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 Jinelle Caldinez

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:			
211 STOCKWELL ROAD			
Post town:	LONDON	**Post code:** (if known)	SW9 9SL
Name of premises licence holder or club holding club premises certificate (if known):			
BRIXTON ACADEMY			
Number of premises licence or club premises certificate (if known):			
22/00114/PRMMIN - Version Ref: Prem 318			

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)	☐
2	**a responsible authority (please complete (C) below)**	☒
3	**a member of the club to which this application relates (please complete section (A) below)**	☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Mr	☐	**Mrs**	☐	**Miss**	☐	**Ms**	☐	**Any other title** (*e.g.* Rev.)	☐
Surname:						**First Names:**			
I am 18 years old or over	☐								
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 Jinelle Caldinez - BRIXTON POLICE STATION, 367 BRIXTON ROAD, SW9 7DD	
Telephone Number (if any):	
Email address: (optional)	[redacted]

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	**The prevention of crime and disorder**	☒
2	**Public safety**	☒
3	**The prevention of public nuisance**	☐
4	**The protection of children from harm**	☐

Please state the ground(s) for review: (please read guidance note 2)

The MPS has lost confidence in the Premises Licence Holder. Regrettably, the agreed 'variation solution' suggested to the sub-committee at the review hearing on 16 January has not been successful in identifying the remedial measures which need to be in place before the Academy can safely re-open.

[redacted]

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

[redacted]

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:	1	9	1	2	2	0	2	2

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

Please see attached summary review application dated 19th December 2022.

	Please tick Yes
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	☒
I understand that if I do not comply with the above requirements my application will be rejected.	☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:		**Date:**	17th April 2023
Capacity:	Responsible Authority		

Contact name (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

PC Jinelle CALDINEZ - c/o Brixton Police Station, 367 Brixton Police Station

Post town:	London	**Post code:**	SW9 7DD

Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

[redacted]

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years
MP 321/12

METROPOLITAN POLICE

TOTAL POLICING

Form 693

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003

(premises associated with serious crime, serious disorder or both)

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 the 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.

Insert name and address of relevant licensing authority and its reference number:			
Name:	Metropolitan Police		
Address:			
Brixton Police Station, 367, Brixton Rd			
Post town:	Brixton	**Post code:**	SW9 7DD
Ref. No.:			

I David Watson

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details			
Postal address of premises or club premises, or if none, ordnance survey map reference or description:			
Brixton Academy, 211, Stockwell Road			
Post town:	London	**Post code:** (if known)	SW9 9SL

2. Premises licence details
Name of premises licence holder or club holding club premises certificate (if known):
Academy Music Group Ltd
Number of premises licence or club premises certificate (if known):
Prem 318

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)	
I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.	
Please tick the box to confirm:	☒

4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)
On Thursday 15th December 2022, The Brixton O2 Academy hosted an artist by the name of Asake and this event was scheduled to be sold out. At 21:35 police were called to the premises in relation to reports of large numbers of people attempting to forcibly gain entry to the venue. Officers witnessed scenes of large scale disorder while present at the venue. Crowds forcibly breached the doors of the venue and were then forcing their way into the event. It was apparent that security on duty at the venue had lost control of the situation with regards crowd control. This resulted numerous people being injured (many via crushing injuries) and 4 members of the public were taken to hospital in a critical condition. Subsequently, two people have since lost their life with one remaining in a critical condition. As a result of the serious crime & disorder at this venue, and the loss of life, a large and complex investigation has begun. To protect and promote the licensing objective, namely the prevention of crime and disorder we are requesting a Summary review of the premises Licence with interim steps of immediate suspension of the licence while police conduct the initial steps of the investigation in order to establish what failings have taken place.

Signature of applicant			
Signature:		**Date:**	19/12/2022
Capacity:	Police Constable		

Contact details for matters concerning this application			
Surname:	Caldinez	**First Names:**	Jinelle
Address:			
Post town:		**Post code:**	
Tel. No.:		**Email:**	[redacted]

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
   Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
   - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
   - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

   Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12

Licensing Sub-Committee
16th January 2023

Notice of decision

Application reference:	22/00277/PRMSUM – Prem318
Application type:	Premises Licence (summary review)
Applicant(s) name:	Metropolitan Police
Premises:	O2 Academy Brixton, Brixton Academy, 211 Stockwell Road, London SW9 9SL
Summary of decision:	(a) To suspend the licence for two months and one week commencing at the end of the 21 day appeal period (meaning three months from today expiring on 16 April 2023). (b) A condition be added to the premises licence stating: "No licensable activities shall take place at the premises unless and until an application to vary the premises licence has been made by the premises licence holder under section 34 of the Licensing Act 2003 and granted by the licensing authority. The variation application must address the steps that are required to promote the licensing objectives in light of the serious incident at the premises on 15 December 2022." (c) To extend the interim suspension pending the expiry of the appeal period or, if an appeal is instigated, until that appeal is disposed of (under section 53(D) of the Licensing Act 2003).

Decision details:

Minutes:

The Chair began by informing the meeting that:

- The sole purpose of the hearing was to consider the Metropolitan Police's application to Summary Review the premises licence of the O2 Academy Brixton under the Licensing Act 2003. This followed as a result of the fatal tragedy that occurred at the venue on 15 December 2022, where two individuals tragically lost their lives.
- The premises licence permits amongst other activities, the sale of alcohol and regulated entertainment to take place at the venue, the O2 Academy Brixton.
- In addition to the hearing, the submissions from the police and premises licence holder Academy Music Group Ltd, the Sub-Committee would also take into account the additional representations received from the Licensing Authority and members of the public both in support and against the police review.
- It was important to inform all interested parties, including members of the public and media what the purpose of today's hearing consisted of.
- The Sub-Committee's role was to determine what steps permitted under the Licensing Act 2003 were appropriate and proportionate to promote the licensing objectives, namely: the prevention of crime and disorder, public nuisance, public safety and the protection of children from harm. In this matter the sub-committee will focus on public safety and prevention of crime and disorder.
- The Sub-Committee's role was not to make any findings of fact, or establish the cause or causes of the incident, or to assign blame or accountability to any person or entity. Nor did the Sub-Committee seek to punish any party, which the Sub-Committee did not have the power to do. However, those issues may be considered in future legal proceedings unrelated to this licence review and outside the scope of the Licensing Sub-Committee.
- The Sub-Committee's sole objective was to consider the evidence impartially and fairly such as it was at this early stage of investigations and to determine what steps were appropriate and proportionate to promote the licensing objectives in an appropriate and proportionate way.

