

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