

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: REVIEW OF PREMISES LICENCE – LONGS CELLAR BAR,  
99 HIGH STREET, LYMINGTON**

**Decision of the Licensing Sub-Committee hearing held at, Lymington Town  
Hall, Lymington on Tuesday, 3 May 2011.**

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**1. Members of the Licensing Sub-Committee**

Councillor G C Beck - Chairman  
Councillor W H Dow  
Councillor L R Puttock

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**2. Parties and their Representatives attending the Hearing**

**Police:**

Mr Peter Savill (Counsel)  
SP 2410 N Adams  
PS 405 A Barry  
PC 23072 Cross  
PS 1634 T Adams  
APS 2091 J Eastwood

Patrick Curran, NFDC Enforcement Officer

**Longs Cellar Bar:**

Mr Paul Jones (Counsel)  
Mr Andrew Johnson (Designated Premises Supervisor)  
Mr Kevin Brook (Premises Licence Holder)  
Ms Michelle Race (Bar Manager)  
Mr Douglas Dike (Doorman)

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**3. Other Persons attending the Hearing**

Cllr Mrs M E Lewis, Local Ward Member for Lymington.

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**4. Officers attending to assist the Sub-Committee**

Lisa Clark – Legal Advisor  
Andy Rogers - Clerk

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**5. Decision of the Sub-Committee**

That the Premises Licence be amended with the following terms and conditions.

**Licensable activities and times permitted:**

E: Live Music

Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 00.00  
Friday 08.00 to 00.00  
Saturday 08.00 to 00.00  
Sunday 08.00 to 00.00

F: Recorded Music

Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 00.00  
Friday 08.00 to 00.00  
Saturday 08.00 to 00.00  
Sunday 08.00 to 00.00

Non-standard timings for New Years Eve to remain unchanged: From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December)

G: Performances of Dance

Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 00.00  
Friday 08.00 to 00.00  
Saturday 08.00 to 00.00  
Sunday 08.00 to 00.00

I: Provision of facilities for making music

Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 00.00  
Friday 08.00 to 00.00  
Saturday 08.00 to 00.00  
Sunday 08.00 to 00.00

J: Provision of facilities for dancing

Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 00.00  
Friday 08.00 to 00.00  
Saturday 08.00 to 00.00  
Sunday 08.00 to 00.00

L: Late night refreshment

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

M: Supply of Alcohol

Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 00.00  
Friday 08.00 to 00.00  
Saturday 08.00 to 00.00  
Sunday 08.00 to 00.00

Non-standard timings for New Years Eve to remain unchanged: From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December)

**Hours premises to be open to the public**

Monday 08.00 to 00.30  
Tuesday 08.00 to 00.30  
Wednesday 08.00 to 00.30  
Thursday 08.00 to 00.30  
Friday 08.00 to 00.30  
Saturday 08.00 to 00.30  
Sunday 08.00 to 00.30

Non-standard timings for New Years Eve to remain unchanged: From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December).

**Mandatory conditions:**

As provided in the Licensing Act 2003 and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**Existing Conditions (which will continue to apply):**

Prior to opening to the public, on each occasion the rear fire exit route must be checked to ensure:

The route is clear of storage.

Doors are unlocked and available for use in an emergency.

The lighting is correctly functioning.

Between the hours of 08:00 and 00:30 Monday to Sunday the fire door at the rear of the premises shall be kept closed, except in an emergency.

Between the hours of 08:00 and 00:30 Monday to Sunday the front door leading to the High Street shall be kept closed except when persons are entering or leaving the premises.

Between the hours of 08:00hrs to 23:00hrs music noise and noise from voices emanating from the premises shall be of a level which, whilst it may be audible, is so low in volume that distinct lyrics, tunes, musical instruments and any base beat cannot be recognised at and beyond points A and B, as shown on the attached plan, point A being outside 39 High Street, Lymington and point B being outside 33 High Street, Lymington.

After 23:00hrs music and noise from voices emanating from the premises shall be inaudible at and beyond point A (outside 39 High Street, Lymington) and point B (outside 33 High Street, Lymington).

All customers should be asked to leave quietly either by a member of staff or someone on the door.

