

LICENSING SUB COMMITTEE**LICENSING ACT 2003 - (s17)****APPLICATION FOR GRANT OF A PREMISES LICENCE****Name(s) and address(es) of applicants(s)**

Mr Ibrahim Yildirim
148 The Grove
Bournemouth
Dorset
BH9 2UA

Represented by:

Mr Eric Windsor
Dorset Licensing
48 Hinchliffe Road
Hamworthy
Poole
Dorset
BH15 4ED

Name and address of premises to be licensed

Off Licence (no formal name at this stage)
20 Station Road
New Milton
Hampshire
BH25 6JX

End of Statutory Objection Period: 19 January 2012

Objections received: Yes

Date of Hearing (if applicable) TBA

Date report completed: 23 January 2012

Date forwarded to Democratic Services: 23 January 2012

Resume of application	Location on report
New Grant of a Premises Licence for the following: To sell alcohol for consumption off the premises only, Monday to Sunday 08:00hrs - 23:00hrs.	Appendix 1

Responsible Authority	Brief Details of Responsible Authority Representations	Location on report
Trading Standards	<p>Agreed amendments to the application between Steve Lawford, Trading Standards and the applicant's agent, Mr Eric Windsor, Dorset Licensing.</p> <p>These are as follows:</p> <p>Prevention of Crime and Disorder:</p> <p>CCTV The premises shall have sufficient cameras located within the premises to cover all public areas including outside the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.</p> <p>The CCTV system must be operating at all times whilst the premises are open for licensable activities.</p> <p>All equipment shall have a constant and accurate time and date generation.</p> <p>There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or Local Authority. Any images recovered must be in a viewable format on either disc or VHS.</p> <p>The recording system will be able to capture a minimum of four frames per second.</p> <p>Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.</p> <p>CCTV warning signs to be fitted in public places.</p> <p>Recordings to be kept for a minimum of 28 days.</p> <p>The Designated Premises Supervisor or Premises Manager must be able to demonstrate that the CCTV</p>	As per application in Appendix 1

system has measured to prevent recordings being tampered with, i.e., password protected.

In the event of technical failure of the CCTV equipment the premises licence holder/Designated Premises Supervisor must report the failure to the Police on contact number immediately.

Public Safety:

We will endeavour to ensure that the premises are safe both for staff and the general public. All Fire Authority recommendations regarding the siting and maintenance of fire appliances will be complied with and a Fire Risk Assessment undertaken.

Prevention of Public Nuisance:

Incident Book

An incident book will be provided and maintained at the premises and there will be a daily debrief of doorstaff (where used) at the close of business which will be evidence in writing. The incident book will remain on the premises at all times and will be available to Police and Trading Standards on request. The book shall detail in brief, incident of injury/ejection/refusal/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Officers/Trading Standards on demand.

Refusals Book

A refusals book to be kept detailing numbers dates and times of incidents and description of people refused service of alcohol with reasons why (including incidents relating to disorder) to the reasonable satisfaction of Hampshire Trading Standards. The incident book will remain on the premises at all times and will be available to Authorised Officers of Hampshire Trading Standards and Hampshire Constabulary on request. A responsible person will check and sign it on a weekly basis.

Protection of Children from Harm:

Challenge 25

There will be Challenge 25 Police operating at the premises. Challenge 25 meaning that 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, so sale or supply of alcohol will be made to or for that person. Challenge 25 posters shall

	<p>be displayed in prominent positions at the premises.</p> <p>Staff Training Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, that records are kept of such training, that staff receive refresher training every three months as a minimum and that records are signed and dated by the member of staff are kept of those refresher training. Records will be available for inspection by Hampshire Constabulary, the Licensing Authority and Hampshire Country Council Trading Standards.</p>
Police	No representations
Fire Service	No representations
Social Services	No representations
EH Pollution	No representations
EH Commercial	No representations
Planning	No representations

