

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 1ST MAY, 2025** at 7.00 pm, which was held remotely via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Lorna Greenwood (Chair), Meric Apak, and Jonathan Simpson

MEMBERS OF THE PANEL ABSENT

Councillors Steve Adams and Jenny Headlam-Wells

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 B 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 noted.

2. APOLOGIES

Apologies for absence were received from Councillors Steve Adams and Jenny Headlam-Wells.

Councillors Meric Apak and Jonathan Simpson attended the meeting as substitutes.

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 such 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.

Supplementary Agenda

The Chair also announced that a supplementary agenda had been published, which contained documents regarding Agenda Item 7 in respect of the application for review for Kiss the Sky.

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

There was no notification of urgent business.

6. MINUTES

Consideration was given to the Minutes of the previous meeting.

It was noted that some minor corrections were required to the minutes.

Regarding the minutes of the meeting that took place on 16 January 2025, there was a typo using the word culminative, not cumulative, on page 5.

Regarding the minutes of the meeting that took place on 20 February 2025, a typo which stated 'would not' rather than 'would' on page 5 and there was a typo using the word culminative, not cumulative, on page 8.

RESOLVED –

THAT the Minutes for the meeting that took place on 16 January 2025 and 20 February 2025 be agreed and signed as an accurate record, subject to amendments.

7. KISS THE SKY, 11-13 CAMDEN HIGH STREET, LONDON NW1 7JE

Consideration was given to the report of the Executive Director Supporting Communities, which detailed an application to review a premises licence under section 51 of the Licensing Act 2003.

The Licensing Officer introduced the report and explained that the review had been submitted by the Metropolitan Police on the grounds that the licensing objective of preventing crime and disorder was not being upheld. This followed multiple visits to the premises and intervention meetings with the licence holder and their representatives. The grounds for the review were detailed in the review statement contained within the agenda pack.

Licensing Panel B - Thursday, 1st May, 2025

It was clarified that only one relevant representation had been received, which was from the Licensing Responsible Authority in support of the review. A statement from the Planning Responsible Authority was provided for information only.

An administrative error was noted on the current premises licence (at pages 104 to 114 of the agenda pack), relating to duplicated conditions. The decision from 14 December 2023 had resolved that conditions 18 and 19 should be deleted and replaced with condition 40, and that condition 24 should be amended to become condition 41. It was confirmed that the licence would be amended and reissued.

The Police, as applicant for the review, was seeking the revocation of the premises licence. It was noted that any decision made by the Licensing Panel would not take effect until either the end of the appeal period or, if appealed, until the appeal was resolved.

The Police as applicant for the review were represented by PC Dominic Hallam, PC Joel Francis and PS Ailsa Naish and accompanied by their legal representative Emma Rowland.

Emma Rowland provided the following information to the Panel:

- The police were seeking the revocation of the premises licence for Kiss the Sky, and this was the second application made by the police, arising from serious concerns regarding ongoing breaches of the licensing objectives.
- The police believed that the premises had consistently undermined the licensing objective of preventing crime and disorder.
- A significant concern was related to immigration. In October 2024, police officers suspected that two individuals working at the venue were doing so illegally. A follow-up visit, with immigration enforcement officers, that took place in January 2025 had led to civil penalty referral notices being issued to both individuals.
- It was later confirmed that one individual had the correct right to work. However, the police remained unsatisfied that the second individual had the correct right to work, as it was believed that his skilled work visa did not permit him to work in a bar.
- The Licence Holder had claimed in his written submission that no civil penalties had been issued, but it was confirmed that a civil penalty referral notice had been issued, as evidenced in the witness statement included in the supplementary agenda pack.
- The police had not received any further update from immigration enforcement regarding the outcome of the referral notice but maintained their concern based on the communication they had received to date.
- Section 182 Guidance stated that preventing immigration crime forms part of the licensing objective to prevent crime and disorder and employing someone without the legal right to work should be treated particularly seriously.
- The premises had a previous history of serious incidents. In November 2023, staff employed at the venue were involved in a stabbing incident, which prompted a previous licence review in December 2023. That review resulted

Licensing Panel B - Thursday, 1st May, 2025

in the removal of the designated premises supervisor (DPS), Mr Ray, and the imposition of new conditions.

