

From: TD
Sent: Tuesday, July 30, 2019 1:28 PM
To: McArthur, Wesley
Cc:
Subject: Re: Premises licence application: Talking Drum, 610 Old Kent Road, London, SE15 1JB (our ref: L1U 868584) – Old Kent Road ward
Importance: High

Hi Wesley,

Thanks for your email.

Please find our response attached re: representations. This has been emailed to the Police and Ms Jayne Tear of Southwark Licencing respectively.

Can you also please email our response to the two private parties who submitted representations also?

I confirm I will be attending the hearing on 20th August at 10am. Please find Proforma reply attached, which has also been posted to the address noted on the form.

Please let me know if you have any further queries in the meantime.

Kind regards,

Talking Drum

Re: Talking Drum, 610 Old Kent Road, London, SE15 1JB

To whom it may concern

I write in response to your representation dated 11th July 2019.

As you will have noted, Talking Drum Limited is a restaurant and has applied for the relevant license in accordance with this. As correctly stated, the beneficial owner of Talking Drum Limited is indeed the same as the previous tenant – namely Luxford Bar Limited.

We appreciate the responses and concerns of the TRA and other local stakeholders invested in the safety of the area. No one wants to live in an unsafe area or feel uncomfortable in their local community, including ourselves and our staff. We take full responsibility for the various flaws in the business model for Luxford Bar and acknowledge that it was markedly **geared towards younger people** and pop culture. To address and hopefully quell these concerns, we have dramatically changed our entire operational structure. Talking Drum is fundamentally different in that it will be a place for all ages, cultures and generations to meet and eat. Whilst before we served burgers and wings, we will now serve authentic Nigerian meals such as pounded yam and okra soup – which fundamentally brings in a much different, family-orientated crowd than ribs and wings, by nature.

Unbeknownst to the general public, we have a 30-year lease on the property and have incurred substantial personal debt as a result of the closure to Luxford Bar. Most importantly, we have learned not to trivialise the licensing objectives in any subsequent business venture. As I'm sure you can appreciate, no business owner wants to experience the sudden, traumatic, demoralising and near-bankrupting closure of any business twice, especially when it amounts to their life's work.

Objectively speaking, to deny or prevent Talking Drum from being granted an alcohol license is likely to prove disastrously counterproductive. Should we not be granted a late license, it would force us to sell food only, whilst allowing patrons to bring in their own alcohol for consumption as a non-licensable premises.

With this comes a myriad of potential issues, most notably **lack of portion control leading to overconsumption**. With alcohol solely being served at the bar, in promoting the licensing objectives our staff are able to challenge the drinker and even decline to serve them if they appear too intoxicated. Without this first line of defence (i.e. **proactive**), patrons are largely left to regulate this themselves with Talking Drum now taking a **reactive** corrective measure (i.e. asking them to leave the building after they are already intoxicated).

This route would strongly work against licensing objectives, the community, the police and us as a business.

Conversely, if we were granted a license it would hold us to account to promote the licensing objectives, as outlined below.

Talking Drūm

As local residents ourselves, please rest assured that we did not treat the decision to revisit the hospitality industry with levity. Much research and consultation has gone into agreeing a significant number of changes to the original license of Luxford Bar Limited, each designed to thoroughly **promote the licencing objectives** and mitigate all previous grievances held against our predecessor.

These include (but are not limited to the following):

Steps to promote key licencing objectives:

1) General

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to a table meal.

2) The prevention of crime and disorder

A CCTV system will be installed at the premises and will be maintained in a good working order and will be continually recording the premises at all times.

All CCTV footage shall be kept for a period of 31 days and should on request be made immediately available to officers of the police and the council.

All staff will be trained in their responsibilities under the Licensing Act 2003 and training records will be kept and updated every six months and shall be made immediately available to officers of the police and the council upon request.

All CCTV footage shall be kept for a period of 31 days and should on request be made immediately available to officers of the police and the council.

3) Public safety

All licensable activities shall cease 30 minutes prior to the terminal hour to allow for beverages to be finished and a controlled dispersal of customers.

A Challenge 25 scheme shall be maintained at the premises, requiring that staff selling alcohol request any customer who looks under 25 years old - and who is attempting to purchase alcohol - provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving license, passport, UK armed services ID card and any proof of age standard scheme (PASS) accredited card.

