

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Forest Tea House, Burley

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 17 September 2010 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor W H Dow
Councillor S S Wade

2. Parties and their Representatives attending the Hearing

Mr Bruske– Applicant
Mr Neil-Collins – Applicant’s Landlord/Representative

Objectors:

- Mr West, Clerk Burley Parish Council & Cllr P Russell
- Mr & Mrs Brown - Represented by Mr Hobbs and Mr Kendall
- Mr & Mrs Bromfield - Represented by Mr Hobbs and Mr Kendall
- Mrs Burnett - Represented by Mr Hobbs and Mr Kendall
- Mr & Mrs Edwards - Represented by Mr Hobbs and Mr Kendall
- Ms Footner - Represented by Mr Hobbs and Mr Kendall
- Mr Forsyth - Represented by Mr Hobbs
- Mr & Mrs Hobbs
- Mr & Mrs Kendall - Represented by Mr Hobbs and Mr Kendall
- Mr & Mrs King - Represented by Mr Hobbs and Mr Kendall
- Ms Lister - Represented by Mr Hobbs and Mr Kendall
- S I McTaggart - Represented by Mr Hobbs and Mr Kendall
- Mr Okeefe
- Major & Mrs Pentland
- Miss Pink
- Mrs Robinson - Represented by Mr Hobbs and Mr Kendall
- Mr & Mrs Topp - Represented by Mr Hobbs and Mr Kendall
- Ms Walker - Represented by Mr Hobbs and Mr Kendall
- Mrs Weinel - Represented by Mr Hobbs and Mr Kendall
- Mr Westerhoff - Represented by Mr Hobbs and Mr Kendall

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Objectors:

Mrs Cowell-Parker

Mrs Holdsworth – Represented by Mr Hobbs and Mr Kendall

Mrs Lawford – Represented by Mr Archibald

Ms McDowell – Represented by Mr Hobbs and Mr Kendall

Mr & Mrs Oldman

Mr & Mrs Ransom – Represented by Mr Hobbs

Mr & Mrs Wyatt – Represented by Mr Kendall

5. Officers attending to assist the Sub-Committee

Tory Putnam – 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:

M: Supply of Alcohol (On and Off the Premises)

Monday 09:00 to 19:00

Tuesday 09:00 to 19:00

Wednesday 09:00 to 19:00

Thursday 09:00 to 19:00

Friday 09:00 to 19:00

Saturday 09:00 to 19:00

Sunday 09:00 to 19:00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions as agreed with Environmental Health:

1. The disposal of empty bottles into outdoor storage receptacles will not take place between 19:00 hours and 07:00 hours.
2. Arrangements will be in place to ensure that deliveries of consumables will not take place between 19:00 hours and 07:00 hours.
3. The air conditioning and cooking extraction system will be switched off when not required.

4. So as to minimise disturbance to local residents, 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.
5. 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 area quietly.

The Sub-Committee would like to remind residents of the powers of review available to them under the Licensing Act 2003 and other statutory regimes, such as the Environmental Protection Act, that could be invoked should a statutory nuisance occur at the premises.

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 would like to take this opportunity to thank the Applicant for the concessions made during the hearing, which has gone some way to address some of the concerns of the residents.

The Sub-Committee was of the view that it had not been demonstrated that the application for the supply of alcohol (both on site and off site) at the premises would prejudice the four licensing objectives, especially in light of the fact that the application is now limited to the current opening hours of the Tea Rooms. Furthermore, any concerns that the Sub-Committee does have can be dealt with by way of conditions attached to the licence.

Accordingly, the Sub-Committee was prepared to grant a premises licence for the supply of alcohol (on and off the premises) on the terms and conditions set out in Section 6.

Date: 21 September 2010

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 21 September 2010