

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL E** held on **THURSDAY, 9TH NOVEMBER, 2023** at 10.00 am in a Remote meeting via Microsoft Teams.

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

Councillors Meric Apak and Sylvia McNamara

### **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**

An apology for absence was received from Councillor Olszewski. The Panel was quorate with two Members present.

#### **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**

##### **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.

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

There was no urgent business.

**6. ZEYAS LOUNGE, 150 SOUTHAMPTON ROW, LONDON WC1B 5AN**

Consideration was given to a report of the Executive Director Supporting Communities detailing an application to review a premises licence under Section 51 of the Licensing Act 2003.

Peter Agbley, Licensing Officer, summarised the report and explained that the application to review the licence had been lodged by a local resident because they did not believe that the four licensing objectives, the prevention of public nuisance, the prevention of crime and disorder, public safety, and the protection of children from harm, were being upheld. Representations in support of the review were received from the Police, Licensing Authority and Environmental Health Responsible Authorities.

The Licensing Officer reported that no representations had been submitted by interested parties, however 32 residents of Cranfield House were signatories to the application for review.

Anne Cosentino (Cranfield House RTM), on behalf of Mike Eden, accompanied by Barbara Sansei (Cranfield House resident), outlined the application for review and presented the Panel with video footage. The following key points were made:

- The premises had been responsible for ongoing disturbances and there was an apparent disregard of the law and licensing objectives by the Licence Holder.
- Patrons of the premises were often witnessed being noisy, rowdy, and loitering in the street.
- There were several restaurants situated in the local area, none of which generated disturbance to local residents and most closed at roughly 00:00hrs.
- The restaurant appeared to host frequent club style events, which the applicants for review believed were in breach of the premises licence. As such, the applicants for review did not believe that the premises was operating as a restaurant as stated.
- The club events generated excessive noise and antisocial behaviour into the early hours of the morning. Use of illegal substances and the sale of drugs had been witnessed taking place outside the venue by residents and video footage that evidenced this had been submitted.

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- It appeared that no attempt had been made by the Licence Holder to control patrons in the area immediately outside the venue.
- Residents should be able to live in a peace and not be subject to continued noise nuisance.
- Numerous complaints had been lodged by residents to several of the Responsible Authorities.

Due to the reasons stated, the applicant for review sought revocation of the premises licence.

Responding to questions Anne Cosentino advised:

- Since the application for review was submitted, there had been less activity at the premises and, therefore, there had been fewer issues and no recent complaints had been made. The reduced activity could have been a result of the previous complaints and the submission of the application for review prompting the premises to scale back operations.
- However, in the lead up to the festive period, which was usually very busy, there were concerns that operations could pick up again and give rise to further disturbance.
- The conditions proposed by the Licencing Authority and Environmental Health Responsible Authorities had been reviewed by the applicant for review, but there was concern that these would not alleviate the issues as it seemed that the operators did not want to manage or run a restaurant, instead the premises appeared to be ran as a club venue, and whilst restrictions could be put in place, there was no guarantee these would be adhered to.
- If the Licence Holder wished to continue with their current operation there were more appropriate venues for these types of events.
- There had been consistent breaches by the Licence Holder and the club style nights had increased since the current Licence Holder took over the premises. Examples of flyers advertising these events were submitted as evidence as part of the application for review.

Lee Parella (Environmental Health Officer) on behalf of the Environmental Health Responsible Authority spoke in support of the application for review and advised that the representation, as outlined in the agenda pack, was mainly based on the prevention of public nuisance licensing objective. The following points were raised:

- The Licence Holder had used Temporary Events Notices (TENs) to hold late night party style events. All of these TENs applications, aside from one, had been objected to.
- Most of the engagement the Environmental Health had had with the current Licence Holder was as a result of complaints.
- The events that had operated under TENs had led to public nuisance concerns, including music and sound breakout from the venue and patrons causing a disturbance whilst leaving the premises.

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- Recently the Licence Holder had reduced their operations at the premises and, as a result, there had not been any complaints made or issues reported.
- The premises operated as a restaurant and lounge, and there was nothing in the licence that specified alcohol must be consumed ancillary to a meal.
- The premises was historically considered a problem premises, so an early intervention meeting had taken place with the current Licence Holder to highlight the issues that had occurred when the previous Licence Holder operated the premises.
- Several complaints had been received and a multioperation meeting had been sought with the Licence Holder.
- The current licence was not fit for purpose and needed updating to ensure that the licensing objectives were upheld.
- 39 conditions had been proposed by the Environmental Health Responsible Authority to ensure that the premises was operated as a restaurant going forward, should the Panel be so minded to add conditions to the licence.

Responding to questions from the Panel, the Environmental Health Officer stated the premises could not carry on operating in the way it currently did, and believed the proposed conditions would be effective in alleviating the ongoing issues, should the Licence Holder adhere to them.

