

NEW FOREST DISTRICT COUNCIL**LICENSING ACT 2003****APPLICATION FOR THE GRANT OF A PREMISES LICENCE –
CYPRESS LOG CABINS, GODSHILL**

Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday 23 February at 10.00am

1. Members of the Licensing Sub-Committee

Councillor R L Frampton - Chairman
Councillor A T Glass
Councillor L E Harris

2. Parties and their Representatives attending the Hearing

Mr & Mrs Le Riche Club – Applicants

Mr Boyd – Objector

Mrs Cornish and Cllr Cakebread, Godshill Parish Council - Objector

3. Other Persons attending the Hearing

Paul Weston – Licensing Officer

4. Parties not attending the Hearing

None

5. Officers attending to assist the Sub-Committee

Kate Green – Legal Advisor

Mel 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 to Sunday 11.00 to 23.00

J: Hours Premises are open

Monday to Sunday - 24 hours

Mandatory conditions:

As provided by Regulations made under the Licensing Act 2003.

Other conditions (consistent with the operating schedule):

General

1. A maximum of 8 guests on site if fully booked.
2. Guests must be aged 18 to stay at the premises.
3. Guests are not allowed to bring visitors on site.

The prevention of crime & disorder

4. Owners of the Bed and Breakfast live onsite and will supervise the site at all times to deal with any crime or disorder.
5. CCTV operates the one access point to the rear of the property.

Public Safety

6. Regular health and safety reviews are carried out to assess all risks and any concerns are dealt with immediately.

The prevention of public nuisance

7. With onsite CCTV and the owners living onsite any potential public nuisance would be dealt with without delay.

The protection of children from harm

8. No children are permitted on site either as a paying guest or visitor.

Conditions added by Licensing Sub-Committee

9. Sale of alcohol is only permitted to bona fide guests of the bed and breakfast.

7. Reasons for the Decision

The Sub-Committee carefully considered the application along with the representations of the Applicant and the objectors. The Sub-Committee grants sale of alcohol in the terms set out in section 6 above.

The Sub-Committee noted the Licensing Officer's letter of 15 February explaining that the offer of the Applicant prior to the hearing to reduce the terminal hour of the sale of alcohol from 23:00 to 22:00 had been withdrawn and that the Applicant wished to proceed with his original application of the 23:00 terminal hour. The Sub-Committee also noted that the Mr Le Riche had been issued his Designated Premises Supervisor licence on 25 January 2017.

The Sub-Committee noted that the premises would be run as a small bed and breakfast with the owners (the Applicant's) living on site. Alcohol would only be made available to bone fide guests. Guests were not permitted to have visitors during their stay. In addition no persons under the age of 18 would be allowed to stay on site. The Applicants, living on the site, would proactively police this.

The Sub-Committee noted upon clarification that the bed and breakfast could house up to a maximum of 8 guests who could be accommodated in two bedrooms within the main house and two separate log cabins within the garden area each with its own hot tub which are open 24 hours. The Sub-Committee also noted that a further hot tub served the guests who stay within the house but that use of this terminates at 23:00 hours.

The Applicant informed the Sub-Committee that he had not received any complaints within the last 5 years and that in relation to the complaints received within the 8 years prior to that time, he had sought to put in place measures to minimise disturbance such as erection of a fence, which the Applicant clarified was in relation to issues of privacy as opposed to a noise barrier.

The Applicant had also reduced the hours of usage for the swimming pool and had amended the criteria for guests, limiting it to over 18's only. This had been in place for the last six months. The Applicant also confirmed that the property was covered by CCTV and that group bookings were not allowed. The cost of the cabins was set at such a level to attract a certain clientele to the premises. Currently guests are able without any restriction to bring their own alcohol to the premises. The Applicants said that they would be in a better position to manage the alcohol consumption should a premises licence be in place and there would be more motivation for them to do so as a breach could result in loss of licence or other action.

The Sub-Committee heard from the Parish Council that they had in the past received a number of complaints from the other objector as well as other local residents regarding noise issues at the premises. These had not been formally reported to the District Council but it had been suggested that the complainants attempt to resolve the issues informally with the Applicant directly.

Both objectors raised concerns that the sale of alcohol on site could raise the level of noise as the point of sale was located near to the bedroom of the neighbouring property and the alcohol being sold on site was cause guests to remain on site for longer periods of time. Both objectors therefore requested that consideration be given to moving the point of sale to the rear of the property.

The Parish Council referred to comments from Trip Advisor and visuals on the business' own website which indicated that guests associated the bed and breakfast as a venue for drinking, sometimes to excess. The Parish Council also raised a concern that the venue could become a further retail outlet for alcohol within the village.

The other objector stated that noise is a big issue from the bed and breakfast and that he has attempted to mitigate this by taking his own noise protection measures as he felt unable to address his complaints further with the applicant in the last five years, as he felt that previous complaints had not been addressed or resolved. The Sub-Committee was pleased to note that the Applicant offered his email address to the objectors stating that he would respond formally to any complaints made going forward.

The objectors stated that there had been noise disturbance in the past that had been reported to Environmental Health. However the Sub-Committee noted the absence of any objections from Environmental Health (and any of the other statutory authorities). The Sub-Committee were also informed that Environmental Health had no complaints regarding the premises on their records. The Sub-Committee therefore saw no evidence to substantiate these concerns and accepted the representations of the applicant that he had received and responded to one complaint in January 2012 and that he would respond accordingly to further complaints should they arise in the future.

The Sub-Committee considered the additional conditions proposed by the Parish Council and has implemented one to ensure that alcohol is only supplied to guests of the bed and breakfast. The Sub-Committee also deliberated about the suggestion that the point of sale be moved to the front door after 21:00 hours to reduce the noise under the objector's bedroom window. However, the Sub-Committee considered that it would be safer for the point of sale to remain behind the gates in order to prevent attracting passers-by from attending the premises with an attempt to buy alcohol. The Sub-Committee also observed that guests would have to access the alternative point of sale via the same side path and therefore it is unlikely that this alternative point of sale would have any impact on the noise.

The Sub-Committee recognised that there were other issues that caused concern to the objectors, but wished to stress that they were limited to considering the application on the Licensing Objectives. The Sub-Committee encouraged open dialogue and communication between the Applicant and his immediate neighbours and wanted to confirm that noise complaints could be raised with Environmental Health and planning issues could be raised with the relevant planning authority should informal dialogue fail to resolve the issues.

The Sub-Committee reminded all parties that should there be any concerns in the future regarding the operation of premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the premises in for review.

Date: 23 February 2017

Licensing Sub-Committee Chairman: Cllr R L Frampton

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Decision notified to interested parties on 1 March 2017