In addition, we will install the following fire safety measures:

Talking Drum

- Install fire extinguishers
- Have a designated fire point
- Display fire exit signs
- Have a fire door in the kitchen
- Have the fire door/s free from obstructions at all times
- Install fire alarms and smoke detectors
- Provide staff training on fire safety
- Carry out a fire risk assessment

4) **The prevention of public nuisance**

Clearly legible signs shall be prominently displayed where they can be easily seen and read by customers, requesting that customers leave the premises and area in a quiet and orderly manner.

5) **The protection of children from harm**

A challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request to any customer who looks under 25 years old, and he was attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old.

In addition to the above, we have personally added the following to further support and action the licencing objectives:

- **Complete revamp of overall business plan, strategic direction/success measurements, design layout, fixed seating and capacity**

Whilst Luxford Bar was, and was clearly marketed as equal parts bar and restaurant, Talking Drum is in fact, solely a restaurant. The restaurant's identity is that of a '*fine-dining*' experience – not unlike a Hakkasan or Novikov or other Michelin-starred dining establishment. Staff-wise, the restaurant will incorporate a host receiving guests at all times near the entrance. Simply put, the 'bar' atmosphere – and by proxy, the associated trappings of this – have been discarded in favour of a sleek, classy dining experience unlike anything on Old Kent Road.

With this has come a complete renovation and redesign of the venue which includes:

- **Increasing the size of the kitchen by 70%** to accommodate the increased food production element. Given that all patrons will have a table meal, we have taken this into account physically, as well as on our menu
- **Reduction of the bar size** – as there will not be any externally promoted events (see below), the need for a larger bar has largely been eliminated – and with that, the

Talking Drum

physical stance of the bar has been reduced by more than 50% - again showing our commitment to the restaurant and dining element of the business

- **The removal of 'typical' bar features** – such as DJ booth, space for dance floor etc. The layout for Talking Drum includes an expanded array of fixed/immovable seating – another indicator that there will be no 'dance floor' which may lead to a 'nightclub' experience – a key factor in the issues raised against Luxford Bar previously
- **Removal of externally promoted events hosted by third parties**

On the two occasions in which Luxford Bar Limited experienced disruptions (namely, 22nd October 2018 – the domestic incident between two partners - and 1st January 2019), these were both during and as a direct result of events externally promoted by third parties. Such events **will not** take place at Talking Drum.

As a result, the negative effects of this – including increased number of patrons exceeding seated capacity, noisy/intoxicated patrons, patrons parking illegally etc. will be mitigated in line with other restaurants in the area.

- **Removal of loud recorded music**

It is my understanding that our application for the premises licence contained a proposal for recorded music. Please note that we only intend to have background music in line with our status as a restaurant. Furthermore, we will in fact not have DJs. I attach the floorplan for the premises which has no location for a DJ booth – further evidencing this

- **Capacity** – 200 covers (seated guests) and a maximum capacity of 250 (the difference being kitchen and bar staff, downstairs office space, toilets and general walking space between tables - please see the attached floorplan for more information.

Whilst Luxford Bar had just over 100 covers and almost 300 capacity, Talking Drum has double the number of covers yet a lower capacity, as a result of fixed seating which cannot be moved aside to allow standing.

In addressing concerns raised in various representations, please note the following:

- *Jayne Tear – “The applicant would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder”*
-

As a restaurant which will not be holding externally promoted events with loud recorded music - where tables will not (and cannot) be moved to allow standing/dancing space – there will be no 'party/loud music atmosphere' creating an overflow of patrons into the street. This point by Ms Tear is entirely mitigated by the change in business module.

Talking Drum

In dispersing patrons, once again we highlight that drinks service will end 30 minutes prior to closing. Staff will also encourage patrons to leave in a quiet and orderly manner, further supported by signage near the exit.

“proposed reduction in opening hours to 23:00”

805 Old Kent Road, a few doors down from us – with a similar model – is in the exact same residential area and catchment and have been granted a 00:00 closing time. To be singled out as needing to close at 23:00 when restaurants directly next door to us are open until is unduly harsh and does not take into account the numerous improvements to the former license of Luxford Bar Limited.