Licensing Objective	Brief Details of Interested Parties Representations	Location on report
	<p>There are 4 letters making representation. One from a member of the public and 3 from persons with a business interest in the vicinity. These representations cover several areas of the Licensing Objectives, namely:</p>	Appendix 2
Prevention of Crime and Disorder	Increase in anti-social behaviour.	
Public Nuisance	Noise disturbance to residents residing in and around the premises.	
Protection Of Children	<p>Historically there has been a problem in New Milton concerning children and youths under the age of eighteen managing to obtain alcohol and then drinking the same in the streets and in public areas. This has given rise to crime and disorder, public nuisance and issues regarding the protection of children from harm.</p> <p>Concerns for an increase in antisocial behaviour with children/young people drinking in the street. The new licence will only add to the existing problems and the area is already adequately catered for in the way of 3 off licences already in existence.</p>	

Additional Information	Location on report
<p>A letter covering outline details of the objections has been sent to the Agent, Dorset Licensing on behalf of the applicant, asking if they intend to make any adjustment to their application in the light of the objections received during the consultation process.</p> <p>Letters have also been sent out to the objectors inviting them to reconsider their representation based on the agreement made between the applicant and Trading Standards, the fact that no other Responsible Authority have raised any concerns and that issues of 'NEED' or 'DEMAND' are not licensing concerns.</p> <p>At the date of preparing this report, no further communication has been received.</p>	<p>Appendix 3</p>

Conclusion

The Licensing Sub-Committee must, having regard to the representations, take such measures as it considers necessary to promote the licensing objectives. These being:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance;
- The Protection of Children from Harm

Recommendations

The licensing objectives are the only matters to be taken into account when determining applications.

The **options** available to the Licensing Sub-Committee are:

- Grant the licence – with the conditions consistent with the operating schedule and the mandatory conditions of the LA2003 Act;
- Grant the licence – but modify the conditions, restrict certain licensable activities or operating hours;
- Reject the whole or part of the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: paul.weston@nfdc.gov.uk

Background papers:

Licensing Act 2003
Section 182 Guidance
NFDC Licensing Policy

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

Ibrahim Yildirim
I/We **apply for a premises licence under section 17 of**
(Insert name(s) of applicant)
the Licensing Act 2003 for the premises described in Part 1 below (the premises)
and I/we are making this application to you as the relevant licensing authority in
accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
20 Station Road, New Milton, Hampshire	
Post town	Post code
New Milton	BH25 6JX

Telephone number at premises (if any)

--

Non-domestic rateable value of premises

£	£12000
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Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual* please complete section (B)
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in wales please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

a) A person who is registered under chapter 2 of part 1 of the Health & Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that part) in an independent hospital in England

*If you are applying as a person described in (a) or (b) please confirm:

- Please tick yes
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
 - I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname **First names**

I am 18 years old or over

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick
✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS.

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	9	0	1	2	0	1	2

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

The premises are a new acquisition and is to operate as a convenience store with an Off Licence facility, at the present it is a SuperBuyStore.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises	/	
Mon	0800	2300hrs	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both		
Tue	0800	2300hrs				
Wed	0800	2300hrs				
Thur	0800	2300hrs		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	0800	2300hrs				
Sat	0800	2300hrs				

Sun	0800	2300hrs	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Ibrahim Yildirim ..

Address 148, The Grove, Bournemouth

Postcode BH9 2UA ..

Personal Licence number(if known) BH11751

Issuing licensing authority (if known). Bournemouth Borough Council ..

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

There are no services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Mon	0800	2300hrs	
Tue	0800	2300hrs	
Wed	0800	2300hrs	
Thur	0800	2300hrs	
Fri	0800	2300hrs	
Sat	0800	2300hrs	
Sun	0800	2300hrs	

LICENSING CONDITIONS

20, Station Road, New Milton, Hants BH25 6JX

b) The prevention of crime & disorder

CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

The CCTV System must be operating at all times whilst the premises are open for licensable activities

All equipment shall have a constant and accurate time and date generation.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or Local Authority. Any images recovered must be in a viewable format on either disc or vhs.

The recording system will be able to capture a minimum of four frames per second.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

CCTV warning signs to be fitted in Public Places.

Recordings to be kept for a minimum of 28 days.

The DPS or Premises Manager must be able to demonstrate that the CCTV System has measures in place to prevent recordings being tampered with, i.e. Password protected.

