

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE: THE OLD
FARMHOUSE, RINGWOOD ROAD, TOTTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 18 March 2014 at 10.30am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor Mrs McLean
Councillor L R Puttock

2. Parties and their Representatives attending the Hearing

PS J Harris and Sgt C Plascott, Hampshire Constabulary – Applicant for Review

Mr G Worsley, Environmental Health Officer – Supporter of the Applicant for Review

Mr J Kilby, Mr T Redwood and Ms D Roughley, Greene King Ltd – Premises Licence Holder

Mr J Lopez, Barrister, Premises Licence Holder's Representative

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Amanda Wilson – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

That the licensable activities and times permitted be amended as follows:

Playing of Recorded Music:

Monday 18:00 to 22:00
Tuesday 18:00 to 22:00
Wednesday 18:00 to 22:00
Thursday 18:00 to 22:00
Friday 18:00 to 22:00
Saturday 18:00 to 22:00
Sunday 18:00 to 22:00

Anything of a similar description to that falling within (e), (f), (g):

Monday 18:00 to 22:00
Tuesday 18:00 to 22:00
Wednesday 18:00 to 22:00
Thursday 18:00 to 22:00
Friday 18:00 to 22:00
Saturday 18:00 to 22:00
Sunday 18:00 to 22:00

Live Music:

Monday 11:00 to 22:00
Tuesday 11:00 to 22:00
Wednesday 11:00 to 22:00
Thursday 11:00 to 22:00
Friday 11:00 to 22:00
Saturday 11:00 to 22:00
Sunday 11:00 to 22:00

Provision of late night refreshment:

Friday 23:00 to 24:00
Saturday 23:00 to 24:00

Supply of Alcohol on and off the premises:

Monday 11:00 to 23:00
Tuesday 11:00 to 23:00
Wednesday 11:00 to 23:00
Thursday 11:00 to 23:00
Friday 11:00 to 23:00
Saturday 11:00 to 23:00
Sunday 11:00 to 23:00

Hours premises to be open to the public:

Monday 09:00 to 23:30
Tuesday 09:00 to 23:30
Wednesday 09:00 to 23:30
Thursday 09:00 to 23:30
Friday 09:00 to 23:30
Saturday 09:00 to 23:30
Sunday 09:00 to 23:30

That the following conditions be attached to the licence: -

1. A minimum of 2 SIA door supervisors to be employed on Friday and Saturday nights from 20:30 hours until 30 minutes after closure. Door supervisors will wear high visibility jackets and will use clickers to monitor the number of customers on the premises. They will actively encourage customers to quietly disperse from the area following closure.
2. No new entry to the premises from 22:30 on Friday and Saturday nights.
3. No alcohol to be consumed outside the premises from 22:00 hours with efforts to encourage people inside to commence from 21:30 hours.
4. All external doors and windows shall be kept closed, other than for access and egress, when events involving amplified music (including amplified speech) are taking place.
5. The disposal of glass bottles into outside waste or recycling storage receptacles will not take place between 21:00 hours and 07:00 hours.
6. In relation to off-sales, no glassware or bottles will be removed from the premises unless in a sealed container. SIA door supervisors will be responsible for monitoring this on Friday and Saturday nights. On all other occasions this will be the responsibility of the premises staff.

That the following conditions be removed from the licence:-

1. Annex 2 – Conditions consistent with the operating schedule

b)

“External Areas

No licensable activities or consumption of alcohol will take place externally after 23:00hrs”

2. Annex 2 – Conditions consistent with the operating schedule

b)

“Dispersal Policy

When employed Door Staff wearing high visibility florescent upper clothing will patrol the outside perimeter of the front of the premises at the end of each evening (for at least an additional 15 minute or until persons are dispersed from the immediate area) to ensure the safe and quiet dispersal of customers. On occasions when Door Supervisors are not employed, this role will be fulfilled by a nominated member of staff”.

That the following statement be added to the licence:-

Section 177A of the Licensing Act 2003 shall not apply to this licence.

7. Reasons for the Decision

The Sub-Committee carefully considered the police's application for review of the premises licence, along with the evidence, both written and oral, supplied by the police, environmental health and the premises licence holder.

The Sub-Committee noted that a number of conditions had been agreed through negotiations between all parties to the hearing as set out on pages 3 and 4 of the additional evidence submitted.

Following listening to the evidence the Sub-Committee identified that the key issues of concern were poor management and late night activities. The Sub-Committee carefully reviewed the options available to it and considered which steps would be appropriate for the promotion of the licensing objectives.

The Sub-Committee was of the view that attaching the agreed conditions to the licence would promote all four of the licensing objectives. Conflicting conditions which were on the licence should be removed.

The Sub-Committee also decided to reduce both the hours permitted for the sale of alcohol on Friday and Saturday evenings and the hours which the premises were open to the public on these days. The evidence provided by the police indicated that the late opening hours on these days had been particularly problematic for local residents and many of the incidents that had occurred relating to the premises had taken place late at night. It was therefore concluded that a reduction in these hours would assist with reducing the number of incidents of crime and disorder.

The Sub-Committee heard from both the police and environmental health that local residents had been subjected to unacceptable interference from late night noise, particularly from loud music. The Sub-Committee therefore considered that it was an appropriate and proportionate step to reduce the hours permitted for regulated entertainment on all days and remove the exemption contained in Section 177A of the Licensing Act 2003 for live music so the conditions relating to noise and reduction of hours for live music would apply.

The Sub-Committee heard how a new DPS had been appointed at the premises. The police, environmental health and the premises licence holder all confirmed at the hearing that since the new DPS' appointment there had been no issues reported. The police, in particular, confirmed that the new DPS had enforced a number of changes, including a self-imposed reduction in the hours for regulated entertainment in line with the conditions agreed. The police advised the Sub-Committee that since the review papers were submitted they had been in regular contact with local residents who confirmed that the venue was now very different and was operating in line with their expectations.

The evidence presented to the Sub-Committee by both the police and environmental health was focused on issues relating to crime and disorder and public nuisance and the Sub-Committee considered that the conditions placed on the licence and the various reductions in hours were targeted on the concerns raised in the evidence.

The Sub-Committee was extremely disappointed that it became necessary for the police to request a review of the premises licence. It has been noted by the Sub-Committee that the local residents had been subjected to unacceptable noise disturbance since 2010. However, the Sub-Committee gave weight to the evidence provided that since the application for review

was submitted there had been a significant improvement in the operation of the premises.

Whilst it was unfortunate that matters were allowed to escalate at the premises to the point where a review became necessary, the Sub-Committee was pleased that all parties worked together to achieve a resolution.

The Sub-Committee would like to remind all parties that should there be any concerns in the future regarding the operation of the premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the licence in for review. Therefore, the premises licence holder must ensure that the recent improvements at the premises are sustained in the long term.

Date: 18 March 2014

Licensing Sub-Committee Chairman: Cllr G C Beck

FOR OFFICE USE ONLY

Decision notified to interested parties on 21 March 2014