

LICENSING SUB-COMMITTEE**22 October 2007****Attendance:**

Councillors:

Mather (Chairman) (P)

Bell (P)

Howell (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mrs S Blazdell (Environmental Protection Team Manager)

1. **THE BLONDE BEER CAFÉ, BRIDGE STREET, WINCHESTER**
[\(Report LR259 refers\)](#)

The Sub-Committee met to consider an application by Mr Satbir Ghuman to vary the premises licence for the Blonde Beer Café under Section 34 of the Licensing Act 2003. The application was to extend the hours for the sale of alcohol and for the provision of regulated entertainment, also to remove the condition restricting the use of the garden after 2100 hours.

Present at the meeting were Mr Satbir Ghuman (Applicant) and Mr Stuart Farrar (Legal Representative for Mr Ghuman). Mrs Sue Blazdell (Environmental Protection) was also in attendance as were PC Gary Miller and Sergeant Karen Fisher (Hampshire Constabulary), representing the Responsible Authorities. The following Interested Parties were present and made representation at the meeting: Mrs S Bowey, Ms A Betsworth, Mrs C Mason, Mr & Mrs J Hunt, Ms R Seward and Mr C Webster. 18 members of the public also came to observe the meeting.

Mr Myall presented the application as set out in the Report. He explained that since the report had been published, the applicant had reduced the hours he had applied for, for the sale of alcohol and regulated entertainment, and that they should read:

(i)	Sunday to Wednesday	1200 to 0000
(ii)	Thursday	1200 to 0000
(iii)	Friday and Saturday	1200 to 0200
(iv)	Christmas Eve	1200 to 0200
(v)	New Year's Eve	1200 to 0200
(vi)	Good Friday	1200 to 0200

These hours would mean that the existing right to open at 1000 hours New Year's Eve until closing time on New Year's Day would be removed from the licence. Mr Ghuman had also applied to have the condition relating to the restricted use of the beer garden removed, to allow smokers to use this area after 2100 hours, following the implementation of the smoking ban in public places. This was because smokers were now congregating in Bridge Street on the narrow pavement, causing problems such as congestion and public safety issues. Extra conditions had therefore been volunteered by the applicant to address the noise nuisance issues, should the restriction on the garden be limited. It was brought to the attention of the Sub-

Committee that Mr Ghuman also employed SIA trained door staff, which he did not have to provide under the conditions of his current licence, in an attempt to control the situation at the front of the Premises.

Mr Myall concluded by stating that representations had been received from the Head of Environment and the Police, in addition to representations from 27 Interested Parties. He added that, in February 2007, he had written to Mr Ghuman, in response to complaints received about noise from the garden area after 2100 hours.

Mr Farrar spoke in support of the application. He began by outlining the additional conditions the applicant had offered to tackle the noise issue, which had arisen from suggestions made following an acoustic report that had just been completed on the premises. The applicant had also consented to all conditions put forward by the Police and the Head of Environment.

The acoustic report had identified several noise and anti-social behaviour issues, including that the Premises was on the way home for many people after an evening out in the City Centre. Therefore the noise disturbance could not be completely attributed to the Blonde Beer Café. Mr Farrar continued that there had been positive discussions with the Police and that, in response to the representations, the applicant had reduced the hours applied for.

Responding to a Members' question, Mr Farrar explained that since the smoking ban had been introduced, the problems at the front of the Premises had been exacerbated. Mr Ghuman was attempting to address this by removing the restriction on the beer garden, to allow use of that area by smokers only after 2100 hours and preventing people from taking drinks out after this time. There would also be staff on hand to monitor noise volumes and to control the amount of people outside. He stated that removing the smokers from the front of the building to the garden would have a major impact on the number of people standing on the pavement. This, combined with the SIA door staff, should make the situation more controllable. Mr Farrar added that he could not say that customers from the Blonde Beer Café did not act anti-socially, but that the applicant would call the Police if needed.

Mr Farrar concluded that the remedial works suggested by the acoustic report, which had also been agreed by the Environmental Protection Team Leader, would be carried out within three months, or within three months of any required planning permission. Any variation of the licence would not come into force until all the works had been completed to the satisfaction of the Council.

