

**IN THE CAMBERWELL GREEN MAGISTRATES COURT**

**IN THE MATTER OF THE ANTI SOCIAL BEHAVIOUR CRIME AND POLICING  
ACT 2014**

**B E T W E E N :**

**THE COMMISSIONER OF POLICE  
OF THE METROPOLIS**

**Applicant**

**and**

**LUXFORD BAR**

**Respondent**

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**HEARSAY NOTICE SERVED PURSUANT TO S.2  
CIVIL EVIDENCE ACT 1995 AND PARAGRAPH 3  
MAGISTRATES' COURT (HEARSAY EVIDENCE IN  
CIVIL PROCEEDINGS) RULES 1999**

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1. **TAKE NOTICE** that this Hearsay Notice is served in relation to proceedings before the Magistrates' Court brought against you by the Applicant under the Anti-Social Behaviour, Crime and Policing Act 2014.
  
2. It is the intention of the Applicant to adduce hearsay evidence at the substantive hearing of this application for a closure order.
  
3. Such hearsay evidence is as follows: -
  - (a). Evidence contained in the witness statement of DI Luke Williams dated 29 March 2019 a copy of which has been served upon you

(b). Evidence contained in the witness statements of Ken Dale, PC Simon Fronda, DC Gordon McCracken and PC Mahoney, a copy of which has been served upon you.

4. The Applicant believes that it is disproportionate in this case to call Ken Dale, PC Simon Fronda, DC Gordon McCracken and PC Mahoney to give oral evidence and to do so would not be an efficient use of police and public resources. DI Williams can give oral evidence on the information provided by other officers in their statements.

Dated: 29 March 2019

**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. [REDACTED]
- ii. [REDACTED]
- iii. [REDACTED]
- iv. [REDACTED]
- v. [REDACTED]
- vi. [REDACTED]
- vii. [REDACTED]
- viii. [REDACTED]
- ix. [REDACTED]
- x. [REDACTED]
- xi. [REDACTED]
- xii. [REDACTED]

**Signed:** [REDACTED]

**Dated:**

2.4.19

**IN THE CAMBERWELL GREEN MAGISTRATES COURT**

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

**OPEN APPLICATION**

**(a) For a Closure Order**

**(b) To withhold material on the grounds of Public Interest Immunity [‘PII’]**

**On behalf of the Commissioner of Police of the Metropolis**

**I. INTRODUCTION**

1. This is an application by the Commissioner of Police of the Metropolis [‘MPS’] for a closure order pursuant to section 80 Anti-social Behaviour, Crime and Policing Act 2014 [‘ASCPA 2014’] in respect of premises known as the Luxford Bar, 610 Old Kent Road, London, SE15 1JB [‘the premises’]. The premises benefit from a premises licence issued by Southwark Council as licensing authority under the Licensing Act 2003.
2. The application relies substantially on material, the disclosure of which would be injurious to the public interest. Accordingly, the further and related claim for public interest immunity is made.

**II. BACKGROUND**

3. The relevant history of involvement of the MPS with the Luxford Bar is set out in the witness statement of Detective Inspector Luke Williams.

## CLOSURE ORDER

### Anti-Social Behaviour, Crime and Policing Act 2014

4. Section 80 ABCPA 2014 provides as follows:

#### ***80 Power of court to make closure orders***

(1) *Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under [section 78](#)).*

(2) *An application for a closure order must be made—*

*(a) by a constable, if the closure notice was issued by a police officer;*

*(b) by the authority that issued the closure notice, if the notice was issued by a local authority.*

(3) *The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice.*

(4) *In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.*

(5) *The court may make a closure order if it is satisfied—*

*(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.*

(6) *A closure order is an order prohibiting access to the premises for a period specified in the order. The period may not exceed 3 months.*

(7) *A closure order may prohibit access—*

*(a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;*

*(b) at all times, or at all times except those specified;*

*(c) in all circumstances, or in all circumstances except those specified.*

*(8) A closure order—*

*(a) may be made in respect of the whole or any part of the premises;*

*(b) may include provision about access to a part of the building or structure of which the premises form part.*

