

A copy of the newspaper in which the advertisement appears, and confirmation of display of advertisement on site, will follow separately.

We confirm, in respect of the Premises Licence Application and the plan submitted with it, the following conditions should apply:

1. Where the term beer garden/external seating/outside area is used on the plan, that area is an area which will only be used for the consumption of alcohol. Unless otherwise stated, there will be no licensable activities in such an area.
2. All licensable activities, as requested in the Application Form, unless otherwise stated, are proposed to be permitted in all parts of the building open to the public.

Kindly acknowledge receipt confirming the date of receipt. Should you wish to discuss the enclosed Applications then please contact the writer.

We look forward to hearing from you.

Yours faithfully



**TLT Solicitors**  
Enclosures

Personal (per applicant)		Premises	
1. Application Form	/	1. Application Form	/
2. Disclosure & Declaration Form	/	2. Certified copy Justices Licence	/
3. Two photographs (one endorsed)	/	3. Consent from DPS	/
4. Certified copy Justices Licence	/	4. Consent to Punch Application	/
5. Fees	/	5. Certified copy other permission/ licences	/
		6. Conversion and variation fees	/
		7. Plan	/

**(Part A) Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and (Part B) application to vary the premises licence simultaneously**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**We Punch Taverns Plc apply to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 for the premises described in Part A1 below**

**Part A1 - Premises Details**

<b>Postal address of premises if any or, if none, ordnance survey map reference or description</b>	
Oak & Yaffle Ashley Common Road	
<b>Post town</b> New Milton	<b>Post code</b> BH25 5AN

Telephone number of premises (if any)

01425 618276

Non-domestic rateable value of premises

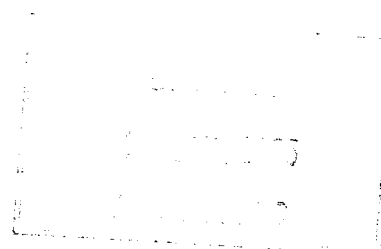
£ 16,000.00

**Part A2 - Applicant Details**

Please state the capacity in which you are applying to convert your existing licence

Please tick

- |                                                   |                                                                 |
|---------------------------------------------------|-----------------------------------------------------------------|
| a) An individual or individuals                   | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual              |                                                                 |
| i. as a limited company                           | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or          | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                              | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                      | <input type="checkbox"/> please complete section (B)            |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B)            |
| f) a health service body                          | <input type="checkbox"/> please complete section (B)            |



- h) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- k) the chief officer of police of a police force in England and Wales

- please complete section (B)
- please complete section (B)

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

Please tick

I am 18 years old or over

Yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT IF APPLICABLE**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

Please tick

I am 18 years old or over

Yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name	Punch Taverns Plc
Address	Jubilee House Second Avenue Burton Upon Trent Staffordshire DE14 2WF
Registered number (where applicable)	03752645
Description of applicant (for example, partnership, company, unincorporated association etc.)	Company
Telephone number (if any)	01283 501 600
E-mail address (Optional)	n/a

**Part A3 Operating Schedule**

If 5,000 or more people attend the premises at any one time, please state the number

n/a

General description of premises (please read guidance note 1)

Two bar local public house providing food, with garden to the side and large car park to the rear. Situated on the edge of the town.

Please tick Yes

**What existing licensable activities are authorised by your existing licence(s)?**

**Provision of regulated entertainment**

- a) plays
- b) films
- c) indoor sporting events
- d) boxing or wrestling entertainment
- e) live music
- f) recorded music
- g) performances of dance
- h) anything of a similar description to that falling within (e), (f) or (g)

**Provision of entertainment facilities for:**

- i) making music
- j) dancing
- k) entertainment of a similar description to that falling within (i) or (j)

**Provision of late night refreshment**

**Sale by retail of alcohol**

- a) for consumption on the premises
- b) for consumption off the premises

Please state who you wish to be specified to be the premises supervisor under the new licence

Name Christopher James Carpenter

Address 52 Hazelwood Avenue, New Milton, BH25 5LX

Personal Licence number, if known .....

State any limitations on the hours during which you are permitted by your licence(s) or any additional  
activities to conduct licensable activities, including the sale of alcohol.

11:00 to 23:00 Monday to Saturday (inc)  
12:00 to 22:30 Sunday

save

11:00 to 00:00 New Years Eve ( 31.12)  
00:00 to 23:00 New Years Day ( 01.01)  
12:00 to 15:00 and  
19:00 to 22:30 Christmas Day (25.12)  
Public Entertainments licence in force Friday and Saturday from 20:00 to 23:00

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance r 2):

**a) General - all four licensing objectives (b,c,d,e)**

20 minutes "drinking up" time

All embedded permissions and restrictions attaching to a justices on licence.

That part of the premises used for the sale of intoxicating liquor for consumption off premises shall not be used for the sale or supply of such liquor for consumption on the premises.

Public Entertainments Licence subject to all the general conditions attaching to licences issued by this Local Authority and the following special conditions-

Numbers admitted: To include performers, presenters, employees and customers. The number of persons admitted at any entertainment shall not exceed: Public Bar- Dancing- 60.

In respect of each and every licensable indoor event, music noise, including vocals, emanating from the premises shall be inaudible at the boundary marked in red on the attached plan.

**b) The prevention of crime and disorder**

See a above

**c) Public safety**

See a above

**d) The prevention of public nuisance**

See a above

**e) The protection of children from harm**

See a above

Please tick  Yes

- I have made or enclosed payment of the fee
- I have enclosed my existing licence(s) or a certified copy of each licence
- I have enclosed a plan of the premises
- I have sent copies of this application to the Chief Officer of Police (please read guidance note 3)
- I have enclosed the consent form completed by the proposed premises supervisor, if relevant
- I have enclosed the consent of the justices' licence holder to my application, if relevant
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part A5 - Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature M. Barnacle TLT

Date 31/3/05

Capacity Solicitors to applicant

**For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent.** (Please read guidance note 6). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity .....

<b>Contact name (Where not previously given) and address for correspondence associated with this application</b> (Please read guidance note 7)	
TLT Solicitors One Redcliff Street  (Ref: 30PG3/054004/T Barnacle/300436 )	
<b>Post town</b> BRISTOL	<b>Post code</b> BS1 6TP
<b>Telephone number</b> 0117 917 7777	
<b>E-mail address (optional)</b> tbarnacle@TLTsolicitors.com	

IF YOU WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S) UNDER SECTION 34 OR 37 OF THE LICENSING ACT 2003, NOW COMPLETE PART B OF THIS FORM

IF YOU DO NOT WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S), YOU SHOULD LEAVE PART B BLANK



**PART B - Application to vary a premises licence under the Licensing Act 2003**

**We Punch Taverns Plc being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34/section 37 of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.**

**Part B1 - Variation**

Please tick

Do you want the proposed variation to have effect from the second appointed day?

If not when do you want the variation to take effect from

Day		Month		Year	

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

n/a
-----

**Please describe briefly the nature of the proposed variation.** (please read guidance note 8)

- An additional hour every Thursday, Friday and Saturday.
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
- A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- A further additional hour every Christmas Eve.
- A further additional hour every Boxing Day.
- To reflect existing New Year's Eve/day hours.
- Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

All of the above to be for the sale of alcohol, recorded music and Karaoke, live music and dancing.

Live music and dancing will take place every Thursday, Friday, Saturday and Sunday only, from 20:00.

## Part B2 - Operating Schedule

Please complete those parts of the operating schedule which would be subject to change if this application to vary was successful.

What licensable activities do you now intend to conduct on the premises and/or at what varied times do you intend to conduct them?

(Please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

### Provision of regulated entertainment

Please tick

Yes

- |                                                                                                               |                                     |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------|
| a) plays (if ticking yes, fill in box A)                                                                      | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)                                                                      | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)                                                     | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)                                          | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)                                                                 | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)                                                             | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)                                                      | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e),(f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

### Provision of entertainment facilities

- |                                                                                                                |                                     |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------|
| i) making music (if ticking yes, fill in box I)                                                                | <input type="checkbox"/>            |
| j) dancing (if ticking yes, fill in box J)                                                                     | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

Please complete Part B3 on this form.

**A**

<b>I /S</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both - please tick [√] (please read guidance note 9)</b>		Indoors	
					Outdoors	
					Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 10)			
<b>Mon</b>						
<b>Tue</b>						
<b>Wed</b>			<b>State any seasonal variations for performing plays</b> (please read guidance note 11)			
<b>Thur</b>						
<b>Fri</b>			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 12)			
<b>Sat</b>						
<b>Sun</b>						

**B**

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both - please tick <input type="checkbox"/> (please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 10)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 11)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 12)		
Sat					
Sun					

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			Please give further details here (please read guidance note 10)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			State any seasonal variations for indoor sporting events (please read guidance note 11)
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 12)

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick [✓] (please read guidance note 9)	Indoors	
				Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 10)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Fri					
Sat					
Sun			(This area is left blank for further details or notes.)		

