



The Licensing Unit  
 Floor 3  
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 London  
 SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
**Southwark Police Station,**  
**323 Borough High Street,**  
**LONDON,**  
**SE1 1JL**

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** **MD/21/111/19**

**Date:** **17<sup>th</sup> July 2019**

Dear Sir/Madam

**Re:- Talking Drum 610 Old Kent Road SE15 1JB**

Police are in possession of an application from the above for a new premises licence. The application describes the business as a Restaurant.

Hours as per application for licensable activities

Open to the Public

Sun-Thu	12:00 to 23.30
Fri – Sat	12:00 to 00:30

Sale of Alcohol & Regulated entertainment as above

Late night refreshment

Sun – Thu	23:00 to 23:30
Fri – Sat	23:00 to 00:30

Using the guidance provided by Southwark's statement of licensing policy, the location of this premises is considered to be in a residential area. As per this policy the recommended terminal hour for Restaurants is 23:00

The applicant for this premises licence is made by Talking Drum London Limited a registered company 12061432. A companies house search shows the current active director as Rebecca Akinyosoye. This premises formerly known as The Luxford Bar held a previous premises licence under the company name of Luxford Bar Limited a registered company 09368415. A companies house search shows Rebecca Akinsoye as the current active Director.

On the 18<sup>th</sup> April 2018 the licensing sub committee having had heard evidence from the Police, responsible authorities and other persons decided it was appropriate and proportionate to revoke the premises licence for the Luxford Bar.

Essentially this application, although under a different company name is being made by the same premises licence holder for the licence that was revoked on the 18<sup>th</sup> April 2019. The detail in the application almost mirrors that of the Luxford Bar, save for a reduction of 30 minutes for licensable activities on the Friday & Saturday night and a condition that alcohol is served ancillary to a table meal.

The evidence considered by the licensing sub committee on the 18<sup>th</sup> April 2019 included incidents of serious crime and disorder, and details of a closure order made under Section 80 of the Anti- social behaviour, crime and Police act 2014.

On the 2<sup>nd</sup> April 2019 at Camberwell Green Magistrates court ordered that the Luxford Bar would close with immediate effect.

To grant this licence in my opinion would be undermining the prevention of crime and disorder licensing objective. It goes against the decision made by the licensing sub committee on the 18<sup>th</sup> of April 2019 having had regard to all the evidence given.

In my opinion nothing has changed since that decision was made, the applicant for this premises licence is the same as that of the Luxford Bar, and this application is almost identical to that Granted to the Luxford Bar & Restaurant.

I will rely on that evidence provided to the licensing sub committee on the 18<sup>th</sup> April 2019 and have attached the relevant documents for consideration of the licensing sub committee.

The Following is submitted for your consideration.

Yours Sincerely

**PC Ian Clements 2362AS**

Southwark Police Licensing Unit

Tel: 0207 232 6756

[ian.Clements@met.pnn.police.uk](mailto:ian.Clements@met.pnn.police.uk)

**IN THE CAMBERWELL GREEN MAGISTRATES' COURT**

**IN THE MATTER OF AN APPLICATION FOR A CLOSURE ORDER PURSUANT TO SECTION 80  
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

UPON hearing the application, which commenced at 12:25hrs on 2<sup>nd</sup> April 2019, and

UPON hearing representations on behalf of the Luxford Bar by [REDACTED] and  
[REDACTED], and

UPON the court being satisfied that the test set out in section 80(5)(a)(c) Anti-Social  
Behaviour, Crime and Policing act 2014 is met:

**IT IS ORDERED THAT:**

ACCESS IS PROHIBITED TO THE PREMISES KNOWN AS LUXFORD BAR, 610 OLD KENT ROAD,  
LONDON, SE15 IJB

- a. By all persons
- b. At all times
- c. In all circumstances

FOR A PERIOD OF 3 MONTHS EXPIRING ON 1<sup>ST</sup> JULY 2019 AT 13:00HRS

Saving as expressly identified below:

- (a) [REDACTED]
- (b) [REDACTED]
- (c) Between 08:00hrs and 18:00 hrs between 2<sup>nd</sup> April 2019 and 1<sup>st</sup> May 2019 only

- i.
- ii.
- iii.
- iv.
- v.
- vi.
- vii.
- viii.
- ix.
- x.
- xi.
- xii.

**Signed:**

**Dated:**

2.4.19

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 18 April 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sandra Rhule (in the Chair)  
Councillor Lorraine Lauder MBE  
Councillor Margy Newens

**OFFICER SUPPORT:** Debra Allday, legal officer  
David Franklin, licensing officer  
Jayne Tear, licensing responsible authority officer  
P.C. Ian Clements, Metropolitan Police Service  
Andrew Weir, constitutional officer

### 1. ELECTION OF CHAIR

Councillor Sandra Rhule was nominated by Councillor Lorraine Lauder to chair the meeting. This was seconded by Councillor Margie Newens.