*(9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.*

## **ECHR**

5. Article 1 of the 1<sup>st</sup> Protocol to the European Convention on Human Rights provides as follows:

### ***Protection of property***

*Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.*

*The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties.*

6. Licences are capable of falling within the concept of possession for the purposes of Article 1, 1<sup>st</sup> Protocol, European Convention on Human Rights: *Tre Traktor v Sweden* (1991) 13 EHRR 309. That case concerned the revocation of a restaurant licence because the licensee was no longer considered suitable to hold such a licence. There had been no deprivation of possessions within the meaning of article 1, because ‘*although it could no longer operate Le Cardinal as a restaurant business, [the applicant] kept some economic interests represented by the leasing of the premises and the property assets*

*contained therein.*' There was accordingly no deprivation of property in terms of Article 1 of the Protocol. The revocation, though, did represent a measure of control over the licence, and so the second paragraph of Article 1 was engaged. The revocation was lawful because it struck a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights.

### III. APPLICATION FOR PUBLIC INTEREST IMMUNITY: OPEN

7. The material to which this application relates has been described in his open witness statement by DI Williams as: 'intelligence around gang activity in the premises'.
8. Public interest immunity may be claimed in civil and criminal proceedings. It is the only means by which the court is able to establish whether relevant material, the disclosure of which is believed by the police would cause serious harm to the public interest, should be disclosed: Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner North London [2013] EWHC 1786 (Admin): §45.
9. The normal staged process for such applications requires the court to seek open submissions from interested persons on the issues raised by the claim for public interest immunity and then to proceed to a closed, ex parte, hearing: *ibid.*, §46.
10. The principles of non-disclosure on the grounds of public interest immunity were summarised by the Divisional Court in R (Mohamed) v Foreign Secretary (No 2) [2009] 1 WLR 2653, §34, as follows:
  - (i) Is there a public interest in bringing the material for which PII is claimed into the public domain?
  - (ii) Will disclosure bring about a real risk of serious harm to an important public interest, and if so, which interest? A court may have to inspect the material to decide whether the PII claim should be upheld: Conway v Rimmer [1968] AC 910, HL, pp981G, 988G, 995F-996B.

- (iii) If yes, can the real risk of serious harm be protected by other methods or more limited disclosure, for example by disclosing part of a document or summarising/‘gisting’ a document: R v Chief Constable of the West Midlands Police, ex parte Wiley [1995] 1 AC 274, pp288, 306.
- (iv) If the alternatives are insufficient, where does the balance of the public interest lie? This is a decision for the court.

11. The application should proceed in private.

*Is there a public interest in bringing the material for which PII is claimed into the public domain?*

12. If the court concludes the material is relevant to the case, there is a public interest in bringing the material into the public domain. The court may conclude the material is irrelevant.

13. In the present case, it is the MPS position that the material is directly relevant to the case.

*Will disclosure bring about a real risk of serious harm to an important public interest, and if so, which interest?*

14. It will be submitted to the court in closed session that disclosure of the material would bring about a real risk of serious harm to an important public interest.

15. The categories of information to which the application relates are:

- material revealing, either directly or indirectly, techniques and methods relied upon by a police officer in the course of a criminal investigation;
- material whose disclosure might facilitate the commission of other offences or hinder the prevention and detection of crime.

16. No further information about the basis for the claim can be disclosed in this open application. To do so would defeat the purpose of seeking to uphold the public interest in non-disclosure of the material.

*If yes, can the real risk of serious harm be protected by other methods or more limited disclosure, for example by disclosing part of a document or summarising/ 'gisting' a document?*

17. The fullest disclosure without infringing the public interest has already been carried out. There is no public interest in further disclosure.

#### **IV. SUBMISSIONS**

18. The MPS submits that on the material properly before it, the court must conclude that the test set out in section 80(5)(c) ABCPA 17 is met.

**Sarah Le Fevre**  
**Three Raymond Buildings**

**29<sup>th</sup> March 2019**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Luke Williams**..... URN:

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Detective Inspector** .....

