

LICENSING SUB – COMMITTEE

22 November 2010

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application: Review of a Premises Licence

Premises: Mikiki Lounge, 5 Bridge Street, Winchester

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Part A.**1. Application****Applicant:** Head of Environmental Protection**Premises:** Mikiki Lounge, 5 Bridge Street, Winchester

- 1.1 This report relates to an application by the Head of Environmental Protection for a review of the premises licence for the Mikiki Lounge, 5 Bridge Street, Winchester, made under Section 51 of the Licensing Act 2003.
- 1.2 The premises licence holder is Karl Collymore, 35, Cobden Crescent, Bitterne, Southampton. Mr Collymore has held the premises licence since 13 May 2009.
- 1.3 The current premises licence permits the provision of regulated entertainment for music and dancing on Thursdays, Fridays and Saturdays.
- 1.4 The licence also permits the sale of alcohol with various terminal hours. The licence can be seen at Appendix 4a.
- 1.5 The application for the review relates to the licensing objective for the prevention of public nuisance. Appendix 1.
- 1.6 The application stems from a history of noise nuisance from music within the premises and the use of the garden by patrons of the premises.
- 1.7 The premises licence was reviewed at a hearing on 17 December 2007. At that time the premises was known as the Blonde Beer Café and the premises licence was held by Mr Satbir Ghuman.
- 1.8 At that review hearing the conditions were varied to lift the restriction on the use of the garden to allow only smokers to use it after 2100 hours.
- 1.9 Conditions were also imposed regarding an acoustic survey and a noise management plan.
- 1.10 The Head of Environmental Protection recommends that the terminal hour for regulated entertainment and the sale of alcohol should be 2300 hours every day.
- 1.11 The Head of Environmental Protection also recommends that the condition allowing the use of the garden by smokers only after 2100 hours should be amended to restrict the use of the garden completely after 2100 hours.

- 1.12 A representation was received from the Chief Officer of Police for Hampshire relating to the prevention of crime and disorder, and the public nuisance licensing objectives. Appendix 2.
- 1.11 The Police recommend that the above two conditions are attached to the premises licence, with the following additional conditions:
- a. CCTV System must be installed and maintained to a standard agreed with Police. The system must be capable of producing evidential standard quality images with a minimum requirement of six frames per second operating in normal conditions within the public areas.
 - b. All public areas must be covered by CCTV. This must include the front door and bar areas and must be capable of providing good quality head and shoulder images.
 - c. All images must be retained for 30 days and made available to an authorised officer on request.
 - d. There must always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity.
 - e. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for additional software to be installed.
 - f. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
 - g. Records must be made and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
- 1.12 Representations were received from nine interested parties concerned with public nuisance caused by noise from the premises, and nuisance caused by the patrons of the premises. Appendix 3.
- 1.13 A representation was also received a representative of an interested party who holds the freehold of the property.
- 1.14 Notice of the application was displayed outside of the premises and at the City Offices for a period of 28 days until 2 November 2010, and advertised on the Council's website.
- 1.15 Notices of the hearing were sent to all Parties on 11 November 2010.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Head of Environmental Protection

The Head of Environmental Protection is the applicant for review.

Hampshire Constabulary

A representation was received from Hampshire Constabulary.

Hampshire Fire and Rescue Service

No representations received.

Safeguarding Children unit

No representations received.

Head of Building Control

No representations received.

Head of Safety Standards

No representations received.

3. Interested Parties

1	Ms	J	Solomides	38 Water Lane
2	Mr & Mrs	J	Hunt	20 Water Lane
3	Mr & Mrs	S	Bowey	32 Water Lane
4	Mr & Mrs	B	Gunyon	4 St John's Street
5	Mr	A	Aylwin-Foster	60 St John's Street
6	Mr	J	Beddington	43 St John's Street
7	Mr	S	Clay	10 St John's Street
8	Ms	R	Seward-Thompson	8 Water Lane
9	Mr	D	Harper	St John's Neighbourhood Watch 51 St John's South

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Modify the conditions of the licence;
2. exclude a licensable activity from the scope of the licence;
3. remove the premises supervisor;
4. suspend the licence for a period not exceeding three months;
5. revoke the licence

Terminal hours

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours, and the observations of the Head of Environmental Protection, the Police and the interested parties, and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy Part 4, A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police and the interested parties.

(Licensing Policy 1.6, 2.11, 2.17)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise and light pollution from the premises having regard to the observations of the Head of Environmental Protection, the Police and the Interested Parties.

(Licensing Policy Part 4, Section C)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

5. Conditions

The following Mandatory Conditions are imposed on every premises licence.

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
4. No film shall be exhibited unless it has received a U, PG, 12, 15 or 18 certificate from the British Board of Film Classification, or it is a current newsreel which has not been submitted to the British Board of Film Classification. The admission of children shall be restricted in accordance with the recommendations of the British Board of Film Classification.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
9. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
10. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Possible Conditions

If the application for review is granted, the Sub-Committee may wish to consider the following hours and additional conditions to promote the licensing objectives:

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:
 - i. Thursdays to Saturday 1200 to 2300 each day
2. The hours the premises may be used for the sale of alcohol shall be:
 - ii. Mondays to Saturdays 1000 to 2300 each day
 - iii. Sundays 1200 to 2230
 - iv. Christmas Day 1200 to 1500 and 1900 to 2230
 - v. Good Friday 1200 to 2230
 - vi. New Years Eve 1000 to 1000 1 January (1200 if on a Sunday)

Crime and Disorder

1. CCTV
 - a. CCTV System must be installed and maintained to a standard agreed with Police. The system must be capable of producing evidential standard quality images with a minimum requirement of six frames per second operating in normal conditions within the public areas.
 - b. All public areas must be covered by CCTV. This must include the front door and bar areas and must be capable of providing good quality head and shoulder images.
 - c. All images must be retained for 30 days and made available to an authorised officer on request.
 - d. There must always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity.

- e. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for addition software to be installed.
- f. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
- g. Records must be made and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

Public Nuisance

The use of the rear garden for patrons shall cease at 2100 on any day.

6. Other Considerations**Corporate Strategy (Relevance To:)**

This report covers issues which relate to Safe and Strong Communities.

Resource Implications

No fee is applicable for this application. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Head of Environmental Protection
2. Representations by Responsible Authorities
3.
 - a. Representations by Interested Parties
 - b. Representation by Freeholder
4. Copy of premises licence.
5. Map of premises location



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Abigail Toms

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Mikiki Lounge 5 Bridge Street Winchester Hampshire SO23 8HN	
Post town Winchester	Post code (if known) SO32 2QB

Name of premises licence holder or club holding club premises certificate (if known) Karl Collymore 35 Cobden Crescent Bitterne Southampton Hampshire SO18 4EX

Number of premises licence or club premises certificate (if known) PREM184
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mrs Abigail Toms Environmental Health Officer Environment Department Winchester City Council Colebrook Street Winchester SO23 9LJ
Telephone number (if any) 01962 848598
E-mail address (optional) atoms @winchester.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The prevention of public nuisance.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

The Mikiki Lounge is a late night entertainment venue located on Bridge Street at the corner of Water Lane and is surrounded by residential properties in Water Lane and St John's Street. A map is enclosed at Appendix A.

Since June 2005, Environmental Health have been in receipt of complaints from local residents living in Water Lane and St John's Street alleging noise from loud music from within the premises, from customers using the garden area at the rear of the premises as well as from noise of people queuing at the front of the premises.

Prior to the existing Licence, the Premises Licence was held by Satbir Ghuman.

In 2007, Mr Ghuman applied for a variation to the Premises Licence to extend hours for the sale of alcohol and regulated entertainment and to remove the restriction on the use of the garden after 2100. This was refused at a hearing of the Licensing Sub-Committee on 22nd October 2007. (Report LR259 refers)

After continued noise complaints, Environmental Health Manager Sue Blazdell applied for a review of the Licence which was heard at Licensing Sub-Committee on 17th December 2007. (Report LR270 refers) The Sub-Committee resolved a number of conditions in respect of Public Nuisance and Public Safety which were subsequently amended on appeal at North Hampshire Magistrates court on 21st February 2008 and provide the conditions that exist on the current licence held by Mr Collymore.

At the meeting in December 2007, then under the management of Licensee Mr Satbir Ghuman, the Sub-Committee heard that the building itself was not considered structurally adequate to prevent noise breakout. Mr Ghuman had commissioned an acoustic report prepared by Acoustic Consultants English Cogger Partnership. The Committee resolved a condition that 'No regulated entertainment consisting of amplified music shall be provided until the acoustic report obtained by the premises licence holder has been implemented and remedial works have been agreed with, and completed to the satisfaction of the Head of Environment.'