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both - please tick [✓] (please read guidance note 9)</b>	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	
Tue			Both	
Wed			<b>Please give further details here</b> (please read guidance note 10)  To extend the existing Public Entertainments Licence as per the hours listed in standard timings and as per non standard timings.	
Thur	20:00	00:00	<b>State any seasonal variations for the performance of live music.</b> (please read guidance note 11)	
Fri	20:00	00:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (Please read guidance note 12)	
Sat	20:00	00:00	<ul style="list-style-type: none"> <li>• A further additional hour into the morning following every Friday, Saturday and Sunday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</li> <li>• A further additional hour into the morning following every Thursday, Friday, Saturday and Sunday for the Easter Bank Holiday weekend.</li> <li>• A further additional hour every Christmas Eve.</li> <li>• A further additional hour every Boxing Day.</li> <li>• To reflect existing New Year's Eve/day hours.</li> </ul>	
Sun	20:00	22:30		

**F**

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both - please tick [✓] (please read guidance note 9)	
Day	Start	Finish	indoors	
Mon	11:00	23:00		✓
Tue	11:00	23:00		
Wed	11:00	23:00		
Thur	11:00	00:00		
Fri	11:00	00:00		
Sat	11:00	00:00		
Sun	12:00	22:30		

<p><b>Will the playing of recorded music take place indoors or outdoors or both - please tick [✓] (please read guidance note 9)</b></p> <p>indoors <input checked="" type="checkbox"/></p> <p>Outdoors <input type="checkbox"/></p> <p>Both <input type="checkbox"/></p>		
<p><b>Please give further details here (please read guidance note 10)</b></p> <p>To match sale of liquor at section M below. Amplified recorded music ancillary to sale of alcohol (section M) below.</p>		
<p><b>State any seasonal variations for playing recorded music (please read guidance note 11)</b></p>		
<p><b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (Please read guidance note 12)</b></p> <ul style="list-style-type: none"> <li>• A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</li> <li>• A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.</li> <li>• A further additional hour every Christmas Eve.</li> <li>• A further additional hour every Boxing Day.</li> <li>• To reflect existing New Year's Eve/day hours.</li> </ul>		



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both - please tick <input type="checkbox"/> (please read guidance note 9)</b>	
			Indoors	
			Outdoors	
			Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 10)	
Mon				
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 11)	
Wed				
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 12)	
Fri				
Sat				
Sun				

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			<b>Please give a description of the type of entertainment you will be providing</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both - please tick <input type="checkbox"/> (please read guidance note 9)</b>	
			Indoor	
			Outdoor	
			Both	
Mon			<b>Please give further details here</b> (please read guidance note 10)	
Tue				
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 11)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 12)	
Sat				
Sun				

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 8)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music take place indoors or outdoors or both - please tick [ <input type="checkbox"/> ] (please read guidance note 9)		Indoor
			Outdoor		
			Both		
Day	Start	Finish	Please give further details here (please read guidance note 10)		
Mon					
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 11)		
Wed					
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both please tick [x] (please read guidance note 9)	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 10)  To extend the existing Public Entertainments Licence as per the hours listed in standard timings and as per non standard timings.		
Tue					
Wed					
Thur	20:00	00:00	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 11)		
Fri	20:00	00:00			
Sat	20:00	00:00			
Sun	20:00	22:30	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 12) <ul style="list-style-type: none"> <li>• A further additional hour into the morning following every Friday, Saturday and Sunday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</li> <li>• A further additional hour into the morning following every Thursday, Friday, Saturday and Sunday for the Easter Bank Holiday weekend.</li> <li>• A further additional hour every Christmas Eve.</li> <li>• A further additional hour every Boxing Day.</li> <li>• To reflect existing New Year's Eve/day hours.</li> </ul>		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment facility you will be providing.  <b>KARAOKE</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will the entertainment facility be indoors or outdoors or both</b> - please tick [✓] (please read guidance note 9)	Indoor	<input checked="" type="checkbox"/>
				Outdoor	<input type="checkbox"/>
<b>Mon</b>	11:00	23:00		Both	<input type="checkbox"/>
<b>Tue</b>	11:00	23:00	Please give further details here (please read guidance note 10)  None		
<b>Wed</b>	11:00	23:00			
<b>Thur</b>	11:00	00:00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 11)		
<b>Fri</b>	11:00	00:00			
<b>Sat</b>	11:00	00:00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 12)		
<b>Sun</b>	12:00	22:30			
			<ul style="list-style-type: none"> <li>• A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</li> <li>• A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.</li> <li>• A further additional hour every Christmas Eve.</li> <li>• A further additional hour every Boxing Day.</li> <li>• To reflect existing New Year's Eve/day hours.</li> </ul>		

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [ <input type="checkbox"/> ] (please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list (please read guidance note 12)		
Sat					
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			Will the sale of alcohol be for consumption please tick [✓] (please read guidance note 13)	On the premises Off the premises Both	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	State any seasonal variations for the supply of alcohol (please read guidance note 11)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	12:00	22:30			
Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 12)					
<ul style="list-style-type: none"> <li>• A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</li> <li>• A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.</li> <li>• A further additional hour every Christmas Eve.</li> <li>• A further additional hour every Boxing Day.</li> <li>• To reflect existing New Year's Eve/day hours.</li> </ul>					

IN ALL CASES PLEASE COMPLETE BOXES N, O, P and Q below

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 14 )

AWP machines x1  
 Cigarette machines x1  
 No unaccompanied children. Children off the premises by 21:00

**O**

<b>Yours premises are open to the public</b> Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 11)
Day	Start	Finish	<p><b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 12)</b></p> <ul style="list-style-type: none"> <li>• A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</li> <li>• A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.</li> <li>• An additional hour every Christmas Eve.</li> <li>• An additional hour every Boxing Day.</li> <li>• To reflect existing New Year's Eve/day hours.</li> </ul>
Mon	11:00	23:30	
Tue	11:00	23:30	
Wed	11:00	23:30	
Thur	11:00		
Fri		00:30	
	11:00		
Sat		00:30	
	11:00		
Sun		00:30	
	12:00	23:00	

**P**

Please identify any of the conditions, terms or restrictions currently imposed on the converted licence which you believe could be removed as a consequence of the proposed variation you are seeking

None

**Q** Please describe any proposed additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted:

**a) General - all four licensing objectives (b,c,d,e) (please read guidance note 15)**

Following an assessment of the premises and its surrounding area the following is proposed:  
30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc  
In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

**b) The prevention of crime and disorder**

Pubwatch member. Customers are local. Door staff employed. No other licensed premises in close proximity. Car park and garden well lit.

**c) Public safety**

Emergency lighting installed. Fire certificate in place. Fire equipment available. Door staff employed. Health and hygiene certificate held.

**d) The prevention of public nuisance**

Double glazing installed. Managed customer departure. No adjoining residents. No other licensed premises in close proximity.

**e) The protection of children from harm**

No unaccompanied children. Children off site by 21:00. No striptease, nudity or restricted film exhibition.



**PART B3 - Premises Supervisor**

**name of proposed designated premises supervisor**

Christopher James Carpenter.

**Address of proposed designated premises supervisor**

52 Hazelwood Avenue, New Milton, BH25 5 LX

**Personal licence number of proposed designated premises supervisor, if any, and issuing authority of the personal licence, if applicable**

Please tick  Yes

- I enclose the consent form completed by the proposed premises supervisor
- I will give a copy of Part B3 of this application to the chief office of police (section 37 of the Licensing Act 2003)
- I have sent copies of this application to vary (except Part B3) to responsible authorities and others where applicable (section 34 of the Licensing Act 2003)
- I understand that I must now advertise my application to vary (section 37 of the Licensing Act 2003)
- I understand that if I do not comply with the above requirements my application will be rejected

### Part B5 - Signatures (please read guidance note 16)

**Signature of applicant (the proposed current premises licence holder) or applicant's solicitor or other duly authorised agent.** (See guidance note 17) **If signing on behalf of the applicant please state in what capacity.**

Signature Mark Bentley TLT

Date 31/3/05

Capacity Solicitors to applicant

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the proposed current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 18) **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

**Contact name (where not previously given) and address for correspondence associated with this application**  
(please read guidance note 19)

TLT Solicitors  
One Redcliff Street  
(Ref: 30PG3/054004/T Barnacle/300436 )

Post town BRISTOL

Post code BS1 6TP

### Notes for Guidance

#### PART A

1. Describe the premises. For example the type of premises, it's general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you provide a place for consumption of these off-supplies you must include a description of where the place is and it's proximity to the premises.
2. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing objectives, please describe such conditions in the general box.
3. The law requires you to send a mandatory copy of this application to the chief officer of police for that area at the same time as sending to the relevant licensing authority.
4. The application form must be signed.

