

MJS/4



APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I...Police Constable Paul Whitcomb on behalf of the Commissioner of the Metropolitan Police Service.....

[insert name of applicant] apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description	
Sal's Bar (The Field) 249 Neasden Lane Neasden	
Post Town: London	Post Code (if known) NW10 1QG
Name of premises licence holder or club holding club premises certificate (if known)	
Mr. Tim Sheahan	
Number of premises licence or club premises certificate (if known)	
261872	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Paul Whitcomb PC 782QK Brent Police Licensing Unit Wembley Police Station 603 Harrow Road Wembley Middlesex HA0 2HH
Telephone number (if any) 02087333206
E-mail address (optional) paul.whitcomb@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) The prevention of crime and disorder | X |
| 2) Public safety | X |
| 3) The prevention of public nuisance | X |
| 4) The protection of children from harm | |

Please state the ground(s) for review (please read guidance note 1)

Sal's Bar is failing to promote three of the licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance.

The licence holder is Mr. Tim Sheahan and the designated premises supervisor is Ms. Sharon Mullarkey. Mr. Sheahan took over the running of the premises in July 2016.

Since December 2016, Brent police licensing unit have been working closely with the venue in order to address drunkenness, violent crime and disorder which has either taken place inside or outside of the venue. Part of the crime and disorder has allegedly involved the licence holder himself.

In December 2016, a customer who ejected another customer on behalf of staff was slashed across the face with a knife. In April 2017, in an unprovoked attack, a male seen coming from the doorway of Sals Bar assaults a passer by. In May 2017, a fight occurs in the pub where one male was assaulted. After being ejected, they arm themselves with items dumped in a nearby car park and return to the pub. Fortunately, they were arrested by police before attempting to re-enter the pub. In interview one of the suspects told police that he armed himself so that he could seek 'payback'. Also in May 2017 a male was assaulted outside Sals Bar and the suspect ran off through the pub.

In relation to these incidents police have tirelessly held several meetings, as documented below, in order to try and assist the licence holder to uphold the licensing objectives and run his business successfully. An action plan has also been issued to assist further. Unfortunately, despite taking a stepped approach, these measures appear not to have worked and that a review is now both a proportionate and necessary measure to take.

In the most recent incident which occurred in July 2017, the licence holder allegedly had an altercation with another male inside the pub. Disorder breaks out and then Mr. Sheahan is further alleged to have thrown a victim over the bar and poured a drink over them. He was arrested after police were called. This occurred during the day, when the pub was open and customers inside. A second male involved then leaves the pub punching the window and breaking it. (I must point out that Mr. Sheahan has NOT been charged with any criminal offences at this stage.)

During the above incident and many of the incidents documented below, CCTV has either not been available or has been overwritten when officers come to collect it. This is in breach of Mr. Sheahan's premises licence. This condition is constantly being breached and a theme you will see in the evidence below.

Brent police have no confidence in the current management team. Although police acknowledge that the current DPS, Ms. Mullarkey has endured a difficult pregnancy, and now on maternity leave, it was revealed at the licence review hearing for Mr. Sheahan's other bar (Greenes Bar), that Ms. Mullarkey had not run a 'difficult pub' before. She was unable to tell the committee what the licensing objectives were and went on to reveal that she had not received any formal training in the past nine years since she passed her personal licence test. In relation to Sals Bar, I have not seen Ms. Mullarkey working at the venue during any visit made there. I am deeply concerned as to how many shifts and how frequently Ms. Mullarkey is working at the premise in order to ensure efficient and effective management over the pub.

The licence holder, Mr. Sheahan has recently had his premises licence revoked from nearby Greenes Bar. There have been two reviews of that licence in the space of a few months. In the first hearing the committee agreed to give Mr. Sheahan a second chance. However, despite this, there was another incident in quick succession. Yet another review was submitted and the committee decided to suspend the licence until a full hearing. The licence was eventually surrendered and the pub closed.

Police believe that even if the premises licence is transferred and a new DPS sought, Mr. Sheahan will still have full involvement in the running of the pub. Through contact with staff at both Greenes and Sals Bar, it's of my opinion that Mr. Sheahan will not allow staff/managers to run the pub unless it's his way. Police do not feel that a reduction in hours will uphold the licensing objectives either, as incidents at Sals Bar have occurred in the middle of the day. As such, police feel that in such circumstances, the

committee should seriously consider a full revocation of the premises licence.