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee's attention was drawn to Chapters 5, pages 9 to 15 and Chapter 16, pages 29 to 30 of

the Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 5.12 and 5.13 of the report on page 10 of the agenda papers.

The Licensing Officer informed the Sub-Committee that:

- This was an application for a Summary Review under Section 53A of the Licensing Act 2003 submitted by the Police Licensing Service for the premises known as O2 Academy Brixton, 211 Stockwell Road, London SW9 9SL.
- In attendance representing the Metropolitan Police was Gerald Gouriet KC and Mr Stephen Walsh KC (Counsel) for the premises licence holder Academy Music Group Ltd.
- Four representations in support of the summary review application by the Licensing Authority and three members of the public had been received based on the licensing objectives of prevention of crime and disorder; prevention of public nuisance; and public safety. The representations could be found on pages 47-55 of the main agenda.
- Seven representations from members of the public had been received in support of the venue and against the review application and details could be found from pages 57-69 of the main agenda pack.
- Further submissions had been made from the Police, Licensing Authority and the venue which had been circulated to all respective parties ahead of the meeting.

Presentation by the Applicant

The Chair explained that he understood from Mr Grant, Legal Adviser to the Sub-Committee, that an agreement had been reached in relation to the application and invited Mr Gouriet KC, representing the applicant to speak on the matter. He also thanked Mr Gouriet KC and Mr Walsh KC (Counsel) in reaching an amicable agreement with all parties, which greatly assisted the Sub-Committee.

Mr Gerald Gouriet, KC, Legal Representative of the Police, then informed the Sub-Committee that:

- Following consultation with Mr Walsh, KC (Counsel) a careful submission had been prepared so as not to prejudice the on-going criminal investigation.
- The event at the O2 Academy Brixton on 15 December 2022 was the third in a series of three concerts performed by the artist "Asake".
- The two previous events held on 11 and 12 December 2022, had taken place without incident.
- The event on 15 December 2022 was sold out with 5,000 tickets sold.
- The event commenced at 20:00 but by 21:00 a large crowd consisting of around 1,000 people congregated outside the entrance to the premises with the appearance of wanting to enter the building.
- Staff at the venue closed the doors and called Police for support at 21:04.
- The Police arrived at 21:16 and witnessed large-scale disorder with crowds pushing against the doors trying to force entry.
- When the doors were breached the crowd poured into the lobby towards the auditorium. A number of people fell to the floor with several being injured.
- The crowd continued to surge on and over those persons who had fallen to the floor.
- Four persons were taken to hospital in critical condition and two tragically died as a result of their injuries. A third person remained critical but, the fourth had been discharged.
- The performance ceased and Police managed to disperse the area within one hour and the premises closed voluntarily.
- On 22 December 2022 the Sub-Committee ordered, at an interim steps hearing to consider the summary review application, that the premises remain closed until this main review hearing was held.
- An agreement had been reached between the licence holder and the police that the premises should remain closed until it was considered safe to re-open.
- He suggested five questions that should be considered by the Sub-Committee as follows:
    1. Whether there would be a risk of re-occurrence and whether that risk had been adequately assessed.
    2. What procedures and protocols were in place to address the risks of a recurrence.
    3. Whether the various Responsible Authorities approved the procedures and protocols as sufficient to meet the identified risks.
    4. Whether the Sub-Committee itself approved the procedures and protocols as sufficient to meet the identified risks.
    5. What amendments need to be made to the premises licence and conditions added so as to require the measures decided on rather than leave them as a mere statement of intent by the licensee.
- He recognised that the above questions could not be answered until the criminal investigation had progressed or been concluded. Therefore, he suggested that the following steps should be determined by the Sub-Committee in accordance with section 53C of the Licensing Act 2003:
    1. The licence be suspended for three months.
    2. Invite the Sub-Committee to impose the following condition:

    "No licensable activities shall take place at the premises unless and until an application to vary the premises licence had been made by the premises licence holder under S34 of the Licensing Act

2003 and granted by the Licensing Authority. The variation application must address the steps required to promote the licensing objectives in light of the serious incident that occurred at the premises on 15 December 2022"

- The decision would then be up to the Sub-Committee considering that variation application to determine whether the premises could safely be re-opened.
- If the above condition was imposed it would not come into force until the appeal period of 21 days had lapsed. As a result, the Sub-Committee had the power to exercise and continue the interim step of suspension throughout the appeal period and, in the event of an appeal, until the appeal was determined.
- He had been informed by Mr Walsh KC (Counsel), that the premises licence holder had no intention of submitting an appeal.
- He hoped that suggestions mentioned above would be agreed.

Presentation by the Premises Licence Holder

Mr Stephen Walsh KC (Counsel), Legal Representative for the premises licence holder, Academy Music Group Ltd (AMG), informed the Sub-Committee that:

- The O2 Academy Brixton recognised the gravity of the incident that occurred on 15 December 2022 and expressed its sincere condolences to the families of those who died due to the tragic incident and its genuine concern for all other persons affected.
- AMG endeavoured to assist the Police with their enquiries pertaining to the various criminal investigations currently taking place. As a result, the decision was made by management to close the premises for three months while investigations continued.
- The premises endeavoured to continue to work in partnership with Responsible Authorities, including a review of the licensing conditions and any proposed amendments that may be submitted.
- AMG agreed to the suspension suggested by Mr Gouriet KC and to the continuance of the interim steps, the shorter suspension to cover the appeal period. The single condition read by Mr Gouriet KC relating to the need for a variation application was also agreed.
- The investigations would also need to consider the licence holder's experience and track record in holding events at the O2 Academy Brixton for many years and, at many other O2 Academy venues operated in other cities around the country.
- Since 2017, O2 Academy Brixton had hosted over 650 shows that attracted an audience of nearly 2.4 million.
- The venue was internationally renowned having been at the heart of the vibrant music scene for over 30 years.
- The venue had achieved significant growth in music tourism in Brixton and generated capital investment locally and nationally.
- AMG had operated at music venues which pre-dated the licensing regime that came into effect on 24 November 2005. The venue had never, until now, been subjected to a Police review in connection with any of its O2 Academy venues.
- Planning for the management of events involved a wide range of considerations which had been developed by AMG over the years to reflect best practice utilising the extensive experience and expertise in developing those practices over a significant period of time.
- The schedule included in the second agenda pack (pages 9-15) showed the key considerations undertaken by the venue regarding management plans in place for all events held, including managing ingress and external areas. This demonstrated that AMG had serious regard to all events that took place and to all of the representations which had been made for this hearing.
- As a result of the hearing held on 22 December 2022, the premises licence holder, for illustrative purposes, proposed to strengthen condition 18 to envisage the requirement for an Event Management Plan before any event could be held at the premises. Also, the premises licence holder was required to provide an "Events List" of forthcoming events, including a summary of the nature of each event to Lambeth Police Licensing and the Local Authority, outlined on page 71 of the main agenda pack. This example showed that since the last meeting, consideration had been given by AMG to address issues, including meeting with the police.
- AMG endeavoured to undertake further discussions with the Police and Responsible Authorities to consider revised conditions, including the example conditions on page 71, and come back to the Sub-Committee in due course with an application to vary the licence.

