

LICENSING COMMITTEE AGENDA

WEDNESDAY 21 SEPTEMBER 2016
6.30 PM

**COUNCIL CHAMBER
CIVIC OFFICES
CENTRAL MILTON KEYNES**

<http://milton-keynes.cmis.uk.com/milton-keynes/Committees.aspx>

Councillor Morris (Chair)
Councillor Petchey (Vice-Chair) and C Williams (Vice-Chair)
Councillors Alexander, Buckley, Exon, Geaney, Green, Legg, McDonald, Miles,
Patey-Smith, Wallis, Webb and P Williams

If you have any enquires about this agenda please contact Dino Imbimbo, Committee
Manager, Tel: (01908) 252458 or E-mail: dino.imbimbo@milton-keynes.gov.uk (1)

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AGENDA

1. Welcome and Introductions

The Chair to welcome Members, officers and the public to the meeting.

2. Apologies

3. Minutes

To approve, and the Chair to sign as correct records, the Minutes of the following meetings;

- (a) The meeting of the Licensing Committee held on 5 JULY 2016 (Item 3a) (**Page 4**)
- (b) The Meeting of the Licensing Sub-Committee held on 25 APRIL 2016 (Item 3b) (**Pages 5 to 8**)
- (c) The Meeting of the Licensing Sub-Committee held on 27 JUNE 2016 (Item 3c) (**Pages 9 to 12**)

4. Disclosure of Interests

Councillors to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered.

5. Public Participation

To consider the following items in accordance with the Procedures for Public Participation:

- (a) Deputations and Petitions

No deputations have been received for the Committee to consider at this meeting. Any petitions will be reported at the meeting.

- (b) Questions

To receive questions from members of the public in accordance with the Council's Constitution, not related to licensing applications.

6. A – Z of Licensing

To receive a presentation in respect of the roles and functions of the Licensing and Regulatory Units.

ITEM 3(a)

Minutes of the meeting of the LICENSING COMMITTEE held on TUESDAY
5 JULY 2016 at 6:30 pm

Welcome and Introductions

The Chair welcomed Councillor, Officers and the Public to the meeting and asked that a minutes silence be observed in respect of Ex Councillor Brian White who had passed away earlier in the day.

Present: Councillor Morris (Chair)
Councillors Alexander, Buckley, Geaney, Green, Patey-Smith, Webb and P Williams

Officers: T Blackburn-Maze (Service Director- Public Realm), L Gardner (Case Manager, Litigation), V Blane (Solicitor [Planning and Environment]), A Burton (Rights of Way Officer), and D Imbimbo (Committee Manager).

Apologies: Councillors Exon, Legg, McDonald, Miles, Petchey, Wallis and C Williams

LC04 MINUTES

RESOLVED -

That the Minutes of the meeting of the Licensing Committee held on 16 MARCH 2016, and the Special meeting of the Licensing Committee held on 25 MAY 2016 be approved and signed by the Chair as correct records.

THE CHAIR CLOSED THE MEETING AT 6:37 PM

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



Minutes of the LICENSING SUB-COMMITTEE held on MONDAY 27 JUNE 2016 at 3.30 pm

Present: Councillor Morris (Chair)
Councillors Exon and Wallis

Officers: J Hosker (Solicitor), E Fisher (Senior Practitioner) and J Crighton (Democratic Services)

Also Present: J Wallsgrove (Blake Morgan Solicitors LLP), D Barlow (Head of Operations [Bletchley Park]), T Blackmore (Aramark Catering) and W Malins (member of the public)

LSC01 SUSPENSION OF COUNCIL RULE 4

RESOLVED -

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

LSC02 APPLICATION FOR A NEW PREMISES LICENCE FOR BLETCHLEY PARK TRUST FOR BLETCHLEY PARK, SHERWOOD DRIVE, BLETCHLEY

The Sub-Committee considered an application for a new Premises Licence for Bletchley Park Trust for Bletchley Park, Sherwood Drive, Bletchley.

