

DECISION FOR PUBLICATION

NEW FOREST DISTRICT COUNCIL LICENSING ACT 2003

APPLICATION FOR REVIEW OF A PREMISES LICENCE: THE WALLED GARDEN AND SURROUNDING AREA, OLD SOMERLEY, RINGWOOD

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Thursday, 12 March 2015 at 10.00am

1. MEMBERS OF THE LICENSING SUB-COMMITTEE

Councillor J Heron – Chairman
Councillors S Clarke
Councillor J Penwarden

2. PARTIES AND THEIR REPRESENTATIVES ATTENDING THE HEARING

Inspector Roberts, Inspector Vardy, PC Conway, Emma Wilson, Hampshire Constabulary – Applicant for Review
Duncan Milne – Barrister representing the Applicant for Review

Premises Licence Holder – Tea Party Matter Ltd
Philip Day, Solicitor

3. OTHER PERSONS ATTENDING THE HEARING

None.

The Sub-Committee decided under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public from the hearing as they considered the public interest in doing so outweighed the public interest in the hearing taking place in public due to the nature of the Police representations.

4. OFFICERS ATTENDING TO ASSIST THE SUB-COMMITTEE

Grainne O'Rourke – Head of Legal & Democratic Services
Lisa Clark – Solicitor
Melanie Stephens – Clerk
Mr P Weston – Licensing Officer

5. DECISION OF THE LICENSING SUB-COMMITTEE

The Sub-Committee is required under section 53C(2)(b) of the Licensing Act 2003 to 'take such steps mentioned in subsection (3) (if any) as it considers appropriate for the promotion of the licensing objectives'. Those steps are modification of the conditions, exclusion of a licensable activity, the removal of the designated premises supervisor, suspension of the licence or its revocation.

The Police sought the revocation of the premises licence. The Sub-Committee concluded that revocation of the premises licence would not be appropriate for the promotion of the licensing objectives.

The Sub-Committee decided to amend the following conditions of the premises licence:

- i. The condition at Annex 2, c) Public Safety which reads: "The licence holder shall maintain a register giving details of each and every person employed in the role of security or under the company name of Tea Party Matter LTD. This must include the name, DOB and address of all staff. This list must be given to the Police 7 days prior to the event. If police object to any staff on the list these staff members are to be removed and will not work at the event. This is to ensure suitability of all staff and safeguard members of the public attending the event." This condition was amended by removing the last two sentences.
- ii. Annex 2, (c) Public Safety: The condition which currently reads, "There shall not be any activity which involves members of the public inhaling gases", was amended to read, "There shall not be any activity which involves members of the public inhaling nitrous oxide".
- iii. Annex 2, Condition A1: In the definition of "Licensee" the words "Entertainments Licence" was amended to "Premises Licence".
- iv. Annex 2, Condition F4 relating to the sale or distribution of untreated milk was removed.
- v. Annex 2, (e) The Protection of Children from Harm: The condition which currently reads "The only exception for a child to be on the premises will be if an artist or The Lord brings a child", was amended to read, "The only exception for a child to be on the premises will be if an artist or Viscount Somerton brings a child."