

**Sloan, James**

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**From:** Fisher, Eddie  
**Sent:** 04 April 2017 14:36  
**To:** Sloan, James  
**Subject:** FW: Premises licence application: Memlings

Representation to Memling s Premises Licence Application

As a responsible authority under the Licensing Act I am as a licensing officer making a representation on the grounds of public nuisance

The application as it stands does not adequately promote this objective based on the location of the premises; the hours of operation sought; and the management standards required based on the operation of this premises previously.

Due to issues that have arisen at this premises in the past I familiar with the clientele and operation of the venue and the application as lodged appears to replicate how the premises operated in the past. On that basis I believe that previous history albeit by a different operator will be relevant in determining the controls that need to be in place to adequately prevent public nuisance. In addition as the applicant is related to the previous licence holder and the previous licence holder is also administering this application there remains a link to a person who was previously considered unsuitable. Management standards as at any venue are important and if the previous licence holder is still involved it is important to know what their role is and also how the new licence holder will manage and supervise the venue

It is worth pointing out that that premises is situated in a mixed development area notably with residential properties to the rear. In addition access to the venue is by a stairway to first floor level. This makes the entrance door level with the first floor bedrooms of residents houses a short distance away.

I will provide additional detail in support of my representation in due course including details of the revocation that happened in 2016 but in summary there were breach of licensed hours; breach of conditions; and at times noise nuisance. Nuisance was reported in three ways – noise from music; noise from patrons and odour from cooking extract (which I believe could be considered relevant in respect of late night refreshment)

During the application process to date I have asked several times to meet with the applicant but this has not occurred. At this stage I am not therefore able to conclude if they have the requisite skills, knowledge and competence to comply with the requirements of the Licensing Act. There have already been several flawed applications submitted and as there is only one director of the company concerned I do consider it important to receive reassurance on how any granted licence will be managed. Whilst not against the grant of a licence outright there I need to be satisfied that the premises will be run in accordance with any licence granted especially given the history of this venue.

I have previously submitted to the applicant a list of potential conditions that would in some way reduce the potential for public nuisance and the applicant has verbally confirmed that most of these might be acceptable but not which ones.

The list of conditions are as follows:

1. Licensable activities are restricted to the internal areas shown on the attached plan (this is to ensure the premises layout remains as applied for. This is important because it is the layout that responsible authorities have based their comments (or non-comments) on

2. Supply of late night refreshment for consumption on the premises shall cease no later than 30 minutes before the closing time specified on the licence (this is to ensure patrons have enough time to consume hot food and drink before the premises closes) Previously this did not always occur meaning people left the venue later than permitted prolonging the potential for disturbance to residents
3. Supply of late night refreshment for consumption off the premises (i.e. takeaway) shall cease no later than 15 minutes before the closing time specified on the licence (this is to ensure there is enough time for people to leave the premises before it closes). Previously this did not always occur meaning people left the venue later than permitted prolonging the potential for disturbance to residents
4. Signage will be prominently displayed at all public exit points requesting patrons to leave quickly and quietly (this is referred to in the application but needs to be clearly set out in a condition).
5. The premise licence holder or his nominated representative will ensure as far as reasonably practicable that patrons do not congregate outside the premises on the stairway and the alleyway during opening hours and after closing time (this is to try and reduce noise disturbance to residents given how late the licence is applied for). At 01:30 in the morning most people will be asleep and thus could be disturbed by persons departing from the venue)
6. During opening hours all external doors and the inner lobby main entrance door are to be kept closed other than for ingress / egress  
(this is to reduce noise breakout disturbing residents because the entrance door is elevated at first floor level increasing the potential for residents sleeping in rear bedrooms also at first floor level)
7. All entry doors to the premises are to be maintained self-closing (this is to ensure the doors close automatically when people go in and out thus reducing noise breakout)
8. The last supply of alcohol shall be no later than 30 minutes before the closing time specified on that licence for that day (this is to ensure people have enough time to consume alcohol they have purchased before the premises closes). The application only seeks on sales of alcohol so there is no requirement to control off supply
9. Regulated entertainment shall cease no later than 30 minutes before the closing time specified on the licence (this is to ensure persons are encouraged to leave the premises by the closing time specified on the licence)
10. The premises shall be clear of all patrons by the closing time specified on the licence for that day (this is to ensure potential disturbance to residents is restricted to a terminal hour). In the past the premises has not been clear of patrons by the time specified on the licence thus prolonging the potential for noise disturbance
11. Please define 'late evenings' in respect of door supervisors and what time they will be at the premises from as it is not clear from your application
12. There shall be no entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (this is referred to in the application but needs to be clearly stated).

I also have concerns regarding the commitment in the application to provide door supervisors in late evening. Whilst I welcome this there needs to be a clarification what 'late evening' means including what time they will be at the premises from and until as it is not clear from the application

It is important to state that agreement to conditions does not on its own mean I will withdraw my representation but it is part of the process of concluding if the licensing objectives can be adequately promoted and the licence holder is suitable.

I would be very happy to meet with the applicant if they can make themselves available

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