The acoustic report recommended that a noise limiter be installed. However it stated that inaudibility in nearby residential properties could only be achieved by limiting the noise levels to 70-75dB within the bar which would be unlikely to provide appropriate level for the purposes of entertainment. It was stated that it would be necessary to improve the sound insulation of the building envelope, tackling the weakest elements of the structure first, with additional sound insulation being undertaken if required to achieve an appropriate balance between music levels in the bar and control of external levels. A number of works were carried out in accordance with the report including provision of additional sliding doors to the east façade, provision of a noise limiter, sealing of an unused door on the Western façade and additional sound insulation to the main doors to the bar.

The total ban on the use of the garden after 2100 was changed at the hearing in December 2007. The introduction of smoke free legislation made under Health Act 2006 made it illegal for smokers to smoke indoors. At this venue there is only a choice of smoking in the garden area at the rear, which could exacerbate public nuisance issues or smoking at the front of the premises, which with narrow pavements directly adjacent to the busy centre roads posed a serious public safety issue. The Sub-Committee resolved the condition that 'The garden may be used after 2100 hours only by persons smoking, provided that the licence holder submits a noise management plan to the Head of Environment for approval prior to implementation. No drinks may be taken into the garden after 2100'. This condition

still exists on the licence held by Mr Collymore.

A Noise Management Plan (4th January 2008) was agreed and is attached at Appendix B. Amongst other controls, the plan states that after 2100 a section of the garden would be closed off and the number of smokers limited to 15 people at any one time, under the direct supervision of the door attendant. No glassware or drinks would be allowed to be taken outside into the garden after 2100.

Mr Ghuman left the premises and the licence was transferred to Mr Collymore on 13th May 2009.

I took over the case in May 2009 and received a succession of noise complaints over the next couple of months from 7 residents living in Water Lane and St John's Street.

A warning letter was sent to the Licensee on 30th June 2009 and the complainants were issued with log sheets.

At his request, I met with the Licensee Mr Collymore on 5th August 2009 and he appeared very willing to resolve the noise issues. Mr Collymore advised me that he had not seen the acoustic report and was not aware of the history of the premises although Mr Myall had recently given him a copy of the noise management plan. I noted that some improvements recommended in the acoustic report had not been completed/ satisfactorily completed including:

1. Ventilation grilles in the Western wall had not been blocked off/ removed
2. Emergency exit door was lightweight and it was unlikely it had been replaced
3. The noise limiter was not working

Following my warning letter, Mr Collymore advised that the louvres to the Western façade of the building near to the emergency exit door had been removed and the gap filled with Rockwool and boarded but it was not apparent to what standard this work had been carried out.

Mr Collymore engaged the services of English Cogger Partnership to assist in identifying the required materials for structural improvements and I received a copy of his report of 28.8.09.

Meanwhile I received a number of completed log sheets from residents. A collation of complaints from residents is shown in Appendix C. As a result of the continued complaints, Officers from Environmental Health carried out several evening noise monitoring visits.

On 24th September 2009, my colleagues Sara Hayes and Melody Hastings reported that at 2200, dance type music was clearly audible in the property of 8 Water Lane. On the same night at 2230, the noise from both music and customers talking/shouting/laughing was clearly audible in the kitchen at 5 Water Lane, at levels that would interrupt conversation. In the front bedroom which faces Mikiki, the noise from loud music and voices was considered to be so intrusive that it would prevent sleep.

On 1st October 2009, considerable noise from people shouting/screaming/laughing in the garden of Mikiki was witnessed in the bedroom of 8 Water Lane at approximately 2220hrs.

As a result of the evidence gained from Environmental Health Staff and complaints received from the public, an Abatement Notice was served on Mr Collymore on 5th October 2009 under the provisions of the Environmental Protection Act 1990. This required him to abate the nuisance to nearby residential properties at 5 and 8 Water

Lane.

In response to this Mr Collymore arranged for the assistance of English Cogger who along with Environmental Health were involved in the setting of the noise limiter within the property on 22nd October 2009. The fire door to the premises was then replaced with one of heavier mass although when setting the noise limiter, it was noted that there was a large gap around the edge of the door. Mr Collymore advised that he would provide an additional timber strip to ensure that the door fitted correctly and provide acoustic seals around the edges to prevent noise breakout.

Until January 2010 there were no complaints.

Between May and September 2010, Environmental Health received approximately 25 complaints alleging noise disturbance from patrons using the garden area of Mikiki and from music inside the premises. A number of these complaints were made by a neighbour who lives in Water Lane close to the premises but about 4 other residents have complained.

As a result a further warning letter was sent to the Licensee on 2nd June. Further noise monitoring was carried out by Officers from the Environmental Protection Service in the evening of 22nd and 29th July 2010. Officers file notes are shown in Appendices D and E.

On 22nd July 2010 at approximately 2200hrs, Environmental Protection Officer Sara Hayes noted that from the complainant's bedroom at 2300, music could be clearly heard and was loud enough to be intrusive and prevent sleep. Sara Hayes also identified that she believed that the fire door facing Water Lane was likely to be permitting noise breakout.

On 29th July 2010, Environmental Health team Leader David Ingram and Licensing Manager John Myall carried out noise monitoring from the complainant's property. David Ingram noted some light around the fire door indicating that either the works promised to upgrade the door had not been carried out as promised or else the acoustic seals had been compromised leading to noise breakout.

At approximately 2210hrs, David Ingram and John Myall were able to clearly hear patron noise and some marginally quieter music noise from Mikiki's whilst standing in the complainant's bedroom. From the hall of the complainant's house, David Ingram reported that he could clearly hear the voices and the individual words of patrons using the garden and confirmed that in his opinion this noise constituted a statutory nuisance.

David Ingram and John Myall then visited the Mikiki at approximately 2245hrs and noted that the garden area was being used by 25-30 patrons smoking and drinking, representing 2 beaches of the Licensing conditions (that encourage use of the area by smokers only by prohibiting drinking in the garden area after 2100 hrs and restricting the numbers to 15 people).

Conclusion

This premises is located in an area that is surrounded by residential properties:

There have been ongoing noise complaints about this premises since it has had a late night Premises Licence. Even before the existing Licensee, noise complaints have been received about both patron noise emanating from the garden and from music within the property. A number of works have been carried out to improve the sound insulation of the property. With respect to the noise from music, it may be that the noise limiter is not being used in the way that it was set up. The Licensee had

promised to provide a timber surround and acoustic seals to the fire door. Whether or not these were eventually provided or whether they have not been maintained is unclear but certainly there is noise escape from the fire door. As mentioned in the original acoustic report the contribution to sound insulation from the roof and high level glazing is not known.

Further, more expensive acoustic works might be considered to provide a roof lining or to upgrade the sash windows facing the garden area.

From the amount of works carried out and the potential further works, it is clear that this building was never designed to provide the level of sound insulation required to contain the type of music being played late at night.

Even if further works were carried out to control noise from music, this would not solve the issue of patron noise.

The Licensee has breached his Licence conditions by allowing more people into the garden area than permitted and by allowing them to take drinks into the area after 2100hrs. However the garden is located in very close proximity to neighbouring residential properties and even if used (as permitted) for smoking only, if a few patrons laugh or scream loudly late at night it may have already woken up a neighbour at which point evicting the patrons is too late.

Given this and the difficulties with insulating the premises effectively, it is my view that this is the wrong location for a premises with a late night licence.

Recommendations:

1. That the sale of alcohol and playing of regulated entertainment be restricted to finish at 2300 hrs every day.
2. That use of the garden area be prohibited after 2100hrs every day.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

1. An Environmental Health representation was made on 21st September 2007 in response to an application by the previous Licensee Mr Satbir Ghuman to vary the Premises Licence to extend the hours of sale of alcohol and provision of regulated entertainment and remove the condition restricting the use of the garden area after 2100.

2. An application for review of the Premises Licence was made by Environmental Health which was heard at Licensing Sub-Committee on 17th December 2007 (Report LR270), again when the Licence was held by Satbir Ghuman.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity Environmental Health Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX A: Map to Show Mikiki Lounge Location



Appendix B: Noise Management Plan



Blonde Beer Café
5 Bridge Street
Winchester
SO23 0HN

T:01962 8770777

Blonde Beer Café Noise management plan.

4TH January 2008

Garden and smoking

After 2100 when the garden will be sectioned off towards the rear of building (please enclose plan of the premises) and the following smoking plan implemented:-

- Door leading from the main bar towards toilets to be kept shut enforced by a self close mechanism, already in place.
- Door leading to garden to be kept shut at all times except for ingress and egress, to be monitored by a specially assigned door attendant.
- Number of smokers confined to the special designated smoking area to be limited to 15 people at any one time, again under the supervision of the door attendant. No groups of accompanying people are to be allowed into the garden with the smokers at any time after 2100.
- No glassware or drinks to be taken outside to the garden after 2100, with the intentions of preventing socialising outside and to encourage people to smoke their cigarette and swiftly return to the inside of the premises.
- Various signs and notices placed within the area reminding smokers to keep their voices down, respect neighbours and outlining the consequences of behaving in a fashion which would we believe would amount to disturbing local residents.
- Anyone deemed to be making an unacceptable level of noise will be warned and if the warning is ignored be asked to vacate the premises.