This statement (consisting of: .... **3**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature:  ..... Date: **30/3/19** .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a Detective Inspector within the Metropolitan Police Service (MPS). I have responsibility for gang crime and proactivity in the London Boroughs of Lambeth and Southwark (Central South). Part of my role is to lead the Basic Command Unit (BCU) response to serious violence and gang criminality. This involves a number of tactics including proactive covert policing, proactive overt policing, reactive investigation and the use of civil legislation to reduce the likelihood of serious harm or death.

**Violence within Central South BCU**

It is important to understand the current violence position within the BCU. The table below highlights the firearm and knife crime issues faced:

Offence Type	Central South (offences)	MPS-wide (offences)	Contribution of Central South to MPS total
Lethal Barrelled Firearm Discharges	79	388	20%
Total Knife Crime	1,348	14,739	9%
Knife Injury Victim <25	212	1,762	12%

Sixteen murders have occurred within Central South in the past 12 months.

\*Data correct as of 29<sup>th</sup> March 2019

**Background**

An application for a summary licence review was issued on the 21<sup>st</sup> March 2019 by PC Ian Clements, Southwark Licensing officer. The matter was heard by the Licensing Sub-Committee (LSC) on 22<sup>nd</sup> March 2019 without notice to the premises. At the hearing, the MPS sought to rely on confidential material, the disclosure of which to anybody but the LSC would have resulted in significant harm to the public interest. The LSC were provided with this information and were informed it could not be disclosed to the premises licence holder. The LSC suspended the premises licence with immediate effect pending a full review hearing.

I am informed the Committee's legal advisor raised the concern that they had relied on the confidential evidence and therefore it may be unfair to the licence holder if at the next hearing, they were unable to examine or challenge a substantial portion of the evidence against them. The MPS were asked to attend the next hearing with the relevant authorities to deal with the issues of confidential material.

Signature:  ..... Signature witnessed by: .....

Continuation of Statement of **Luke Williams** .....

After the hearing, the premises made contact with the LSC and advised that they wished to make representations against the LSC decision. The matter was listed on 26<sup>th</sup> March 2019.

At this hearing the MPS sought to rely on the same confidential material. An application for the material to be heard in closed session was made. The premises licence holder was informed that there was intelligence around gang activity in the premises and that would be the substance of the submissions made to the Committee.

The LSC decided to lift the interim suspension. They refused to move into closed session to consider the confidential evidence and on the basis of the open evidence, they considered that the licence suspension should be lifted and imposed the following conditions by way of interim steps:

1. ID scan for all persons (including staff) entering/re-entering the premises
2. Refusal register to be maintained
3. Staff training on CCTV and ID scan with records retained for inspection
4. Metal detection wand search on entry/re-entry
5. Externally promoted events prohibited

The matter is listed for further hearing on 18<sup>th</sup> April 2019. On 28<sup>th</sup> March 2019, the MPS received notification that the premises licence holder has submitted further representations against the interim steps and seek to amend the wording of the conditions to allow them to have families with children inside until 10pm without the need for searching and ID scan. This matter has been listed on 1<sup>st</sup> April 2019.

**Open information in relation to the premises**

Violence

I am informed of the following incidents:

On Sunday the 2<sup>nd</sup> 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 10.30pm. 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 and stated she was aware that staff at the venue had been persuaded to delete the footage. There is no evidence beyond the victim's account to support this.

On 1<sup>st</sup> 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.

Licence Breaches

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

- 1) CCTV to be kept for 31 days (CCTV only went back to 14/01/2019)

Signature: .....  ..... Signature witnessed by: .....

Continuation of Statement of **Luke Williams** .....

- 2) 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 16<sup>th</sup> March 2019 officers from the night time economy team visited the premises and found two breaches of the premises licence:

- 1) CCTV to be kept for 31 days (Only 22 Days)
- 2) 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)

**Closed information in relation to the premises**

I am aware of information which cannot be documented here. This information causes me significant concern and leads me to believe these proceedings are absolutely necessary in order to prevent serious harm or death occurring and to keep the public safe.