**Other/amended conditions (in addition to the above):**

All staff shall be trained to NCPLH standard within 3 months of the commencement of their employment at Longs Cellar Bar. All sales by a person who has not been trained must be personally supervised by a trained member of staff.

Individual written training records shall be maintained for each member of staff.

A CCTV system shall be installed, or the existing system maintained, which system shall be fit for 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 video tape or digitally on to CD/DVD or other equivalent medium. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to Data Protection legislation, to the Police as soon as reasonably practicable. There must be sufficient staff trained in the use of the CCTV to ensure compliance with this condition.

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

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

The CCTV system shall be maintained and fully operational, as a minimum, throughout the hours that the premises are open for any licensable activity and/or all patrons have left the premises (including any outside areas) whichever is later.

The Designated Premises Supervisor or nominated deputy (who shall be a Personal Licence Holder), shall be working at the premises whenever it is open to members of the public and be readily identifiable to responsible authorities.

The Designated Premises Supervisor shall maintain a duty register giving details of every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council Officer the following details:-

- (i) the SIA registration number, name, date of birth and residential address of that person;
- (ii) the time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (iii) the time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (iv) any times during the period of duty when he/she was not on duty;
- (v) if that person is not an employee of the Designated Premises Supervisor, the name of the person by whom that person is employed or through whom the services of that person were engaged;
- (vi) the register shall be so kept that it can be readily inspected by an authorised officer of the Police or Council; and
- (vii) the duty register shall comprise a bound, consecutively page-numbered book and the Designated Premises Supervisor shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations.

Door staff shall wear high visibility sleeved jackets, to BS EN 471 or equivalent standard but not in yellow (to avoid being mistaken for emergency services staff), with appropriate holders for SIA badges to allow clear identification.

A member of staff shall regularly patrol all areas of the premises to identify and prevent any potential problems. This member of staff shall be adequately trained in order to recognise the signs of drunkenness, drug abuse, underage customers or any activity which may lead to crime and disorder.

A minimum of two SIA door staff shall be on duty at the premises whilst it is open on Friday night/Saturday morning and Saturday night/Sunday morning. A minimum of one SIA door staff shall be on duty at the premises whilst it is open on other nights.

A written log shall be kept of all refusals including refusals to serve alcohol, which should include the name or physical description of the person refused. 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 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 - 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 six 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.

## **6. Reasons for the Decision**

The Sub-Committee considered carefully the application by the police for the review of the premises licence along with the evidence, both written and oral, supplied by the parties.

The Sub-Committee concluded that the Licensing Objectives, namely the prevention of crime and disorder, and the prevention of public nuisance, are being undermined by the way in which Longs Cellar Bar is currently being managed. The Sub-Committee is concerned, in particular, that police records demonstrate that there have been several instances where Longs Cellar Bar has admitted and served people who are intoxicated, has not kept adequate records where persons have been refused entry or refused alcohol, or have been ejected from the premises, and that the police are regularly required to deal with disturbances inside or outside Longs Cellar Bar, particularly after midnight. Having heard the representations of the Police, including representations regarding the resources which they dedicate to policing the premises, the Sub-Committee seriously considered revoking the premises licence, and removing the Designated Premises Supervisor.

However, the Sub-Committee concluded, on balance, that conditions should be placed on the licence which the Sub-Committee hopes will bring about the improvements necessary for the promotion of the Licensing Objectives.

The Sub-Committee heard that the police had been raising concerns about the operation of the premises for some time, but concluded that sufficient improvements had not been made by those responsible for running the premises. The Sub-Committee was mindful of the requirement to avoid disproportionate or overly burdensome conditions, but concluded that amendments were required to the premises licence to promote the Licensing Objectives.

The Sub-Committee heard that a number of amendments to the licence would be accepted by both parties. The Sub-Committee has not accepted all of the police's proposed amendments to the licence, because they concluded that to implement these in their entirety would be overly burdensome for the premises.

The Sub-Committee considered the concerns raised by the police regarding noise nuisance from the premises, but concluded that no amendments to the licence were necessary to deal specifically with noise nuisance, given the reduced hours during which licensable activities will be permitted.

**Date: 4 May 2011**

**Licensing Sub-Committee Chairman: Cllr G C Beck**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 4 May 2011**