- *Party 1 – 11th July – Resident*

“They provided plastic cups which would be found strewn all around local streets the next morning. Clients...would park on residential streets nearby and..., would return to the vehicles and play loud music out of their cars at 1am without going anywhere.”

With the removal of externally promoted events, the aforementioned issues will cease. The overall direction of a restaurant – i.e. serving food and drinks is not congruent with the difficulties previously experienced

- *Party 2 – 15th July - TRA*

“...proprietor trying to revive Luxford Bar”

And

- *Metropolitan Police – 17th July*

“In my opinion nothing has changed since that decision was made, the applicant for this premises licence is the same as that of the Luxford Bar, and this application is almost identical to that Granted to the Luxford Bar & Restaurant.

As explained above, everything has changed – from the amount of seating, to the size of the kitchen and bar to our business plan.

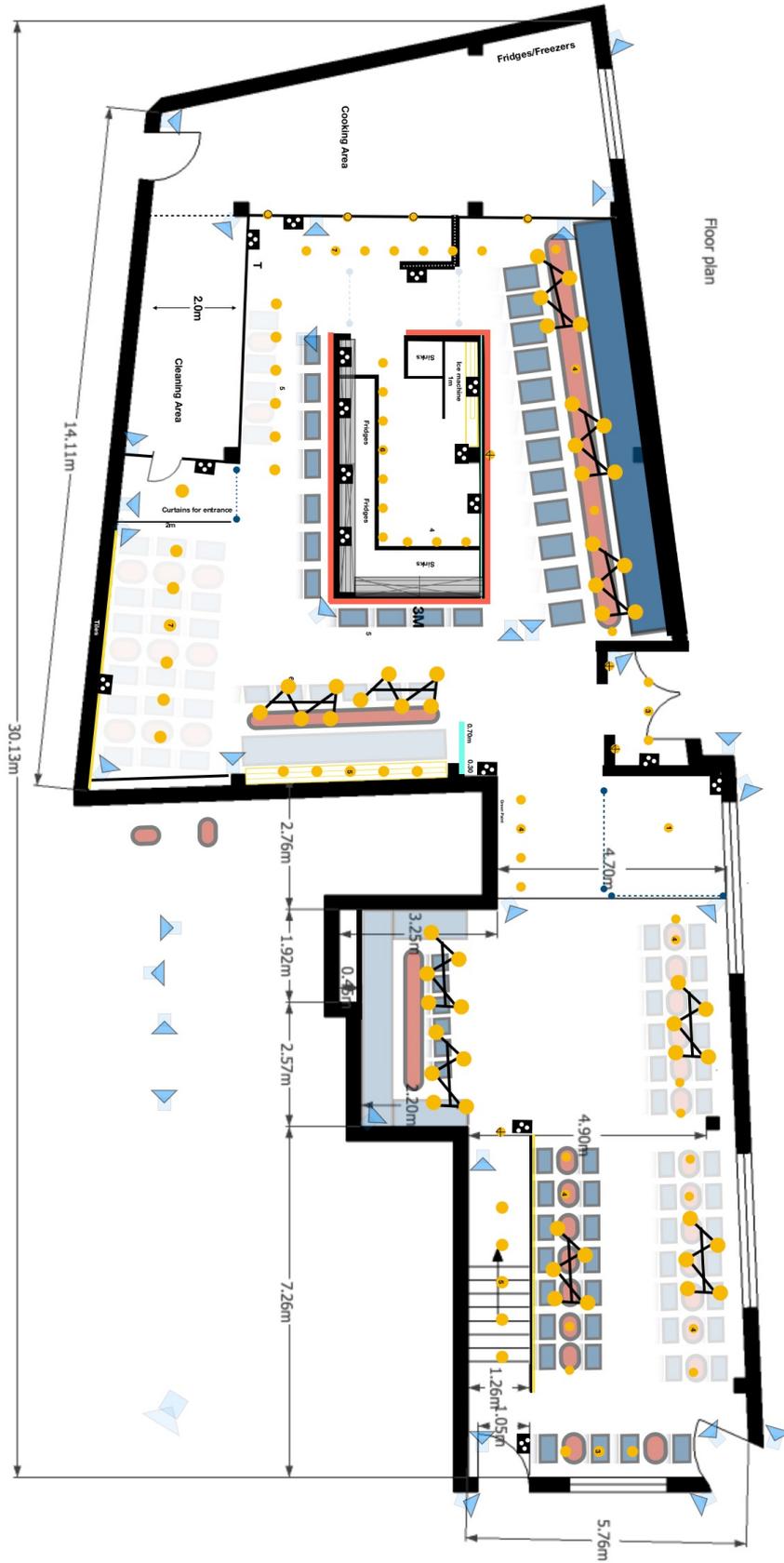
As previously mentioned, we ourselves are also local residents with a vested interest in the safety and upkeep of the local area. The safety of this restaurant is essential not only for ourselves, but our own children and siblings who also live in the area. We fully intend to work and alongside the local patrons and TRA to ensure that Talking Drum is a safe and positive environment and promotes public safety for all residents.