Please provide as much information as possible to support the application (please read guidance note 2)

Saturday 17th December 2016 at 2.10pm - Crime report number 1932107/16 refers to a grievous bodily harm (GBH). Following an altercation inside the pub, the suspect was ejected by a fellow customer. Outside the pub the suspect slashed the victim across his face with a knife. During the investigation which followed, there was no CCTV available as staff were unable to download it. When specialist officers examined the hard drive, the footage had already been overwritten. This report was later closed as the suspect was unable to be identified and the victim did not wish to pursue the matter any further.

Tuesday 20th December 2017 - The following are my electronic notes made after my follow up visit regarding the incident from 17th December 2016:

"PC Sullivan and I attended Sals Bar and spoke with bar staff about the incident which occurred on 17th December. I enquired as to the whereabouts of the DPS, Sharon Mullarkey. I was told that she normally works in the kitchen at Greenes Bar. I attended Greenes and Sharon was not there either. In relation to the stabbing it appears that a male customer had become drunk. He was refused service by bar staff and then ejected by another customer. When outside the venue, the ejecting customer was stabbed by the suspect. I am concerned about the apparent lack of management here. I have arranged an appointment with the DPS, to attend Brent Civic Centre on Saturday 7th January 2017 at 12.00pm for a meeting.

Saturday 7th January 2017 - The following are meeting notes between myself and the DPS Sharon Mullarkey:

"Meeting held at Brent Civic Centre with DPS, Ms. Sharon Mullarkey. Ms. Mullarkey's partner and PC Sullivan were also present. I opened the meeting by asking about the stabbing which occurred on 17/12/2016. Sharon told me that she was not present during the incident. I asked her how often she works in the pub. She told me that she works, Friday, Saturday and Sunday evenings and one day shift during the week. I told her about my visit from the 20/12/2016 when a staff member said that she works in the kitchen. Sharon said that this is not the case. There are actually three Sharon's who work for Greenes and her staff were confused. She told me that she was satisfied that she was spending sufficient time in the pub to ensure management control over it. I said that I was concerned that we don't have any manager or bar supervisor on duty during the day, when the stabbing occurred, which is maybe why a customer got involved in the ejection. Sharon stated that she would speak to licence holder Tim Sheahan about training another member staff in order for them to get a personal licence holder working in the pub, during the day. I advised Sharon that in the crime report officers reported that the CCTV had overwritten already. Sharon told me that this would be because the system only records for 14 days. I explained that her premises licence condition states that this must be 31 days. She told me that she would pass this onto Tim Sheahan for him to get his CCTV engineer to change the hard drive. I will now speak with Tim Sheahan and consideration for an action plan covering, training, CCTV and an additional personal licence holder."

Wednesday 25th January 2017 - The premises licence holder, Mr. Tim Sheahan attends a meeting accompanied by his solicitor, Mr. Robert Sutherland (Keystone Law). I issued him a licensing action plan in order to assist him in upholding the licensing objectives moving forward. The licensing action plan will be attached to the supplementary evidence.

Saturday 29th April 2017 at 2100 - Crime report 1910445/17 refers to a grievous bodily harm (GBH). The victim was walking past Sals Bar, when in an unprovoked attack the victim was punched several times by the suspect who was stood outside the bar. After the attack the suspect has ran off through the bar. The victim received facial injuries. During the investigation no CCTV from the pub was available. The manager, Leigh, told officers that the CCTV was not connected on the day the offence took place. This was due to refurbishment work. The investigation was later closed.

Sunday 7th May 2017 at 0400 - Crime report number 1911104/17/17 relates to an actual bodily harm (ABH). Following an altercation inside the bar, the suspect punches the victim in the face causing his nose to bleed. The victim was described by the officers as being 'drunk'. Also linked to this incident is crime report number 1911101/17, which occurred on the same day but at 0415 hours. The victim from the assault and his friend were ejected from Sals bar following the incident, however, they go to the rear of the pub, in Neasden car park, and arm themselves with large tiles. Police were called and both were arrested for possession of offensive weapons (large tiles which had been dumped). Both males were arrested. In interview one suspect admitted that he was looking for 'payback'. One also admitted that he had consumed around twenty pints from 6.00pm the following day. Both suspects received adult cautions for possession of offensive weapons.

