

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Langley Tavern, Lepe Road, Blackfield

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Wednesday, 26 March 2008 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor Woods - Chairman
Councillor Hutchins
Councillor Mrs Smith

2. Parties and their Representatives attending the Hearing

Mr P Ellis, Admiral Taverns Ltd – Applicant
Miss K Draper – Tenant Langley Tavern
Mr D Lucas, Fraser Brown Solicitors – Solicitors for the Applicant

Sgt Tim Adams, Hampshire Constabulary – Objector
Sgt Kevin Gillespie, Hampshire Constabulary – Objector
PC Garvin Couch, Hampshire Constabulary – Objector
Miss G Fice, Hampshire Constabulary - Objector

Mr B Targett – Objector
Mrs R Lucas - Objector
Mr M L Rostance – Objector
Mrs J Pawson – Objector
Mrs Ross-Smith - Objector
Mrs A E Cumming - Objector
Mrs J M Barrett - Objector
Mr P Hicks - Objector
Mrs & Mr Harris – Objectors
Mr E & Mrs P Greenland – Objectors
Mr C W Herring – Objector
Mr D B Edwards - Objector
Ms H Hinks – Objector

3. Other Persons attending the Hearing

PC Alison Cross – Observer
Ms L Levett – Observer

4. Parties not attending the Hearing

Ms D Drummond - Objector
Mr and Mrs J Smith - Objectors
Mr and Mrs McEvoy - Objectors
Ms B Kidd - Objector
Mr L R and Mrs A Chivers - Objectors
Ms J M Joyce - Objector
Ms D A E Flux - Objector
Mr M Field - Objector
Mr D Otoworoski - Objector
Mr M Brown - Objector
Mr K Glass - Objector
Mr and Mrs P Weston - Objectors
Mr W E Hinton - Objector
Mrs S J H Reygate - Objector

5. Officers attending to assist the Sub-Committee

Nathalie Heaselden – Legal Advisor
Melanie Dunsmore - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

B. Films:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00
Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

C. Indoor Sporting Events:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00
Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

E. Live Music:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00

Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

F. Recorded Music:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00
Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

G. Performances of Dance:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00
Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

I. Provision of facilities for making music:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00
Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

J. Provision of facilities for dancing:

Monday 10.00 – 00.00
Tuesday 10.00 – 00.00
Wednesday 10.00 – 00.00
Thursday 10.00 – 00.00
Friday 10.00 – 00.30
Saturday 10.00 – 00.30
Sunday 10.00 – 00.00

L. Late Night Refreshment:

Monday 23:00 – 23.30
Tuesday 23:00 – 23.30
Wednesday 23:00 – 23.30
Thursday 23:00 – 23.30
Friday 23:00 – 00.00
Saturday 23:00 – 00.00
Sunday 23:00 – 23.30

M. Supply of Alcohol:

Monday 10:00 – 23.30
Tuesday 10:00 – 23.30
Wednesday 10:00 – 23.30
Thursday 10:00 – 23.30
Friday 10:00 – 00.00
Saturday 10:00 – 00.00
Sunday 10:00 – 23.30

Hours premises to be open to the public

Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.30
Saturday 10.00 to 00.30
Sunday 10.00 to 00.00

Non Standard Hours:

The premises may open at 7.00am Monday – Sunday inclusive for the serving of food and non alcoholic drink to pre-booked parties only.

Only the licensable activities listed above shall be permitted for a further additional hour on the following days:

- Christmas Eve
- Christmas Day
- Boxing Day
- New Years Day
- Spring and August Bank Holidays
- Good Friday
- Easter Saturday, Sunday and Monday
- St Patrick's Day and St George's Day
- Any other recognised bank holidays not included in the above list

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The premises will operate a 'Challenge 21' scheme, posters will be displayed to this effect in prominent positions at the premises. All staff will be trained to challenge any young person(s) attempting to purchase alcohol. If the person seeking alcohol is unable to produce acceptable means of identification (passport, photo driving licence, or any other form of identification agreed between the licence holder and the Police) no sale or supply of alcohol will be made to or for that person – there shall be a written record kept of all refusals, including refusals of entry and/or ejections from the premises;

2. A 'zero' tolerance to drugs will be taken; any person(s) found using or in possession of suspect illegal drugs or substance must, be reported to the police. Any drugs found on the premises will be confiscated and be kept securely until seized by the Police. An effective system must be in place to record and document any seizures. Appropriate and effective measures should be implemented to prevent drug use within the premises;
3. CCTV shall be installed and maintained at the premises to the satisfaction of the Licensing Authority and Police. As a minimum it shall enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system shall be to a standard acceptable as evidence in a court of law and shall be securely retained for a minimum of 28 days. The recording shall be surrendered in a playable format to Hampshire Constabulary or the Licensing Authority immediately on request;
4. No consumption of alcohol shall take place outside the premises after 23:00 hours;
5. A contact telephone number will be provided to adjoining noise sensitive premises so that the licence holder or nominated representative can receive and respond to complaints throughout the duration of the premises opening hours;
6. All external doors and windows shall be kept closed, other than for access and egress, when events involving live and/or amplified music (including amplified speech) are taking place;
7. After 23:00 hours, music noise emanating from the premises shall be inaudible at the boundary of all *noise sensitive premises;
8. The air conditioning system and the cooking extraction system will be switched off when not required;
9. The air conditioning and cooking extraction system, when switched on, shall not be audible at the boundary of any noise sensitive premises;
10. The disposal of refuse into outdoor storage receptacles will not take place between 23:00 – 07:00 hours;
11. Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19.00 – 07.00;
12. Arrangements shall be put in place to ensure that deliveries of consumables will not take place between the hours of 19.00 – 07.00;
13. So as to minimise disturbance to local residents late at night staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises;
14. At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly;

15. There shall be no new entries into the premises after 23.00 hours.

* For the purposes of condition 7 above, noise sensitive premises shall include premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), places of worship (during recognised times and days of worship) and any other premises used for any other purpose likely to be affected by the music noise.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties.

The Sub-Committee considered that the premises new focus on the provision of food as opposed to alcohol sales would be sufficient to attract a new type of clientele. They took into account the Police objections recognising that the Police together with the local residents had first hand knowledge of previous problems experienced from anti-social behaviour from this area.

It was acknowledged that the objectors' fears were based on the manner in which the premises had been previously run. The Sub-Committee took into consideration the fact that Miss Draper is an experienced licensed premises operator and had successfully managed other premises in the district. She is planning to implement stringent controls at this premises to change the clientele and to make the premises more community and family orientated. The Sub-Committee felt that Miss Draper should be given an opportunity to demonstrate her ability to effectively manage the premises responsibly.

The Objectors expressed their support of the conditions suggested by the Police including the tighter opening hours of the premises. The Sub-Committee therefore adopted the suggested Police time openings as it was felt they were a fair middle ground between what the Applicant wanted and what the Objectors would be happy with.

Date: 26.03.08

Licensing Sub-Committee Chairman: Cllr P R Woods

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Decision notified to interested parties on 27.03.08