



The Licensing Unit
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**Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL**

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/181/19

Date: 5th November 2019

Dear Sir/Madam

Re:- Talking Drum 610 Old Kent Road SE15 1JB

Police are in possession of an application from the above for a variation to the existing premises licence 870862.

The application is to vary the permitted hours for licensable activities and the opening hours. Police have no objection to these variations.

In addition the applicant wishes to remove condition 847 relating to their being a personal licence holder on the premises at all times they are authorised to sell alcohol.

They have offered an alternative which refers to the display of a written document detailing all those staff authorised to sell alcohol on behalf of the DPS.

This premises has recently been subject to robust enforcement action for failure to promote the licensing objectives. Resulting in the revocation of the previous licence.

One of the recommendations made when deciding to grant a new premises licence was the requirement for a strong and qualified member of staff to be on the premises during opening hours. The applicant at the time made submissions that they would be sending a number of staff on training courses and hope to have a number of personal licence holders available to take up this role.

This application seeks to remove that responsibility. Its removal would not be of benefit to the promotion of the prevention of crime and disorder licensing objective.

I therefore object to this part of the variation.

Submitted for your consideration.

Yours Sincerely
PC Ian Clements 2363AS
Licensing Officer

Talking Drum

Response to representation

Dear PC Ian Clements,

Re: Talking Drum, 610 Old Kent Road, SE15 1JB - License application 870862

Thank you for your recent comments.

In response to your objection, we are happy to reconsider the request to remove condition 847 – and instead replace it with “having a personal license holder on site from 8pm until close during days of operation”.

Please confirm if you would be happy for our application to proceed on this basis.

Many thanks

Talking Drum

From: [REDACTED]
Sent: 17 December 2019 20:31
To: Clements Ian J - AS-CU <Ian.Clements@met.police.uk>; MD Mailbox - Southwark Licensing <SouthwarkLicensing@met.police.uk>
Cc: [REDACTED]; McArthur, Wesley <wesley.mcarthur@southwark.gov.uk>; [REDACTED]
Subject: FAO Ian Clements - Response to representation - Talking Drum

Dear PC Ian Clements,

Following your objection, please find our response attached.

Kind regards,

Talking Drum

E: [REDACTED]

From: <Ian.Clements@met.police.uk>
Subject: RE: FAO Ian Clements - Response to representation - Talking Drum
Date: 18 December 2019 at 08:19:51 GMT
To: [REDACTED]

Dear Morning

Thank you for your response, I can confirm that this is acceptable to me.

I am therefore now in a position to withdraw my representation.

Kind Regards

Ian

Ian Clements | Constable
MPS Central South BOCU
Neighbourhoods Policing- Partnership & Prevention
Licensing Officer
Mobile [REDACTED]
MPS Internal 726756
MPS Telephone 0207 232 6756

Party 1

From: [REDACTED]
Sent: Friday, December 06, 2019 2:14 PM
To: Regen, Licensing
Subject: Talking Drum SE15 1JB objection

To whom it may concern,

An application to amend opening times has been received by you for a local bar/restaurant to me.

This is the same restaurant that we've granted a license not 2 months ago to the current times, and yet they are already looking to increase the times they wish to sell alcohol and stay open.

As in previous objections, the nature of where the restaurant is located, namely in a residential setting, make later hours unjustifiable. The previous incarnation of this restaurant caused huge local problems, including littering and unsociable behaviour by the clientele.

Since the new license was granted, there have been no such problems, yet I believe an increase of hours will lead to a return of former habits for this business.

In addition, they wish to stay open unsociably late on New Years Eve. Once again, I cannot stress enough that this is inappropriate for a residential area, given the restaurant's history and form. There was a stabbing at this restaurant New Years Eve last year, and nobody wants a repeat of that.

I also notice the restaurant have placed both notices for the license change in the same window, nowhere near their front door, which suggests to me that they are trying to hide the application from interested parties who might not go round the corner.

In summary, I cannot remotely support this application, and urge the council to reject it in its entirety.

Kind regards,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Party 2

Licence number: 870862

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

Monday, 09 December 2019

Dear Sir/Madam,

I am writing to object to the application made by the Talking drum to vary their license as set out in the application submitted on the 12th of November 2019.

Our TRA is objecting to this license application as part of the Old Kent road Area housing forum (made of 8 neighbouring TRAs) because we have reasonable suspicion to believe that the applicant is still trying to revive Luxford Bar (in another name) and the disturbance in the area will start again. The area has calmed down since Luxford Bar license was revoked due to several breaches.