Please feel free to contact me directly should you have any further queries.

T:

Talking Drum

Appendix 1)



From: McArthur, Wesley
Sent: Tuesday, July 30, 2019 2:45 PM
Subject: FW: Premises licence application: Talking Drum, 610 Old Kent Road, London, SE15 1JB (our ref: L1U 868584) – Old Kent Road ward
Importance: High

Dear Sir / Madam,

Please find attached a response from the applicant regarding the representations that were submitted in respect of the above application. If you have any further comments please send them to me ASAP.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

Party 2

From:
Sent: Wednesday, July 31, 2019 5:21 PM
To: McArthur, Wesley
Subject: Re: Premises licence application: Talking Drum, 610 Old Kent Road, London, SE15 1JB (our ref: L1U 868584) – Old Kent Road ward

Dear sir/madam,

Thank you for forwarding this response. I will consult with the TRA members at our meeting tonight and forward a response after the meeting.

Regards,

Party 2

From: [REDACTED]

Sent: Friday, August 09, 2019 2:34 PM

To: McArthur, Wesley

Subject: Re: Premises licence application: Talking Drum, 610 Old Kent Road, London, SE15 1JB (our ref: L1U 868584) – Old Kent Road ward

Dear Sir/Madam,

Please see our enclosed response.

Regards,

[REDACTED]

[REDACTED] **TENANTS AND
RESIDENTS ASSOCIATION**

[REDACTED] • [REDACTED]
LONDON [REDACTED] • **TEL.** [REDACTED]

Licence number: 868584

Trading name and address: Talking Drum
610 Old Kent Road
SE15 1JB **Ward:** Livesey

Dear Sir/Madam,

Thank you for your letter dated the 30th of July 2019 enclosing the response from Talking Drum Limited to our objection.

We regret to inform you that after reading through their response, our residents overwhelmingly re-endorsed the TRA's stance to object at a general meeting held on the 31st of July 2019.

In our view, the applicant showed very little or no regards to the concerns raised by objectors. For example, we requested to see a copy of any community impact assessment carried out before such an application was made, and no reference was made to this in their response other than unending rhetoric about caring for the community they operate in.

As the applicant rightfully noted, they could have looked into using the premises for a different business that will not attract anti-social behaviour and disturbance in the area, they chose to operate within the hospitality area in a business that is specifically unhealthy for the area. Hence, past experience has shown us that they cannot be trusted.

As another objector noted, the patrons of the business cannot be controlled and that was exactly what happened with Luxford bar (whose signage is still very prominent on the site). We strongly believe this applicant is trying to 'pull a wool over our eyes' by making us believe that what they will do will be significantly different. Yet all indications showed that nothing will change. The phrase 'old wine in a new bottle' accurately describe what they are trying to do.

For example, if they are operating simply as a restaurant, why do they need late night entertainment license until 1am?

Comparing themselves to 805 old Kent road was not a very good idea. In the first place, 805 Old Kent Road (to our knowledge) has not had reason for its license to be revoked nor has there been any known incident that requires for its license to be revoked. The location and configuration of 805 is nothing like what they have in 610 Old Kent road. Furthermore, one of the key concerns raised about Luxford Bar was the fact that the premises cannot hold 200

people let alone 300. The operating space is that small. How did they come up with that capacity plan? In the event of fire, the risk is significant. This was raised during the license review of Luxford Bar. No change has been made. The number of attendants was a key reason why the area became rife with anti-social behaviour. That explains why patrons of Luxford bar parked on pavements, blocking residents from entering their homes and continuing the disturbance after closure, with open drinking outside the area going on until small hours.

