

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Off Licence, Station Road, New Milton**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Wednesday, 15 February 2012 at 10.00am**

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

Councillor Mrs P A Wyeth - Chairman  
Councillor Miss A Hickman  
Councillor S S Wade

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

Mr I Yildirim– Applicant  
Mr D Hudson (Applicant's Representative)

Objectors:  
Mr P Day – Representing Mrs V Selvanayagam  
Mr A Arulrajan

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**3. Other Persons attending the Hearing**

Mr K Yildirim and Mr C Gunduz – supporters of the Applicant

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**4. Parties not attending the Hearing**

Objectors:  
Mr R Mindoza, Mr C Harris and Mr D Goode

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

Lisa Clark – Legal Advisor  
Jan Debnam - Clerk

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## **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 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

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. The premises shall have sufficient cameras to cover all public areas including the area immediately outside the premises, the entrance(s) and exit(s). The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.
2. CCTV warning signs shall be fitted and visible in all public areas monitored by CCTV.
3. The CCTV system must be operating at all times whilst the premises are open for licensable activities.
4. There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies of recordings when requested to do so by the Police, Trading Standards or the Licensing Authority. All images recovered must be in a viewable format on either disc or VHS.
5. All equipment shall have a constant and accurate time and date generation.
6. The recording system must be able to capture a minimum of four frames per second.
7. The CCTV system must have measures to prevent recordings being tampered with, e.g. password protection.
8. All recordings from the CCTV system must be kept for a minimum of 28 days.

9. In the event of a technical failure of the CCTV equipment the premises licence holder, Designated Premises Supervisor, or a person duly authorised by them, must inform the police immediately.
10. All Fire Authority recommendations regarding the siting and maintenance of fire appliances shall be complied with and a Fire Risk Assessment undertaken.
11. An incident book shall be maintained at the premises. The incident book shall remain on the premises at all times and shall be available to the Police, the Licensing Authority or Trading Standards on request. The incident book shall record information about all instances involving injury, ejection and age challenge at the premises. Each recorded incident shall include the time and date at which the incident occurred and must be signed by the author.
12. A refusals book shall be kept detailing every instance in which the sale of alcohol is refused. The record of each instance shall include the date, time, a description of the person refused the service of alcohol and the reason for the refusal. The refusals book shall remain on the premises at all times and shall be available on request to the Police, the Licensing Authority or Trading Standards. The Designated Premises Supervisor or a responsible person authorised in writing by the Designated Premises Supervisor will check and sign the refusals book on a weekly basis.
13. A "Challenge 25" policy shall be operated at the premises. This means that the holder of the premises license 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 identification that proves the individual is over 18 years of age. The only forms of identification which shall be accepted are a passport, driving licence, PASS approved card or such other means of identification as shall be expressly approved by the Police and/or Trading Standards from time to time. If the person seeking to purchase alcohol is unable to produce such means of identification no alcohol will be sold or provided to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.
14. Staff shall be trained regarding the requirements of the Challenge 25 policy and appropriate precautions to prevent the sale of alcohol to persons under the age of 18. Refresher training shall be provided to all staff at least every three months. Records shall be kept of all such training and the record shall be signed and dated by the member of staff receiving the training and the Designated Premises Supervisor. The records shall be made available for inspection on request by the Police, the Licensing Authority and Trading Standards.

## **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.

The Sub-Committee noted that a number of conditions to be attached to the premises licence had been agreed between the applicant and Hampshire Trading Standards.

Mr Day, on behalf of objectors who operate nearby licensed premises, proposed a number of additional conditions which he submitted should be attached to the licence. The Sub-Committee considered that the additional conditions proposed would be onerous, and did not consider that Mr Day's clients had provided evidence of a current need for such conditions to be attached to the premises licence.

A number of objectors had made representations that there were a number of other premises licensed for off-licence sales in the vicinity of the premises. The Sub-Committee did not take into account concerns regarding the need or demand for additional premises, or concerns about trade or competition, as these were not relevant to the promotion of the licensing objectives.

The Sub-Committee noted the absence of any objections from the responsible authorities.

The Sub-Committee was of the view it had not been demonstrated that the supply of alcohol at the premises would adversely affect any of the licensing objectives within the vicinity of the licensed premises.

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.

**Date: 15 February 2012**

**Licensing Sub-Committee Chairman: Cllr Mrs P A Wyeth**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 17 February 2012**