

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: BP Spar, Windmill Service Station, Salisbury Road, Ringwood

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Thursday, 18 June 2009 at 10.00am.

1. Members of the Licensing Sub-Committee

Councillor G C Beck
Councillor A E J Shotter - Chairman
Councillor P R Woods

2. Parties and their Representatives attending the Hearing

Mr Mason, Peregrine Retail Ltd – Applicant
Mr Wallsgrove, Blake Laphorn – Solicitors for the Applicant

Objectors:
Ms H Porter
Mr & Mrs Heath
Mrs Sansom
Cllr Stokes, Ellingham, Harbridge & Ibsley Parish Council

3. Other Persons attending the Hearing

Mr Williamson – Observer

4. Parties not attending the Hearing

Objectors:

Mr Johnson
Mr & Mrs Frederick

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 08.00 to 23.00

Tuesday 08.00 to 23.00

Wednesday 08.00 to 23.00

Thursday 08.00 to 23.00

Friday 08.00 to 23.00

Saturday 08.00 to 23.00

Sunday 08.00 to 23.00

Hours premises to be open to the public

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 23.00

Saturday 06.00 to 23.00

Sunday 06.00 to 23.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

Conditions put forward by Trading Standards – as previously agreed by the applicant.

1. The licence holders have strong management control. All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. Individual training records will be kept for all members of staff.
2. CCTV will be installed and maintained at the premises to the satisfaction of the Police. As a minimum it will enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system will be to a standard acceptable as evidence in a court of law and will be securely retained for a minimum of 30 days. The recording will be surrendered in a playable format to Hampshire Constabulary immediately on request.
3. 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 – passport, photo driving licence or PASS accredited photo ID – 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.
4. 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.

5. A written log shall be kept of all 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.
6. 'Challenge 21' posters shall be displayed in prominent positions at the premises.
7. No supply of alcohol is to take place until Sarah Wallsgrove has been replaced as Designated Premises Supervisor by a fully authorised person employed by the applicant company.
8. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect 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.

Upon a review of evidence presented by the applicant, the Sub-Committee decided that the primary use of the premises was not that of a garage under section 176 of the Licensing Act 2003.

The Sub-Committee noted the concerns of the objectors in particular relating to public nuisance and crime and disorder. However, the Sub-Committee was mindful that none of the responsible authorities objected to the application.

The Sub-Committee recognised that the applicant had amended the application to alleviate the concerns of the objectors by withdrawing the application for 24 hours opening and late night refreshment. In addition, the Sub-Committee recognised the improvements that the applicant had made to the management of the premises.

The Sub-Committee was of the view that representations had not demonstrated to its satisfaction that the granting of a licence for the supply of alcohol would contribute to the level of public nuisance or crime and disorder (or any other of the licensing objectives) within the vicinity of the licensed premises.

Accordingly, the Sub-Committee was prepared to grant a premises licence in the terms set out at section 6 above.

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

Date: 18 June 2009

Licensing Sub-Committee Chairman: Cllr A E J Shotter

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Decision notified to interested parties on 19 June 2009