

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL E** held on **THURSDAY, 2ND FEBRUARY, 2023** at 10.00 am in Remote meeting via Microsoft Teams. This meeting can be watched live at [www.camden.gov.uk/webcast](http://www.camden.gov.uk/webcast)

### **MEMBERS OF THE PANEL PRESENT**

Councillors Meric Apak (Chair) and Nanouche Umeadi

### **MEMBERS OF THE PANEL ABSENT**

Councillors Richard Olszewski

**The minutes should be read in conjunction with the agenda for the hearing. They are subject to approval and signature at the next hearing of Licensing Panel E and any corrections approved at that hearing will be recorded in those minutes.**

### **MINUTES**

#### **1. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS**

#### **RESOLVED -**

THAT the guidance on remote meetings be agreed.

#### **2. APOLOGIES**

Apologies had been received from Councillor Richard Olszewski.

#### **3. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA**

There were no declarations.

#### **4. ANNOUNCEMENTS**

##### **Broadcast of the Meeting**

The Chair made the following announcement: "In addition to the rights by law that the public and press have to record this meeting, I would like to remind everyone that this meeting is being broadcast live by the Council to the Internet and can be viewed on our website for six months after the meeting. After that time, webcasts are archived and can be made available upon request."

If you have asked to address the meeting, you are deemed to be consenting to having your contributions recorded and broadcast, including video when switched on, and to the use of those sound recordings and images for webcasting and/or training purposes.”

### **Supplementary Agenda**

The Chair stated that since the publication of the main agenda, a supplementary agenda had been published and circulated. Following that, an additional late paper was circulated on 1 February. The additional papers would be summarised by the licensing officer in the relevant item.

#### **5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT**

There was no urgent business.

#### **6. MINUTES**

##### **RESOLVED -**

THAT the minutes of the meetings held on 24 November 2022, 24, March 2022, 9 December 2021, 9 November 2021 and 26 August 2021 be approved and signed as a correct record.

#### **7. TEN, AT BASEMENT AND GROUND FLOOR, ALLIANCE HOUSE, 29- 30 HIGH HOLBORN, LONDON, WC1V 6AZ**

Consideration was given to a report of the Executive Director Supporting Communities detailing an application for a new premises licence under Section 17 of the Licensing Act 2003.

The Licensing Officer, Sarah Williams, summarised the report. Since publication of the main agenda, additional proposed conditions had been published included within the supplementary agenda. The application was now for a total 27 conditions and an amendment to the end time of operation, moving to 3am from 5am. Since the publication of the main agenda, the following documents had been circulated as part of the supplementary agenda: withdrawal of representations from the Police, Environmental Health and the Local Authority, and a Photo representation (in relation to page 158 of the main agenda). A Crime and Disorder Report was further circulated, submitted by the Agent.

There were no active responsible authority representations, having all withdrawn. There were no interested parties registered to speak.

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The Agent, Robert Sutherland, was accompanied by the Applicant, Ryan Burge, and a Crime and Disorder Expert, Jim Sollars. In addition to the papers, the Agent outlined the following:

- Concerns raised by the responsible authorities has been addressed by the additional conditions and changes to hours
- The Applicant had met with the Councillor who made a representation, who had spoke on behalf of residents. The Applicant had explained to the Councillor the conversations with the Police, the procedures at the premises, and how dispersals would be conducted. Also, that local residents would have his contact details if any issues were to arise.
- They believed the other representation, which was anonymous, to be a disgruntled customer.

In response to questions from the Panel, the following was clarified by the Agent:

- It was confirmed that the Councillor was satisfied to the point he would not attend the hearing to support his representation, but he did not withdraw the representation as he still wanted the Panel to consider his view.
- The Agent confirmed that condition 25 would mitigate impact of noise disturbance and antisocial behaviour in the surrounding area. He also confirmed there was a wind down procedure to mitigate nuisance.
- The Applicant became the manager of the premises from December 2020, which was after a high profile incident at the venue during summer 2020. The premises had been developed and improved throughout the lockdowns, which had been recognised by the Police. The venue was operating on a licence amended through an appeal in 2022.
- The premises used to operate as a nightclub, however now it now operated as an upmarket, premium and exclusive bar venue. Through these characteristics, it was expected that patrons would behave well. The Applicant held importance to the upmarket branding of the venue, which the status relied on high operating standards.
- The Agent explained that there would be one door supervisor per 25 customers, outlined in condition 2, which was a higher proportion to the industry standard of 75-100. Security staff wore a body camera, which also acted as a deterrence.
- It was confirmed there was no intention to apply a tables and chairs license, in relation to condition 27.
- The Agent confirmed they were willing to surrender the existing license if a new licence was granted.
- The Agent described the gradual winding down process which started from 02:00am, including music and lighting, ahead of the stop of sales at 03:00am. It was confirmed that customers were expected to leave the venue by 04:00am. The gradual process was to ensure customers left in staggard smaller groups.

