

**NOTICE OF HEARING
BY THE LICENSING SUB-COMMITTEE
under the
LICENSING ACT 2003**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE –
CYPRESS LOG CABINS, GODSHILL**

Date and Time: THURSDAY, 23 FEBRUARY 2017 AT 10.00AM

Place: COUNCIL CHAMBER, APPLETREE COURT, LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
Direct Line (023) 8028 5588 – ask for Melanie Stephens
E-mail: melanie.stephens@nfdc.gov.uk

These papers are also available on audio tape, in Braille, large print and digital format

- 1. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - CYPRESS LOG CABINS, GODSHILL (Pages 1 - 34)**

THE RELEVANT PAPERS ARE ATTACHED

A large scale map of the premises will be available at the hearing

To: Members of the Sub-Committee:

Cllr R L Frampton
Cllr L E Harris

Cllr A T Glass

Parties to the Hearing:

Mr and Mrs Le Riche - Applicant
Mr and Mrs Boyd - Objector
Godshill Parish Council - Objector

Copies for Information:

Cllr W H Dow - Local Members
Licensing - P Weston
Legal Services – Mrs K Green/Miss G O'Rourke/Mrs R Rutins

The Council will only accept additional documentary evidence that has been submitted at least three working days prior to the hearing. After this time additional evidence will only be considered by the Sub-Committee at the hearing if consent is given by all parties present at the hearing.

This page is intentionally left blank

LICENSING SUB-COMMITTEE - 23 FEBRUARY 2017

APPLICATION FOR THE GRANT OF A PREMISES LICENCE - CYPRESS LOG CABINS, SOUTHAMPTON ROAD, GODSHILL

1. INTRODUCTION

- 1.1 The purpose of this hearing is to determine an application under section 17 of the Licensing Act 2003 for a premises licence in respect of Cypress Log Cabins, Southampton Road, Godshill, Fordingbridge made by Michael and Amanda Le Riche.

2. THE APPLICATION

- 2.1 On 29 December 2016 an application was received for a premises licence, the main details of which are as follows:

The sale of alcohol from 11:00 to 23:00 hours daily.

The applicant states in the operating schedule that this is; "a small bed & breakfast business with a maximum of 8 staying guest when fully booked, to whom we would like to offer a complimentary bottle of wine and the option to purchase alcohol to consume within their accommodation during their stay".

- # 2.2 The application is attached as **Appendix 1**.

- 2.3 On 2 February 2017, the applicant made a proposal to reduce the terminal hour for the sale of alcohol from 23:00 hours to 22:00 hours daily.

3. BACKGROUND INFORMATION

- 3.1 These premises have never had a licence.
- 3.2 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days starting on the day after the authority receives the application. A notice must also be published in a local newspaper within 10 working days of the start of the consultation period. During the consultation period representation may be made to the Licensing Authority.
- 3.3 On 5 January 2017 the notice at the premises was checked by the Licensing Enforcement Officer. It was found to be correctly displayed on site and contained the statutory information regarding the consultation period and the colour was pale blue. The last day for representations was shown as 26 January 2017.
- 3.4 The notice was published in the New Forest Journal on Thursday 5 January 2017.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:
- 1) The prevention of Crime and Disorder;
 - 2) Public safety;
 - 3) The prevention of public nuisance;

4) The protection of children from harm.

4.2 Guidance about the licensing objectives issued by the Home Office under section 182 of the Licensing Act 2003 is attached as **Appendix 2**.

4.3 In determining the application the Licensing Sub-Committee must give appropriate weight to:

- 1) The steps that are appropriate to promote the licensing objectives;
- 2) The relevant representations presented by all the parties;
- 3) The Home Office guidance;
- 4) The Council's own Statement of Licensing Policy.

4.4 Additional guidance about determining actions that are appropriate for the promotion of the licensing objectives is attached as **Appendix 3**.

5. AGREED CHANGES TO THE APPLICATION

5.1 As set out in paragraph 2.3 above.

6. REPRESENTATIONS RECEIVED

6.1 During the consultation period there were no representations from any of the Responsible Authorities.

6.2 Two relevant representations were received from 'other persons' including one from Godshill Parish Council.

6.3 Both representations are made on the grounds of the 'Prevention of Public Nuisance' licensing objective.

6.4 The representations are attached as **Appendix 4**.

7. LEGAL IMPLICATIONS

7.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

7.2 The Applicant and Responsible Authority who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

7.3 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other party, with the consent of the Sub Committee.

