

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Central Bar, Station Road, New Milton

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 4 June 2010 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor L R Puttock
Councillor W H Dow
Councillor J Penwarden - Chairman

2. Parties and their Representatives attending the Hearing

Mr Poole and Ms Darcy – Applicants
Mr S Clarke – representing the Applicants

Objectors:
Mrs Wooller
Mrs Kerntiff
Mr Pearson
Cllr J Ward

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Objectors:

Mr Kerntiff
Mr Bailey
Mr & Mrs Walker
Mr Graves
Mrs Bunce
Mrs Woodward

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:

B: Films (indoors only)

Monday 12.00 to 18.00
Tuesday 12.00 to 18.00
Wednesday 12.00 to 18.00
Thursday 12.00 to 18.00
Friday 12.00 to 18.00
Saturday 12.00 to 18.00
Sunday 12.00 to 18.00

C: Indoor Sporting Events

Friday 18.00 to 23.30
Saturday 18.00 to 23.30

E: Live Music (indoors only)

Friday 21.00 to 23.30
Saturday 21.00 to 23.30

F: Recorded Music (indoors only)

Monday 12.00 to 23.00
Tuesday 12.00 to 23.00
Wednesday 12.00 to 23.00
Thursday 12.00 to 23.00
Friday 12.00 to 23.30
Saturday 12.00 to 23.30
Sunday 12.00 to 23.00

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

Monday 12.00 to 18.00
Tuesday 12.00 to 18.00
Wednesday 12.00 to 18.00
Thursday 12.00 to 18.00
Friday 12.00 to 18.00
Saturday 12.00 to 18.00
Sunday 12.00 to 18.00

J: Provision of facilities for dancing (indoors only)

Friday 21.00 to 23.30
Saturday 21.00 to 23.30

M: Supply of Alcohol (on the premises)

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 23.30
Saturday 11.00 to 23.30
Sunday 11.00 to 23.00

Non-standard timings:

Christmas Eve, New Year's Eve and Saturdays falling within Bank Holiday weekends – 11.00 hours to 01.00 hours

Hours premises to be open to the public

Monday 11.00 to 23.30
Tuesday 11.00 to 23.30
Wednesday 11.00 to 23.30
Thursday 11.00 to 23.30
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 11.00 to 23.30

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. CCTV will be installed and maintained at the premises to the satisfaction of the Licensing Authority and 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.
2. The Designated Premises Supervisor must be an active member of the local Pub Watch scheme, where there is one in situ. For the sake of clarity this will entail regular attendance at meetings by the Designated Premises Supervisor or nominated deputy. The management will fully support and enforce any banning orders or similar arrangements agreed by the Pub Watch scheme.
3. The holder of the premises licence shall ensure that every individual who appears to be under 25 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.
4. All staff shall be trained to challenge every individual who appears to be under 25 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 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.
6. 'Challenge 25' posters shall be displayed in prominent positions at the premises.
7. During regulated entertainment activities, window boards are to be put in place and all external doors and windows are to be closed (save for access and egress).
8. All delivery vehicles are to be parked on Station Road (and not at the rear on Park View).
9. At closing time, all patrons are to leave the premises by way of the exit on Station Road.
10. Signage is to be erected inside the exit on Station Road asking patrons to leave quietly.
11. No alcohol is to be taken outside the premises (for example into the designated smoking area).
12. No bottle disposal is to take place externally between the hours of 22.00 and 09.00.

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 the Objectors who live in the vicinity of the premises.

The Sub-Committee recognised the concerns of the Objectors, in particular the concerns relating to potential noise nuisance given the close proximity of the premises to some residential properties. However, the Sub-Committee considered that, on balance, the objections could be adequately dealt with by restricting the hours of activity and attaching conditions to the licence, such that the licensing objectives would not be prejudiced.

The Sub-Committee was also mindful that none of the Authorised Persons or Responsible Authorities had objected to the license application (the Police and Trading Standards having agreed not to object following the Applicant's acceptance of a number of conditions).

Regarding the bringing forward of the terminal hour in respect of the supply of alcohol, recorded music and hours of opening, the Sub-Committee was mindful of the representations of the objectors that the noise emanating from the premises and from patrons leaving the premises had, in the past, caused a noise nuisance.

Notwithstanding the change of management, the structure of the building remains as it was during the previous licence and the same noise issues will undoubtedly recur. The Sub-Committee had no guidance from Environmental Health as to what measures could be put in place to make the premises more

acoustically insulated and so decided to restrict the effect of any potential noise nuisance to less anti-social hours, especially outside weekends. The imposition of conditions regarding the erection of window boards and closing doors and windows was discussed at the hearing and generally accepted by the parties as sensible measures to reduce the emission of noise.

Furthermore, the Sub-Committee considered that, due to the extremely close proximity of a number of residential properties to the premises, there would inevitably be some disturbance and noise nuisance as patrons left the premises (indeed evidence suggested that the noise from patrons inside the premises could be heard at neighbouring properties). The sub-committee again considered that the comfort and convenience of the nearby residents should be preserved as far as reasonably possible by bringing forward the terminal hour of the supply of alcohol and the closure of the premises.

Regarding the other conditions (other than those agreed with the Police), obstruction of the highway is likely to constitute a public nuisance. The condition regarding the parking of delivery lorries is intended to reduce the prospect of the road leading to neighbouring properties becoming blocked. The remaining conditions are deemed necessary to reduce noise nuisance.

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

Date: 4 June 2010

Licensing Sub-Committee Chairman: Cllr J Penwarden

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Decision notified to interested parties on 8 June 2010