In response to a further question, the Environmental Health Officer confirmed that advice had been provided to the Licence Holder and mitigations were suggested, such as soft closure practises, however there was no indication that the Licence Holder had given the advice any consideration. The Environmental Health Officer also expressed concern that the Licence Holder did not have a robust understanding of their duties related to the licensing objectives.

PC Christopher Malone, on behalf of Police Responsible Authority, spoke in support of the application for review and summarised the representation, as set out in the agenda, and noted that all engagement activity with the Licence Holder had been included in the submission.

PC Malone emphasised the following points:

- The premises had a music set up that indicated it was operated as a club style premises, this included a DJ booth and dancing area. A warning had been issued to the Licence Holder because of this.
- Security personnel were employed at the venue, which was indicative of a club style operation, rather than a restaurant.
- There was no working CCTV on the premises, which could have been vital evidence in proving or disproving the residents' complaints.
- Furthermore, CCTV was an important crime prevention tool, and it was deemed irresponsible to not have it installed at a premises that served alcohol.
- There was no confidence in the management of the premises and crimes had been witnessed taking place immediately outside the venue, such as drug

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use, therefore the Police Responsible Authority supported the application for review and recommend revocation of the licence.

- If the Panel decided against revocation, it was vital that more conditions be added to the licence.

Esther Jones (Licensing Team Leader) on behalf of Licensing Authority Responsible Authority spoke in support of the application for review and summarised the representation, as set out in the agenda. The Licencing Team Leader highlighted that the premises had been subject to several complaints, that there had been several out of hours inspections, and a visit by the Communities Tasking Group.

A suspension of the licence for a period of six weeks was recommended by the Licensing Responsible Authority, if the panel were so minded. This would ensure the Licence Holder had enough time to put measures in place to ensure that all conditions were complied with. The Licensing Team Leader believed the current licence to be inadequate and advised that changes must be made to the current operation.

The Panel sought clarification on why a six-week suspension was sought by the Licensing Responsible Authority. The Licencing Team Leader explained that they wanted to give the Licence Holder every opportunity to prove they were able to uphold the licencing objectives before more drastic action, such as revocation, was taken. The Licensing Authority wanted to work with Licence Holder to ensure compliance, and as the licence was currently unsuitable, it would be appropriate to allow them to prove they could operate effectively with an updated licence.

Responding to a follow up question the Licensing Team Leader confirmed that enforcement action would be taken if the Licence Holder was found to be in breach of any new conditions imposed.

The Panel sought clarification from the Legal Adviser who confirmed that if a suspension was sought by the Panel the operator could continue to operate until the expiration of the appeal period, or the subsequent hearing of an appeal, if pursued.

Eve Osunde, the Licence Holder and Designated Premises Supervisor, accompanied by Hendrick John, Mr Sheldon and Syreeta McQueen addressed the Panel.

Eve Osunde and Hendrick John presented their case by providing the following information:

- The premises was the second branch in London, so the Licence Holder had experience operating a restaurant.
- The business was completely separate from the previous operation, which was called Zeos.
- The premises had never traded as a club and opening hours were always adhered to.

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- The premises employed security, not because they were running a club, but to ensure the safety of staff and customers.
- The venue had a new online booking system so they could more effectively manage who was attending.
- The CCTV was now working.
- The Licence Holders other businesses had been operating effectively for over 3 years.
- The Licence Holder did not realise that the premises was a challenging venue when they took over the business, so were surprised by the issues.
- They had honoured some of the bookings made by the previous Licence Holder but had since realised this was a mistake due to the issues experienced.
- It was intended to take the business forward as a restaurant, welcoming everyone to come and enjoy themselves and did not want to cause issues for the local residents.
- The basement served as an additional area to allow people to eat, drink and have a fun time. This area would not operate as a club.
- The Licence Holder was now working with partners who had experience in experience in high end dining.

Syreeta McQueen, spoke in support of the Licence Holder, and advised that work was well underway to improve the premise to provide a high-end dining experience. Unfortunately, the previous Licence Holder had created issues with the premises, but it was hoped the current Licence Holder could move on from these issues.

Mr Sheldon, who had been working with the premises, apologised for the mistakes that had been made with the TENs, but stated that since the use of these had ceased there has been a marked improvement and no issues occurred or complaints received. Some of the past events put in place by the previous Licence Holder had been taken on by the current Licence Holder but it was acknowledged doing so was a mistake.

In response to questions from Members, those representing the License Holder, made the following further comments:

- The Licence Holder had called the police to attend an event that had got out of a control, which demonstrated that attempts were made to control the situation.
- Bookings had been carried over from a previous licence holder but none of the events had carried on until after 01:00hrs.
- However, there had been issues with people refusing to leave the events and congregating in the street, but as mentioned the police had been called to resolve this.
- The downstairs level was not being used as a club, and only one person dancing had been witnessed dancing when the police had visited.
- The last sale of food was 00:00hrs and last drinks were served at 00:30hrs and everyone was asked to leave at 01:00hrs.

