

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Wight Sky Car Ferry

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 22 January 2009 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor Hutchins
Councillor Shotter - Chairman
Councillor Mrs Smith

2. Parties and their Representatives attending the Hearing

Mr G Cooper – Premises Supervisor, Wightlink – Applicant

Mr C Baldwick – Objector
Mr C Jakes - Objector

3. Other Persons attending the Hearing

Ms L Burgess - Wightlink

4. Parties not attending the Hearing

Mr & Mrs McEwen – Objectors
Mr M Beggs – Objector

5. Officers attending to assist the Sub-Committee

Edward Williams – Legal Advisor
Jan Debnam - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

E: Live Music (indoors and outdoors):

Monday 00.00 to 24.00
Tuesday 00.00 to 24.00
Wednesday 00.00 to 24.00
Thursday 00.00 to 24.00
Friday 00.00 to 24.00
Saturday 00.00 to 24.00
Sunday 00.00 to 24.00

F: Recorded Music (indoors and outdoors):

Monday 00.00 to 24.00
Tuesday 00.00 to 24.00
Wednesday 00.00 to 24.00
Thursday 00.00 to 24.00
Friday 00.00 to 24.00
Saturday 00.00 to 24.00
Sunday 00.00 to 24.00

J: Provision of facilities for dancing (indoors and outdoors):

Monday 00.00 to 24.00
Tuesday 00.00 to 24.00
Wednesday 00.00 to 24.00
Thursday 00.00 to 24.00
Friday 00.00 to 24.00
Saturday 00.00 to 24.00
Sunday 00.00 to 24.00

L: Late Night Refreshment (indoors and outdoors):

Monday 23.00 to 05.00
Tuesday 23.00 to 05.00
Wednesday 23.00 to 05.00
Thursday 23.00 to 05.00
Friday 23.00 to 05.00
Saturday 23.00 to 05.00
Sunday 23.00 to 05.00

M: Supply of Alcohol (on the premises and off the premises)

Monday 00.00 to 24.00
Tuesday 00.00 to 24.00
Wednesday 00.00 to 24.00
Thursday 00.00 to 24.00
Friday 00.00 to 24.00
Saturday 00.00 to 24.00
Sunday 00.00 to 24.00

Hours premises to be open to the public

Monday 00.00 to 24.00
Tuesday 00.00 to 24.00
Wednesday 00.00 to 24.00

Thursday 00.00 to 24.00
Friday 00.00 to 24.00
Saturday 00.00 to 24.00
Sunday 00.00 to 24.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. A written log shall be kept of all refusals including refusals to supply alcohol
2. The Premises Supervisor shall ensure that the refusals log is properly maintained and this shall involve, but not be limited to, nominating in writing a responsible person to check and sign it on a weekly basis.
3. A "Challenge 21" policy shall be adopted whereby anybody attempting to buy alcohol who looks as if they are under 21 years of age shall be asked to produce an acceptable photo ID proving that they are over the age of 18 years, such as a passport, photo driving licence or PASS accredited photo ID
4. All staff shall receive regular training, at least within every 6 months, on Challenge 21 and a written record shall be kept of the training and all refresher training.
5. Challenge 21 and other deterrent signage shall be displayed on the premises.
6. No recorded or live music shall be played whilst the premises is on the Lymington River between the berth and the first navigation posts at the entrance (that is Jack In The Basket : N50 44 278 / W001 30 576 and South-East Point : N50 44 317 / W001 30 250)

7. Reasons for the Decision

The Sub-Committee has carefully considered the application along with the evidence, both written and oral, supplied by the Applicant and Objectors.

The Sub-Committee is of the view that it has not been demonstrated that the supply of alcohol and late night refreshment or the occurrence of music and dancing would prejudice any of the licensing objectives. Furthermore, the Sub-Committee was mindful that a number of the objections were in respect of potential issues that would fall outside the direct control of the Applicant and/ or outside the scope of the licensing considerations.

The Sub-Committee was, however, keen to ensure that any music played on the premises would not create a public nuisance to residents close to the Lymington River and has imposed an appropriate condition in that regard.

Accordingly, the Sub-Committee is prepared to grant a premises licence in the terms as set out above.

Date: 22 January 2009

Licensing Sub-Committee Chairman: Cllr A E J Shotter

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Decision notified to interested parties on 23 January 2009