In their closing remarks, the Agent stated that they had amended the application with a reduction in hours and additional conditions, in line with responsible authority engagement and to promote the licensing objectives; resulting in all three responsible authorities withdrawing their representations.

## **Decision and Reasons**

In their deliberations, the Panel stated that the running of the premises sounded responsible and there was a detailed winddown procedure. However, they believed the winddown should start sooner than 02:30am, to allow customers time to climatise in leaving the late night venue in an orderly way. Secondly, Members said that the security guards equipped with body cameras sounded like a reasonable mitigation to misbehaviour of clients, and managed outside dispersal. The Panel was reassured that all three responsible authorities withdrew their representations, deciding the licence objectives would be promoted, and having added a number of robust conditions.

There were still outstanding concerns raised in the remaining representations. Members were also concerned customers may cause disturbance on the street outside, however this had been addressed by the conditions. Members agreed that to mitigate concerns that the wind down procedures should start earlier at 02:00am, including last orders to be no later 02:45am and last customers to leave the venue no later than 03:00am. This would be added to the dispersal policy on condition 12 a).

## **RESOLVED –**

i) THAT a licence be granted for:

**a) Supply of Alcohol (For consumption on and off the premises)**

11:00 – 03:00 Monday to Sunday

**b) Live Music, Performances of Dance and Anything similar to live music, recorded music or performances of dance**

11:00 – 03:00 Monday to Sunday

**c) Recorded Music**

11:00 – 03:00 Monday to Sunday

**d) Late night refreshment**

23:00 – 03:00 Monday to Sunday

**e) Opening hours**

11:00 – 04:00 Monday to Sunday

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(ii) THAT the following conditions be added to the licence:

- 1) The premises will install and maintain a comprehensive CCTV system covering all parts of the premises as per the minimum requirements of the Metropolitan Police Service. Further:
  - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (b) The CCTV system will continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
  - (c) All recordings will be stored for a minimum period of 31 days with date and time stamping.
  - (d) Viewing of recordings will be made available immediately upon request of the Metropolitan Police Service or Responsible Authority Officer throughout the preceding 31 day period, providing the request complies with the Data Protection Act or any other Primary Legislation
  - (e) All searches will be recorded on the CCTV system
  - (f) There will be external CCTV (installed and operated) which monitors the queue.
  - (g) A staff member from the premises who is conversant with the operation of the CCTV system will be always on the premises when the premises are open. This staff member will be able to provide Metropolitan Police Service or Authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested, providing the request complies with the Data Protection Act or any other Primary Legislation.
  - (h) The CCTV system will be checked daily to confirm that it is working.
  - (i) The CCTV system will be maintained bi-annually and details of maintenance will be made available upon request to the council.
  - (j) The licence holder will always ensure that there is a sufficient supply of portable media (USB sticks, DVDs or similar) to be provided to the Metropolitan Police Service in the event of copy CCTV footage being requested.
  - (k) The recording equipment and data storage devices will be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.
  - (l) The system will be register with the Information Commissions Office.
  - (m) The system will abide by the Surveillance Camera Code of Practice.
  - (n) if the any Camera on the system or the system itself becomes inoperable, then within 48 hours the Metropolitan Police will be notified along with an estimate given of the repair timescale.
  
- 2) Where the premises are open for licensable activities on any day after 22:30 from 21:00 hours, a minimum of one (1) SIA Door Supervisors shall be employed per twenty-five (25) customers at the premises until 30 mins after close. Further when engaged, all SIA licensed door supervisors will:
  - a) wear their SIA badges;