In the event of technical failure of the CCTV equipment the premises licence holder/DPS must report the failure to the Police on contact number immediately.

c) We will endeavour to ensure that the premises are safe both for staff and the general public. All Fire Authority recommendations regarding the siting and maintenance of fire appliances will be complied with and a Fire Risk Assessment undertaken.

d) The prevention of public nuisance

INCIDENT BOOK

A incident book will be provided and maintained at the premises and there will; be a daily debrief of doorstaff (where used) at the close of business which will be evidence in writing. The incident book will remain on the premises at all times and will be available to Police & Trading Standards on request. The book shall detail in brief, incident of injury/ejection/refusal/drug misuse/ seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Officers/Trading Standards on demand.

REFUSALS BOOK

A refusals book to be kept detailing numbers dated and times of incidents and description of people refused service of alcohol with reasons why(including incidents relating to disorder) to the reasonable satisfaction of Hampshire Trading Standards. The incident book will remain on the premises at all times and will be available to Authorised Officers off Hampshire Trading Standards & Hampshire Constabulary on request. A responsible person will check and sign it on a weekly basis.

e) The protection of children from harm

CHALLENGE 25

There will be a Challenge 25 Policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age, seeking to purchase or supplied with alcohol at or from the premises shall produce means of identification acceptable to 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, so sale of supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.

STAFF TRAINING

Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under te age of 18, that records are kept of such training, which are signed and dated by the member of staff who has received the training, that staff receive refresher training every three months as a minimum and that records are signed and dated by the member of staff are kept of those refresher training.Records will be available for inspection by Hampshire Constabulary, the Licensing Authority and Hampshire County Council Trading Standards.

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

These premises are a new acquisition and is to operate as a convenience store with an Off Licence facility.

b) The prevention of crime and disorder

SEE ATTACHED

c) Public safety

SEE ATTACHED

d) The prevention of public nuisance

SEE ATTACHED

e) The protection of children from harm

SEE ATTACHED

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 21st December 2011

Capacity Dorset Licensing - authorised agents for applicants.

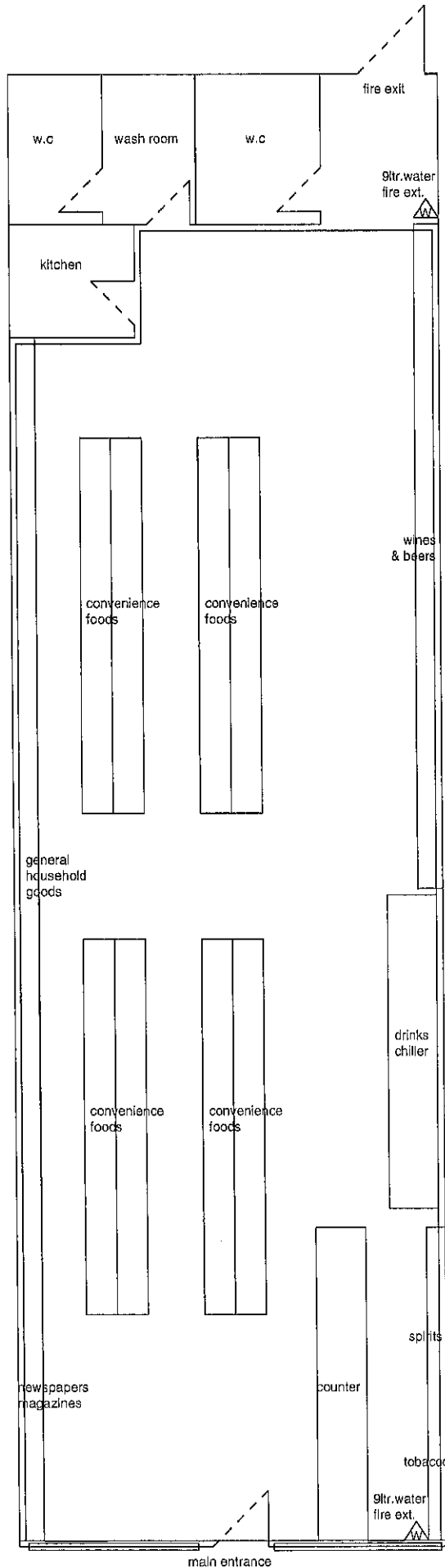
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 21st December 2011