Closing time

- Door supervisor on the front doors reminding people to keep their voices down on leaving the premises.
Staff shall not put out bags of rubbish till the morning to prevent the noise of bottles disturbing residents.

**Appendix C:
Blonde Beer Café/ Mikiki Lounge
Record of complaints 21.5.09 - 5.10.09**

Dates	Times	Nature (Complainant's account of disturbance)
May		
21.5.09		2 complaints re noise from use of garden referred from Licensing section
June		
1.6.09		<ul style="list-style-type: none"> • Loud music
18.6.09	2110	<ul style="list-style-type: none"> • Music blaring out from pub
18.6.09	2100 onwards	<ul style="list-style-type: none"> • Lots of noise, music
18.6.09	2115 2230	<ul style="list-style-type: none"> • Loud noise, shouting screaming laughing • Music beat clearly audible • Shouting, screaming. • Music beat still clear. Closed windows and had to put ear plugs in to fall asleep
19.6.09		<ul style="list-style-type: none"> • Some noise but no music beat. No noise audible once windows closed
20.6.09		<ul style="list-style-type: none"> • Louder than Friday night • Music beat audible
25.6.09	2215	<ul style="list-style-type: none"> • Can hear people talking/shouting in garden and bass beat • No sign of abating – phoned 101, closed windows and had to put in ear plugs to sleep
26.6.09	2225 2300	<ul style="list-style-type: none"> • Woken by noise from garden. Music beat clearly audible • Woken up again. Music louder • Woken again. Music seemed louder again
27.6.09	2100 0030	<ul style="list-style-type: none"> • Loud noise from garden. Audible in sitting room with windows shut • Still quite noisy despite shut window
July		
2.7.09	2325	<ul style="list-style-type: none"> • People talking in garden and music
2.7.09	2235	<ul style="list-style-type: none"> • Loud voices from garden • Base beat
9.7.09	2230	<ul style="list-style-type: none"> • Can hear music in back yard and front of house – beat of base comes through house
9.7.09	0000-0040	<ul style="list-style-type: none"> • Woken by screaming/ shouting in street • Every Thurs night noise from garden wakes complainant up • Noise from crowds constant problem
9.7.09	2235	<ul style="list-style-type: none"> • Music and singing loud • Boom boom of base beat
9.7.09		<ul style="list-style-type: none"> • Clearly audible bass beat and noise from garden
10.7.09	2130	<ul style="list-style-type: none"> • Despite closed windows became aware of bass beat which had started though less intrusive than Thursday nights
11.7.09	2200	<ul style="list-style-type: none"> • Quiet until 2200 when music got louder and bass beat audible with windows closed
11.7.09	2215	<ul style="list-style-type: none"> • Can hear base beat
13.7.09		<ul style="list-style-type: none"> • Noise from loud music

16.7.09	2230	<ul style="list-style-type: none"> • Music loud from pub • Chanting and shouting above tv programme until 0015
16.7.09	2200/2245	<ul style="list-style-type: none"> • Despite heavy rain music audible • 2245 – windows closed very heavy rain but can still hear bass beat
16.7.09		<ul style="list-style-type: none"> • Noise from music is excessive and keeps complainant awake
18.7.09	2250	<ul style="list-style-type: none"> • Music loud, garden loud
21.7.09	2045	<ul style="list-style-type: none"> • Clearly audible bass beat/music from pub
16.7.09	2000 until early hours	<ul style="list-style-type: none"> • Suffering from vibration throughout property • Suffered many problems with noise and vibration from Blondes
23.7.09	2110	<ul style="list-style-type: none"> • Music loud
23.7.09	2200	<ul style="list-style-type: none"> • Music and beat loud
25.7.09	2235	<ul style="list-style-type: none"> • Very loud music (can tell song) • Very loud people noise - shouting, laughing, shrieking etc. Ear plugs in and windows shut
30.7.09	2115	<ul style="list-style-type: none"> • Noise from crowds of people
30.7.09	2105	<ul style="list-style-type: none"> • Loud voices in garden • Boom boom of base beat
31.7.09	2230	<ul style="list-style-type: none"> • Garden noise not too bad but clearly audible bass beat/music from pub
August		
13.8.09	2327	<ul style="list-style-type: none"> • Amplified music – noise levels unacceptable
20.8.09		<ul style="list-style-type: none"> • Noise especially bad
20.8.09	2118	<ul style="list-style-type: none"> • Noise from garden
September		
25.9.09	2215	<ul style="list-style-type: none"> • Live band. All windows shut in complainant's property and has been awoken by the noise. Ear plugs and headphones worn to get to drown out noise and get to sleep • Thurs to Sats still noisiest but now other nights not as quiet as were • So fed up with interrupted sleep and disturbance
25.9.09	2242	<ul style="list-style-type: none"> • Excessive noise from live band • Lots of noise from garden – people shouting
25.9.09	2230	<ul style="list-style-type: none"> • Noise bad all night
25.9.09	0006	<ul style="list-style-type: none"> • Loud music
29.9.09	2217	<ul style="list-style-type: none"> • Very loud music and shouting in street and pub garden
29.9.09	2229	<ul style="list-style-type: none"> • Music deafening • Screaming and shouting outside pub
October		
5.10.09		<ul style="list-style-type: none"> • Live band really loud tonight. Can hear with windows shut
5.10.09	2200	<ul style="list-style-type: none"> • Noise of drums and cymbals a problem. Got worse around 2200

Appendix D: Noise Monitoring File Note

File Notes

Subject name Mikiki Lounge Reference no: 10/02854/NOINRI

Address 5 Bridge Street Contact numbers: _____

Winchester Home _____

Hampshire Work _____

Mobile _____

Other _____

Officer Sara Hayes (Environmental Protection Officer)

Date	INFORMATION
22.7.10	<p>Arrived at complainant's property just after 2200hrs. Noise from music inside the pub was clearly audible at the front door. Inside the complainant's property the noise from the music's base beat could still be heard inside the hallway and lounge but not loud enough to disrupt conversation. Went and stood on landing overlooking the pub garden. With the window open for ventilation, the noise from people chatting in garden was clearly audible but in general people were mostly talking - there was very little noisy or rowdy behaviour.</p> <p>At 2300hrs, went into the front bedroom of the property, the noise from people chatting in the pub garden was not loud enough to cause a nuisance. However, with the windows open for ventilation, the noise from the music in the pub was loud and intrusive and would prevent sleep. I would consider the noise sufficient to cause a statutory nuisance. With the windows closed the noise was less audible but could still be heard and may cause annoyance if trying to sleep.</p> <p>Left the property at 2320 and walked up Water Lane towards the pub. The noise breakout from the fire door facing Water Lane was significant and this area seems to be the source of the noise which was audible in the complainant's property.</p>

Appendix E: Noise Monitoring File Note

File Notes

Subject name	<u>Mikiki Lounge</u>	Reference no:	<u>10/02854/NOINRI</u>
Address	<u>5 Bridge Street</u>	Contact numbers:	<u></u>
	<u>Winchester</u>	Home	<u></u>
	<u>Hampshire</u>	Work	<u></u>
	<u></u>	Mobile	<u></u>
Officer	David Ingram (Environmental Protection Team Leader)	Other	<u></u>

Date	INFORMATION
29.7.10	<p>On the evening of the 29th July, upon the request of the investigating officer Abigail Toms, myself and John Myall, Winchester City Council's Licensing Manager, visited the property of a nearby complainant in order to assess whether in my professional opinion a statutory noise nuisance was occurring. We approached the property at 22:05 and whilst in the street assessed the audibility of music and patron noise coming from Mikiki. Some music was audible from within the street and it was certainly originating from the Mikiki Lounge. Walking down the side of the establishment I assessed the building for any obvious 'weak spots' for any obvious noise break out. Previous investigations had identified the rear fire door as being a 'weak spot' and Mikiki had taken some action in an attempt to reduce break out from this location. However I was disappointed to note that the fire door was certainly a obvious point of noise break out and I also noted that in being able to see some internal light around the door reveal that any acoustic seals which may have been installed had been compromised allowing noise to 'haemorrhage' into the street. Whilst standing to the rear of the Mikiki Lounge, I was also able to hear heightened noise from patron's voices again clearly audible from within the street. It was apparent that there were a sizable number of patrons frequenting the rear open area of the premises. At 22:10 John and I proceeded to a complainant's house in order to assess how much of an impact the music and patron noise was having upon the occupier's enjoyment of their property. From the front bedroom of the property with the window partially open, I was able clearly hear patron noise and some albeit marginally quieter music noise, coming from the Mikiki Lounge. John and I also</p>

