

LICENSING SUB-COMMITTEE**17 December 2007****Attendance:**

Councillors:

Mather (Chairman) (P)

Howell (P)

Jackson (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

1. THE BLONDE BEER CAFÉ, BRIDGE STREET, WINCHESTER

(Report LR261 refers)

The Sub-Committee met to consider an application by Mrs Susan Blazdell, Environmental Health Manager, Winchester City Council, for the review of the Premises Licence for the Blonde Beer Café under Sections 51, 52 and 53 of the Licensing Act 2003.

Present at the meeting were Mrs Susan Blazdell (Applicant) and Mr Satbir Ghuman (Licensee, Blonde Beer Café). PC Gary Miller (Hampshire Constabulary) was also in attendance representing the Police as a Responsible Authority. Mrs A Betsworth was present as an Interested Party and made representations at the meeting.

Mr Myall presented the application as set out in the Report. He explained that the review related to the prevention of public nuisance and public safety. Nearby residents had complained about noise and disturbance from the premises, from music played inside and people queuing up to enter. Smokers congregating outside the premises were also part of this problem and there was a concern over the safety of persons on the pavement.

Monitoring of the premises had taken place on three separate occasions by Council Officers and music could clearly be heard coming from the premises. An application had been made to remove the restrictions on the use of the garden after 2100 hours and to vary the operating hours, but this had been refused by the Licensing Sub-Committee on 22 October 2007. Prior to this meeting the owner, Mr Satbir Ghuman, had commissioned an acoustic report and work had commenced on reducing sound escape from the building, which would be completed as soon as practicably possible.

Mrs Blazdell explained that, since the last hearing in October 2007, she had continued to receive complaints about noise from the venue and the people gathering outside. She confirmed that she had seen the acoustic report and accepted the findings and recommendations made. If the recommendations were addressed by Mr Ghuman, she believed the works would significantly reduce the noise escape and nuisance.

Mrs Blazdell continued that the garden was still a concern, especially if use after 2100 hours for smokers was permitted. If the garden was properly supervised by door staff and only a limited number of people were allowed out at a time, then this would be a safer alternative to smokers congregating outside the front of the premises. Mrs Blazdell accepted that there would always be some noise escape from the garden area, but that there was some potential for a double door system to reduce the disturbance further.

PC Miller then spoke regarding the representation from Hampshire Constabulary. With Mr Ghuman's permission, he played the Licensing Sub-Committee some CCTV footage from a Thursday evening of the front of the venue. The video clearly showed where the smokers gathered and how close to the traffic people queued. PC Miller stated that the Police would like to see conditions attached to the licence regarding the door staff wearing reflective jackets. Additional CCTV would act as a deterrent, providing that it was of an acceptable standard and could be viewed on any video player. PC Miller added that a no entry or re-entry time could be introduced, which would mean people were not encouraged to wait outside. He summarised by stating that the use of the garden for smokers after 2100 hours would also assist with the public safety licensing objective.

Responding to a Member's question, PC Miller acknowledged that the door staff managed the queues outside the venue very well. They ensured that smokers lined up by the window, so as not to obstruct the pavement more than necessary. He added that there was nothing in the licence currently requiring Mr Ghuman to provide door staff, but that he did this voluntarily.

Mrs Betsworth also spoke regarding the application, stating that it was during the summer months that the disturbance was at its worst. More people would stand outside as the weather was warmer, meaning more noise. She concluded that she did not know how people suffering from alcohol intoxication could be asked to keep quiet, even if only a limited number of people were allowed in the garden at any one time.

Mr Ghuman then addressed the Sub-Committee. He began by expressing his concerns over how his business had been affected over the past few months. He outlined how he was trying to work with local residents to come to an agreement and stressed that he did not wish to cause problems, but to resolve them. Since the last Licensing Sub-Committee on 22 October 2007, Mr Ghuman reported that he had taken on board many of the issues raised and re-evaluated operational aspects of the business. The music levels had been reduced and maintained at 85db, with the help of an electronic orange sound limiter, which Mr Ghuman had recently purchased. Soundproofing works were also to be carried out, but would not be completed until mid-January 2008, due to the lead times for the contractors. Because of this, all live bands had been cancelled for this period.

Mr Ghuman continued that he felt he had done all he could to manage the situation with the smokers, since the implementation of the Health Act 2006. The garden could not be used after 2100 hours for any customers, despite this being applied for in October 2007, in an attempt to tackle the situation. He concluded that he was willing to work with the residents and the Responsible Authorities and hoped that he had demonstrated his commitment to doing this.

Responding to questions from the Sub-Committee, Mr Ghuman confirmed that he was happy with the 85db level recommended for music and agreed to the suggested conditions relating to door staff. Other suggested conditions were also agreed to, but he explained that he did not feel that it was necessary to install additional CCTV as there were very rarely incidents that the Police were called to. Should the Sub-Committee require this, however, then he would comply.

The Sub-Committee retired to deliberate in camera.

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

RESOLVED:

1. That the Premises Licence be amended with the following additional Conditions:

Public Nuisance:

4. 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.

5. No customer shall be allowed to enter or re-enter the Premises less than one hour 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.

2. That the Premises Licence be amended with the following condition being deleted and replaced with the additional condition (shown in italics):

Whilst the premises are in use for the purposes of this Licence no customers shall be permitted to be in the garden for any purpose after 9pm.

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.

Reasons for Decision: The Sub-Committee considered that granting the application for review would further the Prevention of Public Nuisance and the Public Safety licensing objectives in accordance with the Council's licensing policy.

2. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Application for the grant of a Personal Licence) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 1 & 2 Schedule 12A refers)

3. **APPLICATION FOR THE GRANT OF A PERSONAL LICENCE**
(Report LR254 refers)

The Sub-Committee considered the above Report which set out the circumstances surrounding the application for Personal Licence (detail in exempt minute).

The meeting commenced at 9.30am and concluded at 11.55am.

EXEMPT MINUTE – NOT FOR PUBLICATION

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4. **APPLICATION FOR THE GRANT OF A PERSONAL LICENCE**

(Report LR254 refers)

Present at the hearing was Mr Terry Sanger (Applicant). PC Gary Miller (Hampshire Constabulary) was also present, representing the Police as a Responsible Authority.

PC Miller presented the Police's representation against Mr Sanger's application, explaining that the applicant had received a drink drive conviction in February 2005. He incurred a fine and a 20 month disqualification, which would be reduced by five months if an alcohol awareness course was completed. PC Miller stated that it was Hampshire Constabulary's policy to make representation on any applications for Personal Licences where there were convictions of this nature. They did not consider that Mr Sanger had shown the level of maturity required for someone that would be in such a position of responsibility serving alcohol and requested that the application be refused on these grounds.

Mr Sanger then presented his case to the Sub-Committee. He explained that the management that employed him had encouraged him to apply for his Personal Licence, as they felt he had a mature and responsible attitude. He explained that, at the time of his offence, he had been very young. He had attended the alcohol awareness course and outlined the content of this to the Sub-Committee. He had done everything asked of him to improve his situation and deeply regretted what he had done.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues set out in the report and matters raised during the hearing.

RESOLVED:

That the application by Mr Terry Sanger for the issue to him of a Personal Licence be refused.

Reasons for Decision: The Sub-Committee considered that the applicant had not yet been able to demonstrate exceptional or compelling reasons to justify granting him a Personal Licence, in circumstances where the Police had issued an objection.

Chairman