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TERRITORIAL POLICING

Brent Police Licensing Unit

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Your ref:

Our ref: 01QK/168/16

Brent Borough Licensing Department

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Date: 7th April 2016

**Police Objection to the Application to vary the DPS at 'Greenes Bar,
362-364, Neasden Lane North', NW10 0BT**

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Crime and Disorder Licensing Objective for the reasons indicated below.

Officer: PC 368QK Michael Sullivan
Licensing Officer

An officer of the Metropolitan Police, 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 application has been made to vary the premises licence to specify an individual as designated premises supervisor under section 37 of the Act.

Police are formally objecting to the variation.

The Police objections are concerned with the prevention of crime and disorder.

(1) The proposed DPS Mr Timothy Oliver Sheahan is also the Premise Licence Holder of Greenes Bar, on the 27th July 2015 the premises was the subject of a review where at the time Mr Sheahan was the DPS, it was determined that he should be removed as the DPS in order to promote the licensing objectives.

It would be detrimental to the licensing objectives if this application was to be granted, and it would also undermine the committee's decision to remove him from this position.

Below is part of the committee Determination notice

The decision

We have listened to all the representations and have read all the material.
We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.
We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.
We confirm that in making our decision we have sought to promote the licensing objectives.
We also confirm that we have imposed further regulation only if satisfied that it was necessary, proportionate and appropriate to do so and justified on the facts of this particular case.

On the facts of this application, it is particularly noteworthy that, according to statutory guidance, we should accept all reasonable and proportionate representations made by the Police unless we have evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the Police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.
We found that the evidence submitted by the Police demonstrated that the premises have been badly managed and supervised by Mr Sheahan resulting in many complaints and police interventions. Examples of drunk customers on the premises, after-hours opening, smoking on the premises, alcohol related crime and disorder associated with the premises, noise nuisance were given by the Police. We also found that there has been a flouting of the law. The evidence demonstrated repeated and persistent failures on the part of Mr Sheahan to manage his premises properly and responsibly. This is unacceptable and harmful to the licensing objectives.

At the hearing, the Police asked Mr Sheahan to name the licensing objectives. He was unable to do so. We appreciate that the pressure of the hearing and being put on the spot might have been difficult for Mr Sheahan but we do not think that alone can account for, or excuse, his inability to even mention public safety or preventing crime and disorder at the very least. The police told us that they had lost trust and confidence in Mr Sheahan. Based on the information presented to us by the police and what we heard, we have arrived at the same conclusion.

We have therefore decided to remove Mr Sheahan as the Designated Premises Supervisor (DPS) in order to promote the licensing objectives.

During the course of the hearing we discussed the conditions the Police and Ms Nesbit requested be added to the premises licence. Not all the conditions were contested by Mr Sheahan. Mr Dear helpfully confirmed on behalf of Mr Sheahan that he did not object to the following Police conditions being added to the premises licence.

Yours Sincerely

Michael Sullivan 368QK
Licensing Constable
Brent Police