### 2. APOLOGIES

There were none.

### 3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair accepted the following item as late and urgent:

- The review instigated under section 167 of the Licensing Act 2003 following notification from the courts of the issue of a closure order issued under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to Luxford Bar, 610 Old Kent Road London SE15 1JB.

It was noted that all parties had agreed to consider both reviews at the same time.

## **5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

## **6. LICENSING ACT 2003: LUXFORD BAR, 610 OLD KENT ROAD LONDON SE15 1JB**

The licensing officer presented their reports. Members had no questions for the licensing officer.

The police legal representative addressed the sub-committee. Members had questions for the police and their legal representative.

The police advised that they wanted to present some highly sensitive information to the sub-committee with the exclusion of the press and the public, including the representatives from the premises.

The representatives from the premises objected to this.

The meeting adjourned at 10.54am for the sub-committee to consider whether it would hear the sensitive information.

The meeting reconvened at 11.01am and the chair advised that the sub-committee would hear the sensitive information from the police.

### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

#### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 7 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the sensitive verbal evidence from the police.

The meeting then went back to open session at 11.26am once the sub-committee had heard the sensitive information and had asked questions of the police and their legal representative.

The sub-committee continued questing the police and their legal representative.

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing officer.

The licensing sub-committee heard from one other person, the representative of Unwin and Friary Tenants and Resident's Association, who supported the review. Members had questions for the other person.

The sub-committee heard from the representatives from the premises. Members had questions for the representatives from the premises.

All parties were given five minutes for summing up.

The meeting adjourned at 1.11pm for the sub-committee to consider its decision.

The meeting reconvened at 2.32pm and the chair advised all parties of the decision.

### **RESOLVED:**

That the council's licensing sub-committee, having considered an application made under Section 53C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Luxford Bar, 610 Old Kent Road, London SE15 1JB and having had regard to all relevant representations decided that it is appropriate, necessary and proportionate in order to promote the licensing objectives to:

- Revoke the premises licence.

### **Reasons**

The licensing sub-committee heard from Metropolitan Police Service, the applicant for the review made under Section 53C of the Licensing Act 2003 that on 21 March 2019 they applied to the licensing authority for a summary review of the premises licence in respect of the premises known as Luxford Bar, 610 Old Kent Road, London SE15 1JB after a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.

This was also a review instigated under Section 167 of the Licensing Act 2003 following notification from the courts of the issue of a Closure Order under Section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

The representative for the police informed the licensing sub-committee that there was both open material and closed material which is wished to rely on. The material that the police had in its possession would demonstrate that it was both relevant and proportionate that the closed material should be heard in the absence of any of the persons present from the premises. The members of the sub-committee agreed that the public interest in so doing outweighed the public interest in the hearing to exclude the public from hearing the closed material pursuant to regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005; furthermore, the material was likely to disclose exempt information (as defined in paragraphs 1-7 Access to Information Procedure Rules of the constitution). The persons present from the premises were informed that whilst they could not be present to here the closed material, they could be assured that the members of the sub-committee carefully scrutinise the material and challenge it as if they were the premises themselves.

The premises and members of the public returned and heard the open material that supported the review applications. Both applications referred to an incident at 20:00 on 1

January 2019 when a male was stabbed in the stomach on the dance floor inside the premises. The male received a lacerated bowel and artery and spent several days in hospital having had an operation to repair the damage. This investigation is still ongoing. The licensing sub-committee viewed CCTV of the incident of this incident which clearly showed a male being stabbed.

Reference was also made to an incident that occurred on 2 December 2018 at 22:00 when the police were called to the premises by a female claiming that she had been assaulted by her ex-partner. She alleged that she was thrown to the ground by her hair outside of club after being punched by her ex-partner inside the venue. CCTV for this incident was requested by the police, but they were informed by the management of the premises that there was no coverage of the area where the alleged incident took place. On receipt of the CCTV footage the officer noted that at precisely 22:00, the CCTV footage stops, so that the incident was not filmed. The victim was informed of this, who stated that she was aware that staff at the venue had been persuaded to delete the footage.

The licensing sub-committee also heard that on 2 February 2019 officers from the Night Time Economy Team visited the premises and found two breaches of the premises licence namely, conditions 289 (CCTV to be kept for 31 days - CCTV only went back to 14 January 2019) and 336 (A personal licence holder to be on the premises at all times after 20:00 hours when intoxicating liquor is being supplied). As a result, served a Section 19 closure notice. Officers also attended on 16 March 2019 and again found the same two breaches of the premises licence.

