



# Licensing Sub-Committee Report

**Item No:**

3

**Title of Report:**

Local Express  
500 Brixton Road, London, SW9 8EQ

**Applicant:**

Metropolitan Police Service

**Application Type:**

Premises Licence (review)

**Application Date:**

23<sup>rd</sup> November 2018

**Ward:**

Ferndale

**Premises Type:**

Off Licence

**Policy Context:**

Lambeth Statement of Licensing Policy 2014 - 2019

**Report Author:**

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**Application Summary:**

This is an application for a review of the Premises Licence following an incident that occurred on 1<sup>st</sup> November 2018 when it is alleged that premises staff assaulted a male.

It was also discovered at that time that a person employed at the premises did not have the right to work in the UK.

<b>Consultation Information:</b>			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<b><u>Internal</u></b>			
Health & Safety Section	Y	-	N
Noise Service	Y	-	N
Social Services	Y	-	N
Licensing Service	Y	12/12/2018	Y
Planning	Y	-	N
Trading Standards	Y	-	N
<b><u>External</u></b>			
Fire Authority	Y	-	N
Police Licensing Unit	N	-	Y
Health Authority	Y	-	N

<b>Policy implications:</b>
<p><b><u>Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)</u></b></p> <p>The Licensing Objective engaged by this application is;</p> <ul style="list-style-type: none"> <li>• Prevention of Crime and Disorder</li> </ul> <p><b><u>Complaints, Representations and Licensing Reviews (chapter 19, pages 26 to 28 of the policy)</u></b></p> <p>19.2 Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.</p> <p>19.8 The licensing committee, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.</p> <p>19.10 The Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.</p> <p>19.14 Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The Authority will treat representations that these offences have occurred seriously when they arise in connection with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises such as; employment of those who do not have the right to work in the UK.</p>

## 1. Application

1.1 On 23<sup>rd</sup> November 2018 the Metropolitan Police Service submitted an application to review the Premises Licence in respect of Local Express, 500 Brixton Road, SW9 8EQ. This was following an incident which occurred on 1<sup>st</sup> November 2018 when it is alleged that staff employed at the premises assaulted a member of the public using metal objects located within the premises as weapons.

On further investigation, it was identified that a member of staff on the premises at the time did not have the right to work in the UK. A copy of the Review Application Form is attached as **Annex A**.

1.2 The Licensing Act 2003 requires the licensing authority to review an existing premises licence following an application submitted by a Responsible Authority or other person, which engages one or more of the Licensing Objectives.

1.3 Supporting evidence has been submitted by the Police Service which includes the following documents located within **Annex Ai**;

- Statement from arresting officer David Byard, 2 pages.
- Single incident print out, 7 pages.
- Information sheet, 41 pages.
- Email exchanges prior to submission of the review, 4 pages.
- Statement made by David Watson on 1<sup>st</sup> December 2018, 2 pages.
- Statement made by David Watson on 7<sup>th</sup> December 2018, 1 page.

1.4 The Police Service has provided a copy of the CCTV capturing the incident on the 1<sup>st</sup> November 2018. The footage has been provided to the agent acting on behalf of the Licence Holders and shall be available at the Licensing Sub-Committee hearing.

## 2. Representations:

2.1 A representation in support of the review has been received from the Licensing Authority. Their representation is based on the Licensing Objectives;

- Prevention of Crime and Disorder
- Protection of Children from Harm
- Prevention of Public Nuisance
- Public Safety

2.2 The Authority complains that the incident of the 1<sup>st</sup> November 2018 highlights several breaches of the conditions attached to the premises licence. The representation goes on to reference the outcome of a failed test purchase exercise conducted at the premises by Lambeth Trading Standards on 28<sup>th</sup> August 2018, in the course of which alcohol was sold to a minor. A copy of the representation along with the information provided by Trading Standards is attached as **Annex B**.

2.3 The Premises Licence Holder has submitted a supporting statement in response to this review application and the representation made by the Licensing Authority. This document is attached as **Annex C**.



- 1 - To modify the conditions of the licence
- 2 - To remove a licensable activity from the scope of the premises licence
- 3 - To remove the designated premises supervisor from the licence
- 4 - To suspend the premises licence for a period of 3 months
- 5 - To revoke the premises licence
- 6 - To take no action

6.2 Where the authority modifies a condition of the licence or removes a licensable activity it may provide that this takes effect for such period as it may specify (but not exceeding three months)

**Appendices:**

- Annex A – Application Form
- Annex Ai – Supporting Documents submitted by the Metropolitan Police Services
- Annex B – Licensing’s Representation and supporting documents
- Annex C – Statement from Licence Holder Mr Jan Matteen
- Annex D – Current Premises Licence

**Reference Documents:**

<p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<ul style="list-style-type: none"> <li>1 The Licensing Act 2003 (“the Act”)</li> <li>2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)</li> <li>3 Lambeth Statement of Licensing Policy 2014 – 2019 (“the Policy”)</li> </ul>
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