


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 691

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I **PC Mike Constable 1596AS** on behalf of the Commissioner of the Metropolis.

apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

IBEX VENUE RESTAURANT AND HALL, TDA HOUSE, 211 CLAPHAM ROAD

Post town:	LONDON	Post code: (if known)	SW9 0QH
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Name of premises licence holder or club holding club premises certificate (if known):

Daniel MUSSE

Number of premises licence or club premises certificate (if known):

PREM 1444

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)										
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>	
Surname:					First Names:					
I am 18 years old or over				<input type="checkbox"/>						
Current postal address if different from premises address:										
Post town:					Post code:					
Daytime Tel. No.:					Email: (optional)					

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
PC MIKE CONSTABLE, BRIXTON POLICE STATION, 367 BRIXTON ROAD, SW9 7DD	
Telephone Number (if any):	
Email address: (optional)	mike.constable@met.police.uk

This application to review relates to the following licensing objective(s)		
Please tick one or more boxes		
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
Summary only. (Please see attached document for further information). On 15 th December 2020 Ibex had it's doors locked with patrons inside. Upon entering there were numerous concerns with regards to corona virus. No QR scan code, no visible signs of face mask wearing, insufficient hand sanitisers, patrons consuming alcohol without food and lack of face masks being worn. The concern to public safety (fire hazard) was brought to the attention of manager and the numerous breaches of Health Protection Regulations 2020. There was a clear lack of control and supervision of the premises and risk mitigation. After attempts to address the concerns at hand, insufficient actions had been taken and part of the premises proposal to resolve the matters was to increase hours for licensable activities. Numerous efforts were made to work together together with an intervention meeting taking place, and the Premises License Holder did not inspire any faith or confidence to deal with the problems identified.		

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

CAD 7405 – 15th December 2020 refers.

PC Mike Constable - Body worn Footage <https://mps.ent.box.com/file/769479739473>

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

If you have made representations before relating to this premises please state what they were and when you made them:

A review was made in 2011.



Briefing note

Central South Command Unit (AS-CU)

Date: 15th February 2021

To: Local Authority & Ibex

From: PC Mike Constable 1596AS

Topic: Ibex – MPS Licensing Review further information

MPS Application Premises License Review – s51 Licensing Act 2003

Tuesday 15th December 2020

On Tuesday 15th December 2020 proactive patrols were being conducting by the Licensing & Night Time Economy Team with the Partnership Plus Team in support. This was when premises in Lambeth were to enter Tier 3 at 12am. Effectively going into another lock down.

Our attention was drawn to the the premises as Covid Wardens could not gain access to ensure the necessary procedures were in place with regards to Covid-19. CAD 7405 – 15th December 2020 refers.

Upon attending, the entrance to the premises the doors were closed and clearly locked. Entry was gained and member of staff unlocked it, and had no face mask on. Officers entered and could not see the QR code, patrons were at tables drinking alcohol. There was no food, plates, cutlery on condiments on tables either. Some tables had bottles of spirit on the floor at their feet. There were no visible signs with regards to Covid-19, i.e Wearing of face mask, social distancing and so.

Whilst speaking to the person in charge, we were informed the patrons had come from a protest in London. Due to the increase in numbers she decided to lock the doors. The concern of locked doors, would hinder any evacuation was made. There were approximately a total of 60 to 70 people on the premises, in various different rooms. There was no security present at the time.

The opportunity was given to display that food was being sold with alcohol, through the receipts (this was not produced) and CCTV (was not able to access). An order pad was seen with just requests for beer, after I requested this for further inspection it was taken away. This was already seen and commented on my body worn video footage, so I did not want to escalate matters. The manager was informed she would be reported for the consideraion of a Fixed Penatly Notice to be issued due to the breaches under the Coronavirus Health Protection Regulations 2020 by PC Hannah Eldridge.

An inspection was made of their premises license, and there was a clear lack of understanding of what was expected. Officers on the premises dispersed patrons, to mitigate the risk which clearly had not been managed by the premises. No calls had

been made to Police to assist with ejecting patrons, in which Police would have assisted under s143 (4) Licensing Act 2003.

At approximately 2125 hours patrons had been dispersed, and Sgt Berry updated the Duty Inspector for the Emergency Response Police Team.

After this incident, engagement was made with the Premise License Holder & DPS (Mr Daniel Musse) to address the grave concerns. To assist the problem solving approach guidance was given, and conditions (in consultation with Local Authority) were proposed. There was opportunity and time given to resolve the matter as the premises was closed.

3rd January 2021

The action plan and response to the 15th December did not satisfy the Police, an intervention meeting was convened on 3rd February 2021. Of particular concern was the initial response, with premises purposing to extend their hours for licensable activities. It was also unclear of what the premises was aiming to be, it appeared to be a music venue / nightclub / bar. It is strongly believed that alone would aggravate matters, and not resolve the problems. There were also other points made by Mr Mathias Tesfaye on 12th January 2021 at 1603 hours via email which raised our concerns higher.

3rd February 2021

This was held with Mr Daniel Musse and a manager, Mr Mathias Tesfaye (who had been running premises in his absence) were present. In attendance was myself, Bina Patel (Licensing Authority) and Connor Murphy (Public Protection) for the responsible authorities. During this meeting I was not reassured despite numerous attempts given to them to inspire confidence and build trust. This meeting concluded with neither being fulfilled.

They were informed that further action would be considered. As a follow up the requested action plan and updates are still not at the necessary standard. Whilst the premises have agreed majority of the original purposed conditions, the stance of the MPS has changed (hence this unfortunate stage we are at).

11th February 2021

Following on s182 Licensing Act Guidance, specifically:

‘11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement either orally or in writing that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.’

The next step was taken, and consultation was made with Inspector Laurie who authorised a review to be sought on the basis of the following:

- Safety hazard with premises locking doors.
- Lack of calling Police for assistance.
- The Covid 19 breaches.
- Concern with response and slow actioning of identified problems.
- No trust or confidence in premises.

The Metropolitan Police Service recommends that this premises license is revoked.