assessed the noise from the top of the stairs, again the landing window open, which faces the rear open court yard of the Mikiki Lounge. From this location I was able to clearly hear the voices and the individual words of patrons using the open court yard and from the noise being generated it appeared that there were a considerable number of patrons in that area. In combination I considered that this noise, especially given the time of the night, could be considered to be a statutory noise nuisance and in breach of the noise abatement served. After a few minutes to assess this noise, John and I chose to take the opportunity to visit other licensed premises in the centre of Winchester, but returned to the Mikiki Lounge at 22:45 to again assess the noise from the rear court yard area. Standing behind the rear wall of the court yard we could clearly hear numerous loud voices from the other side. We decided to enter Mikiki's to determine whether the Licensing conditions were being breached and to discuss our concerns with Karl Collymore, the premises licence holder. We met Karl inside the premises and proceeded to the rear open court yard area, where we bore witness to an estimated twenty five to thirty patrons both smoking and drinking. Given the time of the night this represented two breaches of the Mikiki Lounge's licence conditions and John brought this to the attention of Karl, who on the face of it appeared to be apologetic. I also stated that we were here as part of an ongoing monitoring regime as we were again receiving noise complaints from local residents. This surprised Karl as he stated the noise limiting device that they had installed had not been bypassed or tampered with and that to his knowledge nothing had changed since we had set those levels earlier in the year. I explained that the fire door was again seemingly allowing unacceptable noise break out and that it appeared that the acoustic seals had become compromised. I also reiterated John's position that the licence conditions, which are in place to prevent public nuisance were also not being effectively managed. Karl also expressed some surprise that we had not contacted him to discuss the recent noise complaints to which I responded that we had engaged in detailed discussions earlier this year and as an enforcing authority we could not continue to allow a breach of the abatement notice without instigating formal action. We concluded that John would arrange a meeting to discuss the breach of the Licence conditions and that I would need to discuss the breach of the noise abatement notice with Abigail Toms the case officer in order to determine our considered course of action and that we would be letting him know of position.



HAMPSHIRE CONSTABULARY

RESTRICTED

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on page 3.
Once completed please send your representation form to your local Licensing Authority.
You must keep a copy of the completed form for police records.

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.
These representations must be made within 28 days

Postal address of premises or club premises: Mikiki Lounge 5 Bridge Street			
Post town:	Winchester	Postcode:	SO23 8HN

Name of premises licence holder or club holding club premises certificate (if known) Karl Collymore

Police Details

Hampshire Constabulary is a responsible authority.

Name and address: Winchester Police Station North Walls Winchester SO238DW

This application to object relates to the following licensing objective(s)

- 1) **The prevention of crime and disorder**
- 2) **Public safety**
- 3) **The prevention of public nuisance**
- 4) **The protection of children from harm**

Please select one or more boxes

**HAMPSHIRE CONSTABULARY****RESTRICTED****NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY****State the ground(s) for representation** *(please read guidance notes 1 & 2)*

I write in response to the application for Review applied for by the Head of Environment. I wish to make representation on grounds of Crime and Disorder and Public Nuisance. For clarity Police records only relate to incidents during 2010.

The Mikiki Lounge is situated on one of the main routes into the city centre. It is within close proximity to residential dwellings, especially at the rear and it is clear the venue continues to cause considerable noise issues for residents.

Police records show that during 2010 there was one assault, another of criminal damage and one racial incident. We also have 6 records of noise complaints and three thefts.

The venue currently has no conditions for CCTV within the existing Premises Licence, and we now seek this. Although there is a CCTV system installed it is not fit for purpose within a late night venue that primarily caters for the 18-25 age group. This is the age group most likely to be involved in crime either as a victim or offender. Unfortunately the Mikiki Lounge only appears to cater for this age group and generally only opens in the evenings. In all of the three thefts reported this year evidence has been lost due to ongoing issues with the CCTV. We consider the correct installation of CCTV essential in a late night venue catering for this age group. Any CCTV system must cover all public areas adequately, including the rear yard and front door.

A letter was also sent to the DPS Karl Collymore on 22nd June this year following Police concerns of possible irresponsible drinks promotions that were being advertised outside the venue during the World Cup. Our requests for the consideration of these particular promotions to be removed were ignored, however irresponsible drinks promotions remained on the Mikiki web site.

On the 20th August Mr Collymore was formally interviewed following these and other allegations jointly by PC Miller and John Myall from Winchester City Council. At the conclusion of the interview Mr Collymore was reported for Licensing offences by John Myall the licensing and Registration Manager.

Although noise is primarily the issue of the Environment Dept the Police also receive noise complaints from the public. One of the reasons perhaps is that Winchester City Council does not operate a 24 hour call out system. Also due to operational demands it is not always possible that there will be a Police attendance for noise complaints and also due to the way noise complaints are recorded.

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G88

Page 3 of 5

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NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Police have 5 noise complaints recorded on our records management system (RMS) since January 2010. There is also a further noise complaint made to patrolling officers recorded in the licensing register that officers use during normal patrolling duties. The 5 complaints recorded on RMS are all from different complainants.

On the 14th October a meeting with Police was requested by Mr Collymore at the Mikiki Lounge. PC Miller in company with Sgt Cator attended the meeting. Also present at the meeting was Richard Gilbert the business partner of Mr Collymore.

As explained at the meeting Environmental Health Officers as a Responsible Authority had submitted the Review application. It was they who needed to be consulted for any discussion. However upon being shown around the Building it was clear that issues that have been highlighted on several previous occasions to Mr Collymore by the Head of Environment had not been acted on. One of the main issues that is well known is the rear fire door onto Water lane. This door still had no acoustic seals whatsoever to prevent noise break out. Daylight could clearly be seen through the gap around and underneath the door. Also one of the main windows within the bar area adjacent to the courtyard was not similarly double glazed as other windows. The back door opening into the courtyard was split and broken at the left hand top corner with daylight again clearly showing through.

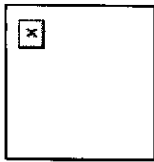
My recommendation is therefore that I fully agree with the Head of Environment Review application.

1. That the sale of alcohol and playing of regulated entertainment be restricted to finish at 2300 hrs every day.
2. That use of the garden area be prohibited after 2100 hrs every day as clearly issues are not being acted on with existing Licence conditions not being complied with.

In addition to the Head of Environment Review our recommendation is that a CCTV condition should be included with the wording as follows.

A CCTV System must be installed and maintained to a standard agreed with Police. The system must be capable of producing evidential standard quality images with a minimum requirement of six frames per second operating in normal conditions within the public areas. All public areas must be covered by CCTV. This must include the front door and bar areas and must be capable of providing good quality head and shoulder images. All images must be retained for 30 days and made available to an authorised officer on request. There must always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for addition software to be installed. The CCTV system must be operating at all times whilst the premises are open for licensable activity. Records must be made and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

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**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

[Empty rectangular box for input]

State any conditions that the Police seek to negate the need for a hearing
Agreement with all recommendations

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 – Signatures *(please read guidance note 3)*

Recommendation of Police Officer

A/A

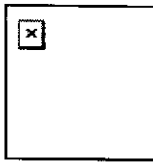
Signature of Police Officer Completing

Signature: PC 1526 Gary Miller (delegated responsibility)

Date: 02/11/2010

Recommendation of Police Sergeant

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**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Signature of Police Sergeant

Signature:

Date:

Decision of Police Licensing Inspector

Signature of Police Licensing Inspector

Signature:

Date:

NOTES FOR GUIDANCE

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.

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OS
RECEIVED

23 OCT 2010

38 Water Lane
Winchester
SO23 0EJ

23rd October 2010

Licensing Section
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ



Dear Sirs

Review of Premises Licence (the "Licence") for 5 Bridge Street, Winchester (the "Property")

I understand that the Licence for the Property is currently under review. When reviewing the Licence please would you note that on Thursday, Friday and Saturday nights music from the Property can be faintly heard from the above address. Whilst this does not disturb myself, my husband or my toddler I should imagine that those living closer to the Property find the noise intolerable.

Please would you also note that it is often impossible to find parking spaces along Water Lane towards the end of the week and particularly on a Sunday when permit parking is not in place. I am sure that this is in part due to customers at the Property parking along Water Lane.

Finally we are often disturbed by large groups of drunken people walking along Water Lane on their way home having visited the Property. They show no consideration for the fact it is a residential area and their language is not that which I wish to hear never mind my toddler!

Please would you consider the above points when reviewing the Licence.

Yours faithfully

Joanna Solomides

Attn: John Myall & Licensing Committee

Dear Sirs/Madames

We are writing concerning the licence review for Mikiki Lounge, Bridge Street Winchester.

We have been very unhappy for a long time now with the way the licence conditions for the above premises are continually being flouted. In the past we have spoken to the gentleman who appears to be the owner voicing our complaints, there is always some excuse or another. We gave up trying to speak to him a long time ago.

Loud music is a nuisance on many evenings, we understood that a system was installed whereby the music would 'cut out' when a certain volume was reached, this does not happen (maybe the system is being over-ridden), but at times we can hear the 'thump, thump' of the music even when all our windows are closed.