Since the license was granted to Talking drums with conditions, we have been monitoring the area and the current conditions should stay and not be varied. We are aware that the talking drum is operated by the same group that operated Luxford bar and their attitude to the residents have not changed. This application is a clear evidence of that.

Concerns have also been raised by neighbouring TRAs as far as Tustin and Ledbury TRAs who have seen the impact of having a late night entertainment and bar license given in an area that is already saturated with shops that sells alcohol and opens till late. Consideration should be given to the residents with of young families. Southwark has a responsibility to ensure that residents safety comes first. Late night license is of serious concern for parents because most of the customers who use these establishments pay no regards to the safety of the residents.

We are formally objecting to this application on the grounds that we believe the disturbance experienced under Luxford Bar will return if this application is granted. We have genuine safety, security and health concern for our residents as categorised below:

- prevention of crime and disorder
- prevention of public nuisance
- public safety
- protection of children from harm

We would also be grateful for a copy of the community impact assessment carried out by the licensee is made available for review.

Yours Faithfully,

[Redacted Signature]

[Redacted Name]

Executive officer, [Redacted] TRA

[Redacted Address]

Talking Drum

Response to representation

To Whom It May Concern:

Re: Talking Drum, 610 Old Kent Road, SE15 1JB - License application 870862

We appreciate that you are concerned about potential disturbance caused by increasing our opening times by one hour.

I would therefore like to highlight a few conditions of Talking Drum's license, which we wholeheartedly intend to continue abiding by:

843 - That there shall be waiting service at the dining tables only.

845 - That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as ancillary to their meal.

849 - That there shall be no externally promoted DJs or events.

850 - That there shall be no regulated entertainment.

854 - That customers who leave the premises temporarily to smoke shall only be permitted to smoke outside the front of the premises. A maximum of 5 smokers shall be permitted outside the front to smoke at any one time. **Those patrons are not permitted to drink outside the premises.**

860 - That a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

840 - That capacity shall be limited to the number of fixed seats plus a maximum of 12 moveable seats.

Along with several others.

Furthermore – **ALL seats at Talking Drum are fixed seats.**

Without DJs, loud music, bar service, or the ability to move any seats or tables to create a dancefloor; alcohol only being sold with a full table meal **and** capacity being linked to the number of fixed seats – **Talking Drum will not pose a threat to the safety of the area or local residents in any way.**

These things listed above were what made a 'bar' identity possible. Talking Drum is solely a restaurant, and a responsible one at that.

Talking Drum

We appreciate that you have noted that since our new license has been granted, you've had no issues with us. Indeed, this will only continue should this application be granted.

We are applying to be open for **one hour** longer. As the largest fine dining restaurant in the area, it is counterproductive to have no competitive edge – and to close earlier than all our competitors. Furthermore, if we are open longer, we can actually create more job opportunities and more economic prosperity for the area – ordering more food from local suppliers and putting more money in local people's pockets.

Finally, we note that we certainly did not try to hide the variation notice. To do so means that we would not have been considered for the variation, and such action is counterproductive to us as a business. Placing the signage anywhere else would ruin the green/gold aesthetics of the décor. Furthermore, there is no legislation that dictates where this needs to be placed, as long as this is visible – which it was.

With this said, we would urge you to kindly reconsider your position in regards to this application.

Many thanks

Talking Drum

Talking Drum

Response to representation

Dear TRA

Re: Talking Drum, 610 Old Kent Road, SE15 1JB - License application 870862

We appreciate that you have a long-standing vendetta against Luxford Bar. At the time of writing, Luxford has been closed for almost 9 months. You are fighting a business which no longer exists.

As has been communicated – and indeed, has been demonstrated since opening - Talking Drum is an entirely new business. Talking Drum is under new management, with new licensees and an entirely new license in place.

Have you actually read the conditions of Talking Drum's license?

Your representation strongly suggests that you haven't – as the entirety of your representation was copied and pasted from your last objection dated August 2019 – which was 3 months before Talking Drum had even opened.

- Your (recycled) claim that *'the applicant is still trying to revive Luxford Bar (in another name) and the disturbance in the area will start again'* is mitigated via the following License Conditions – which we are, and will continue to abide by:

843 - That there shall be waiting service at the dining tables only.

845 - That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as ancillary to their meal.

