

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

**APPLICATION: CLIFF HOUSE HOTEL & RESTAURANT, MARINE DRIVE WEST,
BARTON-ON-SEA**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 1 December 2009 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor W H Dow - Chairman
Councillor Mrs Jackman
Councillor J Penwarden

2. Parties and their Representatives attending the Hearing

Mr D Darbshire – Applicant

Objectors:

Mr L and Mrs J Salter
Mrs E Domican

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr P Malcolm
Mr and Mrs M Murphy

5. Officers attending to assist the Sub-Committee

Edward Williams – Legal Advisor
Melanie Stephens - 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 only)

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Non-standard times – New Year’s Eve - 10.00 hours to 02.00 hours

F: Recorded Music (indoors only)

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Non-standard times – New Year’s Eve - 10.00 hours to 02.00 hours

G: Performances of Dance (indoors only)

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

H: Anything of a similar description to that falling within (e), (f) or (g)

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

J: Provision of facilities for dancing (indoors only)

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Non-standard times – New Year's Eve - 10.00 hours to 02.00 hours

M: Supply of Alcohol (on the premises)

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 12.00 to 22.30

Non-standard timings

- New Year's Eve - 10.00 hours to 02.00 hours
- Supply of alcohol for residents and bona-fide guests to be permitted 24 hours a day
- Non-residents and bona-fide guests to be permitted 30 minutes drinking-up time after the terminal hour

Hours premises to be open to the public

Monday 00.00 to 24.00
Tuesday 00.00 to 24.00
Wednesday 00.00 to 24.00
Thursday 00.00 to 24.00
Friday 00.00 to 24.00
Saturday 00.00 to 24.00
Sunday 00.00 to 24.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions: (in addition to those set out in the operating schedule)

1. During any event involving live or amplified music (other than low level background music), all windows will be kept closed. External doors will also be kept closed, except for access and egress.
2. Speakers will not be positioned outside at any time.
3. The kitchen extract will be turned off by 22.00 hours.

4. The disposal of empty bottles into outdoor storage receptacles will not take place before 09.30 hours or after 19.00 hours Monday to Sunday.
5. Arrangements will be in place to ensure that deliveries of consumables will not take place between 19.00 hours and 07.00 hours Monday to Sunday.
6. Arrangements will be in place to ensure that waste collection contractors will not collect between 19.00 hours and 07.00 hours Monday to Sunday.
7. 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.
8. 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.
9. Noise from amplified music and amplified voices emanating from the premises after 22.00 hours will be inaudible when measured at the boundary of all noise sensitive premises*.
10. Prior to 22.00 hours, music noise emanating from the premises whilst audible, is so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises.

* For the purposes of conditions 9 and 10 above noise sensitive premises includes premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use) or places of worship (during recognised times and days of worship) or any premises used for any other purpose likely to be affected by the music noise.

7. Reasons for the Decision

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

The Sub-Committee acknowledged the concerns of the objectors, in particular regarding the public nuisance that the proposed variations to the licence had the potential to cause.

However, the Sub-Committee noted that the objectors present at the hearing formally withdrew their objections as a result of the concessions made by the applicant in the mediation process, resulting in the amended application.

Further, the Sub-Committee was satisfied that, provided various conditions were imposed (as agreed by the applicant and the objectors present at the hearing), the granting of the variations to the premises licence would not cause a public nuisance within the vicinity of the licensed premises or prejudice any of the other licensing objectives.

Accordingly, the Sub-Committee was prepared to grant the premises licence variation in the terms set out at section 6 above.

The Sub-Committee pointed out the entitlement of any interested party and responsible authority to ask for the Premises Licence to be reviewed by the Licensing Authority in the future.

Date: 1 December 2009

Licensing Sub-Committee Chairman: Cllr W H Dow

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Decision notified to interested parties on 3 December 2009