

Appendix 2

John McGowan
McGowans
88 Walm Lane
London
NW2 4QY

16 December 2015

Licensing Act 2003 – Action Plan

Dear John,

Thank you for meeting with me yesterday regarding the above premises. I am now writing to you to confirm our discussion and potential suggestions that were raised as a way of resolving any future nuisance to neighbouring residents.

Date:	15 th December 2015
Present:	John McGowan, Terry Kelly, Carole Maseda (DPS), Esther Chan, Susana Figueiredo
Location:	McGowans, 88 Walm Lane, NW10 4QY

Neighbouring Property

The complaints received surrounds customers standing outside the neighbouring property number 86 Walm Lane. The customers are allegedly urinating on the neighbours door and entrance, vomiting and leaving left over food. As you are aware I have seen footage from 2011/2012 which shows evidence of this. The complaint states this is still occurring.

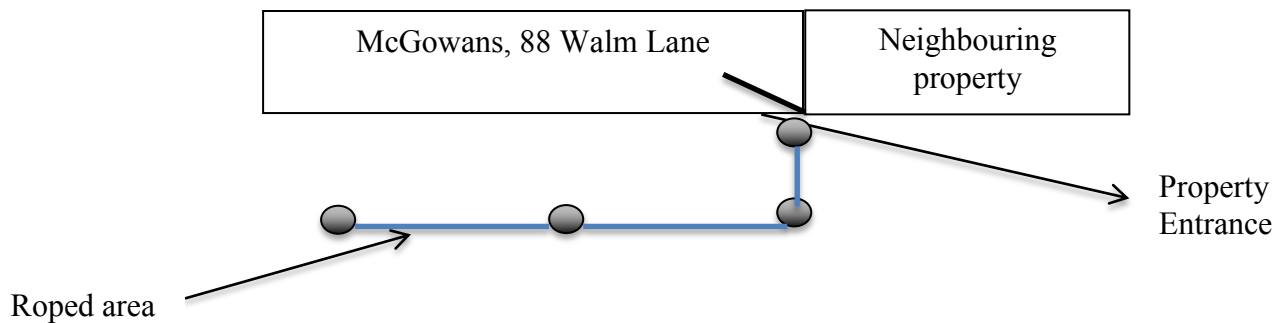
Suggested outcome:

- An extra CCTV monitor is placed behind the bar (as suggested by you) which is always fixed to view the outside entrance to the premises so that when there is only one member of staff present during the day there can be a constant monitoring to ensure there are no customers standing outside the roped area and particularly in front of the neighbouring property. In the evening, the monitoring of the CCTV monitor should be easier with two members of staff. Any customers standing outside of the roped area will be asked immediately to move into the roped area and any litter etc. will be swept from outside the neighbouring property should it be caused by your customers.
- A notice board stand placed between the rope area and the neighbouring property which states something along the lines of 'Strictly no standing beyond this point'.

Example notice board



- The roped area will be modified (as suggested by you) so that all customers will enter the premises through the top end of the street. This should cause a natural entrance away from the neighbouring property at number 86 Walm Lane.



Noise Nuisance

The complaint also states that music can be heard from the neighbours property when you have a DJ in place. There have been no noise abatement notices served on you as a result of these nuisances. However, you have suggested not having a DJ in order to prevent any noise issues.

Smoking

The complaints mention the amount of customers that are stood outside the premises at any one time. They are sprawled across the pavement preventing passers by from walking freely and the noise is disturbing neighbours. This includes littering of cigarette butts and smoking. As you are aware I have seen recent footage from 29th November 2015 which demonstrates this issue.

Suggested outcome:

- No more than 5 persons will be allowed to smoke outside at any one time. They will stand within the non-fixed roped area.
- Strictly no drinks outside of the premises which would contravene the Premises Licence in any case.
- The number of persons stood outside would be monitored on the extra CCTV monitor behind the bar to ensure there are only ever a maximum of 5 customers outside.

- The area outside the public house should be swept every hour (or other appropriate timing). These should be documented including date, time and signed by the person carrying out the sweeping so that it can be verified on CCTV. The sweeping should include the front entrance of the property next door where it is found that there is litter of any type present that may be associated to your premises.
- Notices displayed at the entrance clearly stating that only a maximum of 5 persons are permitted to smoke at any one time.

Door Supervisors

It was agreed that SIA staff will need to take a more distant approach with customers to ensure greater compliance.

Suggested outcome:

- In an attempt to be firm but fair you can create a zero tolerance for those customers that wish to go against the rules of the premises. If they do not wish to smoke within the barriered entrance, cause a nuisance or refuse to wait until there is sufficient space for them to smoke, they will be barred from the premises.
- All SIA timings should be documented and signed.
- SIA staff should have access to a way of documenting any issues they have, incidents that occur, who they bar from the premises, etc. If it is not the SIA staff documenting these issues, the bar staff should be able to document it for them as and when these issues arise.

Nuisance

As I understand from our conversation, the DPS Carole has been working in the premises since March 2015 and became the manager in May 2015. Carole mentioned that since working at the premises she has attempted and continues to attempt to flush out any of those customers who abuse the use of the premises for any illegal activities or who are creating a nuisance. In a recent complaint where Carole saw the customers were becoming non compliant she stopped serving alcohol one hour earlier than usual but there was still difficulty in getting these customers to leave when it was time to close at 00.30hrs. As a result a nuisance was caused to a neighbouring resident. I understand these persons have now been barred.

I also understood that you are mindful not to exclude a whole community because of legal action that may be taken against you for taking this stance. You spoke of already being subjected to legal action against you when you attempted to exclude a whole community and lost the case as a result of not just excluding those that were causing a nuisance and behaving in a disorderly manner. You also spoke of another premises that had legal action taken against them for the same reason and also lost because they excluded the whole community instead of those particular individuals who were causing issues.

Suggested Outcome:

- Zero tolerance for those customers that are causing issues in the premises, they will continue to be barred the next time they attempt to enter the premises.
- Preventative methods applied to areas such as the toilets to ensure there are no drugs being taken in the premises
- Ensuring SIA staff are aware of your policies and objectives so that they are clear on how to proceed.

Serving Customers

Some of the footage appears to show persons that are intoxicated. I believe Carole recognised one person who stood outside who had in fact just arrived. He was clearly intoxicated. We spoke about how customers such as these will give passers by the impression that you are allowing customers to drink to the point where they are drunk.

Suggested Outcome:

- Re-training for staff serving alcohol to customers
- Training for staff in dealing with difficult customers (in order to diffuse instead of fuel anger)
- Under no circumstances serving customers until the point where they are clearly drunk, the answer 'no' by bar staff should then feel less threatening.
- Notices in the bar area stating your refusal policy

Additional Suggestions:

Appearance

- Artificial hanging baskets to enhance the facia and soften the overall external look of the premises in line with the décor internally.

Cleansing:

- In addition to sweeping throughout the day, once all customers have left the vicinity at night, the outside of the premises should be re-swept and washed down with water (no detergents or chemicals to be used) so that there is a clear recognition from passers by that the perimeter of the premise is being maintained.

Please let me know if you wish to discuss any of the points listed above.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services
Regeneration & Growth