

Minutes of the LICENSING SUB-COMMITTEE held on MONDAY 23 JANUARY 2017 at 10.10 a.m.

Present: Councillor Morris (Chair)
Councillors Bradburn and Exon

Officers: L Gardner (Solicitor), E Fisher (Senior Practitioner) and D Imbimbo (Committee Manager)

Also Present: Mr G Lama (Licensee's Representative), G McCormick (Licensing Officer [Thames Valley Police])

LSC07 SUSPENSION OF COUNCIL RULE 4

RESOLVED -

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

LSC08 TEMPORARY EVENT NOTICE - MEMLINGS GRILL, 27 - 29 JANUARY 2017

The Sub-Committee considered an application from Thames Valley Police to issue a counter notice in respect of a Temporary Event Notice (TENS) submitted on behalf of Memlings Grill and Restaurant, The Agora Centre, Wolverton for an event from 27 January 2017 to 29 January 2017.

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

- (a) a Temporary Events Notice had been received from Mrs S Lama advising of an event to be held at Memlings Grill and Restaurant from Friday 27 January 2017 until 29 January 2017;
- (b) the notice was in respect of the proposal to serve alcohol and provide regulated entertainment and late night refreshment during the following hours;
 - (i) Friday 27 January 2017
13:00hrs to 02:00hrs on the morning of Saturday 28 January 2017
 - (ii) Saturday 28 January 2017
13:00hrs to 02:00hrs on the morning of Sunday 29 January 2017
 - (iii) Sunday 29 January 2017
14:00hrs to 23:45hrs

The Licensing Officer for Thames Valley Police told the Sub-Committee that the Police had applied for a Counter Notice, thereby prohibiting the event for the following reasons:

- (a) A TENS notice had been submitted to the Council on 30 December 2016 in respect of an event scheduled for 6 – 8 January 2017
- (b) The TENS had been served late and had therefore failed to give the minimum required notice and had therefore been refused.
- (c) The Personal Licence holder (PLH) had held the event without a valid licence and served alcohol, provided regulated entertainment and served late night refreshment without any appropriate licence in place. The Police were considering a prosecution
- (d) The Police held a belief that the failure on the part of the Personal License Holder (Mrs S Lama) to comply with Licensing Law indicated that there was a risk to the personal safety of the public and a risk that The licensing objective to prevent Crime and Disorder would not be met
- (e) Following the events on 6 – 8 January the PLH had delayed in providing CCTV evidence requested by the Police.

The representative of the PLH confirmed:

- (a) the email advising that the TENS relating to the event scheduled for 6 - 8 January had been refused had been received but not read;
- (b) no confirmation of the TENS had been received but this was taken to indicate that the TENS had been accepted;
- (c) the event had taken place in the belief that a TENS was in place;
- (d) the event scheduled for 27 - 29 January had bookings and would be difficult to cancel;
- (e) there had been bookings for the event scheduled for 6 - 8 January;
- (f) there had been no issues arising from events that had taken place under a TENS; and
- (g) the PLH had made no enquiries when the TENS notice had not been sanctioned to establish where the PLH's copy that was required to be held by the PLH was.

RESOLVED -

The decision of the Sub-Committee was to uphold the application on the part of the Thames Valley Police to issue a Counter Notice for the following reasons:

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 carried out by the Personal Licence Holder, and,
2. 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.

THE CHAIR CLOSED THE MEETING AT 11.25 AM