In response to questions from Members, Mr Walsh KC (Counsel) confirmed:

- The criminal investigations would take a considerable time to conclude but, for the purposes of addressing the licensing objectives, there was no need to wait for the wider criminal investigation to be concluded.
- There was a need to ensure, together with Responsible Authorities, the matter returned to the Sub-Committee within the three-month period, with a range of measures to demonstrate that the premises should be allowed to remain open.

The Chair informed the meeting that although a number of substantive issues such as crowd control and security relate to conditions on the existing licence, these issues would not be discussed until the variation application came back to the Sub-Committee for consideration.

The Chair also clarified that although the applicant could come back with a variation application that would not pre-judge what may occur. Equally, the Responsible Authorities, such as Public Protection, Police and the Licensing Authority could object to the licence holder's conditions and regard them as insufficient. However, this was a matter to be considered within a few months after numerous investigations had been completed and proposals are put forward by the licence holder.

Presentation by Interested Parties

In response to a question from the Chair regarding the agreed conditions mentioned above, Mr Paul Richards, Licensing Officer confirmed that:

- The Licensing Authority had been working with Mr Walsh KC and Mr Gouriet KC, regarding the conditions currently on the licence, as it was felt they needed to be updated and varied to promote the licensing objectives.
- It was proposed that the current conditions should be reviewed and, the Licensing Authority would liaise with all other Responsible Authorities and AMG to see whether a list of appropriate and proportionate conditions could be agreed in order to promote the four licensing objectives.

On receiving further clarity from the Chair regarding the condition, Mr Paul Richards, then confirmed that:

- The Licensing Authority had been notified of the proposed condition on Friday 13 January 2023 and, agreed to the condition currently proposed.

Mr Mark Ward, Production Director, Proper Productions Ltd, informed the Sub-Committee that: that:

- He managed 'Pendulum', a Rock band scheduled to perform two sold out shows at the 02 Academy Brixton on 04 and 05 March 2023. However, as a result of the current circumstances, an alternative venue would need to be sourced.
- He considered 02 Academy Brixton to be one of the best run venues throughout the UK but, now had to arrange for 10,000 people to be relocated to a venue that was less well managed.

Mr Jamal Chalabi, Music Tour Production Manager, Backlash Productions, informed the Sub-Committee that:

- He had worked in the music industry for 27 years.
- He had both attended and produced shows at the O2 Academy Brixton for over 20 years.
- Brixton Academy was one of the best run venues in the country and, maybe in the world, as he had travelled extensively across the Globe.
- He made reference to a show he jointly worked with Hatsune Miku Production (Japanese anime character), an all-day event that attracted an enormous extensive crowd that snaked around the venue. A pop-up merchandise store next to the venue for fans to purchase merchandise was also available.
- The crowd control by the venue on that day was impeccable and he praised the work of venue management and security staff.
- He highly recommended the venue as it had a good reputation for looking after artists and audiences outside the venue.

Mr Gianluca Rizzo, Managing Director, representing Brixton BID Ltd, informed the Sub-Committee that:

- The O2 Academy Brixton was a key destination for the business community in Lambeth.
- The movement, spend and sentiments data currently available showed that the Brixton local economy was estimated to generate over £2bn annually and 1/3 of the Lambeth economy estimated at £6b annually.
- 40% of the money spent in Brixton took place after 18:00 hours and, O2 Academy Brixton drove this major footfall and played a key role for the local and Brixton economy and beyond.
- Since the Brixton Business Improvement District (BID) commenced in 2014, the O2 Academy Brixton's management team had always been included in the BID's work and was considered to always operate as a safe, responsible and community minded venue.

In response to questions from Members, Mr Rizzo, Mr Ward and Mr Chalabi confirmed:

- The O2 Academy Brixton held many gigs throughout the week.
- The impact on the local economy would be significantly affected as a result of events being prevented from taking place over the next three months, especially as many amenities around Brixton would benefit from the additional footfall.
- Whilst there was a need to ensure that a full and thorough investigation was carried out, the Academy always operated in a safe and responsible way.
- There was a need to consider that similar issues existed in other venues across the Globe
- At present, the Academy was considered as a huge loss to the local community.

Members explained that as experienced Lambeth Councillors for many years they fully appreciated all comments made.

The Chair thanked all parties for their submissions which he felt would assist in determining the decision made by the Sub-Committee.

The Chair sought legal advice regarding the dates for the suspension and Mr Grant, Legal Adviser to the Sub-Committee, responded as follows:

- The decision for the Sub-Committee could be to suspend the licence for three months as the main decision, but this will not come into effect until the expiry of the appeal period of 21 days or, if an appeal is instigated, until that appeal is disposed of (see S.53C(11) of the Licensing Act 2003).
- Unless the Sub-Committee indicated otherwise imposing a three-month suspension would mean it ended after three months plus 21 days (6 May 2023).

Following further discussions on the matter, Mr Grant, Legal Adviser to the Sub-Committee suggested that the suspension could be for two months and one week to commence from the end of the 21 day appeal period on the basis that the interim steps measure was not appealed but, three months in the event of an appeal being lodged. Both Mr Walsh and Mr Gouriet agreed to the suggestion made by Mr Grant.

The Chair asked for any further submissions and in response Mr Walsh confirmed that:

- The premises licence holder agreed to the condition that the premises should remain closed until such time an application for a variation came before the Sub-Committee to be determined.
- He agreed that the interim steps suspension continues pending any potential appeal.
- He accepted that the premises should remain closed for three months but welcomed the suggestion made by Mr Grant for the suspension to remain in place for two months and one week, commencing 21 days from the date of the hearing, on the basis that the interim steps decision was not appealed.

