

Minutes of the LICENSING SUB-COMMITTEE held on MONDAY 25 APRIL 2016 at 2.00 pm

**Present:** Councillor Morris (Chair)  
Councillors R Gifford and Wallis

**Officers:** L Gardner (Solicitor), E Fisher (Senior Practitioner), D Novell (Senior Enforcement Officer) and J Crighton (Democratic Services)

**Also Present:** Mr Lama (Director of Memlings Grill), J Gatheca (DJ at Memlings Grill), G McCormack (Thames Valley Police), N Bentley (Senior Environmental Health Officer), G Clarke (Senior Environmental Health Officer), K Evans (Licensing Enforcement Officer), M Gilbert (Senior Enforcement Officer), T Jenkins (Senior Practitioner), N Keane (Trading Standards Officer), D Parrish (Senior Practitioner), S Rycraft (Senior Trading Standards Officer) and S Teesdale (Licensing Team Leader)

**LSC07                   SUSPENSION OF COUNCIL RULE 4**

RESOLVED -

That Council Procedure Rule 4 'Time and Place of Meetings' be suspended.

**LSC08                   REVIEW OF A PREMISES LICENCE - MEMLINGS RESTAURANT LIMITED (TRADING AS MEMLINGS GRILL), THE AGORA, WOLVERTON**

The Sub-Committee considered a review of the Premises Licence held in respect of Memlings Restaurant, The Agora, Wolverton.

The Senior Practitioner informed the Sub-Committee of the following:

- (a) the premises, originally described as a restaurant wine bar, had benefited from a premises licence that permitted the sale of alcohol for consumption on and off the premises as well as both live and recorded music since 14 January 2008. The review application had been served in respect of two of the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance;
- (b) in relation to the prevention of crime and disorder, the review referenced particular concern over the repeated failure to comply with the CCTV licence condition. This had been a concern since 4 April 2013 until January 2016 when Mr Lama failed to supply CCTV evidence to the Police and Council officers of the premises trading after hours;

- (c) there had been numerous complaints and incidences where the premises had operated in breach of its licensable hours. As a result of the complaints, Mr Lama had received a formal caution on 7 November 2014. However, the following month a further report had been received of the premises continuing to operate after the authorised licensable hours and this problem had persisted, the last being recorded on 28 February 2016;
- (d) in relation to the prevention of public nuisance, there had been a concern over noise ever since Mr Lama took control of the premises. On 30 March 2013, Environmental Health served Mr Lama a Noise Abatement Notice at the premises to which he made no appeal;
- (e) since 30 March 2013, the Council had received a further 26 noise complaints, as detailed below:
  - (i) 2 in 2013.
  - (ii) 6 in 2014;
  - (iii) 12 in 2015; and
  - (iv) 6 to date in 2016.
- (f) on 30 June 2015, Mr Lama had applied for a new premises licence in the name of Memlings Restaurant Limited, a limited company for which he was both a Director and the Secretary. He had retained the original premises licence which was recorded in his name until he surrendered it on 12 January 2016. This application had also had the effect of increasing the hours of licensable activities for alcohol, live music and recorded music from midnight on a Friday and Saturday to 1.45 am and Late Night Refreshment on a Friday and Saturday from 1.30 am until 2.00 am;
- (g) although there had been outstanding issues relating to unlicensed activities, noise issues and representations from members of the public and the Town Council, the licence was granted as applied for;
- (h) he had received numerous verbal warnings, had been the subject of a Noise Abatement Order and had received a formal caution. He had, on occasion, acknowledged to officers that he had been aware of some of the problems;
- (i) officers had been unable to persuade Mr Lama to respond sufficiently in order to resolve the continuing issues. The recent non-cooperation with the Police highlighted a history of failing to promote the licensing objectives and had resulted in the submission of this review;
- (k) information had been submitted by the applicant which added to the previous event timeline and included correspondence

from Environmental Health, the Fire Service and details of suggested premises licence conditions;

- (l) there had been insufficient registered Door Supervisors on duty as per required under the conditions of the licence;
- (m) the CCTV had not recorded images for 28 days; and
- (n) The existing licensing activities are outlined below:

Supply of Alcohol; Recorded Music

Sunday to Thursday	10:00 to 00:00
Friday to Saturday	10:00 to 01:45
Bank Holidays	10:00 to 02:00
New Year's Eve	10:00 until 05:00 New Year's Day

Live Music

Monday to Sunday	10:00 to 00:00
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Late Night Refreshment

Sunday to Thursday	23:00 to 00:00
Friday to Saturday	23:00 to 02:00
Bank Holiday Mondays	23:00 to 02:00
New Year's Eve	23:00 until 05:00 New Year's Day

Licensing officers had also provided evidence to promotional flyers that clearly indicated the premises would be open past licensed hours. J Gatheca, the DJ, stated that this had been a printing error but had admitted that it had been advertised on the premises Facebook page and also displayed at the premises. Mr Lama had confirmed that the premises traded beyond its hours on the days in question.

A representation had been received by G McCormack, Thames Valley Police, in support of the review, describing how Mr Lama and his staff had obstructed Police Officers gaining access to the premises during licensed hours and the fact that he had breached the authorised licensable hours. G McCormack had also requested CCTV footage three times but had still not received the relevant copies of it.

A further representation had been received by Mr and Mrs Pym, residents nearby to the premises, in support of the review, describing their concerns that the premises was more of a music venue complemented with food rather than a restaurant complimented by music. They had stated that since Memlings Grill opened they had to endure numerous noise disturbances and anti-social behaviour.

Mr Lama informed the Sub-Committee of the following:

- (a) he had been fully aware of the complaints;
- (b) he had spoken to Mr and Mrs Pym;
- (c) he had attempted to put some measures into place;
- (d) a noise control system was shortly being installed;
- (e) he had confirmed that, if the premises had been quiet, he sent one of the Door Supervisors home;
- (f) he was confident that the CCTV was now recording 28 days footage;
- (g) his business was very important to him; and
- (h) he would now adhere to the conditions on his licence.

The Sub-Committee considered the submissions from those present and noted that Mr Lama had accepted that he had breached the conditions of his licence. They noted that he had intended to ensure they did not happen again but were aware that he had received warnings before and had not addressed the issues previously.

The Sub-Committee had no confidence that Mr Lama would operate in a manner that would guarantee compliance with any new conditions placed on the licence.

The Sub-Committee concluded that Mr Lama, as the Director of Memlings Grill, was not a responsible person to continue to hold a premises licence due to the repeated and continued breaches of his licence even after warnings had been issued.

RESOLVED -

1. That the Premises Licence be revoked.
2. That officers be requested to see if any action could be taken against the Designated Premises Supervisor who was not present at the hearing.

THE CHAIR CLOSED THE MEETING AT 4.50 PM