The location of the premises does not fit with the business they are proposing to carry out.

In our view, we totally agree with the Police objection, nothing has changed since Luxford Bar and the application is similar to what was granted to Luxford Bar. Sugar coating words does not change the negative impact this business will have on the area. As residents, we have a statutory right to quiet enjoyment of our properties and surroundings. Granting this license will bring back the anti-social disturbance that has disappeared since the closure of Luxford Bar.

Hence, we as a TRA and on behalf of our residents (980 properties in total of which over 500 is directly within close proximity to 610 Old Kent road), we would like to re-register our objection as mandated by a general meeting held on the 31st of July 2019.

The grounds of our objection remains the fact that the concerns namely; prevention of crime, prevention of public nuisance, public safety and protection of children from harm, have not been addressed by the applicant. We strongly believe that granting the application will be detrimental to the peace of the area.

Yours Faithfully,

[Redacted signature block]

[Redacted signature block],

[Redacted signature block] TRA

[Redacted signature block]

[REDACTED]

14th August 2019

Dear ladies and gentlemen of [REDACTED] TRA,

I write in response to your recent letter having reviewed our responses to your representation.

I would like to start by pointing out that **I have now made 4 attempts to reach out to you**, to be invited to your general meetings and discuss your concerns in person, and have been met with radio silence.

To evidence this, I attach my correspondence with Louis Rostos - Tenant & Homeowner Involvement Officer from Southwark Council who also **confirms he spoke to the TRA secretary on or before 1st August about Talking Drum and our desire to meet with you in person.**

He, similarly has not heard anything in response.

Are you genuinely interested in reaching an amicable resolve? If so, your blatant ignoring of both ourselves and a Council representative would strongly suggest otherwise.

Furthermore, it unfortunately appears that you did not actually digest any of the points raised in our letter.

Please allow me to reiterate the following:

Whilst Luxford Bar was clearly marketed as equal parts bar and restaurant, Talking Drum is solely a restaurant. We again acknowledge that Luxford was **geared towards younger people and pop culture**, but Talking Drum's identity is that of a 'fine-dining' restaurant experience – we will be like Nandos, but with African food.

We will serve pounded yam and various West African soups and traditional dishes. **Unlike Luxford which attracted younger people and party-goers who came solely to drink, the audience for TD is families and people interested in a cultural experience**, who cannot solely come to drink, period. The TRA has stated that we should not compare ourselves to 805 and this is *'not a very good idea'* – but as another Nigerian restaurant playing only quiet background music, with near identical opening times, fixed seating, and no externally promoted third-party events and no 'party atmosphere' - the two business modules are identical in all but name.

It appears the TRA is conflating Luxford Bar itself (and the issues that came with this business model) with an unrelated Nigerian restaurant, which are simply not one and the same.

I will now respond to the finer points raised by the TRA in detail.



- 1) The TRA has stated the *“prevention of crime, prevention of public nuisance, public safety and protection of children from harm, have not been addressed by the applicant”*

I reattach pages 2 and 3 of our original letter which goes through each of the licensing objectives in detail and explains how we intend to promote each of these – including Challenge 25, **only serving alcohol ancillary to a meal**, Fire Risk Assessments, prominent signage encouraging patrons to leave quietly, CCTV etc.

- 2) The TRA has stated we *“should have chosen a different business that will not attract anti-social behaviour and disturbance in the area, (instead we) chose to operate within the hospitality area in a business that is specifically unhealthy for the area”*.

Without belaboring the point, is the TRA insinuating at all restaurants inherently attract antisocial behavior? If so, I would encourage the TRA to seek similar action against other local restaurants including Mingles, Subway, Tam’s Kitchen, Alhaji Suya, McDonalds, Empire Lounge, KFC, Wazobia Suya and the like – who, if alcohol is served, is served ancillary to a table meal, which Talking Drum has repeatedly stated in our application.

