

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: THOMAS TRIPP, STANFORD ROAD, LYMINGTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Monday, 19 September 2005 at 6.00 p.m.**

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**1. Members of the Licensing Sub-Committee**

Councillor J Penwarden - Chairman  
Councillor R C H Hale  
Councillor M S Wade

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**2. Parties and their Representatives attending the Hearing**

Mr J S Burdge – Applicant  
Mrs U Sullivan – called as a witness by the Applicant

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

Mr W P Andreae-Jones - Objector

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**5. Officers attending to assist the Sub-Committee**

Ms J Mutlow – Legal Advisor  
Mrs M Dunsmore - Clerk

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**6. Decision of the Sub-Committee**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

- M. Supply of alcohol:  
Monday 08.00 to 01.00  
Tuesday 08.00 to 01.00  
Wednesday 08.00 to 01.00  
Thursday 08.00 to 01.00  
Friday 08.00 to 01.00  
Saturday 08.00 to 01.00  
Sunday 08.00 to 01.00

**Hours premises to be open to the public**

Monday 08.00 to 01.30  
Tuesday 08.00 to 01.30  
Wednesday 08.00 to 01.30  
Thursday 08.00 to 01.30  
Friday 08.00 to 01.30  
Saturday 08.00 to 01.30  
Sunday 08.00 to 01.30

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

1. The current permitted hours, standard and special conditions on the public entertainment licence will not be removed and will be transferred to the new licence.
2. The garden will be clear of patrons by 23.30 hours each day.

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**7. Reasons for the Decision**

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

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance and anti-social behaviour. However, they noted that no objections to the application for increased opening hours had been made by the Police or the Environmental Health Department did not raise any objections to the variation.

The Sub-Committee considered that permitting a slightly longer period for licensable activities would enable customers to emerge from the premises at a more gradual rate. It further considered that this would reduce the concentrated effect of noise likely to arise when numbers of people leave the premises at the same time and this would promote the licensing objective relating to the prevention of public nuisance.

The Sub-Committee also considered the concerns raised about noise arising from patrons using the garden. It took the view that this could be adequately dealt with by the imposition of a condition as detailed in this decision notice. Should problems occur in the future then interested parties or responsible authorities had the option to apply for a review of the licence. Additionally, there were other statutory regimes, such as the Environmental Protection Act that could be invoked should a statutory nuisance occur in due course.

Whilst it noted the point raised in relation to disturbance in Queens Street there was no substantive evidence to show that such disturbance emanated from patrons leaving the Thomas Tripp.

Finally the Sub-Committee were impressed by the presentation given by the Applicant and were confident in the fact that this was a well-managed premises.

**Date: 19 September 2005**

**Licensing Sub-Committee Chairman: Cllr J Penwarden**

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**Decision noted to interested parties on 21 September 2005**