



The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**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/21/20**

**Date: 17<sup>th</sup> June 2020**

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. The application is to extend the permitted hours for licensable activities and the opening hours of the premises to the public.

In addition the applicant wishes to remove condition 845 relating to the sale of alcohol being ancillary to customers purchasing and consuming a substantial table meal. 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.

A new premises licence was granted at the beginning of 2020 and included the condition relating to the sale of alcohol being ancillary to a table meal. The licensing sub committee granted the current licence, being reassured that the premises would only operate as a restaurant and made this clear in their decision and through the control measures imposed.

The removal of condition 345 would allow the premises to operate more as an alcohol led venue rather than the restaurant that the applicant assured them it would be. The applicant has not provided any rational behind this application to extend the hours and to remove the condition 345. This is likely to have a negative impact on the prevention of crime and disorder licensing objective.

The premises licence already allows the venue to open beyond the hours as recommended by Southwark's statement of licensing policy. There has been no evidence provided in the application as to why the licensing sub committee should move even further outside of this policy.

It is for this these reasons that I object to this application.

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

# MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 17 June 2020

**Copies**

**From** Jayne Tear                      **Telephone** 020 7525 0396                      **Fax**

**Email** jayne.tear@southwark.gov.uk

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**Subject** Talking Drum, 610 Old Kent Road, London, SE15 1JB

- Applicant to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Talking Drum Limited under the Licensing Act 2003, which seeks extend the following licensable activities and to remove a condition from the licence:

- To remove the following condition from the premises licence which states:  
*'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.'*
- To extend late night refreshment (indoors) on Sunday to Thursday from 23:30 to 00:00 and on Friday and Saturday from 23:30 to 00:00
- To extend the supply of alcohol (on the premises) on Sunday to Thursday from 23:00 to 23:30 and on Friday and Saturday from 23:30 to 00:00
- Opening times shall be on Sunday to Thursday from 12:00 to 00:30, on Friday and Saturday from 12:00 to 00:30 and on Sunday from 12:00 to 23:30

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 – 2021

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2019 - 2021 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is 23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.

The premises was described as '*Restaurant*' within the original application however by removing condition 845 would mean that the premises can operate as a drinking establishment without the need to provide food.

This premises has previously had a licence and was subject to an expedited review submitted by the Metropolitan Police Service with concerns that the premises was associated with serious crime or serious disorder or both. In addition to this the police obtain a closure order for the premises. The licensing Sub-committee revoked the premises licence on 18 April 2019. I attach a copy of the Notice of decision to this representation.

At the time that the licence was revoked the licensee company name was Luxford Bar Limited and Rebecca Akinsoye was a company director at the time.

When an application was submitted for the current premises licence although the licensee company name had changed to Taking Drum Limited, Rebecca Akinsoye is still the company director.

Condition 845 was put on the premises licence to promote the licensing objectives and to ensure that the premises retains its nature as a restaurant and not a bar /nightclub.

The applicant has offered no further control measures to promote the licensing objectives or to convince the LSC to divert further from the policy hours, or to remove condition 845 which could have a negative impact on the licensing objectives,

I therefore submit this representation and I recommend that the application is refused.

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear  
Principal Licensing officer  
In the capacity of the Licensing Responsible Authority

## **NOTICE OF DECISION**

### **LICENSING SUB-COMMITTEE - 18 APRIL 2019**

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

#### **1. Decision**

That the council's licensing sub-committee, having considered an application made under Section 53C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Luxford Bar, 610 Old Kent Road, London SE15 1JB and having had regard to all relevant representations decided that it is appropriate, necessary and proportionate in order to promote the licensing objectives to:

- Revoke the premises licence.

#### **2. Reasons**

The licensing sub-committee heard from Metropolitan Police Service, the applicant for the review made under Section 53C of the Licensing Act 2003 that on 21 March 2019 they applied to the licensing authority for a summary review of the premises licence in respect of the premises known as Luxford Bar, 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.

This was also a review instigated under Section 167 of the Licensing Act 2003 following notification from the courts of the issue of a Closure Order under Section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

The representative for the police informed the licensing sub-committee that there was both open material and closed material which is wished to rely on. The material that the police had in its possession would demonstrate that it was both relevant and proportionate that the closed material should be heard in the absence of any of the persons present from the premises. The members of the sub-committee agreed that the public interest in so doing outweighed the public interest in the hearing to exclude the public from hearing the closed material pursuant to regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005; furthermore, the material was likely to disclose exempt information (as defined in paragraphs 1-7 Access to Information Procedure Rules of the constitution). The persons present from the premises were informed that whilst they could not be present to hear the closed material, they could be assured that the members of the sub-committee carefully scrutinise the material and challenge it as if they were the premises themselves.