Capacity Dorset Licensing - authorised agents for applicants.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Dorset Licensing, 48, Hinchliffe Road, Hamworthy, Poole Dorset. BH15 4ED	
Post town Poole	Post code BH15 4ED
Telephone number (if any) 01202 685072	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) sales@dorsetlicensing.com	



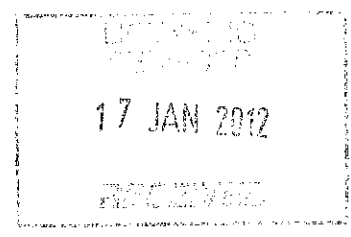
20, STATION ROAD
 NEW MILTON
 BH25 6JZX

PLAN APPROVED
 22 DEC 2011
 NFDC
 LICENSING SERVICES

Dorset Licensing
 Prepared for :- Mr.I. Yildirim
 Application for grant of a Premises Licence
 Scale 1:100 Ref. AD47/905728/P1/201211
 0 1m 2m 3m 4m 5m

* Objections

MR. ROMEO MTINDOZA
FLAT 16 MALLARD BLVD
STATION ROAD
NEW MILTON
BH25 6HY



LICENSING SERVICES
NEW FOREST DISTRICT COUNCIL
14.01.12

RE. THE OBJECTION FOR APPLICATION OF SUPERBOYS
- ALCOHOL LICENSING

I'm writing to the NEW FOREST DISTRICT COUNCIL
to express my objection to give permission to sell
ALCOHOL to the FOLLOWING SHOP

SUPERBOY 20 STATION ROAD BH25 6JX

THE BASIC FOR THIS OPPOSITION IS THAT GRANTING
-TING A NEW LICENSE FOR ABOUT THESE PREMISES
WILL NOT PROMOTE THE LICENSING OBJECTIVES
PARTICULARLY

PREVENTION OF CRIME
DISORDER AND ANTISOCIAL BEHAVIOUR

AND ALSO IT WILL PROVIDE FURTHER SOURCE OF
ALCOHOL CONSUMPTION WITH IN AN AREA ALREADY
SO HEAVILY ALCOHOL CONSUMPTION IN THE PARTICULAR
AREA IN THIS SITUATION GRANTING A

NEW LICENCE IS NOT APPROPRIATE OR SUSTAINABLE
DECISION / ACTIVITY. FINALLY AS A LOCAL

RESIDENT I ALREADY SUFFER NOISE NUISANCE
-NE AND ANTISOCIAL BEHAVIOUR OF ALL HOUSING

SO KINDLY REQUEST TO THE RESPONSIBLE
COMMITTEE NOT GIVE ANY MORE ALCOHOL LIC
NSE IN THIS PARTICULAR AREA AND PLEASE
CONSIDER OUR LOCAL RESIDENT BENEFITS
AND OBJECT OF THE PARTICULAR ISSUE OF
NEW LICENSING BECAUSE YOU GIVE THE
PERMISSION

THANKS FOR YOU ALL ASSISTANCE

SINCERELY

Public Health and Community Safety
Head of Service: Annie Righton

Mr R Mindoza
Flat 16
Mallard Buildings
Station Road
New Milton
BH25 6HY

Our Ref: PW/LICPR/11/08972/PW
Your Ref: Rep
23 January 2012

Dear Mr Mindoza

**RE: Licensing Act 2003 (S.17) – Application for Grant of a Premises Licence
20 Station Road, New Milton, BH25 6JX**

I write further to my recent correspondence and attach the amendments to the original application that have been agreed between the applicant and Trading Standards, as **Appendix I**.

There are no representations from any other Responsible Authority (Fire, Police, Environmental Health etc).

In view of this I write to enquire whether you now wish to withdraw your objection and if this is the case could you please respond to this office accordingly.

You should also be aware that issues of 'need' or 'demand' are not a licensing matter and cannot be taken into consideration when determining this application.

Where objections are not subsequently withdrawn the matter will have to be determined by a licensing panel at a formal committee meeting. This will be arranged by Legal & Democratic Services with the costs being the responsibility of the council tax payers in the New Forest administrative area. In taking this option you will need to produce evidence to support your representation and this matter including your comments and relevant details will become part of a public record.