Then, we also understood that the garden could be used for smokers after 9pm under certain conditions, and they were that only the smokers themselves should go outside leaving their friends and drinks inside, they could have a 'quiet smoke' and return inside, the doors to the garden should be kept closed after 9pm. Well, again until very late on many evenings there is so much noise coming from the garden that this condition is most definitely being flouted. The excuse here is that 'There is a new guy on duty and he isn't doing his job properly' - how long does it take to make sure someone does do their job properly? This to us is just a very poor excuse, young people prefer to stay outside when the weather is good, or they want their friends with them whilst they smoke and want to be able to continue to drink. Hmmm, sadly we cannot always do what we want! There are other people to be considered.

It really does seem to us that the current owner/manager of Mikiki's sets his own conditions and all he makes are empty promises. Many of us have to get up early to go to work and it is not easy when one's sleep has been disturbed. Please, when reviewing this licence make sure the opening hours are reduced so that the bar closes by 11pm, not just on weekdays but week-ends also.

The outside of the premises in Water Lane is a 'mess' we cannot prove that it comes from the customers exiting Mikiki's, but surely if one takes any pride in ones business it makes sense to make sure the surrounding areas are kept clean and tidy! There was vomit outside for several days which only cleared when it rained!

At the end of the day this is a residential area. We then read in the Hampshire Chronicle that the police cannot keep up with the problems that arise from late night drinking in Winchester, please please do help us residents and allow us to have some peace and quiet in our homes.

Yours Sincerely
John and Wendy Hunt
20, Water Lane
Winchester
SO23 0EJ

27/10/10



Mrs S Bowey
32 water lane Winchester
So230ej

The licensing team

10/26/2010

Here we go again the same as 2007 when we came to the guildhall about the blonde beer café the only thing that has changed is the name it is now the mikiki lounge we still have the beat of the music penetrating our house even though it was supposed to have been insulated and the music regulated so that it could not go above a certain level what a joke.

The patrons are in the garden with glasses and creating a disturbance after 21:00 hrs John Miles and environmental health know this to be true so why has it taken three years to be in the same situation.

There is an accident waiting to happen with so many young drunk people coming out of Mikiki's and into the road the path's are not wide enough with so many queuing and smoking outside I have had difficulty coming home from Chisel street I have not been able to get on the pavement as the patron's are not willing to move I hope these issues will soon be resolved

Yours sincerely

Mrs S Bowey

32 water lane Winchester

Alexandra Shattock

From: Bill Gunyon [REDACTED]
Sent: 26 October 2010 17:44
To: Licensing
Subject: Mikiki Lounge Review

I live at 4, St.John's Street.

I'm writing to object to the continuation of the current licence conditions on grounds that the noise disturbance is a public nuisance.

On evenings when the premises has any more than a handful of customers, I am consistently disturbed inside my house, even with doors and windows shut, in one or more of the following ways up to around 1.00am:

- Before going to bed (usually around 11.00pm), the noise can be heard above the level of my radio
- I have difficulty getting to sleep
- I'm woken up from a deep sleep (this is the most annoying problem)

The most irritating noise source is voices from the garden. Music volume has become worse in recent months, and is accompanied by a slamming door and occasional dumping of bottles in the recycling bin.

I'm reluctant to object as it appears churlish to seek to restrict young people's entertainment. But I have to work and find it difficult to be tolerant of regular disturbance, as opposed to the occasional binge. It must be worse for people with children or working anti-social hours.

At various times I have contacted both your department and the premises manager. I'm well aware that genuine attempts have been made to control the noise.

But the bottom line is that the current licence conditions do not work; they clearly aim to create peace and quiet for the neighborhood after 9.00pm but this has never been achieved. I feel that this area and this particular building are inappropriate for a late night licence and hope that the review will amend the conditions accordingly.

Please would you acknowledge receipt of this note.

Bill Gunyon
4, St.John's Street
Winchester, SO23 0HF
[REDACTED]

Click [here](#) to report this email as spam.

[REDACTED]

From: Nigel [REDACTED]
Sent: 27 October 2010 16:30
To: Licensing
Subject: Review of the Licence for the Mikiki Lounge

Dear Licensing Committee Members,

I live at 60 St John's St, just around the corner from the Mikiki Lounge. I understand that this licence is up for review shortly.

Whilst I would not want to be a kill-joy, and am certainly not averse to energetic evenings or even dancing on tables in bars myself (proven and recent track record, but certainly not in Winchester, and all in good taste!!!), I do think that the terms of operation for the Mikiki Lounge need to be reviewed, and constrained somewhat. I offer 3 observations:

The Mikiki Lounge is situated just past the most dangerous bridge for pedestrians in Winchester (owing to the narrowness of the pavements - I have been hit by one bus so far, in the past year, whilst actually on the pavement). Cars regularly come off the roundabout to the East of the bridge and race up the hill. And on 'Mikiki nights' that part of that pavement is regularly crowded with Mikiki customers, waiting to go in; or just hanging around outside discussing who is the least covered in clothing. I'm sure you can appreciate that trying to negotiate the Mikiki crowd, avoid the traffic, and decide for oneself who is the least clad is just a bit too hazardous for the average Winchester pedestrian. It would make a great deal more sense if the door to the Mikiki was off to the side (which it could be - on Water Lane). And in any case, much tighter marshalling of customers is needed; or it won't be too long before there is the culpable and avoidable demise of some ageing old man, brought about by a combination of a racing heart (from the view) and the obstruction to the pavement.

I live on the transit route from the Mikiki back to where a lot of the customers live - ie Winnall. On most Mikiki nights I can expect to be woken at around 1 or 2 in the morning, by the inconsiderate shouting and loud voices of the homeward bound Mikiki clientele. I appreciate that the Mikiki staff cannot be expected to control this behaviour. But if the Mikiki wasn't there then it wouldn't occur in the first place.

On Mikiki nights we are pretty much guaranteed to be disturbed in St John's St for much or part of the night, by the sheer volume of noise coming from the premises. This is something that very definitely could be controlled by the Mikiki staff, and frankly it should be. But with the best will in the world, I cannot see that they would be the least inclined to do so, unless required by law.

I submit that if the Mikiki licence is to be renewed then it should be conditional - conditional that the owners/staff will rectify the points mentioned above. And there should be some mechanism for residents in the area, who have bona fide and justifiable grievances, to have their points heard in future; and there should be the clear potential for sanctions against the staff/owners of the Mikiki if they fail to comply with the conditions placed upon them.

It would, of course, make so much more sense for all concerned, including the owners, if the premises were moved to a less residential area.

Is it permitted for residents to attend the licence review? I do hope so.

with best wishes,

Nigel Aylwin-Foster

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Debbie Stephen

From: J B [REDACTED]
Sent: 01 November 2010 20:29
To: Licensing
Subject: Mikiki lounge review

Dear Sir or Madam,

I have only just found out about the review of the Mikiki Lounge's licence which I understand takes place tomorrow. I hope my comments come in time.

I'd like to add my voice to those asking for the late licence to be revoked, at the very least during the week.

All too often we are woken up in the early hours by people leaving the venue in question walking up St. John's Street. In my mind this activity constitutes a clear public nuisance. On the rare occasion that I am returning home late enough for Mikiki to be busy, (they are rarely open at normal hours), the crowds outside the club have forced me to step round them, into what is in effect the round about linking Chesil and Magdalene Roads, to the city center.

Additionally, it may be of interest to you to know that, I have overheard that it is a venue with a reputation for happily serving minors, and serving anyone well past the point of intoxication. A matter which I can attest has been distressing to several foreign visitors to our city.

Regards,

James Beddington
43 St John's Street
Winchester

--

James Beddington
mailto:[REDACTED]
[REDACTED]

Click [here](#) to report this email as spam.

Debbie Stephen

From: Simon.Clay [REDACTED]
Sent: 01 November 2010 14:50
To: Licensing
Subject: RE: Mikiki Lounge license renewal

Below is a revised version of the representation sent to you on the 26th October 2010, reworded as advised.

I note with some interest the news that that the Mikiki Lounge in Winchester is currently having its license reviewed over issues of 'public nuisance;' which I discovered from a note pushed through my door earlier this afternoon. When someone conducts a grass-roots campaign like this to drum up support, it is a good indicator of strong feelings; and I have to say, I share those feelings myself.

The list of issues I have personally experienced runs as follows:

Thursday nights it is difficult to sleep until 2 (sometimes 3) in the morning, since people are still hanging around outside smoking, talking, and quite often simply yelling at each other. Many of the clientele are students who make their way back to the Winnall area along St John's street, still talking loudly after having adjusted to the loud environment inside Mikiki. More than once we have heard bins being moved or knocked over by people so drunk they were having trouble walking.

Since the smoking ban of 2008, drinkers have to stand outside most of the night, leaving the doors to the venue open while loud music is playing from inside, even on DJ nights. Coupled with this is the noise from the drinkers themselves, who stand both by the front doors (blocking the pavement and littering it with used cigarettes) and round the back (creating a noise problem for the residents).

I find it hard to believe that any environmental health officer recording an average Thursday night would not find them in breach of noise pollution regulations. Bear in mind that the bar is located next to a residential area which contains many families and elderly residents (not to mention my two shift-working housemates and myself), and 'nuisance' starts to seem almost as though it's not a strong enough word.

