

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR PREMISES LICENCE – MINSTEAD LODGE, SEAMANS
LANE, MINSTEAD.**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on 22 August 2022**

1. Members of the Licensing Sub-Committee

Councillor Steve Clarke (Chairman)
Councillor Joe Reilly
Councillor David Harrison

2. Parties and their Representatives attending the Hearing

Applicants:

Mr Kyle Maxwell (Applicant, Minstead Trust)
Ms Jay Powell (Director, Social Enterprises, Minstead Trust.)

Objectors:

Mr Paul Bakewell (the Council had been informed by some 24 objectors that they had asked Mr Bakewell to represent them).

Mr Desmond Thomas
Mr Stephen Rose
Mrs Imogen Taylor
Mrs Patricia Hobbs
Mrs Jennifer Bakewell
Mr Christopher Boon
Mr Dibben
Mrs Dibben
Mr Alan Ferguson
Mr Julian Pearson
Mr Sams-Dodd
Mrs Sams-Dodd
Mr Tupper
Mrs Tupper
Mr Tyrrell
Mrs Tyrrell
Mrs Naomi Harte
Ms Michelle Kennedy
Mrs Celia Stanwyck
Miss Sophie - Jane Stanwyck
Mrs Joanne Vaughan

3. Other Persons attending the Hearing

Mr Peter Davies (Witness invited by objectors Mr P Bakewell and Mrs C Stanwyck, subsequently accepted by the Sub-Committee)

Council Officers:

Ms Christa Ferguson - Licensing Manager

Other Persons:

4. Officers attending to assist the Sub-Committee

Richard Davies – Legal Advisor
Andy Rogers - Clerk

5. Absence of Parties

At the outset of the hearing it was noted by the Sub-Committee that a number of the parties were absent as set out below:

Those who had indicated that they would not be attending:

Mr David Morris
Mrs Anna Cummin
Mr Richard Taylor
Mr Darren McCullough
Mr David Brown
Mr P Cawte
Mr Brown
Mr Matthew Hurst
Mr Hilary Bates
Mr Denis Bates
Mr Tasgin Hussein
Ms Tracey Kates
Mr David Donaldson
Mrs Lynda Glover
Mr Andrew McGhee

6. Those who had not indicated whether they would be attending:

Mr Peter Dibben
Mrs Vicki Salmon
Mr John Scott
Minstead Parish Council (Barry Mollett)
Mr Simon Fisher
Mrs Fisher
Mr Marston
Mrs Marston
Mr Frost
Mrs Frost

7. Some absent parties had not indicated whether or not they would be in attendance. The Sub-Committee considered whether it was necessary in

the public interest to adjourn the hearing or to hold the hearing in the absence of those parties. The Sub-Committee took into account the fact that the points raised by these parties were very similar to the points raised by the parties in attendance. The Sub-Committee decided to proceed with the hearing in their absence and take into consideration their written representations in reaching its decision.

8. **Decision of the Sub-Committee**

The application is granted on the following terms and conditions (as applied for):

Sale of alcohol for consumption on the premises

Sunday to Wednesday - 10:00hrs to 23:00hrs

Thursday to Saturday - 10:00hrs to 23:30hrs

Requested Opening Hours (not open to the public but for events only):

Monday to Sunday - 09:00hrs to 24:00hrs

Added Condition to be attached to the Licence: Applicant to keep a record of noise complaints from local residents in the Licensing Incidents Register.

9. **Reasons for the Decision**

The Sub-Committee considered the application for a premises licence along with the evidence, both written and oral, supplied by the Applicant and all those who had made relevant representations.

In reaching its decision, the Sub-Committee has had regard to:

- The Home Office Guidance issued under section 182 of the Licensing Act 2003,
- The Council's own Statement of Licensing Policy.
- Home Office Guidance
- Relevant Representations presented by all parties

At the hearing, the Sub-Committee carefully listened to all the evidence that was provided and considered what action, if any, was appropriate for the promotion of the four licensing objectives namely, the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

The main areas of concern raised by those objecting to the application related to the following:

- **Concerns by residents about the potential frequency of events at the premises, (the application currently seeks the licensable activity on all days),**
- **The operating hours requested on the application,**
- **Noise from guests that have drunk alcohol,**
- **Noise from guests who are enjoying the outside areas,**
- **Noise from music (however this did not form part of the application),**
- **Effects on vulnerable adults on the site.**

The Council's legal representative advised that certain issues raised by objectors, such as planning, traffic and highways, building regulations, sewerage and light pollution, water supply, fire safety, impact on wildlife and drink driving, as well as whether there was a 'need' for additional licenced premises in the area, were **not** relevant to the licensing objectives for the purposes of the Application.

The premises site was the administrative headquarters for the Minstead Trust, a charitable organisation that provided support for adults with learning difficulties. It was a registered charity (No 1053319) and had been in existence for a number of years. The main reason given for the Application was to improve revenue streams for the charity.

The Sub Committee heard that Minstead Lodge had previously catered for weddings and had been able to sell alcoholic drinks under Temporary Event Notices (TEN) and, in the past, may have allowed "Bring your own alcohol" ("BYO"), for which no payment was made and therefore was not licensable.

It was acknowledged that the Applicant had arranged for a noise report to be undertaken at the premises, but the results were not yet available and there was currently no plan in place for managing noise. The Applicant reported that the Trust was installing a sound system to be used by a DJ (indoor use only) which would limit noise to legal levels.

The Applicant explained that the only music played outdoors would be directly associated with the wedding ceremony, with the entertainment music being played indoors only.

The Sub-Committee noted there were other licenced premises in the area with comparable conditions to those sought by the Applicant.

The Sub-Committee heard comments from an objector referring to the Authority's Licensing Policy, and what constituted a public nuisance. The Sub-Committee was not persuaded, on the current evidence, that if granted, the Application would inevitably lead to instances of public nuisance.

The Sub-Committee noted that all the Responsible Authorities had been consulted on the Application, (including NFDC and NPA planning departments) and no comments or objections had been received. Environmental Health also confirmed that no noise complaints had been recorded against the premises and made no comment or objection received during the consultation process. The Applicant stated that he had received one complaint regarding an event prior to May 2022.

The Applicant did not agree that granting the Application would compromise the wellbeing of the people supported by the Trust.

The Sub-Committee was mindful that there was a presumption in favour of granting an application unless there was evidence which undermined the promotion of the licensing objectives.

Due to lack of evidence, the Sub-Committee were not persuaded by the objectors' submissions that the sale of alcohol on the site would lead to

public nuisance, anti social behaviour, danger to children, or threaten public safety. Similarly, they heard no relevant evidence to support objectors' requests to reduce the proposed hours for the sale of alcohol.

In view of evidence heard, and solely on the terms of the application, the Sub-Committee felt that, overall, granting the application would not undermine the promotion of the licensing objectives, nor did it feel that the Application was disproportionate or unreasonable.

Accordingly, the Sub-Committee was of the view that the appropriate steps for the promotion of the licensing objectives was to grant the application subject to the conditions set out in the application.

However the Sub-Committee noted the Applicant's agreement that it would be good practice to keep a record of noise complaints from local residents. Accordingly, the Sub-Committee has determined to add a condition to be attached to the Licence that requires that any noise complaints from local residents be logged in the Licensing Incidents Register kept by the Applicant.

The Sub-Committee were pleased that the Applicant had offered to discuss any general concerns with local residents.

Should there be any concerns in the future regarding operation of the premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the premises licence in for review.

Date: 22 August 2022

Licensing Sub-Committee Chairman: Cllr S Clarke

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Decision notified to interested parties on 26 August 2022