

**NEW FOREST DISTRICT COUNCIL  
LICENSING ACT 2003**

**APPLICATION FOR A NEW PREMISES LICENCE – THE 6 BARRELS,  
31 SALISBURY ROAD, TOTTON SO40 3HX**

Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on 25 October 2019

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

Councillor Steve Clarke (Chairman)  
Councillor Keith Craze  
Councillor Jack Davies

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

**Applicant:**

Kevin Goodall, K & S Trading1 Ltd  
Sean O'Donnell, K & S Trading1 Ltd

**Objectors:**

Lena Griffiths  
Hollie Howard, Totton & Eling Town Council

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**3. Other Persons attending the Hearing**

**Council Officers:**

Christa Ferguson – Licensing Manager

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

Prosper Mwedzi – Legal Advisor  
Karen Wardle - Clerk

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

The application is granted on the following terms and conditions:

**Licensable activities and times permitted:**

**E: Live Music**

Monday to Sunday: 12:00 hours to 23:30 hours

**F: Recorded Music**

Monday to Sunday: 12.00 hours to 23:30 hours

**G: Performances of dance**

Monday to Sunday: 12.00 hours to 23:30 hours

**I: Late night refreshment**

Monday to Sunday: 23.00 hours to 23:30 hours

**J: Supply of alcohol**

Monday to Sunday: 12.00 hours to 23:30 hours

**L: Hours premises are open to the public**

Monday to Sunday: 12.00 hours to 00:00 hours

**Mandatory conditions:**

As provided in the Licensing Act 2003 and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and the Licensing Act 2003 (Mandatory Conditions) Order 2014.

**Other conditions:**

**The prevention of crime and disorder**

1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrances and exits. The system must be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
2. The CCTV system shall be in operation at all times whilst the premises are open for licensable activities. All equipment shall have a constant and accurate time and date generation capability.
3. Records for CCTV operation 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.
4. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.
5. 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.
6. Any images recovered must be in a format which can be viewed on readily available equipment without the need for specialist software.

7. 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.
8. Staff shall 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.
9. All staff shall receive refresher training every six months as a minimum and records are to be kept of the refresher training which should be signed and dated by the member of staff who received that training.
10. In addition to training, a written test related to the training given shall 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 should be 80%. Anyone who fails to reach the prescribed pass rate shall be retrained and re-tested. Anyone not attaining the pass rate shall 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.
11. All training records shall be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records shall be kept for a minimum period of two years.
12. Training records shall be kept on the licensed premises to which they relate.
13. There shall 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.
14. If a person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol shall be made to or for that person.
15. 'Challenge 25' posters shall be displayed in prominent positions at the premises.
16. 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.
17. 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 shall include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

18. 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.
19. At the close of business on each day the incident book shall 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. This record will be retained for 12 months.
20. 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 store manager/manageress.
21. The refusals log shall be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.
22. The record of refusals shall be retained for 12 months.

### **Public safety**

23. Any outside area used for the consumption of alcohol shall be covered by CCTV. The premises shall have sufficient cameras located to cover all inside and outside public areas, entrances and exits. 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. CCTV warning signs are to be fitted in public places. 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 and the recording system should 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.

### **The prevention of public nuisance**

24. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
25. No licensable activities shall take place in the outside seating area after 22:00 hours. The area shall be permitted to be a smoking area.
26. All sales of alcohol for consumption off the premises shall be supplied in sealed containers.

## **The protection of children from harm**

27. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence indicating that they are over the age of 18 years of age. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

### **6. Reasons for the Decision**

The Sub-Committee carefully considered the application for a new premises licence along with the evidence, both written and oral, supplied by the applicant and all those who had made relevant representations.

In reaching its decision, the Sub-Committee has had regard to the Home Office Guidance issued under section 182 of the Licensing Act 2003, the Council's own Statement of Licensing Policy and the Human Rights Act 1998.

At the hearing, the Sub-Committee carefully listened to all the evidence that was provided and considered what action, if any, was appropriate for the promotion of the four licensing objectives namely, the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

The Sub-Committee noted the absence of relevant representations from any of the responsible authorities, particularly the police. It was also noted that the applicant had agreed to all the conditions requested by the police which are fully incorporated into this decision.

The Sub-Committee heard and considered submissions by the Applicant delivered by Mr Goodall who outlined the intention of The 6 Barrels to offer a relaxed premises providing a variety of different beers, ciders and gin sourced locally and from around the UK. Mr Goodall stated that he expected that the premises would attract more mature clientele than other premises in the local area and would operate in a different way. He gave examples of activities to be provided such as games like bridge and crib to be played on the premises and indicated that Wi-Fi would not be available in order to encourage interaction.

The main areas of concern raised by those objecting to the application related to the licensable hours the premises had applied for, the potential for increased anti-social behaviour, crime and disorder and public nuisance. The Sub-committee was sympathetic to specific concerns which were raised by Mrs Griffiths relating to the potential for noise not being contained within the premises, customers smoking outside the premises and the impact on other businesses.

The Sub-Committee also took into consideration objections made by Ms Howard on behalf of Totton & Eling Town Council which were substantially the same as Mrs Griffiths'.

The Sub-Committee noted that the recently granted planning permission relating to the premises stated that:

“No activity take place on the site in connection with the approved use other than between the following hours of 11.00 am and 12.00 midnight, Monday to Sunday and Bank Holidays.”

The Sub-Committee drew to the attention of the applicant the fact that the licensable hours applied for would be in conflict with the extant planning permission should the hours be granted as applied for and the applicant agreed at the hearing to amend the licensable hours to finish licensable activities at 23:30 hrs Monday to Sunday with no extension for Bank Holidays.

Following the applicant’s agreement to change the licensable hours, the Sub-Committee was satisfied that the compromise addressed some of the objectors concerns in relation to the potential noise and disturbance of patrons leaving the premises. The Sub-Committee noted that in relation to the objection to smoking outside by customers, this was something which the Applicant had no control over as people could choose to smoke anywhere outside including customers for businesses in the vicinity.

Accordingly, the Sub-Committee was of the view that the appropriate steps for the promotion of the licensing objectives was to grant the application subject to the conditions set out above.

Should there be any concerns in the future regarding operation of the premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the premises licence in for review.

**Date: 25 October 2019**

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

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**FOR OFFICE USE ONLY**

Decision notified to interested parties on 29 October 2019