Friday 12th May 2017 - I attended the bar in order to discuss the incident from the 7th May 2017 with the licence holder. The following are my notes made after visiting Sals Bar:

Time of Visit 3.00pm. "I Walked behind the venue via the rear service yard and noticed numerous people stood in the rear smoking area, all in high spirits. We (PC Sullivan and I) then entered the pub from the front. The venue has now been renamed. It is now called 'The Field'. The pub was very busy, amplified music was being played and sport shown in the television. Stood behind the bar was licence holder Mr. Tim Sheahan and two female members of bar staff. Tim stated that he was busy as he was hosting a funeral wake. I advised Tim of my concerns around the past two incidents at his pub and invited him to attend another meeting with me on Wednesday. He stated that he would ask if DPS Sharon Mullarkey would also be able attend (she was not present in the pub), but as she was coming to the end of her pregnancy, he was unsure whether this would be possible. A Meeting has been arranged for Wednesday 17th May 2017. CCTV requested from both incidents above (29th April and 7th May 2017)."

Wednesday 17th May 2017 - Another meeting was held and the following are the notes:

"Meeting - Held at Brent Civic Centre (1100 hours). Present was myself and PC Sullivan. For the pub, Ms. Aleta (Leigh) DOLIN and Mr. Michael GERAGHTY attended. Apologies were received from the licence holder Mr. Tim Sheahan and DPS Ms. Sharon Mullarkey. Mr. Sheahan was happy for Mr. Geraghty and Ms. Dolin to represent him. Ms. Dolin opened by saying that she will take over as DPS as Ms. Mullarkey was in hospital awaiting the birth of her baby. Mr. Garaghty may work at Sals Bar too but he may take over at Greenes Bar (this has not yet been decided). We then went through the three crime reports which have raised concern with us, especially as the premise is currently on a licensing action plan. Ms. Dolin stated that the pub was going through a period of change and since the closure of Charlie's Wine Bar, they had received new clientele. If those who staff feel may cause trouble are declined service, Ms. Dolin stated that they are often called 'racist' or such comments made. I requested the CCTV which was requested from Mr. Sheahan during my visit on 12th May 2017. Ms. Dolin stated that she was not made aware of the requirement to bring the footage. I stated that I will put this request in writing to her at the pub. I explained that police are considering a review of the premises licence. Ms. Dolin stated that she would like a chance to try and work with police, before such a measure is considered. Ms. Dolin proposed that the pub will employ 3 door supervisors at weekends and bring them on from 2100, one hour earlier than the licence requires. Plus they will be using search wands and have a bag search policy. The use of an I.D scanner will also be employed. I stated that it was positive to hear that the pub were considering these measures, however, we will keep all options open until CCTV footage has been viewed from the incidents which were alleged to have occurred at the pub. The meeting was closed at 1137 hours. "

Wednesday 17th May 2017 - I sent a formal letter to the licence holder, again requesting CCTV footage from the incidents which occurred on 29th April and 7th May 2017. I also sent him a copy of the meeting summary for his information.

Tuesday 23rd May 2017 at 1745 - Crime report number 1912656/17 refers to a grievous bodily harm (it was initially classified as an actual bodily harm but later upgraded by the central crime management team). A fight took place in the doorway of the premise. The victim sustained a one inch cut to his head as a result. No party wished to make a formal allegation and the crime report was later closed.

