

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR A GRANT OF A PREMISES LICENCE: NEW FOREST
WATER PARK, RINGWOOD ROAD, FORDINGBRIDGE**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 21 March 2014 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor S Clarke
Councillor J Heron - Chairman
Councillor Mrs P A Wyeth

2. Parties and their Representatives attending the Hearing

Mr & Miss Jury – Applicants

Objectors:

Dr Buckley
Mr Cronan
Mr & Mrs Houghton

3. Other Persons attending the Hearing

Mr Paul Weston – Observer

4. Parties not attending the Hearing

Ms T Barrow	Mr & Mrs Hignett	Col T Scriven
Mr & Mrs Biggs	Mr & Mrs Ings	Ms D Tilley
Mr Dodd	Mr R Littlefair	Mr P Totty
Ms A Farrand	Ms M Mahany	Mr & Mrs Watson-Hall
Mr & Mrs Fretton	Mr S Rawlinson	Dr J Westbury
Mr J Garvey	Ms S Rejchrt	J Whittet
Miss J Geering	Mr P Roberts	Ms J Wickstead
Mrs D Grierson		
Mr J Grierson		

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke & Amanda Wilson – Legal Advisors
Melanie Stephens – Clerk

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

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

O: Hours premises to be open to the public

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

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)

1. 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.

Acceptable identification for the purposes of age verification will include a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the persons 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.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

2. 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.

All staff will receive refresher training annually 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.

7. Absence of parties

At the outset of the hearing it was noted by the Sub-Committee that a number of the parties were absent. Of these parties, the following had confirmed they would not be in attendance:

Ms T Barrow	Mr R Littlefair	J Whittet
Mr & Mrs Biggs	Mr S Rawlinson	
Mr & Mrs Fretton	Ms S Rejchrt	
Mr J Garvey	Col T Scriven	
Miss J Geering	Dr J Westbury	

Prior to the hearing Mr Gummer and Mr Hall had withdrawn their representations.

This, therefore, left a number of absent parties who had not indicated whether they would be in attendance or not. In addition, one of the parties, Mr Totty, had indicated his intention to attend prior to the hearing but was also not at the hearing.

The Sub-Committee considered whether it was necessary in the public interest to adjourn the hearing or to hold the hearing in the absence of some of the parties. The Sub-Committee took into account that many of the points raised by the absent parties were very similar to the points raised by the parties in attendance. The Sub-Committee decided to proceed with the hearing in the absence of the parties and take into consideration the written representations made by those parties in reaching its decision.

8. 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 that following an amendment to the application made prior to the hearing, to remove all references relating to music, the application before it was limited to the supply of alcohol only. The Sub-Committee also noted that a number of conditions to be attached to the premises licence (if it were to be granted) had been agreed between the applicant and the Police prior to the hearing.

The Sub-Committee noted the absence of any objections from any of the responsible authorities.

The Sub-Committee listened to all the evidence that was provided and considered what action was appropriate for the promotion of the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

The Sub-Committee heard from the applicant that they had previously held a liquor licence for the premises which was granted in 1991 but following the introduction of the Licensing Act 2003 an administrative error had led them to fail to seek a conversion of their old licence to a new premises licence.

The applicant advised that the premises had been selling alcohol since their previous licence had expired and such sales had taken place in accordance with the terms sought in the current application. It was confirmed by the applicant, following questioning, that they had received no complaints from local residents regarding activities associated with the sale of alcohol at the premises nor had there been any incidents which resulted in intervention from either the police or the licensing authority relating to the sale of alcohol.

The applicant also informed the Sub-Committee that the premises licence was intended for customers to make use of the club house after they had finished with the water activities and for friends and family accompanying those taking part in water sports to have a drink whilst waiting. The applicant explained that in order to comply with health and safety requirements all customers taking part in water activities are required to sign a form to confirm that they are not under the influence of drugs or alcohol.

The Sub-Committee carefully considered the evidence provided by the objectors relating to noise emanating from the premises. However, these complaints largely related to noise from the use of sporting equipment including Jet Skis and banana boats, shouting from those participating in sporting activities, fireworks and car engines. As a matter of evidence the Sub-Committee found that these particular issues were not linked to the supply of alcohol which was the subject of the application.

The objectors also raised concerns regarding noise and disturbance caused by music at the premises. However, music was not part of the application before the Sub-Committee.

The Sub-Committee heard at the hearing and also noted from the written representations that the road on which the premises is located is considered to be very dangerous. The objectors were opposed to the grant of the application because of the potential for increased traffic on the road and raised concerns regarding road safety. The Sub-Committee had to consider whether the licensable activity which was the subject of the application, namely the supply of alcohol, would impact on public safety in terms of leading to an increased danger on the highway. The Sub-Committee was of the view that granting the application and allowing the supply of alcohol at the premises would be unlikely to lead to a significant increase in traffic using the road or present a greater danger to the public using the highway.

At the hearing it was queried whether the applicant had accreditation from British Water Ski & Wakeboard and how long this had been held for. However, this issue was disregarded by the Sub-Committee, as it had no relevance to the application or the promotion of the licensing objectives.

In light of the above, the Sub-Committee was of the view that the appropriate step for the promotion of the licensing objectives was to grant the application for the supply of alcohol in the terms set out at section 6 above.

Date: 21 March 2014

Licensing Sub-Committee Chairman: Cllr J Heron

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Decision notified to interested parties on 27 March 2014