

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR A GRANT OF A PREMISES LICENCE: WAR MEMORIAL
RECREATION GROUND, NEW MILTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 31 October 2013 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor W H Dow - Chairman
Councillor Mrs McEvoy
Councillor Mrs McLean

2. Parties and their Representatives attending the Hearing

Applicant:
Graham Flexman, Town Clerk, New Milton Town Council
Theresa Elliott, Assistant Town Clerk, New Milton Town Council
Jon Payne, Horsey Lightly Fynn Solicitors for the Applicant

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Objectors:
M Bailey
P Pearson
A Walker
C Wooller

5. Officers attending to assist the Sub-Committee

Amanda Wilson – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

A: Plays

Monday 09:00 to 22:00
Tuesday 09:00 to 22:00
Wednesday 09:00 to 22:00
Thursday 09:00 to 22:00
Friday 09:00 to 22:00
Saturday 09:00 to 22:00
Sunday 09:00 to 22:00

B: Films

Monday 09:00 to 22:00
Tuesday 09:00 to 22:00
Wednesday 09:00 to 22:00
Thursday 09:00 to 22:00
Friday 09:00 to 22:00
Saturday 09:00 to 22:00
Sunday 09:00 to 22:00

D: Boxing or wrestling entertainments

Monday 09:00 to 22:00
Tuesday 09:00 to 22:00
Wednesday 09:00 to 22:00
Thursday 09:00 to 22:00
Friday 09:00 to 22:00
Saturday 09:00 to 22:00
Sunday 09:00 to 22:00

E: Live music

Monday 09:00 to 22:00
Tuesday 09:00 to 22:00
Wednesday 09:00 to 22:00
Thursday 09:00 to 22:00
Friday 09:00 to 22:00
Saturday 09:00 to 22:00
Sunday 09:00 to 22:00

F: Recorded music

Monday 09:00 to 22:00
Tuesday 09:00 to 22:00
Wednesday 09:00 to 22:00
Thursday 09:00 to 22:00
Friday 09:00 to 22:00
Saturday 09:00 to 22:00
Sunday 09:00 to 22:00

G: Performances of dance

Monday 09:00 to 22:00
Tuesday 09:00 to 22:00
Wednesday 09:00 to 22:00
Thursday 09:00 to 22:00
Friday 09:00 to 22:00
Saturday 09:00 to 22:00
Sunday 09:00 to 22:00

J: 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

L: Hours premises to be open to the public

Monday 00:00 to 24:00
Tuesday 00:00 to 24:00
Wednesday 00:00 to 24:00
Thursday 00:00 to 24:00
Friday 00:00 to 24:00
Saturday 00:00 to 24:00
Sunday 00:00 to 24:00

Mandatory conditions:

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

Other conditions:

1. The sale of alcohol shall only take place in the area defined on the attached plan ('the designated bar area') which shall have an enclosure around it. Nobody shall be permitted to leave this area with alcohol purchased at the bar.
2. Whilst the sale of alcohol is taking place there will be a representative of the Premises Licence Holder present who will oversee the event.
3. At all times that the sale of alcohol is taking place on site there will be a personal licence holder at the premises. The designated premises supervisor will regularly conduct spot checks and a record of such checks will be made.
4. An incident log will be provided and maintained on the premises for all days that licensable activities take place. It will remain on the premises throughout the day and will be available for inspection by any Responsible Authority on request. All incident logs will be retained by the Premises Licence Holder for a minimum of 2 years. Any incidents that include physical altercation or disorder, physical ejection, injury, I.D seizure or drug misuse will be recorded in the incident log. The entry is to include an account of the incident and the

identity of all persons invoiced or descriptions if identity unknown. Should there be any physical interaction by staff of event organisers and the public, the entry will include what physical action occurred between each party. The entry must be timed, dated and signed by the author. If the person making the entry has reading or writing difficulties then the entry can be made by another, read back to the involved and counter signed by the person writing. If no incidents occurred then a record of this should be made in the log. At the end of the event the incident log will be checked by a manager appointed by the event organiser where any entries will be reviewed and signed.