Thursday 8th June 2017 - Another meeting was held at Brent Civic Centre in relation to the incidents constantly occurring at Sals Bar. The following are the meeting notes:

"Present was the licence holder, Mr. Tim Sheahan and his solicitor Mr. Robert Sutherland (Keystone Law). Present for the police was PC Mike Sullivan and I. Mr. Sutherland explained that in relation to the CCTV request letter (for dates 29th April 2017 and 7th May 2017), Mr. Sheahan was unable to supply the footage due to technical problems with the system. Mr. Sutherland went on to say that although he accepts the system should be retaining footage for 31 days, it has not been. Apparently, Mr. Sheahan has had an engineer attend the pub and in his opinion the reason for the system not retaining for the full 31 days is because the system has been recording in high definition (HD), thus limiting the recording capability of the DVR. Mr. Sutherland stated that his client is in the course of rectifying this and will provide the police an update when the system is recording for the full 31 days. Mr. Sutherland asked for a little time to arrange this (**At the time of writing no update has been received**). In relation to the general management of the venue Mr. Sutherland explained that although DPS, Sharon Mullarkey is on maternity leave, she has been popping into the pub and intends to return. He explained that Ms. Leigh Dolin will also work at the pub providing extra management. In relation to the incidents Mr. Sutherland reassured the police that his client had taken action to try to prevent crime and disorder moving forward. He stated that Mr. Sheahan had invested in an I.D scanner. There will be a 'No I.D, No entry policy'. At times when door supervisors are on duty, this will be 'policed' by them. At all other times this responsibility will fall to members of staff. The scanner will sit at the bar area to facilitate this. Mr. Sheahan explained that he is also considering use of a 'membership' card scheme which will prevent regular customers from repeatedly having to produce their I.D. Mr. Sheahan explained that he had also increased his door supervisors to two, when employed at the venue. "

After the meeting, I spoke with Mr. Sutherland and explained that I will be issuing a final written warning to Mr. Sheahan, given that he had implemented some measures in order to uphold the licensing objectives." - ***28/06/2017 - UPDATE*** - At this stage the Final written warning has *not* yet been issued. The following two reports have subsequently come to light and as such I now feel that the only way to uphold the licensing objectives is by way of review application.

Sunday 18th June 2017 at 1200 - Crime report number 1915044/17 refers to an actual bodily harm. The licence holder, Tim Sheahan is alleged to have thrown a victim over the bar and then thrown a drink over them. Mr. Sheahan was arrested for causing actual bodily harm. The victim had bruising to their body. There was no CCTV available. **** It is important to point out that at this stage, that this is an ongoing criminal investigation and that no charges have yet been brought against Mr. Sheahan or any other person**** This report is linked to crime reference number 1915053/17 - Criminal damage to the pub window. Apparently, the suspect was fighting with Mr. Sheahan inside the pub (in relation to the above incident), he eventually leaves and then punches the pub window damaging it. He is later arrested close to the pub.

Friday 23rd June 2017 - PC Sullivan and I attend the premise. Neither the DPS nor licence holder was present. There were door supervisors, I.D scanner in place and two bar staff on duty. Female member of staff in charge made reference to the latest incidents but then said that she 'didn't want to talk about it'. She confirmed that the premise was closing earlier at 2.00am.

Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.

Have you made an application for review relating to this premises before?

Please tick ✓ **Yes**

If yes, please state the date of that application

Day

Month

Year

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If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X

- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *P. Whittam PC 7820K*

Date *FRIDAY 7th JULY 2017*

Capacity: *Licensing Constable on behalf of the Commissioner of the Metropolitan Police*
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Data Protection: *The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.*

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

Trading Standards
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359

Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee (C) following a hearing on 06 September 2017 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

Sal's Bar / The Field
249 Neasden Lane
NW10 1WG

1. Members of the Sub-Committee

Councillors Harrison (Chair), McLeish, Jones

2. The Application

The application was for a Police Review of the premises licence.

3. Representation

Aleta Dollin (licence holder and DPS) was present and represented by Robert Sutherland, solicitor. Also in attendance was Tim Sheahan.

The police were represented by Mr Ranatunga, Counsel. PC Whitcomb was also in attendance.

4. The Hearing

Mr Ranatunga outlined the basis of the review application. It was explained that the application engaged prevention of crime and disorder, public safety and public nuisance.

There have been 5 incidents since the 17 December 2016 of a serious nature in or around these premises, involving violence. In particular, levels of drunkenness were a concern; alongside lack of CCTV availability and the lack of proper management.

Mr Ranatunga took the sub-committee through the incidents, as outlined on pages 7-9 of the hearing bundle. He stated that one of the consistent themes is that, every time there is an incident, the CCTV from the premises is not available to the police. This was of serious concern. On the 17 May the police were told that Ms Dolin is to become the DPS

and that the premises was in a period of change. Mr Ranatunga pointed out to the sub-committee that, despite this – there are two further incidents.