Please note: That as a safeguard to local residents the Licensing Act allows responsible authorities or interested parties to Review the Licence should any future problems occur.

If I can be of any further assistance please contact this office.

Yours sincerely

Paul Weston

Licensing Officer
Licensing Services

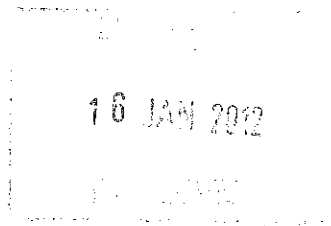
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

newforest.gov.uk
Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

* Objection

Clifford Harris
JPC Technology Centre
Unit 4 Mallard Buildings
Station Road
New Milton
BH25 6HY

Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA
13/01/2012



Objection to the proposed off licence in 20 Station Road, New Milton

I am writing to you to raise my concern and strong objection to another off licence opening in 20 Station Road, New Milton, BH25 6JX. This area has a large group of children playing in the park nearby and young people drinking in the street. This new licensing will only add to it, within the residential area in respect of the off licence sale is already adequately catered for, by the existence of 3 off licences including Morrisons supermarket opposite already trading in the immediate vicinity of where this licence application is in respect of public order, crime, noise and safety.

I hope you will take notice of the above and refuse the application.
I look forward to hearing from you.

Sincerely,

** objection **

Daniel Goode,
Superpet,
Unit07
Station Road
New Milton
Hampshire
BH25 6HY.

Licensing Services
New Forest District Council
Appletree court
Lyndhurst
SO43 7PA
13.01.2012

Objection to the proposed off licence in 20 Station road, Newmilton.

I am writing to you to raise my concern and strong objection to another off licence opening in 20 station road, New Milton, BH25 6JX.

This area has a large group of children playing in the park nearby and young people drinking in the street. This new licensing will only add to it, within the residential area noise and safety will be a major problem. In the need of the area in respect of the off licence sale is already adequately catered for, by the existence of 3 off licences including Morrisons supermarket opposite already trading in the immediate vicinity of where this licence application is in respect of.

Public Order, Crime, Noise and Safety.

I hope you will take notice of the above and refuse the application.

I look forward to hearing from you.

.....

Yours sincerely,

LICENSING
SERVICES
17 JAN 2012
RECEIVED

Objection

Horseley Lightly Fynn

solicitors and town planners

Incorporating L LEWELLYN GOMERSALL

3 Poole Road

Bournemouth

Dorset BH1 5QJ

Tel: 01202 551991

Fax: 01202 295403

DX: 7608 Bournemouth

email: karen@hlf-law.co.uk

www.hlf-law.co.uk

Our Ref: PJD/CTW/N0338-014-1

Your Ref:

17 January 2012

The Licensing Officer
Public Health & Community Safety
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire SO43 7PA

And by email to: licensing@nfdc.gov.uk

Dear Sirs

Application for a premises licence - 20 Station Road, New Milton

We write with reference to the application made by Dorset Licensing on behalf of Ibrahim Yildirim for a premises licence authorising the sale of alcohol for consumption off the premises known at 20 Station Road, New Milton.

We are instructed by Mrs Vijiyamalini Selvanayagam who is the holder of the premises licence for Anglo Asian Food & Wines at 36 Station Road, New Milton and Mr Arulprasath Arulrajan who is the designated premises supervisor in respect of the same.

As the operators of a business in close proximity to the application site, our clients are interested parties entitled to make representations with regard to this application.

We have not seen a copy of the application form itself but we have been given a copy of a revised set of proposed licensing conditions, the original application having, as we understand it, been amended following discussions with Trading Standards.

As members of the Licensing Committee will no doubt be aware, historically there has been a problem in New Milton concerning children and youths under the age of eighteen managing to obtain alcohol and then drinking the same in the streets or other public areas. This in turn has given rise to issues of crime and disorder and public nuisance, quite apart from issues regarding protecting children from harm.

Such were the concerns that representations were made by both the Police and Trading Standards when this firm made an application for a new premises licence in respect of 36 Station Road.

That led to a hearing, following which although a licence was granted, it was made subject to a number of conditions.