- Despite these actions, the premises was found to be in breach of 13 licensing conditions during a visit in October 2024, and in breach of 7 conditions during a follow-up visit in January 2025.
- Many of the breached conditions had been imposed during the December 2023 review, specifically to help address crime and disorder.
- The police submitted that this demonstrated a pattern of disregard for licence conditions and that the premises continued to operate in breach despite prior engagement from responsible authorities.
- Reference was made to Camden's licensing policy at paragraph 9.1, which states that licence holders have a duty to comply with conditions and to prevent issues from arising. The police asserted that the premises had failed in this duty.
- There had been failure to maintain adequate staff records, in breach of Condition 36, which had been imposed following the December 2023 review. This was identified as a concern in both October 2024 and January 2025.
- The police noted discrepancies in the CCTV log, which incorrectly stated that CCTV was working on 10 January 2025. However, the licence holder had informed police that the system was not operational on that date.
- There had been a failure to report CCTV issues and maintain logs, which undermined the ability of police to investigate incidents. The venue is located within a cumulative impact area, making this especially concerning.
- An ex-employee who had been banned from the premises following the stabbing incident in November 2023 had been observed on the premises during the January 2025 visit. Staff had also confirmed the ex-employee to be a regular visitor, in breach of licensing conditions.
- During the January 2025 visit, a person believed to be the DPS was not officially registered as such, which was in breach of statutory guidance.
- The police concluded that the premises had been operated in disregard of the licensing regime, which is in place to prevent criminal activity and protect public safety.
- The police acknowledged the licence holder's written representations, which included the appointment of a new DPS and compliance manager, along with proposed steps to improve compliance.
- However, the police submitted that previous engagements and assurances had failed, and that the latest promises lacked credibility based on past conduct.
- Reference was made to Section 182 Guidance (paragraphs 11.18 and 11.23), which supports revocation in cases of repeated failure to comply with licence conditions, particularly where responsible authorities have already issued warnings.
- Overall, adding further conditions would be ineffective, given the premises' repeated breaches, and therefore only appropriate action would be to revoke the premises licence.

The applicant for review provided the following information in response to questions:

Licensing Panel B - Thursday, 1st May, 2025

- The formal breaches were detailed in the "Notice of Alleged Offences" issued in October 2024. Following this, further breaches were identified during the subsequent police visit on 10 January 2025. It was noted that while a further Notice of Alleged Offences was not issued in these matters contributed to the grounds for the application for review.
- Following the January visit, the police engaged with the licence holder, and documents such as the Crime and Disorder Policy and Right to Work Policy were submitted.
- However, the police remained unsatisfied regarding compliance with the CCTV condition, particularly as the premises had failed to provide footage from 10 January 2025 when requested.
- The police deemed this to demonstrate an ongoing pattern of continued non-compliance.
- Conversations had taken place spoken with the team leader of the Immigration Compliance and Enforcement (ICE) team, who explained that the team is severely understaffed and consisted of only six individuals covering the entire UK. Delays in communication were attributed to these capacity issues.
- As far as the police were aware, the matter remains under investigation. The most recent communication from the Home Office indicated that the documentation submitted (including a screenshot of a visa) was not considered an adequate right-to-work check. Furthermore, the type of visa held by the individual concerned did not, in their view, permit employment in a bar.
- Following the previous Licensing Panel review hearing, a condition was imposed requiring monthly meetings with the police. Only one meeting had taken place, in January 2024, attended by the Licence Holder and an individual who was proposed as the new Designated Premises Supervisor (DPS). Following this meeting, there was no further correspondence or attempt by the premises to organise additional meetings, despite the condition placing the onus on the premises to do so.
- During the police visit on 10 January 2025, officers found that a previous DPS was listed despite them no longer be employed by the venue and a new employee believed she had taken on the role. No application for variation of DPS had been submitted to the Council.
- On 10 January 2025 an arrest was conducted by Immigration Officers. When immigration officers entered the premises, one individual attempted to flee, raising suspicions about their legal status. The individual was arrested for the purpose of investigation. However, due to the lack of staff logs and inability to confirm the individual's identity or status, the officers were unable to substantiate a case of unlawful employment, and the individual was subsequently de-arrested.
- The individual involved in the arrest by immigration officers was not the employee who was under investigation for visa breaches and all correspondence from the Immigration Service concerning this individual had continued to suggest that he was in breach of his visa conditions and should not be employed at the premises.

