

Town Clerk's Office
John Barradell
Town Clerk & Chief Executive



Zebrano Bars & Clubs Ltd
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2nd Floor
London
W1D 5EU

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Our ref BK/LIC

Date 4 September 2017

Dear Sirs

Applicant: Zebrano Bars & Clubs Limited
Premises: Zebrano, Dukes House, Dukes Place, London, EC3A 7LP
Date / time of Hearing: Wednesday 23rd August, 11.00 am
Venue: Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 23 August 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Peter Dunphy (Chairman), Ms Marianne Fredericks and Mr Keith Bottomley.

Mr Niall McCann made submissions in support of the application on behalf of Mr Don Cameron, Director, Zebrano Bars & Clubs Limited.

Ms Yvonne Courtney, Mr Johnathan Whitby and Mr Misha Stavrides, residents were present and made submissions against the application.

1. This decision relates to an application made by Zebrano Bars & Clubs Limited of 130 Shaftesbury Avenue, 2nd Floor, London, W1D 5EU.

The application originally sought to provide the following activities:

Activity	Current Licence	Proposed
Live Music	N/A	Mon – Wed 23:00 - 03:00 Thurs & Sun 23:00 - 04:00 Fri & Sat 23:00 - 06:00

Recorded Music/ Anything similar to live music or recorded music	N/A	Mon & Tues 23:00 - 03:00 Wed & Sun 23:00 - 04:00 Thurs 23:00 – 05:00 Fri & Sat 23:00 - 06:00
Supply of Alcohol	N/A	Mon – Wed 11:00 - 03:00 Thurs & Sun 11:00 - 04:00 Fri & Sat 11:00 - 06:00
Late Night Refreshment	N/A	Mon – Wed 23:00 - 03:00 Thurs & Sun 23:00 - 04:00 Fri & Sat 23:00 - 06:00
Hours premises are open to the public	N/A	Mon – Wed 11:00 - 03:00 Thurs & Sun 11:00 - 04:00 Fri & Sat 11:00 - 06:00

Prior to the date of the Hearing Mr McCann advised that he had contacted those residents making submissions against the application and the licensing authority by way of email, advising that he had been given instructions to amend the application so that licensable activities end at 03:00.

Mr McCann stated that the activities should therefore be revised as follows:

Activity	Current Licence	Proposed
Live Music	N/A	Mon – Sun 23:00 - 03:00
Recorded Music/ Anything similar to live music or recorded music	N/A	Mon – Sun 23:00 - 03:00
Supply of Alcohol	N/A	Mon – Sun 11:00 - 03:00
Late Night Refreshment	N/A	Mon – Sun 23:00 - 03:00
Hours premises are open to the public	N/A	Mon – Sun 11:00 - 03:30

At the start of the Hearing, the Chairman asked those making representations against the application to outline their position.

Mr Whitby stated that he would speak on behalf of those residents present. He referred to other premises within the area and the permitted hours for alcohol sales or other licensable activity with a greater terminal hour and stated that the majority of properties within the area close no later than midnight.

He stated that as residents, it is their experience that premises which remained open beyond midnight caused concerns. He listed a number of late night venues within the locality close to where they lived. The particular concern was in relation to promoted events which in their experience caused disturbances especially during the weekend. In addition, their other concerns related to smoking, vomit and rubbish being left within the vicinity of their homes. Mr Whitby noted that whilst premises holding a late night license pay a late night levy, that levy does not appear to be used in the clean-up of the area. In addition, Mr Whitby stated that the music coming from Zebrano was very loud when the widows were left open and customers were standing on the terrace. In addition, he stated that when revellers left the venue at night to return to their parked vehicles, this also caused there to be further noise.

Mr Whitby also raised concerns relating to off-sales and states that dispersal issues would lead to individuals creating more noise within the area. Mr Whitby stated that the residents want to ensure that any license issued to the applicant works for them, the neighbours and those living within the area

Turning to the applicant, the Chairman sought detailed description on how Zebrano would operate its business, in particular promoted events.

Mr McCann, in the first instance, informed the panel that following discussions with the City of London police, they had revised their application curtailing their hours to 03:00. However, they wished to amend the hours that the premises were open to the public to 04:00. He considered that this would allow for a longer time for customers to vacate the premises rather than a large number of customers dispersing at the same time.