We attach a copy of those conditions for the use of members of the Licensing Committee.

Partners: Lionel Fynn • Anthony John • Simon Nightingale (Notary) • Phillip Day • Jon Payne

Consultants: Sandra Graham (Notary) • Richard Llewellyn

We do not accept service by facsimile or email

Authorised and regulated by the Solicitors Regulation Authority SRA Number: 00488828

It will be seen that these include a number of conditions that are not proposed by the applicant in respect of 20 Station Road.

For example, condition 4 on the licence for 36 Station Road requires that "no alcohol shall be sold unless a personal licence holder is on duty at the premises."

Condition 5 prohibits the sale or advertising of alcohol as a loss leader;

Condition 6 restricts advertising of alcoholic products and

Condition 7 requires that all alcohol be displayed in clear view of the till point.

Further, condition 8 requires a minimum attendance by the designated premises supervisor and condition 9 relates to the disposal of waste.

Condition 10 and 11 deal with training but to a higher standard than would be required by the conditions proposed in respect of 20 Station Road.

If the Licensing Committee is minded to grant a licence in respect of 20 Station Road, it is respectfully suggested that given the locality and the specific problems that have been encountered historically, it would be right to impose the same sort of conditions to that licence.

However, that said, we respectfully invite the Sub-committee to have regard to the number of premises in the immediate locality that are already licensed in respect of the sale of alcohol.

We are conscious of the fact that the Licensing Authority has not adopted a cumulative impact policy in respect of New Milton. However, national guidance makes it clear that notwithstanding the absence of such a policy, the Committee is entitled to have regard to the question of whether the grant of another licence in such an area is likely of itself to lead to issues of crime and disorder, public nuisance and/or protecting children from harm.

Further evidence will be submitted regarding the number of premises, their opening hours and the like and made available in good time for the hearing but on that basis, we would invite the Licensing Sub-committee to refuse this application.

Yours faithfully

Horsev Lightly Fynn

Direct Dial: 01202 444545
Direct Email: pday@hlf-law.co.uk

Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number	1483/6
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Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Anglo Asian Food & Wines 36 Station Road New Milton Hampshire BH25 6JX	Map Ref (E): 424361.866395782 Map Ref (N): 95015.1352256974 UPRN: 100062215037
Telephone Number:	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
M - Sale or Supply of Alcohol			
Day	Start	Finish	
Mon	07:00	23:00	Seasonal variations: Non standard timings:
Tues	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	



The opening hours of the premises**O - Opening Hours**

Day	Start	Finish
Mon	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	23:00
Fri	07:00	23:00
Sat	07:00	23:00
Sun	07:00	23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Alcohol is supplied for consumption OFF the premises only

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Vijiyamalini Selvanayagam
Flat 2
396 Holdenhurst Road
Bournemouth
Dorset
BH8 8BN

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Arulprasath Arulrajan
Flat 2
396 Holdenhurst Road
Bournemouth
Dorset
BH8 8BN

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

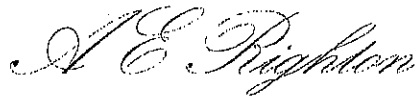
02578
Ealing Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 21/09/2011

Date licence commences: 21/09/2011

Date first licence came into force: 26/04/2010



Head of Public Health & Community Safety
(Authorised Officer)

Annex 1 - Mandatory conditions

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(Additional Condition with effect from 1 October 2010)

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating schedule

- a) General - all four licensing objectives (b, c, d, e)
- b) The prevention of crime and disorder
- c) Public safety
- d) The prevention of public nuisance
- e) The protection of children from harm

Annex 3 - Conditions attached after a hearing by the licensing authority

General condition:

1. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale of alcohol. The policy must require individuals who appear to be under 25 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark. Further the only acceptable forms of identification shall be a passport, driving licence, PASS approved card or such other means of identification as may be approved by the Police and/or Trading Standards from time to time.
2. CCTV shall be installed and maintained at the premises to the reasonable satisfaction of the Licensing Authority and the Police. The system shall include surveillance of both the internal and external areas of the premises including all entrances and exits. Recordings from the system shall be to a standard acceptable as evidence in a court of law and shall be securely retained for at least 31 days. Copies of the recordings in a playable format shall be provided to the Police and/or the Licensing Authority as soon as reasonably possible, on request. Signs shall be displayed within the premises advising customers of the presence of CCTV.
3. The CCTV system shall be in operation whenever the premises are open and selling alcohol. The senior member of staff present shall be capable of operating the CCTV system including in particular providing copies of recordings when requested to do so. If for any reason, the CCTV becomes inoperative, the sale of alcohol must cease until such times as the system is again functioning or a back up system is operating.
4. No alcohol shall be sold unless a Personal Licence holder is on duty at the premises.
5. No alcohol product shall be sold, offered for sale or advertised as a loss leader, in other words at less than its cost price or offered either free of charge or at a reduced price if bought at the same time as a product that does not contain alcohol.
6. No sign or advertisement shall be displayed either inside or outside the premises that compares the price of any alcoholic product with either a previous or future sale price and/or the price at which the same product may be purchased at other premises.
7. All alcohol shall be displayed in clear view of the till point.
8. The Designated Premises Supervisor shall be a person whose principal occupation is to work at the premises and who is on average (assessed on a monthly basis) physically present at the premises for at least 35 hours per week. If the Designated Premises Supervisor is for any reason other than normal holiday entitlements (that is 25 days per year) and absences caused by short term sick leave (that is leave of less than 7 consecutive days) unable to satisfy this condition, the sale of alcohol must cease until such a time as another Personal Licence holder who is able to comply with this condition is appointed as the Designated Premises Supervisor.
9. No waste shall be placed outside the premises after 23:00hrs but nothing herein shall prevent waste from being placed outside before that time and left for collection the following morning.
10. Staff shall be trained in the licensing objectives, the conditions attaching to this licence, the age verification policy and other restricted or prohibited sales, such initial training shall be to at least NCPLH standard or equivalent. A record of such training shall be maintained on the premises and made available for inspection by the Licensing Authority and authorised persons upon reasonable request. Refresher training shall be provided at least every 3 months and a record maintained of the same; the refresher training shall be to the standard approved by Trading Standards from time to time (currently the HCC Trading Standards Age Restricted sales Retailer Pack).
11. Any member of staff who has not be trained (or received refresher training as detailed in condition 10 above) shall not be permitted to make any sale of alcohol unless the sale has been specifically and individually authorised by a Personal Licence holder or a Designated Premises Supervisor.

12. Posters and signs shall be prominently displayed in the premises to publicise the age verification policy that is in place. These shall include appropriate signage on the entrances to the premises.

13. A refusals register shall be maintained on the premises to record all instances when a sale of alcohol is refused, for whatever reason. The register shall be checked by the Designated Premises Supervisor or his nominated deputy at least once a week and a note to that effect shall be recorded in the register. The register shall be made available for inspection by the Licensing Authority and other authorised persons upon request.

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	Plan approved 22/04/2010

Public Health and Community Safety

Head of Service: Annie Righton

Mr E Windsor
Dorset Licensing
48 Hinchliffe Road
Hamworthy
Poole
Dorset
BH15 4ED

Our Ref: PW/LICPR/11/08972/SW
Your Ref:

20 January 2012

Dear Mr Windsor

Application: Grant of Premises Licence (S17)**Application Reference: LICPR/11/08972****Premises Address: OFF LICENCE, 20, STATION ROAD, NEW MILTON, BH25 6JX**

This letter is to notify you as agent for the above application, that four objections have been received to the proposals in the application to grant a premises licence.

The representations received are based on the protection of children from harm, prevention of public nuisance and crime and disorder and details are as follows:

- This area has already experienced the problems with young people drinking in the street and open spaces. The new licensed premises will only increase the availability of alcohol in the residential area in respect of the off licence sale which is already adequately catered for by the existence of 3 off licenses within very close proximity.
- Increased concerns by residents of anti-social behaviour and noise disturbance.
- Historically there has been a problem in New Milton concerning children and youths under the age of eighteen managing to obtain alcohol and then drinking the same in the streets and in public areas. This has given rise to crime and disorder, public nuisance and issues regarding the protection of children from harm.

