

**NEW FOREST DISTRICT COUNCIL  
LICENSING ACT 2003**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE – YOYO,  
CHRISTCHURCH ROAD, RINGWOOD**

Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday, 22 March 2016 at 10.00am

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**1. Members of the Licensing Sub-Committee**

Councillor G C Beck – Chairman  
Councillor A T Glass  
Councillor J M Olliff-Cooper

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**2. Parties and their Representatives attending the Hearing**

Mr Stocken – Applicant's Solicitors  
Mr & Mrs Welch – Premises Licence Holders

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**3. Other Persons attending the Hearing**

None

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**4. Parties not attending the Hearing**

Mr Lampon - Objector

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**5. Officers attending to assist the Sub-Committee**

Amanda Wilson – Legal Advisor  
Melanie Stephens - Clerk

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**6. Decision of the Sub-Committee**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

Recorded Music:

Monday 10:00 – 01:00 hours  
Tuesday 10:00 – 01:00 hours  
Wednesday 10:00 – 01:00 hours  
Thursday 10:00 – 01:00 hours  
Friday 10:00 – 01:00 hours  
Saturday 10:00 – 01:00 hours  
Sunday 10:00 – 01:00 hours

Late Night Refreshment:

Monday 23:00 – 01:00 hours  
Tuesday 23:00 – 01:00 hours  
Wednesday 23:00 – 01:00 hours  
Thursday 23:00 – 01:00 hours  
Friday 23:00 – 01:00 hours  
Saturday 23:00 – 01:00 hours  
Sunday 23:00 – 01:00 hours

Supply of Alcohol:

Monday 10:00 – 01:00 hours  
Tuesday 10:00 – 01:00 hours  
Wednesday 10:00 – 01:00 hours  
Thursday 10:00 – 01:00 hours  
Friday 10:00 – 01:00 hours  
Saturday 10:00 – 01:00 hours  
Sunday 10:00 – 01:00 hours

**Hours premises to be open to the public:**

Monday 10:00 – 01:00 hours  
Tuesday 10:00 – 01:00 hours  
Wednesday 10:00 – 01:00 hours  
Thursday 10:00 – 01:00 hours  
Friday 10:00 – 01:00 hours  
Saturday 10:00 – 01:00 hours  
Sunday 10:00 – 01:00 hours

Non Standard Timings:

Sundays prior to Bank Holiday Mondays, Good Friday, Christmas Eve, Boxing Day, New Years' Eve until 02:00 and for an additional hour on the morning of the day the clocks go forward for British Summer Time.

**Mandatory conditions:**

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

**Other conditions:**

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

1. After midnight, the number of customers using the front of the premises (e.g. to smoke or take in fresh air) shall be limited to no more than two at any time.
2. All windows and external doors shall be kept closed after 23:00 hours, except for access and egress.

**(Conditions agreed between the Applicant and the Police prior to the hearing)**

3. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
4. CCTV warning signs to be fitted in public places.
5. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
6. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
7. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
8. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered within, i.e. password protected.
9. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to Police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format disc. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
10. In the event of technical failure of the CCTV equipment, the Premises Licence Holder/DPS must report the failure to the Hampshire Western Police Licensing Unit within 24 hours.
11. 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.
12. All staff will receive refresher training every six months 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.
13. In addition to their training, a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of

- two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.
14. All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.
  15. 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.
  16. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
  17. 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.
  18. 'Challenge 25' posters shall be displayed in prominent positions at the premises.
  19. An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to Police for inspection upon request.
  20. Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.
  21. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.
  22. At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.
  23. A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the premises manager/manageress. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

## **7. Reasons for the Decision**

The Sub-Committee carefully considered the application and supporting papers, along with the evidence supplied by the applicant and their legal representative at the hearing and the written representation from the only objector who was not present.

The objector had not informed the Sub-Committee whether or not he would attend the hearing but as his written representation was included in the agenda papers, it was the view of the Sub-Committee that the hearing should proceed in his absence.

The Sub-Committee noted that a number of appropriate conditions to be attached to the premises licence had been agreed between the applicant, Environmental Health and Hampshire Constabulary. Prior to the hearing the applicant had also agreed to reduce the scope of the application so that the closing time of the premises would be reduced from 2.00am to 1.00am. It was also noted that all licensable activities would cease at 1.00 am. There were no outstanding objections from any of the responsible authorities.

The Sub-Committee was of the view that the conditions to be attached to the premises licence would assist with alleviating the concerns of the objector relating to the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.

The Sub-Committee decided to grant the premises licence on the basis of the revised application and conditions agreed with the responsible authorities, subject to a further modification that the opening hours for the premises and licensable activities be amended to commence at 10.00am rather than 8.00am.

The reason for this modification is that the Sub-Committee heard expressly from the applicant that they did not require the earlier opening time of 8.00am as included in the application. The Sub-Committee is of the view that the reduction in opening hours to the later time of 10.00am is proportionate given the licensable activities applied for and appropriate for the promotion of the licensing objectives, particularly the prevention of public nuisance and the protection of children from harm.

**Date: 24/03/16**

**Licensing Sub-Committee Chairman: Cllr G C Beck**

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