

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: TRAVELLERS REST, HART HILL, HYTHE

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday 19 September 2005 at 11.15am.**

1. Members of the Licensing Sub-Committee

Councillor Dow - Chairman
Councillor Hutchins
Councillor Walmsley

2. Parties and their Representatives attending the Hearing

Mr Brian & Mrs Andrea Morrison – applicants
Ms Lisa Meadows - Manager

Objectors:
Mr Martin Cox
Mr Peter Strand
Mrs Joan Beattie

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mrs Marilyn Cox
Mrs H Thorpe
Mr B Ryder

5. Officers attending to assist the Sub-Committee

Mrs N Heaselden – Legal Advisor
Ms K Mason – Committee Administrator

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

- C. Indoor Sporting Events
 - Monday 19.00 to 00.00
 - Tuesday 19.00 to 00.00
 - Wednesday 19.00 to 00.00
 - Thursday 19.00 to 00.00
 - Friday 19.00 to 00.00
 - Saturday 19.00 to 00.00
 - Sunday 19.00 to 00.00

- E. Live music: indoors
 - Monday 19.00 to 22.30
 - Tuesday 19.00 to 22.30
 - Wednesday 19.00 to 22.30
 - Thursday 19.00 to 22.30
 - Friday 19.00 to 22.30
 - Saturday 19.00 to 22.30
 - Sunday 19.00 to 22.30

- E. Live Music: outdoors
 - Monday 12.00 to 21.30
 - Tuesday 12.00 to 21.30
 - Wednesday 12.00 to 21.30
 - Thursday 12.00 to 21.30
 - Friday 12.00 to 21.30
 - Saturday 12.00 to 21.30
 - Sunday 12.00 to 21.30

- F. Recorded music: Indoors
 - Monday 19.00 to 22.30
 - Tuesday 19.00 to 22.30
 - Wednesday 19.00 to 22.30
 - Thursday 19.00 to 22.30
 - Friday 19.00 to 22.30
 - Saturday 19.00 to 22.30
 - Sunday 19.00 to 22.30

- F. Recorded Music : Outdoors
 - Monday 12.00 to 21.30
 - Tuesday 12.00 to 21.30
 - Wednesday 12.00 to 21.30
 - Thursday 12.00 to 21.30
 - Friday 12.00 to 21.30
 - Saturday 12.00 to 21.30
 - Sunday 12.00 to 21.30

- I. Provision of facilities for music : indoors
 - Monday 19.00 to 22.30
 - Tuesday 19.00 to 22.30
 - Wednesday 19.00 to 22.30
 - Thursday 19.00 to 22.30
 - Friday 19.00 to 22.30
 - Saturday 19.00 to 22.30
 - Sunday 19.00 to 22.30

- I. Provision of facilities for music: outdoors
 - Monday 12.00 to 21.30
 - Tuesday 12.00 to 21.30
 - Wednesday 12.00 to 21.30
 - Thursday 12.00 to 21.30
 - Friday 12.00 to 21.30
 - Saturday 12.00 to 21.30
 - Sunday 12.00 to 21.30

- J. Provision of facilities for dancing: indoors
 - Monday 19.00 to 22.30
 - Tuesday 19.00 to 22.30
 - Wednesday 19.00 to 22.30
 - Thursday 19.00 to 22.30
 - Friday 19.00 to 22.30
 - Saturday 19.00 to 22.30
 - Sunday 19.00 to 22.30

- L. Late night refreshment: indoors
 - Monday 23.00 to 00.00
 - Tuesday 23.00 to 00.00
 - Wednesday 23.00 to 00.00
 - Thursday 23.00 to 00.00
 - Friday 23.00 to 00.00
 - Saturday 23.00 to 00.00
 - Sunday 23.00 to 00.00

- M. Supply of alcohol: on and off the premises
 - Monday 11.00 to 00.00
 - Tuesday 11.00 to 00.00
 - Wednesday 11.00 to 00.00
 - Thursday 11.00 to 00.00
 - Friday 11.00 to 00.00
 - Saturday 11.00 to 00.00
 - Sunday 12.00 to 00.00

Non Standard Hours

Part C

The licensable activities permitted under Part C shall be extended as follows:

- a) On the Friday, Saturday and Sunday of a bank holiday weekend and Christmas Day and Boxing Day the permitted hours will be extended for a further hour until 01.00

Part E,F,I and J

The Licensable activities permitted in Part E,F,I and J shall only take place on a maximum of 24 occasions per annum and limited to 2 occasions per month. Written notice will be given to the council and the police at least 10 working days prior to any Live Music event permitted under part E taking place

Part L

The licensable activities permitted under Part L shall be extended as follows:
On the Friday, Saturday and Sunday of a bank holiday weekend and Christmas Day and Boxing Day the permitted hours will be extended for a further hour until 01.00

Part M

The licensable activities permitted under Part M shall be extended as follows:

- a) On the Friday and Saturday of a bank holiday weekend the permitted hours will be extended for a further hour until 01.00
- b) On the Sunday of a bank holiday weekend the permitted hours will be extended to be from 11.00 to 01.00
- c) On Christmas day and Boxing day the permitted hours will be extended to be from 11.00 to 01.00

Occasional events

On 12 further occasions the licensable activities permitted under parts C, L and M shall be extended to be from 11.00 to 01.00. Written notice will be given to the council and the police at least 10 working days prior to any occasional event taking place

On these occasions the permitted hours that the premises shall be open to the public under part O shall be extended to 01.30

Hours premises to be open to the public

Monday 11.00 to 00.30
Tuesday 11.00 to 00.30
Wednesday 11.00 to 00.30
Thursday 11.00 to 00.30
Friday 11.00 to 00.30
Saturday 11.00 to 00.30
Sunday 11.00 to 00.30

Non-standard hours

- a) On the Friday, Saturday and Sunday of a bank holiday weekend and on Christmas and Boxing day, the premises will be permitted to be open to the public for a further hour until 01.30 hours.

Mandatory conditions:

As provided in the Licensing Act 2003

Other Conditions

- a) The Licence holder or the designated premises supervisor shall receive and respond to complaints throughout the duration of the regulated entertainment between the hours of 21.00 and 23.00 music (amplified and acoustic) and noise from amplified speech emanating from the premises shall be inaudible at the boundary of any noise sensitive premises.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties.

It was noted that the Premises was not a drinking establishment as such but was rather a restaurant orientated pub. They took into account that the applicants had made the premises into a tasteful and upmarket establishment and that they had no desire to change that.

The Sub-Committee considered the objections and noted that, whilst understandable concerns were raised, most were speculative in that they acknowledged that few problems occurred at present but they were concerned as to the future.

Representations were broadly concerned with the possibility that if there were a change of ownership in the future this could present problems. The Sub-Committee considered that conditions should be imposed requiring measures to ameliorate noise, as set out in the decision and are satisfied that these conditions will overcome the concerns of the objectors, bearing in mind there is no history of formal complaints about noise from the premises. Should a statutory nuisance be established in the future action will be taken under the Environmental Protection Act.

There were no relevant representations made in respect of part P. of the application to remove the embedded restrictions as set out therein and therefore this part of the application is granted.

Date 19.09.05

Licensing Sub-Committee Chairman Cllr Dow.

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Decision noted to interested parties on 21 September 2005