849 - That there shall be no externally promoted DJs or events.

850 - That there shall be no regulated entertainment.

854 - That customers who leave the premises temporarily to smoke shall only be permitted to smoke outside the front of the premises. A maximum of 5 smokers shall be permitted outside the front to smoke at any one time. **Those patrons are not permitted to drink outside the premises.**

860 - That a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

840 - That capacity shall be limited to the number of fixed seats plus a maximum of 12 moveable seats.

Along with several others.

Talking Drum

Furthermore – **ALL seats at Talking Drum are fixed seats**, as you saw on the floor plan circulated at the September hearing.

Without DJs, loud music, bar service, or the ability to move **any** seats or tables to create a dancefloor; alcohol only being sold with a full table meal **and** capacity being linked to the number of fixed seats – **how exactly can we revive Luxford Bar?**

These things listed above were what made the identity of Luxford possible.

- ‘their attitude to the residents has not changed’ – who exactly are you referring to, and what attitude? In the months that Talking Drum has been open, we have operated peacefully and have not had any issues raised by any members of the public, **including yourselves.**
- ‘*Consideration should be given to the residents with of young families*’ and ‘*the TRA would be grateful to receive a copy of the community impact assessment*’ – again, public safety has been achieved through the dozens of changes, amendments and restrictions we have put in place to make sure that Talking Drum is an entirely new business - via the above conditions.

If you actually look at our variation, we are applying to be open for **one hour** longer. As the largest fine dining restaurant in the area, it makes no sense to have no competitive edge – and to close **earlier** than all our competitors. Furthermore, if we are open longer, we can actually create more jobs and more economic prosperity for the area – ordering more food from local suppliers etc.

With this said, we would urge the TRA to thoroughly reconsider their position in regards to this application.

Many thanks

Talking Drum

Party 1 reply:

From: [REDACTED]

Sent: Wednesday, December 18, 2019 11:31 AM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence: Talking Drum, 610 Old Kent Road, London, SE15 1JB (our ref: L1U 870862)

Dear Wesley,

Thank you for your email. I would like to respond as follows:

The tables and chairs are in no way fixed. The chairs can clearly be moved, as indicated every day when they are on the tables after cleaning. I would also encourage the council to visit the site to see if the tables are fixed. From the outside, it is obvious there are no fixtures such as screws in place, so unless the tables are glued to the floor, this is not true.

Regarding the notices, I believe using aesthetics as an excuse not to put the notices near the front door a very poor reason. There are metres of space either side of the main entrance to put the notices which wouldn't take away from the décor. They have put the same poster up twice in the smallest window, as far away from the main entrance as possible. This is a very important legal process for the business, and therefore surely this should supersede any idea of making sure the place looks the best.

There are very few restaurants in this area, owing to the fact it is almost entirely residential. The reasoning to stay open longer has not changed since the original license application, insofar as they claim they want to be competitive regarding opening hours. However, their comparison was with restaurants nowhere near their location. If you compare this area to somewhere like central Peckham, it is already highly competitive in terms of opening hours. Most restaurants in central Peckham are closed by 11pm. Indeed, most close between 10 and 10:30pm. This is in a high density area with plenty of competition. However, Talking Drum is in an area which is mainly residential.

At the moment, the restaurant has to close at 11pm. There has been at least 2 occasions when I have passed at midnight to find people still inside. This is in addition to the times I have gone past when the curtains have been drawn across all windows, rendering it impossible to see inside.

Whilst I acknowledge the improvement in conditions, there are other circumstances I would like to draw your attention to. The parking in the area has not improved since the new business opened - cars are still parked all the way down the road, blocking pavements and causing hazards. Also, the main issues that arose from the previous venue occurred in summer, when the bar closed late into the night and their clientele spent hours on the residential streets in their cars playing loud music. I would be more inclined to agree to extending hours at the end of the summer, when the full effects of the restaurant can be seen.

I find it highly inappropriate for the restaurant to be applying for longer hours so soon after their initial license was granted. Winter is always a quieter time for businesses, and I believe the current hours should remain for another 8 months minimum.

Kind regards,

[REDACTED]

Party 2 reply:

Licence number: 870862

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

Thursday, 19 December 2019

Dear Sir/Madam,

Further to the response given by the applicant to our objection, I can confirm that we will like our objection to stand.

The application made by Talking drum is to vary the current license conditions which we believe are reasonable and are in compliance with the license statute under which the license was granted.