Mr Gouriet, confirmed that he was happy with the proposals made by Mr Grant and wished to make no further comments.

Finally, the Chair asked whether any further representations wished to speak.

In response, Mrs Elizabeth Leslie, resident, informed the Sub-Committee that:

- She fully supported the issues discussed at the meeting. However, the three months suspension would result in some concerts she wished to attend at O2 Academy Brixton, being relocated to alternative venues.
- She was disabled and would find it difficult to attend other music venues, as O2 Academy Brixton had a great disabled policy.
- She considered the staff and security teams to be very supportive, helpful and conscientious. Therefore, she would find it difficult to attend any concerts.

The Chair thanked Mrs Leslie for her representation.

Adjournment and Decision

At 11.44, 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 Mr Gouriet, Mr Walsh, Mr Richards, Mr Ward, Mr Chalabi, Mr Rizzo and Mrs Leslie.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. Prior to issuing the determination Counsel for the police and licence holder were consulted by Mr Grant as Legal Advisor as to the precise wording of the suspension to ensure it achieved the agreed objective. Both Counsel approved the final wording prior to determination. The Sub-Committee decided to suspend the licence for three months for the following reasons:

1. On Thursday 15 December 2022, The Brixton 02 Academy, an internationally renowned live entertainment venue at 211 Stockwell Road, London SW9 9SL, hosted a concert by the musical artist known as "Asake". The ticketed event was sold out in advance with 5,000 tickets sold. Two earlier concerts by the same artist had taken place at the Academy without incident in the preceding days. The event started at 8pm and by 9pm a crowd of about 1,000 people formed outside seemingly intent on entering the venue. Staff closed the entrance doors and called the police for assistance at 9.04pm. Police arrived by 9.16pm and found large scale disorder at the entrance to the Academy with the crowd attempting to force their way through the doors into the venue and towards the auditorium where the concert was taking place. Security staff were unable to control the crowds at the entrance door or prevent them from entering the Academy. The incident presented a clear threat to public safety.

2. A large number of people breached the entrance doors and gained entry to the venue. Several people were caught up in the surging force of the crowd and fell to the ground. Some were seriously injured. Four individuals were taken to hospital. Most devastatingly of all, two individuals, Rebecca Ikumelo a concert attendee, and Gaby Hutchinson a security operative and dog handler employed at the venue, subsequently died of their injuries. A third individual remains in critical condition and the fourth individual was discharged.

3. The police cleared the area which took in excess of an hour. The concert was called off and the Academy agreed to voluntarily close as an immediate response to the incident.

4. On 20 December 2022, the Metropolitan Police served on the Council an application to summary review the premises licence relating to the venue under section 53A of the Licensing Act 2003 ("2003 Act"). The application was accompanied by a certificate signed on 19 December 2022 by Superintendent Daniel Ivey in which he expressed his opinion that the premises is associated with serious crime and serious disorder. Summary reviews may only be undertaken when the police consider the premises is associated with serious crime or serious disorder or both. The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a premises licence, or order its interim suspension, and provides for a fast track licence review. That main review hearing, which was considered today (16 January 2023), must take place within a prescribed 28 day timeframe.

5. The premises licence for the venue authorises the sale of alcohol, the provision of regulated entertainment (including live and recorded music) and the provision of late night refreshment. The London Borough of Lambeth issued the premises licence and is the relevant licensing authority for the purposes of these review proceedings. Since 7 April 2010 the premises licence holder has been Academy Music Group Limited. Mr Eral James Hassan became the Designated Premises Supervisor on 14 April 2022.

6. A remote interim steps hearing was previously held before a licensing sub-committee of the London Borough of Lambeth on 22 December 2022. The sub-committee's only role then was to consider whether it was necessary to impose interim steps pending the full determination of this review application today. Having heard representations made on behalf of both the Metropolitan Police and Premises Licence Holder, the sub-committee determined it was necessary to suspend the premises licence until the main review hearing which took place on 16 January 2023.

7. At today's main review hearing, convened under the provisions of section 53C of the 2003 Act, a number of statements and documents, have been placed before the sub-committee by the police and licence holder. All have been carefully considered by the licensing sub-committee made up of Cllr Fred Cowell (Chair), Cllr Linda Bray, and Cllr Timothy Windle. Some of these documents provide details of the incident on 15 December 2022. Other documents relate to earlier concerns about crowd control at the venue, in particular, but not limited to, an event held on 2 February 2020 and steps taken after that incident. Some of this information is of a sensitive nature such that its disclosure in public may prejudice the ongoing investigations into the incident. In relation to these documents we have determined that the public interest in receiving and considering these documents in private session outweighs the public interest in having these documents disclosed to the public or discussed openly at the hearing. In doing so we have had regard to the terms of regulation 14(2) of the Licensing Act 2003 (Hearings Regulations) 2005. None of the information considered in private impacts on the decision we have reached today.

8. As we made clear at the outset of today's hearing, the sole purpose of today's hearing is for the licensing sub-committee to consider the Metropolitan Police's application to summary review the premises licence relating to the Brixton O2 Academy under the Licensing Act 2003.

9. In addition to having heard submissions from the police and licence holder (Academy Music Group Ltd), we have also taken into account the additional representations and oral submissions made on behalf of the licensing authority (acting as a responsible authority) and from "other persons" - both in support of the police's review application (which expresses concerns about crowd management and security at the venue) and those opposing it (emphasising the professionalism of the operators, the importance of the venue to the cultural scene in London and providing an opinion that the Academy is among the safest venues of its type).

10. As we made clear at the outset of today's hearing, it is important to inform all interested parties, including members of the public and the media, what the purpose of today's hearing is and what it is not.

11. Our only role today is to consider the review application and relevant representations and determine what steps, permitted under the Licensing Act 2003, are appropriate and proportionate in order to promote the licensing objectives, particularly: the prevention of crime and disorder, the prevention of

public nuisance, public safety and the protection of children from harm. The objectives which are primarily engaged in this matter are the prevention of crime and disorder and public safety.

12. The steps available to this sub-committee are set out in section 53C(3) of the 2003 Act, namely:

    a. The modification of the conditions of the premises licence;
    b. The exclusion of a licensable activity from the scope of the licence;
    c. The removal of the designated premises supervisor from the licence;
    d. The suspension of the licence for a period not exceeding three months; or
    e. The revocation of the licence.

