

LICENSING SUB-COMMITTEE 11TH OCTOBER 2021

Item No: 4b

Report title: IBEX Venue Restaurant and Hall, TDA House, Rear Part 1, 211 Clapham Road London SW9 0QH

Applicant: PC Mike Constable

Application type: Premises licence (Review Application)

Application date: 17th February 2021

Wards: Stockwell

Premises type: Bar / Nightclub

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

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APPLICATION SUMMARY

This is an application by the Metropolitan Police for the review of a Premises Licence following alleged breaches of Covid-19 Regulations on 15th December 2020.

POLICY IMPLICATIONS

Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the policy)

The Licensing Objectives engaged by this application are:

- The prevention of crime and disorder;
- Public safety; and
- The prevention of public nuisance

Review Policy (Policy 10, pages 29 to 31 and appendix 9, page 57 of the policy)

Where a valid and reasonable request for a review of a licence is made to the Authority, the Authority will initiate a process to consider and undertake a review.

The licensing committee, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.

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.

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.

1. APPLICATION

- 1.1 This is an application to review the premises licence under section 51 of the Licensing Act 2003.
- 1.2 On 17th February 2021, the Metropolitan Police Service submitted an application to review the Premises Licence in respect of IBEX Venue Restaurant and Hall, TDA House Rear Part 1, 211 Clapham Road London SW9 0QH. This was following an inspection of the premises on 15th December 2020, where alleged multiple breaches of Covid-19 Regulations were observed.
- 1.3 In addition, the Police were not satisfied with the response of the licence holder with regards to the alleged breaches and during a follow up meeting that took place between the licence holder and officers from the Police, Public Protection and the Licensing Authority. The Police are seeking a revocation of the premises licence
- 1.4 A copy of the review application form is attached to the report as **Annex A**
- 1.5 The Police have provided supporting documentation which is attached to the report as **Annex B**
- 1.6 In addition, the Police have supplied body worn footage, which has been circulated to the licence holder's representatives and will be available for viewing by Members of the Sub-Committee. The Police have requested the footage be viewed in private session.

2. REPRESENTATIONS

- 2.1 Two representations were received in support of the review application. These were from the Licensing Authority and Public Protection Team.
- 2.2 Their representations are based on the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety.
- 2.3 The representations highlight concerns in respect of the alleged breaches of Covid 19 Regulations, the unsatisfactory response of the licence holder to address the concerns raised and the history of noise nuisance at the premises.
- 2.4 Both the Licensing Authority and Public Protection Team request the Sub-committee to consider revoking the premises licence.
- 2.5 A copy of the representations is attached to the report as **Annex C**
- 2.6 The last date for making representations was on 17th March 2021
- 2.7 The licence holders are now seeking the withdrawal of the review application, following a confirmation from South London Magistrates Court that the prosecution proceedings in respect of the alleged breaches of Covid 19 Regulations has been withdrawn by the Police. A summary of the submission from the licence holder is attached to the report as **Annex D**
- 2.8 The Police has not responded to the request from the licence holder for the review application to be withdrawn.

3. CURRENT LICENCE

- 3.1 The current premises licence was granted on 26th July 2011.
- 3.2 The premises licence is currently held by Daniel Musse and he is also named as the designated premises supervisor. Mr Musse has held the licence and has been the designated premises supervisor since 7th January 2015.
- 3.3 The premises licence authorises the following hours/licensable activities;

Regulated Entertainment (Indoors)

Monday to Sunday 11:00 – 00:00

Late Night Refreshment (Indoors)

Monday – Sunday 23:00 – 00:00

Sale of Alcohol (On the Premises)

Monday to Sunday 11:00 – 00:00

- 3.4 A copy of the current premises licence is attached to the report as **Annex E**

4. BACKGROUND HISTORY

- 4.1 The premises licence holder was issued a warning letter dated 13th January 2016 following an allegation of trading beyond their permitted hours. A copy of the letter is attached to the report as **Annex F**
- 4.2 The Licensing Authority are not aware of any other enforcement issues associated with this premises.
- 4.3 On 1st August 2016, an application to vary the premises licence was received seeking to extend the commencement hours on Monday to Sunday from 17:00 to 11:00 hours and the terminal hours on Sunday to Thursday from 23:00 – 00:00 hours and on Friday and Saturday from 00:00 – 02:00 hours.
- 4.4 The application was granted to allow an extension of the commencement hours on Monday – Sunday and the terminal hours on Sunday to Thursday, but the terminal hours on Friday and Saturday to remain as 00:00 hours. A copy of the minutes and the decision notice is attached to the report as **Annex G**.
- 4.5 The premises are opposite Stockwell underground station and there are 24 hours a day public buses towards several London destinations.

5. OBSERVATIONS

- 5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representations received are Chapters:
 - 2 – The Licensing Objectives;
 - 3 – Licensable Activities;
 - 9 – Determining Applications;

10 – Conditions Attached to Premises Licenses and Club Premises Certificates;

11 – Reviews

5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

1. Purpose of the Statement of Licensing Policy

5. The Licensing Objectives

Policy10: Reviews

Appendix 1: Crime and Disorder

Appendix 2: Public Safety

Appendix 3: Public Nuisance

Appendix 9: Licence Reviews

6. CONCLUSION

6.1 Members are required to consider the application in light of all the relevant information. The Licensing Sub-Committee may take such steps as are appropriate for the promotion of the licensing objectives.

The options available to Members of the Licensing Sub Committee are;

1 - To modify the conditions of the licence

2 - To remove the designated premises supervisor from the licence

3 - To suspend the premises licence

4 - To revoke the premises licence

5 - To take no action

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

CONSULTATION INFORMATION

Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
Health & Safety Section (internal)	Y		
Noise service (internal)	Y	17/03/21	Y
Social Services (internal)	Y		
Licensing Service (internal)	Y	02/03/21	Y
Planning (internal)	Y	04/03/21	N
Trading Standards (internal)	Y		
Fire Authority (external)	Y		
Police Licensing Unit (external)	Y	Applicant	
Health Authority (external)	Y		
Home	Y	23/02/21	N

APPENDICES AND REFERENCE DOCUMENTS

Appendices	Annex A – Application Form Annex B – Supporting Information
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	<p>Annex C – Representations made in support Annex D – Licensee Summary of Submission Annex E - Premises Licence Annex F – Warning Letter Annex G – Licensing Sub-Committee Minutes and Decision of 17th November 2016</p>
<p>Reference documents</p> <p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<ol style="list-style-type: none"> 1. The Licensing Act 2003 (“the Act”). 2. Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”). 3. Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”).