



LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination

Memlings Grill and Restaurant, The Agora Centre, Wolverton  
Application for a Temporary Event Notice (TEN)  
23 January 2017

<b>Constitution of the Sub-Committee:</b>	Councillors Alexander and Exon	
<b>Chair</b>	Councillor Morris	
<b>Others Present:</b>		
<b>Legal Advisor:</b>	Lee Gardner	
<b>Committee Manager:</b>	Dino Imbimbo	
<b>Licensing Officers:</b>	Ed Fisher	Senior Practitioner
<b>Applicant/Licence Holder</b>	Mr Gaby Lama	Memlings Grill and Restaurant
<b>/Licence Holder's Representative</b>		
<b>Unrepresented.</b>		
<b>Also Present:</b>	Gemma McCormack (Thames Valley Police)	
<b>Documentation:</b>	Report of Licensing Officer and documentation	
<b>Apologies:</b>	Mrs Sasa Lama	Memlings Grill and Restaurant
<b>Disclosures of interest:</b>	None	

Prior to the commence of the hearing, the Chair read an opening statement which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

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<b>Chairman:</b>	Councillor Morris
<b>Signature:</b>	
<b>Date of Signing:</b>	30 January 2017



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Members' Record of Determination

**Memlings Grill and Restaurant, The Agora Centre, Wolverton  
Application for a Temporary Event Notice (TEN)**

The Sub-Committee considered an objection notice from Thames Valley Police in respect of a Temporary Event Notice (TEN) to take place at Memlings Grill and Restaurant, The Agora Centre, Wolverton for an event from 27 January 2017 to 29 January 2017.

A Temporary Event Notice had been given 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.

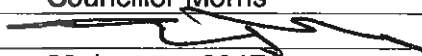
The Sub-Committee noted that Mrs S Lama was not in attendance at the hearing and a Mr Lama was in attendance. The Sub-Committee decided to allow Mr Lama to speak on behalf of Mrs Lama. However, that the Sub-Committee would then have to consider what weight they gave to any evidence given as he was not the premises user for the event concerned.

The notice was in respect of the proposal to serve alcohol and provide regulated entertainment and late night refreshment during the following hours;

- (a) Friday 27 January 2017  
13:00hrs to 02:00hrs on the morning of Saturday 28 January 2017
- (b) Saturday 28 January 2017  
13:00hrs to 02:00hrs on the morning of Sunday 29 January 2017
- (c) Sunday 29 January 2017  
14:00hrs to 23:45hrs.

The Licensing officer for Thames Valley Police told the Sub-Committee that the Police had given an objection notice for the following reasons;

- (a) A TEN had been submitted to the Council on 30 December 2016 in respect of an event scheduled for 6 - 8 January 2017

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- (b) The TENS had been served late and had failed to give the minimum required notice. The legislation does not allow the Licensing Authority to accept an application after the deadlines contained in the relevant legislation and, therefore, the TENS was rejected.
- (c) The premises user had held the event in any event, without a valid authorisation under the Licensing Act 2003 and served alcohol, provided regulated entertainment and served late night refreshment. The Police confirmed they were considering a prosecution.
- (d) The Police held a belief that the failure on the part of the Personal License Holder and premises user (Mrs S Lama) to comply with Licensing Legislation indicated that there was a risk to the 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 there had been a delay in providing CCTV evidence requested by the Police which still had not been received.

On questioning Mr Lama he confirmed that the email advising of the rejection of the TEN for 6 - 8 January had been received but not read.

He also confirmed that the email was sent to a generic address that both himself and Mrs S Lama had access to but neither had checked it. He further stated that no confirmation of the TEN submitted had been received but this was taken to indicate that the TENS had been accepted.

Mr Lama confirmed the event had taken place in the belief that a TEN was in place, however neither him or the premises user had made enquiries when the endorsed TEN (which they required to have in order to produce it if Police were in attendance), was not received


Mr Lama further when on to confirm that the event scheduled for 27 - 29 January had bookings and would be difficult to cancel, but that he had taken a booking for the event scheduled for 6 – 8 January as well before a TEN had been endorsed.

Mr Lama also stated that there had been no issues of crime and disorder or public safety concerns arising from events that had taken place under a TEN or at the unauthorised event to date.

In response to these comments the Licensing officer for Thames Valley Police commented that this premise has to be kept under close scrutiny because if it is not then problems arise.

The Licensing officer also informed that Mrs S Lama, as a Personal Licence holder, had changed address and had yet to notify the Licensing Authority of her new address.

The Sub-Committee, in considering its decision, took note that the premises user held a Personal Licence and was the Designated Premise Supervisor of the

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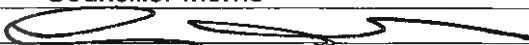
Memlings Restaurant during the period it held a licence. Yet that license had been revoked for a number of reasons, including operating outside licensed hours and failing to provide CCTV footage when requested.

The Sub-Committee was also referred to the Section 182 Guidance on Crime and Disorder paragraph 2.5 which says “.poor management competency could give rise to issues of crime and disorder and public safety.”

**RESOLVED -**

The decision of the Sub-Committee was to uphold the objection on the part of the Thames Valley Police and 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 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.

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