

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Barton-on-Sea Convenience Store, 71 Sea Road, Barton-on-Sea

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 11 December 2008 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor Puttock
Councillor Dow
Councillor Shotter - Chairman

2. Parties and their Representatives attending the Hearing

Mr Ali Gilgil – Applicant
Mr D George – Barrister representing the Applicant
Mr Ergun Hemikli – Designated Premises Supervisor
Miss G Gilgil - Designated Premises Supervisor

Objectors:

Mr & Mrs Wood – represented by Cllr Beck
Cllr Clarke, New Milton Town Council
Cllr Beck

3. Other Persons attending the Hearing

Mr Leicester, observer in support of the Applicant.

4. Parties not attending the Hearing

Objectors:

Dracaena Court Freehold Ltd
Mr K W & Mrs J M Hancock
Mrs E Green
Mrs V B Williams
Mr A Reynolds
P Lambert
E M Radford
Mr & Mrs Britton
W Holloway

*All of the above were represented by Cllr Beck

Mrs O Rimmell
J E Bishop
Mrs A Brierley
Mr D Bamford
Mr P Sherman
Mr & Mrs Lee
Wendy P Marks
Alun Gwynne
Mr & Mrs Cooper
Mr & Mrs J Keywood
Mr Cook
Mrs M Johnston

5. Officers attending to assist the Sub-Committee

Edward Williams – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

M: Supply of Alcohol

Monday 07.00 to 22.00
Tuesday 07.00 to 22.00
Wednesday 07.00 to 22.00
Thursday 07.00 to 22.00
Friday 07.00 to 22.00
Saturday 07.00 to 22.00
Sunday 07.00 to 22.00

Hours premises to be open to the public

Monday 07.00 to 00.00
Tuesday 07.00 to 00.00
Wednesday 07.00 to 00.00
Thursday 07.00 to 00.00
Friday 07.00 to 00.00
Saturday 07.00 to 00.00
Sunday 07.00 to 00.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. Any CCTV should 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 30 days. The recording shall be surrendered in a playable format to Hampshire Constabulary or the Licensing Authority immediately on request.

2. All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, or anti-social behaviour takes place at the premises. All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training.
3. A written log shall be kept of all refusals including refusals to serve alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.
4. Fire fighting equipment and a First Aid box will be available at the premises with an accident reporting procedures.
5. Signs to be displayed to request customers to leave the premises in a quite and orderly manner and to have due consideration to local residents.

7. Reasons for the Decision

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the applicant and objectors.

The Sub-Committee noted that, subject to the applicant agreeing to certain conditions (as set out in section 6 above), the Police and other responsible authorities did not raise any objections to the application.

The applicant suggested at the hearing that restricting the supply of alcohol to the hours of 07.00 to 22.00 each day would be acceptable.

On behalf of the objectors, Councillors Beck and Clarke of New Milton Town Council suggested at the hearing that there was no objection to the supply of alcohol at the premises from 09.00 to 19.00 (Monday to Saturday) and 10.00 to 17.00 (Sunday). However, the objectors were concerned about the potential impact that the supply of alcohol outside those hours might have on crime and disorder and the level of public nuisance in the Barton-on-Sea area generally.

The Sub-Committee was of the view that it had not been demonstrated that the supply of alcohol outside the hours suggested on behalf of the objectors would, in actual fact, contribute to crime and disorder and the level of public nuisance within the vicinity of the licensed premises.

Accordingly, the Sub-Committee was prepared to grant a premises licence for the supply of alcohol from 07.00 to 22.00 (Monday to Sunday inclusive) subject to the conditions set out at section 6 above.

The Sub-Committee pointed out the entitlement of any person living or running a business in the vicinity of the premises, as well as the Town Council and responsible authorities, to ask for the licence of the premises to be reviewed by the Licensing Authority in the future.

Date: 11 December 2008

Licensing Sub-Committee Chairman: Cllr A E J Shotter

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Decision notified to interested parties on 12 December 2008