13. It is not our role today to make any findings of fact as to the cause or causes of the incident or to ascribe blame or culpability on any person or entity. Nor is it our purpose to seek to punish any party and we have no power to do so under the 2003 Act. Those issues may well be considered in future legal proceedings unrelated to this licence review and outside the scope of this licensing sub-committee.

14. Our sole objective is to impartially and fairly consider the evidence, such as it is in these very early stages of the investigations, and to determine what steps are likely to promote the licensing objectives in an appropriate and proportionate way. That is what we have done.

15. Both the police and the premises licence holder have expressed the view that the ongoing investigations are at too early a stage to clearly identify the cause or causes of the fatal incident on 15 December 2022 and the extent of the remedial steps required to prevent any repetition of a serious incident.

16. Mr Gouriet, for the police, indicated that 5 matters needed to be considered in detail before the venue could safely open again:

    a. The risk of recurrence and whether that risk has been adequately risk assessed;
    b. What procedures and protocols are in place to address the risk;
    c. Do the responsible authorities approve these procedures and protocols as sufficient to mitigate the risks;
    d. Does this Council, acting as the licensing authority, approve the procedures and protocols;
    e. What amendments to the conditions on the premises licence are appropriate that legally require the venue to follow the necessary procedures and protocols.

17. Mr Gouriet emphasised, correctly in our view, that until we know what went wrong it is not possible to identify what remedial measures are required. The ongoing investigations are complex and answers will not be available now or in the immediate future.

18. Whilst the sub-committee accepts these submissions it is also clear that on the night of the incident the licensing objectives were gravely undermined by the operation of the venue. The sub-committee is not presently satisfied that the venue can re-open at this stage without undermining the licensing objectives. The sub-committee also recognises the importance of this venue to the cultural eco-system in Brixton and more widely. The sub-committee is also conscious of the economic impact of our decision on the licence holder, local businesses and promoters with events planned at the venue.

19. One course open to the sub-committee and seriously considered by us, was the revocation of the premises licence. Then, if and when measures are proposed that satisfy the Council that the venue could re-open safely a new premises licence could be applied for and considered on its merits.

20. However, the police, through their Counsel Mr Gerald Gouriet KC, have proposed the following as alternative and lesser steps to permanent revocation of the premises licence:

a. The premises licence is suspended for three months; and

b. No licensable activities shall take place at the premises unless and until an application to vary the premises licence has been made by the premises licence holder under section 34 of the Licensing Act 2003 and granted by the licensing authority. The variation application must address the steps that are required to promote the licensing objectives in light of the serious incident at the premises on 15 December 2022.

21. The premises licence holder, through their Counsel Mr Stephen Walsh KC has expressly indicated its consent and agreement to both these steps as being appropriate and proportionate steps open to this Sub-Committee.

22. We have been persuaded that these proposals are both appropriate and proportionate steps that will promote the licensing objectives. The Sub-Committee endorses them and this is the determination of the sub-committee at today's review hearing.

23. The sub-committee is not satisfied the venue could safely open now without more clarity as to the cause or cause of the incidents and what further measures might alleviate present concerns. It may well be that, in the future, further proposals as to crowd control measures may satisfy the sub-committee that the venue can re-open safely but that is not the position today and we do not, in any way, bind a future licensing sub-committee.

24. The agreed proposals placed before us achieve the following objectives that promote the licensing objectives:

a. To ensure the venue remains closed for three months unless and until suitable conditions/measures are in place to protect public safety and prevent crime and disorder if/when the venue re-opens;

b. To ensure the Council as licensing authority, and not the police, are the final arbiters in deciding if the measures to be proposed in a future licence variation application are sufficient to permit the venue to re-open safely. The major variation application will be open for consultation where both responsible authorities and members of the public can make representations.

25. This decision of the sub-committee does not have effect until the end of the period for appealing this decision or, in an appeal is made, until that appeal is determined. The sub-committee therefore needs to make a second determination in relation to the interim steps currently in place under section 53D of the 2003 Act. This will dictate the situation pending over the appeal period. The police proposed that the existing interim suspension be extended. The licence holder agrees to this step. The sub-committee agrees that the appropriate and proportionate interim step pending the expiry of the appeal period is the suspension of the premises licence.

26. It is the intention of both the police and licence holder, shared by this licensing sub-committee, that the premises licence is suspended for a period of three months from today (expiring at 00:01hrs on 16 April 2023). Bearing in mind the 21 day appeal period and terms of section 53C(11) of the 2003 Act we can fulfil that purpose by ordering a period of suspension of two months and one week, which (assuming that our decision is not appealed) will commence 21 days from today. We emphasise that even after the three month suspension (from today) the venue may not re-open for licensable activities unless and until a variation application is granted that addresses the necessary measures that need to be taken to ensure the venue can open safely.

27. A further safeguard that would prevent the venue opening prematurely for licensable activities is that the police would have the power to instigate a further summary review if necessary.

28. The Council will not hesitate to take appropriate and proportionate action to protect the public from the risk of serious harm of the type witnessed on 15 December 2022.

29. The Members of the licensing sub-committee, on behalf of the London Borough of Lambeth, wish to pass on their sincerest condolences to the friends and families of the two individuals who have lost their lives. To those who have been injured the Members wish them a full and speedy recovery.

Rights of appeal

30. The police as applicant, the premises licence holder, and any party who has made a relevant representation in these proceedings have the right to appeal our main decision to a magistrates' court. That appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

31. In relation to the interim suspension pending appeal, only the police and licence holder have the right to appeal this interim step to the magistrates' court. Any appeal must, similarly, be commenced by notice of appeal given to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

32. **RESOLVED**:

(a) To suspend the licence for two months and one week commencing at the end of the 21 day appeal period (meaning three months from today expiring on 16 April 2023).

(b) A condition be added to the premises licence stating: "No licensable activities shall take place at the premises unless and until an application to vary the premises licence has been made by the premises licence holder under section 34 of the Licensing Act 2003 and granted by the licensing authority. The variation application must address the steps that are required to promote the licensing objectives in light of the serious incident at the premises on 15 December 2022."

(c) To extend the interim suspension pending the expiry of the appeal period or, if an appeal is instigated, until that appeal is disposed of (under section 53(D) of the Licensing Act 2003).	
Date of issue:	25th January 2023

Appeal information

If you wish to appeal a decision made by the Licensing Sub-Committee you must give written notice of appeal, within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision you wish to appeal, to:

The Appeals Officer
Croydon Magistrates' Court
Barclay Road
London
CR9 3NG

Please note that there is no power to extend the time limit for an appeal.