In those cases where representations are made and not subsequently withdrawn a special Licensing Panel hearing will be arranged. The Panel will hear your application and the objections of those persons making representations. Following the hearing the Panel will decide the application.

In order that the Licensing Panel may properly consider the application it is important that you now provide the Council with a copy of the notice which was displayed on your premises (we have already in our possession, the advert in the local newspaper).

Furthermore, should you now in the light of these representations, wish to discuss the situation or modify your application to alleviate the representation(s) and concerns, please contact Licensing Services direct.

Cont/....

newforest.gov.uk

Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

2/.....

Off Licence, 20 Station Road, New Milton

20 January 2012

If I do not hear from you within **five days** from the date of this letter I shall assume you do not wish to discuss the matter and proceed to make arrangements for the hearing. Full details will be sent to you shortly.

Yours sincerely

Paul Weston

Licensing Officer
Licensing Services

Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Dear Interested Party

**RE: Licensing Act 2003 (S.17) – Application for Grant of a Premises Licence
20 Station Road, New Milton, BH25 6JX**

I write further to my recent correspondence and attach the amendments to the original application that have been agreed between the applicant and Trading Standards, as **Appendix I**.

There are no representations from any other Responsible Authority (Fire, Police, Environmental Health etc).

In view of this I write to enquire whether you now wish to withdraw your objection and if this is the case could you please respond to this office accordingly.

You should also be aware that issues of 'need' or 'demand' are not a licensing matter and cannot be taken into consideration when determining this application.

Where objections are not subsequently withdrawn the matter will have to be determined by a licensing panel at a formal committee meeting. This will be arranged by Legal & Democratic Services with the costs being the responsibility of the council tax payers in the New Forest administrative area. In taking this option you will need to produce evidence to support your representation and this matter including your comments and relevant details will become part of a public record.

Please note: That as a safeguard to local residents the Licensing Act allows responsible authorities or interested parties to Review the Licence should any future problems occur.

If I can be of any further assistance please contact this office.

LICENSING CONDITIONS

20, Station Road, New Milton, Hants BH25 6JX

b) The prevention of crime & disorder

CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

The CCTV System must be operating at all times whilst the premises are open for licensable activities

All equipment shall have a constant and accurate time and date generation.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or Local Authority. Any images recovered must be in a viewable format on either disc or vhs.

The recording system will be able to capture a minimum of four frames per second.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

CCTV warning signs to be fitted in Public Places.

Recordings to be kept for a minimum of 28 days.

The DPS or Premises Manager must be able to demonstrate that the CCTV System has measures to prevent recordings being tampered with, i.e. Password protected.

In the event of technical failure of the CCTV equipment the premises licence holder/DPS must report the failure to the Police on contact number immediately.

c) We will endeavour to ensure that the premises are safe both for staff and the general public. All Fire Authority recommendations regarding the siting and maintenance of fire appliances will be complied with and a Fire Risk Assessment undertaken.

d) The prevention of public nuisance

INCIDENT BOOK

A incident book will be provided and maintained at the premises and there will; be a daily debrief of doorstaff (where used) at the close of business which will be evidence in writing. The incident book will remain on the premises at all times and will be available to Police & Trading Standards on request. The book shall detail in brief, incident of injury/ejection/refusal/drug misuse/ seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Officers/Trading Standards on demand.

REFUSALS BOOK

A refusals book to be kept detailing numbers dated and times of incidents and description of people refused service of alcohol with reasons why(including incidents relating to disorder) to the reasonable satisfaction of Hampshire Trading Standards. The incident book will remain on the premises at all times and will be available to Authorised Officers off Hampshire Trading Standards & Hampshire Constabulary on request. A responsible person will check and sign it on a weekly basis.

e) The protection of children from harm

CHALLENGE 25

There will be a Challenge 25 Policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age, seeking to purchase or supplied with alcohol at or from the premises shall produce means of identification acceptable to 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, so sale of supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.

STAFF TRAINING

Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under te age of 18, that records are kept of such training, which are signed and dated by the member of staff who has received the training, that staff receive refresher training every three months as a minimum and that records are signed and dated by the member of staff are kept of those refresher training. Records will be available for inspection by Hampshire Constabulary, the Licensing Authority and Hampshire County Council Trading Standards.