

Licensing Sub-Committee

Supplementary Agenda A

Wednesday 2 October 2024 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: <u>youtube.com/hammersmithandfulham</u>

MEMBERSHIP

Administration:	Opposition:
Councillor Mercy Umeh (Chair) Councillor Paul Alexander	Councillor Dominic Stanton

CONTACT OFFICER: Amrita White

Committee Co-ordinator Governance and Scrutiny

Tel: 07741234765

E-mail: Amrita.White@lbhf.gov.uk

Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: youtube.com/hammersmithandfulham

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Date Issued: 01 October 2024

Licensing Sub-Committee Supplementary Agenda A 2 October 2024

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4.	MCGETTIGANS, 1 FULHAM BROADWAY, LONDON, SW6 7NX - ADDITIONAL INFORMATION	3 - 18
	This includes the following documents:	

- Mcgettigans Representation Licensing Authority
- Supporting Information from Barrister of the Premises Licence Holder
- Police Statements

Agenda Item 4



LICENSING CONSULTATION INTERNAL MEMO

To: Lorna Mckenna

From: Adrian Overton

Date: 27th September 2024

Premises: McGettigan's, 1 Fulham Broadway, London, SW6 1AA

CAPS Ref : **2024/01401/LAPRR**

Application : Summary Review

I am the Licensing Team Manager for the London Borough of Hammersmith and Fulham. I am also able to act as the responsible authority for the Licensing Authority of the London Borough of Hammersmith and Fulham.

I have considered the above application and wish to make a representation in support of this review on the basis of past adverse enforcement history at this premises and unlicensed activities.

The Application

On the 4th September 2024 PC Nicole Sondh, on behalf of the chief officer of the Metropolitan Police, applied for a summary review of the premises known as McGettigan's, 1 Fulham Broadway, London, SW6 1AA.

Activities and timings of the licence being reviewed

The sale of alcohol on and off the premises

Monday to Wednesday – 10:00 to 00:00 Thursday to Saturday – 10:00 to 01:00 Sunday – 12:00 to 00:00

Regulated entertainment (live music, recorded music, dance and anything similar)

Sunday to Wednesday – 10:00 to 00:00 Thursday to Saturday – 10:00 to 01:00

The provision of late night refreshment - Indoors only

Sunday to Wednesday – 23:00 to 00:00

Thursday to Saturday – 23:00 to 01:00

Opening hours of the premises

Sunday to Wednesday – 10:00 to 00:30 Thursday to Saturday – 10:00 to 01:30

Supporting Information - Enforcement Summary

The Police Licensing team have taken the unusual step of submitting a summary review for this premises because of a serious incident which took place in the early hours of the 1st September 2024. This incident culminated in a female being assaulted and left unconscious, and this incident was not reported to the Police at the time it took place. A further sexual assault took place in May 2024, and this was also not reported to the Police.

During the process of completing the Police investigation it became apparent that at the time the incident took place (Sunday 1st September at 01:25), the premises were operating outside of the times permitted by their licence, and did not have a valid temporary event notice (TEN) in place.

We understand from the information provided at a recent interim steps hearing that there was some confusion when submitting the TEN, which should have covered 1st September 2024, but incorrectly mentioned 31st August 2024.

The recent enforcement history outlined below shows that this is not the first time unlicensed activities have taken place at the premises as a result of a misunderstanding about TENs. The information below also shows that there have been repeated breaches of licensing conditions at this premises:

22/02/23

During an inspection on the 22nd February 2023 an officer from the licensing team identified that the CCTV system was only recording for 21 days, rather than 31 days, which is a breach of condition 26 of the licence issued at the time (licence number 2021/01401/LAPR now superseded by current licence number 2023/02072/LAPR) A warning letter was issued for this offence.

The designated supervisor (Ms Gomes) confirmed in a subsequent email that this would be changed to 31 days as requested.