8. RIGHT OF APPEAL

8.1 It should be noted that the applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21

days of the notification of the decision.

- 8.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 8.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a review hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

9. CONCLUSION

- 9.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:
- 1) Grant the Licence - with the conditions consistent with the operating schedule and all applicable mandatory conditions of the Licensing Act 2003;
 - 2) Grant the Licence - but modify the conditions proposed in the operating schedule, restrict certain licensable activities or operating hours;
 - 3) Reject the application.

10. RECOMMENDATION

- 10.1 That the Licensing Sub-Committee determines the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

None

This page is intentionally left blank

LICPR/16/08084



APPENDIX 1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Michael Le Rocq + Amanda Le Rocq
(insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance survey map reference or description <u>CYPRESS LANE CIGARS</u> <u>SOUTHAMPTON ROAD, GARDENHILL</u> <u>FARDINGBRIDGE</u> <u>HANTS</u> <u>SP6 2LE</u>			
Post town	<u>FARDINGBRIDGE</u>	Postcode	<u>SP6 2LE</u>
Telephone number at premises (if any)	<u>01456 656262</u>		
Non-domestic rateable value of premises	<u>£ 2,100</u>		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

LICENSING SERVICES
2-9 DEC 2016
RECEIVED

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an Independent Hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an Independent Hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes
Current postal address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	MICHAEL LE RICHE & AMANDA LE RICHE
Address (as seen)	CYPRESS SOUTHAMPTON ROAD OTTENHILL FORDWATER BRIDGE, HANTS SP6 2LE
Registered number (where applicable)	NA
Description of applicant (for example, partnership, company, unincorporated association etc)	Partnership
Telephone number (if any)	01425 656300
E-mail address (optional)	CYPRESS LOG CABINS @ LIVE.CO.UK

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
07	02	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

NA

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A SMALL BED + BREAKFAST BUSINESS WITH A MAXIMUM OF 8 STAYING GUESTS WHOSE FULLY EXCISED, TO WHICH WE WOULD LIKE TO OFFER A COMPLIMENTARY BOTTLE OF WINE AND THE OPTION TO PURCHASE ALCOHOL TO CONSUME WITHIN THEIR ACCOMMODATION DURING THEIR STAY.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

NA

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (a), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 1)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			State any seasonal variations for performing plays (please read guidance note 4)			
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			State any special variations for the exhibition of films (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>Non standard timings: Where you intend to use the premises for indoor sporting events at different times to those listed in the columns on the left please list (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>All the boxing or wrestling entertainments take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainments (please read guidance note 6)</u>	
Thur				
Fri			<u>Not standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 5)			Will the performance of live music take place Indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon			<div style="font-size: 4em; opacity: 0.5;">/</div>	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			State any seasonal variations for the performance of live music (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon			/	
Tue				
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur			Non standard times: Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri				
Sat				
Sun				

C

Performances of dance Standard days and times (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>	
Tue			/	
Wed				
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Fri			/	
Sat				
Sun				
			<u>Non standard times: If you intend to use the premises for the performance of dance at different times to those listed in the column of the left, please list</u> (please read guidance note 5)	

H

<p>Anything of a similar description to that falling within (a), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 7)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 8)</p>		
Wed			<p>State any seasonal variations for entertainment of a similar description to that falling within (a), (f) or (g) (please read guidance note 4)</p>		
Thu					
Fri			<p>Non standard timings. Where you intend to use the facilities for the entertainment of a similar description to that falling within (a), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sat					
Sun					

Late night refreshment Standard days and times (please read guidance note 5)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon			/	
Tue				
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur			X	
Fri			Non standard times. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat			/	
Sun				

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>		
Day	Start	Finish	Off the premises <input type="checkbox"/>	Both <input type="checkbox"/>		
Mon	11am	11pm	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A			
Tue	11am	11pm				
Wed	11am	11pm				
Thur	11am	11pm			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri	11am	11pm			N/A	
Sat	11am	11pm				
Sun	11am	11pm				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	MICHAEL LE RIDGE
Address	CYPRESS BODMILL FOLDINGBRIDGE LIANTS SP6 2LE
Postcode	SP6 2LE
Personal licence number (if known)	To be issued (JAN 17)
Issuing licensing authority (if known)	To be issued (JAN 17)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None as B+B guests must be aged 18+ to stay on site and are not permitted to bring visitors back to accommodation at any time. Therefore no children will be on site at any time, as detailed in our terms and conditions of booking.

