



IBEX Venue Restaurant and Hall - TDA House,
Rear Part1, 211 Clapham Road, London
21/00023/PRMREV

As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered the Summary Review application submitted by the Metropolitan Police Service in full. The Licensing Authority has concerns in relation to how the premises promotes the following Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

Summary Review Application

This application relates to an incident which took place on 15th December 2020 whereby the venue held a gathering for more than 30 persons behind locked doors. A number of Covid breaches were also identified by officers prior and upon entry to the premises, such no face masks, no QR reader for track and trace, patrons standing and seated consuming alcohol without a substantial meal.

The Licensing Authority fully supports the Police Summary Review due to the significant number of breaches occurred and clear failings by the licence holder and staff managing these premises. The body worn camera from officers showed, officers banging on the front door which was locked from the inside, Ms Rahel (manager present) opening the door without a face mask, patrons without masks on, no food within the premises being consumed, patrons standing and seated consuming alcohol within various parts of the premises without a substantial meal; o plates or food on tables within the premises, Ms Rahel was unable to provide any receipts for any sales of food or alcohol, upon request from officers in attendance; failed to provide her ID despite numerous requests and was unaware of who the DPS was for the premises when asked and there was no engagement from Ms Rahel and other staff with regards to socially distancing whilst the premises was open. There clearly was no attempts to ensure social distancing, wearing of masks or appropriate measures were enforced at these premises.

Ms Rahel was also very hasty in responding to questions being asked by officers.

An intervention meeting was held with the Licence holder Mr Daniel Musse, Mr Mathias Tesafaye and other responsible authorities in relation to the incident which took place. Mr Tesafaye stated he was a temporary manager running the premises in Mr Musse absence. When asked who the DPS was for the licence, Mr Tesafaye stated he was. Licensing confirmed that the DPS was Mr Musse and no application has been submitted to vary the DPS to which Mr Tesafaye added, he was in the process of submitting an application. He went on to reference future plans for the premises, however, concerns were raised with lack of appropriate measures currently in place at the venue despite clear government guidance and regulators for business operating during Covid 19.

Questions were asked about staff training in respect of the premises licence and covid regulations to which both Mr Musse and Mr Tesafe informed that all staff (including Ms Rahel) were fully trained and understood what was required of them. This clearly was not evident from visit undertaken.

Both were asked as to what their proposed actions plans would be to prevent and ensure suitable measures were in place to prevent a re-occurrence of the incident witnessed. Unfortunately, neither was able to provide suitable or satisfactory response.

Licensing had concerns as to the suitability of the operators and staff when further questions were asked as they were unable to provide a basic response to simply questions asked and both had various versions of the day the breach occurred. Mr Musse referenced he was hiring new staff and when questioned as to how this was undertaken, he stated this was undertaken two weeks prior and referred to Mr Tesafaye managing this by advertising via word of mouth and newspaper. Mr Musse was unable to confirm which newspaper the advert was placed within and when Mr Tesafaye was asked the same question, he stated they had not advertised for any staff.

Both licence holder and manager were unable to provide suitable responses during the meeting and had subsequently not provided any suitable action plans as requested by the Police. This further did not reassure the authority that the licence holder and his staff were capable to ensure licensing and other legislations would be adhered too.

It was noted from the Police body worn camera that the premises licence appeared not to be on display within the premises but was brought from the rear of the kitchen area when prompted by officers. It is also noted that there was a clear breach of Health and Safety as the front door was locked from the inside and potentially further breaches in relation to weights and measures from measuring tools found behind the bar.

The premises also appeared to have breached conditions attached the premises licence. Annex 2 conditions 2 and 3 as no suitable risk assessment was undertaken no security employed to deal with the numbers of patrons. This indicates a possibility of other breaches of the licence.

The authority is aware the premises had been previously advised on occasions following visits from the police during lockdown with regards to operating safely during the pandemic.

Conclusion

In light of the above the Licensing Authority supports the Summary Review application submitted.

The authority has severe concerns that the Licence holder and DPS Mr Musse and his staff are not suitable to uphold and maintain the licensing objectives and Covid regulations. There clearly has been no training provided to staff or suitable measure in place to prevent promote the objectives and prevent the spread of the virus, thereby, potentially impacting on public safety. The authority is also concerned that despite previous visits from the police, the premises appeared to have completely disregarded any advice or guidance provided; regulations in place by the government to trade safely and lack of basic measures to keep patrons, staff and the wider community it serves, safe during the pandemic.

