

From: [Ola Owajori](#)
To: [REDACTED]
Subject: IBEX Venue Restaurant And Hall - TDA House - Rear Part 1, 211 Clapham Road London SW9 0QH
21/00023/PRMREV
Date: 16 June 2021 12:43:00

Dear Sir or Madam,

The above-mentioned application was considered by our Licensing Sub-Committee at a hearing on **11th May 2021**.

At the meeting, the Chair explained 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.

In response to questions from Members, PC Mike Constable informed the Sub-Committee that:

- As it was unclear how long the interested parties would have to wait for the court hearing to be concluded.
- He would like the application to be heard.

In response to questions from Members, Ms Bina Patel, Licensing Manager, informed the Sub-Committee that:

- She concurred with the Police.
- Humanity was in unprecedented times.
- It was unclear how long the interested parties would have to wait for the court hearing to be concluded.
- The application also related to the premises licence holder demonstrating a failure to uphold the licensing objectives.

In response to questions from Members, Mr David Dadds representing the premises licence holder, informed the Sub-Committee that:

- It was unknown when the court hearing would be concluded.
- He was still waiting for the preliminary decision of the prosecuting authority.
- In the event that coronavirus regulations had been broken, the Police or another responsible authority (relating to coronavirus regulations enforcement) could issue a direction. Other legislation was available to address the breach of coronavirus regulations.

Adjournment and Decision

At 7:18pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to defer the application to 11 October 2021.

RESOLVED: To defer the application to **11 October 2021**.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to defer the application.

The Sub-Committee reviewed what it had heard on the question, took legal advice and decided to defer its consideration of the review application as so much of it relied on the determination of facts yet to be considered by the Magistrates court. The heart of the application was so intimately connected to the issues relating to that court hearing that, the Sub-Committee felt that it would be best to proceed once a decision had been made by the Magistrates court so as to avoid prejudicing the rights of all parties and therefore the application would be deferred until **11 October 2021**. If the Magistrates court had not dealt with the matter by then, then another decision could be taken on whether or not to hear the application. However, if the Magistrates court dealt with the issue earlier than expected, then the applicant should inform the clerk to the Licensing Committee of that.

The minutes of the hearing are also available at
[https://moderngov.lambeth.gov.uk/ieListDocuments.aspx?
CId=116&MId=13706&Ver=4](https://moderngov.lambeth.gov.uk/ieListDocuments.aspx?CId=116&MId=13706&Ver=4)

If you have any queries regarding this matter, please contact me using the details given below.

Regards

Ola Owojori
Licensing Officer
London Borough of Lambeth
Public Protection & Regulatory Services
London SW2 1EG
Phone: 020 7926 1649
Mobile: 077 1240 2152
Email: OOwojori@lambeth.gov.uk
<http://www.lambeth.gov.uk/licensing/>

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Items by post should be sent to:
London Borough of Lambeth, Community Safety, PO Box 734, Winchester SO23 5DG

Items for courier or hand delivery should be delivered to:
London Borough of Lambeth, Community Safety, Civic Centre, 6 Brixton Hill, LONDON, SW2 1EG