Thursday nights are particularly bad because of their two key promotions - shots for a pound, and one customer wins £100. In an age where happy hour promotions and binge drinking are being actively discouraged, promotions like this seem increasingly irresponsible, and merely generate a large stream of drunk people that the bar then kicks out at the end of the night, leaving the residents and police of Winchester to deal with them.

Please do not assume this is merely an opportunistic rant against drinking establishments - Winchester has many fine pubs and venues located away from residential areas, and Jewry street has received commendations in the media for it's excellent atmosphere and safety record. But Mikiki is at the opposite end of town to Jewry Street, dragging student drinkers far from the safety of the upper end of town and then leaving Winchester to deal with the mess as they make their way through the city centre.

Most Friday lunchtimes when I make my way to work, there is usually at least one vomit spill, a gutter full of cigarettes, and flyers strewn all over the pavement by the mill. However, on Thursday nights themselves it's even worse to try and walk or drive past the front of the bar, as there are always a few people standing in the road or blocking the pavement - the pavement area is literally not wide enough to safely support a crowd of drunk smokers. When you consider that the bar is on a roundabout which leads to the park and ride and M3, it seems frankly dangerous to have drunk people wandering into the road.

Additionally, the path past Mikiki is the only well-lit path onto St. John's street, which impacts on the residents safety when this pavement is blocked and we are forced to walk in the road on a major roundabout.

To summarise then: In my opinion, Mikiki is too loud to be next to a residential area, too crowded for such a small pavement, too aggressive in its plying of alcohol and too irresponsible with the drunken problem it creates. A pub in that location would not be so bad, but a bar with a license to play loud music and serve alcohol past 11pm seems inappropriate for the reasons listed above.

If it is in your power to refuse or downgrade their license, I sincerely hope that you do so.

Simon Clay,

10 St John's Street.

University of Winchester, a private charitable company limited by guarantee in England and Wales number 5969256.

Registered Office: Sparkford Road, Winchester, Hampshire SO22 4NR

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www.blackspider.com

19th October 2010

To whom it may concern,

Re: Mikiki Lounge, Bridge Street, Winchester

I would like to take this opportunity to comment on the noise nuisance experienced from Mikiki Lounge.

When the property was first acquired and rebranded from Blonde Beer Café to Mikiki Lounge, high volumes of noise nuisance were experienced in terms of both bass beat/music and people noise from the garden and people queuing to the front of the property. This was addressed by WCC and various measures were taken by the property to limit this disturbance in 2009 and for a while the disturbance was minimal and non-intrusive.

However, from around May this year, there was a noticeable increase in the noise, particularly music and bass beat but people noise as well, mainly on Thursday - Saturday nights but sometimes on Tuesdays as well. Although the property had been fitted with a limiter, the music disturbance was well above the level at which it had been set and after a few weeks of disturbed sleep, I contacted WCC who then monitored the noise levels for a few weeks.

Whilst I appreciate that music is an integral part of Mikiki Lounge's appeal to its customer base, I do not understand how it could have functioned for a number of months at a level that was tolerable to its residential neighbours and then suddenly return to a level that is highly intrusive, even with all windows closed, until the early hours of the morning. The general pattern is for there to be limited, if any, disturbance until about 9pm and then for the music to suddenly increase in volume and be clearly heard within the house until the property closes.

Although the current owner, Karl, made an effort to visit nearby residential neighbours, reassure them, give out his mobile number etc. it soon became clear that he was making limited effort to curb the noise and this became even more apparent this year after WCC spoke to him regarding the noise nuisance and yet there was no noticeable decrease in noise after that date.

Some noise nuisance is always to be expected when living in or near a town centre, and particularly adjacent to a licensed premises but the level experienced from Mikiki Lounge this year is far above that which I believe to be reasonable, particularly on any week day night. Most disturbance is from the bass beat but there are nights when I am able to identify what song is being played from inside the house or that there is particularly loud people noise from smokers in the garden significantly after 9pm at night.

I do not mind a licensed business being run from the property but I think the age and construction of the building needs to be considered for its use as a late night venue with live and recorded music and that either further works need to be carried out in order to successfully (and sustainably) soundproof the building or the licensing hours, conditions or activities need to be reviewed in order to minimise late night disturbance to surrounding residents as it is preventing them from having peaceful enjoyment of their properties at unsociable hours.

Rachel Seward-Thompson

John Myall

From: stjohsnhw e-mail
Sent: 31 October 2010 19:14
To: John Myall
Subject: The Mikiki Lounge

Licensing and Registration Department
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

Ref: Licensing Act 2003 application for a review of the Premises Licence number PREM 184 for the Mikiki Lounge, 5 Bridge Street, Winchester, SO23 8HN

I am the Neighbourhood Watch Coordinator for St John's Winchester Trust, representing residents residing in sheltered accommodation comprising St John's North, South and St Mary Magdalene, situated on both sides of the Broadway and Colebrook Street East.

We understand the Mikiki Lounge licence is up for review; that the WCC Licensing department are inviting comments for consideration to this review. As Coordinator for the City Beat area, I am required to provide feedback to the Police and Community Safety Partnership regarding the nature and extent of anti social behaviour insofar as it impacts on our 89 residents.

For the past few years, the Blonde Beer Cafe and its successor, the Mikiki Lounge have been the subject of many complaints regarding the anti social behaviour of customers using the Mikiki, especially on their departure from this venue. Regularly during the week and especially at week ends, the alcohol driven behaviour, e.g, screaming, shouting, urinating, smashing windows et al, is a constant cause for concern for residents in the Bridge Street, Broadway area. We are certain these the majority of these clubbers are customers of the Mikiki Lounge, since there is no other comparable venue at the Bridge Street end of the city. The Bishop on the Bridge does have live music but whose customers give little cause for complaint. In that event, the landlord is always prepared to listen to our residents and modify their activities. Not so the Mikiki! We would preferably like to see this night club's license revoked, but failing that, the hours radically reduced on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance.

Derek Harper
St John's and City Beat NHW Coordinator

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John Myall

From: Clare Johnson
Sent: 01 November 2010 16:57
To: Licensing
Subject: Mikiki Lounge. 5 Bridge Street, Winchester - Review [GOSS-IMANAGE.FID2100102]

Dear Sirs

We refer to the application for Review made by the Environmental Health Officer in respect of the above premises.

We act for Enterprise Inns plc which is essentially a property business and in the course of which our clients let licensed premises to individual operators. Our clients are the freehold owners of these premises and as such are an interested party by virtue of S.13(3)(c) of the Licensing Act 2003.

We would be grateful if you would accept this e-mail as a letter of representation to the Review. We would respectfully submit that the licensing objectives and in particular the objective relating for prevention of public nuisance can be achieved and indeed promoted by the implementation of a noise management plan. The notice of Review indicates that between October 2009 and January 2010 there were no complaints. It would, therefore, appear that these premises are capable of operating in a manner which is not contrary to the licensing objectives.

We would be grateful if you would acknowledge receipt of this letter of representation and advise us in due course of the date of the hearing.

Yours faithfully

Clare Johnson

Clare Johnson | Partner | Licensing
Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ
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Click here to take our online client satisfaction survey: [Link](#)

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Premises Licence

Premises Licence Number

PREM184

09/00879/LAVDPS

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Mikiki Lounge
5 Bridge Street
Winchester
Hampshire
SO23 8HN

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

- e) Live Music
- f) Recorded Music
- g) Performance of Dance
- h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
- i) Provision of facilities for making music
- j) Provision of facilities for dancing
- k) Provision of facilities for entertainment of a similar description to making music or dancing
- m) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

The hours the premises may be used for permitted regulated entertainment shall be as follows:

- e) Live Music
- f) Recorded Music
- g) Performance of Dance
- h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
- i) Provision of facilities for making music
- j) Provision of facilities for dancing

k) Provision of facilities for entertainment of a similar description to making music or dancing

- (i) **Thursday** **1200 to 0000**
- (ii) **Friday to Saturday** **1200 to 0100**

m) Supply of Alcohol

- (i) **Monday to Wednesday** **1000 to 2300**
- (ii) **Thursday** **1000 to 0000**
- (iii) **Friday and Saturday** **1000 to 0100**
- (iv) **Sunday** **1200 to 2230**
- (v) **Christmas Day** **1200 to 1500**
1900 to 2230
- (vi) **Good Friday** **1200 to 2230**
- (vii) **New Years Eve** **1000 to 1000 1 January (1200 if on a Sunday)**

The opening hours of the premises

n/a

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Karl Collymore
35 Cobden Crescent
Bitterne
Southampton
Hampshire
SO18 4EX

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number
Registered Charity Number

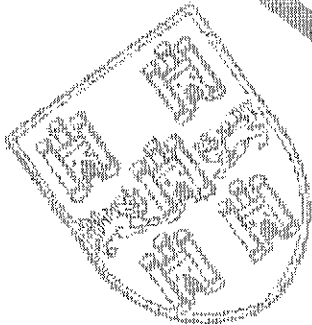
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Karl Collymore
35 Cobden Crescent
Bitterne
Southampton
Hampshire
SO18 4EX

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number	2007/00536/02SPEN
Licensing Authority	Southampton City Council

Head of Legal Services



Winchester
City Council

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

Conditions from existing licences:-

Justices On-Licence

None

Special Hours Certificate

None

Public Entertainment Licence

There shall be no entertainment on Christmas Day or Good Friday.

