

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Mill House, Romsey Road, Lyndhurst

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday 20 December 2005 at 9.30am**

1. Members of the Licensing Sub-Committee

Councillor J A G Hutchins – Chairman
Councillor Mrs B Smith
Councillor P R Woods

2. Parties and their Representatives attending the Hearing

Mr R Ullman, Mill House Inns Ltd – Applicant
Ms M Morley – Representing the premises supervisor

Objectors:
Mr P and Mrs A Penfold
Mrs M Boswell
Mr L W Hall
Mr C D Gorman

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr R F Gilley – represented by Mr C D Gorman

5. Officers attending to assist the Sub-Committee

Mrs N Heaselden – Legal Advisor
Mrs M Dunsmore - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

- E. Live music: Indoors
Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

- F. Recorded music: Indoors
Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

- I. Provision of facilities for music: Indoors
Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

- J. Provision of facilities for dancing: Indoors
Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

- 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 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

Non Standard Hours

The licensable activities listed above at sections C.E. F. I. J and M. shall be permitted to commence on New Year's Eve from the times stated above to the end of permitted hours on New Years Day.

The licensable activities at section L shall be permitted to commence on New Years Eve at 23.00 hours until 05.00 on 1st January.

Each of the above mentioned licensable activities shall be permitted for a further additional hour on the following days:

- (a) on the Thursday of the Easter Bank holiday weekend until 01.00
- (b) on the Sunday of a bank holiday weekend until 01.00
- (c) on each Friday and Saturday of a bank holiday weekend until 01.00 (the morning following)

Hours premises to be open to the public

Monday 10.00 to 00.30
Tuesday 10.00 to 00.30
Wednesday 10.00 to 00.30
Thursday 10.00 to 00.30
Friday 10.00 to 00.30
Saturday 10.00 to 00.30
Sunday 10.00 to 00.30

Non-standard hours

The premises are permitted to be open: -

- a) on the Thursday of the Easter Bank holiday weekend until 01.30
- b) on each Friday and Saturday of a bank holiday weekend until 01.30 (the morning following)
- c) on the Sunday of a bank holiday weekend until 01.30
- d) on New Year's Eve from the permitted times stated above until half an hour after the end of permitted hours on New Years Day .

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions

- The licensee or nominated representative will receive and respond to complaints within a reasonable period of time.
- The air conditioning system and the cooking extraction system will be switched off when not required.
- The air conditioning and cooking extraction system, when switched on, shall not be audible at the boundary of any noise sensitive premises between 23.00 and 07.00 hours*.
- The disposal of refuse into outdoor storage receptacles will not take place between 23.00 – 07.00 hours.

- Arrangements will be put in place to ensure that waste collection contractors do not collect refuse between 19.00 – 07.00 hours.
- Arrangements will be put in place to ensure that deliveries of consumables will not take place between the hours of 19.00 – 07.00 hours.
- So as to minimise disturbance to local residents late at night, staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises.
- At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.
- The License holder or nominated representative shall receive and respond to complaints throughout the duration of the regulated entertainment.
- After 23.00 hours any music noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.
- Prior to 23.00 hours music noise emanating from the premises whilst audible, shall be so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises *.
- The use of the garden by customers shall cease at 23.00 hours.

* Noise sensitive premises shall include premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), places of worship (during recognised times and days of worship) and any other premises used for any other purpose likely to be affected by the music noise.

7. Reasons for the Decision

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

The Sub-Committee noted that there is currently a good relationship between the Mill House and the local residents, which was voiced by both the applicant and the objectors who attended the hearing. The objectors points were noted in relation to their fear that an extension of hours would increase any noise nuisance but also took into account the applicants intention to not change the way the Mill House was currently run. The applicant emphasised there was no intention to increase the frequency of entertainment to more than is currently provided at the establishment.

Subject to the Applicant agreeing to certain conditions the Environmental Health Department did not raise any objections to the variation. In light of the above, the Sub-Committee considered that it would be consistent with the licensing objectives if the application were largely granted.

The Sub-committee noted the application for an extension on bank holiday weekends. Careful consideration was given to this point as it was accepted that the Mill House would wish to cater for holiday makers over a long bank holiday period, however members felt that on balance the concerns of the residents were prevalent and where the next day was a working day no extension to hours should be permitted.

Date: 20 December 2005

Licensing Sub-Committee Chairman: Cllr J A G Hutchins

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Decision notified to interested parties on 20.12.05