19/11/23

On the 19th November 2023 at approximately 02:35, the Council's Noise and Nuisance team received a complaint from a local resident claiming that the above premises were causing a significant disturbance by playing loud music. Upon investigation, the licensing authority established that the premises in question did not hold any authorisation to provide licensable activities for the date and time in question.

On the 23rd November 2023 at approximately 13:30, a Council licensing enforcement officer and a Police licensing officer visited the premises and spoke to the DPS (Ms Gomes) about this incident. Ms Gomes confirmed that the venue continued trading

until approximately 02:45 on the morning of the 19th November 2023 as she was under the impression that she could transfer a previous TEN from October 2023 (which was unused) to the event on the 19th November 2023.

The licensing enforcement officer investigating the offence informed her that this was not possible, and that with this information in mind it was clear that unauthorised licensable activities were carried out from the premises on the 19th November 2023. It was explained that this was an offence under Section 136 of the Licensing Act 2003, and a warning letter was subsequently issued for this offence. Ms Gomes was also given extensive advice on how to use and submit TENs in future.

04/01/24

On the 4th January 2024 a licensing inspection was carried out by the Police Licensing team. The purpose of this visit was to review the venue's CCTV footage in response to a police report. It was noted that the premises CCTV footage did not retain for a minimum of 31 days as required under condition 27 attached to the current premises licence. A warning letter was issued for this offence. On the 8th January 2024, Ms Gomes emailed the Police to confirm that all cameras at the licensed premises are fully functional and the footage would now retain for 31 days.

Conclusion

The Licensing Authority has concerns with the operation and management of this premises, not only as a result of the Police review, but also after its own interaction with the premises over the last 18 months.

During the incident outlined in the Police review from September 2024 the premises was found to be trading without a valid TEN in place. This is despite clear advice and guidance on the usage and submission of TENs being given to the premises after another unlicensed event in November 2023.

We are also very concerned that the premises has not correctly reported a number of serious incidents which have taken place at the premises, and in turn we cannot be confident that the licensing objectives are being upheld at this premises.

With the above in mind, the Licensing Authority fully supports all the measures and steps outlined by the Police licensing team, and would suggest that at the very minimum the DPS is replaced, and that significant retraining of staff is undertaken

Adrian Overton

Licensing Team Manager

London Borough of Hammersmith and Fulham

From: Duncan Craig

Sent: Monday, September 30, 2024 11:18 AM **To:** Licensing HF: H&F < licensing@lbhf.gov.uk>

Cc: Mckenna Lorna: H&F nicole.sondh ; Louis Stelling

AWMailbox-LicensingFH@met.police.uk;

Cardwell Kris J - AW-CU

Subject: RE: Attendance - McGettigan's Fulham 1 Fulham Broadway London SW6

1AA

Dear Licensing

I write further to Wednesday's hearing; please find attached as supporting documents on behalf of the licence holder, CVs of two individuals that the licence holder is proposing to act as management at the premises going forward.

There is a meeting at the premises between the licence holder and the Metropolitan Police Service, tomorrow at 11am, and it is possible that further documents may be forthcoming following that, which would be submitted in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

The premises has been in dialogue with the MPS in the last few days, and following that please find attached a document proposing a number of modifications to the conditions on the premises licence, in relation to which the licence holder will be inviting the Panel to exercise its statutory powers at Wednesday's hearing.

Please could all these documents and this email be placed before the Members and distributed as appropriate in advance of the hearing.

I have copied the MPS into this email.

Many thanks.

Kind regards, Duncan Craig Barrister

Email:			
Phone:			
	 	_	

Executive Summary

Food and Beverage Executive with extensive experience managing top-tier hospitality venues, including Michelin Star and Five-Star Forbes-rated establishments. Expert in enhancing service delivery, profitability, and guest satisfaction through strategic leadership and operational excellence.

Known for effectively leading large teams and maintaining the highest standards in competitive dining environments.