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- b) be equipped with closed circuit radios;
  - c) be equipped with "body worn video" camera devices that will record both sound and images. All recordings will be stored for a minimum of 31 days with date and time stamping. Viewing of recordings will be made available immediately upon request of the Metropolitan Police Service or Responsible Authority Officer throughout the preceding 31 day period, providing the request complies with the Data Protection Act or any other Primary Legislation; and
  - d) when stationed outside the premises, wear high visibility jackets or vests.
  - e) ask customers not to stand around talking in the street outside the premises and ask customers to leave quickly and quietly.
  - f) will check the toilets every 30 mins and these checks are to be documented, this condition is of nil effect if the toilets are staffed by a toilet attendant.
  - g) Sign in in a register at the start of their shift and out at the end of their shift. In this log they will, confirm their full name, date of Birth, SIA registration number, and Contact details (phone number and email address).
  - h) remain on duty for half an hour after the close the venue to ensure all patrons are dispersed from the area.
  - i) monitor any patrons who are in the smoking area.
  - j) ensure when there is a confrontation between guests and one or more party is ejected, they must take action to ensure there is no further confrontation outside. Further SIA Door Supervisors will monitor those involved until they are satisfied the incident will not escalate.
  - k) will have control of clickers ensuring that the venue is not over capacity at any time. Smokers must be included in the clicker count.
  - l) will escort out from the premises immediately any patron who covers their head with a hoodie, hat or any other item of clothing.
- 3) When SIA are employed at the premises the licence holder will:
- a) keep a photographic copy of each SIA door supervisor's badge, this will be produced upon request to the Metropolitan Police.
  - b) Employ a minimum of one (1) female SIA door supervisor will, where practicable possible; where this is not possible the licence holder will confirm the reasons in an incident report.
  - c) inform the police if they change the company that provides SIA Door Supervisors.
- 4) There shall be always a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
- 5) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 6) Notices shall be prominently displayed:
- a) at all exits requesting patrons to respect the needs of residents and leave the area quietly.

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- b) all entrances and exits advising customers that CCTV is operating at the premises and will be always clearly legible when the premises conducts licensable activities.
  - c) at the entrance and exits stating that the premises has a zero tolerance towards drugs and weapons.
  - d) throughout the premises warning of potential criminal activity such as theft that may target customers shall be displayed.
  - e) outside the premises indicating the licensable hours and opening hours permitted under the premises licence.
  - f) throughout the premises advising customers that the premises operates a Challenge 25 proof of age scheme.
- 7) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
- 8) A log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Metropolitan Police Service, which will record the following:
- a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any faults in the CCTV system or searching equipment
  - e) any refusal of the sale of alcohol
  - f) any visit by a relevant authority, Metropolitan Police Service, London Ambulance Service or London Fire Brigade.
  - g) any CCTV images seized by Metropolitan Police Service or other relevant authority or supplied by license holder on request, including name of person requesting and name of person supplying
  - h) any attempted underage alcohol purchases
  - i) any acts of violence or criminal damage
  - j) any theft or attempted theft of alcoholic drinks
- 9) The premises licence holder will ensure that all staff are trained commensurate with their roles at the premises including:
- a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
  - b) Crime Scene Preservations
  - c) Welfare and Vulnerability Engagement (WAVE) training. The premises licence holder will ensure that records of staff training are kept and made available to Responsible Authority Officers on request. The premises licence holder will ensure that refresher training is provided every 6 months.
- 10) The premises licence holder shall provide and maintain a dedicated telephone number of the designated premises supervisor for use by any responsible authority or any person who may wish to make a complaint during the

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operation of the licence. This shall be provided upon request to the Licensing Authority and Metropolitan Police Service.

- 11) Deliveries of materials necessary for the operation of the business shall be carried out at such time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- 12) The premises licence holder will devise and maintain the following policies:
  - a) Dispersal  
This policy will include but not limited to:
    - i. How patrons leaving the premises will be directed away from the premises;
    - ii. How patrons will be informed of the services of taxi and private hire operators;
    - iii. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
    - iv. Any 'wind' down periods;
    - v. Methods to prevent re-entry to the premises;
    - vi. How bottles and glasses will be prevented from being removed from the premises.
    - vii. The policy for winding down will begin at 02:00am. Last orders will be no later than 02:45am. The last customer to leave the premises will be no later than 03:30am.
  - b) Security  
This policy will include but not limited to:
    - i. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
    - ii. Staff training regarding identification of suspicious activity and what action to take;
  - c) Drugs, this will be a zero-tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances  
Including but not limited to:
    - i. Dealing with patrons suspected of using drugs on the premises;
    - ii. Scrutiny of spaces including toilets or outside areas;
    - iii. The handling of items suspected to be illegal drugs or psychoactive substances.
    - iv. Steps taken to discourage and disrupt drug use on the premises
    - v. Steps to be taken to inform patrons of the premises drug policy/practice.