Bina Patel
Licensing Manager
2nd March 2020

Miss Bina Patel
Licensing Manager
London Borough Lambeth

17th March 2021

My name is Oladayo Bello, I am employed by London Borough of Lambeth as a Public Protection Officer within Public Protection and Regulatory Services (PPARS)
I write on behalf of the London Borough of Lambeth Public Protection Team in support of the Metropolitan Police request for a revocation of the Premises Licence for:

**IBEX VENUE HIRE AND RESTAURANT, 211 CLAPHAM ROAD LONDON SW9 0QH
(Prem No PREM 1444)**

The Public Protection Team are entering a formal representation for a review of the licence on the grounds of the following licensing objectives:

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

The prevention of public nuisance

Ibex restaurant has come to the attention of public protection on several occasions and has a long history of mostly noise nuisance to the public. I detail some of the reports as follows:

- 14.12.2019 (Uniform Ref: 19/11079/NDLAM)- Complaint from a resident about loud music coming from Ibex, visit carried out by a Public Protection Officer who reported the noise was audible in the resident's bedroom. The officer engaged with source (Ibex) who turned down the loud bass.
- 15.12.2019 (Uniform Ref 19/11096/NCLAM) Public Protection received calls about Ibex Centre in Stockwell about very loud music. Officers attended and asked the venue to lower the bass.
- 09. 01.2020 (Uniform Ref 20/00199/NTASK)
Ibex placed on weekly tasking with a view to getting a long term solution. Specific request was made by Public Protection for Officers to visit approx. 00:40 hours and check to see if the venue is operating, it is licensed to 00:00 so should be empty and securely closed. If there is any activity please record and report all details for possible prosecution, also please risk assess and engage with Mr Daniel Musse at the premises to ensure the event is closed down immediately.

- 12/01/2020- Officers Attended Ibex at 0035 hours and found Venue open and very busy with music audible from the street and disco lights visible through glass. Patrons turning up at venue with approximately 20 people outside plus SIA staff. Risk assessed and not appropriate for officers to engage alone.
- 09.07.2020 (Uniform Ref: 20/05951/NDLAM)
Resident Complaint of loud music
- 13.08.2020 (Uniform Ref: 20/07282/NDLAM)
Resident complaint of loud music
- 20.08.2020 (Uniform Ref: 20/07735/NCLAM)
Resident Complaint of loud music until 3.00am

Public safety/ The prevention of crime and disorder

- 17/10/2020 – Warning letter. Not wearing masks. PPARS sent letter.
- 16/12/2020 – FPN issued by police for Covid Breach.

From the police briefing with PPARS, it was reported that on Tuesday 15th December 2020, a visit was carried out by police officers from the Licensing & Night time Economy Team with the Partnership Plus Team also in support.

This visit was on the eve of entering Tier 3 at 12am in Lambeth and into another lockdown. The police reported that the Covid wardens had earlier contacted the police as they (wardens) could not gain access to Ibex premises in order to carry out the necessary checks to ensure the appropriate procedures were in place with regards to Covid-19 Regulations. Upon arrival, the police found the premises was locked with many people still inside, estimated at about 60-70 people. This is clearly a public safety concern and a serious violation of health and safety regulations. A member of staff who eventually unlocked the door had no face covering on. The police entered and could not see the QR code in the premises. The police reported seeing patrons sitting at the tables, consuming alcohol with no food, plates, cutlery or condiments on the table and no evidence of food being served contrary to their licensing condition which states that the supply of alcohol on the premises shall only be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal. The police also reported that there were no visible signs with regards to Covid-19 like Wearing of face mask, social distancing, use of hand sanitisers, washing of hands and so on. The police reported that the person in charge informed them that the patrons had come from a protest and to prevent increase in numbers, she had locked the doors. This is not the most responsible way to handle a situation like this as she never called the police for assistance and continued to serve so many people alcohol without regards for Covid precautions, a big risk to public safety and likely to fuel public disorder. This action will also hinder emergency evacuation with so many people locked in and with no Security at the time. The police were unable to access the CCTV and Ibex was unable to produce any receipts to show they were serving food with the alcohol. The only order the police found on the order pad was just for beer and no food.

Despite a meeting with the premises owner and manager with the responsible authorities represented by the police, Licencing and PPARS, the business owners did not show enough

commitment or zeal to the responsible authorities. The responsible authorities' representatives were not reassured despite numerous attempts given to the Ibex representatives to inspire confidence and build trust. The meeting was concluded with neither being fulfilled.

Summary

PPARS agrees with the police that there are serious concerns with

- 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.

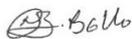
And in addition

- regular noise nuisance beyond operation hours recorded by PPARS with regards to this premises

Conclusion

In order to continue to fulfil and promote the licensing objectives as a responsible authority, the Public Protection Team recommends that this premises license is revoked.

Sincerely,



Oladayo Bello
Public Protection Officer