

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL A** held on **THURSDAY, 22ND AUGUST, 2024** at 7.00 pm in a remote meeting via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Shah Miah (Chair), Sharon Hardwick and Lorna Greenwood (substitute)

MEMBERS OF THE PANEL ABSENT

Councillors Pat Callaghan

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 A and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

1. ELECTION OF CHAIR

Proposed by Councillor Sharon Hardwick and seconded by Councillor Lorna Greenwood, Councillor Shah Miah was elected Chair of Licensing Panel A for the 2024-25 municipal year.

2. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS

RESOLVED –

THAT the guidance be agreed.

3. APOLOGIES

Apologies had been received from Councillor Pat Callaghan who was substituted by Councillor Lorna Greenwood.

4. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

Councillor Greenwood declared in relation to item 9 Elysee Restaurant for transparency that she was a member of the Panel that sat on the review hearing for this premises in 2022.

5. 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.

Withdrawal of Licensing Authority Responsible Authority's Objection.

The Clerk informed the hearing that the Licensing Authority Responsible Authority had withdrawn their objection to the application.

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

There was none.

7. TERMS OF REFERENCE

RESOLVED –

THAT the terms of reference be noted.

8. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 4 April 2024 be approved and signed as a correct record.

9. ELYSEE RESTAURANT, 13 PERCY STREET, LONDON W1T 1DP

Consideration was given to a report of the Executive Director Supporting Communities detailing an application to vary a premises licensing under Section 34 of the Licensing Act 2003.

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The Licensing Officer summarised the report highlighting that the application was for the extension of hours for Licensable Activities as detailed in the report:

She informed the Panel that following:

- Representations made by the Police Responsible Authority, the application had been amended to include a condition proposed by the Police stipulating that: *'the consumption of alcohol on the premises shall cease 30 minutes after the permitted hours for the sale of alcohol and such consumption shall not recommence until the permitted hours for the sale of alcohol recommence'*.
- The inclusion of this condition on the application, the Police Responsible Authority withdrew their objection. Also, after engaging in discussions with the applicant, the Licensing Authority Responsible Authority also withdrew their objection. The remaining objection to the application was from the Charlotte Street Association.

She also informed the Panel of an error in the report, clarifying that the application did indeed include women's safety principles.

Mr Clive Hendersen, objecting interested party representing the Charlotte Street Association, summarised their representation included within the main agenda (pages 376-379). stating that the Association strongly objected to the proposed extended hours, the existing hours were already well beyond the Council's framework hours and the proposal to extend the hours the premises were operating would lead to public nuisance and a detrimental effect on the residential amenity of residents.

In response to questions, Mr Henderson provided the following information:

- The Association considered a lot of applications, so did not realise that the proposed extended hours were the previous hours operated by the premises prior to the review of the venue's premises licence.
- Residents had been hesitant in objecting to licensing applications because they did not want to be considered as bad neighbours by the applicant.
- A lot of residents were also not clear on how to make an objection on a licensing application to the Council.

Philip Kolvin KC barrister, representing the applicant, accompanied by Marcus Lavell (Barrister), Mr Alex Karageorgis – Managing Director, Mr Kerry Giggs Karageorgis – Owner/Director and Mr Richard Bunch – Expert Witness, summarised their representation in support of the application. The following points were made:

- The only Licensing objective engaged by this application was public nuisance. There was clear evidence that this premises would not cause public nuisance because the extended hours being sought by the applicant were those operated by the applicant for 15 out of the last 17 years.

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- There had been a review of the venue's premises licence in 2011, resulting in the hours remaining the same but 31 new conditions were placed on the licence which were designed to protect against public nuisance.
- In 2022 the licence was reviewed, the application was brought by the Police as a result of which a further 28 conditions were placed on the licence. Some of these conditions protected against public nuisance and the hours were reduced to which the premises now traded.
- Since then, the premises had held a number Temporary Event Notices corresponding to the hours now sought. Pages 319-329 of the agenda, report of Mr Bunch (applicant's Crime and Disorder Consultant) provided evidence of the lack of impact of these TENs on residents.
- All the conditions on the licence had been effective in preventing public nuisance for a number of reasons. There had been no representation from residents regarding complaints about being disturbed. There had been no representation from Environmental Health Responsible Authority which were the main source of advice on public nuisance. The residents' association had produced no evidence of nuisance. The Licensing Authority Officer had produced a spreadsheet of complaints of which showed that there was very little information of complaints except in 2017 and 2018, and which provided no information as to the nature of the complaint.
- Licensing Authority Responsible Authority had withdrawn their objection to the application. The applicant had operated a large number of TENs trading at the hours sought and there had been no complaints. The independent Licensing Consultant Mr Bunch had conducted observations and had been impressed with the venue's operation.
- The Police who had brought the review had not made a representation at this hearing subject to including one extra condition on the licence.
- There was over a decade of evidence that the premises operating at the longer hours according to the conditions on the licence had no impact on public nuisance, and no evidence had been presented to the Licensing Panel that there had been an impact.
- The Residents Association had accepted that the conditions they requested relating to Women's Safety and Restaurants were already included in the list of conditions and had provided no evidence of public nuisance.
- The conditions on the licence had achieved the purpose of protection from public nuisance and the applicant therefore requested that the variation application subject to the additional Police condition be granted.

