

# LICENSING COMMITTEE AGENDA

WEDNESDAY 16 MARCH 2016  
6.30 PM

## COUNCIL CHAMBER CIVIC OFFICES CENTRAL MILTON KEYNES

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Councillor Morris (Chair)  
Councillor Alexander (Vice-Chair) and Lewis (Vice-Chair)  
Councillors Exon, Geaney, Green, R Gifford, McDonald, Miles, Patey-Smith, Wallis,  
Webb, C Williams and P Williams.

If you have any enquires about this agenda please contact Simon Heap, Committee Services Manager, Tel: (01908) 252567 or E-mail: [simon.heap@milton-keynes.gov.uk](mailto:simon.heap@milton-keynes.gov.uk)



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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 02 DECEMBER 2015 (Item 3a) (**Pages 5 to 7**)
- (b) The meeting of the Licensing Sub-Committee held on 01 DECEMBER 2015 (Item 3b) (**Pages 8 to 9**)
- (c) The Meeting of the Licensing+ Sub-Committee held on 07 DECEMBER 2015 (Item 3c) (**Pages 10 to 13**)

### **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.



## ITEM 3 (a)

Minutes of the meeting of the LICENSING COMMITTEE held on WEDNESDAY 2 DECEMBER 2015 at 6:30 pm

**Present:** Councillor Morris (Chair)  
Councillors Exon, Geaney, Green, Lewis, McDonald, Patey-Smith, Wallis, Webb, C Williams and P Williams

**Officers:** C Londy (Head of Environmental Health and Trading Standards), S Teesdale (Licensing Team Leader), L Gardner (Case Manager, Litigation), N Ahmad (Solicitor - Planning), V Blane (Solicitor [Planning and Environment]), A Burton (Rights of Way Officer), E Fisher (Senior Practitioner), A Ward (Senior Practitioner) and S Heap (Committee Services and Scrutiny Manager).

**Apologies:** Councillors Alexander, R Gifford and Miles

### LC11 **MINUTES**

RESOLVED -

That the Minutes of the meeting of the Licensing Committee held on 23 September 2015, and the meetings of the Licensing Sub-Committee held on 23 and 24 September 2015 be approved and signed by the Chair as correct records,

### LC12 **CONSIDERATION OF STATEMENT OF GAMBLING PRINCIPLES 2016 - 2019**

The Committee considered the outcome of a review of the Council's Statement of Gambling Principles.

It was reported that the original Statement was adopted by the Council in 2007 and had been reviewed every three years as required by Section 349 of the Gambling Act 2005.

The Committee heard that the existing Statement had been reviewed against the statutory requirements detailed in the Gambling Act and the associated Regulations and a number of necessary minor corrections had been identified. The Statement had also been reviewed for accuracy to reflect current circumstances and updated accordingly.

It was also reported that with effect from April 2016 applications for premises licences would need to include consideration of local risks. However, as to what constituted a local risk was not defined and the Licensing Authority was able to formulate a Local Area Profile of 'local risks'; to guide applicants. While there was no requirement for the Licensing Authority to have a Local Area Profile it was suggested that there was potential benefit, as a Profile would make local circumstances more evident and assist decisions on applications, accordingly reference had been made in the revised Statement to Local Area Profiles and the views of relevant partners would shortly

be obtained as to the possibility of producing Local Area Profiles for Milton Keynes.

The Committee was advised that the revised Statement had been circulated for consultation to councillors; town and parish councils; Responsible Authorities under the Act; those representing persons carrying on gambling businesses in Milton Keynes and other interested parties which were detailed in the Statement. As a result of the consultation responses further amendments had been made to the draft Statement.

The Committee received additional responses to the consultation from the Association of British Bookmakers, submitted after the agenda had been published, which if accepted, would require further amendments to the revised Statement.

**RESOLVED -**

That the Council be recommended to approve the draft Statement of Gambling Principles 2016 – 2019, subject to:

- (a) The proposed change to paragraph 2.10 being amended to read:

“The Council consulted those organisations; businesses and individuals as listed at Appendix B in respect of this policy. The list of consultees will be updated from time to time.”
- (b) Section 7.5 being deleted from the draft Statement.
- (c) Section 9.1 being amended to include the phrase “the Council does not impose standardised additional conditions based on the gambling use of a premise and imposition of non-mandatory conditions will be based on promotion of the licensing objectives”.
- (d) Section 16.3 being amended to read “The Licensing Authority recognises that disorder (including low level disorder) can occur at or outside particular premises as a result of the licence in place. Therefore it recommends that an applicant puts in place such control measures considered proportionate to prevent and minimise such issues. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence where the licensing objectives are compromised, e.g. governing opening hours or the use of Door Supervisors”.
- (e) The last sentence of Paragraph 16.9 being amended as follows to make situation clearer:

“It is not possible to predict every scenario but some circumstances might include siting certain machines where they cannot be seen by children; restricting advertising; and ensuring there is no accidental access to enter premises by design.”
- (f) The last sentence of Paragraph 30.1 being amended to read:

“In addition, the Licensing Authority recommends that an



application for such premises carefully considers the location of gaming and other machines so as to promote the licensing objectives both within and external to the premises”.