Professional Experience

South Place Hotel, London, UK —

- Spearheaded the recruitment and comprehensive training of 120 food and beverage team members, enhancing team competency and service excellence.
- Managed operations across two restaurants, three bars, six event rooms, and in-room dining, ensuring seamless service and excellent guest experiences.
- Upheld rigorous standards in a Michelin Star restaurant to guarantee exceptional dining experiences consistently.

OUT by Wolfgang Puck, The Four Seasons Hotel, New York City, USA -

- -Oversaw all Food and Beverage operations for a 70-seater restaurant, 40-seater bar/lounge, and 32-seater private dining area, enhancing service delivery and guest satisfaction.
- -Managed a team of 100, overseeing recruitment, payroll, scheduling, and training to boost performance and efficiency.
- -Increased profitability through enhanced revenue and operational efficiencies, maintaining targeted cost controls.
- -Maintained Five Star Forbes status with over 93% scores in F&B outlet and
- LQA inspections, ensuring exceptional service and guest interactions.

The Rosewood Hotel, Washington DC, USA —

- Key player in the pre-opening phase, establishing operational standards and leading the recruitment and training of a 50-member front-of-house team.
- Oversaw a 50-seater restaurant, 40-seater lounge/bar, and rooftop dining, consistently delivering top-tier service and customer satisfaction.

Spago Beverly Hills, Los Angeles, USA —

- -Managed the front of house operations at Wolfgang Puck's flagship restaurant, renowned as a gathering place for Hollywood celebrities and distinguished clientele.
- -Enhanced service standards and guest experiences by initiating a comprehensive training program, significantly elevating the staff's ability to cater to high-profile guests with exceptional service and discretion.
- -Collaborated closely with culinary and beverage teams to ensure staff were well-versed in sophisticated menu options, thereby enriching guest interactions and satisfaction in this prestigious dining environment

Dorchester Collection, London, UK —

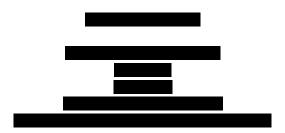
- Service Manager at CUT by Wolfgang Puck, 45 Park Lane: Managed daily operations of the dining areas, ensuring adherence to LQA and Forbes standards, significantly enhancing service quality across all touchpoints.
- Food and Beverage Management Graduate at The Dorchester: Rotated through key F&B roles, developing a broad range of skills and earning accolades for outstanding service.

Education

BSc in International Hospitality Management

The Emirates Academy of Hospitality Management,

- Graduated with Honors & Recipient of the Outstanding Student Award in Food and Beverage Service and led the team to win the best restaurant award in a practice.



Profile

I am a versatile, hardworking and reliable individual who has excellent communication skills. Through my current and previous roles, I have gained valuable experience within customer service sectors and understand the importance of retaining business and completing tasks to the highest standards. I have the ability to work well under pressure and to meet and exceed set targets, of either time or productivity. I have an outgoing personality and feel I would be an excellent addition to the workplace. I would also be willing to undergo any training offered by the employer to enhance my skills.

Professional Experience

McGettigan's, Dubai World Trade Centre,

- I am _____, running the busy Dubai World Trade Centre location.
- My focus is on driving commercial performance and ensuring the pub's operational excellence across all aspects.
- Key areas are business development, partnerships and relationships management, and maximizing F&B revenue and profitability from all market segments
- I work closely with the DWTC Authority, who as well as Landlord are also the licencing authority for the venue.
- Through focus on quality, staff training, and customer service, I have more than doubled revenues year on year.

Cairns Bar - Greene King, _____, ____,

- I was responsible for all stock, employees, training, fire safety, repairs, risk assessments, sales plans and the overall general running of the pub.
- Doubled sales over 2 years.
- I implemented and oversaw better services standards, a focus on spend per head and the introduction of sales drivers for business such as karaoke, private functions, party nights with quiz nights and live music nights.

- The business improved dramatically with my oversight and a real focus on food and liquor margin controls, labour spend, consumable costs and recycling measures.
- I continuously reviewed the P&L and studied areas which could be tightened, and identified areas which helped improve profit conversion.
- This had led to the business operating at a conversion rate between 36% and 39%.
- In the entirety of the 2,800 Greene King pubs, Cairns reached the top 40 under my stewardship, a huge turnaround from when I took this over and it was listed below 600.
- ds.
- I was a finalist in the top three out of 286 General Managers within the GreeneKing Urban Pubs Sector of the business.

