

John Christopher McCooke
 4A Brondesbury Villas
 London
 NW6 6AA

27th October 2016

Your Ref 223683804

Licensing Representation for the Premises Licence Review for The Good Ship, 289 Kilburn High Road, London, NW6 7JR

I certify that I have considered the application shown above and wish to make the following representation.

Officer: Esther Chan– Licensing Inspector

I am an officer of the Licensing Authority, 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 review the premises licence under section 51 of the Licensing Act. The Licensing Authority are primarily 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.

History of Complaints

Prior to this Review Application, below shows a list of the complaints and incidents connected to The Good Ship since 2008.

Date of Complaint	Nature of Complaint	Actions
29 th September 2008	Complainant (1) is disturbed by loud music emanating from the premises untill 4am on most nights.	Complainant has communicated with the Director/DPS Mr John McCooke regarding the issue. Licensing Inspector Susana Figueiredo advised the complainant to contact the Licensing Team or Noise Team if the problems with

		noise nuisance persist
16 th October 2013	Complainant (2) is disturbed by loud music when the front entrance door is open. This regularly occurs when there is live music at the venue.	Officer Martin Wood from Nuisance Control Team advised the complainant that he will speak to the owner of The Goodship. Complainant is also advised that they can review the premise licence or if further evidence of noise nuisance occurs and witnessed by the Nuisance Control Officer, an Abatement Notice will be served.
17 th October 2013	Complainant (2) makes a further complaint alleging that every Friday and Saturday, patrons of The Good Ship are drunk and noisy (screaming and shouting) when they stand beside The Good Ship. The Patrons walk in and out of premises again and again. A fight has happened on the street. Complainant states they are suffering from noise caused by patrons of The Goodship every Saturday and Sunday.	As above
26 th February 2014	Complainant (3) informs the Licensing Department that on 9 th February 2014 at approximately 4:05hrs they were driving along Kilburn High Road and observed a group of drunken males standing on the side of the street. Complainants slows down his vehicle and witnessed 4 to 5 males leaving the premises, holding bottles. All of the males were staggering and shouting in the doorway. One of males threw a large bottle at complainant's car, hitting and shattering the windscreen glass. Complainant pulled over to the next convenient place, left their vehicle and shouted at	<p>A meeting was held on 10th March 2014 with the ward Licensing Inspector, Lavine Miller Johnson, the Licence Holder/DPS John McCook and the manager Ed O'Brien to discuss the incident that occurred on 9th February 2014.</p> <p>It was established that the CCTV recordings was corrupt and not retrievable when the incident took place, which is a breach of Condition 2 embedded on the premise licence which stipulates '<i>All CCTV recordings shall be kept for 31 days and shall be made available to police and</i></p>

	<p>the males to stop, but they ran into the alleyway next to Woody Grill's. Complainant contacts Nick Mortimer from Brent Licensing Police Unit. Mr Mortimer advised the owner to inform the owner of the damage and potential accidents as a result of negligence of the staff at The Good Ship by allowing patrons to leave with bottles and drunk. Complainant stated that they contacted the owner to inform him of what had happened and he showed little interest.</p>	<p><i>licensing officers if requested'</i></p> <p>Officer Miller-Johnson went through the current conditions embedded on the Premise Licence and explained her concerns followed by a letter dated 14th March 2014, which confirms that the people responsible for throwing the bottle were from The Goodship based on CCTV footage. Officer Miller Johnson advised Mr McCooke to implement procedures and policies in order to uphold the Licensing Objectives. Exhibit EC/01.</p>
25 th January 2016	<p>Complainant (4) lives in the vicinity of The Good Ship states that the venue is open till 4am nightly. There is no designated smoking area and people are standing on the street shouting, making significant noise disturbance. There is significant noise disturbance from inside the premise.</p>	<p>Information from the Noise Team. Premise to be monitored.</p>
1 st July 2016	<p>Complainant (5) who resides in the vicinity of The Good Ship complains that there is constant noise coming from The Good Ship which occurs a number of nights a week. There appears to be no smoking area for the customers. Complainant states they have to listen to drunken conversations at 3am when customers go out the front on Kilburn High Road to have a cigarette. Complainant states they listen to fights, screaming or general high levels of noise early in the morning.</p>	<p>Nuisance Control Officer Martin Wood has advised complainant that they can review the premise licence.</p>
31 st August 2016	<p>Complainant (6) stated that son who attended bar was</p>	<p>Case referred to the Police for further investigation. Meeting</p>

	seriously assaulted over the bank holiday in August 2016.	held with Mr McCooke on 7 th September 2016 (refer to page 7).
--	---	---