L

Hours premises are open to the public. Standard days and timings (please read guidance note 5)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	24 HOURS		NA
Tue	24 HOURS		
Wed	24 HOURS		
Thur	24 HOURS		
Fri	24 HOURS		
Sat	24 HOURS		
Sun	24 HOURS		
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)			

M Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

- A maximum of 9 guests on site if fully booked.
- Guests must be aged 18+ to stay at premises.
- Guests are not allowed to bring visitors on site.

b) The prevention of crime and disorder

- Owners of the bed + breakfast live on site and supervise site at all times to deal with any crime or disorder.
- CCTV operates the one access point to the rear of property.

c) Public safety

- Regular health + safety reviews are carried out to assess all risks and any concerns are dealt with immediately.

d) The prevention of public nuisance

With on site CCTV and owners living on site any potential public nuisance would be dealt with without delay.

e) The protection of children from harm

PTO

NO CHILDREN ARE PERMITTED ON SITE EITHER AS
A PAYING GUEST OR VISITOR

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

✓
✓
✓
✓
✓
✓

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 188 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	23 rd DEC 2016
Capacity	OWNER - PARTNER

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	23 rd DEC 2016
Capacity	OWNER - PARTNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

As detailed previously

Post town

Postcode

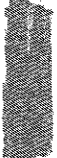


Telephone number (if any)

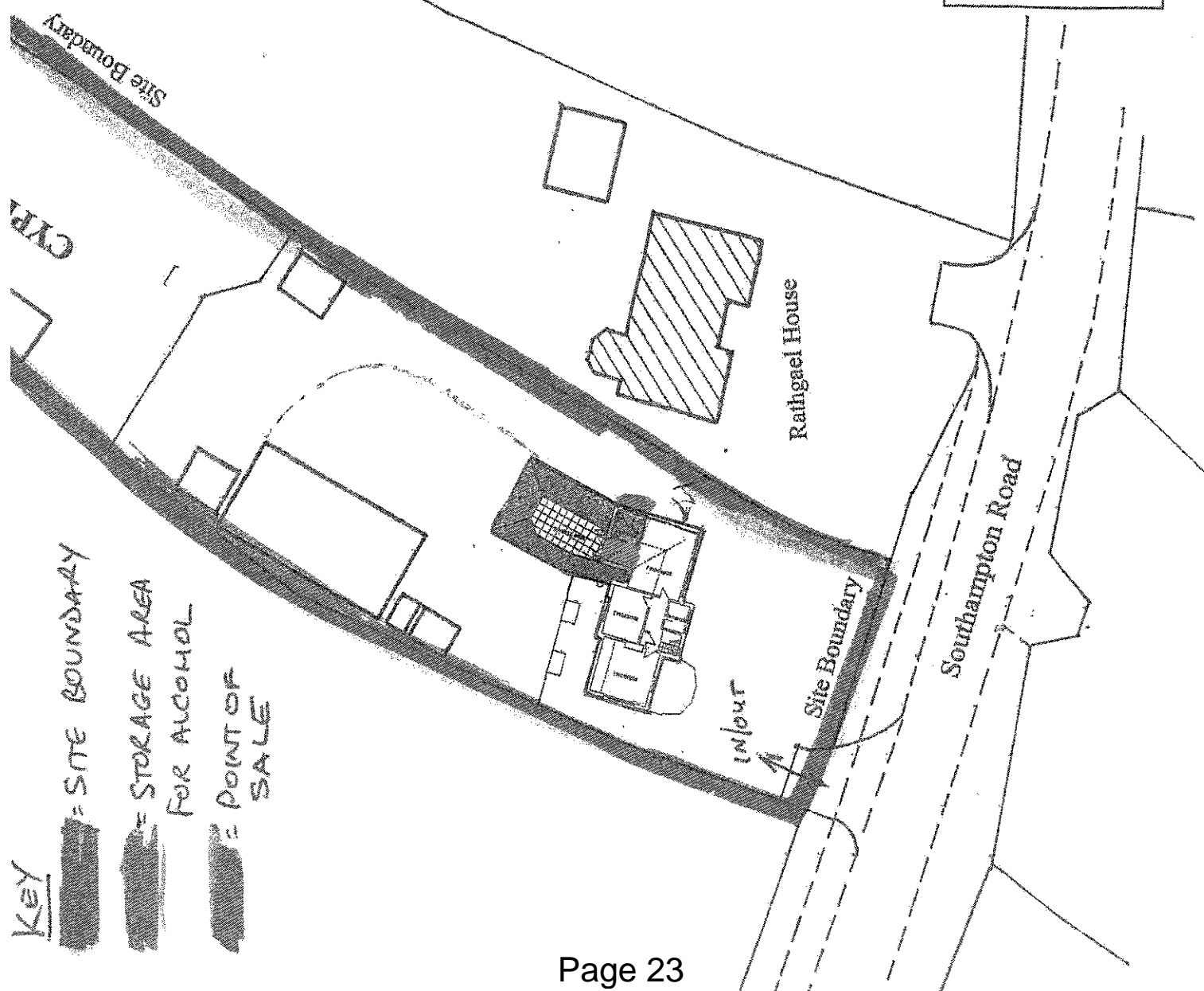
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 18.00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or auxiliary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Key

