

LICENSING SUB-COMMITTEE MINUTES

Tuesday 30 November 2021 at 7.00 pm

Members Present: Councillor Fred Cowell, Councillor Ibrahim Dogus and Councillor Philip Normal

1 Election of Chair

MOVED by Councillor Phillip Normal, SECONDED by Councillor Ibrahim Dogus

RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting.

2 Declaration of Pecuniary Interests

None were declared.

3 Minutes

RESOLVED: That the minutes of the previous meeting held on 3 November 2021 be approved and signed by the Chair as a correct record of the proceedings.

4 Licensing Applications for the Grant / Review of a Premises Licence

4a Brix Bar & Grill 10 Electric Avenue London SW9 8JX (Coldharbour Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to chapters 2, 3, 8, 9, 10 and 16 of the Statutory Guidance, and to Sections 1, 3, 4, 8 and 17 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6 of the report on page 21.

Mr Ola Owojori, Licensing Officer, informed the Members that:

- This was an application for a new premises licence to be known as Brix Bar & Grill.
- The application was seeking the Sale of Alcohol for consumption on and off the premises from Sunday to Thursday, 12:00 to 23:00, and Friday and Saturday 12:00 to 00:00.
- The application was also seeking Late Night Refreshment Friday and Saturday from 23:00 to 00:00.
- One representation had been received against the application from a local resident, Ms Karin Christiansen, who was not in attendance.
- David Dadds represented the applicant, and the applicant was Mr Dominic Degannes.

- Subsequent to the publication of the report, the applicant sent correspondence which had been sent to the objectors who had not responded and assumed to have maintained their objection.

Presentation by the Applicant

Mr David Dadds representing the applicant Mr Dominic Degannes, informed the Sub-Committee that:

- The applicant had asked that the application be granted as applied for.
- Conditions had been agreed with the Licensing Authority.
- The Council had written to Interested Parties on the 11, 15, 18 and 26 November and no response had been received.
- The applicant had agreed several conditions with the Licensing Authority which were appropriate to promote the Licensing Objectives.

In response to questions from Members, the applicant confirmed:

- Conditions had been agreed between the applicant and Licensing Authority, while the condition regarding recorded music had been withdrawn.

Presentation by Interested Parties

Ms Karin Christiansen was not present.

Adjournment and Decision

At 19:10, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had considered representations and legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application for the following reasons:

- The conditions as agreed with the Licensing Authority upheld the Licensing Objectives.
- License is granted with Licensing Authority 51-53 attached to the license

RESOLVED: To Grant the application with conditions as agreed.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to Grant and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the conditions met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course and that all parties had the right of appeal within 21 days of receipt.

4b IBEX Venue Restaurant and Hall, TDA House, Rear Part 1, 211 Clapham Road London SW9 0QH (Stockwell Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee's attention was drawn to chapters 2, 3, 9, 10 and 11 of the Statutory Guidance, and to Sections 1, 5 and 10 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.1 of the report on page 59.

Mr Ola Owojori, Licensing Officer informed Members that:

- This was an application for a review of the current premises licence at IBEX Venue Restaurant and Hall, 211 Clapham Road London SW9 0QH.
- The application was brought by the Metropolitan Police following alleged breaches of COVID-19 regulations and two representations were received in support of the review application, from the Licensing Authority and Public Protection Team.
- Body Cam footage had been provided by the Police and was available for the Sub-Committee to view.
- Representing the applicant was PC David Watson and representing the Licensing Authority was Bina Patel and there was no representation from Public Protection in attendance.
- Representing the license holder was Mr David Dadds and he was accompanied by the licensee, Mr Dominic Musse.

In response to questions from Members, the applicant PC Dave Watson confirmed:

- He was representing PC Mike Constable who was not present, and correspondence between PC Constable and Mr Dadds may have been missed by him.
- It was not the intention of the Metropolitan Police to withdraw the prosecution at the Magistrates Court for the alleged offences and it was the services intention to proceed with the prosecution relating to the incident and this premises.

At this point in proceedings, the Chair proposed to adjourn the meeting for the reason that it was inappropriate of the Sub-Committee to make a decision in relation to the review application as that would require them to adjudicate on facts before a criminal court had heard this matter, and because evidence may come before the Sub-Committee that may later be required in prosecution proceedings.

At this point in proceedings, Ms Selina Wiafe, Prosecutions Lawyer, advised the Chair that he was within his powers to adjourn the meeting, considering that the prosecution proceedings were to go ahead.

Mr David Dadds, representing the License Holder, Daniel Musse. said that:

- He agreed with the adjournment and had appealed the alleged breach.
- He had made four submissions to the Magistrates Court and was informed that the prosecution had been withdrawn and this was sent to the Metropolitan Police.
- The Licensing Authority had not known that the Metropolitan Police had withdrawn the prosecution. Papers had since been issued again that the license holder would have to appeal which was seen in his submissions as an abuse of process.
- This had caused considerable stress for the License Holder and wanted to assure the Sub-Committee that PC Mike Constable had visited the premises and was satisfied with the CCTV.
- Mr Dadds urged the Metropolitan Police to review the allegations and withdraw the prosecution at a later stage as it was not in the public interest to pursue this review of the premises licence.

The Chair then urged the Metropolitan Police to apply for a review of the current licence when all criminal proceedings had been terminated and to consider whether it remained in the public interest to continue with the review application, as adjourning the application was causing considerable problems for the Licence Holder.

At this point in proceedings, the meeting was adjourned due to the reasons as detailed above. The Sub-Committee agreed to address the application once these issues were resolved at the

Sub-Committee meeting on 20 May 2022.

The meeting ended at 19:30

CHAIR
LICENSING SUB-COMMITTEE
Friday 17 December 2021

Date of Despatch: Wednesday 8 December 2021

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