**Further considerations**

The MPS seek to exclude members of the public from the venue. There is no application to exclude the business owner or those managing the business from the premises. A period of three months is sought in order to break the habitual behaviour of attendance of concerning groups. I believe any lesser period would not achieve the same outcome.

**Summary**

The MPS remain extremely concerned about the premises and seek a closure order in light of the serious nature of the intelligence that is available. The LSC did not hear all the evidence in relation to the premises and therefore lifted the interim suspension on the premises.

Signature: .....  ..... Signature witnessed by: .....

**Witness contact details**

Home address: .....  
..... Postcode: .....  
Home telephone number ..... Work telephone number .....  
Mobile/pager number ..... Email address: .....  
Preferred means of contact: .....  
Male / Female (delete as applicable) Date and place of birth: .....  
Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....

**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....  
Signature of parent/guardian/appropriate adult: ..... Print name: .....  
Address and telephone number if different from above: .....

Statement taken by (print name): **DS 229362 Luke WILLIAMS**..... Station: **XB**.....

Time and place statement taken: .....

### WITNESS STATEMENT

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

URN

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:  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 2<sup>nd</sup> 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 Selina OSEI who was in charge at the time of my visit along with  date of birth the  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.

claimed she had done a course but had not applied for the Personal Licence.

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

Witness Signature:

Signature Witnessed by Signature:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Simon Fronda PC2252AS ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police Officer 192311 .....

This statement (consisting of: 2 pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] Date: 27th March 2019 .....

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

This statement is made in connection with Luxford Bar, a licenced premises at 610 Old Kent Road, SE15, and detailing evidence of violence and disorder and licence breaches for the venue.

I am a police officer based at Walworth Police Station, attached to the Gangs team that covers Southwark and Lambeth Boroughs, this statement will detail my research on the above named premises, utilising the Metropolitan Police Crime Investigation System (CRIS), 999 Call system (CAD) and details from our Licencing Team. My research will only include recent information, to ensure it is relevant.

Below are incidents I have found linked to the Luxford Bar in SE15.

- 1) 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. Victim suggested staff were told to delete the footage, but no evidence was found to support this. (CRIS 3036780/18 and CAD 7471/02DEC18)
2) 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. (CRIS 3000033/19 and CAD1249/01JAN19)

Signature: [Redacted] Signature witnessed by: .....

Continuation of Statement of .....

- 3) At 22:54 on the 2<sup>nd</sup> 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)
  
- 4) At 22:30 on the 16<sup>th</sup> 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)  
(Both visits carried out by PC O'Mahoney)

All of the items above have been used in recent licencing processes so are part of public record and suitable for disclosure.

I have obtained a copy of the Licence in respect of the premises, exhibit SJF/1 and a copy of the Licencing Sub-Committee Decision from 26<sup>th</sup> March 2019, exhibit SJF/2

Also included is a statement from Southwark Council, Ken Dale supporting this application.

Signature:  ..... Signature witnessed by: .....


**METROPOLITAN  
POLICE**
**TOTAL POLICING**
**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
PART 4, CHAPTER 3**

# CLOSURE NOTICE

**Re:** Luxford Bar, 610 Old Kent Road, London, SE15 1JB

Having reasonable grounds to be satisfied that:

(a) the use of these premises has resulted, or (if the Notice is not issued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the Notice is not issued) is likely soon to be disorder near those premises associated with the use of those premises, and

(c) that the Closure Notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring; and

(d) all appropriate persons / bodies have been consulted; and

(e) reasonable efforts have been made to inform people who live on the premises (habitually or not), and any person who has control of, or responsibility for, the premises or who has an interest in them, that the Notice is going to be issued.

 I, D/Supt Lyons, Metropolitan Police, hereby authorise the issue of this **Closure Notice** under Part 4, Chapter 3, Section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014, in respect of the Premises specified above.