-  = SITE BOUNDARY
-  = STORAGE AREA FOR ALCOHOL
-  = POINT OF SALE



BLOCK FLOOR PLAN

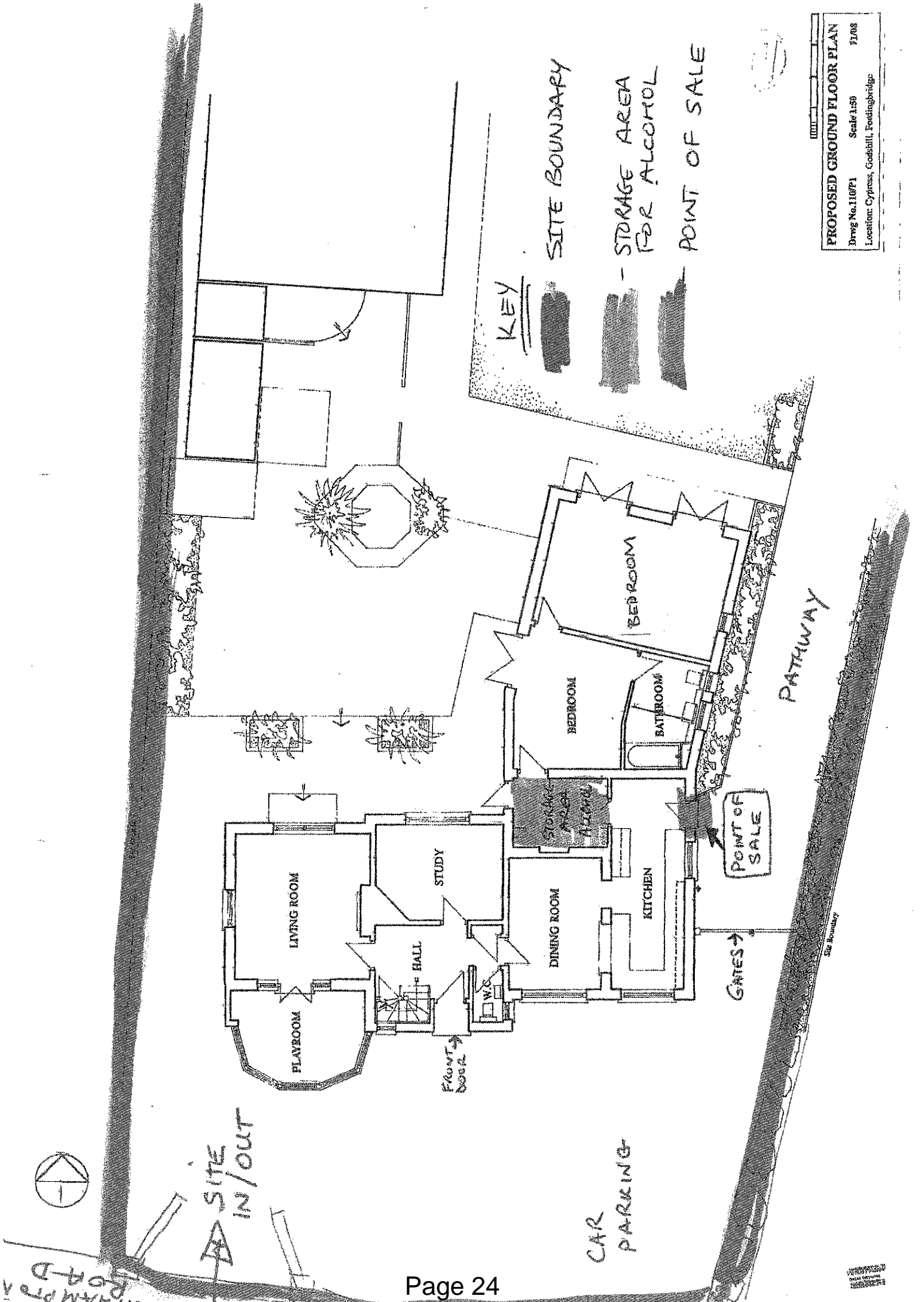
Drwg No.110/P8 Scale 1:500 12/08

Location: Cypress, Godshill, Fordingbridge

ROAD



SITE IN/OUT



KEY

SITE BOUNDARY

STORAGE AREA FOR ALCOHOL

POINT OF SALE

PATHWAY

GATES

POINT OF SALE

Storage Area Alcohol

BEDROOM

BEDROOM

BATHROOM

STUDY

LIVING ROOM

PLAYROOM

HALL

DINING ROOM

KITCHEN

FRONT DOOR

CAR PARKING

Site Boundary

PROPOSED GROUND FLOOR PLAN
 Drawg No. 110/P1 Scale 1:50
 Location: Cypress, Godshill, Fordingbridge



HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

MARCH 2015

THE LICENSING OBJECTIVES

Crime & Disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33- 8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of

certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public Nuisance

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of Children from Harm

- 2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.27 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.28 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.29 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.30 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

MARCH 2015

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

This page is intentionally left blank

Rathgael House
 Godshill
 FORDINGBRIDGE
 Hampshire
 SP6 2LE

((January 2017

Licensing Authority
 New Forest District Council
 Appletree Court
 LYNDHURST
 SO 43 7PA



LICENSING APPLICATION CYPRESS LOG CABINS

Dear Sir/Madam,

As the closest dwelling to Cypress Cabins, one of them is literally within a yard of our boundary, my wife and I object very strongly to the subject application. The noise from the Cypress bed and breakfast visitors is exceedingly obtrusive at present despite our requests to the owner to respect our privacy and peace and quiet. The availability of alcohol on site for a 12 hour period daily will undoubtedly fuel additional noise and much later into the night.


We know that alcohol is regularly consumed on site at present because we find corks and other rubbish in our garden. Currently visitors obviously bring their favourite drinks in sufficient quantities to last their visit. When they finish what they bring they retire for the night or go out. The noise therefore ceases. The application, if approved, would allow visitors to acquire more drink on site once they have the 'taste' for it and continue the partying way into the night. Result: even more noise and even less chance of them responding nicely to a request to keep the noise down. There are two cabins plus other rooms for bed and breakfast visitors in the house. The front of Cypress is totally given over to parking and is quite often full indicating a fair number of visitors. The visitors in the house are very close to our patio, which we like to enjoy but don't often succeed in doing so!