Any changes to these documents will be notified to the Metropolitan Police within 48 hours of making the change.

- 13) When the premises is open past 00:00 they shall operate a last admittance policy for patrons whereby the last patron shall be admitted to the premises 90 minutes before closing time.



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- 14) Windows and doors shall be closed at 22:00 when live or recorded music is playing except for the immediate entrance or egress of persons to or from the premises.
- 15) No person under 18 years of age shall be admitted to the premises or allowed to remain on the premises after 21:00 except in the company of an adult.
- 16) No patron temporarily allowed to leave to smoke, on High Holborn, will be allowed to take any glassware or drinking vessel from the premises whether empty or containing any beverage. This includes patrons using the smoking area.
- 17) In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) The crime scene is preserved to enable a full forensic investigation to be carried out by the police; and
  - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
- 18) No patrons, DJ's, performers, (along with their guests and entourage) or guests of staff will be admitted (or re-admitted) to the premises after 21:00, or when a promoted event is running unless:
  - a) They have had their ID scanned on entry;
  - b) They have been physically searched in accordance with the Premises' entry policy which will include a full bag search and;
  - c) The searching will be supplemented using two functional metal detecting wands operated by a male and (so far as reasonably possible) female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admissions. Where a female Door Supervisor is not available this shall be logged.
  - d) They comply with the following dress code; individuals wearing hats and/or hoodies shall be refused entry until such items are removed from the customer's head.

Further:

  - e) No patron carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activities.
- 19) The licence holder will conduct a vigorous vetting procedure for any Private Party, Promoter (and their known associates), DJ or artist or outside agent. This vetting must be documented and should consider any open-source

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material, and reference checks. If there are any concerns these should be communicated to the Metropolitan Police at least 14 days before the event.

- 20) Mr Antony HOXHA and Wale OGUNYE are not to be employed in any capacity on or at the premises or involved in the management of the premises either directly or indirectly.
- 21) Mr Antony HOXHA and Wale OGUNYE are not to enter the premises at any time in any capacity whilst licensable activities are taking place.
- 22) The area in Fulwood Place, shall be clear of customers by 23:30. Further when the area is in use, there will be one (1) SIA Door Supervisor dedicated to this area. After this time any patrons smoking must do so on High Holborn.
- 23) No more than eight (8) customers shall be permitted to smoke outside the premises on High Holborn at any one time. The premises will have a designated smoking area located on the terrace in front of the premises on High Holborn. This policy will be in operation whenever this area is in use.
- 24) Non-alcoholic beverages shall be available throughout the premises opening hours.
- 25) All patrons will be off the premises no later than 60 mins after the end of licensable activities.
- 26) The areas marked on the plan will be laid out with chairs and tables and alcohol will be supplied by waiter service to customers at their table
- 27) Alcoholic beverages can only be sold to and consumed by customers outside of the premises on Fulwood Place when sat at a table covered by a tables and chairs license where required.
- 28) That the previous licence and conditions be surrendered upon the new licence and conditions being granted on 2 February 2023.

**ACTION BY: Executive Director, Supporting Communities**

**8. KISS THE SKY (FORMERLY TRUFLESECCO) 11-13 CAMDEN HIGH STREET, LONDON, NW1 7JE**

Consideration was given to a report of the Executive Director Supporting Communities detailing an application for seven temporary event notices under Section 100 of the Licensing Act 2003.

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The Licensing Officer, Sarah Williams, summarised the report. Since publication of the main agenda, the following information was included within the supplementary agenda:

- Submitted by the Agent: Kiss The Sky evidence bundle and Kiss The Sky venue photos.
- Submitted by Environmental Health: Environmental Health and Agent emails, Noise Officer report, Police report, Police Photos, Warning letter from Environmental Health, and Environmental Health objection.

The Environmental Health Officer responsible authority, Lee Perella, summarised his representation and additional papers (page 210 of the main agenda and pages 73-84 of the supplementary agenda). In addition to the written representation, he outlined the following:

- He believed the venue was looking to operate as a livelier venue than what their conditions allowed. The temporary event notice applications were seeking more flexibility, at an already drinks-led venue. In previous Police visits to the venue, it was clear venue was not operating with their current conditions and demonstrated a lack of knowledge from staff.
- The only way to assess how affective the recently fitted sound limiting methods would be to carry out an assessment at the adjoining property.
- The venue was a small premises with no lobby and therefore a greater risk of sound nuisance.
- Currently, Environment Health were not convinced the application demonstrated the works carried out so far to mitigate noise were fit for purpose for the venue and would prevent further complaints. He stated that if the Panel were minded, they could consider granting one or two notice to allow more time to assess the situation and that the venue was suitable.