5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
7. This is the address we shall use to correspond with you about this application.

## **PART B**

**This application cannot be used to vary the licence to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act**

8. Please give timings in 24 hour clock and only give details for days of the week when you intend the premises to be used for the activity.
9. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
10. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
11. For example (but not exclusively), where the activity will occur on additional days during the summer.
12. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e Christmas Eve.
13. If you wish people to be able to consume alcohol on the premises please tick on if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
14. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
15. Please list here steps you will take to promote all four licensing objectives together.
16. The application form must be signed.
17. A applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
18. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
19. This is the address which we shall use to correspond with you about this application.



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) 1982  
(AS AMENDED)  
ANNUAL PUBLIC ENTERTAINMENT AND SPORTS ENTERTAINMENT LICENCE**

**NUMBER 396**

The New Forest District Council of Appletree Court, Lyndhurst, Hampshire as the Licensing Authority under Section 1 of the Act DO HEREBY VARY the annual licence, as detailed below, until the same shall be sooner revoked, subject to the terms and conditions set out in the regulations made by the Council, as amended or supplemented by the special conditions set out in the schedule hereto:

**Name of person to whom the licence is granted:** Mr C J Carpenter

**To keep and use the premises situate and known as:** Oak & Yaffle  
Ashley Common Road  
New Milton  
Hampshire  
BH25 5AN

**Period for which the licence is granted:** **Starting:** 01 April 2005  
**Expiring:** 31 March 2006

**SCHEDULE**

**1. Permitted Hours**

For the permitted hours there shall be substituted the following:-

<b>Days</b>	<b>From (Hrs)</b>	<b>To (Hrs)</b>	<b>Period</b>
Friday and Saturday	2000	2300	January to December

Certified a true and complete copy of the original

21 JUN 2005

NFDC Licensing Services

I certify that this is a true copy of its original

*Andrew Griffin*

Andrew Griffin (Solicitor)  
TLT LLP  
One Redcliff Street  
Bristol BS1 6TP



**Numbers Admitted:**

To include performers, presenters, employees and customers

The number of persons admitted at any entertainment shall not exceed:

	Area or Room	Maximum Numbers	
		Seated	Dancing
Public Bar			60

<b>Total Capacity</b>	<b>60</b>
-----------------------	-----------

**3. Additional Conditions:**

These conditions are in addition to the Standard Conditions and are contained in the attached Schedule:

93

Date issued: 31 March, 2005

*AR*

---

**A Righton  
Assistant Director (Environmental Health)**

(L:/Letters/PubEnt/Licences/ID An Ent & S adcon vary)

<p>Certified a true and complete copy of the original</p> <p><b>21 JUN 2005</b></p> <p>NFDC Licensing Services</p>
--------------------------------------------------------------------------------------------------------------------

I certify that this is a true copy of its original

*Andrew Griffin*

.....  
 Andrew Griffin (Solicitor)  
 TLT LLP  
 One Redcliff Street  
 Bristol BS1 6TE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) 1982  
(AS AMENDED)**

**ANNUAL PUBLIC ENTERTAINMENT AND SPORTS ENTERTAINMENT LICENCE**

**· ADDITIONAL CONDITIONS**

**LICENCE NO: 396**

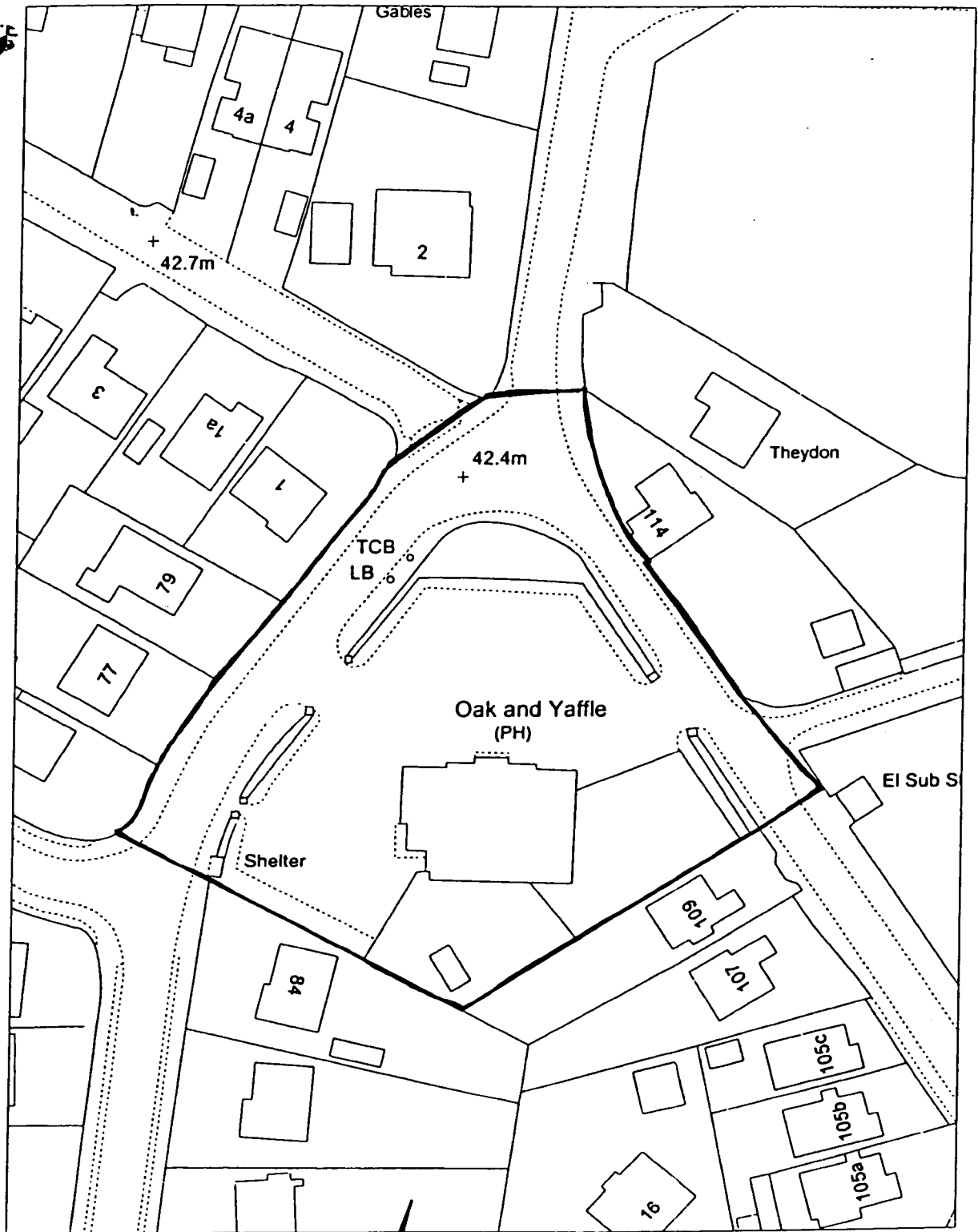
**Period for which the licence is granted                      Starting:                      01 April 2005  
Ending:                      31 March 2006**

**93. NOISE CONTROL**

93.1 In respect of each and every licensable indoor event, music noise, including vocals, emanating from the premises shall be inaudible at the boundary marked in red on the attached plan.

