

Minutes of the LICENSING SUB-COMMITTEE held on TUESDAY 9 MAY 2017 at 10.30 am

**Present:** Councillor Morris (Chair)  
Councillors Geaney and C Williams

**Officers:** L Gardner (Solicitor), S Teesdale (Licensing and Business Team Leader), J Sloan (Licensing Officer) and J Crighton (Democratic Services)

**Also Present:** Mr M Movioka (Applicant), E Fisher (Senior Practitioner), N Brown (Senior Environmental Health Officer), G McCormack (Thames Valley Police), A Moss (Wolverton and Greenleys Town Council), R Houchin (Kents Hill and Monkston Parish Council [from 11.15 am]) and C Hewitt (student journalist)

**LSC14 SUSPENSION OF COUNCIL RULE 4**

RESOLVED -

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

**LSC15 APPLICATION FOR A NEW PREMISES LICENCE - MEMLINGS METRO LIMITED, THE AGORA, WOLVERTON**

The Sub-Committee considered an application for a new Premises Licence for Memlings Metro Limited, The Agora, Wolverton.

The Licensing Officer informed the Sub-Committee of the following:

(a) the application was for the following:

(i) Supply of Alcohol (on sales)

Sunday to Thursday 10:00 to 00:00

Friday to Saturday 10:00 to 01:40

Sunday before a Bank Holiday Monday to 01:40;  
Christmas Eve and NewYear's Eve to 02:45.

(ii) Recorded Music (Indoors)

Sunday to Thursday 10:00 to 00:00

Friday to Saturday 10:00 to 01:45

Sunday before a Bank Holiday Monday to 01:45;  
Christmas Eve and New Year's Eve to 03:00

(iii) Late Night Refreshment (Indoors)

Sunday to Thursday 23:00 to 00:00

9 May 2017

CHAIR'S INTIALS.....

Friday to Saturday 23:00 to 01:45

Sunday before a Bank Holiday Monday to 01:45;  
Christmas Eve and New Year's Eve to 03:00.

(iv) Opening Hours of the Premises

Sunday to Thursday 10:00 to 00:00

Friday to Saturday 10:00 to 01:45

Sunday before a Bank Holiday Monday 01:45;  
Christmas Eve and New Year's Eve to 03:00.

(b) the premises had had a previous licence, held in the name of Memlings Restaurant Limited, but this had been revoked in April 2016 following a series of breach of conditions and operating / licensing objectives throughout its period of operation in 2015-2016. The decision was subsequently appealed but then withdrawn in November 2016 in conjunction with the licence lapsing due to the company being dissolved following a compulsory strike-off of the company by Companies House;

(c) that, following the revocation, the premises had been operating under Temporary Event Notices (TENs) at weekends. However, an application for a further TENs at the premises for Friday 27 to Sunday 29 January 2017 had been refused and a Counter Notice issued for the reasons set out below:

"1 the Premises License had been revoked in 2016 for reasons which included the sale of alcohol out of hours (i.e. without a license in place) and that the licensee had failed to provide CCTV recordings when requested. It was clear that these practices were still being allowed by the premises user,

2. that the premises user had failed to confirm that an authorisation was in place before opening and failed to read emails sent to her by the Licensing Authority, therefore;

3. this gave the Sub-Committee reason to believe that there was a significant risk that the licensing objectives, to Prevent Crime and Disorder and Maintain Public Safety would not be met by virtue of previous conduct and poor management competency.";

(d) the applicant for the TENs was the same personal licence holder who had been responsible for the premises controlled by Memlings Restaurants Limited whose license had been revoked and the same name as the proposed Designated Premises Supervisor as contained on the current application;

- (e) Memlings Metro Limited had formed in January 2017 under the directorship of Marcel Mavioka. The premises had been operating as a restaurant under Temporary Event Notices and had not provided licensable activities and no complaints had been received against the Temporary Event Notices;
- (f) the applicant had provided an operating schedule to address some of the potential problems that may be associated with a late night music venue but officers were not confident that the proposed operating schedule would suffice to enable the applicant to adequately promote the licensing objectives;
- (g) that the application had stated the previous licence holder, Ms Sasa Lama, as the Designated Premises Supervisor;

Thames Valley Police had objected to the inclusion of Sasa Lama to the present application.

The Sub-Committee noted that, following the representation, Sasa Lama had been withdrawn from the application and that the applicant had appointed Josephine Augustine as the new Designated Premises Supervisor but she would only be on site from 8.00 pm to 10.00 pm.

