

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 1 April 2019 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sunny Lambe  
Councillor Kath Whittam

**OFFICER SUPPORT:** Debra Allday, legal officer  
P.C. Ian Clements, Metropolitan Police Service  
David Franklin, licensing officer  
Wesley McArthur, licensing 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

The chair accepted the following item as late and urgent:

Licensing Act 2003: Luxford Bar, 610 Old Kent Road London SE15 1JB (representations against interim steps).

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: LUXFORD BAR LIMITED, 610 OLD KENT ROAD, LONDON, SE15 1JB (REPRESENTATIONS AGAINST INTERIM STEPS)**

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

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

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

Both parties were given five minutes for summing up.

The meeting adjourned at 11.53am for the sub-committee to consider its decision.

The meeting reconvened at 12.15pm and the chair advised all parties of the decision.

**RESOLVED:**

That the interim steps imposed on 26 March 2019 in respect of the premises licence to Luxford Bar, 610 Old Kent Road, London SE15 1JB are not appropriate for the promotion of the licensing objectives and those steps are modified pending the determination of the review application at the full hearing, to be held on 18 April 2019 as follows:

1. That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 21:00 when the premises are in operation and will be used to record the details of all persons entering (and re-entering) the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document.
2. That at all times the premises are in operation under the premises licence there will be a minimum of five people to include: the owner(s), directors, senior managers and personal licence holders trained to a satisfactory standard able to operate the ID scan system and CCTV and able to retrieve data from the system on request of police, council or other authorised officers.
3. That from 21:00 at least two SIA registered door supervisors will be provided with, and will use, electronic search wands. The electronic search wands shall be used at all times that the premises are open in respect of the search of all persons who wish to enter and re-enter the premises. This includes all DJ's and associated staff and their equipment.

**Reasons**

This was a hearing to consider whether or not the interim steps imposed on 26 March 2019 in respect of the premises licence to Luxford Bar, 610 Old Kent Road, London SE15 1JB remain appropriate for the promotion of the licensing objectives.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who submitted that there had been no material change in circumstances as provided for in Section 53(B)(9) that allowed for the premises to make further representations under Section 53(B)(6) of the Licensing Act 2003. The premises contended that the measures put in place on 26 March were excessive, they had cancelled two events that and there had been a reputational loss furthermore there that in turn had caused significant financial loss, making it the business economically unviable.

On this preliminary point the licensing sub-committee determined there had been a change of circumstances in that the premises did not know the precise wording of the modified conditions, until they had received the Notice of Decision furthermore, the premises would not have known the impact the decision (of 26 March) would have had on the premises until the modified conditions were in place. The premises were therefore permitted to make further representations against the interim steps.

The premises emphasized that the interim steps that had been imposed were as detrimental to the business as the suspension was:

1. ID Scanners - The premises was primarily a restaurant and secondly, a bar. As a restaurant, the premise is frequented by families. It would not be possible to ID scan those under 18 years of age.
2. CCTV/ID Scanner – It would not be possible to train all the staff of Luxford Bar as the devices come with password(s) that prevent staff manipulating images and recordings. If all staff (for example, including cleaning staff) possessed the password(s), the integrity of the systems would be undermined.
3. SIA registered door supervisors - It was repeated that the premises was a restaurant. The use of SIA door staff, carrying out the wand checks again throughout the day was excessive and repels proposed patrons. The premises sought a SIA door supervisors when the premises became more of a bar, attracting a more mature clientele and also, limited to Fridays and Saturdays.
4. The premises were unclear of the ID scanner refusals register and how they could ensure the details provided by those refused entry were correct.
5. The premises was also unclear about having no externally promoted events in particular, the impact this condition had on Lux Nights, karaoke nights and private parties such as christenings, baby showers etc.

The licensing sub-committee then heard from the representative for the Metropolitan Police Service who reminded the members of the sub-committee that the measures put in place on 26 March were interim steps, pending the full review on 18 April 2019. The expedited application was made against serious incidents of knife crime and continual breaches in the premises licence. Certain concessions were made by the police with regard to under 10 year olds and the SIA door supervisors. The police impressed upon the Licensing Sub-Committee the importance of retaining the condition regarding no externally promoted events.

The licensing sub-committee were of the view that there was good reason to amend the conditions of imposed on 26 March for the promotion of the licensing objectives. Concerning the ID scanner refusals book. The licensing sub-committee was of the view

that this was an important condition to retain for the benefit of the premise. The premises would have the refusal registered on the ID scanner system itself, and also, in the refusals book, which would provide a back up of date, time name/address and description of an individual. This could assist the police in apprehending a suspect.

The licensing sub-committee were not agreeable to withdraw the condition regarding externally promoted events and believe the premises misunderstood the purpose of this condition. It was not the committee's intention to prohibit all events run by the premises, such as the games nights, private parties, christening, baby showers and the like. The sub-committee wishes to clarify the condition that there is no externally promoted event if a DJ or MC performs at the premises to a recorded backing track and the event is facilitated, promoted and managed by external DJs, MCs or some other external promoted. Experience has shown these kinds of events attract a clientele where the risk of crime and/or disorder is heightened. As a result, these externally promoted events remain prohibited.

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.

### **Appeal rights**

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

The meeting ended at 12.21pm.

**CHAIR:**

**DATED:**