**Name:** Det/Supt Lyons.

**Signed:**
**Dated:** 29/3/19

**The effect of this Closure Notice is that:**

accessing this Premises is hereby **PROHIBITED** for any persons other than those who habitually reside in the Premises or the owner of the Premises, or those specified below, for a period of up to 48 hours starting at 13:00 hours, on 31<sup>st</sup> March 2019 and ending at 12:59 hours, on 2<sup>nd</sup> April 2019 – subject to the following exceptions:

- Those employed by the premises

An application for a Closure Order will be made under Part 4, Chapter 3, section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 for the closure of the Premises specified above.

To be heard at Camberwell Magistrates Court on 2<sup>nd</sup> April 2019 at 10:00 hours, when evidence for the issue of a Closure Order will be considered.

A Closure Order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, would have the effect of closing the premises to all persons for a specified period (not exceeding three months).

A person who without reasonable excuse remains on or enters premises in contravention of a closure notice commits an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014, liable on summary conviction to a maximum of three months' imprisonment and / or an unlimited fine.

A person who without reasonable excuse remains on or enters premises in contravention of a closure order commits an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014, liable on summary conviction to imprisonment not exceeding 51 weeks and / or an unlimited fine.

Advice relating to this Notice and housing and legal matters generally can be obtained from any firm of solicitors or from the Citizens' Advice Bureau (Tel. 0344 499 4134 ). With this notice is a list of additional local service providers who may be able to assist with further advice.

Licensed Premises - if this Notice relates to licensed premises and a Closure Order is successfully obtained at magistrates' court in relation to the premises, then the relevant licensing authority will be informed, who will then instigate a review of the premises license - section 167 of the Licensing Act 2003, refers.

Not Disclosable

WITNESS STATEMENT

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

URN	01	MD		
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Statement of: Gordon McCracken

Age if under 18: over 18

(if over 18 insert 'over 18')

Occupation: PC

This statement (consisting of 1 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.

Signature: ..... (witness) Date: 31/03/2019

This statement refers to my notifying the licence holder of the Luxford Bar & Kitchen 610 Old Kent Road SE15 1JB of the Metropolitan police intention to submit a closure order on the premise on Sunday the 31<sup>st</sup> of March 2019 (in accordance with Part 4, Chapter 3, Section 76 of the Anti-Social Behaviour, Crimen and Policing Act 2014) on Saturday the 30<sup>th</sup> of March 2019.

The primary location mentioned in this statement is the Luxford Bar & Kitchen 610 Old Kent Road SE15 1JB. The luxford bar was a rectangular shaped venue approximately 15/20m in length and about 6/10m in width. The luxford bar was accessed via two glass doors located on Peckham Park Road SE15. The bar was located directly opposite the entrance and seating booths and tables were located to the left and right of the entrance. The toilets were located in the basement and were located at the far end of the left of the venue when stood at the entrance.

Mentioned in this statement is DC Cowell who at the time of writing was a colleague of mine who assisted me during the course of my duties on Saturday the 30<sup>th</sup> of March 2019.

On Saturday the 30<sup>th</sup> of March 2019 I was on duty in plain clothes at Walworth Police Station 12-28 Manor Place SE17 3BB. In relation to ongoing legal issues I was made aware that it was the intention of the Metropolitan police to issue a closure order in respect of the Luxford Bar 610 Old Kent Road SE15. I drafted a letter addressed to the Luxford Bar 610 Old Kent Road SE15 1JB which also contained contact details for a Met representative. The letter read as below:

To whom it may concern:

Signature: ..... Signature witnessed by: .....

Continuation of  
Statement of

Gordon McCracken

I am writing to inform you that that the Metropolitan police force will be submitting a formal closure order in accordance with Part 4, Chapter 3, Section 76 of the Anti-Social Behaviour, Crimen and Policing Act 2014 on your premise **Luxford Bar & Kitchen 610 Old Kent Road SE15 1JB** tomorrow, **Sunday the 31<sup>st</sup> of March 2019**. The purpose of this letter is to provide advanced warning of our intention to apply a closure order tomorrow so that you and your organization have sufficient time to make the appropriate arrangements for the closure.

Kind regards,

PC McCracken

I sealed this letter in an envelope and addressed it to Luxford Bar 610 Old Kent Road SE15 1JB. I later wrote "FOR URGENT ATTENTION" on the front of the envelope.