- (h) the representations made by the responsible authorities were an effort to ensure far tighter and well defined conditions were attached to the licence, if granted, to ensure better promotion of the licensing objectives. All responsible authorities indicated concerns on whether the applicant would comply with the licensing conditions;
- (i) the applicant had stated that he would employ three doormen on Monday to Thursday, 10.00 pm to midnight, and Friday, Saturday and Sunday, 11.00 pm to 01:45 am, who would ensure that appropriate measures were in place when patrons left the premises to adhere to the licensing objectives and that smoking was forbidden on the top of the stairs and to direct them to the designated smoking area onto Church Street;
- (j) the applicant was not the signatory on the lease, therefore, the premises was still leased by Gaby Lama, the previous licence holder(s), who still had a large part to play in the running of the premises and that of the application process. The applicant confirmed that he also employed Josephine Augustine as a chef. When asked who would be available in the event that a licensing officer was to visit the premises late at night, the applicant stated that the chef and Peter Lama, who is the son of Mr Gaby Lama, would be present and managing the premises; and
- (k) a copy of a flyer that said, if any problems call this number, had been traced to be the number of Mr Gaby Lama;

Mr Mavioka informed the Sub-Committee of the following:

- (a) he was a bus driver in Milton Keynes and would not be at the premises;
- (b) he would rely on his Designated Premises Supervisor who was also a Designated Premises Supervisor of a local convenience store that held a licence until 10.00 pm where she worked, and stated that she would attend the premises between 8.00 - 10.00 pm and would not stay until close;
- (c) he confirmed that the Manager would be Mr Lama's son, Peter Lama, who was a director of the company that had its licence revoked;
- (d) he had spoken to Milton Keynes' taxi companies and asked that they park / collect patrons from Church Street; and
- (e) he had made an effort to communicate with local residents in an attempt to respect their privacy.

On considering the evidence, the Sub-Committee had found no evidence to show that the applicant could competently and confidently fulfil the licensing objectives and comply with all the conditions that the Sub-Committee would consider placing on the licence if it was minded to grant.

The Sub-Committee noted that this was a new company and a new application by Mr Mavioka, however, all the evidence presented to the Sub-Committee indicated that the previous license holder(s) were either the controlling minds behind the application or would still have significant input into the running of the business. Those persons had had their licence revoked and had shown that they were unable to comply with the licensing objectives.

This was further supported by the evidence provided by Mr Mavioka, who gave inconstant evidence to the Sub-Committee, contradicting himself in various statements made at the hearing.

The Sub-Committee discovered that Mr Lama had been attending all meetings with licensing officers concerning this application. when questioned, Mr Mavioka had said that the lease of the premises had been transferred to the new company, then later stated that it was still in the name of Mr Lama, indicating that Mr Lama still had a controlling influence on the premises.

Mr Mavioka had said that he and Mr Lama were close friends and Mr Lama was an advisor, assisting him on running the company. The Sub-Committee did not believe this was the case, however, if this was true then it gave the Sub-Committee no confidence that Mr Mavioka would comply with licensing conditions being that the person advising him had failed to do so.

The Designated Premises Supervisor had been changed, however, they were already managing another premises, the running of

Memlings Metro Limited would mainly be left to the cook, who would be too busy in the kitchen to deal with any problems and monitor compliance with the licensing conditions, or Peter Lama, a previous director of a company that had its licence revoked.

The Sub-Committee was also concerned that Mr Mavioka indicated that he would employ three door staff, seven days a week. This was different to the details in the application, indicating that he did not know what was contained in the application or understand the cost of employing certified door staff.

The Sub-Committee, therefore, concluded that Mr Mavioka had shown no understanding of the application he made or the business he proposed to run, that there was still strong links to Mr Lama and the previous company that had its licence revoked and also to the previous Designated Premises Supervisor that had a TENs application objected to by Thames Valley Police and upheld by the authority.

The Sub-Committee also had concerns over the management arrangements, using a Designated Premises Supervisor that was employed elsewhere and would only be on site for limited periods of time, leaving the day to day management to staff that were mainly situated in the back of the premises or had previously had a controlling influence in a company that lost its licence for failing to promote the licensing objectives.

RESOLVED -

That the application be refused on the grounds that no evidence was presented that the applicant could competently and confidently fulfil the licensing objectives.

THE CHAIR CLOSED THE MEETING AT 1.02 PM

9 May 2017

CHAIR'S INITIALS.....