Designate General Manager –
This was the same role in Cairns Bar before I became the
Rhoderick Dhu, Rhoderick Dhu,
 My responsibilities as included stock control, orders, recruitment, training, fire safety, risk assessment, implementing sales plans and drivers, implementing cost controls throughout the business and the overall general running of the pub.
 Upon being promoted to, my duties included much of the same responsibilities of the position with more focus on running shifts and ensuring the pub was set up to trade effectively with the correct ambience, lighting and shift management to ensure a great shift whilst maximising the sales.
Newton Arms Bar and Restaurant

 Opening and closing the bar, cleaning beer lines, serving customers, stocking the bars, cleaning the bars.

Other Work Experience

- Disclosure Scotland,
- Kane Associates,
- Merrylee Bar and Kitchen,
- o2,
- Weatherseal,

Professional Qualifications and Awards

- •
- Level 4 Technical Apprenticeship in Management
- SVQ in Management (
- Level 3 Modern Apprenticeship in Management
- SVQ in Management (
- Open University, Environmental Science Masters (
- University of Strathclyde, Batchelor of Arts Business (
- Glasgow College of Commerce, Diploma in Business Marketing (

Out with work I enjoy listening to music, exercising and watching football. I enjoy new experiences, seeing other parts of the world and learning about other cultures.

References available upon request

McGETTIGANS PROPOSED MODIFICATION TO CONDITIONS

Condition 27 and 28 to be replaced with the following;

- 1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities and;
 - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request
 - one camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering.
 - shall cover any internal or external area of the premises where licensable activities take place.
 - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
 - footage shall be provided free of charge to Police or authorised council officer within 24 hours of a request.
 - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous

Condition 29 removed and replaced with the following:

- 2. A daily incident log shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police or the Fire Service which shall record the following:
- (a) all crimes reported to the venue
- (b) all ejection of patrons
- (c) any complaints received
- (d) any incidents of disorder

- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.
- 3.The incident record shall be kept on the premises and be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises is open.
- 4. Where SIA registered door supervisors are used at the premises, a record shall be kept of their SIA registration number and the dates and times when they are on duty.
- 5. All door supervisors shall be provided with a radio which allows communication between all members of the door supervisor team and the premises manager.
- 6. All door supervisors shall be provided with body worn cameras, these must be activated when dealing with any incidents involving disorder or allegations of crime.
- 7. All staff shall be trained in how to manage a crime scene and crime scene preservation. This training shall be repeated at least once a year and written records of the training kept on the premise and made available to Police and authorised officers of the Licensing Authority on request.
- 8. The premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.
- 9. The licence holder shall put arrangements in place to ensure that before serving alcohol or other age-restricted goods to customers they believe to be less than 25 years of age, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the customer.

- 10.The Premises shall have a policy to ensure the welfare and safeguarding of vulnerable patrons. Staff shall be able to support and assist people who feel unsafe, vulnerable or threatened. Should customers approach the venue for assistance, these incidents shall be recorded in the incident log. This policy shall be made available to police or authorised officers of the Licensing Authority upon request.
- 11. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
- 12. A Log shall be kept of all the private events held at the premises, including contact details of the event organiser. This log shall be kept on the premises at all times and made available on request to the Police and officers of the Licensing Authority upon request.
- 13. Ms Deborah GOMES is not to be employed in any capacity on or at the premises or involved in the management or ownership of the premises either directly or indirectly.





WITNESS STATEMENT					
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B					
	URN				
Statement of: PC Michael Walsh 4254 AW					
Age if under 18: Over 18 (if over 18 insert 'over 18')	Occupation: Police	e constable			
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true. Witness Signature:					

This statement is in reference to an allegation of grievous bodily harm which I assisted in reporting on Sat 31/08/2024 at MCGETTIGAN'S public house on Fulham Broadway in the Fulham area, SW6.

