

LICENSING SUB-COMMITTEE No. 4

Thursday 25 April 2013

Membership: Councillor Jean Paul Floru (Chairman), Councillor
Lindsey Hall and Councillor Aziz Toki

Legal Adviser: Shahnaz Zaidi
Committee Officer: Andrew Palmer

Relevant Representations: Environmental Health Service
Metropolitan Police

Present: Mr Francis Keegan (Licensing Inspector), Mr Duk Hyeong Kim
(Licensee), Mr Robert Kim (Ellis Taylor Law - Licensee's
Representative) and Ms Sam Eaton (Environmental Health
Service).

Make Noodle Heaven, 51 Charing Cross Road, WC2H 0NE

13/01406/LIREVP

Decision (including reasons if different from those set out in report):

The venue operates as a restaurant in St James's Park Ward, which is located in the West End Stress Area.

An application for a review of the premises licence was submitted by the Licensing Authority, represented by Mr Francis Keegan, on the grounds that conditions of the premises licence were not being complied with resulting in the licensing objectives as set out in the Council Statement of Licensing Policy 2011 not being promoted, namely: the prevention of crime and disorder following the breach of the CCTV condition and what they stated to be a long history of non-compliance with the conditions of its premises licence.

Members of the Sub-Committee heard that the premises had been trading for some considerable time with a Designated Premises Supervisor (DPS) who appeared to be permanently outside of the UK; and that the venue had been found to be trading beyond its permitted hours on numerous occasions over a number of years. The licence holder had also failed to comply with a condition in the premises licence that stipulated that CCTV images must be kept for a minimum period of 31 days; and had repeatedly failed to submit a detailed schedule of procedures. The Sub-Committee was informed that a Hygiene Emergency Closure Notice regarding mice infestation at the premises had been issued in January 2011, which had led to a subsequent successful prosecution. Representations in support of the review had been received from Environmental Health and the Metropolitan Police with a recommendation that the licence be revoked.

Mr Duk Hyeong Kim, the Licence Holder, was invited by the Sub Committee to address each of the allegations made in the review Application.

He informed the Sub-Committee, through his Legal Representative, Mr Robert Kim, of the reasons why the conditions had been breached and the measures taken to comply with the conditions of the premises licence: that action was being taken to secure a replacement DPS, and that the problems in recording CCTV images had now been resolved.

The Licence Holder stated that he had a poor understanding of English, and considered that many of the issues that had led to the Application had arisen through difficulties in communication. The Licence Holder acknowledged that mistakes had been made in the past, and asked the Sub-Committee to give him the opportunity to improve and to comply with the conditions of the premises licence.

After hearing representations, from Mr Kim, Environmental Health and the Metropolitan Police, in view of its duty of care to the public, the overwhelming evidence of the large number of conditions that had been breached over the past four years, and the ongoing illegal sale of alcohol in the absence of a DPS, the Sub-Committee decided that the licensing objectives were not being promoted.

Having considered the options available to them, namely to :

- (i) modify the conditions
- (ii) exclude a licensable activity
- (iii) remove the DPS
- (iv) suspend the licence for a period not exceeding three months
- (v) revoke the licence

the Sub-Committee decided the premises licence should be revoked. Mr Kim was advised that he was entitled to submit a new application for a premises licence