All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open, or be maintained open by an electrical, mechanical or other device whilst the premises are in use for the purposes of this Licence.

The maximum number of persons permitted to be on the premises whilst in use for the purposes of this licence shall not exceed 120 persons in the Main Bar and 50 persons in the Small Bar when the pool table is removed.

The Licensees or other person nominated by them shall be on duty at all times whilst the premises are in use for the purposes of this Licence to receive and respond to any complaints of noise or other nuisance received from any person.

INSCRIPTION

There shall be affixed and kept up on some conspicuous place on the outer side of the principal door or over and outside the principal entrance of the place licensed an inscription in capital letters not less than one inch in height in the words following: -

“Licensed in pursuance of Act of Parliament for the public ... “ followed by a word or words indicating the purpose for which the place is licensed.

HOURS OF OPENING

The place licensed shall not be opened for the purpose of public entertainment between 2.00am and 8.30am on any day.

RESPONSIBLE PERSON

The licensee or a responsible person nominated by the licensee in writing, not being a person being under 21 years of age shall be in charge of, and present in the place licensed at all times members of the public are present.

MAXIMUM NUMBERS

The maximum numbers of persons to be admitted at any one time to the licensed premises shall not exceed the number specified in the licence.

ATTENDANTS AND SECURITY PERSONNEL

During the time the premises are in use for public entertainment, there shall be in attendance the following numbers of staff or other attendants acquainted with the established routine to be followed in the case of fire or other emergency. The aim of the attendants should be the avoidance of panic and the orderly evacuation of the premises:-

Up to 25 persons	2 attendants
Over 25 persons	4 attendants for the first 250 persons 1 attendant for each of the additional 250 persons
Where at any licensed function the majority of persons attending are under the age of 16 years	Double the above number of attendants plus one attendant for each exit

OR SUCH LOWER NUMBER OF ATTENDANTS AS MAY BE AGREED IN WRITING BY THE LOCAL AUTHORITY

Where an attendant is responsible for security, protection, screening the suitability of people entering premises or conflict management they must be licensed by the Security Industry Authority.

SAFETY OF PERSONS

The licensee shall take all precautions necessary for the safety of persons frequenting the licensed premises.

FORM OF ENTERTAINMENT

No public entertainment shall be permitted or suffered to take place in the place licensed which is licentious, indecent or likely to produce riot, tumult or breach of the peace.

BEHAVIOUR

The Licensee shall to the best of his ability maintain and keep good order and decent behaviour on the licensed premises whilst open for public entertainment.

NUISANCE

No public entertainment shall be permitted or suffered to take place in the place licensed which is a nuisance, annoyance or inconvenience to the occupiers of any other property.

INTOXICATION

No person shall be permitted or suffered to enter or remain within the place licensed while in a state of intoxication

OFFENDERS

If any disorderly conduct shall take place, the Licensee shall himself and his employees assist to the utmost in the apprehension or expulsion of the offenders.

HYPNOSIS

No exhibition, performance or demonstration of hypnotism shall be permitted at the place licensed except with the express written consent of the Council.

Permitted exhibitions, performances or demonstrations of hypnotism shall be in accordance with the conditions set out in the Home Office Circular 42/89.

SEATING

Seating, tables and chairs and other furniture and fittings shall be so arranged as to allow free and ready access to exits.

FLOOR COVERINGS

All floor coverings shall be secured and maintained in such a way as to prevent unevenness in the floor level.

CURTAINS AND DRAPES

Curtains shall be adequately supported and where hung across doorways or across corridors they shall be arranged as to draw easily from the centre and slide freely, and be so hung that they are clear of the floor and shall be treated with fire retardant.

TOILETS

Adequate and separate sanitary conveniences suitably marked shall be provided for persons of both sexes and shall be maintained in good working order and kept in a clean condition.

EXITS

The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises shall be to the satisfaction of the Licensing Authority.

Doors and Fastenings – Unless otherwise permitted in writing by the Council, exit doors and gates shall open in the direction of exit, and shall in all cases be free from fastenings other than panic

bolts or other such fastenings as shall be approved by the Council. Any panic bolts or other approved fastenings must be signed "PUSH BAR TO OPEN" or as is appropriate to the fastening to ensure that the mode of operation is readily apparent to any person.

Exit Routes – All exit routes including passages, courts, ramps, and stairways, which lead from the place licensed to the outside, shall at all times be kept free from obstruction.

LIGHTING AND HEATING

Provisions – All parts of the place licensed shall be suitably and adequately illuminated. Except where otherwise permitted in writing by the council, all those parts to which the public have access and all exit routes shall be illuminated by at least two independent sources each of a standard approved by the Council.

Standard of Illumination – The illumination from each source shall be sufficient to enable the public, performers and staff to see their way out of the place licensed in safety at any time, and shall not be derived from pre-payment meters.

Segregation of the Two Systems of Lighting – The two or more lighting systems provided shall each be so installed so that a fault or accident arising in one system shall not jeopardise any other system.

Exit Notices – Each exit route from the parts of the place licensed to which the public has access shall be signed "Exit" in the manner approved by the Council. Each sign so provided must be illuminated, internally or otherwise, by at least two independent sources.

Special Effects – No laser beam or other hazardous effect may be used in the place licensed without prior written approval of the Council. The Licensee must give at least 21 days notice to the Council to allow adequate consideration.

The form of heating of the licensed premises shall be to the satisfaction of the Council.

Safety in Heating Appliances – No heating appliances shall be used in proximity to any woodwork, curtains, drapes or other materials likely to be ignited by use of the appliance.

All heating appliances must be sufficiently guarded or protected so as to avoid injury to any person.

ELECTRICAL INSPECTIONS

All electrical installations shall be inspected every three years by a competent qualified electrician to the requirements of the Institute of Electrical Engineers Wiring Regulations and a Certificate as to the condition of the electrical installations shall be furnished to the Council.

In the intervening years the electrical installations shall be inspected annually by a competent electrician.

Any alterations, modifications or extensions to the electrical installations with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with the Institute of Electrical Engineers Regulations. Any portable electrical appliances or equipment used in the premises shall be in efficient working order and correctly wired and connected.

FIRE PRECAUTIONS

Except with the written consent of the Council and subject to any conditions which may be attached to such consent, explosives or highly inflammable material shall not be brought in or used on the premises.

The use of naked flame shall not occur except when strictly necessary to any performance and when expressly permitted in writing by the Council.

Combustible or flammable materials or liquids shall not be stored within the place licensed except with the written consent of the Council and subject to any conditions which may be attached to such a consent.

If it appears to the council that the use of material, fabric or finish might assist the spread of fire, then it may require the material fabric or finish to be removed or treated forthwith in such a manner as to reduce the risk.

SWITCHES

All gas taps and electric switches used in connection with the lighting or heating of the place licensed shall be rendered inoperable other than by the licensee, the responsible person in charge of the place licensed and any staff or attendant employed by the Licensee.

FIRE FIGHTING EQUIPMENT

There shall be provided in the place licensed fire fighting equipment of a standard approved by the Fire Officer and acceptable to the Council. Such equipment shall be examined at least once annually by a competent person. All portable fire extinguishers shall be inspected and tested by a competent person. The date on the test to be clearly marked on a label firmly fixed to the extinguisher.

CEILINGS

Where considered necessary, provision shall be made to the Council's satisfaction, for the examination from the above of any suspended ceiling over parts of the premises to which the public have access and such other parts of the premises as the Council may deem necessary.

CONSTRUCTION

Wall and Ceiling Linings, Insulation, Treatment, etc – Any material used as a wall or ceiling lining, or as a suspended ceiling, or for acoustic or thermal insulation purposes shall be to the Council's satisfaction and shall be fixed and supported in such a manner as may be approved by the Council.

Note: For the purpose of this condition the council will normally require such material to be non-combustible or be rated class 1 of the classification for the surface spread of flame when tested in accordance with the appropriate British Standards and be throughout its thickness of no greater flammability than its surface. Certain other materials may, however, be accepted subject to compliance with such conditions as the Council may consider appropriate in the circumstances of the case.

ALTERATIONS

No structural or other alteration of the place licensed or of the means of exit there from shall be made during the continuance of this licence without the written approval of the council except such

alterations as shall from time to time be approved by the licensing justices under the Licensing Acts.