Certified a true and complete  
copy of the original  
  
21 JUN 2005  
  
NFDC Licensing Services

I certify that this is a true copy of its original  
.....  
Andrew Griffin (Solicitor)  
TLT LLP  
One Redcliff Street  
Bristol BS1 6TP



I certify that this is a true copy of its original

Andrew Griffin (Solicitor)

Sterling Court  
Norton Road  
Stevenage  
Herts SG1 1BT  
UK

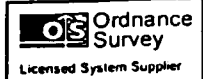
Tel: +44 (0)1438 747996  
Fax: +44 (0)1438 747997  
Email: cadcorp@cadcorp.co.uk



Cadcorp  
Certified a true and complete  
copy of the original

**cadcorp SIS**

This material has been reproduced from  
Ordnance Survey digital map data with  
the permission of the Controller of  
Her Majesty's Stationary Office  
© Crown copyright



21 JUN 2005

NFDC Licensing Services

**IN THE COUNTY OF HAMPSHIRE  
SOUTHAMPTON/NEW FOREST LICENSING COMMITTEE**

Date of Session : 4th April 2005

Permit/Licence No : 498

Liquor Type : ALL INTOXICATING LIQUOR

Licence Holders :  
**Christopher James Carpenter**  
**Michelle Jane Carpenter**

Name & Address of Premises :  
**OAK AND YAFFLE**  
**Ashley Common Road**  
**New Milton**  
**Hampshire BH25 5AN**

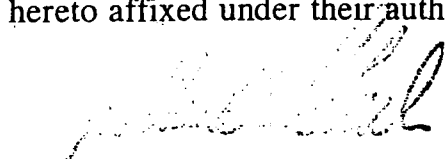
Owner : **Laurel Pub Company Limited**

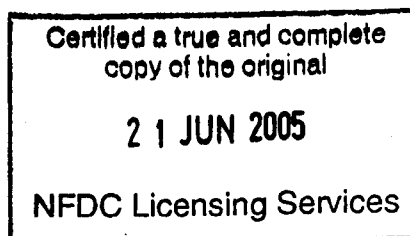
**JUSTICES' ON LICENCE**

THE LICENSING JUSTICES hereby grant by way of TRANSFER to the above applicant this JUSTICES' ON LICENCE authorising the applicant to sell by retail at the above premises, in substitution of the previous licence holder, the type of intoxicating liquor stated for consumption either on or off the premises.

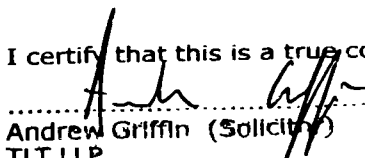
This Licence is granted subject to the conditions and undertakings (if any) endorsed below and shall have effect from the date hereof until the 4th April, 2007

Given under the official stamp of the Licensing Justices which is hereto affixed under their authority by me.

  
Clerk to the Licensing Justices'



I certify that this is a true copy of its original

  
Andrew Griffin (Solicitor)  
TLT LLP  
One Redcliff Street  
Bristol BS1 6TP



## CONDITIONS

● That part of the premises used for the sale of intoxicating liquor for consumption off the premises shall not be used for the sale or supply of such liquor for consumption on the premises.

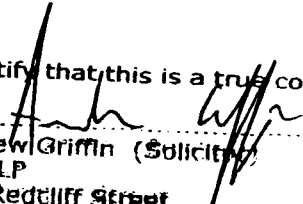
## UNDERTAKINGS

Certified a true and complete  
copy of the original

21 JUN 2005

NFDC Licensing Services

I certify that this is a true copy of its original

  
.....  
Andrew Griffin (Solicitor)  
TLT LLP  
One Redcliff Street  
BRISTOL BS1 6TP

## Tony Hetherington

---

**From:** Janet Clarke  
**Sent:** 20 June 2005 09:18  
**To:** Tony Hetherington  
**Subject:** FW: Oak & Yaffle Licensing Application

As requested

Janet

-----Original Message-----

**From:** Nicholas Elmslie [<mailto:elmslie@btinternet.com>]  
**Sent:** 17 June 2005 21:28  
**To:** Janet Clarke  
**Subject:** FW: Oak & Yaffle Licensing Application

Please can you forward this to Tony Heatherington of Licensing Services in Lyndhurst as I don't have his correct email address.  
Thank you.

-----Original Message-----

**From:** Nicholas Elmslie [<mailto:elmslie@btinternet.com>]  
**Sent:** 17 June 2005 21:19  
**To:** [tony.heatherington@nfdc.gov.uk](mailto:tony.heatherington@nfdc.gov.uk)  
**Subject:** Oak & Yaffle Licensing Application

Dear Sir,

I have just been informed by two of my neighbours that an application has been submitted for extended opening hours by the owners of the Oak & Yaffle public house. I would like to register my objection. I live at 73 Oakwood Avenue which is just out of sight of the pub. Despite being screened from the pub by trees we could hear the music when live bands played there in the past and it was of a volume that interfered with my sleep. Also the clientele do not come from the surrounding area. Having popped in there on a few occasions I can confirm that most people using this pub are not "locals" and late opening hours will only attract more customers from other pubs, possibly after they have closed. If this pub was in a vibrant town centre this might be acceptable but as it is located in a quiet residential area an influx of already partially or completely drunk people most probably driving cars is a major problem on many levels. There is the noise factor, the safety factor, and of course the potential hooligan/vandalism factor. This area is made up of mostly elderly residents and although I am 46 and not adverse to a late night out I would not expect it to be in the middle of a housing estate.

Nicholas Elmslie  
73 Oakwood Avenue  
New Milton  
BH25 5DZ

105.C. ASHLEY COMMON ROAD

NEW MILTON

26<sup>th</sup> JUNE 05

HANTS. BH 25 5AN

Dear Sir,

I am writing in response to the Application by Punch Taverns PLC for extension of Licensing hours to the Oak & Yaffle Public House in Ashley Common Rd. New Milton.

This property is situated in a total residential area, and I am one of the many retired residents who live in the immediate vicinity to it.

The prospect of people skulking, car doors slamming and accelerating rapidly away after having so called music playing up to the hours of

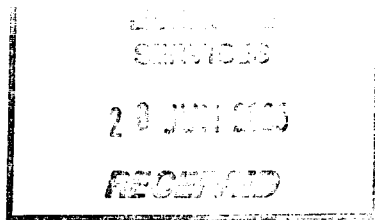
2

1-2 AM on the days stated is not one that any of us want or consider necessary.

As it is now also a requirement that you have to make a proposed purchaser aware of any nuisance when selling your property if this application is allowed it could have a detrimental effect on the value because of the very late time that noise could be created, and disturbance caused.

I trust you will give the above representation your full consideration and not allow this application, and allow us to sleep in peace.

Yours faithfully  
G. L. Carter,



Poppy Cottage  
82, Oakwood Avenue  
New Milton  
Hampshire  
BH25 5EA  
Tel: 01425 615981

Friday, 17 June 2005

Tony Heatherington  
Licensing Services  
New Forest District Council  
Appletree Court  
Lyndhurst  
Hants. SO43 7PA.

Dear Sir

Re: Extension of Licensing Hours and Entertainment Licence at the Oak and Yaffle Public House, New Milton.

I am writing to express my concern about the recent application by the Oak and Yaffle Public house to extend its opening hours and for music to be allowed until late at night.

We have lived two doors away from the public house for 17 years and have been tolerant of repeated late night noise when drinkers have been boisterous when leaving the premises. We have suffered vandalism to our garden fence; found beer glasses and bottles thrown in to our garden; and have even found drugs needles in our flower beds. We have on occasions had to call the police late at night to try to break up groups of noisy people standing in the street and encourage people to go home quietly.

We have no objection to people enjoying themselves and having a few drinks, but do object to being disturbed after we have gone to bed, or by loud music and general raucous noise when trying to have a quiet afternoon in the garden. There have been many occasions when we have laid in bed listening to and worrying about what is going on outside our front gates, often as late as midnight.

We understand the application is for extending opening hours to 23.30hrs on Mondays, Tuesdays and Wednesdays, and to 00.30hrs on Thursdays, Fridays and Saturdays, and Sundays until 23.00hrs.

We believe the live music and karaoke application is for such entertainment until midnight on Thursdays, Fridays and Saturdays, and this to be extended on all Bank Holidays until 01.00hrs.

We have grave concerns that this type of entertainment and prolonged consumption of alcohol combined will have an increased impact on our own rights for a peaceful lifestyle. The properties in the immediate vicinity are primarily bungalows, predominantly inhabited by quiet people of retirement age, some who could be deemed

vulnerable due to disability. The residential properties were all built long before the pub was built, and many of the neighbours feel this is not the right location for a pub of this sort.

Our main concerns will be for an increase in public nuisance in the form of noise from the entertainment, and noise and disturbance from clientele leaving the premises at an even later hour than they currently do. The extended hours will only encourage more alcohol consumption, which will lead to more public disorder and crime than we already have had to put up with, at an even more unsociable hour.

We have witnessed groups playing football with beer cans in the road and fighting which are clearly risks to public safety, and we have concerns for our own safety should these actions become even more out of hand and enter our gardens or properties. The repeated vandalism to the bus shelter and phone box in Oakwood Avenue outside the pub is evidence of the type of activity that occurs when people are leaving the premises having consumed too much alcohol.

