

Licensing Sub Committee B - 5 March 2019

Present:	Councillors:	Flora Williamson (Chair), Phil Graham (Vice-Chair) and Sheila Chapman
Also Present:	Councillors:	Tricia Clarke

36 INTRODUCTIONS AND PROCEDURE (Item A1)

37 APOLOGIES FOR ABSENCE (Item A2)

38 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

39 DECLARATIONS OF INTEREST (Item A4)

40 ORDER OF BUSINESS (Item A5)

41 MINUTES OF PREVIOUS MEETING (Item A6)

42 BEIJING AROMA, 2-3 NORTH VIEW PARADE, N7 0QA - NEW PREMISES
LICENCE (Item B1)

The interested party stated that the restaurant was poorly managed and residents would have no confidence that conditions on the licence would be adhered to. The premises would not prevent public nuisance and did not help public safety. He considered that as the

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premises were poorly managed this had an impact on local residents. There was a history of non-compliance with regards to food safety and fire regulations. He highlighted licensing policies 2 in relation to cumulative impact, policy 8 regarding standards of management and policy 21 in relation to public nuisance. He stated that mopeds already caused obstructions and a nuisance.

In response to questions, the residents stated that when they had raised issues with the manager they had been ignored or had received a rude response. Complaints had not been well received so complaints were now being directed to the managing agents. Regarding the delivery drivers, one had been working for the restaurant but six other drivers were talking to him causing a public nuisance. They were parked on the pavement which is the entrance to the estate. The premises were advertising for more delivery drivers. The rear area was part of the estate and the pavement outside was public highway.

The applicant reported that the drivers causing the issues were not his drivers. He had one driver who was closely monitored. He had not heard of any problems in the past year and there were only a few drivers outside, not as many as seven. He considered that applying for an alcohol licence would reduce the nuisance as customers would sit in the restaurant and not ask for a delivery. He wanted to attract his own drivers so that he could have overall control but he expected that the alcohol licence would reduce the delivery service. He stated that his business had been closely monitored and they did not have any more issues. He reported that the car park had a security gate which he did not have access to and was out of his control. He considered that access to this area should be prevented by the management company. He would need an alcohol licence for the business to survive.

In response to questions he stated that he used a delivery company specialist. The public health team visited in November and had stated that he was fully compliant and gave advice for improvements. He stated he had been there for one year, was not happy with his delivery company and used Uber and Deliveroo on occasion. He stated that he was the owner and manager and the applicant would run the business if the licence was granted. It was noted that he had one food hygiene star but he stated that this was due to an old filter that had now been replaced. He would be asking for a revisit after three months. He stated that he did not have serious issues or food hygiene problems. He would have more trained staff. He had three full-time kitchen staff and he stated that all staff would be fully trained in the next few weeks. He did not consider that his food was stored incorrectly and had been stored at the right temperature. The public health team had requested that he list all food ingredients. This had been done and officers were satisfied. He stated that he would ask them to review his food rating in three months and he was certain he would obtain a much higher rating. The Sub-Committee raised concern that the manager had been in place a year and had not improved the rating during this time and they stated that they would expect a very high standard of management. In response the manager stated that staff and bar staff would be trained, officers could check CCTV and the premises would be shut at 11pm. The manager was asked for an example where he had taken the lead in making improvements and he stated that he would have two fully trained staff in the premises and agreed to a condition that all front of house staff would be trained. He did not recognise the drivers that gathered in the car park. The car park had a low level barrier which mopeds could pass through and the land did not belong to the premises. In response to a question about whether he had tried to resolve the noise nuisance issues the manager stated that the first time he was aware of the problems was today. The Sub-Committee noted that these issues had been outlined in the agenda in November, when the papers had been published previously. The other drivers were not his employees and he did not know how he could do anything about the problems. He could not agree to have a condition that there be no deliveries on the licence but he did state that if there were further complaints he would voluntarily surrender the licence. The manager agreed to have regular meetings with residents and that the sale of alcohol would be ancillary to food. The manager stated that the

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applicant was not present at the meeting. He stated that, if the licence was granted, it would take about a month before he would sell alcohol as he would need to get organised. He was not aware about the refusals log and he accepted he would need to appraise himself of licensing good practice.

In summary, the resident stated that the gates at the rear had not functioned for months and he was surprised that the manager was not aware of this. The manager advised that the delivery drivers causing a nuisance were not from his premises and stated that it would be advisable to talk to the managing agent about the security gate.

RESOLVED

That the application for a new premises licence, in respect of Beijing Aroma, 2-3 North View Parade, N7 0QA, be refused.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted that hours had been reduced from the original application following discussions with the Police. There had been no other representations made by the Responsible Authorities.

Oral submissions were made by the applicant and two interested parties - one resident and one representative of the Residents' Association.

The Sub-Committee heard evidence from the representative of the Residents' Association that the applicant's restaurant was already poorly managed; that the applicant had a poor track record of compliance with Food Safety Regulations; and that the applicant currently demonstrated non-compliance. The interested party quoted Licensing policy 8 and said: "Poorly managed premises can have an immediate impact on the local residents" and stated that these premises were already impacting on local residents

The Sub-Committee heard evidence from the applicant that the Fire Authority and Environmental Health Officers had visited the restaurant both one year ago and recently. Following the recent visit the restaurant had been awarded a Food Hygiene Rating of 1 star. The applicant had been required to replace the filter and extraction system and implement a regime of staff training, increase the numbers of kitchen staff and produce a menu with full information regarding allergens. Concerns were raised with the applicant that, as he had taken no steps to improve food hygiene between the visit one year ago and the recent visit when he had been advised of what steps to take, the same would apply with the alcohol licence. The applicant responded that, if a premises licence were granted, it would take him at least one month to get prepared but that he would undertake training and also employ an additional personal licence holder.

The Sub-Committee concluded that, assessing the evidence from the applicant and the interested parties and applying Licensing Policy 8, there was a history of non-compliance associated with the standards of management at the premises.

The Sub-Committee was concerned that the applicant had failed to:

- Demonstrate comprehensive knowledge of best practice or a track record of compliance with legal requirements of managing the business and had only sought advice from the authorities following mandatory inspections.

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- Implement all advice given by the authorities in relation to past inspections
- Demonstrate an understanding of legal requirements as manager of the restaurant and so would not understand his responsibilities as Licence Holder e.g the necessity of keeping a refusal log.

The Sub-Committee concluded that there was a history of non-compliance associated with management standards at the premises and so, in accordance with Licensing Policy 8, determined that it was reasonable and proportionate to refuse the application.

43 CANDID ARTS TRUST, 5 TORRENS STREET, EC1V 1NQ - NEW PREMISES LICENCE (Item B2)

It was noted that this item had been deferred to a future meeting.

The meeting ended at 7.45 pm

CHAIR