Mr McCann informed the panel that the company had been trading in the premises since 2015 after a major refurbishment of the venue. His clients had two other restaurants based in Westminster.

Mr McCann stated that the company had undertaken a Company Voluntary Arrangement (CVA) and were ill advised about insolvency procedures, hence this is a new license application for the premises. Zebrano had originally applied for the hours they had been trading since 2015, but following discussions with the police, had amended those hours and added a number conditions to address the concerns made by those making representations.

In addition, Mr McCann stated that Zebrano would agree to the entrance at Dukes Place only being used as an emergency exit only to ensure that patrons left by the front of the building, thereby reducing any further disturbance to residents.

Mr McCann informed the panel that promoted events were very important to the business and that these would only take place on Saturdays. His client had agreed to a number of conditions including at least eight security staff that would be on site to manage these events and informing police of events by completing a risk assessment form and providing it to the police at least 14 days prior to the event. The venue was fitted with a noise limiter and windows and doors were closed by 23:30 to limit noise escaping.

Mr McCann stated that the capacity is 300. Promoted events had been heavily conditioned and had been worked on alongside the police who are now content. Further, promoted events do not take place without permission from the police. In addition, Mr Cameron stated that promoted events can only take place on Saturdays and all promoters are investigated before confirming a booking. Any information that arises is passed onto the police. Mr Cameron stated that if particular information comes to light in regard to a promoter, they are prepared to cancel an event. Mr Cameron stated that their main aim is to protect its customers, staff and to carry out due diligence.

For the rest of the week, Zebrano's would trade as a restaurant and bar as well as hosting its own internal events which consist of food and drink and often attracts a capacity in excess of 300 persons. This is why a closing time of 03:00 had been requested to allow for the hosting of these events.

The Chairman noted that whilst the police had not made any representations in advance of this hearing, he asked whether Mr John Hall, on behalf of the police, wished to provide a brief background to the premises and the discussions held. Mr Hall stated that there is a background to the premises which included promoted events which led to some concerns dating back as far as 2015.

He informed the panel that a meeting took place to discuss previous concerns relating to promoted events and the end time of licensable activities. Mr Hall stated that it was considered appropriate for the terminal closing hour to be reduced to 03:00, as this time was deemed to be more appropriate for both the police and residents living within the area. In addition, Mr Hall referred to the conditions drafted by the police and stated that the police wanted there to be more engagement with the police in relation to promoted events, which led to the condition requiring 14 day notice being given to the police of any promoted event.

The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.

In reaching the decision, the Sub-Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2013.

Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance.

In reaching its decision, the Sub Committee took into account the character of the area and the proposed business operations of the Applicant and the information provided by the Applicant along with the representations made both orally and in writing by those opposing the application.

It was the Sub-Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Proposed
Live Music	N/A	Mon – Sun 23:00 - 03:00
Recorded Music/ Anything similar to live music or recorded music	N/A	Mon – Sun 23:00 - 03:00
Supply of Alcohol	N/A	Mon – Sun 11:00 - 03:00
Late Night Refreshment	N/A	Mon – Sun 23:00 - 03:00
Hours premises are open to the public	N/A	Mon – Sun 11:00 - 03:30

The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

Mindful of the nature of the premises and the concerns expressed, the Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:

- (1) The premises entrance into Dukes Place shall be used as an emergency exit only.
- (2) The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
- (3) There shall be no promoted events on the premises except on Saturdays'. The premises licence holder shall give notice to the City of London Police Licensing Office in a form prescribed by the City of London Police at least 14 clear days prior to any promoted event taking place. Promoted events may only commence on or after 18:00 on Saturday.

A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

- (4) On any occasion that regulated entertainment is provided from 23:00, not less than four SIA registered door supervisors shall be engaged to control entry.
- (5) When a promoted event is held, SIA registered door supervisors shall be employed on a ratio of 1:50 customers.

(6) At least one female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

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Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

An 'Out of Hours' noise response service is available 24 hours a day by telephone:
0207 6063030

The City's Environmental Health Team can be contacted at:

publicprotection@cityoflondon.gov.uk

The City's Licensing Department can be contacted on: licensing@cityoflondon.gov.uk

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>

CC: Corinne Holloway, Joelson JD LLP Solicitors, 30 Portland Place, London, W1B 1LZ