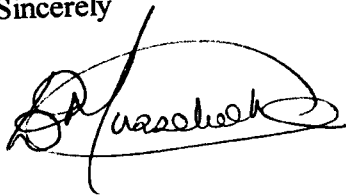
We have been concerned about vandalism to our property, as have our neighbours. Very few of the properties have garages and we have concerns about vandalism escalating to damage to our vehicles parked outside. This can only be more likely if people coming out of the pub have been drinking for longer and being in an excited state from the type of entertainment being considered.

We have on many occasions wanted to try to speak to the offending people and to pleasantly ask them to move on quietly, but have been too frightened of abuse or retribution should we identify ourselves as complaining about the activities at or outside the pub.

We understand the application will be brought before a committee for consideration, and we would be pleased to attend this meeting to discuss these views.

Please take in to consideration these comments when considering the licence applications.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'E. Musselwhite', written in a cursive style with a large loop at the end.

Mrs E. Musselwhite  
& Mr B J Musselwhite.

OAK & YAFFLE

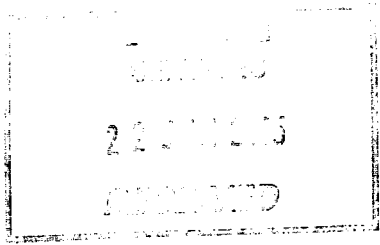
78 OAKWOOD AVE  
NEW MILTON  
HANTS  
BH25 5EA.

18/06/05

DEAR MR HEATHERINGTON

I AM WRITING THIS LETTER TO  
PROTEST AGAINST THE PROPOSED OPENING HOURS THAT THE  
OAK & YAFFLE HAVE APPLIED FOR. I HAVE LIVED HERE FOR  
20 YEARS IN THAT TIME I HAVE BOTTLES CANS ETC  
THROWN INTO MY GARDEN MY FENCE HAVE BEEN DAMAGED  
THE NOISE LATE AT NIGHT, IS NOT VERY GOOD WHEN THEY  
TURN OUT THERE IS A LOT OF ELDORLY PEOPLE LIVING NEAR  
TO THE OAK & YAFFLE THEY MUST BE TERRIFIED AT TIMES  
THIS ALWAYS HAPPENS WHEN THEY HAVE EXTENDED OPENING  
HOURS, ALSO THERE IS A FEW FAMILIES WITH SMALL  
CHILDREN I DONT NO HOW THEY GET ON AT NIGHT  
WITH THE NOISE

Yours sincerely  
David J. Jones



2. Marston Road  
NEW MILTON.

HANTS:

BH 25 5DT

19.6.05.

Dear Sir,

In respect of the application for extended hours at the Oak & Yaffle Public House, Ashley Common Road, New Milton, we strongly object, due to the noise of loud music, foul language, cars revving etc. Also last week I had two beer bottles smashed against my fence & prior to that youths pulled down part of my fence - As I understand the law, I have been of the assumption the landlord is responsible for his customers to leave in a quiet orderly manner.

Loud music & shouting can be heard above the television at times, which is most distressing, as I would like to point out we have double glazed windows - summer months we need them open!

Most of the properties surrounding the premises, were built before the public house, so therefore isn't it right, whoever is responsible for Oak & Yaffle Public House to conduct themselves in a orderly manner to suit us all!

Yours faithfully

- Names



The Brambles  
4 Woodside Lane  
Ashley  
New Milton  
Hant'  
BH25 5BN

20.6.05

Dear Sirs,

My wife & I would like to register our strong objections to the proposed variation to the Premises License of the Oak & Yaffle public house. We currently experience noisy and boisterous customers spilling out onto our local pavements at 11-30pm every Thursday, Friday and Saturday. The proposals, if granted, would move this to 12-30pm most weekends with 1-30am including Sundays on the various bank Holidays. These times might be OK for downtown Bournemouth, but they are certainly not acceptable for a quiet residential area populated by a significant proportion of elderly residents. In addition the granting of the extension would act like a magnet to hardened drinkers who have been turfed out of other public houses in the New Milton area at the end of their licensing hours. Finally I would like to express my concern at the lack of communication concerning the proposal to those residents who are likely to be affected. I thought councils had a responsibility to inform householders of any proposal which was likely to effect their residency. A public notice buried at the bottom of one local paper does not in my opinion fulfill this obligation.

Yours Sincerely  
G. Williams



cc. Councillor Alan Rice



19<sup>th</sup> June 2005

79, Oakwood Avenue  
New Milton  
Isle of Wight,  
BH 25 5DZ

New Forest District Council  
Licensing Authority  
SO 43 7PA

Ref. "Oak & Yaffle" Extended hours.

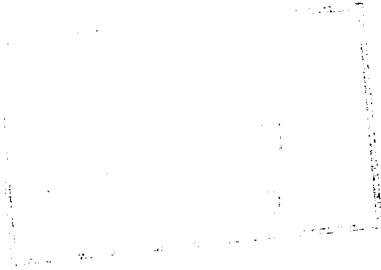
Dear Sirs,

I note with some trepidation that the "Oak and Yaffle" public house has applied for extended opening hours, I would like to take this opportunity to object to the extension of their present times for the following reasons.

- 1/ The noise and nuisance caused in and around these premises has noticeably escalated over recent months, and to have this disruption extended until even later would prove unbearable to both myself and other local residents.
- 2/ From recent unsocial activities it would appear that the present manager of this establishment is either unwilling or unable to control the behaviour of his clientele during and after his present closing times.
- 3/ The notice required to be displayed giving notice of the proposed time extensions has only been posted in the bar window, thus only being prominent to the beneficiary i.e. Pub customers.

Yours faithfully

P.E. Thompson (Mr.)



75, Oakwood Avenue,  
New Milton,  
Hants BH25 5DZ.

22nd June 2005.

Dear Mr Heathington,

Re: Oak + Yaffle Licensing Application.

I wish to object most strongly to the application for extended opening hours at the Oak + Yaffle.

This is predominately a residential area - most people being retired and usually in bed at 11-00pm to 11.30pm.

At the moment we are often disturbed by rowdiness, fighting and bottle-smashing. Not long ago we had our fencing panels damaged. This was after normal opening hours so we dread to think what it will be like if the hours are extended as applied for, when more alcohol

will have been consumed.

If the hours applied for are granted this will mean that we are disturbed possibly up to 2.30 am allowing for drinking up time.

We are horrified at this thought.

Yours sincerely

Arabella P. Hughes

Arabella Hughes.

77 Oakwood Ave  
New Milton  
BH25 5DZ

Licensing Dept  
NFOL

20<sup>th</sup> June

Dear Sirs

Oak + Yaffle Public House

I am writing to raise the strongest possible objection to the granting of an extended entertainment licence to this establishment. I live opposite.

Given the noise, nuisance, anti-social behaviours, and even violence, that residents have, and still are, suffering. I am incredulous that the present situation is allowed, let alone an extension to 3 nights a week until 12.00 midnight and unbelievably 1.00 a.m. on Bank holidays. It is incomprehensible for premises set in an otherwise entirely residential area. The kind of "entertainment" which is so loud it completely invades

your home is totally unacceptable as is the anti-social behaviour after closing time. The police have to be called regularly. The noise and type of entertainment actually offers nothing to local residents but attracts people from outside the area who impose their behaviour on our lives. We have suffered this infringement on the quality of our lives for too long. A drunk even knocked on our door one Christmas Day lunchtime seeking refuge as he had been assaulted in the pub and we had to call the police and medics. The current landlords gave the impression they would be concentrating on serving food and the noise and problems would no longer happen. This has not proved to be the case, and no control seems to be exercised.

Please log my strongest objection to this application.

Yours faithfully  
J. McNeill

(Mr. & Mrs. J. O'NEILL)

**Oakwood Cottage  
1 Woodside lane  
New Milton  
Hampshire  
BH25 5BN**

**22<sup>nd</sup> June 2005**

Licensing Services  
New Forest District Council  
Appletree Court  
Lyndhurst  
Hampshire  
SO43 7PA

Sir,

**The Oak and Yaffle, Ashley Common Road, New Milton**

I write on behalf of my husband and I to lodge our strong objections to the proposed extended licensing hours of the above named public house.

The sheer arrogance of Punch Taverns PLC to turn this pub into a late night drinking dancing disco karaoke nightclub beggars belief this pub is in the middle of a residential area who's residents are in the main retired.

Your records will clearly show that this public house under a variety of names has over the years caused huge problems to residents, noise pollution filthy language and vandalism to fences and gardens down Cull lane, Oakwood Avenue and Ashley Common Road caused by drunkenness. The last tenant was taken to court.