In this statement I make reference to myself, my colleague PC BUDDING and several members of staff whom I dealt with whilst taking details for the report of assault. I am PC WALSH 4254 AW. I have worked as a police constable on the borough of Hammersmith and Fulham in the Metropolitan Police Service since 15/02/2015. On Saturday 31/08/2024 I was on patrol in full uniform in a marked police vehicle assigned to the call sign of A105 N. I was accompanied by my colleague PC BUDDING. We were working out of Hammersmith Police station on a night duty shift from 2200 Hrs on 31/08/2024 until 0700 Hrs on 01/09/2024 on emergency response police team D.

At approximately 2334 Hrs on 31/08/2024 a call was circulated to MCGETTIGAN'S BAR at 1 Fulham Broadway in Fulham, SW6. The remarks on the call were that there were apparently Fifteen to Twenty (15-20) individuals fighting at the location. The call was graded as "I" for immediate response due to the remarks of violence being used at the incident location. I assigned myself to the call and arrived at the property shortly afterwards. Upon arriving at the location I could see that an ambulance had also just turned up on scene. I could also see a large group of individuals gathering outside of the bar. It appeared to me as though the group all knew each other, suggesting that they had possibly been at a private event at the bar. As I got out of my vehicle I was approached at the front door to the venue by a male who appeared to be working as door staff at the bar on this date. When I informed this member of staff that I had been called to the bar for reports of a fight he stated to me clearly words to the effect of "NO, THERE HAS BEEN NO FIGHT HEAR TONIGHT. THERE IS A LADY WHO HAS HAD A FIT. THAT'S ALL. WE ONLY NEED THE AMBULANCE".

Due to the information I was given by this member of staff I was led to believe that the matter was a medical matter and there was no criminal element. Myself and PC BUDDING have then left the area. We had only got a short distance away from the incident location when we were informed over the main radio channel that the paramedics on scene had apparently been told by staff that the female they were treating had in fact been assaulted and was currently not responsive. I have then returned to the location. Upon arriving again at the bar PC BUDDING has gone in to the back of the ambulance to gather information about the nature of the injuries to the female being treated. I approached the front door to the venue Witness Signature:

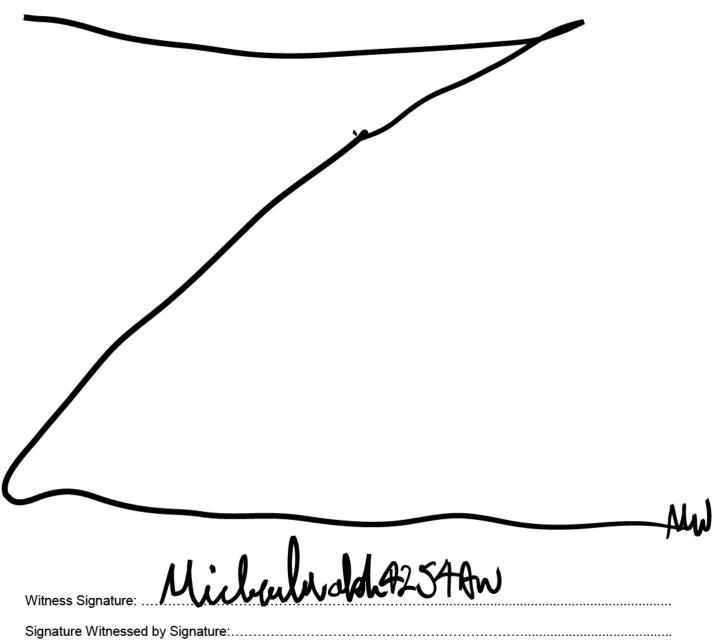
Signature Witnessed by Signature:....

