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1. REVIEW APPLICATION

On the 4th September 2024, an application for a summary review of a premises licence under section 53A of the Licensing Act 2003 was served by Police Constable (“PC”) Nicole Sondh, on behalf of the chief officer of the Metropolitan Police, Hammersmith and Fulham Police Station, 226 Shepherds Bush Road, Hammersmith, W6 7NX. The summary review application is in respect of the premises known as the McGettigans, 1 Fulham Broadway, London, SW6 7NX.

The application for a summary review of the premises licence was made on the grounds of prevention of crime and disorder, following an incident which took place on 1st September 2024 at the premises that concerned a female who had sustained a head injury, and then a short time later suffered a seizure. Further investigation established that there was a separate incident in May 2024 where a female customer was sexually assaulted, and police were neither called nor informed. The application was accompanied by a certificate issued by a Superintendent officer of the Metropolitan Police, certifying that they are of the opinion that the premises are associated with serious crime.

PC Sondh on behalf of the Metropolitan Police details in the summary review application that the failings presented by the premises in relation to the incidents raise concern with respect to how the premises is currently operating and their ability to uphold the licensing objectives, in particular the prevention of crime and disorder.

PC Sondh therefore requests that the licensing sub-committee (“the committee”) consider a revocation of the licence.

A copy of the review application and supporting documentation can be seen on pages **13-71** of this report.

2. CURRENT LICENCE

The premises currently operate a premises licence which permits the following licensable activities:

Performance of Dance - Indoors Only

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Performance of Live Music -Indoors Only

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00

Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Playing of Recorded Music -Indoors Only

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Entertainment Similar to Music or Dance -Indoors Only

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Provision of Late-Night Refreshment -Indoors Only

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 01:00
Friday	23:00 - 01:00
Saturday	23:00 - 01:00
Sunday	23:00 - 00:00

Sale of Alcohol On and Off the Premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	12:00 - 00:00

Non-Standard Timings and Seasonal Variations: See Annex 2.

Hours Premises Open to the Public

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 01:30
Friday	10:00 - 01:30
Saturday	10:00 - 01:30
Sunday	10:00 - 00:30

A copy of the current premises licence can be seen on pages **72-86** of this report.

3. BACKGROUND

Licensing records show that the initial premises licence was granted in respect of the premises on the 11th August 2005, On the 11th January 2016, an application to transfer the premises licence to McGettigans Holding 2015 Ltd was granted. On the 11th November 2021, an application to vary the Designated Premises Supervisor (“DPS”) to Ms Deborah De Araujo Gomes was granted. A copy of the current licence can be seen on pages **72-86** of this report.

The main access to the premises is located on Fulham Broadway. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on page **87** of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Fulham Broadway area. Fulham Broadway tube station is a 2-minute walk away, Parsons Green tube station is a 13-minute walk away, and West Brompton overground station is a 16-minute walk away from the premises.

4. INTERIM STEPS

On the 05th September 2024, an interim steps meeting was held via Microsoft Teams. At the meeting, the committee decided, after taking into account all of the individual circumstances of the case, and the promotion of the four licensing objectives, to implement the following interim steps with immediate effect:

- Remove the designated premises supervisor from the licence,
- Suspend the licence pending the full review.

A copy of the full decision can be seen on pages **88-90** of this report.

On the 10th September 2024, Mr Duncan Craig of St Philips Chambers submitted a representation against the interim steps imposed on the 05th September 2024 on behalf of the current premises licence holder. A hearing was held on the 11th September 2024, and the committee decided to uphold the decision made in the original interim steps meeting held on the 05 September 2024. A copy of the representation, supporting documents and decision can be seen on pages **90-98** of this report.

5. CONSULTATION

A public notice was displayed by the Council at and near the premises. A further public notice was displayed by the Council at Hammersmith Town Hall. Details of the application were also published on the Council’s web site.

A notice of review was served on the premises licence holder and all the statutory responsible authorities as required by regulation.

5.1 Relevant Representations

The licensing section received a representation from the Licensing Authority supporting the review application. A copy of this representations can be seen on page **100** of this report.

The licensing section received a representation from the premises freeholder EI Group Ltd supporting the review application. A copy of these representations can be seen on pages **101-102** of this report.

The licensing section received one representation on behalf of the Barclay Road Conservation Area Neighbourhood Watch, one representation on behalf of the Fulham Island Residents' Association, one representation on behalf of the Vanston Place Management Company, and two from local residents supporting the review application. A copy of these representations can be seen on pages **103-113** of this report.

6. OTHER INFORMATION

6.1 Enforcement History within the last three years.

On the 10th January 2024, a warning letter was issued in response to a breach of the following condition:

- CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. All images shall be stored for a minimum of 31 days. Appropriate signage shall be displayed, in a prominent position, informing customers they are being recorded on CCTV.