Licensing Panel B - Thursday, 1st May, 2025

The Licensing Responsible Authority, represented by Peter Agleby (Licensing Team Leader), outlined their representation, as set out in the written submission in the agenda pack, and provided the following information in support of the review:

- The Licensing Authority supported the police-led review application and referred Members to their representation set in the agenda pack.
- The representation focused on breaches relating to the licensing objective of preventing crime and disorder.
- A serious crime had occurred at the premises in November 2023, prompting a previous review and the imposition of additional conditions.
- Whilst the Licensing Authority had not witnessed breaches, they had been notified of concerns by the Metropolitan Police Service, as detailed in the review documentation.
- The MPS reported alleged breaches of several conditions attached to the premises licence.
- A complaint had also been received by the Licensing Authority regarding non-compliance with the required number of Security Industry Authority registered staff on duty. The complainant stated that only one SIA supervisor was on duty when the premises was open.
- In response, the Licensing Authority had written to the premises to remind them of the relevant licence condition and copy of the letter was included in the written representation. The Licensing Authority had also requested the name of the SIA company used by the premises but had received no response.
- In January 2025, an email was received from a former employee who alleged that since reopening after a stabbing incident, only one SIA officer had been on duty at any time. It was also claimed that security staff were not on site from the designated start time of 19:00hrs.
- As part of an out-of-hours programme in the area, the Licensing Authority visited the premises on 21 February 2025. The visit was part of wider engagement in the locality, including discussions about WAVE training.
- A further out-of-hours visit took place on 3 March 2025 at approximately 00:30hrs, but the premises was closed at the time.
- The Licensing Authority emphasised that all venues, particularly those within a Cumulative Impact Area (CIA), must comply with all conditions of their licence at all times when open to the public.

Responding to a question about the letters sent to the premises the Licensing Team Leader explained that a letter was sent to the premises about the alleged breach of the SIA condition in January 2025 and the Premises had responded to deny this allegation. However, when a follow up email was sent to the premises in February to clarify the number of SIA supervisors required and the name of the SIA company the premises employed, no response was received.

Responding to a follow up question, the Licensing Team Leader clarified that the letter had been sent following an email received on 25 January 2025 alleging that the premises had not employed the conditioned number of SIA supervisors following the incident in November 2023, but no specific dates were provided.

Licensing Panel B - Thursday, 1st May, 2025

Kashka Ray, Sonia de Leon and Jose Angel representing the Premises Licence Holder objected to the review and provided the following information:

- Sonia De Leon had been appointed DPS in January 2025 and since this employment commenced no incidents, complaints or further enforcement actions had been recorded.
- The allegations did not meet the legal threshold for suspension or revocation of the premises licence under Section 53C of the Licensing Act 2023.
- All concerns raised had been robustly addressed through operational and management changes, including documented compliance measures.
- A full restructure of the management team had been undertaken, and Ms De Leon had assumed the role of both DPS and Compliance Officer, highlighting her experience as an operations manager in Local Government with experience in compliance.
- Staff training had been significantly improved, with full completion of required training programmes, including participation in the “Ask for Angela” safety initiative led by the police.
- The premises had upgraded and maintained its CCTV system; weekly audits of CCTV footage were now conducted.
- It was clarified that the CCTV had been temporarily switched off on 10 January 2025 due to refurbishment works related to the refurbishment of the bar. This had been previously explained to police via email, and copies of WhatsApp correspondence had been provided.
- The security team had also been retrained and procedures for recording the presence of SIA staff were implemented, including documentation for each operating day.
- On 18 October 2024, a police licensing visit took place. Allegations were made regarding immigration issues and breaches of 13 licence conditions.
- Since this visit all right-to-work documentation had been properly verified. The Home Office had confirmed that no fines or penalties were issued rejecting the allegation that an illegal worker had been employed and provided documentation, including Home Office records, to confirm this.
- It was noted that the individual concerned had since ceased employment due to perceived harassment by police, though they had been legally entitled to work in the UK.
- It was acknowledged there were historic deficiencies in CCTV compliance, but it was confirmed these had been rectified by implementing a new protocol with weekly checks.
- A noise limiter had been installed, and doors and windows were to remain closed to minimise disturbance.
- A follow-up meeting with the police on 24 October 2024 led to the presentation of new policies and the start of a full operational restructure, including the appointment of the current DPS.
- A further visit by the Police on 21 December 2024 confirmed that “Ask for Angela” materials were in place at the premises.
- On 10 January 2025, during another visit, further allegations regarding immigration and licence condition breaches were raised, it was reiterated

Licensing Panel B - Thursday, 1st May, 2025

however that no illegal employment occurred, and all right-to-work checks were completed and documented.

- It was acknowledged that some breaches had occurred historically, but extensive steps had been taken to address them, including appointing additional management, a comprehensive staff training programme, and regular audits to ensure ongoing compliance, especially around incident logging and operational procedures.
- Overall, all previous breaches had been dealt with, and the premises was committed to preventing future non-compliance.

The Premises Licence Holder's representatives provided the following information in response to questions:

- The individual at the premises who had a skilled work visa had appointed a solicitor who had confirmed he could work up to 20 hours per week part-time in addition to his skilled work and that the Home Office had advised by phone that if a fine were to be issued, it would have been issued within one month, which had not occurred.
- The premises used the government's online right-to-work checking service, inputting personal details and a code to access eligibility data. It was suggested that police could have conducted similar checks themselves prior to applying for the review.
- The previous employee who was banned from the premises had managed to enter due to new door staff not recognising her. Once identified, she was removed, and all staff were retrained and clearly instructed that she was not allowed on site.
- Sonia's appointment as DPS has resulted in improvement to the operation of the premises such as employment of two SIA-accredited personnel and full staff training on compliance procedures and training on Ask for Angela and WAVE.
- Sonia confirmed she had more than 20 years of compliance experience in local government, including health and safety, and could provide certification.
- The solicitor's guidance on permitted working hours could be provided and written confirmation from the Home Office on the penalty notice had been requested but had not yet been received.
- The evidence they relied on was a printed record from the government website, not a screenshot, although the documentation provided as part of the submission in the supplementary agenda had included a screenshot.
- The refurbishment works at the premises were completed on 10 January 2025, with evidence of communications and images available.
- Due to these ongoing works, employee records were temporarily held at another premises which is why they were not available immediately when requested.
- The venue was not using a security company but instead building a team of regular self-employed SIA-accredited staff for consistency and better understanding of the venue's operations.
- Training had taken place on procedures and policies, including health and safety.

Licensing Panel B - Thursday, 1st May, 2025

The Police's Legal Representative requested to make a clarification as follows:

- The individual who was working on a skilled worker visa, was understood to have a skilled worker visa specifically for the care sector.
- The police had received communication from immigration, indicating that any additional work this individual took on should have been in the care sector, not in a bar.
- It was unclear if any civil penalty or fine had been issued in connection with the case.
- Immigration officers were unable to attend due to staffing shortages, noting that immigration had only six officers covering the entire UK, making it difficult for them to attend such meetings.