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- Syreeta and Sheldon had been bought in to support the operations and there was evidence that this has been a success, as there has not been complaints since.
- The Licence Holder wanted people to be able to come in and enjoy alcohol with their food, as the premises serves as a bar and restaurant. The main goal of the Licence Holder was to showcase the Afro-Mediterranean food on offer.
- There was a need to employ security to ensure the safety of staff and guests, as there had been several concerning incidents, such as intruders entering the premises and the glass door being broken.
- Private party bookings, such as engagement and birthday parties, were hosted by the premises, however none of these events had been operated as ticketed club events.
- The premises was open from 16:00hrs to 00:00hrs on weekdays, and then 16:00hrs until 01:00hrs on weekends.
- There were no upcoming party bookings or events, but Christmas meal bookings had opened.
- Due to having businesses abroad, it had been difficult for the Licence Holder to engage with authorities, but work was underway to increase the team, so it was hoped communication would improve as a result.
- The current team included a Personal Licence Holder.
- The Licence Holder signed paperwork to take over the premises in December 2022 and held the opening event in February 2023.
- It could not be confirmed whether the people shown in the videos were customers at the venue.
- The people coming in and out of the venue in the videos were staff members attempting to disperse the area.
- The DJ booths at the premises were not in use, they were part of the design of the venue.
- The premises offered food, drink and music but was not a club premises. It was intended that the premises would operate as a restaurant.
- The venue always adhered to opening and closing times.

The meeting adjourned for 5 minutes at 12:14pm.

The applicant for the review, Mike Eden, made some closing remarks.

The Police Responsible Authority made some closing remarks.

Henrick John on behalf of the Licence Holder made some closing remarks.

### **Decision and Reasons**

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to the application for review of a premises license in respect of Zeyas Lounge.

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In deliberation, the Panel noted the representations made by the interested parties and Responsible Authorities, and the information provided by both the applicant for review and Licence Holder.

Members were in consensus that there were valid concerns which rightly triggered the review brought by the residents and had seen video evidence that demonstrated the licensing objectives were not being upheld. The Panel also noted that 32 residents had co-signed the application for review, and it had been supported by three of the Responsible Authorities, which was significant.

The Panel then gave consideration to all the options available to them.

Panel Members agreed, upon consideration of the evidence available to them that they could not allow the licence to continue operating as before, so disregarded this option. The Panel also disregarded excluding licensable activities from the scope of the licence and the removal of the designated premises supervisor, as these were not deemed to be relevant in this case.

The Panel gave consideration to adding conditions to the Licence and noted that they had received a list of suggested conditions from both the Environmental Health and Licensing Authority Responsible Authorities. However, the Panel were not suitably convinced that the Licence Holder had provided sufficient evidence that they were willing to genuinely change and work towards upholding the licensing objectives.

The Panel were of the view that the Licence Holder had not taken ownership of the issues that had been discussed and had not sufficiently demonstrated that they were willing to work towards improvement. Furthermore, whilst the Licence Holder had reiterated that the premises was a restaurant, the Panel were convinced, after considering the evidence available to them, including the video footage, that the premises had been used as a club style venue by the Licence Holder.

Furthermore, the Panel were concerned that the Licence Holder had not proposed any conditions or mitigations in advance of, or during, the hearing and had expressed that they wished to continue operating under the current licence, which had been deemed to be unsuitable by the Panel.

The Panel considered that Licensing Responsible Authority had recommended suspension of the Licence for six weeks in their submission. However, Panel Members were not convinced that the Licence Holder would use this time to effectively improve their operation. The Panel shared the view that throughout the course of the Hearing, the Licence Holder had attempted to deny the issues raised, rather than constructively address them. Panel Members were also concerned that the Licence Holder had not engaged with local residents or the Responsible Authorities in advance of the Hearing, despite being presented with opportunities to do so.



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The Panel noted that the applicants for the review and the Police Responsible Authority had sought revocation of the premises licence. The Panel decided that as all the other options had been considered but not deemed to be appropriate in this instance, they were left with no choice but to consider revoking the licence.

Upon considering revocation of the licence, the Panel agreed that they were compelled by the evidence submitted by the applicant, including the video footage. They also found it significant that three of the Responsible Authorities had made representations. Finally, the Panel were not convinced the Licence Holder would sufficiently uphold the licensing objectives going forward.

Having taken all the submissions into consideration and having considered all the options available to them in detail, Panel Members determined that the only viable option available to them was to revoke the Premises Licence in respect of Zeyas Lounge in order to uphold the licensing objectives.

Therefore, it was

**RESOLVED –**

THAT the Premises Licence, in respect of Zeyas Lounge, 150 Southampton Row, London WC1B 5AN, be revoked.

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

There was none.

Having adjourned between 12:14 pm and 12:18 pm, the hearing ended at 12.46 pm.

**CHAIR**

**Contact Officer: Rebecca Taylor**

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**MINUTES END**