The most recent incident involved Mr Sheahan, who at the time was the licence holder, seriously assaulting a customer. The police were told there was no CCTV of that incident, and yet the police obtained footage of this incident though the CCTV being uploaded onto YouTube.

It was submitted that there had been clear and consistent breaches of the CCTV condition – and this reflected that there was poor management at the premises.

The police sought revocation of the licence.

It was submitted that the police had gone through a process of issuing actions plans and yet there has been no improvement. The police had no confidence in the current management.

The police were of the view that even though the premises licence has been transferred, Mr Sheahan would continue to exert an influence over the premises. The police understanding is that he is the leaseholder. The problems at this premises all come back to Mr Sheahan.

Alternatively, the police seek a condition that Mr Sheahan be excluded physically from the licence premises and from the running of the business.

In addition, the police seek at least 2 SIA officers present from 20:00 and the use of an ID scanner. Furthermore, the removal of the smokers from the front of the premises.

The sub-committee then viewed the CCTV from the 29 April 2017 and 18 June 2017.

Under questioning the police clarified that the footage from the 18 June was taken from YouTube and the police could not comment if it was from a CCTV camera or not.

PC Whitcomb confirmed that, from his experience of The Field, the footage of the 18 June is of that premises.

Under questioning from the Licence Holder PC Whitcomb confirmed he couldn't say if it's been edited and couldn't say who uploaded the footage.

It was suggested to PC Whitcomb under questioning that the police had not requested the CCTV footage from the premises – this was denied.

Mr Sutherland addressed the sub-committee on behalf of the Licence Holder. He submitted that many of the police records of the incidents are contradictory. Further, he asserted that many of the incidents took place out in the street and not in the bar. These incidents should not be held against the running and management of the premises.

In relation to the 18 June 2017 incident, it was explained that the allegation of assault is against Mr Sheahan's wife. It was submitted that on this occasion Mrs Sheahan had been drinking, flirting with customers, turning up the music. Initially an attempt was made to try and calm her down, however this was not successful. Due to her medical condition the police were not called. It was submitted that they had not been asked for CCTV.

It not accepted by the Licence Holder that the footage shown from YouTube is either from The Field, or from a camera located in The Field.

Mr Sutherland stated that the key issue here is how the premises is promoting the licensing objectives. The last incident took place on 18 June 2017. Ms Dollan took over as DPS on the 10 July and licence holder from 17 July. Since those dates, there have been no incidents at the premises.

It was suggested that Ms Dollan is exercising a control over the premises and has made a number of changes in order to promote the licencing objectives. She has corrected the CCTV system and it is now able to record for 31 days. An ID scanner had been installed and been in operation since June 2017. It had been of great assistance in deterring problem customers. It has also resulted in those who attend behaving to a higher standard. The system is operational from 20:00 on Fridays and Saturdays. From 20:00 there is one door supervisor and from 21:00 there are two door supervisors. Everyone entering the premises is required to produce an ID, save for those patrons already saved on the system.

On other days, a risk assessment takes place in order to determine if further door supervisors are required.

Mr Sutherland stated that there was no evidence to suggest that the premises is operating outside of their hours. Ms Dollan was enforcing last order strictly.

In relation to the rear smoking area, there is a concern that this would lead to excessive noise in that area where local-residents are located.

The Licence holder suggested that this licence can remain in place, with robust condition attached *[proposed conditions were handed up to the sub-committee]*

It was stressed that the person now holding the licence and running the premises was Ms Dollin. Ms Dollin addressed the sub-committee. She explained that she was not new to the area. She had previously worked at Greene's Bar. She stressed that she had implemented many changes. She accepted that it was no means an easy task keeping Mr Sheahan in order, but she stated that if she felt Mr Sheahan was "over stepping the mark" she would walk away from the business.

Where the persons known to the incidents known to the staff? The answer given was they were not regulars.

The Licence holder was pressed by the sub-committee and the Police to explain why it was asserted that the 18 June footage did not come from the Field. The Licence Holder simply stated that she could not confirm the location of the footage.

