



AMENDED

NOTICE OF DECISION

LICENSING SUB-COMMITTEE- 22 MARCH 2019

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

1. Decision

That the premises licence to Luxford Bar, 610 Old Kent Road, London SE15 1JB be suspended with immediate effect as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 18 April 2019.

2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The police advised that on 21 March 2019 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as 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.

On 2 December 2018 Police attended the premises in response to a female claiming 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 but Police were informed that there was no coverage of the area where the incident took place. The external CCTV footage "stopped" at the time the victim and her ex-partner left the premises. The victim later advised police that staff at the premises had been persuaded to delete the footage.

On 1 January 2019 Police were attended the premises following a male being stabbed in the abdomen resulting in a lacerated bowel and artery. This incident is still the subject of police investigation.

A stepped approach in working with the premises has failed and further breaches of the premises licence have been witnessed. On 2 February 2019 officers from the Night Time Economy Team visited the premises and found two breaches of the premises licence, namely condition 289 (CCTV to be kept for 31 days) and condition 336 (A personal licence holder shall be on the premises at all times after 8pm when intoxicating liquor is being supplied).

On 16 March 2019 officers from the Night Time Economy Team visited the premises and found two breaches of the premises licence, namely, condition 289 (CCTV to be kept for 31 days) and



condition 336 (That a personal licence holder shall be on the premises at all times after 8pm when intoxicating liquor is being supplied).

On both occasions the same manager was on duty at the premises and warned of the need to rectify the breaches and served a s.19 Closure Notice was served.

There is also a history of non-compliance at the premises.

The Licensing Sub-Committee then went into a closed session and heard confidential information from the police.

The licensing sub-committee were satisfied that there has been serious crime committed inside this premises where a victim was stabbed. Whilst measures have been discussed to counter the possibility of further incidents the premises is continues to be poorly managed and operating in breach of the premises licence with defective CCTV and no personal licence holder on the premises.

The licensing sub-committee having read and heard all the evidence. before them were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives

3. 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.

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

Date: 22 March 2019



NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 26 MARCH 2019

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

1. Decision

That the interim steps imposed on 22 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:

- i. That the suspension of the premises licence is withdrawn.
- ii. 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 20:00 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.
- iii. That at all times the premises are in operation under the premises licence all members of staff will be 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.
- iv. That 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
- v. That a refusals register is maintained in respect of the ID scan. This register will be immediately available for inspection on the request of police, council or authorised officers.
- vi. That all staff will be trained in the use and maintenance of both the CCTV and ID scanner. Records shall be kept pertaining to such training will be updated every 6 months and shall be made immediately available to officers of the police and the council upon request.
- vi. Condition 343 of the premises licence (*"A Police Event Risk Assessment Form must be submitted to Southwark Police Licensing Unit 14 days in advance of any event at the premises when the premises will be in operation under the Licensing Act 2003 if a DJ or MC is performing at the premises and the event is promoted in some form by either the venue or an outside promoter, and whether entry to the event is free, by invitation only, through pay on the door, by ticket or any combination thereof"*) is suspended.
- vii. That there will be no externally promoted events.

LICENSING SUB-COMMITTEE- 26 MARCH 2019

2. Reasons

This was a hearing to consider whether or not the interim steps imposed on 22 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 premises who advised that the information relied on by the Licensing Sub-Committee on 22 March 2019 was inaccurate and that proof was available to provide an accurate account of the incidents relied on by the police. After the incident in January 2019 when someone was stabbed, the premises installed an ID scanner. No variation of the premises licence was made as the premises were waiting for further recommendations from the police. Additional personal licensees were available and in employment, so that there would be no further breaches of condition 100 of the premises licence. Regarding the CCTV, there had been flooding in the premises, which wiped the CCTV hard drive. This had been rectified virtually immediately. The premises were willing to work with the police to uphold all of the licensing objectives.

It was accepted that the premises had been trading on Friday 22 March and Saturday 23 March, but assured the sub-committee that no alcohol was sold nor did any licensable activities take place. The premises operated strictly on the advice a Southwark licensing officer provided.

The Licensing Sub-Committee was advised that expedited review process had been instigated after a Superintendent for the Metropolitan Police Service certified that the premises are associated with serious crime or serious disorder or both. Two incidents of serious crime and/or serious disorder had occurred in December 2018 and January 2019. Despite these very serious incidents, further breaches of the licence had been witnessed in February and March 2019; these breaches opened the risk of further serious incidents of crime and disorder occurring. The police also referred to the police attendance at the premises on Saturday 23 March 2019. It was suggested that the premises was open to the public and alcohol was consumed regardless of the expedited hearing the previous day and was very cavalier attitude. The police argued that the premises were not taking the review process seriously and they had no confidence in the management of the premises.

The police then made an application for confidential material to be considered by the Licensing Sub-Committee in a closed session, claiming that the premises were associated with gang members. This the premises categorically denied. The members of the sub-committee considered this application carefully. At its highest, the police's application was based on incidents that had occurred 2-3 months previously and no evidence had been presented to suggest a potential reoccurrence. It was therefore decided that it was not in the public interest to hear evidence in a closed session as there was no proposed controls that could ensure that the premises would have a fair hearing (of the confidential material).

Having heard evidence from the premises, the Licensing Sub-Committee questioned what a suspension of the premises licence would achieve. Ultimately, the premises could operate and provided licensable activities until 23:00 hours by virtue of the Live Music Act 2012. Alcohol could be consumed if patrons "brought a bottle" and purchased it elsewhere. By their own admission, the premises were operating on Friday and Saturday.



The police evidence was that the premises was open to the public (when they attended on the Saturday), yet despite police knowledge of the suspension of the licence and knowledge of allegations of gang activity, allowed the premises to continue to operate.

The licensing sub-committee having read and heard all the evidence before were satisfied that the interim steps to suspend the licence should be withdrawn and that it is more appropriate and proportionate to promote the licensing objectives to modify the interim steps, as detailed above.

3. 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.

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

Date: 26 March 2019



NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 1 APRIL 2019

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

1. Decision

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:

- ii. 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.
- iii. That at all times the premises are in operation under the premises licence there will be a minimum of 5-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.
- iv. That from 21:00 hours 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.

2. 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 s.53(B)(9) that allowed for the premises to make further representations under s.53(B)(6) of the Licensing Act 2003. The premises contended that the measures put in place on 26 March were excessive, they has cancelled 2 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:

- ii. 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.
- iii. 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.
- iv. 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.
- v. The premises were unclear of the ID scanner refusals register and how they could ensure the details provided by those refused entry were correct.
- vi. 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.

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.

3. 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.

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

Date: 1 April 2019