- 3) The TRA noted that *‘Luxford Bar signage is still prominent on the site’*

The entire building is currently a construction site which cannot be entered without appropriate PPE equipment. “Removing signage” can and will be done in due course, but is secondary to other more urgent construction tasks.

- 4) The TRA has stated:

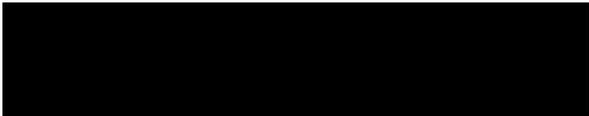
*“We strongly believe this applicant is trying to ‘pull a wool over our eyes’ by making us believe that what they will do will be significantly different. Yet **all indications showed that nothing will change.**”*

This alone indicates that the TRA did not **at all** read our last letter and is writing out of pure vendetta and emotion.

Once again, changes include the following (included on our last letter):

- **Removal of externally promoted events hosted by third parties**

As a result, the negative effects of this – including increased number of patrons exceeding seated capacity, noisy/intoxicated patrons, patrons parking illegally etc. will be mitigated in line with other restaurants in the area.

- 
- **The removal of 'bar' features** – such as DJ booth, space for dance floor etc. **Tables will not (and cannot) be moved to allow standing/dancing space** – **there will be no 'party/loud music atmosphere'** creating an overflow of patrons into the street. This point is entirely mitigated by the change in business module.
 - **Removal of loud recorded music**
We intend only to have **background music** in line with our status as a restaurant. The floorplan attached in Appendix 1 of our last letter showed no location for a DJ booth – further evidencing this
 - **Increasing the size of the kitchen by 70%** to accommodate the increased food production element. Given that all patrons will have a table meal, we have taken this into account physically, as well as on our menu
 - **Reduction of the bar size** – as there will not be any externally promoted events (see above), the need for a larger bar has been eliminated – and with that, the physical stance of the bar has been reduced by more than 50% - again showing our commitment to the restaurant and dining element of the business
- 5) **Capacity** - The TRA may be unaware that 610 Old Kent Road is a 3000 sq./ft venue, **both upstairs and downstairs**. The TRA may also incorrectly be under the impression that the entire 250 capacity will be on the top floor of the venue at all times. A 250 capacity is a **maximum** for both floors, and includes chefs, floor staff, bartenders, managers, cleaners etc. and has been approved and validated by official Fire Risk Assessments.

In closing, I would urge you to please reread the 6 page document issued to you initially and actually consider the points raised ahead of the hearing on 20th August.

Regards,

Talking Drum

From: [REDACTED]
Subject: Re: [REDACTED] TRA
Date: 5 August 2019 at 14:14
To: Rotsos, Lou s <Lou s.Rotsos@southwark.gov.uk>



Thanks Lou s, when I ca t appears to go stra ght to vo cema .

I've e ft another message just now.

Wou d you happen to know when the r next meet ng s and the ocat on?

Kind regards,

[REDACTED]
Talking Drum Rep
E [REDACTED]
T: [REDACTED]

On 1 Aug 2019, at 13:57, Rotsos, Lou s <Lou s.Rotsos@southwark.gov.uk> wrote:

Hi [REDACTED],

I have spoken to and passed your contact details to the TRA secretary.

The TRA has a contact number – [REDACTED]

Regards Louis

Louis Rotsos – Tenant & Homeowner Involvement Officer

Southwark Council | Communities Division

Housing and Modernisation Department

5th Floor, Hub 3 | PO Box 64529 | London | SE1P 5LX

Tel: 020 7525 1239

Email: louis.rotsos@southwark.gov.uk

www.southwark.gov.uk/mysouthwark <image001.png>

For council services at your fingertips, register online

You can access your MySouthwark account to report and track your Council requests online at my.southwark.gov.uk.

You can also manage your rent or service charge account, pay your council tax as well as report and track your housing repairs.

nds Louis

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

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to be sent may be amended.

Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.



As local residents ourselves, please rest assured that we did not treat the decision to revisit the hospitality industry with levity. Much research and consultation has gone into agreeing a significant number of changes to the original license of Luxford Bar Limited, each designed to thoroughly **promote the licensing objectives** and mitigate all previous grievances held against our predecessor.

These include (but are not limited to the following):

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- 
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