Within a few minutes' walk of Cypress are a large public house and the well stocked shop of the Sandy Balls Holiday Park. Both provide a large selection of alcohol. Is another source of booze really needed in the village? We do hope that you agree with us that the answer is 'no'.

Thank you for reading our letter.

Yours faithfully,

Sara J Boyd

A J W Boyd 

Copy to: Chair of Godshill Parish Council

Sarah Wilson

From: Godshill Parish Clerk [godshillparishclerk@gmail.com]
Sent: 13 January 2017 14:03
To: Licensing e-mail address
Cc: /

Subject: application Ref: LICPR/16/08084 from Cypress Log Cabins, Southampton Road, Godshill,
- To permit sales of alcohol on the premises, Monday to Sunday, 11:00hrs to 23:00hrs.
Opening hours 00:00hrs to

Dear Sirs

I write on behalf of the members of Godshill Parish Council with their comments on the above application to sell alcohol on the premises at Cypress Log Cabins, Southampton Road, Godshill which they considered at a meeting held on Tuesday 10th January 2017.

Following representations from neighbours, the Parish Council resolved to raise objection to this application on the grounds of an infringement of one of the licensing objectives, that being 'prevention of public nuisance'. The Parish Council is concerned about a further increase to the noise and disturbance already generated from the property during the day and into the late evening which, when raised with the applicants by neighbours, has been frequently ignored. This property is located within a residential area and members wish to point out that there are two licensed premises within only a few hundred yards.

Kind regards

Bev Cornish

Clerk to Godshill Parish Council

West View, Slab Lane, Downton, Salisbury, Wiltshire SP5 3PS

Tel 01725 513874

Email: godshillparishclerk@gmail.com

Disclaimer

This e-mail originates from the Clerk to Godshill Parish Council and any files transmitted with it may contain confidential information. It is intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient, please notify the sender and delete the e-mail from your inbox. Any disclosure, dissemination, modification or distribution of the contents of this e-mail is strictly prohibited.