

8 AUGUST 2023

NEW FOREST DISTRICT COUNCIL

Licensing Sub-Committee

Minutes of a meeting of the held on Tuesday, 8 August 2023

Cllr Steve Clarke
Cllr Philip Dowd

Cllr Neil Tungate
Cllr Allan Glass (reserve)

1 ELECTION OF CHAIRMAN

Cllr S Clarke was elected Chairman of the Sub-Committee.

2 DECLARATIONS OF INTEREST

There were none.

3 APPLICATION TO VARY A PREMISES LICENCE - INDIA COTTAGE, 35 CHRISTCHURCH ROAD, RINGWOOD BH24 1DG

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on 8 August 2023.

1. Members of the Licensing Sub-Committee

Councillor Steve Clarke (Chairman)
Councillor Philip Dowd
Councillor Neil Tungate

2. Parties and their Representatives attending the Hearing

Applicants:

Mr Shadeq Mannan – Applicant.

Mr Philip Day – Lacey’s Solicitor, representing.

Objectors:

Ms Sarah Meidlinger – local resident.

3. Other Persons attending the Hearing

Council Officers:

Ms Christa Ferguson - Licensing Manager.

Mr John Davidson – Solicitor, observing.

Councillors:

Colm McCarthy – observing.

Members of the Public:

Ms Sarah Chowdhury – observing.

Mr Adrian Foley – observing.

4. Officers attending to assist the Sub-Committee

Richard Davies – Legal Advisor

Joe Tyler – Democratic Services Officer.

5. Absence of Parties

At the outset of the hearing, it was noted by the Sub-Committee that the following two members of the public that submitted representations were absent:

Ms Jessica Hill

Ms Lily Tiller

The Sub-Committee agreed that the hearing could proceed in their absence.

6. The Chairman explained the procedure for the hearing which all parties agreed to. The Legal Advisor then explained the reason for the hearing.

7. Decision of the Sub-Committee

The purpose of the hearing was to determine an application to vary a premises licence for India Cottage, 35 Christchurch Road, Ringwood, BH24 1DG, made under section 34 of the Licensing Act 2003. The Sub-Committee decided to grant the variation as applied for.

8. Reasons for the Decision

The hearing was to determine an application to vary a premises licence for India Cottage, 35 Christchurch Road, Ringwood, BH24 1DG, made under section 34 of the Licensing Act 2003. The premises is an Indian Restaurant operated under a premises licence (number 713) granted by the New Forest District Council's licensing authority, for the sale of alcohol and regulated entertainment (the licence first came into force on 24 November 2005 and was subject to variation on 2 April 2021). The application sought permission to vary the licence to amend the external licensed area of the premises. The applicant stated that the proposed total external licensed area would not significantly change, as the area proposed to be removed is of a similar size to the proposed new addition.

The Sub-Committee considered the application along with the evidence, both written and oral, supplied by the Applicant, their legal representative and all those who had made relevant representations and attended the meeting.

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

- The Home Office Guidance issued under section 182 of the Licensing Act 2003,
- The Council's own Statement of Licensing Policy,
- The steps that are appropriate to promote the licensing objectives,
- Relevant representations presented by all parties.

The Sub-Committee noted correspondence received after the main agenda pack was circulated, from Mr Philip Day. The documents included: responses to representations received, a menu for the premises, a wine list and photographs of the surrounding area.

The Sub-Committee found there was insufficient material evidence presented in either the written information or the oral representations at the hearing, to refuse the application. The Sub-Committee acknowledged that the premises currently operates under licence (number 713) which allows: live music inside until 24:00hrs Thursday, Friday and Saturday and outside until 23:00hrs; recorded music inside until 24:00hrs Monday to Sunday and outside until 23:00hrs; the provision of late-night refreshment inside until 24:00hrs Monday to Sunday; and the supply of alcohol until 24:00hrs Monday to Sunday on and off premises. As such, the Sub-Committee noted that there had been no complaints or licensing reviews requested since this licence was most recently varied in April 2021.

The Sub-Committee took into consideration the points made by Ms Meidlinger and noted that her objection did not relate to the recorded music that was played outside, but rather that on some occasions the customers

seated outside were noisy. Mr Mannan provided some context on his restaurant and its usual clientele, insofar that he did not encourage functions and it was not usual for any parties and he did not have Hen/Stag groups at the restaurant due to concern for neighbours.

The Licensing Manager clarified that the application had been advertised correctly, as per the normal procedure and the Sub-Committee noted that it had also appeared in a local newspaper.

The Sub-Committee gave significant weight to the fact that no responsible authority had objected to the application and, therefore, there were no objections to consider from the police or environmental health to the application. Reassurance was provided to those in objection that if issues of noise or antisocial behaviour did occur, that a review hearing could be requested and the licence reviewed at a future hearing. However, they found that, ultimately, it appeared there would be very little material difference in circumstances following the variation compared to before.

In deliberating, the Sub-Committee agreed that in granting the application, they would request that, in line with the relevant paragraphs in the existing licence (22 and 23 namely "...management must ensure that customers do not cause noise nuisance to neighbours" and "Management shall make provisions to ensure the safe and quiet dispersal of customers..." respectively) the Applicant might display a notice within the premises, if not already displayed, requesting that customers be respectful of neighbours and limit the noise in the outdoor areas of the premises.

Date: 8 August 2023

Licensing Sub-Committee Chairman: Cllr S Clarke

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Decision notified to interested parties on 11 August 2023

CHAIRMAN