The licensing sub-committee then heard from an officer representing licensing as a responsible authority, who supported the police review application(s) and whose representation was based on Southwark's statement of licensing policy 2019-2021 and related to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The officer stated that the premises was situated in a residential area and under the statement of licensing policy the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area. The premises are a 'restaurant and bar' and currently have generous hours granted on the current licence which exceeded the hours recommended for a residential area within the policy. In addition, the premises operation appeared to be changing as a night club, which under the policy was not considered appropriate for the area. To support the officer's contention, the details set out in the police's review application were echoed.

The licensing sub-committee heard from the representative of Unwin and Friary Tenants and Resident's Association ("TRA") who represented the 980 properties on the Unwin and Friary Estate. They informed the sub-committee that the premises had consistently undermined the licensing objectives and over the previous 12 months the premises consistently violated public order and safety with patrons of the premises using neighbourhood as a public toilet, patrons parking on pavements, blocking residents from entering their buildings. Attempts to engage with the management of the premises resulted in aggression. The representative of the TRA advised that the council needs to carry out a thorough survey of all the surrounding area. They informed the sub-committee that they were alarmed by the stabbing incident, as the TRA had been engaging with the youth from the estate in relation to knife crime. The incidents of crime and disorder at the premises in addition to the premises failure to comply with premises licence undermined the work that the TRA was undertaking with the local youth and undermined all of the licencing objectives.

The licensing sub-committee noted the representation from the other person from Northfield House who stated that they supported the police application in having the licence revoked.

The licensing sub-committee then heard from the management of the premises. They advised that Luxford Bar was equally a bar and a restaurant. There had been a suggestion that the premises was operating as a nightclub because officers had not seen the kitchen open. The reason why officers had not seen the kitchen open was because it closes at 23:00. Also, nightclubs operate beyond 23:00. All of the senior management of Luxford live in the Peckham area and had family in the area, so were part of the local community. They also worked with the schools. The premise was not a hub for anti-social behaviour. Luxford Bar had been operating for four years and in that time, there had been two serious incidents, and one of these incidents was a domestic matter. At the time of these incidents, the premises had been compliant and the police did not instigate a review of the licence following the very serious incident on 1 January, when a patron was stabbed.

The sub-committee considered very carefully whether to revoke the premises licence as requested by the police, particularly in light of the admitted breaches of the licence. A Closure Order was granted by the Magistrates' Court and the representative for the police advised that classified material was provided to the Court, more classified than that provided in the closed session of the licensing sub-committee meeting. The sub-committee accepted that the Magistrates' Court was satisfied to make a Closure Order insofar as:

- “(a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring” (Section 80(4) Anti-social Behaviour, Crime and Policing Act 2014).

The material provided to this licensing sub-committee said little more than what was said in the open session, that there was gang related activity associated with the premises. On that basis, the sub-committee took the view that it was important for local community to break the pattern of behaviour of known persons congregating at these premises, with a view to engage in criminal activity and/or violence.

The sub-committee did consider whether there were any other steps that could be taken to promote the licensing objectives, such as a significant reduction in operating hours as well as a condition that being provided ancillary to food and other control measures, but on balance it was felt that at this time, the business model of Luxford was the cause of concern. This licensing sub-committee are of the view once the cycle of behaviour has been addressed under the Closure Order(s), with the engagement of the police, the management of the premises could operate under a completely different business operation. It is also recommended that any such venture should be with the support and



engagement of the local community.

In these circumstances, this licensing sub-committee agree that it is appropriate and proportionate step to revoke the premises licence.

### **Appeal rights**

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

### **Review of interim steps pending appeal**

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The licensing sub-committee were satisfied that these modified interim steps are more appropriate and proportionate to promote the licensing objectives to modify the interim steps, as detailed above.

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

## **7. LICENSING ACT 2003: LUXFORD BAR, 610 OLD KENT ROAD LONDON SE15 1JB - REVIEW UNDER SECTION 53A AND SECTION 167**

See item 6 as item 6 and item 7 were considered together.

The meeting ended at 2.35 pm.