Specifically, Talking drums want to extend opening hours to match what was previously granted to Luxford. That is part of the reason why we believe the proprietor (who was also the owner of Luxford) is still 'trying to revive Luxford'.

It is accepted that the new license conditions have put in reasonable safeguards and while we reluctantly accept that they are adequate, we believe **no variation should be granted.**

In the first instance, our residents are entitled to quiet enjoyment of their properties under their contracts with the local authority. Extending the opening hours to 11.30pm and 12 midnight on some other days will breach the current peace that the area enjoys (since the closure of Luxford Bar). Furthermore, varying the license to allow the restaurant to open until 2.30am on new year's eve is a breach of the licence conditions for residential area which the proprietors are aware of.

The attitude demonstrated by the proprietors again is evident that they do not want to engage with the local community.

At the license hearing in August 2019, the proprietor's representation argued passionately that they care about the community they do business in, yet did not

think it would be important to consult local residents before applying for variation. If they did, they would have known that residents would oppose it.

The argument being put forward about opening for 'just one hour later' is not justified. We believe this was the original application put forward which was rejected because it contravenes the new residential area licensing agreement. They only operated for a few weeks before putting in a variation. That clearly indicates that they had no intention of sticking to any agreement. Furthermore, they are requesting that a condition that requires a 'personal license holder to be present' in relation to sale of alcohol, to be removed.

Effectively they are asking for 3 variations which have the potential to introduce what we have tried to avoid in the first place as listed below:

- prevention of crime and disorder
- prevention of public nuisance
- public safety
- protection of children from harm

For the umpteenth time, we have asked them to show us a copy of their community impact statement which demonstrates that they have actually looked at the area in which they are doing business, and as expected, they have not complied.

Trust for us is a big issue, and this has been breached.

We hope at some point in future, they will review the way they do business and put residents concerns first.

We object to the variation and would be present at the hearing to voice our concerns.

Yours Faithfully,

[REDACTED]

[REDACTED],

Executive officer, [REDACTED] TRA

[REDACTED]

From: TD [REDACTED]
Sent: Wednesday, December 18, 2019 1:08 AM
To: McArthur, Wesley
Cc: [REDACTED]
Subject: Re: Responses to objections - Talking Drum
Importance: High

Thanks Wesley.

Please kindly forward each of the additional below response to the local resident / TRA respectively to reemphasise our points:

Dear local resident,

Further to our email dated 17/12, we would like to shed more light on this situation.

With this application, we are simply asking for a competitive edge to stay afloat in business.

We fully understand why you may be concerned, and thus we would like to speak to you in person if possible - are you able to come by the restaurant this week to look around and see & discuss the changes we have made?

In simple terms, Talking Drum is not a party venue. We have no DJs, no music beyond background music, we can only serve alcohol with a full table meal and no seats can be moved to create a dance floor.

In that extra hour we're seeking, people would be doing more of what they currently do - which is eating a hearty, traditional West African meal in the most comfortable restaurant in the area. We have a dispersal policy in place as one of the conditions of our license - which we will be penalised for if we break.

You yourself have noted that there has been no issue with the way things are currently running. We have no intention of spoiling that. Are we able to reach an amicable resolve?

This festive period, the additional hour is quite literally make or break for any business. As such, we would greatly appreciate you withdrawing your objection.

Many thanks

[REDACTED]
Talking Drum

Dear TRA

We would like to open up a line of communication with you to properly understand how best you think our restaurant can serve you.

With this application, we are simply asking for a competitive edge to stay in business - in line with every other restaurant on Old Kent Road, including others within the TRAs area.

We fully understand why you may be concerned - are you able to come by the restaurant this week to look around and see & discuss the changes we have made?

In simple terms, Talking Drum is not a party venue which brings 'bar' issues. We have no DJs, no ticketed third-party events, no music beyond background music, we can only serve alcohol with a full table meal and no seats can be moved to create a dance floor.

In that extra hour we're seeking, **people would be doing more of what they currently do** - which is eating a hearty, traditional West African meal and enjoying the ambience in the most comfortable restaurant in the area. Furthermore, We have a dispersal policy in place as one of the conditions of our license - which we will be penalised for if we break.

We have no intention of spoiling the good work that has already been achieved through our current license. Are we able to reach an amicable resolve?

This festive period, the additional hour is quite literally make or break for any business. As such, we would greatly appreciate you withdrawing your objection.

Many thanks

■
Talking Drum
