

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Burley Stores, Ringwood Road, Burley**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Thursday, 2 August 2012 at 10.00am**

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

Councillor G C Beck - Chairman  
Councillor S Clarke  
Councillor W H Dow

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

Mr & Mrs Williams - Applicants  
Cllr Clarke and Mr West (Clerk) - Burley Parish Council - Objectors

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

None.

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

Amanda Fairclough – Legal Advisor  
Melanie Stephens - 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 (off and on sales) (as agreed by the Applicant at the hearing)

Monday 10.00 to 21:00

Tuesday 10.00 to 21:00  
Wednesday 10.00 to 21:00  
Thursday 10.00 to 21:00  
Friday 10.00 to 21:00  
Saturday 10.00 to 21:00  
Sunday 10.00 to 21:00

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

Monday 10.00 to 17:30  
Tuesday 10.00 to 17:30  
Wednesday 10.00 to 17:30  
Thursday 10.00 to 17:30  
Friday 10.00 to 17:30  
Saturday 10.00 to 17:30  
Sunday 10.00 to 17:30

### **Seasonal Variations to opening hours**

Christmas Day – 12:00 to 15:00 and 19:00 to 22:30  
Good Friday – 08:00 – 22:30

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

(As agreed between the Applicant & the Police prior to the hearing)

### **Staff Training**

1. 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.
2. All staff will receive refresher training every six months as a minimum and that records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.
3. All training records will be made immediately available for inspection by Hampshire Constabulary and the Licensing Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

### **Challenge 25**

4. There will be 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.

5. 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. 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.

### **Incident Book**

6. 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.
7. Any incidents that include physical altercation or disorder, physical ejection, injury, I.D 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 description 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.
8. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another member of staff. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.
9. At the close of business on each day the incident book will be checked by the manger 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**

10. 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 refusal should be recorded. Any age challenge or identification seizures should also be recorded.

## **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 the absence of any objections from both the responsible authorities and neighbouring residents.

The Sub-Committee noted that a number of conditions to be attached to the premises licence had been agreed between the applicant and the Police prior to the hearing.

During the hearing the Applicant agreed to amend their application for the supply of alcohol both on and off the premises to the hours 10.00 to 21.00 Monday to Sunday.

The Sub-Committee recognised the concerns of the Parish Council, in particular the concerns relating to sale of alcohol past the current opening hours and the potential for anti-social behaviour and the need to protect children from harm. However, the Sub-Committee considered that, on balance, the objections could be adequately dealt with by restricting the hours of the sale of alcohol, as offered by the Applicant, and attaching conditions to the licence, such that the licensing objectives would not be prejudiced. The Sub-Committee reminded all parties that there were statutory regimes, such as the Environmental Protection Act, that could be invoked should a statutory nuisance occur in the future. Further, in the event that problems do arise and remain unresolved, the Parish Council would be able to ask the Licensing Sub-Committee to review the licence. The Sub-Committee noted that in accordance with the application, the premises were required to close at 17.30 Monday – Sunday save in accordance with the granted seasonal variations.

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

**Date: 2 August 2012**

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

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on**