



Licensing Panel

Minutes

13 June 2023

Present:

Chair: Councillor Matthew
Goodwin-Freeman

Councillors: Govind Bharadia Maxine Henson

6. Appointment of Chair

RESOLVED: That Councillor Matthew Goodwin-Freeman be appointed Chair of the Licensing Panel Hearing.

7. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by Members.

8. Minutes

(See Note at conclusion of these minutes).

9. Licensing Procedures

The Chair asked the Panel Members, officer/s, Responsible Authority/ies and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

10. Seán Óg, 108 High Street, Wealdstone, Harrow, HA3 7AH.

In attendance:

Legal Adviser:	Baljeet Virdee, Harrow Council
Licensing Officers:	Ash Wagela, Harrow Council Alan Riley, Harrow Council Ally Darwood, Harrow Council
Premises:	Mr Nee, the Designated Premises Supervisor (“ DPS ”), Miss O’Sullivan
Relevant Representations:	Metropolitan Police – Applicant PC Darren Cowley – Applicant’s Representative

- 1) This was a hearing to determine application for a review a premises licence for the Premises known as the Sean Ög, 108 High Street, Wealdstone, Harrow HA3 7AH (the “**Premises**”) (previously known as TJ’s Sports Bar) brought by the Police on the basis of the prevention of crime and disorder.
- 2) The Sub-Committee hearing was held in person and all Members of the Sub-Committee were present throughout and were able to see and hear all representations made.
- 3) The Sub-Committee carefully considered all the relevant information including:
 - All written and oral representations made by all the parties.
 - The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives.
 - The Guidance issued under section 182 of the Licensing Act 2003.
 - Harrow Council’s Licensing Policy.
 - The Human Rights Act 1998.
- 4) The Police’s application referred to an incident on Saturday 11 March 2023 in which a serious incident of violence took place inside the Premises after they should have been closed for licensable activities but were instead continuing to operate and serve alcohol. The Police’s application also referred to other incidents of alleged non-compliance of licensing conditions at the Premises going back to 13 August 2018. A copy of the Police’s application was shown in full at Appendix 1 to the Agenda.

- 5) Under the existing premises licence the sale of alcohol for consumption on the Premises was authorised between Monday to Friday between 11:00am to midnight, and on Saturday between 11:00am to 01:00 am the following morning. The closing times during this same period was 00:30am Monday to Friday and 01:30 on Saturday.
- 6) According to the Police's application, on the morning of Saturday 11 March 2023, a fight broke out between two groups of people, each group reportedly consisting of at least 6 people, resulting in a violent incident of grievous bodily harm ("**GBH**"). The Police's enquiries noted the incident took place between 01:47am and 01:52am, when the Premises should have been closed. The Police's enquiries show the Premises was still open and serving alcohol after the end of licensing hours.
- 7) As for the GBH, the Sub-Committee the Police's representation states the CCTV showed the groups fighting, a male forced to the floor and kicked, a chair used to hit another male and a further man holding a sharp object and using it to cause puncture wounds to two men and slashing another person's hands as they tried to defend themselves. Pool cues were also being used to assault others and chairs were being thrown around.
- 8) The Police's also stated that one of the victims of the assault informed them that they arrived at the Premises at 01:45am that morning and ordered 2 pints, which was after the time permitted for the supply of alcohol and after the time the Premises was supposed to close. Mr Paul Nee, was not at the Premises at this time and the only staff member present was Miss O'Sullivan.
- 9) The Police said that when they spoke to Miss O'Sullivan on 16 March 2023, she needed to check a copy of the licence to confirm the licensing hours and stated she had misunderstood the times and accepted the Premises should have been closed at the time of the incident. At the hearing Miss O'Sullivan again acknowledged that the Premises were open when they should have been closed. She indicated that business had been difficult as they had barred many of the previous locals from attending the Premises due to alleged drug taking and other incidents and were just trying to keep afloat. Miss O'Sullivan also confirmed she had been working at the Premises since 2017, so she should have been aware of the terms and conditions of the premises licence.
- 10) The Police's representation also referred to earlier incidents and warning letters from 13 August 2018 to 24 February 2022, with this last incident resulting in a final warning letter by the Police following an incident of GBH that occurred on 20 February 2022. A review of the Premises' CCTV on that occasion showed it had continued to sell alcohol for an hour after the end of their licensing hours. In that case a patron left the Premises with a glass in hand, although at the hearing