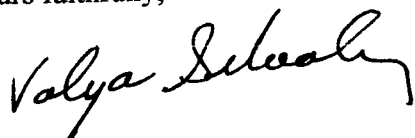
This public house changes hands regularly because it is unable to make money and therefore resorts to rowdy entertainment. It has already broken the conditions of its entertainments license presently held for Friday and Saturday nights only.

I have personally filled in two diaries for the Environmental Health Officer since the first Bank Holiday in May and last Friday they visited our home to witness the nightmare we suffer. A late night drinking establishment has no place in this otherwise peaceful location the Oak and Yaffle is already infringing on our basic human right to live in peace in our homes and gardens.

It is worth noting that whatever so called sound proofing is put in place it does not protect us from the chaos that prevails on leaving the premises waking us up in our beds.

Finally I would like you to consider very seriously the fact that those of us who do not use the pub (and that appears to apply to most residents in the immediate area) and those residents who do not buy the local paper would never have known that Punch Taverns PLC had applied to extend their licensing hours. This is treating us the council tax paying residents with absolute contempt and cannot be right. You have a statutory right to inform us of any planning applications this application and its impact on the area should be treated with the same consideration.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Valya Schooling', written in a cursive style.

Mrs Valya Schooling

cc. Councillor Alan Rice



6 Bull Lane,  
New Milton  
Hants BH25 5QG

22<sup>nd</sup> June 65

Dear Sirs,

I understand from the notice in our local paper that

"The Oak & Yaffle" public house.  
Ashley Common Road.  
New Milton. Hants.

are requesting further opening times also, additional times for bank holidays. Also live music for dancing.

It is about time Punch Taverns, realised the area is not "Bournemouth" a holiday place, but most of a retirement area on the edge of the New Forest, which people brought places to retire, & enjoy.

Their request is very out of order, with noise from parking late at night, leaving, and very high spirited noise again.

I believe they have had these objections before, so again submitting my opinion again I'm not at all for their request.

G. M. Williams. B.A. Williams

80 Oakwood Ave  
New Milton  
Hants  
23.6 - 2005

Dear Sir,

I am writing about the application for music and dancing and extended opening at the Oak and Yaffle pub.

I am 86 and live only 3 bungalows away, and the pub was built after the bungalows. This is a quiet residential area. The application should be rejected.

- 1) In the past our peace and quiet has been disturbed by people leaving the pub at night.
  - 2) Front fences have been hit and kicked.
  - 3) I think in the past the police have been called, and now more vandals will come.
- Approval will not benefit the local community but will have a negative effect on the area

Yours Faithfully,

C. A. MUMMER

CA MUMMER



MR T HEATHERINGTON  
LICENSING SERVICES  
NEW HUSLI DISTRICT COUNCIL  
MILLER COURT  
LYNDHURST

71, OAKWOOD NUR  
NEW MILTON  
HANTS  
BH25 5DZ  
28/6/05

RE OAK & YAFFRE LICENSING APPLICATION

Dear Mr Heatherington,

I wish to oppose the application  
to increase the opening hours to 11-30 Mondays/  
Tuesdays & Wednesdays to 12-30 AM Thursdays,  
Fridays & Saturdays to 11 PM Sundays also  
live music / etc Thurs / Friday / Sat until 12  
midnight or until 01,00 AM or all Bank  
Holidays including Christmas Eve or Boxing Day.  
My reasons for my objection are

- 1 PREVENTION OF CRIME & DISORDER
- 2 PUBLIC SAFETY
- 3 PUBLIC NUISANCE
- 4 PROTECTION OF CHILDREN FROM HARM

yours faithfully  
B.H. Browning

1 Marston Road  
New Milton  
Hampshire  
BH25 5DT

NFDC Licensing Authority  
Main Office  
Appletree Court  
Lyndhurst  
Hants  
SO43 7PA

24<sup>th</sup> June 2005

Dear Sir/Madam

**Re : The Oak & Yaffle Public House, Ashley, New Milton.**

My wife and I are writing to you with reference to the application made to NFDC by Punch Taverns PLC, to extend the licensing hours of the above public house.

We wish to register our objection in the strongest possible manner to any extension in the licensing hours being granted. In fact I think I can safely state that the vast majority of residents in both the immediate vicinity, and roads radiating away from the pub would be delighted to see the pub closed permanently.

We have all had to suffer from the noise generated by the pub and drunken behaviour of the 'customers' leaving the pub late at night – often well past normal closing time. In the past week alone we have been woken up on no less than 3 occasions due to the shouting and swearing of people leaving the pub. It is also fairly common to experience events such as revving car engines / squealing tyres, and drunken arguments raging in the car park and beyond – with both male and female participants! This has led to acts of violence in some instances, ranging from fights to criminal damage to property. As you can no doubt imagine this is extremely intimidating and most upsetting for residents. Unfortunately even when the police are called, the trouble makers have normally dispersed by the time the police arrive.

We have also had to endure the music generated from the pub when they have disco's or live music. This is a particular nuisance in the summer months when local people have their windows open or are trying to enjoy their gardens etc.


The pub and its choice of activities clearly attracts an undesirable element and is simply not suited to a residential area. We strongly feel that all the above problems will be made worse by extending the licensing hours – not least because it will attract even more people from other local pubs when they close.

In conclusion we would ask that you take into account the feelings of the local residents and reject any extensions to the licensing hours.

Yours faithfully



Kevin Hanrahan



Anita Hanrahan

cc NFDC Environmental Health Department

84 Oakwood Avenue  
New Milton  
Hampshire  
BH25 5EA

28<sup>th</sup> June 2005

For the attention of Mr Tony Heatherington. Licensing Services New Forest District Council

Dear Tony,

**Re Oak & Yaffle Public House. Revised Licensing Application.**

We have been made aware, by our neighbours, of the Oak & Yaffle's management's intention to apply for extended opening hours and to have LIVE MUSIC/etc.

We live immediately next door to the pub and have lived at this address since September 2001. Over the last three years there have been only a few number of instances where we have been aware of excessive noise/nuisance, normally the disturbance ceased after 11.00hrs.

Since the present management has operated the public house we have suffered excessive noise, loud music and vocal disturbances. We list below some of the specific points of complaint:

- 1 Loud music on Friday nights from early evening to 11.00hrs.
- 2 Vocal disturbances from people leaving the pub premises on Friday, Saturday and Sunday nights after 11.00hrs.
- 3 Vocal disturbance from people congregating outside the pub and our property.
- 4 Verbal abuse (including foul language) from youths congregating outside our property when asked to be quiet. This occurred most recently on Sunday 26<sup>th</sup> at 11.00 to 11.45hrs when we were unable to sleep.

The noise from the public house has increased significantly over the last few months and is now intolerable. We are concerned for our personal and property safety should we approach the groups of youths. We do not understand why we should be expected to tolerate such anti social behaviour after such a relatively reasonably co-existence with the previous public house management. We will in the future need to involve the police to control the situation.

We wish to make it clear that the current situation re above is totally unacceptable and register herewith our opposition to the proposed changes in the Oak & Yaffle public house licensing agreement.

Will you please advise the date and time of the appeal/hearing so we may attend and register our extreme concerns.

For the record our telephone contact details are as follows:

Home 01425 621003. Mobile 07979850064. Work 02389 81 0116.

Yours sincerely,

*V. Clarke*      *P.E. Clarke*  
Mr & Mrs V R & P E Clarke.

cc. Mr E Vandyck Senior Environmental Officer. New Forest District Council. Hampshire.

Chief Inspector. New Milton Police Station.

Licensing Services  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

4th July 2005

Re: Licensing Application, Oak and Yaffle Public House, Ashley, New Milton

Dear Sir/Madam,

I would like to make you aware of my strong objections to the application by the owners and Licensees of the Oak and Yaffle Public House, New Milton, for an extension to their licensing hours. My reasons for this are:

- The Oak and Yaffle is situated in a normally quiet residential area, populated in the main by OAP's and families with young children.
- The pub already produces excessive noise (music, singing, people shouting and swearing, vehicle noise) and disturbance for me and other neighbours, and has recently received a noise abatement order due to loud music/karaoke on a Friday/Weekend.
- Unfortunately, the abatement order does not seem to have reduced the noise much. For instance, just this weekend (3<sup>rd</sup> July), I could clearly hear the pool table being played on, along with very loud voices from people inside the pub shouting out through the open windows to people in the beer garden and dance music from the jukebox.  
This is a very common occurrence and is very disturbing to me – I often feel at times that I cannot use my garden due to the overwhelming noise from the pub, and I certainly think twice about inviting friends with young children over, due to the foul language from the pub situated just over the road from my property.
- After drinking up time the pub's customers leave noisily, usually shouting and singing at the tops of their voices. This is normally accompanied by car doors being opened and closed, revving of engines, and tyres screeching as the cars accelerate out of the car park. There seems to be little or no attempts by the current landlord to manage this behavior or consider his neighbours.

