

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION FOR A NEW PREMISES LICENCE – TOTTON GRILL,  
COMMERCIAL ROAD, TOTTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday, 29 August at 10.30am**

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

Councillor S Clarke - Chairman  
Councillor Ms C Ford  
Councillor N Tungate

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

PC S Conway – Hampshire Constabulary - Objector

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**3. Other Persons attending the Hearing**

Mrs C Ferguson – Licensing Manager

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**4. Parties not attending the Hearing**

Mr Yurt - Applicant

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

Andrew Kinghorn – Legal Advisor  
Mel Stephens– Clerk

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

That the application be refused.

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**7. Reasons for the Decision**

The Sub-Committee considered carefully the application for late night refreshment at the premises and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the evidence presented both written and oral by Hampshire Constabulary.

The Sub-Committee noted that the premises licence holder had informed the Council via email on 14 August that he was on holiday until 2 September and had requested that this matter be dealt with upon his return.

Prior to adjourning the hearing, the Chairman of the Sub-Committee asked the Police for their comments on this request. The Sub-Committee heard that the Police had made several attempts to make contact with the Applicant starting on 28 July 2017 (during the consultation period), via email and telephone to discuss the conditions they wished to be added to the premises licence but had been unsuccessful. The Police had subsequently made a site visit to the premises on 28 July, where they found the premises open and operating in the absence of the premises licence holder (the Applicant). They had continued to send emails to the Applicant, with read receipts showing some to have been open, but had received no response from the Applicant which had proved disappointing.

The Sub-Committee adjourned the hearing to consider the Applicant's request to defer the hearing.

Upon commencement of the hearing, the Chairman announced that the Sub-Committee having considered Regulation 20 and 11 of the Licensing Act 2003 (Hearings) Regulations 2005, the Human Rights Act and the principles of natural justice, had decided to proceed with the hearing in the Applicant's absence in light of the fact that the Police, Licensing Authority and the Council had made several attempts to contact the Applicant giving him ample opportunity to make representations.

The Sub-Committee heard from the Police that the conditions requested where standard conditions for this type of application in supporting all four of the licensing objectives. The condition relating to the request for SIA door supervisors had been suggested in response to advice from the local neighbourhood police team who had concerns regarding the level of anti-social behaviour and crime and disorder which was evident in Commercial Road and often increased later at night.

As the Applicant had not been contactable during the 28 day consultation period and during the period prior to the hearing, the Sub-Committee had concerns regarding the Applicant's commitment to the responsible management of the premises. In particular, the Sub-Committee were not satisfied, given the lack of communication from the Applicant and his lengthy absence from the premises, that he had sufficient knowledge or commitment to upholding the licensing objectives, in trading after 23:00 hours, when the police statistics clearly showed the crime and disorder issues increased significantly after this time.

The Sub-Committee rejected the application, in its entirety, as they felt that the Licensing objectives would be compromised, particularly the public safety and prevention of crime and disorder objectives.

**Date: 29 August 2017**

**Licensing Sub-Committee Chairman: Cllr S Clarke**

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**Decision notified to interested parties on 1 September 2017**