The premises and members of the public returned and heard the open material that supported the review applications. Both applications referred to an incident at 20:00 on 1 January 2019 when a male was stabbed in the stomach on the dance floor inside the premises. The male received a lacerated bowel and artery and spent several days in hospital having had an operation to repair the damage. This investigation is still ongoing. The licensing sub-committee viewed CCTV of the incident of this incident which clearly showed a male being stabbed.

Reference was also made to an incident that occurred on 2 December 2018 at 22:00 when the police were called to the premises by a female claiming that she had been assaulted by

her ex-partner. She alleged that she was thrown to the ground by her hair outside of club after being punched by her ex-partner inside the venue. CCTV for this incident was requested by the police, but they were informed by the management of the premises that there was no coverage of the area where the alleged incident took place. On receipt of the CCTV footage the officer noted that at precisely 22:00, the CCTV footage stops, so that the incident was not filmed. The victim was informed of this, who stated that she was aware that staff at the venue had been persuaded to delete the footage.

The licensing sub-committee also heard that on 2 February 2019 officers from the Night Time Economy Team visited the premises and found two breaches of the premises licence namely, conditions 289 (CCTV to be kept for 31 days - CCTV only went back to 14 January 2019) and 336 (A personal licence holder to be on the premises at all times after 20:00 hours when intoxicating liquor is being supplied). As a result, served a Section 19 closure notice. Officers also attended on 16 March 2019 and again found the same two breaches of the premises licence.

The licensing sub-committee then heard from an officer representing licensing as a responsible authority, who supported the police review application(s) and whose representation was based on Southwark's statement of licensing policy 2019-2021 and related to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The officer stated that the premises was situated in a residential area and under the statement of licensing policy the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area. The premises are a 'restaurant and bar' and currently have generous hours granted on the current licence which exceeded the hours recommended for a residential area within the policy. In addition, the premises operation appeared to be changing as a night club, which under the policy was not considered appropriate for the area. To support the officer's contention, the details set out in the police's review application were echoed.

The licensing sub-committee heard from the representative of Unwin and Friary Tenants and Resident's Association ("TRA") who represented the 980 properties on the Unwin and Friary Estate. They informed the sub-committee that the premises had consistently undermined the licensing objectives and over the previous 12 months the premises consistently violated public order and safety with patrons of the premises using neighbourhood as a public toilet, patrons parking on pavements, blocking residents from entering their buildings. Attempts to engage with the management of the premises resulted in aggression. The representative of the TRA advised that the council needs to carry out a thorough survey of all the surrounding area. They informed the sub-committee that they were alarmed by the stabbing incident, as the TRA had been engaging with the youth from the estate in relation to knife crime. The incidents of crime and disorder at the premises in addition to the premises failure to comply with premises licence undermined the work that the TRA was undertaking with the local youth and undermined all of the licensing objectives.

The licensing sub-committee noted the representation from the other person from Northfield House who stated that they supported the police application in having the licence revoked.

The licensing sub-committee then heard from the management of the premises. They advised that Luxford Bar was equally a bar and a restaurant. There had been a suggestion that the premises was operating as a nightclub because officers had not seen the kitchen open. The reason why officers had not seen the kitchen open was because it closes at 23:00. Also, nightclubs operate beyond 23:00. All of the senior management of Luxford live in the Peckham area and had family in the area, so were part of the local community. They also

worked with the schools. The premise was not a hub for anti-social behaviour. Luxford Bar had been operating for four years and in that time, there had been two serious incidents, and one of these incidents was a domestic matter. At the time of these incidents, the premises had been compliant and the police did not instigate a review of the licence following the very serious incident on 1 January, when a patron was stabbed.

The sub-committee considered very carefully whether to revoke the premises licence as requested by the police, particularly in light of the admitted breaches of the licence. A Closure Order was granted by the Magistrates' Court and the representative for the police advised that classified material was provided to the Court, more classified than that provided in the closed session of the licensing sub-committee meeting. The sub-committee accepted that the Magistrates' Court was satisfied to make a Closure Order insofar as:

- “(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” (Section 80(4) Anti-social Behaviour, Crime and Policing Act 2014).

The material provided to this licensing sub-committee said little more than what was said in the open session, that there was gang related activity associated with the premises. On that basis, the sub-committee took the view that it was important for local community to break the pattern of behaviour of known persons congregating at these premises, with a view to engage in criminal activity and/or violence.

The sub-committee did consider whether there were any other steps that could be taken to promote the licensing objectives, such as a significant reduction in operating hours as well as a condition that being provided ancillary to food and other control measures, but on balance it was felt that at this time, the business model of Luxford was the cause of concern. This licensing sub-committee are of the view once the cycle of behaviour has been addressed under the Closure Order(s), with the engagement of the police, the management of the premises could operate under a completely different business operation. It is also recommended that any such venture should be with the support and engagement of the local community.

In these circumstances, this licensing sub-committee agree that it is appropriate and proportionate step to revoke the premises licence.

### **3. Appeal rights**

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

#### **4. Review of interim steps pending appeal**

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

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

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

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

Date: 18 April 2019