

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR A NEW PREMISES LICENCE – THE DUTCH BARN, WOODFALLS
CROSS FARM, HALE ROAD, HAIL, FORDINGBRIDGE SP6 2NW**

Decision of the Licensing Sub-Committee hearing held on 25 January 2021.

1. Members of the Licensing Sub-Committee

Councillor S J Clarke (Chairman)
Councillor A Reid
Councillor N Tungate

2. Parties and their Representatives attending the Hearing

Applicant:

Mr S Griscti

Objectors:

G Peacock (Redlynch Parish Council)
Mr Mangan (Chairman of Hale Parish Council)
M Parry
Ms V Cooper
J Henderson
Mr Holohan
Ms V Le May Neville – Parry (part)

3. Other Persons attending the Hearing

Council Officers:

Christa Ferguson (Licensing Manager)

4. Officers attending to assist the Sub-Committee

Richard Davies and Amanda Wilson – Legal Advisors
Andy Rogers - Clerk

5. Additional Documentation

Prior to the hearing, three further emails were circulated which had not been included in the initial Agenda papers. These were from the following registered objectors who were not able to attend the hearing.

D Shergold
J Crouch
A Gadd & J Broomfield

At the hearing all parties confirmed that had received and read the additional documentation.

6. Absence of Parties

At the outset of the hearing it was noted by the Sub-Committee that a few of the parties were absent. Of these parties, the following had confirmed that they would not be in attendance:

Ashley Gadd
Javier and Nicola Galdeano
Mr and Mrs Goodyear
Ms S Mercer
Mr and Mrs Price
Ms J Robinson
Mr and Mrs Strong
J Crouch
Miss J Broomfield

This, therefore, left the following parties who had not indicated whether or not they would be in attendance:

Mr D Shergold
Mr and Mrs Budden
Mr and Mrs Watts
Mr and Mrs Clayton
Mrs L Mutlow

The Sub-Committee considered whether it was necessary in the public interest to adjourn the hearing or to hold the hearing in their absence. The Sub-Committee took into account the fact that the points raised by these parties were very similar to the points raised by the parties in attendance. The Sub-Committee decided to proceed with the hearing in their absence and take into consideration their written representations in reaching its decision.

Further, one of the parties, Ms V Le May Neville – Parry, experienced technical difficulties with connecting to the full hearing. A short adjournment took place so that the Clerk could obtain a statement by telephone which was then relayed to the hearing. Having reconvened the Sub-Committee, again, considered whether it was necessary in the public interest to adjourn the hearing or to continue with the hearing in her absence. However, it was agreed that the hearing should proceed for the reasons set out above, and her written representation (and telephone comments communicated through the Clerk) would be considered as part of the decision making process.

7. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

Hours Premises are open to the Public:

Monday to Saturday	08:00hrs to 23:30hrs
Sunday	10:00hrs to 17:00hrs
Bank Holiday Sunday	10:00hrs to 23:30hrs
New Year's Eve	08:00hrs to 00:30hrs

Supply of Alcohol (on and off the premises):

Monday to Saturday	08.00hrs to 23:30hrs
Sunday	10:00hrs to 17:00hrs
Bank Holiday Sunday	10:00hrs to 23:30hrs
New Year's Eve	08:00hrs to 00:30hrs

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.

Conditions consistent with the operating schedule accompanying the application:

General – all four licensing objectives

1. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purpose of delivery.
2. No drink shall be removed from the premises in an unsealed container.
3. A notice shall be displayed in the bar area to indicate that it is unlawful for persons under the age of 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18.
4. 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 18 years of age.

The Prevention of Crime and Disorder

5. Any outside area used for the consumption of alcohol shall be covered by CCTV.
6. The premises shall have sufficient cameras located to cover all inside and outside public areas, entrances and exits.
7. CCTV warning signs to be fitted in public places.
8. The CCTV system shall be operating at all times whilst the premises are open for licensable activity.
9. All CCTV equipment shall have a constant and accurate time and date generation.

10. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage shall be securely retained for a minimum of 28 days.
11. Records shall be made on a weekly basis and kept for inspection to show that the CCTV system is functioning correctly and that data is being securely retained. The system shall be password protected.
12. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to any of the responsible authorities on request when investigating allegations of offences or criminal activity.
13. An incident book shall be provided and maintained at the premises. It shall remain on the premises at all times and shall be available to any of the responsible authorities for inspection upon request.
14. 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.
15. The refusals log shall be kept and maintained at the Premises and shall be available for inspection immediately upon request by any of the responsible authorities.
16. The record of refusals shall be retained for 12 months.
17. There shall be a Challenge 25 Policy operating at the Premises. Every individual who visibly 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. Acceptable identifications for the purpose of age verification shall include a driving licence, passport or photographic identification bearing a hologram mark or the 'PASS' logo and the person's date of birth.
18. If the 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.
19. Challenge 25 posters shall be displayed in prominent positions at the Premises.
20. 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 shall be kept of such training which must be signed and dated by the member of staff who has received that training. Refresher training shall be provided to staff at intervals of no greater than 12 months.
21. A dispersal procedure shall be adopted during the last trading hour to ensure minimal disturbance to neighbours and to tackle the problem of anti-social behaviour and crime. This shall include:
 - During the last 30 minutes of trading the service points at the bar shall be reduced and certain staff reallocated to collect glasses.
 - Music volume shall be reduced during the last 30 minutes of trading and lighting levels shall be raised to encourage the gradual dispersal of customers.
 - DJ announcements shall be used to encourage gradual dispersal and to remind customers to leave quietly.
 - Staff shall remove all bottles and glasses from any customer who attempts to leave the venue carrying one.
22. All areas of the premises shall be checked at the end of each evening to ensure all customers have left safely and a signed record of these checks are to be kept on the Premises at all times and to be made available to any of the responsible authorities upon request.
23. Frequent collection of glasses and bottles shall be undertaken to ensure that empty containers do not accumulate in or around the licensed Premises.

Public Safety

24. The events held shall either be pre-arranged with set numbers and/or there shall be a member of staff on the door counting guest numbers to ensure it stays within the safe capacity of the building.
25. All staff shall be trained on responsible drinking and safety procedures and there shall not be 'Happy Hour' promotions.
26. Free drinking water shall be available at all times.
27. The telephone numbers of taxi businesses shall be displayed prominently at the Premises.
28. All glasses and bottles shall be removed from public areas regularly.
29. All electrical equipment shall meet safety standards, fire safety measures shall be provided and First Aid equipment shall be available.
30. Clear and unobstructed access shall be available to the Premises for use by the emergency services and emergency service vehicles at all times.

The Prevention of Public Nuisance

31. Staff shall regularly patrol the Premises both inside and out.
32. Notices asking people to leave quietly shall be displayed.
33. The volume of music shall be controlled by a noise limiter.

8. Reasons for the Decision

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

Both prior to and during the hearing it was emphasised to those making representations that the Sub-Committee could only address the licensable activities applied for.

At the hearing the Sub-Committee carefully listened to all the evidence that was provided and considered what action was appropriate for the promotion of the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

Prior to the hearing, it was noted that the Applicant had worked with the responsible authorities in (i) voluntarily adding a condition on request of the police, regarding refresher training for staff; and (ii) voluntarily bringing forward the terminal hour in the application for provision of live and recorded music – as proposed by Environmental Protection - so as not to undermine the licensing objectives, given the proximity to neighbouring properties and low background sound level in the locality and acoustic integrity of the barn.

The Sub-Committee noted the absence of relevant representations from any of the responsible authorities during the hearing.

It was noted that the relevant representations against the application related primarily to the licensing objective of the prevention of public nuisance.

The Sub-Committee carefully reviewed the representations and the comments that were made by those objecting who attended the hearing. In particular, those objecting stressed the fact that the area is an unusually quiet location and that they were greatly concerned the granting of a premises licence would regularly and adversely affect their peace and enjoyment of the area.

The Sub-Committee was very mindful of these representations but in seeking a balanced decision, it had no formal evidence of the extent or regularity of a likely public nuisance. Particularly, the Sub-Committee noted the absence of any objection or comment from Environmental Protection in support of these representations. It was noted that the Applicant would be carrying out a noise impact assessment once the building works on the premises was completed.

The Sub-Committee was of the view that the appropriate step for the promotion of the licensing objectives was to grant the application subject to those Conditions volunteered by the Applicant, as amended by the Sub-Committee. It is expected that the Applicant will take the concerns of the neighbouring properties into account when exercising the rights of the premises licence and also when organising and staging 'events'.

Several objectors raised concerns about an anticipated influx of customers' cars into the village should the premises licence be granted. The Sub-Committee carefully considered these concerns but in the absence of objections from any responsible authority it was not considered reasonable or appropriate to impose any restrictions in this regard. In the circumstances, the Sub-Committee requests that the Applicant encourages customers to park within the premises rather than in the village.

The Applicant will be aware that the operation of the permitted licensable activities is going to be closely monitored by the residents of the neighbourhood. If there are 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 January 2021

Licensing Sub-Committee Chairman: Cllr S J Clarke

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Decision notified to interested parties on 27 January 2021