



Date: 15th October 2022
Your Reference:
Our Reference: PREM-LIC/1603
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Licensing Act 2003

Review Decision Notice 1

Dear Sir/Madam,

**Re: Elysee Restaurant, 13 Percy Street, London, W1T 1DP
Licence number PREM-LIC/1603**

I refer to the public hearing held on 4th October 2022 to determine the application for a Review of the Premises Licence under Section 53c of the Licensing Act 2003.

The panel's full decision was as follows:

Members expressed their concerns about the seriousness of the allegations made and that there had been breaches of the licensing objectives. Their concerns were further compounded by the fact that the incidents involved key members of staff involved with the management and operation of the premises who appeared to have acted with impunity which brought into question the culture of the whole premises. Members had heard submissions that two individuals had engaged in misconduct in the 9th September 2022 incidents but it was likely that other staff members had been contaminated by the prevailing culture. They discussed whether revocation of the premises licence would be appropriate, however before arriving at a final decision they discussed other options available to them.

They agreed that the six conditions proposed by Mr Rankin were steps in the right direction. They amended the wording of the third proposed condition to read: "The welfare of customers shall be the responsibility of all staff. One member of staff shall be appointed to co-ordinate this". They also agreed to tighten the wording for the sixth condition to bar Michael Karageorgis and Kerry Ulysses Karageorgis from the premises. They wanted the condition to read: "Michael Karageorgis and Kerry Ulysses Karageorgis shall be prevented from entering the premises or having any paid or unpaid role in the management of the premises".

Members gave consideration to the hours permitted under the licence for licensable activities. They noted that the incident that had triggered the application for a review and many other alleged crimes associated with the premises had taken place outside of the council's framework hours. Members agreed that, in order to reduce the risk of crime and disorder and improve public safety, to reduce the hours in line with the council's framework hours policy.

Members expressed their concern that the two individuals involved in the 9th September incident had been emboldened to act as they did because of their familial relationship to the owners and the DPS. As such, Members were of the view that the DPS for the premises should be changed to someone who was not a family member. This would give a greater degree of independence to the supervision of the premises and mean staff and customers would feel more confident in raising concerns about the behaviour of family members with the DPS.

Members noted the health and safety concerns raised by the Health and Safety Responsible Authority in their submission. They took the view that smoking should be prohibited on the roof terrace and that the terrace should be closed until Health and Safety officers were satisfied it had been repaired and was safe.

Members also wanted to condition that an SIA registered door supervisor be stationed in front of the stairway where the 9 September 2022 incident took place. Given the stairway was a route leading up to a private flat and that it should not be accessed by customers, having supervision of it would prevent those who were not authorised to use it entering this area.

Members said it was important to condition that all members of staff be trained in Welfare and Vulnerability Engagement (WAVE) and the Ask Angela scheme to help uphold public safety and, in particular, women's safety in the night time economy. Also, they that there should be one designated member of staff responsible for the welfare and vulnerability of customers. Further, such policies are to be in line with Appendix One of the council's statement of licensing policy.

Members were of the view that, although revocation was an option available to them, the licence could be conditioned such as to make it a safe venue which upheld the licensing objectives, and so they did not consider that it was necessary to revoke the licence. They also stated that, in recognition of the length of time the premises had operated in the borough and community, it served to give the premises one last chance.

Members agreed to suspend the licence for six weeks subject to further conditions being imposed so as to allow time to train staff, implement the welfare policies and to appoint a new Designated Premises Supervisor. Members agreed that taken together these measures were proportionate and would serve to promote the licensing objectives.

RESOLVED –

(i) THAT the licence be amended to:

a) **Supply of Alcohol (For consumption on the premises)**

Monday to Thursday	10:00 until 23:30
Friday and Saturday	10:00 until midnight
Sunday	11:00 until 22:30

b) Live Music

c) Recorded Music

d) Performances of Dance

e) Anything similar to live music, recorded music or performances of dance

Monday to Thursday	09:00 until 23:30
Friday and Saturday	09:00 until midnight
Sunday	09:00 until 22:30

f) Late night refreshment

Monday to Thursday	23:00 until 23:30
Friday and Saturday	23:00 until midnight

g) Opening hours

Monday to Thursday	09:00 until midnight
Friday and Saturday	09:00 until 00:30
Sunday	09:00 until 23:00

(ii) THAT the following additional conditions be imposed on the licence:

1. A zero tolerance to illegal drugs shall be operated. Any person found in possession of illegal drugs, witnessed offering illegal drugs or asking others for illegal drugs, will be ejected (or refused entry) and permanently banned from future entry to the premises. This zero tolerance will be actively and prominently promoted on the restaurant website, in literature and signage at the venue and clearly communicated to all on the restaurant's database.
2. At least one experienced member of the restaurant management team shall be stationed at the entrance at all times the venue is in operation under the licence, unless called away to deal with an emergency situation. He/she should ensure that door staff are operating as in accordance with the Operational Manual and Premises Licence, particularly with regard to actions to prevent drugs and crime and to identify persons who may benefit from welfare and/or medical services.
3. The welfare of customers shall be the responsibility of all staff. One member of staff shall be appointed to co-ordinate this.
4. All staff shall be trained in all aspects of licensing law, with particular emphasis on drugs and alcohol and the 4 licensing objectives (RASPFL0-responsible alcohol sales and promoting the four licensing objectives). Such training shall take place every year by an independent accredited trainer, with refresher training every 6 months and records retained for inspection by police and the local authority.

5. Unannounced monthly audits of the premises during trading hours shall be conducted by an independent accredited auditor, and records retained for inspection by the police and local authority.
6. Michael Karageorgis and Kerry Ulysses Karageorgis shall be prevented from entering the premises and banned from any involvement with the premises whether paid or unpaid.
7. The Designated Premises Supervisor to be removed and replaced with a person who is unrelated to the family that owns and operates the premises.
8. Smoking to be prohibited on the roof terrace.
9. The roof terrace be closed to all staff and patrons until repairs are carried out to the satisfaction of the Health and Safety Responsible Authority.
10. A SIA registered door supervisor be stationed in front of the stairway where the incident of 9 September 2022 occurred.
11. All staff be trained in Welfare and Vulnerability Engagement and the Ask Angela scheme.


(iii) THAT the licenced be suspended for six weeks to enable the premises to train its staff and to appoint a new Designated Premises Supervisor.

Reasons

The Panel agreed that, based on the evidence before it, reducing the hours for licensable activities to Camden's framework hours, to add conditions on the licence and suspending the licence for a period of six weeks was a necessary and proportionate step to ensure the licensing objective of the prevention of crime and disorder was upheld.

The full text of the minutes can be found on the Camden website via the Diary listing of Council meetings at: <http://democracy.camden.gov.uk>

As the applicant, you are entitled to appeal against the Authority's decision. Notice of the appeal must be given to Highbury Corner Magistrates Court within 21 days of being notified of this decision.

If you have any queries about this decision notice you may contact me on the above number or email 

Yours faithfully,



Samina Khan
Licensing Officer