

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Charcoal Grill, Rumbridge Street, Totton**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Thursday, 20 August 2009 at 10.00am**

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

Councillor Woods - Chairman  
Councillor Mrs McLean  
Councillor S Wade

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

Mr Garabette - Representative for the Applicant

Objectors:  
Mr Pike & Mr Ball (representing Mr Pike)  
Mr Biggs, Totton & Eling Town Council

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

Mr Ozgul - Applicant  
Mr & Mrs Read - Objectors

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

Edward Williams – Legal Advisor  
Melanie Stephens- 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:**

L: Late night refreshment

Monday 23.00 to 24.00  
Tuesday 23.00 to 24.00  
Wednesday 23.00 to 24.00  
Thursday 23.00 to 24.00  
Friday 23.00 to 01.00  
Saturday 23.00 to 01.00  
Sunday 23.00 to 24.00

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

Monday 16.00 to 24.00  
Tuesday 16.00 to 24.00  
Wednesday 16.00 to 24.00  
Thursday 16.00 to 24.00  
Friday 12.00 to 02.30  
Saturday 12.00 to 02.30  
Sunday 16.00 to 24.00

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

1. Speakers will not be positioned outside at any time.
2. The air conditioning and cooking extracting system will be switched off when not required.
3. The disposal of empty bottles and refuse into outdoor storage receptacles will not take place between 23.00 hours and the terminal hour.
4. Arrangements will be in place to ensure that deliveries of consumables will not take place between 23.00 hours and the terminal hour.
5. Arrangements will be in place to ensure that waste collection contractors will not collect between 23.00 hours and the terminal hour.
6. 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 loiter in the vicinity of the premises.
7. At each exit point a prominent and clear notice will be displayed asking customers to be considerate to local residents by leaving the premises and the area quietly.

**7. Reasons for the Decision**

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the applicant and objectors.

The Sub-Committee noted that the applicant would agree to a terminal hour of 01.00 hours for the provision of late night refreshment on Fridays and Saturdays.

The Sub-Committee also noted the absence of any objections from the responsible authorities (notably the police).

The Sub-Committee was of the view that it had not been demonstrated that the extension of hours for the provision of late night refreshment at the premises would cause a public nuisance or create crime and disorder (or adversely affect any of the other licensing objectives) within the vicinity of the licensed premises.

Accordingly, the Sub-Committee was prepared to grant a premises licence for the provision of late night refreshment (indoors) in the terms set out at section 6 above.

The Sub-Committee pointed out the entitlement of any person living or running businesses in the vicinity of the premises, as well as the Town Council and responsible authorities, to ask for the Premises Licence to be reviewed by the Licensing Authority in the future.

**Date: 20 August 2009**

**Licensing Sub-Committee Chairman: Cllr P R Woods**

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**Decision notified to interested parties on 21 August 2009**