

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Upper Guildhall, Andover
on Tuesday 15 April 2014 at 9.30 a.m.

Attendance:

Councillor I Andersen (P) Councillor J Budzynski (P)
Councillor N Long (P)

Also in attendance:

Mr J Dunning (Applicant)
Mrs P Dunning
Mrs A Aldis
Mrs S Enright, Environmental Protection Officer

1

Appointment of Chairman

Resolved:

That Councillor Budzynski be appointed Chairman for the duration of the meeting.

2

**Application for a new Premises Licence – Hatherden Barn,
Hatherden Farm, Hatherden, Andover SP11 0HT**

The Sub-Committee considered an application by Jeremy Dunning for a new premises licence for the premises known as Hatherden Barn, Hatherden Farm, Hatherden, Andover SP11 0HT.

The premises do not currently hold any form of licence under the terms of the Licensing Act 2003. The applicant originally applied for a Premises Licence which would permit the provision of live music, recorded music, late night refreshment and sale by retail of alcohol for consumption both on and off the premises from 0900 to 0000 hours Sunday to Thursday and from 0900 to 0030 hours Friday and Saturday. The Police raised a concern that there was a potential issue where the sale of alcohol ceases at the same time the premises closes. Following discussion between the Police and the applicant it was agreed that the sale of alcohol would be brought forward 30 minutes but the premises closing times would remain the same as above which will allow customers to finish their drinks.

The application had attracted representations necessitating the application to be determined at a hearing. The Licensing Manager reported that the representations from the Hampshire Constabulary had been withdrawn as their concerns were now covered by the suggested conditions to the licence, which the applicant had accepted.

Representations had also been received from the Environmental Protection team of the Council's Environmental Health Service and 3 other persons. These representations were on the grounds that the licensing objective of prevention of public nuisance would not be achieved due to the potential for noise nuisance.

The Applicant, Mr Jeremy Dunning, was invited to address the Sub-Committee. He explained the reason for the application was to expand the business. The premises had previously held functions utilising temporary events notices but as they wish to hold more than 12 functions a year a permanent Premises Licence was now sought.

The applicant confirmed that it was his intention to limit the number of functions to 20 per year and they would mostly be weddings. He accepted that there had been some initial problems when the venue commenced operating but went on to explain that much work had already been done to mitigate them.

Mr Dunning referred to the objections received to the application from the local residents. He had discussed them with the Environmental Health Service and agreed 7 conditions to address them.

The Environmental Protection Officer confirmed that the suggested conditions should limit the noise levels to acceptable levels and not cause a nuisance to the neighbouring residents.

The Sub-Committee then heard representations from Mrs A Aldis who stated that the noise levels had been unacceptable and caused a public nuisance at previous functions. She was not confident that the applicant was able to be robust enough to prevent further occurrences.

The Sub-Committee were then given to opportunity to ask questions of the representatives of each of the parties and the parties of each other.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

Upon return, the Chairman informed the meeting that the Sub-committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

DECISION

The Sub Committee was satisfied that the discussions the Applicant and the Environmental Health Service had resulted in a number of conditions which in the Sub committees view were adequate to address concerns about noise and other nuisance arising from the use of the premises.

Resolved:

That the premises licence be granted subject to the following conditions:

1. **A CCTV system with recording equipment shall be installed, operated and maintained at the premises. All recordings made by the system shall, be of evidential quality, indicate the time and date, be retained for a minimum period of 31 days and be made available for inspection and downloading upon request to an authorised officer of a responsible authority or the licensing authority..**
2. **Staff will 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.**

All training records will be made available for inspection by Hampshire Constabulary and any responsible authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate.

3. **There will 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.**

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the “PASS” logo and the persons date of birth.

Challenge 25’ notices shall be displayed in prominent positions at the premises.

4. **A written log shall be kept of all incidents and refusals relating to the licensable activities including refusals to sell alcohol and refusal of entry. The premises licence holder shall ensure that the refusals log is checked, signed and dated after each event.**

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

5. **At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.**
6. **Live or recorded music constituting regulated entertainment shall not take place except on either a Friday or Saturday between 7pm and midnight.**
7. **Live or recorded music constituting regulated entertainment shall not take place on consecutive days.**

- 8. Live or recorded music constituting regulated entertainment shall not take place on more than twenty occasions per calendar year.**
- 9. Windows and exterior doors to the function hall must be kept closed whilst regulated entertainment is taking place except where necessary for emergency egress.**
- 10. No use of the function venue involving amplified music or amplified voices shall take place except when a suitable noise limiting device is employed, set at a level agreed with the local licensing authority at all times.**
- 11. There shall be no outdoor regulated entertainment, including within a marquee or other temporary structure.**
- 12. A diary of events involving live or recorded music constituting regulated entertainment shall be kept indicating the date of the event and the times entertainment started and finished as well as the number of guests. These records shall be retained for twelve months and made available to the local licensing authority on request.**
- 13. On Sundays the sale of alcohol will cease at 11.00 pm and the premises will close at 11.30 pm.**

(Meeting terminated at 10.42 am)