

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR A VARIATION OF PREMISES LICENCE – WINDMILL
SERVICE STATION, SALISBURY ROAD, BLASHFORD, RINGWOOD BH24 3PB**

Decision of the Licensing Sub-Committee hearing held on 31 October 2019

1. Members of the Licensing Sub-Committee

Councillor Steve Clarke (Chairman)
Councillor David Hawkins
Councillor Neil Tungate

2. Parties and their Representatives attending the Hearing

Applicant:

Robert Botkai (Solicitor for the Applicant)
David Ablott (Operations Director - Peregrine Retail Limited)

Objectors:

Lorna Wise
Helen Porter
Roly Errington (Ellingham, Harbridge & Ibsley Parish Council)
Cllr Emma Lane (on behalf of Ellingham, Harbridge & Ibsley Parish Council)

3. Officers attending to assist the Sub-Committee

Prosper Mwedzi (Legal Advisor)
Daniel Reynafarje (Clerk)

4. Decision of the Sub-Committee

The application to vary the premises licence is granted on the following terms and conditions:

Licensable Activities and Times Permitted:

I: Late Night Refreshment

Monday to Sunday: 23:00 hours to 05:00 hours

M: Supply of Alcohol (Off Sales)

Monday to Sunday: 00:00 hours to 00:00 hours

O: Hours Premises to be Open to the Public

Monday to Sunday: 00:00 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 conditions included at Annex 2 of the previous Premises Licence to be removed and replaced with the following:

The Prevention of Crime and Disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system shall be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

Public safety

7. There shall at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

The Prevention of Public Nuisance

8. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

The Protection of Children from Harm

10. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
11. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
12. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

13. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
 - Details of the time and date that refusal was made;
 - The identity of the staff member refusing the sale;
 - Details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

14. An incident book/register shall be maintained to record:
 - All incidents of crime and disorder occurring at the premises
 - Details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

5. Reasons for the Decision

The Sub-Committee carefully considered the application 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 heard and considered submissions by the Applicant delivered by its legal representative, Mr Botkai, who highlighted the absence of any objections from the responsible authorities and stated that the premises were open 24 hours per day already for non-licensable activities. Mr Botkai offered an additional condition for signage to be displayed on the premises, asking for patrons to leave the area quietly and respect the local residents in order to address concerns about the potential for noise nuisance.

The Sub-Committee considered objections made by local residents and Ellingham, Harbridge & Ibsley Parish Council. The main areas of concern raised by those objecting to the application related to the licensable hours which the premises had applied for and the potential for increase in anti-social behaviour, crime and disorder and public nuisance.

The Sub-Committee noted that some of the concerns raised by objectors were outside their remit. These concerns included the extant planning permission which authorised the premises to open for 24 hours for non-licensable activities and issues such as littering and increase in traffic. Other concerns raised included noise from delivery vehicles, which the Sub-Committee noted may still continue, as the business would require deliveries regardless of whether licensable hours were extended or not. The Applicant was sympathetic to some of the concerns raised by objectors and expressed willingness to have a good liaison with local residents in the future, to discuss and address any issues they may have.

The Sub-Committee carefully considered submissions by objectors in relation to the impact of the extended hours on rights of local residents under Article 8 of the European Convention on Human Rights as incorporated by the Human Rights Act 1998 and concluded that the conditions offered by the Applicant were appropriate in striking a balance between competing licensing objectives and human rights considerations.

The Sub-Committee was of the view that appropriate conditions were in place for the promotion of the licensing objectives and a decision was taken by the Sub-Committee to grant the application, subject to the conditions set out above which includes an extra condition offered by the Applicant in relation to display of signs for patrons to leave premises quietly – (additional condition 9).

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

Date: 31 October 2019

Licensing Sub-Committee Chairman: Cllr Steve Clarke

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Decision notified to interested parties on 5 November 2019