

ITEM 3(b)

Minutes of the LICENSING SUB-COMMITTEE held on TUESDAY 30 JUNE 2015 at 7.30 pm

Present: Councillor Lewis (Chair)
Councillors Patey-Smith and C Williams

Officers: D Abel (Solicitor), N Allen (Regulatory Compliance Manager), K Evans (Licensing Enforcement Officer) and J Crighton (Democratic Services)

Also Present: E Kampaite (Solicitor [Observer]), Mr G Lama (Applicant), Councillor M Galloway (Wolverton and Greenleys Town Council) and two members of the public

LSC01 ELECTION OF CHAIR

RESOLVED -

That Councillor Lewis be elected Chair of the Sub-Committee for the meeting.

LSC02 NEW PREMISES LICENCE (MEMLINGS GRILL, WOLVERTON)

The Sub-Committee considered a new premises licence for Memlings Grill, The Agora, Wolverton.

The Licensing Enforcement Officer informed the Sub-Committee that Memlings Grill had an existing licence which permits the following:

- (a) supply of alcohol, live music and recorded music between the hours of 10.00 am to 12.00 midnight, Monday to Sunday, other than New Year's Eve when hours may be extended until the start of permitted hours on New Year's Day; and
- (b) late night refreshments between the hours of 11.00 pm to 12.00 midnight, Monday to Thursday, and 11.00 pm to 1.30 am, Friday and Saturday, with the exception of Bank Holiday Mondays between the hours of 11.00 pm to 1.30 am, and New Year's Eve between the hours of 11.00 pm to 5.00 am New Year's Day.

The new application was for a number of licensable activities, as follows:

- (a) indoor live music between the hours of 10.00 am and 12.00 midnight, Monday to Sunday;
- (b) indoor recorded music and supply of alcohol (on and off sales) between the hours of 10.00 am and 12.00 midnight,

Sunday to Thursday, and 10.00 am to 1.45 am, Friday to Saturday; and

- (c) indoor late night refreshments between the hours of 11.00 pm to 12.00 midnight, Sunday to Thursday, and 11.00 pm to 2.00 am, Friday to Saturday.

In addition to the above, seasonal variations had also been requested in respect of the end times for licensable activities (except for live music), as follows:

- (a) Bank Holidays until 2.00 am; and
- (b) New Year's Eve until 5.00 am.

The Sub-Committee noted that this was the third application that had been received. The first application was submitted in March 2015 but the applicant had missed the required date by which a notice must be published in a local newspaper. The second application was submitted in April 2015 but was identified that the blue notice required to be displayed on the premises had not been undertaken in accordance with the requirements of the legislation.

It was also noted that upon the first application being submitted there were a large number of representations but this had reduced significantly following further applications being received.

The Licensing Enforcement Officer informed the Sub-Committee that complaints had been recorded against the premises, as follows:

- (a) smoke / odour from cooking - February 2013, July 2013, November 2013, January 2015 and March 2015;
- (b) loud music - March 2013, June 2014, July 2014, January 2015 and February 2015; and
- (c) people leaving premises - August 2013, August 2014, February 2015 and May 2015.

The Sub-Committee noted that a Noise Abatement Notice had been issued in April 2013 and the applicant had been prosecuted and issued with a caution in May and June 2014 for providing regulated entertainment beyond the permitted licensed hours.

The Licensing Enforcement Officer informed the Sub-Committee that the premises had had Temporary Event Notices (TENs) over the past three years, as follows:

- (a) three TENs to authorise activities to 1.00 am in 2012;
- (b) nine TENs to authorise activities to 1.30 am in 2013;
- (c) nine TENs to authorise activities to 1.30 am or 1.45 am in 2014; and
- (d) nine TENs to authorise activities to 2.00 am in 2015.

The Licensing Enforcement Officer informed the Sub-Committee that out of hours officers had visited the premises between January and May 2015 in relation to noise breakout and behaviour of customers leaving the premises.

The Licensing Enforcement Officer informed the Sub-Committee of concerns raised by local residents, which included the following:

- (a) violence;
- (b) noise;
- (c) urination in public;
- (d) vomiting;
- (e) damage to property and vehicles;
- (f) the provision of regulated entertainment until a late hour;
- (g) the premises close proximity to residential properties; and
- (h) the conditions offered would not be enough to reduce nuisance issues into the desired extended hours.

The Sub-Committee noted that mandatory conditions would be attached to the licence as required by the Licensing Act 2003 and further conditions offered in the operating schedule had been agreed by Thames Valley Police.

Mr Lama (applicant) informed the Sub-Committee that the application was very important to him and his premises had a good reputation across the country. He confirmed that he had responded to issues raised by residents and, in fact, some had become regular customers.

Councillor Galloway (Wolverton and Greenleys Town Council) informed the Sub-Committee that the current operation of the premises was insufficient and the premises should close at 11.00 pm to ensure that disturbance to residents was minimal. The premises was not maintained to a suitable standard whereas the main entrance was a steep staircase which had tiles missing on a number of steps. The plan of the premises showed an exit to the main internal area of The Agora but this was not open when the premises was in trading. CCTV was not adequately displayed.

Mr Lama informed the Sub-Committee that the plan was not correct. The exit shown served as a loading bay and the area was also used for storing rubbish. CCTV outside the premises was not their responsibility but that of The Agora, but the premises had adequate CCTV inside.

The Sub-Committee received a late representation from Councillor Miles.

The Sub-Committee recognised that it had to balance the interests of legitimate businesses against the requirements of the licensing

objectives. The terms of the application were not excessive and, whilst recognising the concerns of residents, felt that these could be sufficiently addressed by additional conditions imposed.

RESOLVED -

That the application be granted with the following conditions:

- (a) that the mandatory conditions will apply;
- (b) that all external doors should be fitted with self-closers to allow soft-closing;
- (c) that signage be displayed asking patrons to leave quietly and to respect neighbours;
- (d) that the applicant be responsible for making taxi drivers aware that they are not to sound their horns or bang their doors when attending the premises;
- (e) that there will be a minimum of three SIA registered doormen on duty at the premises every night from 11.00 pm until the premises closes when the premises trades past midnight; and
- (f) that an adequate CCTV system be installed, maintained and operated at the premises. The system must retain all images for a minimum of 28 days and must be kept available for the Police or Licensing Authority to view or remove for evidential purposes.

THE CHAIR CLOSED THE MEETING AT 9.00 PM