

**The London Borough of Hammersmith and Fulham**

**Decision of the Licensing Sub-Committee (“the Committee”)**

**05 September 2024**

**McGettigan’s, 1 Fulham Broadway London SW6 1AA (the “Premises”)**

The Committee has considered an application for a summary review of a premises licence under section 53A of the Licensing Act 2003 (“the Application”)

The Committee has considered the submissions made by the Police, both orally and in writing.

In reaching its decision, the Committee has had regard to the relevant legislation, the Secretary of State’s Guidance (“Guidance”) and the Authority’s Statement of Licensing Policy (“SLP”).

In summary, the Committee has decided, after taking into account all of the individual circumstances of this case, and the promotion of the four licensing objectives to implement the following interim steps with immediate effect:

- i. Remove the designated premises supervisor from the licence; and
- ii. Suspend the Premises licence pending a full review.

**Procedural Matters**

1. The Metropolitan Police, a responsible authority, submitted an application for a summary review of the Premises licence on the 04 September 2024, “the Application”. On Sunday 01 September 2024, at approximately 01:25 hrs, the Police were called by a member of the public to the Premises following a fight where a female sustained a head injury and then a short time after that suffered a seizure. On 02 September 2024, Police Licensing became aware of the incident and a post incident form was sent to the Designated Premises Supervisor (DPS) of the Premises, Deborah Gomes, to determine their version of events and the actions that had been taken by the Premises during the incident and immediately after. The form returned contained no details of the fight inside the Premises and only explained that treatment was provided to the female victim. On 04 September 2024, Police Licensing had a meeting with the DPS, Deborah Gomes. Police Licensing, during their investigation, requested for the incident logs to review and it transpired that there had been previous incidents that had occurred which had not been reported to the Police. In particular, a sexual offence occurred in May 2024, where a male grabbed and groped a female outside the Premises and then had been allowed inside the Premises to buy the same female a drink.
2. Form 693, which contained the representations from Police Licensing, and Form 693A, a certificate under 53A of the Licensing Act 2003 were submitted to the Committee on 04 September 2024.

3. PC Nicole Sondh and PC Steve Muldoon were in attendance.

### **Reasons**

4. In making its decision the Committee has taken into account all relevant sections of its SLP and the Guidance, as well as local knowledge.
5. The Committee was mindful that Section 4 of the Licensing Act 2003 imposes a duty on the Licensing Authority, when carrying out its functions to determine the application with a view to promoting the licensing objectives.
6. The Committee noted the concerns raised by Police Licensing on the basis of the prevention of crime and disorder. Police Licensing informed the Committee that they were made aware on Monday, 02 September 2024 of an incident where a woman was hit over the head and subsequently suffered a seizure. The Premises provided first aid, however, it was a member of the public that called the Police. When the Police first arrived, they were informed by security that there had been a minor altercation and a woman had suffered a seizure. It was not relayed to the Police that she had been assaulted so the Police left the scene. The Police were later called back by the London Ambulance Service (LAS) who informed them that the woman had a lump on her head, the woman had suffered a seizure and was unresponsive. The Police then set up a crime scene and an offence of Grievous Bodily Harm (GBH) was recorded. The victim was treated at the scene and then taken to hospital. The criminal investigation is ongoing.
7. Police Licensing were informed to investigate the Premises. The Committee noted from Police Licensing that the Premises failed to call the Police and did not provide the full details of the incident to the Police on their first arrival at the Premises. This meant that the Police were not given the option to detain the suspects. The suspects were able to leave the Premises without being detained. Further, the CCTV at the Premises did not fully cover the area of the incident which was another concern for the Police.
8. The Committee noted from Police Licensing that a post incident form was sent to the DPS, Deborah Gomes to determine their version of events. The form was returned to the Police without any details of the incident that had taken place at the Premises and only referred to the treatment provided to the victim. Police Licensing state they had a meeting with the DPS. Police Licensing stated that the DPS did not recognise that Police should have been called to the incident that had occurred on 01 September 2024. They did not recognise the severity of the incident nor the fact that the victim had a seizure and was unresponsive. This has raised a huge concern for Police Licensing about the Premises' lack of welfare and care for the public. Police Licensing stated that they have no confidence that the DPS will be able to restore faith that no further harm will be caused to the public, should other incidents occur at the Premises. The Committee noted that Police Licensing are recommending that the DPS is removed, and the licence is suspended pending a full review hearing.

9. The Committee further noted from Police Licensing that when they were reviewing the incident logs at the Premises, it appeared there were three incident logs at the Premises. One log was called the red book, another log was attached to a rota and the third log was for the venue. The log for the venue only had one incident recorded which was the incident that had just occurred on 1 September 2024. The log attached to a rota had two incidents recorded, one of which was a potential sexual assault incident where a male grabbed and groped a female and then the male was allowed to buy the female a drink following the incident. Police Licensing and staff could not locate the red logbook. Police Licensing asked the DPS about the incidents in the logbooks. The DPS initially stated she does check the logbooks but when she was asked about the sexual assault incident, she was not aware of it. Police Licensing informed Committee that it was their opinion that the Premises was likely underreporting incidents that were happening at the Premises.
10. The Committee noted that there was a condition on the Licence which required staff to be trained under the requirements of the Licensing Act 2003. Police Licensing stated the Premises has 'Ask Angela' posters and were informed that the staff had received WAVE ("Welfare and Vulnerability Engagement") training. They stated that the staff are aware that they have to call the Police whenever a crime is committed at the Premises. The Committee noted that there was another incident where the Police were called by a staff member where staff had lost control of a situation during an incident. The security at the Premises told the Police that it was under control and that the Police were not required. However, about 20 minutes later the Police were called again as the staff were not able to control the situation.
11. The Committee took into consideration the concerns raised by Police Licensing about the lack of reporting of incidents, failure to notify the Police of incidents that have occurred at the Premises previously such as the sexual assault and the failure to recognise the severity of the incident that occurred on 01 September where the victim suffered a seizure as a result of an assault. The Committee stated that by failing to call the Police there was a failure to demonstrate understanding in promoting the Licensing objectives, specifically the prevention of crime and disorder.
12. Taking all the above into account, it was the Committee's considered opinion that the relevant interim steps to be taken and implemented immediately are to remove the DPS from the licence due to the poor management, not being aware of some of the incidents that had occurred, failure to promote the licensing objectives and to suspend the licence pending a full review hearing.
13. If the premises holder is unhappy with the interim step taken, they are entitled to make representations and within 48 hours of the representations, the Committee will hold a hearing to consider those representations.

**Licensing Sub Committee**  
**05 September 2024**