In response to questions, Philip Kolvin clarified and outlined the following points:

- In response to the Panel asking why the applicant was requesting operating hours significantly different to framework and other premises operating hours, Philip Kolvin stated that the premises was a restaurant and not a bar which relied on 2 sittings. The Greek community liked to come out late, with one sitting taking the premises up till 11.30 and the other sitting reliant on being able to have a lovely long meal with Greek music playing in the background. The current licence hours did not allow for this. The second sitting was not as successful as it was before the 2022 review.

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- A lot of the Greek community locally worked in the late-night economy and then attended the applicant's restaurant. The restaurant was in a state of insolvency after the review and now in a state of borderline solvency since the review appeal.
- In response to the Panel asking what time the entry for last dinner was currently and what it would be under the proposed extended hours. Mr Alex Karageorgis stated that on a Friday or Saturday last entry would be until 1.00am which was just before the kitchen closed, if the extended hours were granted last entry time would be extended as the premises had done on previous occasions to an extra hour.
- In response to the Panel asking if there was certainty that there would be no public nuisance caused by patrons leaving the premises at the later hours, Philip Kolvin stated that there had been no complaints about the premises between 2011 and 2022 when the premises operated over the same hours as being applied for, so there was evidence that there would be no public nuisance. The premises was also subject to ongoing compliance audits with a lot of conditions in relation to control of the outside. So, there would be no public nuisance caused by the premises or its patrons.
- In response to the Panel asking about the premises management duty of care to staff and customers, Philip Kolvin stated that the Police had brought a review of the premises which had been appealed and a compromise had been reached. Having seen how the premises operated the Police had supported the application and they were the main source of advice on crime and disorder matters. There was no crime and disorder representation in the representations before the Panel, the representation related to public nuisance and the licensing Act required decisions being made with regard to the representations.
- In response to Mr Henderson, interested party asking about whether the letters of support were from local residents, Philip Kolvin stated that the letters written in support of the premises in 2024 were from Percy Street residents. Also, no resident of Percy street had come forward to complain about the noise from the premises.

The Interested Party and the Applicant's representative made final submissions.

Decision and Reasons

In their deliberations, Panel Members sympathised with concerns raised by Charlotte Street Association about the very late closing time of the premises and the possible impact this would have on local residents. However purely on the public nuisance licensing objective, there had been no representation from the Responsible Authorities, Environmental Health or the Police bearing in mind that this was a venue that was closely being monitored given its recent history. There had been no complaints received supporting any evidence of public nuisance and although the premises had been closely monitored and had issues previously, the Panel were minded to grant the variation application to include the additional condition agreed with the Police.

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The Panel also noted that if the Charlotte Street Association were receiving complaints of nuisance, they should be advising residents to make representations rather than talking about them.

The Panel in considering all the evidence and information provided saw no reason to refuse the variation application, the Council's statement around framework hours and outside framework hours required the need for the applicant to show what it could do to mitigate against public nuisance and the conditions already in existence were sufficient to uphold the licensing objectives. The Panel therefore agreed to grant the variation application including the condition agreed with the Police.

RESOLVED –

THAT the application for the extension of hours for licensable activities be granted including all conditions previously agreed.

:

a) Sale by Retail of Alcohol (on the premises only)

10:00 to 02:00 Monday and Tuesday
10:00 to 03:00 Wednesday to Saturday
Sunday – no change

b) Recorded Music, Live Music, Performances of Dance, and Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance

09:00 to 02:30 Monday and Tuesday
09:00 to 03:30 Wednesday to Saturday
Sunday – no change

c) Late night refreshment

23:00 to 02:00 Monday and Tuesday
23:00 to 03:00 Wednesday to Saturday
Sunday – no change

d) Opening hours

09:00 to 03:00 Monday and Tuesday
09:00 to 04:00 Wednesday to Saturday
Sunday – no change

Condition Agreed with the Police

The consumption of alcohol on the premises shall cease 30 minutes after the permitted hours for the sale of alcohol and such consumption shall not recommence until the permitted hours for the sale of alcohol recommence'.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The hearing ended at 8.12 pm.

CHAIR

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MINUTES END