Monday 28th - Tuesday 29th December 2015	complaint regarding noise on Monday 28 th Decemeber 2015 at premises at 20:00hrs, 23:32hrs and on Tuesday 29 th December 2015 at 00:13hrs. complainant states that there was loud music, extreme shouting and one customer laying across a car bonnet outside of the premsies.

Action Taken

Monday 4th January 2016 – A request was made for CCTV based on the complaint received on Monday 28th December 2015 and Tuesday 29th December 2015. John McGowan confirmed that there was no band or DJ on this night. Premises was controlled by way of operating a zero tolerance each night over the holiday period.

I viewed the CCTV footage from the night of Monday 28th December 2015 at 20:00hrs and 23:32hrs. There is no evidence of customers dancing and swaying to the beat of the music to suggest music was playing at the venue.

Tuesday 29th December 2015 - from 00:13hrs – 00:30hrs. The CCTV has been viewed and I can not confirm if customers were shouting as the CCTV does not provide sound. I can however confirm that I have not seen any person laying across a car bonnet. One female was seen walking away from the premises with a beer glass in her hand.

No	Date	Complaint
10	Saturday 16th January 2016	A further complaint was received regarding a police car outside the premises at 23:15hrs. The complainant further alleged that a male had been searched and a number of small packages were found. The complainant also stated that there had been shouting from inside the and outside the premises all evening.

Action Taken

The Licensing Police investigated and found that the premises (McGowans) had called the police regarding an assault that had taken place related to a male elsewhere. The SIA door supervisor had taken in the male in order to assist in giving him first aid. The police arrived and the male was subsequently arrested as a result of items found on him whilst being treated.

I understand that John McGowan and his management staff have put in place some measures/action plan that have been suggested at various meetings with Susana Figueiredo. However I believe that in order for these measures to be enforceable they would need to be placed as conditions on the current premise licence. If these conditions are breached there would be further enforcement action taken by way of review or prosecution.

After reviewing the current premises licence and evidence supporting this case, the Licensing Authority ask that the following condition be considered for adding to the current premises licence.

Conditions to be **removed** from the current premises licence:

5. Door supervisors of a sufficient number and gender mix, shall be employed from 21:00 hours on any day when the premises are open for the sale of alcohol past midnight.

At the last review of the premises in 2011 this condition was added to:

That two door supervisors shall be present from 20:00 until all customer have been dispersed from the premises on Fridays and Saturdays to control entrance to the premises and to control order within the premises.

6. No external drinking areas shall be used after 23:00 hours.

Wednesday 16th September 2015 Susana Figueiredo sent an email to John McGowan advising him that there is no external area for use by the customers.

For this review, the Licensing Authority request the following conditions to be **added** to the premises licence:

1. Two door supervisors of a suitable gender mix, shall be employed from 20:00 hours on Thursday, Friday, Saturday and Sunday. In addition, the above shall apply for the following occasions, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, St Patricks Day and Bank Holidays. Door supervisors must be present until all customers have been dispersed from the premises and have left the immediate area.

- **Objective met:**

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance

2. Door Supervisors shall wear clothing that can be easily identified on CCTV.

- **Objective met:**

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance

3. A register/ log containing the names, badge number, date and times of duty of security staff and any incidents that occur shall be kept and made available to the police and Licensing Authority.

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

- **Objective met:**

- the prevention of crime and disorder;
- protection of children from harm

5. No multiple sales of alcohol for any one individual.

- **Objectives met**

- the prevention of crime and disorder;
- the prevention of public nuisance

6. An additional CCTV monitor to be placed behind the bar that will be in a fixed position viewing the outside area of the premises. This will be monitored by staff on days when there are no SIA present.

- **Objective met:**

- the prevention of crime and disorder;
- public safety;

- the prevention of public nuisance
7. A non-fixed roped off area shall be in place from the premises entrance leading to the right side of the premises during the operating hours to prevent customers from standing outside neighbouring residential properties.
- **Objective met:**
 - the prevention of public nuisance
8. No more than 5 customers shall be permitted to smoke at the front of the premises in the non- fixed roped area at any one time. It will be the duty of the SIA staff to monitor this. On days when there are no SIA present bar staff will monitor this via the monitor placed behind the bar. Any customer that does not adhere to this shall not be permitted back into the premises.
- **Objective met:**
 - the prevention of public nuisance
9. Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.
- **Objective met:**
 - the prevention of public nuisance
10. The area outside of the premises shall be swept regularly and kept clean during operating hours. At the close of business staff shall wash and clean (with hot water only) the footpath and ensure that it is free from debris. These should be documented which will include date, time and signature of the member of staff who carried out the duty.
- **Objective met:**
 - the prevention of public nuisance
11. Speakers shall not be located /operated near the entrance lobby door.
- **Objective met:**
 - the prevention of public nuisance
12. The main entrance lobby doors shall remain shut at all times during operating hours.
- **Objective met:**
 - the prevention of public nuisance

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm in writing that you are willing to accept the above conditions and carry out any necessary works.

Yours faithfully,



Lavine Miller-Johnson
Licensing Inspector
Regulatory Services