*Doyle's Cottage  
114 Ashley Common Road, New Milton, Hampshire, BH25 3JX  
Tel: 0125615510*

- There has been an increase in visible aggressive behaviour at the pub since the new landlords took over, both during hours and when people are leaving. Again, the landlord seemingly makes little or no attempt to manage or stop this, and on a number of occasions it has been left to local residents (myself included) to call the police. This behaviour causes extreme anxiety to the neighborhood, especially to the older people or those with young children.
- I understand from speaking with other residents that there has been an increase in the level of drug use/dealing around the pub area.

As you can see, even with the current licensing hours there are significant problems associated with this public house, and to grant an extension would be disastrous.

I understand that extensions to licensing hours may be appropriate for "town/city" pubs where nightclubs are available and are in competition. However, The Oak and Yaffle is not a town/city pub – it is in a quiet residential area, on the edge of the New Forest.

To grant permission for drinking, music, karaoke & dancing up until midnight (with drinking up time and people leaving into the early hours of the next day), would turn the pub into the equivalent of a nightclub - this is wholly inappropriate for the area and would exacerbate an already existing problem.

If you require any further information please do not hesitate to contact me.

Yours faithfully



Sean Sillick



F.A.O: MR TONY HEATHERINGTON  
LICENSING SERVICES  
NFDC.

65 Oakwood Avenue  
New Milton  
Hampshire  
4 July 2005

Dear Sir,

We are writing about the new licensing applications and request to extend the opening hours at the Oak and Yaffle public house in Oakwood Avenue, New Milton.

We like many of our neighbours in Oakwood Avenue are elderly, there are no young people living in the area. It would not be right to approve these applications.

In the past sleeping people have been woken up, fences damaged and rubbish thrown into gardens by people leaving the public house.

On 24 and 25 of June people were woken up by a noisy group leaving the public house after 11.40 pm.

There was some noise after 11.00 pm on 29 June

On 2 July there was a lot of noise after midnight and we understand a neighbour telephoned the police to tell them of the disturbance occurring.

The granting of these applications will increase the risk of these events occurring

Yours faithfully,

*C M Lane*

*B O Lane*

**G. D. & H. Standring**

109, Ashley Common Rd.,  
New Milton,  
Hants.  
BH25 5AN

Tel. 01425 611969

6<sup>th</sup> July 2005

Dear Sir,

**Variation to the Premises Licence under the 2003 Licensing Act in respect of**  
**The Oak and Yaffle Public House, Ashley Common Road, New Milton BH25 5AN**

Yesterday my wife and I returned from a holiday in France to find that the above application has been made by Punch Taverns PLC.

As next door neighbours to this Public House, we must object most strongly to this application to increase the hours of opening and the extension of the music and dancing Licence.

At present, particularly in the summer months when doors and windows are open, the noise from the Oak and Yaffle is totally unacceptable. Often it is necessary for us to turn up the television sound so that programmes can be heard above the noise from the pub. In particular, after 11.20 pm when the Oak and Yaffle closes, the noise and often drunken behaviour of some of the customers as they leave is also unacceptable.

However, at the moment, we can at least expect to be able to get to sleep after 11.20pm. If this application for extension of the opening hours for the sale of alcohol and in particular, for karaoke, live music and dancing on Thursdays, Fridays, Saturdays and Sundays is granted, then life for us and all the neighbours will become intolerable. It will mean that we will be lucky to get to sleep before 1.00 am.

In recent weeks, the noise has increased markedly at the weekends from the karaoke and live dance bands. Complaints have been made by neighbours to Edward Vandyke, the Senior Environmental Health Officer for the New Forest District Council as well as to our local County Council Member.

Whilst recognising that the licensees of the Oak and Yaffle have to make a living, this should not be at the expense of those living in the immediate area. This is after all a residential area.

We trust that this objection, together with others that we understand have been submitted, will cause this Variation to be rejected.

Yours faithfully,



G. D. Standring

Tony Heatherington  
Licensing Officer  
NFDC  
Appletree Court  
Lyndhurst  
SO43 7PA

107, Ashley Common Road,  
Ashley  
New Milton,  
Hampshire,  
BH25 5AN

7<sup>th</sup> July 2005

New Forest District Council Licensing Authority,  
Appletree Court,  
Lyndhurst,  
Hampshire SO43 7PA

**Re:- Application for extension of opening hours for The Oak & Yaffle Public House New Milton**

Dear Sirs,

With reference to the notice by TLT Solicitors for the application for extensions by Punch Taverns Plc in respect of The Oak & Yaffle Public House.

The Oak and Yaffle Public House is in the middle of a residential area and many if not most of the nearest residents are retired pensioners.

For such extensions as are requested to be profitable for the owners and / or managers of the Oak and Yaffle Public House it will clearly result in an increase in noise by the party goes as they get into cars ; close doors ; start engines and drive away at what clearly looks like between 1:00 a.m. and 2:00 a.m. This increase in noise will clearly disturb the local residents.

I am unsure as to whether this request for a permanent extension has been initiated as part of a block action by Punch Taverns. If so it looks like it is without the area or regional team knowing the local situation and on this ground should be rejected.

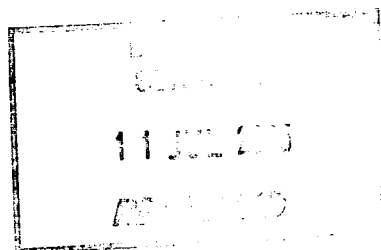
As one of the nearest residents I am very upset that the only way I have been notified is by a notice hidden in the local paper and the local managers / licence's have not had the politeness to contact the very nearest residents directly , even by a letter posted through our doors , to say that such an application is being made.

I believe that this application is for the wrong premises in the wrong location and should be rejected.

I look forward to the local managers / licence's of the Oak and Yaffle Public House informing the local residents directly of the failure of this application and in future communicating directly with the local residents about future applications for extensions or change of use.

Yours Faithfully

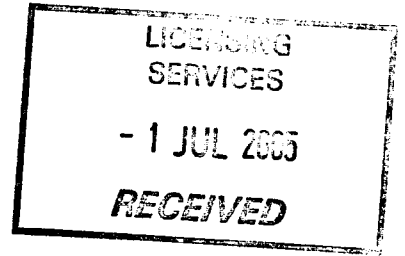
D. R. Bywater



cc. Oak & Yaffle

New Forest District Council  
 Licensing Committee  
 Appletree Court  
 LYNDHURST  
 Hampshire

22<sup>nd</sup> June 2005



CULL LANE RESIDENTS

We the following residents of Cull Lane wish to strongly object to the application to extend licensing hours at the Oak and Yaffle Public House on Thursdays, Fridays, Saturdays, Sundays, Bank Holidays, Christmas Day and Boxing Day etc.

We are in the close vicinity of this Public House and most of the residents are retired and wish to live in a quiet environment. We already have considerable noise and vandalism at closing time and this would greatly increase if the hours were extended.

We urge you to consider the quality of life of the people who live in the surrounding residential area.

Punch Taverns plc must be aware that this is an elderly residential area and not appropriate for this application.

<u>NAME</u>	<u>ADDRESS</u>
P. LOVELESS <i>P. Loveless</i>	1A CULLANE N.M.
Y. CADDICK <i>Y. Caddick</i>	3 ✓ ✓
T. CADDICK <i>T. Caddick</i>	3 ✓ ✓
<i>Shirley Parkes</i> S.M. PARKES	4 Cull Lane, New Milton.
<i>D. Parkes</i> D. PARKES	" " " "
<i>Mary Williams</i> B.A. Williams	6 Cull Lane, New Milton
R. O'NEILL <i>R. O'Neill</i>	10. CULL LANE
D O'DELL <i>D O'Dell</i>	14 Cull Lane
B. C. MORRIS <i>B. C. Morris</i>	14 CULL LANE
<i>C. B. Boushey</i>	16. Cull Lane
<i>Lyndia Mason</i>	16 Cull Lane.

New Forest District Council  
Licensing Committee  
Appletree Court  
LYNDHURST  
Hampshire

22<sup>nd</sup> June 2005

CULL LANE RESIDENTS

We the following residents of Cull Lane wish to strongly object to the application to extend licensing hours at the Oak and Yaffle Public House on Thursdays, Fridays, Saturdays, Sundays, Bank Holidays, Christmas Day and Boxing Day etc.

We are in the close vicinity of this Public House and most of the residents are retired and wish to live in a quiet environment. We already have considerable noise and vandalism at closing time and this would greatly increase if the hours were extended.