Incidents

Assaults: Following several late night violent incidents at The Good Ship, Nick Mortimer from Brent Police Licensing Unit has reviewed the crimes and concluded that too much alcohol has been a factor. Mr McCooke was given a Licensing Action Plan (Exhibit EC/02) by Officer Mortimer to assist him in preventing sales to drunks, which started on **26th May 2016 and expires on 26th September 2016**. Mr McCooke was instructed to ensure that staff should be made aware that selling alcohol to a person already intoxicated is a criminal offence under section 141 of the Licensing Act 2003 and all members of staff involved in the sale of alcohol to undergo training of basic Licensing Act 2003. The training must be documented and signed by the DPS and the member of staff receiving the training. The Action Plan also explains how to preserve a crime scene, should any form of incident or accident occur.

On Thursday 9th June 2016, Licensing Inspector, Lavine Miller-Johnson received a complaint referral from Antisocial Behaviour Officer, James Richards. He informed her that he had been contacted by a neighbouring premises, that during the evenings when The Good Ship is open, the service road between the properties known as Drakes Courtyard (Exhibit EC/03) is used for all types of antisocial behaviour activities. It has been alleged by the complainant that they had issues with customers from The Good Ship urinating and vomiting in Drakes Courtyard. It was brought to her attention that customers of The Good Ship were loitering in Drakes Courtyard. A male was also attacked in the early hours of **Sunday 5th June 2016**.

Subsequently, Officer Miller -Johnson communicated with Mr McCooke via email to advise him of the complaint and requested CCTV footage connected to date and time of the incident that took place on **5th June 2016**. Officer Miller-Johnson reminds Mr McCooke of staff duties and advised Mr McCooke to keep and maintain an incident log (Exhibit EC/04).

With reference to Officer Miller-Johnson's statement (Exhibit EC/05), CCTV recordings were collected from The Goodship and the complainant. After viewing CCTV recordings with Officer Richards supplied by The Good Ship and the complainant, Officer Miller-Johnson concludes that the males that engaged in the physical fight in Drakes Courtyard were customers of The Good Ship. However, it cannot be established if the customers were intoxicated. Officer Richards also concludes that the males involved in the fight in Drakes Courtyard were from The Good Ship, please refer to statement (Exhibit EC/06).

During a routine night visit carried out by Licensing Officers on **Sunday 9th October 2016** at approximately 3:00hrs, it had been noted whilst driving past The Good Ship, a large crowd were congregating outside the premises. As a result of the observations made, on my return back to the office, I went to Brent CCTV Control Room to ascertain what had occurred. On viewing the CCTV footage, the following incidents were noted:

Time	Findings
2:53hrs	2 SIA in high visibility vest seen going in and out of The Good Ship. White male (1) in white shirt leaves The Good Ship and stands outside to engage

	with a group of people.
2:55hrs – 3:04hrs	A large group of people (approx 10) blocking the public highway outside The Good Ship. Members of the public have to walk onto the road to get past the crowd.
3:08hrs	Crowd progressively disperse in different directions.
3:10hrs – 3:11hrs	Group of patrons stand outside the premises called Flows and Morans. A male (2) in a white shirt engage with the crowd.
3:12hrs	1 SIA seen outside The Good Ship but does not appear to be moving on the crowd.
3:13hrs – 3:17hrs	Crowd outside of Flows/Morans break out into multiple physical fights involving Male 2 and one other male. Fight spills onto the road into an oncoming coach. The crowd disperse and fight ends.
3:19hrs	Male 2 paces up and down the road between The Good Ship and shops. He eventually stands outside The Good Ship.
3:22hrs	Police Officers arrive outside The Good Ship and engages with several people including Male 2
3:27hrs	Mr McCooke walks out of The Good Ship and sweeps the side of Drakes Court Yard.
3:34hrs	A male who appeared to be staff of The Good Ship walk out of premises to engage with Police Officers. Mr McCooke later seen participating in conversation.
3:50hrs	Police leave the scene. (Exhibit EC/07)

