

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Bluebird Café, Calshot Beach West, Calshot

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 7 June 2012 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck – Chairman
Councillor M H Thierry
Councillor P R Woods

2. Parties and their Representatives attending the Hearing

Mr & Mrs Pusey – Applicants
Mr Hester – Applicant's Legal Representative
Mr & Mrs Holbrook - Supporters

Objectors:

Mr David (Representing Trustees of Cadland Manor)
Mrs Flight
Mr & Mrs Lawrence
Ms Round
Mr & Mrs Tarrant
Mr Walker
Mrs Webber
Mr C & Mrs J Williams
Mr P & Mrs J Williams
Mr Worsley

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr Baker
Mr & Mrs Britten
Mr Blain
Dr Blain
Mr & Mrs Crane

Mr & Mrs Clark
Mr Coombes
Mr & Mrs Fowler
Mr & Mrs Mayo
Mr & Mrs Meyts
Mr Mills (Supporter)
Mr & Mrs Norris
Mr & Mrs Tilbury
Mr Wigmore

5. Officers attending to assist the Sub-Committee

Lisa Clark – Legal Advisor
Amanda Fairclough – Legal Assistant
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

E: Live Music

To be permitted only on Cowes Night, being the final night of Cowes Week, between the hours of 22:00 and 23:59 only.

F: Recorded Music

Monday 12.00 to 22:00
Tuesday 12.00 to 22:00
Wednesday 12.00 to 22:00
Thursday 12.00 to 22:00
Friday 12.00 to 22:00
Saturday 12.00 to 22:00
Sunday 12.00 to 22:00

L: Late night refreshment

To be permitted only on Cowes Night, being the final night of Cowes Week, until 23:59. Late night refreshments shall be served for consumption on the premises only.

M: Supply of Alcohol

Monday 12.00 to 21:30
Tuesday 12.00 to 21:30
Wednesday 12.00 to 21:30
Thursday 12.00 to 21:30
Friday 12.00 to 21:30
Saturday 12.00 to 21:30
Sunday 12.00 to 21:30

Alcohol shall be sold for consumption on the premises only.

Non Standard Timings:

On Cowes Night, being the last night of Cowes Week, the sale of alcohol shall be permitted to 23:59.

O: Hours premises to be open to the public

Monday 10.00 to 19:00
Tuesday 10.00 to 19:00
Wednesday 10.00 to 19:00
Thursday 10.00 to 19:00
Friday 10.00 to 19:00
Saturday 10.00 to 19:00
Sunday 10.00 to 19:00

Seasonal variations:

From 1 May to 30 September the premises may remain open to the public until 22:00 on every night of the week.

Non-standard timings:

On Cowes Night, being the last night of Cowes Week, the premises may remain open to the public until 23:59.

Mandatory conditions:

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

Other conditions:

As agreed between the Police and the Applicant prior to the hearing.

CCTV

1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of 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.
2. CCTV warning signs to be fitted in public places.
3. 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.
4. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
5. 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.

6. 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.
7. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD must also have a copy of the CCTV system software enabled on the disc to allow playback.
8. In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS must report the failure to the Southampton Police Licensing Unit.

Incident Book

9. An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to the Police for inspection upon request.
10. Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.
11. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.
12. At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

Refusals Book

13. A refusals book will be kept and maintained at the premises and will be available for Police inspection upon request. All refusals for the sale of alcohol and the reasons for the refusal should be recorded. Any age challenge or identification seizures should also be recorded.

Challenge 25

14. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

15. Acceptable identification for the purposes of age verification will include a driving licence, passport, or photographic identification bearing the "PASS" logo and the person's date of birth.
16. 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.

Staff training

17. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
18. All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training, which should be signed and dated by the member of staff who received that training.
19. All training records will be available for inspection by Hampshire Constabulary and the Licensing Authority. Training records will be kept for a minimum period of two years.

As agreed by the Applicant during the hearing

20. A noise limiter will be fitted to limit the volume of recorded music played at the premises to a volume to be agreed by New Forest District Council's Environmental Health Department.
21. The cooking extraction fan will not be used after 22.00 hours.
22. Appropriate signage will be displayed giving patrons directions to the public toilets and parking areas.
23. So as to minimise disturbance to local residents late at night staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises.
24. Clear notices will be displayed on the premises reminding customers to show respect for the premises' neighbours, and requesting that customers be considerate to local residents by leaving the premises and the area quietly.
25. No drinks shall be served in glass containers.
26. All bottles and cans sold at the premises will be marked to identify that they were sold by the Bluebird Café.
27. Alcoholic beverages sold at the premises shall be limited to beers, lagers and wines.
28. Alcohol shall not be sold for consumption off the premises.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the applicant and objectors.

The Sub-Committee took into account the amendments made to the application at the beginning of the hearing, and the additional conditions proposed by the applicant.

The Sub-Committee considered that the reduced hours, reduction in licensable activities and additional conditions addressed many of the concerns raised by the objectors. In particular the Sub-Committee noted that live music will only be played on Cowes Night which takes place on one night of the year and when the beach will normally be busy and noisy in any event.

The Sub-Committee considered that the objections raised could be addressed by the conditions agreed between the Applicant and the police, the written amendments submitted by the applicant at the hearing, and the additional conditions agreed by the applicant at the hearing.

Accordingly, the Sub-Committee was prepared to grant the premises licence subject to the conditions set out at section 6 above.

Date: 8 June 2012

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on