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

- (a) the application was for a new premises licence but there had been an existing licence in place since 2007 but it did not cover all the buildings the Trust now wished to licence, particularly the Museum shop and the adjacent café. If a new licence be granted then the existing licence would be surrendered;
- (b) the application being considered was, in fact, to reduce the licensable hours but increase the licensed areas;
- (c) the current licensed hours and areas are detailed below:
 - (i) Mansion
9.00 am to 1.00 am (3.00 am with 14 days' notice)

- (ii) Hut 4
9.00 am to 1.00 am (3.00 am with 14 days' notice)
 - (iii) Cinema
9.00 am to 1.00 am (3.00 am with 14 days' notice)
 - (iv) Lawn Area
9.00 am to 1.00 am (3.00 am with 14 days' notice)
 - (v) Remaining Outside Areas
9.00 am to 11.00 pm (3.00 am with 14 days' notice)
- (d) the application for new licensed hours and areas are detailed below:
- (i) Mansion
9.00 am to 1.00 am
 - (ii) Hut 4
9.00 am to 1.00 am
 - (iii) Cinema
9.00 am to 1.00 am
 - (iv) C Block
9.00 am to 1.00 am
 - (v) Lawn Area
9.00 am to 11.00 pm
 - (vi) Remaining Outside Areas
9.00 am to 11.00 pm
- (e) since the existing licence had been granted, the area surrounding the premises had been developed for residential use. There had not been a history of complaints or issues against the premises. There had been sixteen representations made from local residents in relation to the application which, in summary, included the following:
- (i) noise from the use of external areas, notably until 1.00 am;
 - (ii) crime and disorder from off-sales of alcohol;
 - (iii) use of the premises as an entertainment venue rather than a Museum;
 - (iv) existing noise issues from the Mansion and Hut 4 at night, both from inside and outside use from people, music and bottle bins;

- (v) noise from people leaving the venue late at night and also resultant litter issues; and
 - (vi) existing parking issues in residential areas and congestion preventing access for residents to their properties;
- (f) thirteen of the sixteen representations had been withdrawn after the applicant had spoken to residents directly and had assured them of any concerns they had expressed;
- (g) the applicant had provided a large operating schedule that would be converted to conditions if the licence be granted;
- (h) the applicant had agreed to a condition submitted by Thames Valley Police that plastic drinking receptacles be used at all large scale or high risk events although this was a re-imposition of a condition on the existing licence;
- (i) the applicant had also agreed to conditions submitted by the local Children's Safeguarding Board, as detailed below, which would form part of the licence, if granted:
- (i) all persons involved in alcohol sales receive full and adequate training on the law relating to underage sales and a written record of the training each person had received should be maintained. Regular refresher training would also be given and recorded. The training records / log to be kept on site and should be provided to the Police, the Local Authority or Licensing Authority on request;
 - (ii) an effective 'Challenge 25 Policy' be implemented and maintained in place at the premises. Any persons appearing to be under the age of 25 who attempts to purchase alcohol must be challenged in respect of their age and required to provide adequate proof that they are over the age of 18 before they are sold or supplied with alcohol;
 - (iii) only photographic based forms of identification should be accepted as proof of age in respect of suspected underage sales. These must be accredited to the PASS scheme or subsequent equivalent but could also include a passport, HM Forces ID card, driving licence or national ID card; and
 - (iv) a refusal log to record all attempts to purchase alcohol that were refused shall be kept on site and all refused sales recorded. The log should be checked and countersigned by the Designated Premises Supervisor on a regular basis and should be provided to the Police, the Local Authority or Licensing Authority on request.

J Wallsgrove (Blake Morgan Solicitors LLP) informed the Sub-Committee of the following:

- (a) the new premises licence was for the external areas within Bletchley Park;
- (b) there would be no outside activities after 11.00 pm;
- (c) the new licence would be to include C Block;
- (d) the nature and character of the venue will remain unchanged;
- (e) the Police had not received calls about excessive noise since being granted the existing licence;
- (f) they currently sell their own branded bottled ale from the Mansion and Hut 4 but the new premises licence, if granted, would permit the sale of ale from C Block; and
- (g) he had addressed the concerns of local residents;

D Barlow (Head of Operations [Bletchley Park]) informed the Sub-Committee of the following:

- (a) the overflow car park had reopened after two months;
- (b) Milton Keynes College and Holne Chase School had allowed their car parks to be used as additional parking, if required;
- (c) there was ample parking at Bletchley Train Station although you are required to Pay and Display; and
- (d) additional parking attendants are hired on event days.

W Malins, a member of the public, raised concerns about the application, namely the sale of alcohol until the early hours and anti-social behaviour.

RESOLVED -

1. That the new Premises Licence be granted with less licensable hours than the existing licence with 'C Block' now being licensed with the conditions contained within the report forming part of the licence.
2. That the good relationship they have with nearby residents be maintained and residents be reminded that they could apply for a review of the licence if Bletchley Park breached their conditions.

THE CHAIR CLOSED THE MEETING AT 4.45 PM