Licensing Visit

An application for the review of the premise licence was received by The Licensing Authority on 14th July 2016. This application was made by a resident. However, this review application was deemed invalid due to a procedural error, whereby the applicant failed to submit a copy of the application to the premise licence holder on the same day that it was submitted to The Licensing Authority.

My colleague Officer Miller Johnson and I conducted a visit to The Goodship on **Wednesday 20th July 2016** at 11:30hrs in the presence of Mr John McCooke. Following our meeting, it was established that the following conditions embedded on the premise licence were breached:

Mandatory Conditions

Age Verification Policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) *The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.*

(3) *The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either*

(a) a holographic mark, or

(b) an ultraviolet feature.

During my visit, Mr McCooke confirmed that staff are given verbal training and a fact sheet No particular age verification policy has been adopted on the premises. No alcohol related - age restriction signages were displayed on the premises nor written documentation seen. It would also appear that Licensing Action Plan ([Exhibit EC/02](#)) given by Officer Mortimer has not been conformed.

Conditions Consistent With the Operating Schedule

Condition 1. CCTV shall be installed and maintained in a working condition.

Condition 2. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.

Mr McCooke was unable to show me CCTV recordings during my visit. Mr McCooke was requested to provide CCTV footages for Friday 1st July 2016, Saturday 2nd July 2016, Friday 8th July 2016 and Saturday 9th July 2016 from 1am to 4:30am showing the front external area. On 28th July 2016, I received an email from Mr McCooke informing me that the CCTV footage for the 1st and 2nd July 2016, were not stored ([Exhibit EC/08](#)). However, Mr McCooke was able to provide a usb memory stick containing CCTV recordings for the 8th and 9th July 2016 and 29th – 31st July 2016. The CCTV recordings were viewed and it has been noted that there is only one camera directed at the front street entrance and none facing Drakes Court Yard, where customers smoke or engage. In my opinion, the recordings from the CCTV were of poor quality as the images were unclear, making it difficult to ascertain an individual's face. On Thursday 4th August 2016, I have viewed CCTV recordings from Brent CCTV cameras which faces The Good Ship outside front external area for 1st July, 2nd July, 8th July and 9th July 2016. Please refer to my Brent Council CCTV Footages ([Exhibit EC/09](#)) which captures my comments based on various dates and times outside The Good Ship.

Condition 3. 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.

Although there is no conclusive evidence to suggest that Condition 3 has been breached, there is evidence that patrons of The Good Ship were connected with a glass vessel thrown at a member of public's vehicle on 9th February 2014. Furthermore, it was observed that a male patron of The Good Ship was consuming a drink from an open container in Drakes Court Yard on **Saturday 2nd July 2016** at approximately 2:22hrs ([Exhibit EC/10](#) and [Exhibit EC/11](#)).

Condition 7. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.

It was noted that a copy of the premises licence was not displayed, which should be visible from the outside of each entrance to the premises.

Condition 8. No entry or re-entry shall be permitted after 02:00 hours.

Based on Brent Council's CCTV footages, it has been observed that a number of people were entering The Goodship after 2am on Saturday 2nd July 2016 and Saturday 9th July 2016. (Exhibit EC/9 and EC/11).

It is difficult to establish whether these are existing customers or new customers. Once a customer has left the venue, they have technically given up their rights to re-enter the premises unless they are smoking within the perimeter of The Good Ship.