**CHAIR:**

**DATED:**

# MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 18 July 2019

**Copies**

**From** Jayne Tear                      **Telephone** 020 7525 0396                      **Fax**

**Email** jayne.tear@southwark.gov.uk

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**Subject** Talking Drum, 610 Old Kent Road, London, SE15 1JB

I write with regards to the above application for the grant of a premises licence submitted by Talking Drum Limited under the Licensing Act 2003 which seeks the following licensable activities:

- Recorded music (indoors) on Monday to Sunday from 12:00 to 23:30
- Late night refreshment (indoors) on Monday to Sunday from 23:00 to 23:30
- The supply of alcohol (on the premises) on Monday to Sunday from 12:00 to 23:30
- Opening times shall be on Sunday to Thursday from 12:00 to 23:30 and on Friday and Saturday from 12:00 to 00:30 the following day

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2019 - 2021 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is **23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

The premises is described as '*Restaurant*' within the application.

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 – 2021

This premises has previously had a licence and was subject to an expedited review submitted by the Metropolitan Police Service with concerns that the premises was associated with serious crime or serious disorder or both. In addition to this the police obtain a closure order for the premises. The licensing Sub-committee revoked the premises licence on 18 April 2019. I attach a copy of the Notice of decision to this representation.

I believe that the premises is still under the same controlling factor and although the company name has changed Rebecca Akinsoye is still a company director and considering the past history and the way that the premises was operating under the control of Luxford Bar limited, I have no faith that the premises under the new company name will be able to promote any of the licensing objectives and therefore recommend that the application is refused.

Should the licensing subcommittee be of a mind to grant a licence - I would object to the granting of any hours for licensable activities and opening times which go past 23:00 as this premises is in a residential area. The applicant would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder, nor have they offered any further control measures to address this within the operating schedule.

Further to this there has not been any time left between the last sale of alcohol 'on sales' and the closing time when patrons should have left the premises (on Mondays to Sundays), this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises

Recommended amendments to the application:

- Recorded music (indoors) to cease at 23:00 on Monday to Sunday at 23:00
- Late night refreshment (indoors) to remove the activity as not required up to 23:00.
- Supply of alcohol (on the premises) on Monday to Sunday shall to cease at 22:30
- Overall opening times shall cease on Monday to Sunday at 23:00

Due to the limited information on the application form and to promote the licensing objectives I ask the applicant to provide the following information:

- An accomodation limit for the premises. (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

Furthermore to retain the premises operation a restaurant and I ask for the following conditions to be added to the licence

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing\\_act\\_2003 - southwark\\_statement\\_of\\_licensing\\_policy\\_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear  
Principal Licensing officer  
In the capacity of the Licensing Responsible Authority

## **NOTICE OF DECISION**

### **LICENSING SUB-COMMITTEE - 18 APRIL 2019**

#### **LICENSING ACT 2003: SECTION 53A: LUXFORD BAR, 610 OLD KENT ROAD, LONDON SE151JB**

#### **1. Decision**

That the council's licensing sub-committee, having considered an application made under Section 53C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Luxford Bar, 610 Old Kent Road, London SE15 1JB and having had regard to all relevant representations decided that it is appropriate, necessary and proportionate in order to promote the licensing objectives to:

- Revoke the premises licence.

#### **2. Reasons**

The licensing sub-committee heard from Metropolitan Police Service, the applicant for the review made under Section 53C of the Licensing Act 2003 that on 21 March 2019 they applied to the licensing authority for a summary review of the premises licence in respect of the premises known as Luxford Bar, 610 Old Kent Road, London SE15 1JB after a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.

This was also a review instigated under Section 167 of the Licensing Act 2003 following notification from the courts of the issue of a Closure Order under Section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

The representative for the police informed the licensing sub-committee that there was both open material and closed material which is wished to rely on. The material that the police had in its possession would demonstrate that it was both relevant and proportionate that the closed material should be heard in the absence of any of the persons present from the premises. The members of the sub-committee agreed that the public interest in so doing outweighed the public interest in the hearing to exclude the public from hearing the closed material pursuant to regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005; furthermore, the material was likely to disclose exempt information (as defined in paragraphs 1-7 Access to Information Procedure Rules of the constitution). The persons present from the premises were informed that whilst they could not be present to hear the closed material, they could be assured that the members of the sub-committee carefully scrutinise the material and challenge it as if they were the premises themselves.

The premises and members of the public returned and heard the open material that supported the review applications. Both applications referred to an incident at 20:00 on 1 January 2019 when a male was stabbed in the stomach on the dance floor inside the premises. The male received a lacerated bowel and artery and spent several days in hospital having had an operation to repair the damage. This investigation is still ongoing. The licensing sub-committee viewed CCTV of the incident of this incident which clearly showed a male being stabbed.