THE CHAIR CLOSED THE MEETING AT 6:49 PM



Minutes of the LICENSING SUB-COMMITTEE held on TUESDAY 1 DECEMBER 2015 at 7.30 pm

**Present:** Councillor Morris (Chair)  
Councillors Lewis and C Williams

**Officers:** D Abel (Solicitor), S Teesdale (Licensing Team Leader), D Novell (Senior Enforcement Officer) and J Crighton (Democratic Services)

**Also Present:** Mr Paul Ashby (Designated Premises Supervisor [Bogota Coffee Company Limited])

**LSC05 NEW PREMISES LICENCE - BOGOTA COFFEE COMPANY LIMITED, RILLATON WALK, CENTRAL MILTON KEYNES**

The Sub-Committee considered a new premises licence application by Mr Paul Ashby in respect of Bogota Coffee Company Limited, Rillaton Walk, Central Milton Keynes.

The Senior Enforcement Officer informed the Sub-Committee of the following:

- (a) the premises had been registered with Milton Keynes Council since December 2013;
- (b) the application was to permit the sale of alcohol on the premises from 12.00 pm to 11.00 pm, Monday to Friday, and 10.00 am to 11.00 pm, Saturday and Sunday;
- (c) the Bogota Coffee House was situated within 'The Hub' which combined residential and commercial properties;
- (d) the premises was located in a pedestrian passageway between Nando's and the Sweat Studio gym;
- (e) there were residential properties situated above the premises;
- (f) the premises can seat approximately sixteen people inside and a further six people outside;
- (g) there had been no complaints regarding noise or anti-social behaviour;
- (h) CCTV would be installed to cover the entrance and exit of the premises and the system would allow the Designated Premises Supervisor to remotely monitor the system away from the premises;
- (i) the applicant would implement a Challenge 25 policy;
- (j) there had been no representations from the Police.

- (k) three representations had been received from local residents concerning crime and disorder, public nuisance and inappropriate use and breaking of their communal entrance door;
- (l) following the representations being lodged, the following additional condition had been added to the operating schedule which had been sent to those who had lodged the representations:  

‘The outside area is to be used exclusively for smokers after 10.00 pm with no drinks to be taken outside after 10.00 pm’;
- (m) following the additional condition being communicated, two of the three representations had been withdrawn;
- (n) there had been an alleged report of criminal damage to the communal door to the residential property but this had not been reported to the Police and appeared to have happened several years ago;
- (o) in June 2008, there had been a complaint regarding noise relating to Gourmet Burger Kitchen; and
- (p) in June 2011 and October 2012, there had been recorded complaints regarding noise relating to Nando’s;

The Sub-Committee noted that mandatory conditions would be attached to the licence, as required by the Licensing Act 2003.

Mr Ashby (Designated Premises Supervisor [Bogota Coffee Company Limited]) informed the Sub-Committee of the following:

- (a) that the sale of coffee is the primary product of the business;
- (b) the business is family owned and independent;
- (c) there had been no complaints against the premises in the two years that it had been open;
- (d) there were glass windows opposite the premises and not balconies as alleged; and
- (e) the business had previously held five late night events, four of which were under Temporary Event Notices licences, and no complaints had been received.

The Sub-Committee felt that there would be no problems relating to the premises if the application be granted.

RESOLVED -

That the application be granted.

THE CHAIR CLOSED THE MEETING AT 7.55 PM

Minutes of the LICENSING SUB-COMMITTEE held on MONDAY 7 DECEMBER 2015 at 12.35 pm

**Present:** Councillor Morris (Chair)  
Councillors Alexander and Lewis

**Officers:** J Setchell (Solicitor), J Sloan (Licensing Officer), G Clarke (Senior Environmental Health Officer), M Barnes (Environmental Health Officer) and J Crighton (Democratic Services)

**Also Present:** Mr Rowland Omamor and Mr Mahmood (Big Momma's Restaurant)

**LSC06            TEMPORARY EVENT NOTICES FOR BIG MOMMA'S RESTAURANT, THEATRE DISTRICT, CENTRAL MILTON KEYNES**

The Sub-Committee considered Temporary Event Notices submitted by Mr Rowland Omamor in respect of Big Momma's Restaurant, Theatre District, Central Milton Keynes.