On appeal a magistrates' court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of in accordance with the direction of the court.

The court has wide discretion and may make such order to costs as it thinks fit.

The table below sets out each party's entitlement to appeal a decision:

Appeal entitlement: Summary review of a premises licence		
Nature of decision	**Applicant's appeal rights**	**Other parties appeal rights**
Any	The chief officer of police may appeal against the decision.	The holder of the premises licence may appeal against the decision. Any other person who made relevant representations in relation to the review may appeal against the decision.

METROPOLITAN POLICE TOTAL POLICING

Lambeth Licensing Authority
3rd Floor,
Civic Centre
6 Brixton Hill,
London
SW2 1EG

PC Jinelle Caldinez
Brixton Police Station
367 Brixton Road
London
SW9 7DD

Email: asmailbox – [redacted]

Thursday 9th February 2023

Miss Bina Patel
Licensing Manager
Lambeth Borough Council

Application to Vary Premises Licence made by Academy Music Group Limited (Licence Holder) – O2 Brixton Academy, 211 Stockwell Road, London, SW9 9SL

Dear Miss Patel,

I, the undersigned Commissioner of Police for the Metropolis, through the instrument authorise all such officers (and employees) of the Metropolitan Police Service as shall have been given specific responsibility by the Area Commanders etc. to deal with the licensing matters, to act on my behalf in the exercise of all the powers and functions given to me under the Licensing Act 2003

The Metropolitan Police Service (MPS) make the following representations on the application made by Academy Music Group Ltd. on 30 January 2023 to vary the O2 Academy Brixton premises licence (premises licence number: Prem 318 Version Ref: 22/00114/PRIMIN).

It is the view of the Metropolitan Police that the application is premature. When the licence was reviewed on 16 January 2023 the Licensing Sub-Committee said (Decision, paragraph 15) –

> "Both the police and the premises licence holder have expressed the view that the ongoing investigations are at too early stage to clearly identify the cause or cause of the fatal incident on 15 December 2022 and the extent of the remedial steps required to prevent any repetition of a serious incident."

The Sub-Committee said (paragraph 17) that they agreed with representations made on behalf of the police, namely –

> "that until we know what went wrong [on 15 December] it is not possible to identify what remedial measures are required. The ongoing investigations are complex and answers will not be available now or in the immediate future."

In the opinion of the police the position two weeks later, when this application was made, had not significantly changes, nor is it likely to do so in the immediate future.

The amendments to the premises licence conditions proposed in the application are insufficiently detailed to promote the licensing objectives. They fail to identify remedial steps specifically drafted to address the cause or causes of the incident on 15 December.

If the current variation application were granted, the O2 Academy would be entitled to open its doors to the public at the end of the suspension period without returning to the licensing sub-committee for approval that it is safe to do so. That flies in the face of what the police understand to have been an agreed position at the review hearing on 16 January.

Yours sincerely,

Jinelle Caldinez – [redacted]

MPS CENTRAL SOUTH BOCU

Neighbourhood Policing - LICENSING & NIGHT TIME ECONOMY

London Borough of Lambeth
Licensing Department
PO Box 734, Winchester SO23 5DG
Tel: 020 7926 6108
Web: www.lambeth.gov.uk/licensing/

Licensing Act 2003
Premises Licence

Premises Licence Number	22/00114/PRMMIN	Version Reference	Prem318

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description

Brixton Academy
211 Stockwell Road
London
SW9 9SL

Telephone number

Where the licence is time limited the dates

-

Licensable activities authorised by the licence

Plays *(indoors only)*
Films *(indoors only)*
Indoor Sporting Events
Boxing or Wrestling Entertainment
Live Music *(indoors only)*
Recorded Music *(indoors only)*
Performances of Dance *(indoors only)*
Entertainment Similar to Music/Dance *(indoors only)*
Late Night Refreshment *(indoors only)*
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Plays

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Films

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Indoor Sporting Events

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Boxing or Wrestling Entertainment

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Live Music

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Recorded Music

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Performances of Dance

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00 (existing 11.00 to 04.00).

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Entertainment Similar to Music / Dance

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Late Night Refreshment

Friday & Saturday	23:00 - 06:00
Sunday - Thursday	23:00 - 04:00

Easter Thursday from 23:00 to 05:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 05:00.

Sale by Retail of Alcohol

Friday & Saturday	11:00 - 05:00
Sunday - Thursday	11:00 - 03:00

Easter Thursday from 11:00 to 04:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 05:00.

Opening Hours (Non-standard & Seasonal)

-

On the Four Saints Days (St Patrick's, David's, George's, Andrew's Day) and on the Friday, Saturday and Monday of Bank Holiday Weekends and on occasions of events of local, national or international significance or for charitable events, the finish time for all licensable activities will be extended by one hour over and above the standard times requested on the basis of 10 days notice to the Police and only by agreement with the Police.
As existing plus finish time on 31st December through to 1st January and 1st January through to 2nd January to be extended to 06.30.

The opening hours of the premises

Monday	11:00 - 04:30
Tuesday	11:00 - 04:30
Wednesday	11:00 - 04:30
Thursday	11:00 - 04:30
Friday	11:00 - 06:30
Saturday	11:00 - 06:30
Sunday	11:00 - 04:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol may be supplied for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Academy Music Group Ltd
211 Stockwell Road
London

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number 03463738

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply or the sale by retail of alcohol

Eral James Hassan
[redacted]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply or sale by retail of alcohol

Personal Licence No: [redacted] Licensing Authority: [redacted]

[redacted]

On behalf of the Head
of Regulatory Services

Dated: 06th October 2022

Annex 1 – Mandatory conditions

1. No supply of Alcohol may be made under the Premises Licence:

   (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
   (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

   (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

   (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
   (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
   (ii) drink as much alcohol as possible (whether within a time limit or otherwise)

   (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

   (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

   (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

   (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

   (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

   (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and
   either—
   (a) a holographic mark, or
   (b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;
(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8. For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
(b) "permitted" price is the price found by applying the formula - P=D+(DxV) where:
(i) P is the permitted price,
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
(i) the holder of the premises licence,
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
(d)"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
(e)"value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

11. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
(b) be entitled to carry out that activity by virtue of section 4 of the Act.

