

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Ellingham & Ringwood RFC, Parsonage Barn Lane, Ringwood

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday, 26 January 2009 at 10.00 am**

1. Members of the Licensing Sub-Committee

Councillor Hutchins - Chairman
Councillor Penwarden
Councillor S Wade

2. Parties and their Representatives attending the Hearing

Mr A J Bingham, Premises Supervisor, Ellingham & Ringwood RFC –
Applicant

Objectors
Cllr J Heron, Ringwood Town Council

3. Other Persons attending the Hearing

Mr J Manderville, Treasurer, Ellingham & Ringwood RFC

4. Parties not attending the Hearing

Mr & Mrs Hibberd
Mr & Mrs Riley

5. Officers attending to assist the Sub-Committee

Guy Gosheron – 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:

E: Live Music:

Saturday 10.00 to 23.00

Sunday 10.00 to 20.00

F: Recorded Music:

Saturday 10.00 to 23.00

Sunday 10.00 to 20.00

H: Anything of a similar description to that falling within (e), (f) or (g):

Saturday 10.00 to 23.00

Sunday 10.00 to 20.00

J: Provision of facilities for dancing:

Saturday 10.00 to 23.00

Sunday 10.00 to 20.00

K: Provision of facilities for entertainment of a similar description to that falling within (j):

Saturday 10.00 to 23.00

Sunday 10.00 to 20.00

M: Supply of Alcohol:

Saturday 10.00 to 22.40

Sunday 10.00 to 19.40

O: Hours premises open to the Members and guests

Saturday 10.00 to 23.00

Sunday 10.00 to 20.00

Mandatory conditions:

As provided in the Licensing Act 2003.

Other conditions:

1. The holder of the premises licence and designated premises supervisor shall ensure that every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification of a category to type previously agreed by acceptable to the Licensing Authority proving the individual to be 18 years of age or older.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. There should be a written record kept of all refusals, including refusals of entry and/or ejections from the premises.

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, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.
3. No licensable activities provided by the premises nor consumption of alcohol or any other drink will be permitted to take place outside of the premises bar and clubroom after 21.00 hours.
4. Any CCTV that is to be installed and maintained at the premises shall be installed and maintained to the satisfaction of the 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 after the recording and shall be surrendered to Hampshire Constabulary immediately on request.
5. All external doors and windows shall be kept closed, other than for access and egress, when licensable activities are taking place.
6. The Licence Holder or nominated representative shall receive and respond to complaints throughout the duration of the regulated entertainment.
7. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
8. The Licence Holder shall ensure that only Members and bona fide guests are permitted entry to the premises during the hours that licensable activities are permitted.
9. The provision of licensable activities otherwise than in accordance with the timings and conditions detailed above will only be permitted on the premises on a maximum of 6 additional occasions per calendar year (to include any application relating to bank holidays) and only in the event that the premises license holder provides details of the event in writing to the Licensing Authority and the Police 10 clear working days beforehand. The Police may object to any proposed extension to permitted hours where they believe it will undermine either the Prevention of Crime & Disorder or Public Nuisance licensing objectives.
10. At all times after 21.00 hours, music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.

* For the purposes of condition 10 above, noise sensitive premises includes premises used for residential purposes, hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purpose likely to be affected by the music noise.

Reasons for the Decision

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

The Police had formally withdrawn their objections based on conditions agreed prior to the hearing. The Town Council withdrew their objection based on the further narrowing of the application during the hearing. In the case of the Town Council they felt that the changes to the application were reasonable.

The Sub-Committee were mindful of the concerns of the two remaining public objectors but on balance felt that the licensing objectives would not be prejudiced should the licence be granted subject to appropriate conditions. The Sub-Committee paid particular regard to the close proximity of the premises to residential properties and potential noise nuisance and felt that the limitations on the finish time for all licensable activities addressed this.

In light of the above, the Sub-Committee decided to grant the licence subject to conditions which would overcome concerns as to any potential nuisance.

However, should a statutory nuisance be established in the future, action may be taken under the appropriate statutory regime including the Environmental Protection Act 1990 and the Licensing Act 2003.

Date: 26.01.09

Licensing Sub-Committee Chairman: Cllr J A G Hutchins

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Decision notified to interested parties on 28 January 2009