5. A written refusal log shall be kept of all refusals including refusals to sell alcohol. The designated premises supervisor shall ensure that the refusal log is checked and signed on every day that that sale of alcohol takes place. The refusals log will be kept and maintained by the Premises Licence Holder and will be available for inspection immediately upon request by any Responsible Authority. Record of refusals will be retained for 2 years.
6. Drinks purchased on site will only be available for consumption from plastic vessels within the designated bar area. There will be a sufficient number of staff present at the event to monitor this.
7. Signage displaying 'No alcohol to be taken beyond this point' must be fitted to the designated bar area exit point.
8. No customer will be permitted into the designated bar area with open or sealed drinks vessels which have not been purchased from the bar.
9. Adequate bins shall be provided on site and all litter and refuse, including litter from the access and egress routes to the premises, shall be removed within 24 hours of the event finish time.
10. 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, shall produce identification proving they are 18 years of age or older.
11. Acceptable identification for the purpose of age verification will include a photo card driving licence, HM Forces ID card or photographic identification bearing the 'PASS' logo (Proof of Age Standard Scheme) and persons date of birth. If no acceptable means of identification is produced, no alcohol sale or supply can take place to or for that person.
12. Signage will be prominently placed around the designated bar area advertising the 'Challenge 25' initiative.
13. Individuals under the age of 18 must be accompanied by an individual over the age of 18 at all times whilst in the designated bar area.
14. There will be at least one staff member of the event organiser per 50 children at the premises.
15. The designated bar area shall be open for sales on the northern face only.

16. The Premises Licence Holder shall inform the Police of anticipated capacity at an event a minimum of four weeks prior to the event date.
17. Access for emergency vehicles shall be kept clear at all times.
18. For each event a written risk assessment must be produced. This risk assessment shall determine the minimum number of staff of the event organiser to be present at the event.

7. Reasons for the Decision

The Sub-Committee has considered the representations made to it, both written and oral. In particular, the Sub-Committee carefully reviewed the letter of representation signed by four residents who were not present at the hearing. The Sub-Committee noted that there were no relevant representations from any of the Responsible Authorities.

The Sub-Committee noted that the application had been amended to include an alternative proposed Designated Premises Supervisor (DPS) to the DPS named in the application. The Sub-Committee and parties at the hearing heard from the Legal Advisor that the police had been informed of this change to the application and had confirmed in writing that they had no objection to the revised proposed DPS.

The Sub-Committee also took into account the amendment to the application made during the hearing that indoor sporting events be removed from the licensable activities requested in the application.

The Sub-Committee was sympathetic to the concerns raised by the local residents regarding the potential for an increase in anti-social behaviour on the Recreation Ground. However, the Sub-Committee considered that the granting of the application and the imposition of conditions was fair, proportionate and consistent with the licensing objectives. In particular the Sub-Committee considered that it was unlikely that the prevention of public nuisance licensing objective would be undermined by the licensable activities.

The Sub-Committee was impressed by the attempts made by the Applicant to mediate with the objectors. However, the Sub-Committee reminded the Applicant that particularly when large scale events take place, there should be adequate supervision to ensure compliance with the Licence and promotion of the four licensing objectives.

The Sub-Committee was of the view it had not been demonstrated that the supply of alcohol and regulated entertainment at the premises would undermine any of the licensing objectives. Accordingly, the Sub-Committee was prepared to grant the application for a Premises Licence subject to conditions set out in section 6 above.

The Sub-Committee would like to remind all parties that should there be any concerns in the future regarding the operation of premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the licence in for review. In addition, should there be any cause for concern, local residents may contact the Council's Environmental Health Department and the Council has a Licensing Enforcement Officer who, by prior appointment, may also attend the Premises to investigate any possible breaches of the Licence.

8. Premise licence to take effect

The premises licence is to take effect immediately.

Date: 31 October 2013

Licensing Sub-Committee Chairman: Cllr W H Dow

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Decision notified to interested parties on 6 November 2013