Mrs Blazdell reported that she had received a number of complaints about noise and consequently recommended that the acoustic survey be carried out. Having met with Mr Farrar and Mr Ghuman following this survey, she confirmed that she was satisfied with the report and the suggested recommendations. There was a concern that there would still be noise disturbance from the garden and the front of the Premises. However, this would be more tolerable should the work to the structure of the building be completed satisfactorily and if all other conditions were adhered to. Ms Blazdell also suggested the possibility of using a sound limiter to control the volume of any music, be it recorded or live. Agreed levels could be set, which would include setting levels of frequencies, particularly bass, and should these levels be exceeded then the electricity supply would cut out. She concluded by adding that she was happy to work closely with the applicant and any contractors to ensure that any works were carried out correctly.

PC Miller then spoke regarding the representation from Hampshire Constabulary. He explained that the applicant had complied with all requests from the Police, but that there was an obvious concern about public safety and public nuisance. He highly

praised the door staff, stating that they did everything they could, given the circumstances, and that they were very proactive on drug prevention and working with the Police. PC Miller added that he could not see what else could be done without the use of the garden for smoking after 2100 hours.

Responding to questions from the Sub-Committee, PC Miller stated that there would always be queues outside, due to the nature of the Premises, but that the Police were very rarely called to deal with a situation in the vicinity.

Mrs Bowey then spoke, representing herself and other residents who could not attend the meeting, opposing the application. She stated that there was excessive noise, such as screaming, shouting and music that emanated from the premises, disturbing residents in neighbouring properties. Doors were often left open and the garden was frequently in use after 2100 hours, despite the licence restricting its use after this time. She commented that extending the hours would increase the disturbance for longer, preventing people from sleeping at night, especially in the summer months when the bass beat could clearly be heard through open windows.

She continued that the safety of both patrons and residents was compromised by the numbers of people standing waiting to enter the Premises, or smoking outside, and that frequently people were walking in the road. Several residents had complained of the anti-social behaviour of people they believed to have left the Blonde Beer Café walking past their properties; loud talking and laughing, car stereos and slamming doors all disturbed residents for several hours after the Premises had closed. Mrs Bowey concluded by stating that the area was not a suitable location for such a Premises and that the building was also not suitable. She requested that the application be refused on these grounds.

Following a question from a Member, Mrs Bowey confirmed that her representation had not changed after hearing all the proposed conditions, as the problems of noise would continue with people leaving after closing time.

Mrs Betsworth also spoke against the application, stating that she did not have faith that the management of the Premises would reduce the disturbance to the public if the application was granted due to its history and that she felt there was no regard for the neighbouring properties.

Other Interested Parties, as listed above, then spoke opposing the application and added the following points:

- residents had been phoning the 101 non-emergency number as they had been told to do, but it appeared that nothing was being done by the Police.
- problems had been apparent before the smoking ban was introduced in July 2007.
- it could not be expected that staff would be able to keep customers quiet when out in the garden smoking.

Ms Seward added to the above representations, voicing her concerns about the noise emanating from the Premises, as she had to get up early in the morning for work and also had a young child that was often disturbed by music from the Blonde Beer Café. There were also concerns over how noisy the garden could be after 2100 hours should the application be granted and the restrictions removed. However, Ms Seward added that she was comforted by what she had heard at the hearing and that she was pleased to hear that works had been agreed to soundproof the building. She commented that should the conditions be adhered to, and the relevant works be

completed, then she would not consider the extension in hours to be as disruptive as they could be otherwise.

Mr Farrar summarised, in response to the representations, by stating that the applicant was willing to give a copy of the acoustic report to any residents that requested to see it, as he wished to maintain a positive relationship with them. He acknowledged there was an obvious noise nuisance issue and that Mr Ghuman was willing to address these problems, by way of the self-imposed conditions to the licence and being prepared to spend a significant amount of money to upgrade the building.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by Interested Parties. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

RESOLVED:

1. That the application to vary the premises licence at the Blonde Beer Café be refused.

Reason for Decision: The Sub-Committee considered that granting the application would undermine the licensing objective of the Prevention of Public Nuisance.

The meeting commenced at 2.00pm and concluded at 5.05pm.

Chairman