

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Holbury Inn, Long Lane, Holbury

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on 19 March 2009 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor L R Puttock
Councillor S S Wade

2. Parties and their Representatives attending the Hearing

Greene King Retailing Ltd (Ms J and Ms K Garbutt) – Applicant
Mr M Parrott – Solicitors for the Applicant

Cllr A Glass and Cllr M Fidler – Fawley Parish Council - Objector

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Edward Williams – Legal Advisor
Jan Debnam - Clerk

6. Decision of the Sub-Committee

Further to the application, the existing premises license is varied as follows:

Licensable activities and times permitted:

C: Indoor Sporting Events:

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 11.00 to 23.00

Seasonal variations for indoor sporting events:

Indoor sporting events may be carried out between the hours of 11:00 on Christmas Eve and New Year's Eve and 01:00 the following day; and between 11:00 and 00:00 on Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Sunday and Easter Monday together with any other Bank Holidays

E: Live Music:

There is no variation to this licensable activity

F: Recorded Music:

There is no variation to this licensable activity

I: Provision of Facilities for Making Music (Indoors):

Friday 19.30 to 00.00
Saturday 19.30 to 00.00
Sunday 12.00 to 23.00

Seasonal variations for the provision of facilities for making music:

The provision of facilities for making music may occur between the hours of 19:30 and 00:00 on Bank Holidays and New Year's Eve.

Non standard timings for the provision of facilities for making music:

Facilities for the making of music may be provided for birthdays and anniversary events and events of a similar description up until the time that the sale of alcohol ceases.

J: Provision of Facilities for Dancing (Indoors):

Friday 19.30 to 00.00
Saturday 19.30 to 00.00
Sunday 12.00 to 23.00

Seasonal variations for the provision of facilities for dancing:

The provision of facilities for dancing may occur between the hours of 19:30 and 00:00 on Bank Holidays and New Year's Eve.

Non standard timings for the provision of facilities for dancing:

Facilities for dancing may be provided for birthdays and anniversary events and events of a similar description up until the time that the sale of alcohol ceases.

L: Late Night Refreshment (Indoors and Outdoors):

Friday 23.00 to 00.00
Saturday 23.00 to 00.00

Seasonal variations for the provision of late night refreshments:

Late night refreshments may be provided between the hours of 23:00 on Christmas Eve and 01:00 the following day; between 23:00 and 00:00 on Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and all other Bank Holidays; and from 23:00 on New Year's Eve until 05:00 the following day.

M: Supply of Alcohol (On and Off the Premises)

Monday 06.00 to 23.00
Tuesday 06.00 to 23.00
Wednesday 06.00 to 23.00
Thursday 06.00 to 23.00
Friday 06.00 to 00.00
Saturday 06.00 to 00.00
Sunday 06.00 to 23.00

Seasonal variations for the supply of alcohol

Alcohol may be supplied between the hours of 06:00 on Christmas Eve and 01:00 the following day; between 06:00 and 00:00 on Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and any other Bank Holidays; and from 06:00 on New Year's Eve until 06:00 the following day.

Hours premises to be open to the public

Monday 06.00 to 23.20
Tuesday 06.00 to 23.20
Wednesday 06.00 to 23.20
Thursday 06.00 to 23.20
Friday 06.00 to 00.20
Saturday 06.00 to 00.20
Sunday 06.00 to 23.20

Season variations to the hours the premises may be open to the public

The premises may be open to the public between the hours of 06:00 on Christmas Eve and 01:20 the following day, 06:00 on Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday or any other Bank Holiday and 00:20 the following day; and from 06:00 on New Years eve until 06:00 the following day.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

The following conditions are in addition to the existing conditions that attach to the license, which shall remain intact

1. The holder of the premises licence 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 acceptable to the licensing authority proving that 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.
2. 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, refusals of entry to the premises and ejections from the premises. 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. "Challenge 21" posters shall be displayed in prominent positions at the premises.
5. For the period from 06.00 to 11.00 each day, smoking is only to be permitted in the external parking area to the front of the premises.

Existing condition numbered 105.2 attached to the existing license is hereby amended to read "Maximum occupancy for entertainment purposes is agreed at 110. This figure is to include all patrons and staff on the premises".

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 notes the absence of objections from any of the responsible authorities, authorised persons or local residents. In addition, the

Sub-Committee notes that the objector no longer objects to the proposed variations, after having received reassurances and a clearer understanding of the application. In addition, the objector's concerns have been allayed as the proposed increase in maximum occupancy of the premises had been reduced so that the total would now be increased from 100 to 110, not 250 as originally requested.

The Sub-Committee is of the view that it has not been demonstrated that the variations to the existing licence will cause an increase in the level of public nuisance within the vicinity of the licensed premises. Furthermore, the Sub-Committee considers that none of the other licensing objectives will be compromised by the granting of the variations.

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

Date: 19.03.09

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 23 March 2009