NB: The council has no power to retrospectively approve unauthorised alterations made during the period of the licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

The following conditions were added by the Licensing Sub-Committee at a review of the premises licence on 17 December 2008 and amended on appeal at North Hampshire Magistrates Court on 21 February 2008:

Public Nuisance

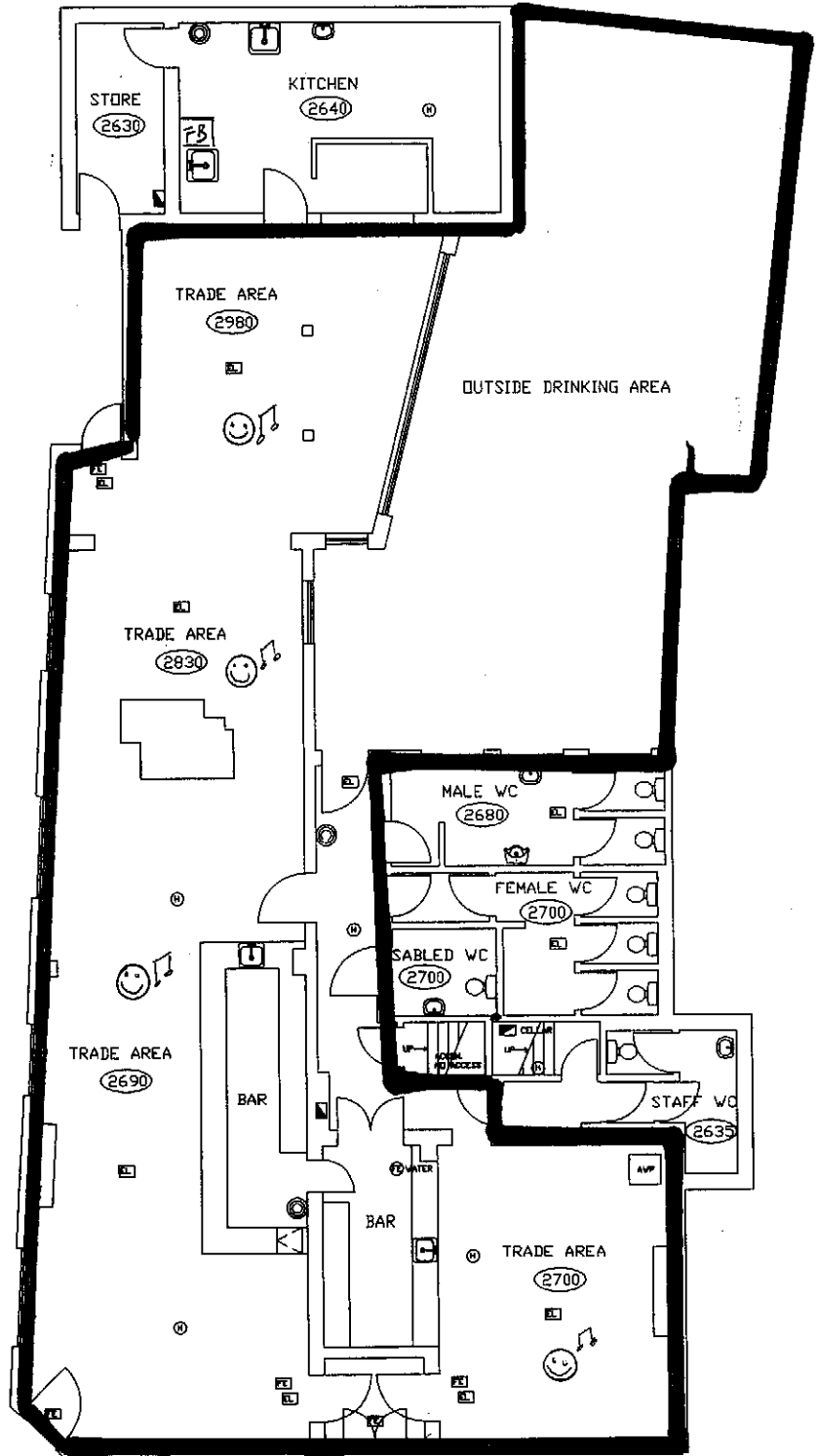
1. No regulated entertainment consisting of amplified music shall be provided until the acoustic report obtained by the premises licence holder has been implemented and remedial works have been agreed with, and completed to the satisfaction of the Head of Environment.
2. No customer shall be allowed to enter or re-enter the Premises less than **thirty minutes** before closing time

Public Safety:

1. There shall be at least two SIA registered door staff on duty on Thursday, Friday and Saturday after 2100 hours. All door staff must wear clearly identifiable reflective jackets.
2. Any security personnel employed within the Premises should wear reflective armbands.
3. The garden may be used after 2100 hours only by persons smoking, provided that the licence holder submits a noise management plan to the Head of Environment for approval prior to implementation. No drinks may be taken into the garden after 2100.

Annex 4 – Plans

See attached

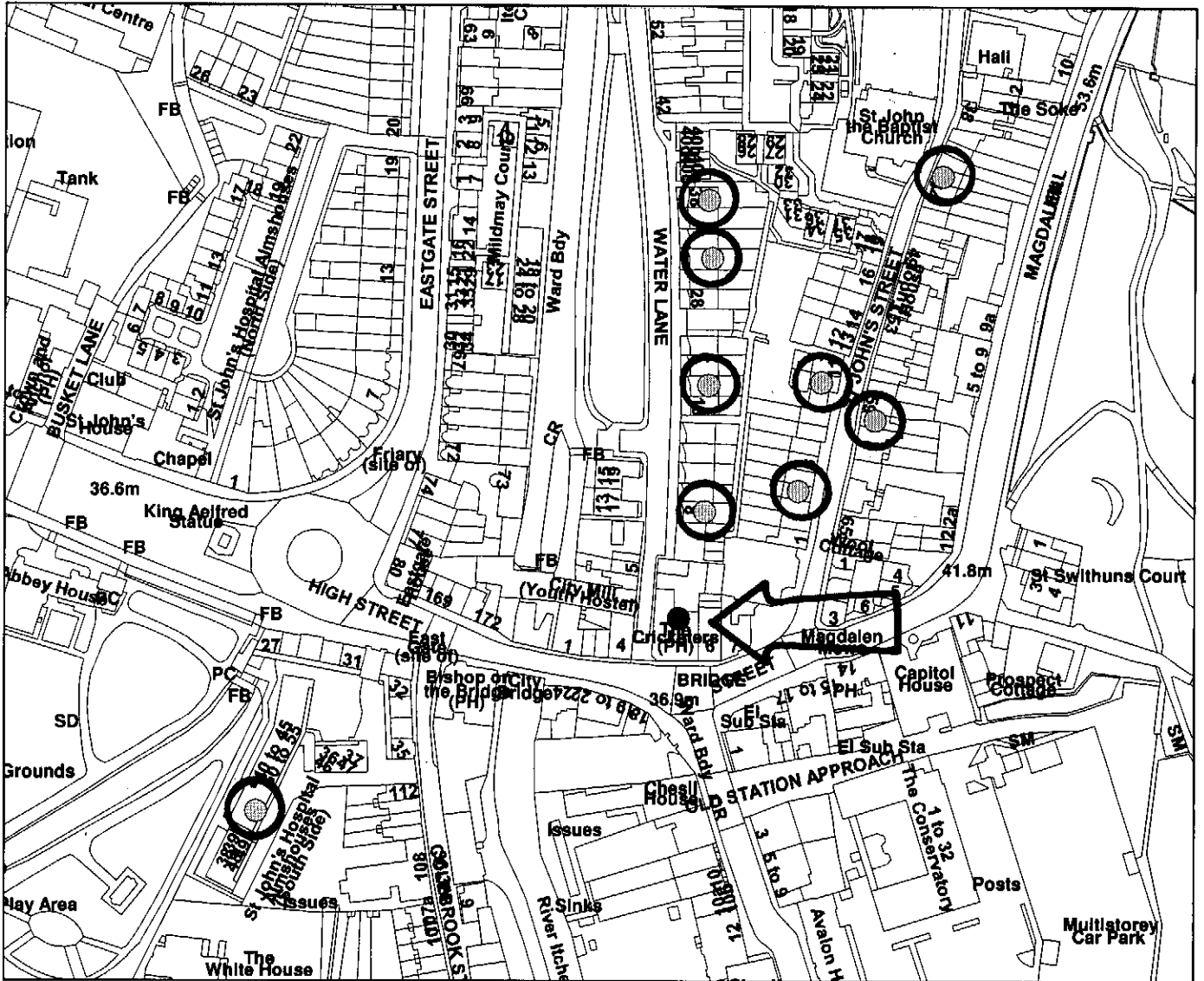


BUILDING SURVEYED AREA = 244.4 SQ. M
 ■ LOCATED ON FIRST FLOOR

SCALE 1:100
 GROUND FLOOR

Appendix 4b

Mikiki Lounge



Legend

Scale: 1:1744



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Organisation	Winchester City Council
Department	Legal Services
Comments	Review of premises Licence
Date	11 November 2010
SLA Number	00018301