On Tuesday 30th August 2016, I received an email from Mr McCooke, stating that he is looking to sell The Good Ship and the business is making a loss. Mr McCooke stated that he is not convinced that a music venue can survive on Kilburn High Road unless it does open until 4am but literally every problem they have at the moment happens after 2:15am and 3am. On Saturday, Mr McCooke had to go out to announce to a good 50 people that they were not allowed entry. On this occasion, the crowd dispersed in 5 minutes, but sometimes they are not so lucky. Mr McCooke recommended that if the person who takes over from him is running a late licence bar, the last entry time should be altered to 3am as this would dramatically cut down incidents because the crowd that builds up attracts a crowd. Mr McCooke later stated that he is going to voluntarily close at the weekend at 3am until further notice and see what effect it has. Mr McCooke quotes "the heat is just too much presently and I am a bit tired with the abuse of these people we will not let in" (Exhibit EC/12).

Meeting

On **Wednesday 7th September 2016**, a meeting was held at Brent Civic Centre between, Mr McCooke, Brent Licensing Police Officer, PC Michael Sullivan, Officer Miller Johnson, Mr McCooke and I to discuss the complaints and incidents connected to The Good Ship.

PC Sullivan advised Mr McCooke that the action plan, which was set in May 2016 is still valid and ongoing. It was addressed that after reviewing CCTV recordings from Brent Council and The Good Ship alongside complaints received by The Licensing Authority and Licensing Police, nothing has improved.

The issues related to the incident that took place over the bank holiday on Saturday 27th August 2016 was discussed. Currently, The Good Ship is open until 4am (this is the only premises that now opens late within this area). Mr McCooke said that he voluntarily closes at 3am in the hope of reducing the issues surrounding his premises

Mr McCooke stated that the change in clientele has really made his premises difficult. Customers would threaten staff and are horrible. One staff member left due to the abuse from customers.

Mr McCooke would tell customers that there is no entry after 2am but this is difficult. He admitted that the issues start around 2am so chose to close at 3am.

Mr McCooke advised that if he was to change the no re-entry to earlier, there would be no point keeping the club running as it would suffer financially.

Mr McCooke advised that due to the location of the premises, it makes it difficult to create a smoking area outside of the premises. The SIA have been advising customers to stand to the side of the building in Drakes Court Yard.

Mr McCooke would tell customers that there is no entry after 2am but this is difficult especially in the summer months as customer go out for air and to smoke.

Mr McCooke has recently revised the door policy asking customers why they are leaving and reinforcing the no entry after 2am. They have created a smoking area to the side of the building in Drakes court yard and have been allowing 10 customers in this area at a time.

Summary

Since 2008, the Council have received complaints from residents and members of public associated with The Good Ship ranging from public nuisance, public safety to crime and disorder. Both The Licensing Authority and the Police Licensing Department have given the Premise Licence Holder/DPS, Mr McCooke advice to help him promote the Licensing Objectives and prevent a review of the premise licence. This has taken place in forms of meetings, letters and action plan. Based on Brent Council's CCTV footages, it has been observed that patrons of The Good Ship are using Drakes Court Yard for activities other than smoking. On Friday 8th July 2016, male patrons were captured leaving and entering The Good Ship, walking into Drakes Court Yard and re-entering The Good Ship. Furthermore, there were incidents of crowd congregation outside the premise, in Drakes Court Yard and outside neighbouring properties, whereby patrons are smoking and socialising. During my observations of CCTV footages on Saturday 15th October and Sunday 16th October 2016, large congregation of patrons are still poorly managed outside the premises, despite advice being given by the authorities (**Exhibits EC/13, EC/14, EC/15 and EC/16**). Patrons are also smoking in the front lobby, which is over 50% enclosed (This is a breach of the Smoking Legislation). In addition to the breaches identified above, overall, there has been a lack of management, poor staff control and monitoring of patrons in the external area.

Mr McCooke has claimed that his business is at a loss. In my opinion, this could be due to poor management. Mr McCooke appears to be promoting the business rather than upholding the licensing objectives.

As such, the Licensing Authority suggest that Mr John McCooke is **removed** as the DPS and a new appointment is made.

To assist the new DPS control the venue more successfully and protect members of staff and the public, the following changes would be necessary and appropriate in order to promote the licensing objectives.