12. But nothing in subsection (1) requires such a condition to be imposed:
(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

13. For the purposes of this section:
(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

14. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

15. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

16. Where
(a) The film classification body is not specified in the licence, or
(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

17. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the Operating Schedule

1 The number of persons accommodated at any one time shall not exceed the following: -

Balcony -1083 persons Seated Only, Balcony Rear Standing 78 persons VIP Bar 150 persons, Ground Floor with folding partition in use 3540 persons. Ground Floor with folding partition between Ra Bar and Auditorium locked in the open position 3760 persons.
The total accommodation for the premises shall not exceed 5071 persons.

2 When the premises is open to the public, at least one employee shall be on duty who has practical experience in fire prevention and extinction. Such employees shall act as fire-fighters and wear fire-fighters uniform.

3 Attendants shall be provided in the ratio of at least 1 to every 100 persons in the audience. They must be over 18 years of age and wear distinctive dress so as to be easily identified as stewards.

4 The licensee must ensure that the balcony audience remains seated during every performance and that the stewarding arrangements are such as to ensure compliance with this condition.

5 A public address system, in addition to that used by the performers, shall be provided. Both systems shall be under the direct control of the licensee so that broadcast messages can over-ride the performers amplifiers and be clearly audible.

6 A fully equipped first aid point staffed by adequate numbers of first aiders shall be maintained for the duration of the event Drinks and refreshments shall only be supplied in plastic or paper containers.

7 The clearance of equipment and the loading into vehicles shall be completed not later than one hour and a half after the end of the event.

8 Patrons must not be allowed to sit on stairs or otherwise block exits or exit ways during the event. Stewards shall patrol the premises during an event to ensure compliance with this requirement.

9 The premises licence holder or the designated premises supervisor shall ensure that the CCTV is maintained in working order, that recordings are retained for an appropriate period of time.

10 The premises shall participate in any local pubwatch scheme.

11 The premises shall operate a zero-tolerance policy to the supply and use of drugs.

12 Registered door supervisors shall be provided to carry out searches on persons and to exclude those who may be carrying illegal drugs or offensive weapons.

13 Door supervisors shall be provided to the licensed premises to maintain orderly queuing outside of the premises.

14 Door supervisors working at licensed premises shall display their names badges on their outer most clothing, such that it is visible to the public and can be easily verified.

15 The designated premises supervisor shall not promote or encourage irresponsible drinks promotions or discounting of prices for alcoholic beverages.

16 The premises licence holder or designated premises supervisor or persons acting under their authorisation, shall when deemed necessary, request for proof of age, such as photo-driving licences, PASS accredited proof of age cards, student cards, and passports.

17 The premises shall operate a staffed cloakroom operated via a secure ticketing system.

18 The premises shall have a procedure in place for dealing with "unsafe crowd concentration". A record of this policy shall be maintained on site.

19 No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

20 No "off Sale" shall take place within the premises.

21 A manual or electronic system of counting in visitors to events on the premises shall be implemented and maintained.

22 The maximum occupancy figure shall be clearly displayed at the point of entry along with all relevant licences and insurance documentation.

23 The premises shall have a procedure in place to ensure that the maximum occupancy capacity is not exceeded on all events.

24 A risk assessment for the premises shall be carried (this to be reviewed as and when new hazards are introduced into the premises), all significant hazards identified should be recorded and remedial measures/systems put in place.

25 The premises licence holder or club official shall ensure that prominent, clear and legible notices are displayed at all exits requiring customers to respect the needs of local residents and to leave the area quietly.

26 All tickets for events on the premises shall be distributed with information flyer explaining terms and conditions as well as the premises' neighbour friendly policy.

27 The secondary lobbies to all final exit doors to street are to be maintained to reduce noise leakage to the immediate environment.

28 All exit doors to the premises are to be alarmed and stewarded during event to ensure that customers to the premises do not accidentally open doors when live sound source is taking place.

29 The premises shall retain links with local taxi company to facilitate an orderly and rapid evacuation of visitors from the area.

30 Visitors to the premises are to be advised of the parking facilities available at Popes Road and encouraged to use public transport.

31 The deliveries of liquor to the premises shall take place between 09:00 and 18:00.

32 The premises shall have a procedure in place to ensure that the immediate vicinity of the premises (including pathways to and from the premises) are cleared up.

33 The premises shall maintain its active policy against flyposting and its contract of hire specifically precluding such activity.

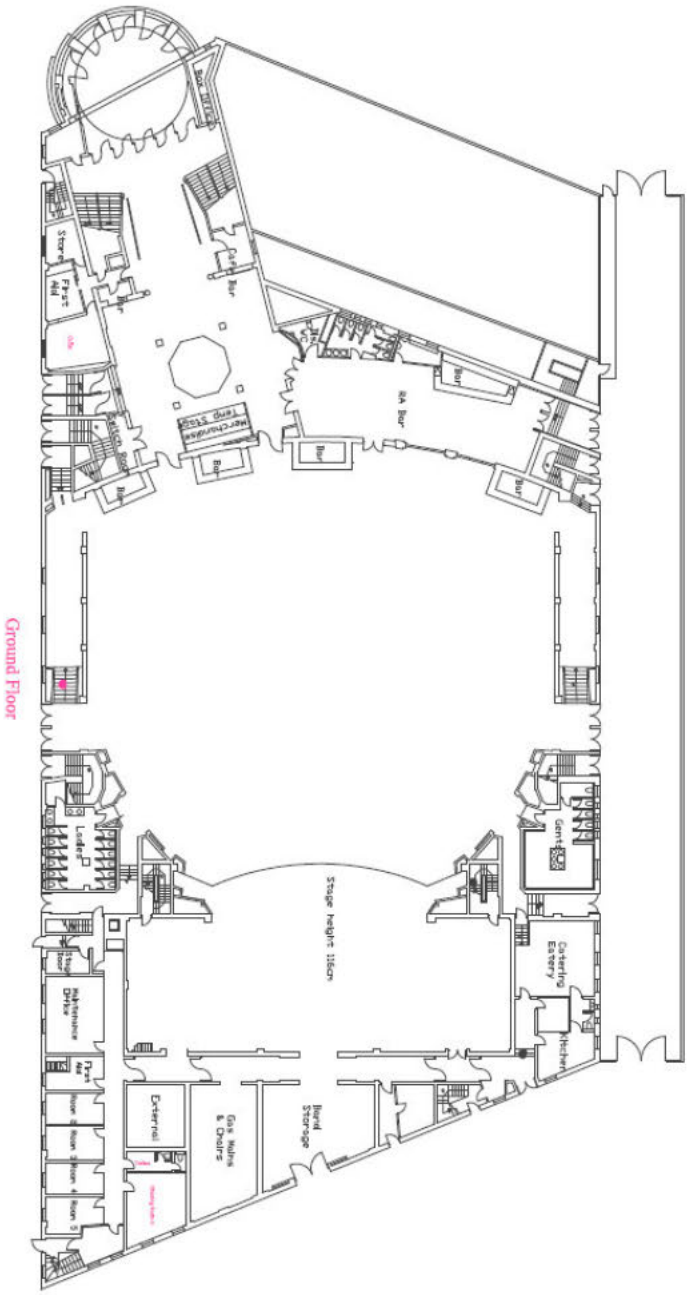
34 The restrictions inherent in the Licensing Act 2003 will apply at all times within the premises.