Between 15:30hrs-16:30hrs DC Cowell and I attended the **Luxford Bar & Kitchen 610 Old Kent Road SE15 1JB**. As I approached the venue I noticed that the lights of the venue were off and when I tried to enter the premise the front doors were locked. DC Cowell and I knocked on the venue loudly a number of times and looked in the windows of the venue which give full sight into the venue to see any worker or staff member. No staff member was present and the venue was locked. I then contacted 0207 635 7083 which was the number listed for the Luxford Bar & Kitchen on the internet: there was no answer. I also contacted a number listed on the outside of the Luxfor Bar & Kitchen for deliveries but there was no answer. I then posted the letter addressed to the Luxfor Bar through the letter box on the outside door. DC Cowell and I then returned to Walworth police station.

At 16:21hrs I received a phone call from [redacted] to my work phone and the person calling identified herself as [redacted] who was a representative of the Luxford Bar. I explained that I was from the Metropolitan police force and needed to speak with the licence holder of the premise. [redacted] informed me that she would find that person and contact me back. A few minutes later [redacted] called me back and informed me that she was the licence holder, I then informed her of the Metropolitan police's intention to enforce a closure notice on the premise on Sunday the 31<sup>st</sup> of March 2019. I also explained that the full information would be provided on the closure notice itself but that the closure notice can be enforced between 24-48 hours depending on

Signature: ..... [redacted] ..... Signature witnessed by: .....

Continuation of  
Statement of

Gordon McCracken

whether an inspector or superintendent authorises it. I also explained that a hearing would take place at the magistrates court within 48 hours of the closure notice being imposed. It was explained that the details of this hearing would be on the notice. After explaining these points [REDACTED] was keen to find the reasons behind the closure but I stated the matter would be subject to a full legal discussion in court which was the appropriate forum to discuss such matters. The conversation was then terminated.

I had BWV in operation which captured my attempts to access the Luxford Bar and Kitchen SE15 on the 30<sup>th</sup> of March 2019 which I exhibit as GFM/30032019/1.

Signature

[REDACTED SIGNATURE]

Signature witnessed by: .....

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Kenneth Dale ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 ..... (if over 18 insert 'over 18') Occupation: ASB Management Officer .....

This statement (consisting of: ... 1..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] ..... Date: 27th March 2019.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

My name is Kenneth Dale and I am employed by the London Borough Southwark as an Anti Social Behaviour Management Officer within the Southwark Anti Social Behaviour Unit. I have been employed by the London Borough Southwark since January 1998 and I have been in my current role since January 2005. The Southwark Anti Social Behaviour Unit was established in 2000 to deal with and resolve significant anti social behaviour and sub criminal behaviour in partnership with the Metropolitan Police Service. My duties within this role also include the consultation of closure orders under the Anti Social Behaviour, Crime and Policing Act 2014. I make this statement in support of a closure notice and closure order application for the commercial address of Luxford Bar and Kitchen, 610 Old Kent Road, SE15 1JB.

Upon meeting with Detective Inspector Williams of the Metropolitan Police Service on Wednesday 27th March 2019 and from information provided to me, I can confirm that I, on behalf of Southwark Council do support the process of service of a closure notice and pursuance of a closure order to the Magistrates Court on the grounds of public safety and prevention of disorder from the premises of Luxford Bar and Restaurant, 610 Old Kent Road, SE15 1JB. [Redacted]

Signature: [Redacted] ..... Signature witnessed by: .....

**Witness contact details**

Home address: .....  
 ..... Postcode: .....  
 Home telephone number ..... Work telephone number .....  
 Mobile/pager number ..... Email address: .....  
 Preferred means of contact: .....  
 Male / Female (delete as applicable) Date and place of birth: .....  
 Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....  
 .....

**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter:  
(obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....  
 Signature of parent/guardian/appropriate adult: ..... Print name: .....  
 Address and telephone number if different from above: .....

Statement taken by (print name): ..... Station: .....

Time and place statement taken: .....