The Licensing Authority suggest that the following conditions to be **removed** from the current premise licence:

1. CCTV shall be installed and maintained in a working condition.
2. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.
3. 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.
4. Door supervisors of a sufficient number and gender mix, shall be employed from 22:00 hours on Fridays and Saturdays and when large events are being held.
8. No entry or re-entry shall be permitted after 02:00 hours.

9. The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme.

All of the above requires updating.

The Licensing Authority suggest that the following conditions shall **remain** on the current premise licence:

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

6. The total number of people permitted on the premises including staff and performers shall not exceed 240.

7. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.

10. Notices requesting customers to leave quietly shall be displayed at each exit.

12. No children shall be admitted unless accompanied by a responsible adult.

13. No children shall be admitted on the premises after 20:00 hours.

The Licensing Authority suggest the following conditions to be **added** to the current premise licence:

CCTV

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council. This must comply with the Data Protection Act including signage.

2. A CCTV camera shall be installed to cover the main entrance of the premises and further cameras installed to cover Drakes Courtyard (Designated Smoking Area).

3. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.

4. The licence holder, DPS or nominated duty manager must inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated recorded of the CCTV examination and any findings shall be kept on the premises and made available to the police and licensing authority upon request.

Door Supervisors/Staff

5. A minimum of 3 door supervisors in a ratio of at least 1 supervisor to every 50 customers shall be employed from a company shown on the SIA's register of approved contractors, from 20:00 hours on any day when the premise is open for the sale of alcohol past midnight.

6. All door supervisors shall be clearly visible and wear yellow or orange high visibility vests, jackets or armbands so as they are clearly identifiable and visible to guests, staff and on CCTV.

External Area

7. A non-fixed roped off area shall be in place from the premises entrance leading to the left (on facing the premises) during the operating hours to prevent customers obstructing the public highway.

8. A designated smoking area shall be located from the side of premises to end of the building boundary line in Drakes Courtyard. A non-fixed roped shall be placed in the designated smoking area.

9. No more than 5 (five) customers shall be permitted in the designated smoking area. It will be the duty of the SIA staff to monitor the area on a regular basis.

Bottles and Glasses

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

Proof of Age

11. A "Challenge 25" policy shall be adopted and adhered to at all times.

12. A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.

Drugs & Weapons

13. Notices clearly explaining the licensee's drugs and weapons policy shall be displayed at the entrance and at suitable places throughout the premises.

14. Toilets shall be checked every 2 hours for the use of drugs and other illegal activities.

15. A toilet checklist shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of the check. Checklists are to be replaced daily and all old checklists must be retained and made available for inspection by the police and authorised officers from Brent Council.

General

16. Notices explaining the licensee's policy on admission and searching shall be placed at each entrance.

17. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

18. No entry or re-entry shall be permitted after 00:00 hours (midnight).

Reduction of Permitted Hours.

The Licensing Authority feel that committee should consider a reduction of permitted hours in order to prevent any late night incidents and public nuisance.

The Licensing Authority **suggest** the following hours are applied:

All permitted Regulated Entertainment:

- Monday – Thursday: 17:00hrs – 1:30hrs (changed)
- Friday: 17:00hrs – 01:30hrs (changed)
- Saturday: 12:00hrs – 01:30hrs (changed)
- Sunday: 12:00hrs – 01:30hrs (changed)

Supply of Alcohol:

- Monday – Thursday: 17:00hrs – 01:30hrs (changed)
- Friday: 17:00hrs – 01:30hrs (changed)
- Saturday: 12:00hrs – 01:30hrs (changed)
- Sunday: 12:00hrs – 01:30hrs (changed)

The Opening Hours of the Premises:

- Monday – Thursday: 17:00hrs – 02:00hrs (no change)
- Friday: 17:00hrs – 02:00hrs (changed)
- Saturday: 12:00hrs – 02:00hrs (changed)
- Sunday: 12:00hrs – 02:00hrs (no change)

The above hours allow customers half an hour of drinking up time.

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,



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing