

THE LONDON BOROUGH OF CAMDEN

At a meeting of **LICENSING PANEL E** held on **TUESDAY, 3RD MAY, 2022** at 10.00 am in Remote meeting via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Richard Cotton (Chair) and Steve Adams

MEMBERS OF THE PANEL ABSENT

Councillors Angela Mason

ALSO PRESENT

Councillors Julian Fulbrook, Adam Harrison and Rishi Madlani

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of Licensing Panel E and any corrections approved at that meeting 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 were received from Councillor Angela Mason.

3. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations of interest.

4. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those participating in the meeting were deemed to be consenting to being filmed.

Other Announcements

Before moving onto the main agenda, the Chair announced that it was Sheridan O'Grady's (Licensing Officer) last licensing panel meeting before retiring after 44 years working for Camden Council. He also noted that that Councillor Angela Mason (Panel Member for Licensing Panel E) was retiring as a councillor. On behalf on Panel Members and officers, he thanked them for their hard work and valuable contribution over the years. Lastly, it was the last meeting of Licensing Panel E as it was currently constituted ahead of the elections, he thanked Councillor Steve Adams for his contribution over the year.

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

There was no such business.

6. ZEO'S, 150 SOUTHAMPTON ROW LONDON, WC1B 5AL

Consideration was given to a report of the Executive Director Supporting Communities for an application to vary a premises licence under Section 34 of the Licensing Act 2003 for Zeo's situated at 150 Southampton Row London, WC1B 5AL. The Licensing Officer stated that in total there were 13 representations, all objections, to the application (11 of which were included within the report).

There were no amendments to the application, as outlined in the agenda, made by the applicant.

Responsible Authorities Case

Julie Peterson (Licensing Enforcement Officer) objected to the application. She outlined the concerns and complaints history against the premises within her representation. Taking those into consideration, it was highlighted that within condition 18 of the current licence it stated that any music played should be of a soft and a background nature. Given that the applicant had made no amendments to their application to remedy the issues raised, attempts to satisfy the licensing objectives. It was her view that even in the event of any additions conditions, the licensing objectives would still not be met.

Lee Parella (Environmental Health) objected the application. He outlined his concerns listed within his representation which included a complaints table. The applicant was looking to increase activities and hours of the premises whilst not providing any mitigating measures for current issues. It was apparent after speaking with the applicant that the restaurant was not performing well and needed to diversify to be financially viable. The property was not designed for late night club activities, in relation to: high music levels, late night dispersal of patrons, general public nuisance, residential and student accommodations directly above and surrounding the venue. A TENs event took place on the weekend of 30 May 2022 which caused significant

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public nuisance. Following all previous issues, this event was an opportunity to prove they were able to manage their premises effectively and in his view they demonstrated they were not able to operate as a late night bar.

Joel Francis (MET Police) objected the application. He outlined his representation which covered the risks associated to an increase in activities and hours correlating to the risk of crime and detriments to the licensing objectives. There were not adequate mitigations in the application to support the expansion of hours, which accounted to the issues with the operation. The applicant had not engaged with the Police prior to the hearing. Currently the restaurant was operating as a bar lounge on the ground floor and hosted late night private parties with a focus on alcohol sales. He highlighted this naturally increased the risk of violence. With an extension of late night hours, patrons would naturally be more intoxicated and were less likely to order food which promoted the venue as an alcohol led destination.

Questions to the Responsible Authorities

Referring to the Environmental Health representation stating there was a lack of confidence the Applicant could operate in a way that would not have a negative impact on the community, whilst offering suggested conditions, the Chair asked if any additional conditions adopted would be enough to mitigate the issues raised. In response, Lee Parella (Environmental Health) stated that it was demonstrated by the TENs event opportunity previously raised in his view there were not. Following conversations with the Applicant regarding the serious concerns, no engagement was offered to further mitigate issues.

The Chair stated that within the Police representation there were suggested additional conditions if the Panel were minded to grant the application, however within the same submission it said that intoxication would increase throughout the night with the extension of hours. In response to the Chair, Joel Francis (MET Police) confirmed that intoxication of patrons would increase with proposals. He said that some venues were better at managing those levels than others and usually with the adoption of additional conditions the risk could be reduced.

Interested Parties Case

Councillor Adam Harrison (ward councillor) objected to the application. He stated that the total of 6 councillors from both wards affected had received a significant amount complaints by residents. It was clear from the evidence that this premise was clearly not able to be managed in a responsible way.

Councillor Rishi Madlani (called as a witness to Councillor Adam Harrison and ward councillor) objected to the application. He stated that it should be clearly noted that the premises was located in a densely residential area where many young families lived in flats. The premises generated a high number of complaints and created a huge amount of casework for all of the ward councillors. He stated that he was not against venues in general, however this premise had gone past the stage of compromise and he was unequivocally opposed to this application. It was clear they

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were not able to manage their TENs which took place and noted they should not be granted any more similar applications. He lastly stated that they were not able to run their venue in a responsible way and the dispersal policies were failing.

Councillor Julian Fulbrook (ward councillor) objected to the application. He stated that the nuisance caused by this venue had increased above the threshold of an acceptable level. The surrounding area was residential and housed families and students who needed their rest to enable them to work and study. There had been a significant number of complaints to councillors, officers and the Police. This application to extend hours, and previous application attempts, were wholly unacceptable for this residential area considering their current issues. The local residents to the venue were used to living locally to many licenced establishments which did not cause a public nuisance in this way and it was clear the complaints and representations were specific and extensive to this operation.

