

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.

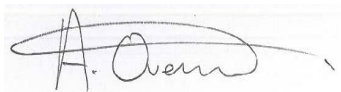
Conclusion

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