Reference was also made to an incident that occurred on 2 December 2018 at 22:00 when the police were called to the premises by a female claiming that she had been assaulted by

her ex-partner. She alleged that she was thrown to the ground by her hair outside of club after being punched by her ex-partner inside the venue. CCTV for this incident was requested by the police, but they were informed by the management of the premises that there was no coverage of the area where the alleged incident took place. On receipt of the CCTV footage the officer noted that at precisely 22:00, the CCTV footage stops, so that the incident was not filmed. The victim was informed of this, who stated that she was aware that staff at the venue had been persuaded to delete the footage.

The licensing sub-committee also heard that on 2 February 2019 officers from the Night Time Economy Team visited the premises and found two breaches of the premises licence namely, conditions 289 (CCTV to be kept for 31 days - CCTV only went back to 14 January 2019) and 336 (A personal licence holder to be on the premises at all times after 20:00 hours when intoxicating liquor is being supplied). As a result, served a Section 19 closure notice. Officers also attended on 16 March 2019 and again found the same two breaches of the premises licence.

The licensing sub-committee then heard from an officer representing licensing as a responsible authority, who supported the police review application(s) and whose representation was based on Southwark's statement of licensing policy 2019-2021 and related to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The officer stated that the premises was situated in a residential area and under the statement of licensing policy the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area. The premises are a 'restaurant and bar' and currently have generous hours granted on the current licence which exceeded the hours recommended for a residential area within the policy. In addition, the premises operation appeared to be changing as a night club, which under the policy was not considered appropriate for the area. To support the officer's contention, the details set out in the police's review application were echoed.

The licensing sub-committee heard from the representative of Unwin and Friary Tenants and Resident's Association ("TRA") who represented the 980 properties on the Unwin and Friary Estate. They informed the sub-committee that the premises had consistently undermined the licensing objectives and over the previous 12 months the premises consistently violated public order and safety with patrons of the premises using neighbourhood as a public toilet, patrons parking on pavements, blocking residents from entering their buildings. Attempts to engage with the management of the premises resulted in aggression. The representative of the TRA advised that the council needs to carry out a thorough survey of all the surrounding area. They informed the sub-committee that they were alarmed by the stabbing incident, as the TRA had been engaging with the youth from the estate in relation to knife crime. The incidents of crime and disorder at the premises in addition to the premises failure to comply with premises licence undermined the work that the TRA was undertaking with the local youth and undermined all of the licensing objectives.

The licensing sub-committee noted the representation from the other person from Northfield House who stated that they supported the police application in having the licence revoked.

The licensing sub-committee then heard from the management of the premises. They advised that Luxford Bar was equally a bar and a restaurant. There had been a suggestion that the premises was operating as a nightclub because officers had not seen the kitchen open. The reason why officers had not seen the kitchen open was because it closes at 23:00. Also, nightclubs operate beyond 23:00. All of the senior management of Luxford live in the Peckham area and had family in the area, so were part of the local community. They also

worked with the schools. The premise was not a hub for anti-social behaviour. Luxford Bar had been operating for four years and in that time, there had been two serious incidents, and one of these incidents was a domestic matter. At the time of these incidents, the premises had been compliant and the police did not instigate a review of the licence following the very serious incident on 1 January, when a patron was stabbed.

The sub-committee considered very carefully whether to revoke the premises licence as requested by the police, particularly in light of the admitted breaches of the licence. A Closure Order was granted by the Magistrates' Court and the representative for the police advised that classified material was provided to the Court, more classified than that provided in the closed session of the licensing sub-committee meeting. The sub-committee accepted that the Magistrates' Court was satisfied to make a Closure Order insofar as:

- “(a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring” (Section 80(4) Anti-social Behaviour, Crime and Policing Act 2014).

The material provided to this licensing sub-committee said little more than what was said in the open session, that there was gang related activity associated with the premises. On that basis, the sub-committee took the view that it was important for local community to break the pattern of behaviour of known persons congregating at these premises, with a view to engage in criminal activity and/or violence.

The sub-committee did consider whether there were any other steps that could be taken to promote the licensing objectives, such as a significant reduction in operating hours as well as a condition that being provided ancillary to food and other control measures, but on balance it was felt that at this time, the business model of Luxford was the cause of concern. This licensing sub-committee are of the view once the cycle of behaviour has been addressed under the Closure Order(s), with the engagement of the police, the management of the premises could operate under a completely different business operation. It is also recommended that any such venture should be with the support and engagement of the local community.

In these circumstances, this licensing sub-committee agree that it is appropriate and proportionate step to revoke the premises licence.

### **3. Appeal rights**

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

#### **4. Review of interim steps pending appeal**

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The licensing sub-committee were satisfied that these modified interim steps are more appropriate and proportionate to promote the licensing objectives to modify the interim steps, as detailed above

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 18 April 2019