On the 24th November 2023, a warning letter was issued in response to unauthorised licensable activities ascertained to have taken place at the premises on the 19th November 2023.

On the 22nd February 2023, an inspection sheet was left at the premises as a warning letter in response to the following breach of condition ascertained during the visit:

- CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. All images shall be stored for a minimum of 31 days. Appropriate signage shall be displayed, in a prominent position, informing customers they are being recorded on CCTV.

6.2 Temporary Event Notice (“TENs”)

There have been seven TENs and four Late TENs approved in respect of this premises within the past twelve months. A copy of the list of TENs can be seen on pages **114-122** of this report.

7. POLICY CONSIDERATIONS

- 7.1 It is the Council's duty under the Licensing Act 2003 to determine the review with a view to promoting the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.
- 7.2 In reaching a decision the Council must have regard to the Council's adopted Statement of Licensing Policy ("SLP") and the guidance issued by the Secretary of State under section 182 Licensing Act 2003.
- 7.3 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 ("the Guidance") contains advice in paragraphs 11.16 to 11.29 in relation to the review of a premises licence and in paragraphs 12.01 to 12.35 in relation to a summary review of a premises licence. Paragraphs 11.16 to 11.29 and 12.01 to 12.35 of the revised guidance can be seen on pages **123-134** of this report.
- 7.4 The Council's own SLP gives guidance concerning the review of a premises licence.
- 7.5 Policy 10 pages 28 and 29 of the SLP in relation to reviews states that the Act describes two "groups" that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and "Other Persons".

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 5.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- a) Modify the conditions of the premises licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for up to three months;
- e) Revoke the licence.
- f) Take no further action".

- 7.6 Policy 11 pages 29 and 30 of the SLP in relation to the consideration of residents, expects that any licence applicant will give due consideration to the needs of Hammersmith & Fulham residents and any negative impacts from licensable activities and business operations.

Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Health to be successful.

7.7 Policy 16 pages 33 and 34 of the SLP in relation to the safety of women and girls in licensed settings states that the Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff,
- d) Require presence of CCTV, or to introduce entry searches for example.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

This would include but is not limited to the 'Ask for Angela' programme, Welfare and Vulnerability Engagement' training package (WAVE) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls. The Licensing Authority would also encourage off licensed premises to take part in the Ask for Angela scheme in an effort to increase the visible promotion of the scheme in all licensed premises across the borough.

Implementing these measures, particularly for on-licence premises, providing training for staff to increase awareness and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

As part of the Government's and the Council's Violence Against Women and Girls Strategy, venues may also wish to consider boosting their security measures e.g. the recruitment and training of additional door security staff, particularly female staff.

The Council are proud supporters of the Women's Night Safety Charter and we would like to encourage all our licensed premises to consider how you and your business can contribute to making your workplace and H&F a borough where all women feel confident and welcome whenever and wherever they happen to be. The Women's Night Safety Charter is a voluntary pledge to show you take women's safety seriously. By signing the Charter, you show your acknowledgement of the issue and that you're ready to get proactive in improving women's safety.

7.8 Annex 4 page 52 of the SLP in relation to the grounds for considering a review states that the Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- a) Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;

- b) Use of licensed premises for the sale and distribution of illegal firearms and the laundering of illegal firearms money;
- c) Evasion of copyright in respect of pirated or unlicensed films and music;
- d) Underage sales and consumption of alcohol;
- e) Use of a licensed premises contrary to any emergency legislation requesting its closure;
- f) Use of licensed premises for prostitution or the sale of unlawful pornography;
- g) Serious risks to children;
- h) Use of licensed premises for unlawful gaming and gambling;
- i) Use of licensed premises as a base for organised criminal activity;
- j) Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- k) Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
- l) The use of licensed premises for the sale of stolen goods;
- m) Incidents of disorder;
- n) Instances of public nuisance where warnings have been disregarded;
- o) Serious risks to public safety which the management is unable or unwilling to correct;
- p) Frequently operating outside permitted hours.
- q) There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

8. THE REVIEW HEARING

In determining this application, the committee must consider what steps are appropriate for the promotion of the licensing objectives taking into account the application and any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).

In making its final determination the steps the licensing authority can take are:

the modification of the conditions of the premises licence;
 the exclusion of a licensable activity from the scope of the licence;
 the removal of the designated premises supervisor from the licence;
 the suspension of the licence for a period not exceeding 3 months; and
 the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- the prevention of crime and disorder

- the prevention of public nuisance
- public safety
- protection of children from harm

It must also have regard to its own SLP and the Guidance.