Stuart Nicholson (local resident) objected to the application. He stated that they were shocked to hear the current premise license condition was only to play only soft background music, given the apparent nightclub scene. Speaking on behalf of CATS College, situated in the same building as the premise, he stated that the 100+ boarding students suffered the numerous fire alarms and evacuations and regular excessive noise caused by the premises. He added that students could feel the pump of the music played within the venue as high as the 8th floor of the college. During fire alarm evacuations, students had to disperse onto the street among the venue's patrons. Additionally, the managers had no knowledge on fire safety regulations which was demonstrated from a discussion when visiting the venue.

Teresa Smart (local resident) objected to the application. She stated that if the application was to be granted, Southampton Street would be set to become a late night drinking zone. Immediate residents to the premises on the street were young families, elderly residents and shift workers. She stated that the venue was often empty and it was clear that the Applicant intended to re-coop their losses by extending the late night drinking and nightlife offer. She stated that she was not confident the Applicant could mitigate the current issues.

Questions to the Interested Parties

In response to a ward councillor asking a resident if they had considered requesting a formal review of the current licence, the resident stated that they had not yet and they had only been a neighbour to the premises since January 2022.

Applicant's Case

The Applicant presented their case to the Panel and outlined the following points:

- The previous owner/managers were no longer employed by the business.
- Following complaints, she took many precautions to not disturb residents, which included:
 - Hiring 3-4 members of security at every event. Security staff always ensured the front door and soundproof basement doors were closed. Going forward, they would hire their own security staff and not use a third party.
 - She listed the additional rules for patrons, including they were; not allowed to make noise outside the premises; instructed to order taxis within the restaurant; told not to leave in groups; and encouraged to leave as quickly as possible.
 - The basement speakers used special rubber covers to mitigate vibrations.
 - Staff were trained not serve drunk customers.
- The lockdowns during from the pandemic were detriment to the business and solely operating as a restaurant was not enough for the business to be financially viable. She hoped there would be sympathy to the business.
- She stated that the management of the TENs event that took place on the weekend prior to the hearing was a dry hire arrangement and they were not in control of the actions that took place. She confirmed they would not be accepting a dry hire event in the future.
- Extending the hours would not result in patrons drinking for longer, but instead patrons would arrive later and drink for the same period of time and therefore served the same amount of alcohol. The customers preferred arriving later.

Questions relating to Applicant's Case

In response to questions to the Applicant, the following was clarified:

- Panel Members said there was a contradiction of the current conditions of soft music in the venue and the need to install sound proofing. The Applicant responded that she was unaware of the soft music conditions within the current license. She stated that the basement area was an event venue which she was told when purchasing the premises.
- In response to a ward councillor listing poor behaviours of patrons, the Applicant stated that she could not control the behaviour taking place outside the venue and this was the first time she was hearing some of those claims.
- A ward councillor asked how patrons arriving at 12 midnight-1am would not cause disturbance. The Applicant responded that they would be monitored closely by staff and security. Patrons would enter the premises quietly in small groups and staff would not serve alcohol to drunk people.
- A resident asked how the Applicant could convince the Panel and Interested Parties that staff would have control of the entrance and exit of patrons from the venue, given managers had not taken accountability for any previous disturbances and claimed no control over patrons leaving the premises.

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Additionally, she asked how the Applicant could guarantee residents would be able to sleep, maintain wellbeing and not be harassed. The Applicant responded they would meet with all residents in the near future in-person to correct past mistakes.

- A responsible authority asked the Applicant what experience she had running a late night venue. She replied that she had previously ran a family business late night venue in Turkey and was raised in that setting.
- A responsible authority asked is if the Applicant had ever read their current license, in relation to the Applicants earlier comments that they were unaware of the soft music condition. The Applicant confirmed they had read their current license.
- In response to a responsible authority asking when the previous managers were removed, the Applicant said 3 months ago.

Closing Remarks

- Responsible Authorities – concluded that; the current behaviour did not meet current conditions, patrons were not able to be controlled, it was irresponsible to hire third party security given the problems experienced; and this variation applicant was a move towards the venue being increasingly alcohol based.
- Interested Parties – concluded that; residents needed respite from current issues; residents were distressed with he problems arising from the current conditions; and there was little confidence in any improvement from even the current issues.
- Applicant –concluded that; they promised to do everything in their power to take all precautions to prevent the disturbance of residents; they asked for support from all parties for their business to survive; and they would invite neighbours to discuss the complaints as they wanted to improve a relationship of respect.

Decision and Reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to this application.

Panel Members agreed unanimously to refuse the application for the following reasons:

- There were a number of objections to the application, notably 3 responsible authorities and 6 ward councillors for the wards affected. They were also many local residents in objection.
- There were 13 complaints of the venue, 10 having been referred Environmental Health.
- Despite all issues raised, the Applicant did not offer any amendments to their application to mitigate concerns. Although, the consensus from Panel Members was that there were no conditions that could have been offered mitigate the concerns raised and promote the licensing objectives in their entirety, and specifically the prevention of public nuisance.
- The financial health of the business was not a consideration for the Panel.

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- Whether or not the security of an event was managed by a third party was not a consideration of the Panel.
- Panel Members believed the Applicant disregarded and lacked understanding of their current premises license conditions and the disparity between practice and conditions was clear.

RESOLVED –

THAT the application be refused in its entirety.

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no urgent business.

The meeting ended at 11.50 am.

CHAIR

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MINUTES END