The Agent, Luke Elford, was accompanied by the Applicant, Mr Ray. In addition to the papers and application, the Agent outlined the following:

- The venue was initially marketed to the Applicant as a bar venue. When issues arose following the opening, immediate measures and efforts were put in place to promote the licensing objectives.
- There were 83 conditions on the current licence. He said this number was extensive and complex for this operation, at points unclear to even an experienced licencing officer, and contradictory in parts.
- The Police had advised the Applicant to apply for a series of temporary event notices and apply for a new license, which an application had been submitted and would be considered by a panel in due course . No objections had been made by the Police on the temporary event notice applications. Multiple temporary event notices we applied for to allow for business continuity of the venue.
- The Agent had found communication with Environmental Health not satisfactorily responsive, which included invitations to Environmental Health carry out sound tests. Also, some communication to the Agent had not been sent to the right address.
- He noted that noise assessments in the adjoining property were taking place within the next few days. He stated that the Applicant was in the process of taking over the upstairs flat, when the residents contract ended.

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In response to questions, the Agent clarified the following:

- The initial complaint arose following the first night of the venue opening from a resident because they were surprised the venue had opened. The Applicant had since engaged with the resident.
- It was confirmed that there were no specific events planned for any of the dates on the temporary event notices, such as live acts. There would be DJs whose music would go through a sound limiter using the venues in-house music equipment. He added that they did not offer dry-hires of the venue. There were arrangements for staff, security and customer bookings for the proposed dates.
- The Applicant stated that the venue had maximum seating capacity of 30 covers, which included bar seating.
- It was confirmed there was a team of security. The entry and exit of the venue would be managed and the door would be kept shut. A dispersal policy managed the winddown of the evening.

In their closing remarks, Lee Perella stated the following:

- He understood the venue was trying to change for a new purpose, however the correct set up needed to be in place to make this a feasible operation.
- He understood the need for business continuity, however Environmental Health needed assurances the licensing objectives would be promoted.

In their closing remarks, Luke Elford asked the Panel that if they were minded to not grant the full set of temporary event notice applications, and needed reassurance before granting further applications, request that the Panel could factor in the time limits required to make further applications and the costs involved for the Applicant.

### **Decision and Reasons**

In their deliberations, the Panel noted that Environmental Health made a strong case for the resident and the risk of nuisance they were subject to. It was also noted that the high number of notices, on successive weekends, was a concern at a stage when that reassurance was not fully satisfied. It was positive hearing the number of sound limiting mitigations the Applicant had installed, but they required further testing to see if they were fit for purpose for the venue. The Panel was concerned for the property above.

The Panel also considered the need for business continuity of the venue and the need test, therefore granting a notice would enable a practical assessment. They did not feel additional conditions should be placed on the venue, and that negotiation should continue with the Applicant and Environmental Health. If the Panel were to grant a few notices, then the Applicant had the opportunity to apply for later notices in due course.

The Panel was at points minded to refuse, however through deliberations they conceded to the interest of natural justice and the providing opportunity to the venue to assess their ability to responsibly operate.

**RESOLVED –**

i) THAT temporary event notice applications, detailed in section 1.1 a) 2. – 4. of the report, be GRANTED for:

- a) 10<sup>th</sup> until 12<sup>th</sup> February 2023**  
Friday 17:00 – Saturday 01:30  
Saturday 17:00 – Sunday 01:30
- b) 17<sup>th</sup> until 19<sup>th</sup> February 2023**  
Friday 17:00 – Saturday 01:30  
Saturday 17:00 – Sunday 01:30
- c) 25<sup>th</sup> until 26<sup>th</sup> February 2023**  
Friday 17:00 – Saturday 01:30  
Saturday 17:00 – Sunday 01:30

ii) THAT the remaining temporary event notices applications considered, detailed in section 1.1 a) 1 and 5. - 7. of the report, be REJECTED in their entirety.

**ACTION BY: Executive Director, Supporting Communities**

**9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no urgent business.

The hearing ended at 1.05 pm.

**CHAIR**

**Contact Officer:** Anoushka Clayton-Walshe  
**Telephone No:** 020 7974 8543  
**E-Mail:** [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk)

**MINUTES END**