

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON WEDNESDAY, 23RD AUGUST 2017 AT 11.00 AM

APPLICANT: ZEBRANO BARS & CLUBS LIMITED
PREMISES: ZEBRANO, DUKES HOUSE, DUKES PLACE, LONDON,
EC3A 7LP

Sub Committee:

Mr Peter Dunphy Clark (Chairman)
Ms Marianne Fredericks
Deputy Keith Bottomley

Officers:

Town Clerk – Bose Kayode
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection – Peter Davenport

Given Notice of Attendance:

Applicant:

Mr Niall McCann (representative) and Mr Don Cameron, Director, Zebrano Bars & Clubs Limited.

Making representation:

Ms Yvonne Courtney - Resident
Mr Misha Stavrides - Resident
Mr Jonathan Whitby - Resident

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11:00 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises, Zebrano, Dukes House, Dukes Place, London, EC3A 7LP

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection
Copy of Application and amendments to original application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from Other Persons:
i) Chan
ii) Courtney
iii) Rees

iv) Whitby

Appendix 4 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 6 – Plan of Premises

- 1) The Hearing commenced at 11:00 am.
- 2) The Chairman introduced the Sub-Committee members and confirmed that all papers had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman opened the hearing by stating that the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.
- 4) The Chairman asked those making representations against the application to outline their position.
- 5) Mr Whitby said 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 windows 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.

- 6) The Chairman then sought confirmation from the applicant regarding a detailed description as to how Zebrano would operate.
- 7) Mr McCann, in the first instance, stated that he wished to amend the hours that the premises are open to the public to 04:00. He stated that this was in order to

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 provided an overview of how Zebrano would operate and stated that Zebrano Bars & Clubs Limited comprises of three premises. Two are based in Westminster and one is based in the City, Zebrano, in Dukes place which was fully refurbished in 2015.

The venue is split over two floors and comprises of a bar, restaurant, small private dining room, basement and a lounge area.

Mr McCann stated that the company had undertaken a Company Voluntary Arrangement (CVA) and were ill advised about insolvency procedures. Whilst creditors were paid off, the company were not told that the license would lapse immediately. As a result, the company is now in a position where they have no license.

Mr McCann referred to, and outlined the proposed conditions which he considered onerous, but that the company is keen to do anything possible to ensure that they have a license in place. In addition, Mr McCann stated that the company has liaised closely with the City of London Police and that there have been no concerns raised by Environmental Health either now or in the past.

Mr McCann stated that it is clear that there are general concerns about the area as a whole. However, he stated that with the reduction in hours and the conditions agreed with the police, it is anticipated that there will be less cause for concern.

Mr Cameron, Director of Zebrano stated that Zebrano operates as a restaurant/bar where food is a priority to its offerings. He said that they are not a site which attracts the masses. However, they do have security on site to people manage.

In the past, promoted events did cause issues due to checks not being sufficient, robust or the company not being meticulous in whom they were choosing to run promoted events. Since that time however, they are choosy about whom they allow to hold promoted events and carry out considerable checks. In addition, they work closely with the police.

- 8) The Chairman noted that whilst the police had not made any representations in advance of this hearing, he noted that Mr John Hall was present and asked whether he had any comments to make on behalf of the police. Mr Hall detailed a brief background to the premises and previous issues and the discussions held with the police for this new license. He explained that there had been concerns to promoted events dating back to 2015 when Zebrano were new to the premises.
- 9) 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 the police considered that the terminal hour should be reduced to

03:00, as this time was deemed 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 they wanted the premises to engage more with them in relation to promoted events, which had led to their proposed condition requiring 14 day notice being given to the police of any promoted event.

- 10) In response to concerns raised by the residents as to dispersal management and how groups of intoxicated individuals would be encouraged to leave the area quietly, Mr McCann circulated a copy of Zebrano's dispersal policy. He stated that on nights when there are promoted events, he usually employs eight security staff who not only look after the doors but are located in the streets surrounding the premises. Further, Mr McCann informed the panel that the venue had two entrances. He stated that they would be happy with a condition which only allowed the Dukes Place entrance to be used as an emergency exit only. Further, Mr Cameron stated that approximately 80% of residents leave the area via taxi or head towards Liverpool Street.
- 11) In response to concerns as to noise coming from the open windows, residents were informed that the windows are closed by 23:30. The windows are not generally open during the winter months. In addition, it was noted that the noise team from the local authority had visited the premises and no concerns had been raised. He informed the panel that the premises already had a sound limiter installed.
- 12) In response to a question relating to the capacity for promoted events, Mr McCann stated that the capacity is 300. The application was for promoted events to be allowed on a Saturday only and they had proposed a number of conditions. In addition, they agreed a greater coordination with the police, all promoters are investigated before confirming a booking and any information that arises is passed onto the police. Mr Cameron stated that their main aim is to protect its customers, staff and to carry out due diligence.
- 13) In response to a question relating to how important promoted events are to the business, Mr Cameron differentiated between 'internal' events, organised and promoted by Zebrano and external events, where Zebrano hires out its premises to others. He informed the panel that 'internal' events could often attract in excess of 300 persons. In addition, Mr Cameron outlined the frequency and type of events that are held at Zebrano, both internally and externally. Mr McCann stated that without some element of promoted event, the business is not viable as the majority of profit from the business comes from holding such events.
- 14) In response to a question relating to off sales, Mr Cameron stated that the off sales element is mainly to cover circumstances where customers purchase a bottle of alcohol with their meal and wish to take any remaining alcohol home with them.
- 15) In response to a question relating to the opening hours, Mr Cameron stated that the restaurant does not usually open on Sunday. During Monday – Tuesday,

they usually open between 12:00 – 01:00, Wednesday – Friday they remain open until 02:30 and on Saturday they remain open until 03:00. However, Mr Cameron stated that the opening and closing times vary depending on what event/function is taking place.

- 16) In response to a question relating to the smoking area, Mr Cameron stated that the terrace area is 6ft deep and allows for approximately 10 -15 people to smoke outside at any one time. He stated that the terrace is also used as a dining area and therefore the numbers are limited.
- 17) The Chairman invited any other persons with new points to make on the application to address the Sub Committee. In addition, the Chairman invited the Applicant to sum up and respond to any outstanding queries.
- 13) The Chairman thanked all parties and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 14) The Sub-Committee retired at 12:10.
- 15) At 13:05 the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 16) 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.
- 17) In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.
- 18) The Chairman reported that 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

19) The Chairman went on to explain that the conditions to the grant of the licence were as follows:

- (a) The premises entrance into Dukes Place shall be used as an emergency exit only.
- (b) 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.
- (c) There shall be no promoted events on the premises except on Saturday's. 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.
- (d) 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.
- (e) When a promoted event is held, SIA registered door supervisors shall be employed on a ratio of 1:50 customers.

- (f) At least one female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.
- 20) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated.

The meeting closed at 13:10

Chairman

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