

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

APPLICATION TO VARY A PREMISES LICENCE – FERNDALE STORES, NEW MILTON

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Wednesday 22 June 2016 at 10.00am

1. Members of the Licensing Sub-Committee

Councillor R L Frampton - Chairman
Councillor Ms L C Ford
Councillor L E Harris

2. Parties and their Representatives attending the Hearing

Objectors:
Mr & Mrs Gray
Mr Kelly
Mr & Mrs Agate – representing Mr & Mrs Phillimore

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mr Dissanayaka - Applicant
Ms Barrett – Supporter
Ms Yapp – Supporter
Mr & Mrs Bruce-Burgess – Objectors
Mr & Mrs Hall – Objectors
Mrs Kelly – Objector
Mr & Mrs Phillimore – Objectors
Mr & Mrs Rogerson - Objectors
Mr & Mrs Thomas – Objectors
Ms Thorne – Objectors
Mr & Mrs Wallace – Objectors

5. Officers attending to assist the Sub-Committee

Lisa Clark – 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:

J: Supply of Alcohol

Monday 06:00 – 23:00
Tuesday 06:00 – 23:00
Wednesday 06:00 – 23:00
Thursday 06:00 – 23:00
Friday 06:00 – 23:00
Saturday 06:00 – 23:00
Sunday 06:00 – 23:00

L: Hours premises to be open to the public

Monday 06:00 – 23:00
Tuesday 06:00 – 23:00
Wednesday 06:00 – 23:00
Thursday 06:00 – 23:00
Friday 06:00 – 23:00
Saturday 06:00 – 23:00
Sunday 06:00 – 23:00

Mandatory conditions:

As provided in the Licensing Act 2003 and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

7. Reasons for the Decision

The Sub-Committee carefully considered the application along with the representations made by the objectors present at the hearing and along with the written representations.

The Sub-Committee noted that the premises licence does not currently impose restrictions on the opening hours of the premises. The premises licence currently permits the sale of alcohol from 8am to 11pm Monday to Saturday and 8am to 10.30pm on Sundays. As such the variation under consideration by the Sub-Committee was to extend the permitted hours for the sale of alcohol from 6am to 8am Monday to Sunday and from 10.30pm to 11pm on Sunday.

The Sub-Committee listened to the representations made by the objectors regarding the potential for public nuisance and antisocial behaviour arising as a result of increased operating hours. The Sub-Committee did not consider that they had been presented with any evidence of public nuisance or antisocial behaviour associated with the premises and further noted that there were no objections from the responsible authorities. The Sub-Committee was not in any event considering an application to increase the opening hours of the premises.

Whilst the Sub-Committee recognised the concerns expressed by the objectors regarding the residential nature of the area, they did not consider that it had been demonstrated that the sale of alcohol between 6am and 8am Monday to Sunday and 10.30pm to 11pm on Sunday would adversely affect any of the licensing objectives.

The Sub-Committee therefore grants the variation in the terms applied for.

Date: 22 June 2016

Licensing Sub-Committee Chairman: Cllr R L Frampton

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Decision notified to interested parties on 27 June 2016