

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: THE BELL INN HOTEL, BROOK

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on 6 September 2005**

1. Members of the Licensing Sub-Committee

Councillor W H Dow – Chairman
Councillor J M Hoy
Councillor S S Wade

2. Parties and their Representatives attending the Hearing

Mr Baker – for the applicant

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mr B Offord

5. Officers attending to assist the Sub-Committee

Ms J Mutlow - Solicitor
Mrs M Dunsmore – Committee Administrator

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

E. Live music*:

Limited to 12 events per calendar year + New Years Eve as follows:

Indoors - 6 events per calendar year. These events shall be limited to the hours between 19.00 and 00.00. The premises will be closed to non-residents at 00.30 hours on these occasions.

Outdoors - 6 events per calendar year. These events shall be unamplified and limited to the hours between 12.00 and 21.30. The premises will be closed to non-residents at 23.30 hours on these occasions.

New Years Eve - the permitted hours shall be extended to 01.30 hours on New Years Day and restricted to indoors.

- F. Recorded music*:
Limited to 12 events in total per calendar year + New Years Eve.

12 events - these events shall be limited to the hours between 19.00 and 00.00. The premises will be closed to non-residents at 00.30 hours on these occasions.

New Years Eve - the permitted hours shall be extended to 01.30 hours on New Years Day.

- H. Anything of a similar description to that falling within E. F. or G:
Limited to 3 events per calendar year. These events shall be limited to the hours between 09.00 and 23.00 hours.

- J. Provision of facilities for dancing*:
Limited to 12 events per calendar year. Such events shall be limited to the hours between 19.00 and 00.00.

*These events shall coincide with the 6 indoor events permitted under section E above and the 12 events permitted at F above and shall not be in addition to them, making the total number of such events 18 per calendar year.

- K. Provision of facilities for entertainment of a similar description to that falling within I. or J:
Limited to 3 events per calendar year. These events shall be limited to the hours between 09.00 and 23.00 hours

- M. Supply of alcohol**:
Monday 11.00 to 01.00
Tuesday 11.00 to 01.00
Wednesday 11.00 to 01.00
Thursday 11.00 to 01.00
Friday 11.00 to 01.00
Saturday 11.00 to 01.00
Sunday 11.00 to 01.00

** There will be no sale of alcohol to non-residents after 23.00 hours except on the occasions of the 6 licensed indoors events permitted at E., the 12 licensed events permitted at F. and the 12 licensed events permitted at J. when the supply of alcohol to non-residents will be permitted until 00.00. There will be no sale of alcohol to non-residents after 23.00 hours other than on the 18 occasions mentioned at sections E. F. and J above.

Mandatory conditions:

As provided in the Licensing Act 2003

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties and in particular the amendments proposed by the Applicant.

All but one objector had formally withdrawn their objection based on amendments to the application proposed by the applicant and reflected in the decision set out above.

The Sub-Committee considered the suggested amendments to the application (as originally submitted) broadly dealt with the concerns raised by the one remaining Objector. It further considered that the limitations proposed on the supply of alcohol to non- residents would further ameliorate concerns.

In light of the information provided by the Applicant relating to the typical usage and times of usage of the premises, it did not consider that extending the hours of licensable activities on a limited number of occasions a year was unreasonable.

As most of the points raised were speculative the Sub-Committee did not consider that these were relevant. Should a statutory nuisance in the future be established, action could be taken under the appropriate statutory regimes including the Environmental Protection Act.

As the Applicant was proposing little more than he currently benefited from under the current licensing regime, the Sub-Committee was of the view that granting the revised application was not inconsistent with the licensing objectives.

Date 6 September 2005

Licensing Sub-Committee Chairman: Cllr W H Dow

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Decision noted to interested parties on 9 September 2005