It was confirmed that the new CCTV at the premises was installed in May

Under questioning the Licence holder confirmed that, if the sub-committee felt that an exclusion condition was necessary with regard to Mr Sheahan then Ms Dollin would comply with such a condition.

Mr Sutherland confirmed that the reasons given in the police report for the failure to provide the CCTV were not disputed.

It was further confirmed that Mr Sheahan had a right to occupy the premises and had an interest in the property.

Ms Dollin was asked if the footage from 18 June 2017 looked like the bar she had been working at for a year – she confirmed that it did.

Ms Dollin was asked by the Police whether she had brought any evidence of the CCTV expenditure with her? She stated that this was the first time she'd been in this situation and it is an oversight on her behalf.

Mr Sutherland pointed out that an officer had attended the premises and inspected the CCTV.

Finally, Ms Dollin was asked that if someone behaved like the footage showed on the 18 June 2017 would she exclude them. She stated that she would not tolerate such behaviour.

In summing up the police stated that they sought revocation but if the committee was minded to impose conditions then Mt Sheahan must be excluded from the premises. The sub-committee were asked to consider what is appropriate to do so in order to promote the licencing objectives. It was also noted that the sub-committee had a power to suspend.

Mr Sutherland submitted that the CCTV did not support the police case. The important issue is the upholding of the licensing conditions – his suggested conditions do this. He urged the sub-committee to vary the licence and impose the conditions as a proportionate response.

5. Determination of the Application

The sub-committee determined the application in accordance the provisions of the Licensing Act 2003. Further the sub-committee considered the matter with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee have listened carefully to the submissions made by all parties.

This premises has an appalling history of bad management. Mr Sheahan is clearly at the centre of this poor management.

The sub-committee is satisfied that there have been numerous breaches of condition 2 of the licence. We do not accept the suggestion that the licence conditions do not require the recoding of CCTV footage. In any event, the sub-committee heard evidence that the

CCTV previously in the premises did have the capacity to record. The failure to provide the relevant CCTV footage to the police has not been challenged by the Licence Holder.

Furthermore, the sub-committee is satisfied that a serious assault took place at the premises on the 18 June 2017 involving Mr Sheahan. This is not behaviour the sub-committee expect from someone involved in the alcohol licence trade.

Whilst the sub-committee are satisfied that there are sufficient grounds to revoke this licence we also take into account that recent transfer of the licence to Ms Dollin. In particular, we note the changes already made at the premises.

The sub-committee is prepared to give Ms Dollin an opportunity to run the premises in line with the licensing objectives.

The following conditions will be imposed:

- 1. Mr Timothy Sheahan shall be prohibited from having any involvement in the running of this licensed premises.*
- 2. In addition Mr Timothy Sheahan shall be excluded from attending the premises, save that he may attend by giving written notice to the Police not less than 24 hours before his intended visit, giving the reasons and the date and time for his visit.*

The sub-committee note that such exclusion was not opposed by the Licence Holder.

- 3. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition to record footage, and such 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 and signage.*
- 4. A CCTV camera shall be installed to cover the entrance of the premises and rear door and further cameras shall be installed to cover the full interior of the premises.*
- 5. A member of staff trained in the use of the CCTV system shall be available at the premises at all times that the premises are open to the public.*
- 6. The CCTV system shall display on any recordings the correct date and time of the recording.*
- 7. 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.*

8. *The Licence Holder/DPS/Manager shall inspect and test the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Local Authority on request.*
9. *SIA Security shall wear clothing that can be clearly and easily identified on CCTV.*
10. *There shall be a minimum of two SIA door supervisors on Fridays and Saturdays from 20:00 until all patrons have left the premises.*
11. *A register 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.*
12. *On Friday and Saturday from 20:00 until close all customers entering the premises will have their ID scanned on entry.*
13. *Customers shall not enter or leave the premises from/by the rear door, except in the event of an emergency.*
14. *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
15. *Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.*
16. *No entry or re-entry to the premises after 01:00 on Friday and Saturday nights.*

In addition the licence shall be suspended for a period of 14 days in order that these above conditions can be implemented to the satisfaction of both the licence holder and the police.

7. Right of Appeal

The parties have a right of appeal to Brent Magistrates' court against this decision

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

Dated 13 September November 2017

