



TOTAL POLICING

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:	London Borough of Southwark		
Address:	160 Tooley Street		
Post town:	London	Post code:	SE1
Ref. No.:			

I **PC Ian Clements (Licensing Officer)**
 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:

Luxford Bar 610 Old kent Road

Post town:	London	Post code: (if known)	SE15 1JB
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2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Luxfor Bar Limited

Number of premises licence or club premises certificate (if known):

862951

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)

PROTECTIVE MARKING

On 1st January 2019 at approximately 2am Police were called to the venue to reports of a male having been stabbed. On arrival the victim was found outside of the premises with a single stab wound to the abdomen. Further investigation of the incident and CCTV footage shows what appears to be the suspect stabbing the male in the stomach on what is described as the dance floor inside the premises. The victim 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 decision was taken that due to the premises operating in line with the conditions of the premises licence, a stepped approach under the licensing act was the most appropriate at the time.

A meeting was held with the premises licence holder and the DPS, we discussed that it would be proportionate and appropriate for additional control measures for the promotion of the prevention of crime and disorder. These included a condition relating to the search of patrons on entry and the addition of an ID scan system. The premises licence holder made an undertaking that these would be in place immediately and would await further correspondence from us before submitting a minor variation to get the conditions added to the licence.

On Sunday the 2nd December 2018 Police were called to the premises by a female claiming that she had been assaulted by her ex-partner. She claimed that she was thrown to the ground by her hair outside of club after being punched by the same suspect inside the venue.

CCTV was requested by the investigating officer between the hours of 9pm and 10.30 pm. On request the officer was informed that there was no coverage of the area where the incident took place. A request was made for other cameras that might show the incident as they left the premises after 10pm.

On receipt of the footage the officer noted that at precisely 10pm the footage stops, therefore the incident was not covered.

The victim was informed of this, she stated that she was aware that staff at the venue had been persuaded to delete the footage.

I have no evidence to support this and ask the committee to consider its weigh when making their decision.

At 22:54 on the 2nd February 2019 officers from the night time economy visited the premises and found two breaches of the premises licence.

289: CCTV to be kept for 31 days **(CCTV only went back to 14/01/2019)**

336: A personal licence holder shall be on the premises at all times after 8pm when intoxicating liquor is being supplied. **(No personal licence holder on the premises)**

At 22:30 on the 16th March 2019 officers from the night time economy team visited the premises and found two breaches of the premises licence.

289: CCTV to be kept for 31 days **(Only 22 Days)**

336: A personal licence holder shall be on the premises at all times after 8pm when intoxicating liquor is being supplied. **(No personal licence holder on the premises)**

On both occasions Police spoke to the same manager on duty at the time. On the first occasion the manager was warned and made aware of the requirement to have a personal licence holder and was issued with a Section 19 Closure Notice.

Please see Statement and closure notice from PC O'Mahoney.

There will be further verbal information provided to the licensing sub committee to support my application.

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I ask the committee to consider that there has been a serious crime committed inside this premises where a victim was stabbed, whilst measures have been discussed to counter the possibility of further incidents it would appear the premises is still being poorly managed and has been operating in breach of the premises licence with defective CCTV and no personal licence holder on the premises.

In support of the prevention of crime and disorder licensing objective I ask the committee to suspend the premises licence as an interim measure pending a full review hearing.

PROTECTIVE MARKING

Signature of applicant			
Signature:		Date:	21st March 2019
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	Clements	First Names:	Ian
Address:			
Southwark Police Station, 323 Borough High Street			
Post town:	London	Post code:	SE1 1JL
Tel. No.:	02072326756	Email:	SouthwarkLicensing@met.police.uk

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.

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 02/02/19 Time Served: 22:54

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC Maria O'Mahoney 2321A5

Signature: 

Name (if applicable) and address of the affected premises:
Luxford Bar
610 Old Kent Road SE15 1JB

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

289 - That all CCTV be kept for 31 days
336 - A personal licence holder dealt premises after 2000 hours

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

289 - CCTV only goes back to 14/1/19
336 - Manager unable to produce a personal licence

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

CCTV to be updated so footage is kept 31 day
Personal Licence holder to be on premises after 2000 hours

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) No

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Selina OSET

Signature 

Date 02/02/19

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: [Redacted] Date: 17/03/2019

I am a Police Constable and I am part of the Night Time Economy Team (NTE), a partnership team and as part of my patrol duties, I visit licensed premises on the borough, with the objective of compliance with licensing conditions of venues. The venues are visited to ensure people enjoy the Night Time Economy in the borough in a safe environment.

On Saturday the 16th March 2019 I was on duty in full uniform in the company of PS DEMPSTER 216AS and PC ANDREWS 2764AS we were on patrol in an unmarked police vehicle. At approximately 22:20 hours we part parked up outside LUXFORD BAR 610 OLD KENT ROAD SE15 1JB as I wanted to conduct a follow up visit.

I had previously visited the venue on the 2nd February 2019 and found a number of the premises licence conditions had been breached. I had issued a Closure Notice - Section 19 Criminal Justice and Police Act 2001 along with Explanatory Notes to [Redacted] who was in charge at the time of my visit along with [Redacted] date of birth the [Redacted]. The Section 19 Closure notice was issued for the following breaches

289 - That all CCTV footage be kept for a period of 31 days and shall be made immediately available to officers of the police and the council on request. The CCTV was only being held for a total of 20 days.

336 - A personal licence holder will be on the premises at all times after 20:00 when intoxicating liquor is being offered for sale.

At the time of my inspection there was no Personal Licence holder on the premises. [Redacted] claimed she had done a course but had not applied for the Personal Licence.

I explained to [Redacted] that the CCTV needed to be updated to hold footage for 31 days as per the terms of the Premises Licence and that there needed to be a Personal Licence holder on the premises at all times after 20:00 hours and failure to do so could result in a prosecution.

On entering the venue I could see [Redacted] sitting behind the bar. There was about 8 to 10 customers and I could see [Redacted] to the right as I walked through the bar area. I have then seem Ms OSEI go into the kitchen. I asked [Redacted] if she now had Personal Licence and she said "No". She also told me that none of the staff working there

Witness Signature: [Redacted]

Signature Witnessed by Signature:

Continuation of Statement of:

had a Person Licence. The only person who had a Personal Licence was the DPS [redacted] and she had gone to the cash and carry. I asked [redacted] if she could show me the CCTV as I needed to check that this was now saving footage for 31 days. [redacted]

[redacted] said she did not know how to work the CCTV and went into the kitchen and got [redacted]

[redacted] said that [redacted] should be back from the shops but in the meantime she would show me the CCTV. We viewed the CCTV and it had not been updated and was still only saving footage for 20 days. I pointed out to [redacted] that they were still breaching the Premises Licence. She said that an engineer had been out but was unable to provide a receipt or paperwork for the repair.

We went back into the bar area and continued to wait for [redacted]. After 20 minutes [redacted] got [redacted] on the phone and asked that I speak to her. I explained to Melodie that I was conducting a follow up visit to ensure that the previous breaches had been addressed and have found that yet again there is no Personal Licence holder in the premises and that the CCTV is still only holding footage for 20 days. I then told Melodie due to the fact that she had continued to operate and sell alcohol whilst in breach of the Premises Licence I would be reporting her with a view of a prosecution.

Witness Signature:

[redacted signature area]

Signature Witnessed by Signature:.....