

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

**APPLICATION: HOLLYBANK CONVENIENCE STORE,
37-39 HOLLYBANK CRESCENT, HYTHE**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 21 December 2010 at 10.00 a.m.**

1. Members of the Licensing Sub-Committee

Councillor G C Beck – Chairman
Councillor L R Puttock
Councillor J Penwarden

2. Parties and their Representatives attending the Hearing

Mr Thevathas – Applicant

Mr Moulder, Counsel for the Applicant

Objectors: None attending

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Objectors:

Mr Pottinger

5. Officers attending to assist the Sub-Committee

Tory Putnam – Legal Advisor
Andy Rogers – Clerk
Lisa Clark – Solicitor, Observing

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

The sale and supply of alcohol for consumption off the premises only in the following trading hours:-

07:00 hrs to 21:00 hrs Monday to Saturday
08:00 hrs to 20:00 hrs Sunday

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

Conditions agreed with the Police:

A CCTV system will be installed or the existing system maintained. Such system to be fit for the purpose.

The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality tape or digitally onto CD/DVD or other equivalent medium.

Any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request.

The precise positions of the cameras may be agreed, subject to Data Protection Legislation with the Police from time to time.

The system will display on any recording the correct time and date of the recording.

The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

Conditions agreed with the Trading Standards Authority:

A written log shall be kept of all refusals including refusals to sell 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.

The holder of the premises licence shall ensure that every individual that 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 – 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.

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 three months, and written records shall be kept of all training and refresher training.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

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 objector.

The Sub-Committee noted the absence of any objections from the responsible authorities but had received a request from the responsible authorities for conditions to be added to the license. The applicant had agreed to the inclusion of those conditions in the license prior to the hearing commencing.

They also took into account the written representation of the objector who did not attend the hearing. The only objection related to concerns over litter and vandalism within the locality of the shop, however the sub-committee was of the view that sufficient conditions had been agreed with the police and the proprietors of the shop, such as identification marking of the goods, 'Challenge 25', and CCTV, to alleviate any fears that the licensing objectives would be breached.

The Sub-Committee was of the view it had not been demonstrated that the granting of a licence for the sale and supply of alcohol for consumption off the premises within the hours as set out in the application would increase the level of public nuisance or crime and disorder (or adversely affect any of the other licensing objectives).

Accordingly, the Sub-Committee was prepared to grant a premises licence for the supply of alcohol (off the premises) in the terms set out at section 6 above.

The sub-committee acknowledged that there were no current evidential grounds for imposing a condition that the alcohol chillers be moved to a location adjacent to the service counter, but recommended that the chillers be moved to such a location in order to alleviate the future possibility of crime through shoplifting.

Date: 21.12.2010

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on