Miss O'Sullivan said that the patron did this when she had gone to switch off the lights, and so she did not permit the patron to do this. References to these incidents and copies of the Police's warning letters are shown in Appendix 1.

- 11) The Police's application sought to reduce the licensing hours of the Premises and to add further conditions to the premises licence to reduce the risk of a further recurrence of this type of incident. However, when asked by the Sub-Committee, the Police also stated they did not have confidence in the current set up to abide by the licensing conditions but could potentially work with a new licensee.
- 12) The Licensing Authority's representation, shown in Appendix 3, asks that the Premises Licence be revoked and also referred to other earlier incidents at the Premises between 21 December 2017 to 20 February 2022.
- 13) The other earlier incidents referred to by the Police and Licensing Authority range from minor breaches such as issues with an advertising board and a broken window to the further serious incident of GBH on 20 February 2020. It also appeared the Premises had also continued to operate beyond its licensing hours on 26 December 2019.
- 14) Mr Nee and Miss O'Sullivan informed the Sub-Committee that they were surrendering their lease to the landlord on 24th June 2023 and that the Premises were not currently operating. They asked for the premises licence not to be revoked so that it could be assigned to a new tenant.
- 15) Miss O'Sullivan indicated the incident on 20 February 2022 happened outside the Premises and that she would not have permitted any glass to have been removed from the Premises had she seen it. She also said she had called the Police herself on a few occasions when patrons were refusing to leave after closing time.
- 16) The Sub-Committee noted there was a serious incident of GBH on 11 March 2023, which occurred when the Premises had remained open after the end of its licensing hours, which was when the incident occurred. Had the Premises adhered to its licensing conditions, they would not have been open, and this incident would not have occurred.
- 17) This was not the first time the Premises had remained open after the end of its licensing hours, which included an earlier incident of GBH, and there seemed to be a pattern of breaches of the existing Premises Licence, to a greater and lesser degree. There had been issues with the Premises CCTV as well, which Mr Nee and Miss O'Sullivan stated was now all now in order.

- 18) The Sub-Committee considered that action was required and did not consider a reduction in the licensing hours to 11.00pm and additional conditions, as suggested by the Police, would be an effective solution to uphold the licensing objectives.
- 19) The Premises has already shown a pattern of breaches of the Premises Licence, including 3 incidents where the Premises appeared to have continued to operate and sell alcohol after the end of its licensing hours and those breaches only appeared to have come to light following incidents at the Premises. If the licensee cannot presently adhere to the existing licence conditions and licensing hours, the Sub-Committee did not have confidence that they would abide by any reduced licensing hours or more stringent licensing conditions.
- 20) Both the Police and Licensing Authority had given written warnings to the Premises over the years about licence breaches, which did not appear to have been heeded, and with Miss O'Sullivan having been there since 2017 she ought to have been aware of the licence conditions and ensured these were adhered to.
- 21) The Sub-Committee noted that Mr Nee and Miss O'Sullivan said they were not currently opening the Premises and that they intended to surrender their lease on the 24 June and so would no longer be operating the Premises, but no evidence of this was produced and there was always the possibility that these plans could change for reasons outside of the control of Mr Nee and Miss O'Sullivan.
- 22) Taking all of the above into account, the Sub-Committee decided to revoke the Premises Licence.

RESOLVED that the Premises Licence for the Premises be **Revoked**

(Note: The meeting, having commenced at 7.00 pm, closed at 8.06 pm).

(Signed) Councillor Matthew Goodwin-Freeman
Chair