

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR A GRANT OF A PREMISES LICENCE – THE OLD CUSTOMS
HOUSE, LYMINGTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 2 September 2014 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor Mrs McEvoy
Councillor J Penwarden

2. Parties and their Representatives attending the Hearing

Mr P Foulds – The Cellar Tasting House & Wine Merchant - Applicant

3. Other Persons attending the Hearing

Councillor Mrs Lewis – Local Member, observing only

4. Parties not attending the Hearing

Mrs V E Powell - Objector

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:

M: Supply of Alcohol (Both on and off the Premises)

Monday 9:00 to 22:45

Tuesday 9:00 to 22:45

Wednesday 9:00 to 22:45
Thursday 9:00 to 22:45
Friday 9:00 to 22:45
Saturday 9:00 to 22:45
Sunday 9:00 to 22:45

O: Hours premises to be open to the public

Monday 9:00 to 23:00
Tuesday 9:00 to 23:00
Wednesday 9:00 to 23:00
Thursday 9:00 to 23:00
Friday 9:00 to 23:00
Saturday 9:00 to 23:00
Sunday 9:00 to 23:00

Seasonal variations:

New Year's Eve 9:00 – 01:00

Mandatory conditions:

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

Other conditions:

(As agreed between the Applicant and Environmental Health Pollution prior to the hearing)

1. Bottles shall not be emptied externally except between the hours of 08:00 and 18:00 hours. Spare bottle containers will be available so there will be no need to empty in the evenings.
2. External waste disposal shall not occur except between the hours of 07:00 to 18:00 hours and not at all on Sundays.
3. Deliveries shall not occur except between the hours of 07:00 to 18:00 hours Monday to Saturday and not at all on Sundays.
4. A last order time will be put in place of 22:45 hours to give people ample time to drink and not rush to the bar. This should also stop everyone leaving the premises at the same time.
5. Open food or drink will not be allowed into the rear external decking area except between the hours of 09:00 to 21:00. This will be supported by adding signs to the decking area and will be monitored by all staff.
6. All doors and windows to the front of the property will be shut by 21:00 hours to prevent any noise escaping, except for access and egress through the front door.
7. Customers shall not be permitted to take outside open drinks or food after the hours of 21:00 hours.

8. Staff will be trained on all matters above. Customers will be reminded of the consequences of late night noise and to be proactive in dealing with problems via internal signage. Verbal announcements will be made prior to dispersal at the end of each evening.

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

Noise nuisance

9. After 21:00 hours, all windows and doors to the front of the premises will be kept closed.
10. Food or drink will not be allowed into the rear external decking area after 21:00 hours.

Challenge 25

11. 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.
12. Acceptable identification of 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.
13. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

Incident/Refusals Book

14. An incident/refusals book or electronic equivalent will be provided and maintained at the premises.
15. Entries made in the incident/refusals record will give a brief account of the incident and shall be dated and signed by the author.
16. The incident/refusals record shall be checked on a weekly basis by the manager of the premises.
17. The incident or refusals record should be made available upon request to the Police or an authorised officer of the Local Authority.

Staff Training

18. Staff will be trained in their responsibilities under the Licensing Act 2003 before being permitted to sell age restrictive products at the premises. The records will be kept of such training and refresher training shall be given at least every 6 months.
19. Training records will be made available for inspection by the Police or an authorised officer of the Local Authority. Training records must be kept for a minimum period of 2 years.

7. Reasons for the Decision

The Sub-Committee considered the representations made to it, both written and oral. In particular, the Sub-Committee carefully reviewed the written representation from the only objector, as she was not present at the hearing and had previously advised that she was unable to attend.

The Sub-Committee noted that there were no objections from any of the Responsible Authorities. The Sub-Committee also noted that the Applicant had protectively engaged with the Police and Environmental Health Pollution and conditions had been agreed between these parties prior to the hearing. The Sub-Committee were of the view that these conditions were appropriate and proportionate for the promotion of the licensing objectives.

The Sub-Committee noted the concerns raised by the objector regarding the potential for noise and disturbance arising from proposed hours for the supply of alcohol at the premises. However, the Sub-Committee considered that the noise management plan and the conditions agreed between the Applicant and Environmental Health Pollution and Police, as well as the nature of the proposed business, meant that the likelihood of such disturbances occurring was minimal.

The Sub-Committee were pleased to hear of the steps being taken by the Applicant in support of the licensing objectives, in particular the noise management plan and intention for all employed staff to undertake professional training. Accordingly, the Sub-Committee was prepared to grant the application in the terms set out at section 6 above.

Date: 2 September 2014

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 4 September 2014