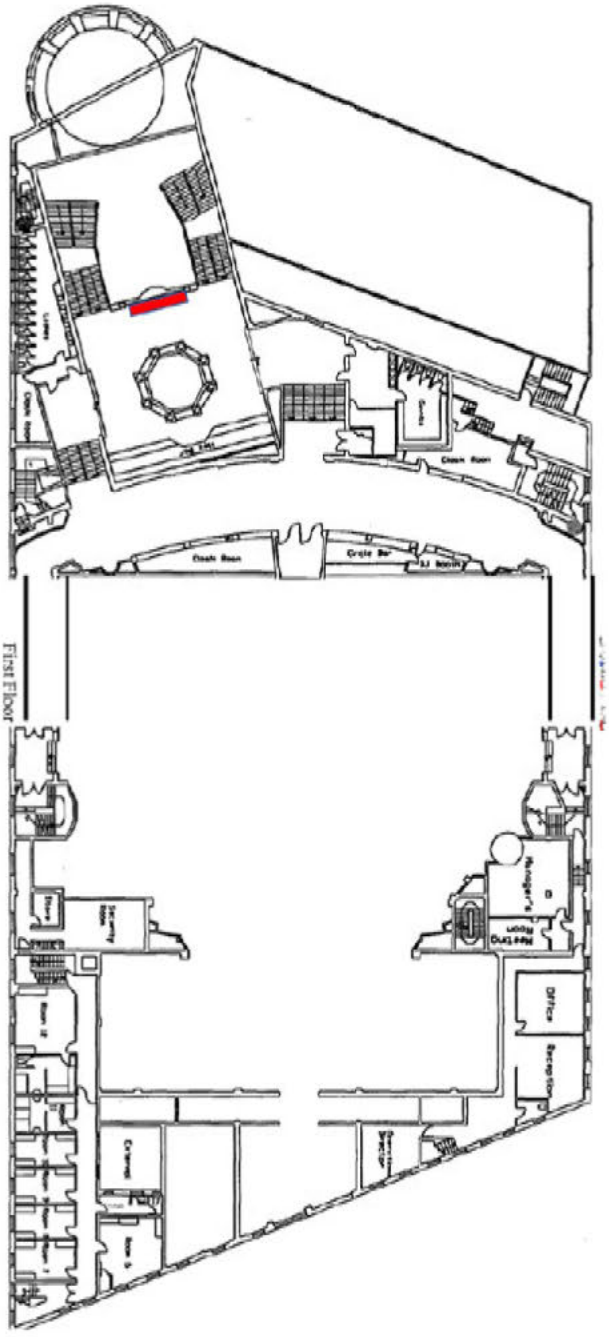
35 Any event on the premises attracting under 18s shall be categorised as a "High Risk" event, arrangements for this should include a risk assessment and increased levels of safety, stewards and medics.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans





Brixton Academy –
June 2020

BRIXTON ACADEMY

Roof & Third Floor

Balcony & Second Floor

London Borough of Lambeth
Licensing Department
PO Box 734, Winchester SO23 5DG
Tel: 020 7926 6108
Web: www.lambeth.gov.uk/licensing/

Licensing Act 2003
Premises Licence Summary

Premises Licence Number	Prem318	Version Reference	22/00114/PRMMIN

Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description

Brixton Academy
211 Stockwell Road
London
SW9 9SL

Telephone number

Where the licence is time limited the dates

-

Licensable activities authorised by the licence

Plays *(indoors only)*
Films *(indoors only)*
Indoor Sporting Events
Boxing or Wrestling Entertainment
Live Music *(indoors only)*
Recorded Music *(indoors only)*
Performances of Dance *(indoors only)*
Entertainment Similar to Music/Dance *(indoors only)*
Late Night Refreshment *(indoors only)*
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Plays

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Films

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Indoor Sporting Events

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Boxing or Wrestling Entertainment

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Live Music

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Recorded Music

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Performances of Dance

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00 (existing 11.00 to 04.00).

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Entertainment Similar to Music / Dance

Friday & Saturday	11:00 - 06:00
Sunday - Thursday	11:00 - 04:00

Easter Thursday from 11:00 to 06:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 06:00.

Late Night Refreshment

Friday & Saturday	23:00 - 06:00
Sunday - Thursday	23:00 - 04:00

Easter Thursday from 23:00 to 05:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 05:00.

Sale by Retail of Alcohol

Friday & Saturday	11:00 - 05:00
Sunday - Thursday	11:00 - 03:00

Easter Thursday from 11:00 to 04:00

31st December through to 1st January and 1st January through to 2nd January to extend finish time to 05:00.

Opening Hours (Non-standard & Seasonal) -

On the Four Saints Days (St Patrick's, David's, George's, Andrew's Day) and on the Friday, Saturday and Monday of Bank Holiday Weekends and on occasions of events of local, national or international significance or for charitable events, the finish time for all licensable activities will be extended by one hour over and above the standard times requested on the basis of 10 days notice to the Police and only by agreement with the Police.
As existing plus finish time on 31st December through to 1st January and 1st January through to 2nd January to be extended to 06.30.

The opening hours of the premises

Monday	11:00 - 04:30
Tuesday	11:00 - 04:30
Wednesday	11:00 - 04:30
Thursday	11:00 - 04:30
Friday	11:00 - 06:30
Saturday	11:00 - 06:30
Sunday	11:00 - 04:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol may be supplied for consumption on the premises

Name, (registered) address of holder of premises licence

Academy Music Group Ltd
211 Stockwell Road
London

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number 03463738

Name of designated premises supervisor where the premises licence authorises the supply or sale by retail of alcohol

Eral James Hassan

State whether access to the premises by children is restricted or prohibited

Restricted