

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 16 February 2018 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Kath Whittam

**OTHERS PRESENT:** Michael Ogunniyi, applicant  
Melodie Mavoungou, applicant  
P.C. Ian Clements, Metropolitan Police Service

**OFFICER SUPPORT:** Rebecca Millardship, legal officer  
Wesley Mearthur, licensing officer  
David Franklin, licensing officer as a responsible authority  
Paul Newman, environmental protection team officer  
Bill Masini, trading standards officer  
Carolyn Sharpe, public health officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

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

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

The applicants addressed the sub-committee. Members had questions for the applicants.

The Metropolitan Police Service representative addressed the sub-committee. Members had no questions for the police representative.

The environmental protection team officer addressed the sub-committee. Members had questions for the environmental protection officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The public health officer representing the Director of Public Health addressed the sub-committee. Members had questions for the public health officer.

The trading standards officer addressed the sub-committee. Members had no questions for the trading standards officer.

The applicant advised that they had not received representations from the responsible authorities.

The meeting adjourned at 11.38am to allow the licensing officer time to check when the representations had been sent to the applicant.

The meeting reconvened at 12.07pm. The licensing officer advised that all representations had been forwarded by 26 January 2018.

All parties were given five minutes for summing up.

The meeting adjourned at 12.19pm for the members to consider their decision.

The meeting resumed at 12.50pm and the chair advised all parties of the sub-committee's decision.

**RESOLVED:**

That the application made by Luxford Bar Limited to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Luxford Bar Limited, 610 Old Kent Road, London, SE15 1JB, be varied as follows:

- To extend the opening hours and hours for the supply of alcohol as follows:

<b>Days</b>	<b>Opening hours</b>	<b>Supply of Alcohol</b>
Sunday to Thursday	11:30 to 23:30	11:30 to 23:00
Friday and Saturday	11:30 to 01:00	11:30 to 00:30

- To allow non-standard timings as follows:
  - New Years Eve licensable activities to cease at 03:30 and the premises close at 04:00
  - Sundays immediately preceding a bank holiday to have the same opening hours and supply of alcohol hours as ordinarily permitted on Friday- Saturday.
- That condition 341 be amended to read as follows:
  - That two SIA registered door supervisors will be on duty from 21:00 any day that the premises are due to be open until after 23:30. They will be employed until the end of business and all patrons have vacated the premises. They will monitor admission, re-admissions to the premises, security, protection, screening and dealing with conflict and dispersal of all patrons. In addition to any other duties, the security guards will also be trained and deployed to prevent entry to any person who appears to be under the age of 18 and who cannot provide valid photographic identification proving that they are at least 18 years old, unless they are accompanied by a responsible adult.
- That condition 345 be amended to read as follows
  - That persons under the age of 18 will only be permitted in the 'mezzanine level' of the premises and only until 22:00. All children on the premises must be accompanied by a responsible adult.

### **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule set out in Annex 2 of the licence granted on 30 December 2015 and the following additional conditions agreed by the sub-committee:

- That prominent signage indicating that 'That persons under the age of 18 will only be permitted in the 'mezzanine level' of the premises and only until 22:00. All children on the premises must be accompanied by a responsible adult.' Shall be displayed so as to be visible on entering the premises.

### **Reasons**

The licensing sub-committee heard submissions from the applicant who stated that they were relatively new to the industry and accepted that they were initially naïve as to their duties towards their neighbours concerning noise nuisance. They countered this by explaining the measures that had been taken to avoid any further noise nuisance or disturbance to their neighbours. They also stated that they intended install a further internal glass door to further limit noise nuisance.

They highlighted that no complaints or objections had been received from any of the neighbouring residents in response to the notice of variation application.

The applicant further stated that they wished to extend the hours that children are able remain at the premises, to allow more families to use the restaurant facilities in the

'mezzanine' area. They stated that the 'mezzanine area' was located away from the bar and that there was no alcohol on display. They stated that Luxford Bar primarily sold food and that it makes use of facilities such as 'Deliveroo' and 'Uber eats'.

The licensing sub-committee heard submissions from the Metropolitan Police Service representative, who observed that the applicant had asked to increase the hours of alcohol supply, thus increasing the hours of alcohol consumption, but that no safeguarding conditions had been offered to counter this increased risk of crime and disorder. The representative also stated that the applicant had refused to change its status to that of a restaurant. On this basis, the representative advised the sub-committee to refuse the application.

The licensing sub-committee also heard submissions from the environmental protection team (EPT) who stated that the proposed extension of operating hours will lead to additional disturbance and public nuisance. The representative made reference to a number of noise complaints from a variety of residents but agreed that the last of these complaints was in September 2017, though this complaint was not witnessed by the EPT officers. The representative also mentioned that the application was for hours that are outside of those agreed in the planning permission. The representative recommended that the application be refused.

The licensing responsible authority's representative stated that the hours sought in the variation are outside of those set out in the statement of licensing policy for a residential area. They stated that the proposed extended hours of operation are likely to impact residents living nearby and it was noted that the applicant had not offered any further control measures to mitigate this.

The representative also stated that the fact that the premises operated as a bar after 23:00 is neither in line with the statement of licensing policy, nor the planning permission which is currently in place. The licensing responsible authority therefore recommended that the application be refused.

The director of public health's representative recommended that the application be refused for reasons of public nuisance, crime and disorder and public safety as the premises are located within "a hotspot for alcohol related theft and alcohol related call outs" and also that the premises are located in a residential area. The representative also relied on the closing hours as set out in the statement of licensing policy. Finally the representative stated that no attention had been paid to preparing a dispersal policy.

The representative for trading standards stated that due to a lack of conciliation before the sub-committee, they were not able to agree to the application on as condition 345 was something that had been agreed to between trading standards and the licensee when the original licence was applied for. The representative stated that there were concerns for the safety of children and that no adequate safeguarding provisions had been offered.

The sub-committee considered each of the above representations and were satisfied, that whilst there were originally concerns regarding noise nuisance to the 12 units that are located above the premises, that the last of these complaints was in September 2017. They also acknowledged that no representations had been received from any neighbouring residents. They were satisfied that the number of conditions that had been imposed and actioned on the current licence along with the applicant's willingness to fit a further glass partition door showed that the applicants were able to adequately protect the

public from nuisance and noise.

Whilst the sub-committee found it disappointing that the applicant had not applied to extend the provision of late night refreshment, they accepted the applicant's submission that there had been no history of problems at the premises, other than for noise nuisance. They also found that the with the premises being located on the Old Kent Road, meant that it was unlikely that there would be dispersal difficulties owing to the numerous bus routes operating.

The sub-committee were satisfied that the submissions and issues raised by the relevant authorities had been adequately addressed by the applicant. As such they were satisfied that, with the changes to the sought variation and the implementation of the conditions in this decision, that the four licensing objectives were met.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

### **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence.
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 12.56pm.

**CHAIR:**

**DATED:**