We urge you to consider the quality of life of the people who live in the surrounding residential area.

Punch Taverns plc must be aware that this is an elderly residential area and not appropriate for this application.

NAME

ADDRESS

RS Dinsley	22 Cull Lane New Milton.
Mr & Mrs Gealey	24 Cull Lane New Milton
MR & MRS MITCHELL	26 CULL LANE NEW MILTON
MR & MRS PHILLIPS	23 CULL LANE NEW MILTON
Mr & Mrs ROBE	21A CULL LANE NEW MILTON
Mr & Mrs THORNTON	19 CULL LANE NEW MILTON
MRS WARDEN	17 CULL LANE NEW MILTON
Ruth Cutchley	15 Cull Lane New Milton.
MR & MRS B. NEWELL	13 CULL LANE NEW MILTON
M. P. ADAMS.	4A Cull Lane. New Milton.
J. B. LAWFORD.	7 Cull Lane. New Milton
Prof. Humphreys	9 CULL LANE.
E. Z. GLARK	5 CULL LANE.
J. Z. GLARK	

New Forest District Council  
 Licensing Committee  
 Appletree Court  
 LYNDHURST  
 Hampshire

22<sup>nd</sup> June 2005

CULL LANE RESIDENTS

We the following residents of Cull Lane wish to strongly object to the application to extend licensing hours at the Oak and Yaffle Public House on Thursdays, Fridays, Saturdays, Sundays, Bank Holidays, Christmas Day and Boxing Day etc.

We are in the close vicinity of this Public House and most of the residents are retired and wish to live in a quiet environment. We already have considerable noise and vandalism at closing time and this would greatly increase if the hours were extended.

We urge you to consider the quality of life of the people who live in the surrounding residential area.

Punch Taverns plc must be aware that this is an elderly residential area and not appropriate for this application.

NAME

ADDRESS

*[Handwritten signatures]*

TF LCA.  
 REYNOLDS

5<sup>B</sup> Cull Lane.  
 5<sup>B</sup> " "

*[Handwritten signature]*

E. CARTER

5A " "

*[Handwritten signature]*

J.E.S. BROOKES

WOODLANDS, 20, CULL LANE

T. MICHELL

SKIPPETS 12. Cull Lane

J. ROOKE

" " " " "

E.E. WOOD

12A Cull Lane.

A. THOMAS

A. THOMAS 3 CULL LANE

*[Handwritten signature]*

C. THOMAS

— " —

To:	All Responsible Authorities under the Licensing Act 2003
Our Ref:	SW\PREM\CONV-DPS-VAR\06-2005\096\Oak & Yaffle
Date:	21 Jun 2005
<b>Application Type:</b>	<b>Premises - Conversion &amp; Specification DPS &amp; Variation (Transition)</b>
<b>Premise Details:</b> (If Relevant)	<b>Oak &amp; Yaffle Ashley Common Road New Milton Hampshire BH25 5AN</b>
<b>Applicant Details:</b>	<b>Punch Taverns Plc Jubilee House Second Avenue Burton upon Trent Staffordshire DE14 2WF</b>

### LICENSING ACT 2003

### CONSULTATION

I should be pleased if you will assess the application and, if after due consideration, you wish to make representation you must advise the Council of the details of that representation by no later than **11/07/2005**.

If we do not hear from you by that date we will assume you do not wish to offer a representation and continue with the licence application process.

Response:

We wish to object to the above application on the grounds of existing and likely noise nuisance from the operation of this establishment - S80 EPA has been served on 23 June 2005, for noise nuisance (from 'activity' and amplified music and voice).

# **Abatement notice for a statutory nuisance**

## **New Forest District Council**

### **Abatement notice**

#### **Made under section 80 of the Environmental Protection Act 1990**

To: Punch Taverns, Jubilee House, Second Avenue, Burton upon Trent,  
Staffordshire, DE14 2WF

#### **Take Notice that**

1 The New Forest District Council ('the Council') is satisfied that a statutory nuisance is likely to occur or recur under Section 79(1) (g) of the Environmental Protection Act 1990 from the premises at The Oak & Yaffle Ashley Common Road, New Milton, BH25 5AN

2 This Abatement Notice is served on you because you are the owner or the occupier of the premises.

#### **What you are required to do**

3 You are required to: abate the nuisance forthwith

#### **What happens if you fail to comply with this Notice**

4 If, without reasonable excuse, you contravene or fail to comply with any requirement or prohibition imposed by this notice, you will be guilty of a criminal offence under Section 80(4) of the Environmental Protection Act 1990. You will be liable on conviction to a fine not exceeding level 5 on the standard scale, and will be liable to a further fine for each day on which the offence continues after the conviction. If the offence is committed on industrial, trade or business premises, you will be liable on conviction for a fine of up to £20,000.

5 If the Council considers that these criminal proceedings would afford an inadequate remedy, it may take proceedings against you in the High Court for securing the abatement, prohibition or restriction of the nuisance.

6 Whether or not the Council takes proceedings for this offence under Section 80(4) of the Environmental Protection Act 1990, it may abate the



nuisance itself and do whatever may be necessary in execution of the notice if you fail to comply with the notice. Any expenses incurred in doing so may be recovered by the Council from you.

### **Your right to appeal**

7 You may appeal against this notice to a Local Magistrate's court within 21 days, beginning with the date of service of this notice. Please refer to the relevant Regulations, which are reproduced at the end of this form.

### **The effect of this notice if you appeal**

8 The Notice will not be suspended in the event of an appeal being brought. Regulation 3(2) of the Statutory Nuisance (Appeals) Regulations 1995 applies to this Notice as the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

Dated: 23 June 2005

Signed: .....

E Vandyck  
Senior Environmental Health Officer.  
(Authorised Officer)

Any communications with the Council regarding this notice should be made to New Forest District Council, Appletree Court, LYNDHURST, Hampshire S043 7PA

**The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-**

**Appeals under section 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("The 1990 Act")**

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates-
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.
  - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
    - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
    - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
  - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
  - (h) that the abatement notice should have been served on some person instead of the appellant, being-
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being-
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also owner of the premises, or
    - (iii) a person who is also an occupier of the premises, or
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may-
- (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
  - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

**Suspension of notice**

3. - (1) Where-
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
  - (b) either-
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met
- the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where-
- (a) the nuisance to which the abatement notice relates-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice-
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Punch Taverns  
Jubilee House  
Second Avenue  
Burton upon Trent  
Staffordshire DE14 2WF

My Ref: 05/00995/PN8

Your Ref:

23 June 2005

FOA Company Secretary

Dear Sir

**Environmental Protection Act 1990 Section 80**

**Abatement Notice**

**Noise Nuisance From Activity at The Oak & Yaffle, Ashley Common Road, New Milton**

I write following the visit on 20<sup>th</sup> June by myself and my colleague Geoff Nunn, when we met with Jeffery Dunn of Punch Taverns and Mr and Mrs Carpenter, landlords.

We discussed the current complaints of noise, and the application for a variation of the current Public Entertainments License, under the Licensing Act 2003. We discussed some of the available options to address the problem, and a noise report produced a few years ago which may serve as a useful starting point now.

I can confirm that following our monitoring visit on the previous Friday, this Authority believes that a Statutory Nuisance is being caused by evening events at the Oak and Yaffle, principally from amplified music and voice, as well as from patrons in the car park. Late in the evening on Friday singing and music from the pub could be clearly heard at and inside nearby properties, as could shouting from people in the beer garden.

The pub is currently subject to the 'red line' licensing condition. I can also confirm that it is clear that the current PEL condition has not been complied with. I would recommend that the red line provides the basis for the measures that you now need to take.

Accordingly, please find enclosed a statutory notice requiring that the noise nuisance is abated. This notice is being served on the landlords and Punch Taverns.

Contravention of such a Notice is likely to result in prosecution in the Magistrates Court, with a fine of up to £5,000 on conviction (in the case of a business premises, up to £20,000) and a daily penalty of up to £500 for each day the offence continues after conviction.

Should you wish to lodge a formal appeal against the Notice, you should contact the Southampton and New Forest Magistrates Court at 100 The Avenue, Southampton, within 21 days of service of the Notice.

Should you wish to discuss the matter further, please contact me at the numbers below.

Yours sincerely

Edward Vandyck  
Senior Environmental Health Officer  
Environmental Protection

Tel: 023 80285160

Fax: 023 80285127

Email: [edward.vandyck@nfdc.gov.uk](mailto:edward.vandyck@nfdc.gov.uk)

Cc The Licensing Officer, New Forest District Council, Appletree Court, Lyndhurst