The Premises Licence Holder's representatives responded that:

- The correct procedures and employment policies regarding immigration and staff employment.
- No laws had been broken and that any issues were due to bad practices in the past, which has since been addressed.
- They were committed to improving practices and their positive relationship with the police and council moving forward.

The Police as applicant for the review made some closing remarks.

The Licensing Responsible Authority made some closing remarks.

The Premises 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 Kiss the Sky.

After considering the submissions the Panel sought legal advice before proceeding with deliberations, therefore the Panel passed the following resolution at 8:35pm:

RESOLVED –

THAT the press and public be excluded from the proceedings of the Licensing Panel on 1 May 2025 as publicity would be likely to lead to the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings by virtue of Category 5 of Schedule 12A of the Local Government Act 1972 (as amended).

PART II

Licensing Panel B - Thursday, 1st May, 2025

During private session, Members had sought legal guidance in respect of the competing evidence that was before the Panel and had been advised that they must base their decision on the evidence which they are persuaded by according to their own judgement and on the balance of probability.

PART I

The meeting returned to public session at 8:48pm.

In deliberation, the Panel noted the information provided by the applicant for review, the Police, and the representations from the Licencing Responsible Authority and the Licence Holder.

The Panel then considered all the options available to them by virtue of the Licensing Act 2003, Section 52:

- a) Allow the license to continue operating as before
- b) Modify the conditions of the licence
- c) Exclude a licensable activity from the scope of the licence
- d) To remove the designated premises supervisor
- e) To suspend the licence for a period not exceeding three months
- f) To revoke the license

Panel Members agreed, having deliberated on all evidence available to them, that revocation was not appropriate or proportionate in this instance. The Panel were not convinced that the evidence provided by the police proved that people were working illegally at the premises, and it was noted that conflicting evidence had been submitted by the Premises Licence Holder. Therefore, the evidence on the immigration issue was not conclusive and the Panel could not make a decision based on the information currently available. The Panel emphasised the importance of clear, verified evidence, particularly for revocation decisions.

Members noted that the Premises Licence had been reviewed in 2023 following a serious incident and agreed that it was very concerning that the premises was now subject to another review, and this should be taken very seriously. However, it was acknowledged that the premises had taken steps to improve operations, and it appeared to Members that the premises was moving in the right direction. Members emphasised that it was imperative that these improvements continued.

Continuing their deliberations, Members ruled out continuing to allow the venue to operate as before due to the seriousness of the review. The Panel also ruled out modifying the conditions, as they felt the existing conditions were already sufficient, if they were adhered to. The Panel agreed that excluding certain licensable activities from the scope of the licence was irrelevant to the issues being discussed during the hearing.

Therefore, suspension of the licence was deemed to be the most appropriate course of action as it would allow the venue to reflect and address the issues raised and would stress the seriousness of the review and the allegations and reports of

Licensing Panel B - Thursday, 1st May, 2025

breaches to the conditions. The Panel again stressed the importance of using the suspension period to ensure that the premises was completely compliant with all conditions and policies and had improved procedures in place.

Having considered different options for the length of the suspension, Panel Members were in agreement that the licence should be suspended for a total of six weeks, to give the premises licence holder time to focus on ensuring the premises fully understood the licensing conditions and work in collaboration with the responsible authorities to ensure that the licensing objectives were being upheld.

Therefore, it was

RESOLVED –

THAT the premises licence in respect of Kiss the Sky, 11-13 Camden High Street, London NW1 7JE be suspended for a period of six weeks.

8. ANY OTHER BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was none.

The hearing ended at 9.21 pm.

CHAIR

Contact Officer: Rebecca Timoney

Telephone No: 020 7974 8543

E-Mail: licensing.committee@camden.gov.uk

MINUTES END