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Continuation of Statement of:

and was again approached by a member of staff. This time however it was a different member of staff to the initial one that I spoke to. This male identified himself to me as a Mr and stated that he was in charge of the door staff at the venue for this date. This male clearly stated to me immediately that the inured female had been assaulted by being hit on the head with a glass whilst she was dancing on the dance floor area of the bar. This female had apparently then sat down for approximately Ten to Fifteen (10-15) minutes before slumping over and having what appeared to be a seizure, at which point emergency services were then apparently called. When asked why this information was not given to officers when we initially attended the venue Mr could not give me a clear answer. PC BUDDING has then accompanied the injured female in the ambulance on route to hospital for treatment and assessment to her injuries whilst I have remained on scene at the bar in order to set up a crime scene, view CCTV and attempt to take witness details in order to report the alleged assault fully.

I recorded my interaction with Mr upon returning to the venue on my body worn camera and exhibit this footage as MJW01.



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Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B URN Statement of: PC Nicole SONDH 2438AW Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Officer This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: Date: 30/09/2024

Further to my statement written on 18/09/2024 in relation to the summary review of McGettigans, 1 Fulham Broadway, Fulham, SW6 1AA, this statement relates to the correspondence that has been had with the premises licence holder of Mcgettigans via his barrister Duncan Craig.

Since the appeals hearing on 10th September I have spoken with Mr Craig on several occasions to discuss the incident that occurred at McGettigans and our concerns regarding it, the evidence that we have to support the incident and our expectations on how the premises can regain our faith in their ability to promote the licensing objectives when providing licensable activity to the general public. These conversations took place via email, teams and over the telephone. It is important to emphasise that Police concerns were not with regards to the premises licence being in existence but to how the licence was being operated and the risk that was currently posed to the public by not promoting the objectives in particular in the Prevention of Crime and Disorder.

It is our belief that should a new DPS be appointed and the below agreed conditions added to the premises licence then this will allay the current concerns of Police Licensing.

Condition 27 and 28 on the current premises licence to be replaced with the following;

- 1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities and;
- shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request
- one camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering.
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Witness Signature:	
Signature Witnessed by Signature:	••••

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Continuation of Statement of:

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Witness Signature:	Leas and	
Signature Witnessed	by Signature:	
		Page 2 of 3





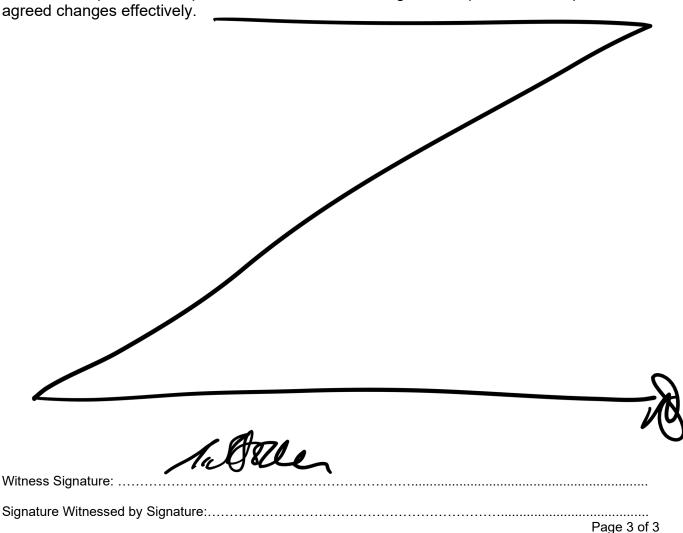


Continuation of Statement of:

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- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police: and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
- 12. A Log shall be kept of all the private events held at the premises, including contact details of the event organiser. This log shall be kept on the premises at all times and made available on request to the Police and officers of the Licensing Authority upon request.
- 13. Ms Deborah GOMES is not to be employed in any capacity on or at the premises or involved in the management or ownership of the premises either directly or indirectly.

Following the above developments the Metropolitan Police is now seeking that the premises licence is suspended for a period of time sufficient enough for the premises to implement the



RESTRICTED (Mend of complete)