The Licensing Officer informed the Sub-Committee of the following:

- (a) two separate Temporary Event Notices had been submitted to the Licensing Authority by Mr Rowland Omamor for weekend events;
- (b) both Notices were for the indoor supply of alcohol, provision of regulated entertainment and late night refreshment, for the following dates and times:

**Friday 11 December 2015**

23.00 to 02.00 the following morning

**Saturday 12 December 2015**

23.00 to 04.00 the following morning

**Friday 18 December 2015**

23.00 to 02.00 the following morning

**Saturday 19 December 2015**

23.00 to 04.00 the following morning

- (c) the premises holds a licence which only permits the supply of alcohol from 11.00 am to 11.00 pm, Monday to Sunday;

- (d) non-standard timings are limited to private bookings (access to the public during these times would not be permitted) and on New Year's Eve; 11.00 to 01.00, Monday to Sunday;
- (e) a variation application had been submitted and is under consultation. The application is to provide:
  - Supply of alcohol, live music, recorded music, anything similar:
    - Monday to Thursday  
11.00 to 02.00
    - Friday and Saturday  
11.00 to 04.00
    - Late Night Refreshment:
      - Monday to Thursday  
23.00 to 02.00
      - Friday and Saturday  
23.00 to 04.00
- A meeting of the Licensing Sub-Committee had been arranged for 14 January 2016 to consider the application.
- (f) the premises was granted a licence on 8 September 2015 and had been predominately operating as a restaurant. No regulated entertainment was permitted to be provided at the premises;
- (g) the premises provide background music during the day and for private events, which was not licensable;
- (h) the premises is located on the first and second floors at 12 Garrick Walk, Theatre District;
- (i) the area has a number of other licensed premises, businesses and residential flats;
- (j) the premises was not joined to any other businesses and the ground floor is currently vacant;
- (k) the premises is situated within approximately ten metres of residential flats, some of which overlook the premises;
- (l) the Senior Environmental Health Officer visited the premises on Saturday 14 November 2015 at 00:55 following a complaint that had been received from a resident who lived to the rear of the premises;
- (m) upon visiting the complainant, the officer could hear the bass beat from loud amplified music which was unacceptably loud and intrusive and was coming through the roof of the premises;

- (m) the officer had determined that the noise levels were classed as a Statutory Nuisance;
- (o) the officer then visited the premises who had noticed that the blue notice, which outlines the terms of the premises licence, was displayed on the entrance doors;
- (p) upon entering the restaurant, the officer noticed a large DJ mixing desk and two sets of large loudspeakers situated on the floor;
- (q) the officer spoke with Mr Omamor who said that he was having a private event with family and friends and he would be holding a similar event on the Saturday evening;
- (r) he was advised not to do so until he had clarified the position with the Licensing Officer and had resolved the issue of noise breakout from the building, particularly the roof; and
- (s) an objection had been received from Environmental Health;
- (t) there had been no objection from Thames Valley Police.

The Environmental Health Officer informed the Sub-Committee that the premises had not been constructed for entertainment purposes as it had not been designed to prevent or insulate against high levels of music noise breaking out of the premises and a sound muter would not be suitable as it could not be frequency selected.

The Senior Environmental Health Officer informed the Sub-Committee that officers had visited the premises on 21 November 2015 and 6 December 2015 and confirmed that the music had been playing at a low volume.

Mr Omamor asked the Licensing Officer and Environmental Health Officers if there was any evidence that the premises was not suitable for entertainment purposes and had it been previously used for this purpose.

The officers were unsure if it had been.

Mr Omamor informed the Sub-Committee of the following:

- (a) he had chosen the premises due to the location;
- (b) he had not known that it was not designed for entertainment purposes;
- (c) the volume of music was not that of a nightclub;
- (d) he had taken steps to avoid causing a noise disturbance;
- (e) the premises was situated on two floors; the first floor was a restaurant and the second floor was not currently in use;
- (f) Pizza Hut owned the ground floor;
- (g) he had previously been a manager at Whitbread for 17 years and had an understanding of regulated entertainment;

- (h) he had applied for a Temporary Events Notice for Friday 4 December to Sunday 6 December 2015 but this had been refused due to the lateness of the application; and
- (i) he is present at every event which takes place in the premises and controls the music being played.

RESOLVED -

That the Sub-Committee not give a Counter Notice for the following reasons:

1. There had been no other complaints since the one made on the night of Friday 13 November 2015 / morning of Saturday 14 November 2015.
2. Mr Omamor had taken steps to mitigate the sound breakout from the premises and also consulted with the complainant.
3. Mr Omamor had previous experience in managing licensed premises with regulated entertainment.
4. That the premises was primarily a restaurant and not a nightclub.
5. That there had been no failure to uphold the licensing objectives since 13 / 14 November 2015.

THE CHAIR CLOSED THE MEETING AT 1.35 PM