

LICENSING SUB-COMMITTEE 13 JUNE 2022

Item No: 5a

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

Applicant: Metropolitan Police

Application type: Premises licence (Review Application)

Application date: 17 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 An application to review the premises licence under section 51 of the Licensing Act 2003 was submitted on 17 February 2021, by the Metropolitan Police Service in respect of the premises licence for IBEX Venue Restaurant and Hall, TDA House Rear Part 1, 211 Clapham Road London SW9 0QH.
- 1.2 The application was submitted following an inspection of the premises on 15 December 2020, during the course of which the Police uncovered what they then considered were multiple breaches of Covid-19 Regulations.
- 1.3 Meetings were subsequently held between the Police, Public Protection, the Licensing Authority, and the licence holder which failed to satisfactorily address the concerns of the Police and authorities present, which led to the submission of the review application by the Police and supporting representations from Public Protection and the Licensing Authority.
- 1.4 At the time the review application was submitted, criminal proceedings were instituted against the licence holder for what the Police believed at the time were breaches of Covid 19 Regulations.
- 1.5 A copy of the review application form and subsequent supporting document are attached to the report as **Annex A**.
- 1.6 The licensee also provided submissions in relation to the application which are attached at **Annex B**.
- 1.7 The review application was originally heard at a Licensing Sub Committee meeting on 11th May 2021. The committee determined *'that the matters described in the report related to an alleged offence committed arising from the breach of the Government's coronavirus regulations. As the criminal matter was yet to be determined by the Magistrates court, the Sub-Committee was minded to re-schedule the hearing of this review after the determination of the Magistrates court.'* Please see **Annex C**.
- 1.8 On 17th May 2022, the licence holder notified the Licensing Authority that the aforementioned criminal proceedings had been withdrawn and the Police subsequently confirmed on 25th May 2022 that this was indeed the case. Please see **Annex D**.
- 1.9 In light of the same, the Police have confirmed that they no longer seek to pursue their application for a review of the premises licence.
- 1.10 Two representations were originally received in support of the review application from the Licensing Authority and Public Protection Team who have subsequently withdrawn their representations. Please see **Annex E**.
- 1.11 Despite the Police's indication that the review is no longer being pursued, the authority is required to determine the application in accordance with Section 52(2) of the Licensing Act 2003.
- 1.12 The Police and licence holder have both agreed that the hearing in respect of the review application is not necessary (please see **Annex F**). In accordance with Regulation 9 of the Hearings Regulations 2005, where all parties agree such a hearing is unnecessary, the hearing may be dispensed with.

2. OBSERVATIONS

2.1 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

2.2 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

3. CONCLUSION

3.1 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

3.2 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 summarised in report (Y/N)
Health & Safety Section (internal)	Y		
Noise service (internal)	Y	17/03/21	N
Social Services (internal)	Y		
Licensing Service (internal)	Y	02/03/21	N
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	<p>Annex A – Application form and supporting Information</p> <p>Annex B – Licensee submission</p> <p>Annex C - Licensing Sub-Committee Minutes and Decision of 11th May 2021</p> <p>Annex D – Withdrawal of criminal proceedings confirmed</p> <p>Annex E – Licensing Authority and Public Protection withdrawn confirmation</p> <p>Annex F – Police and licensee confirmed hearing can be dispensed with</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”).