



**REPRESENTATION ENVIRONMENTAL PROTECTION TEAM
INDIA COTTAGE, 35 CHRISTCHURCH ROAD, RINGWOOD**

On behalf of the Environmental Protection Team for New Forest District Council I am making representations against the application to vary the premises licence at: India Cottage, 35 Christchurch Road, Ringwood, BH24 1DG.

I object to the application to amend the permitted timings for licensable activities that fall outside of the Live Music Act 2012, the Licensing Act 2003 and the Deregulation Act 2015.

In addition, the objection includes the requested changes (points 4e, 4f, and 4i) to allow recorded music, live music and late-night refreshment to both inside and outside areas of the venue.

India Cottage currently benefits from a premises licence authorising the sale of alcohol until 00:00 hours on all days. The current conditions on the premises licence were agreed with the applicant at the time of the original premises licence application to support the licensing objectives. It is noted that customers of India Cottage have become accustomed to consuming alcohol and refreshments in the outside area of the premises during the current authorised hours.

At the rear of India Cottage there are residential properties to the north and west of the premises, with the nearest residential property being approximately 10m from the outside seating area. This close proximity of residents to the premises has resulted in noise issues from India Cottage typically from customers outside the rear of the premises using the seating area and the Environmental Protection Team has received noise complaints associated with the premises within the last 12 months. Furthermore, representations have been made by the residents of Elizabeth Court objecting to the variation of conditions of the premises licence claiming they have ongoing issues with noise from the premises.

As such, an extension or addition of hours and licensable activities in the outside area at India Cottage could further exacerbate the current situation and negatively impact the Prevention of Public Nuisance Licensing Objective.

This representation therefore recommends the following conditions with the purpose of supporting the Prevention of Public Nuisance Licensing Objective: -

1. All licensable activities (late night refreshment, recorded music, live music and the sale of alcohol) must cease at 23:00 hours in the outside covered area to the rear of the premises. In addition, customers must not be permitted to consume alcohol in this area after 23:00 hours.
2. Smoking by customers outside of the premises must be monitored and management must ensure that customers do not cause nuisance to neighbours.

3. Management shall make provisions to ensure the safe and quiet dispersal of customers. Any customers congregating or loitering outside after leaving the premises will be asked to depart quickly and quietly.
4. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.
5. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment. A written record shall be made of those assessments in a log.

Lead officer: Rachel Higgins

Signature

Date: 17/2/2020

Authorised by: Joanne McClay

Signature

Date: 17/2/2020.



Mr M J Gubbins
Flat 10 Elizabeth Court
29-33 Christchurch Road
Ringwood
Hampshire
BH24 1DG
27-12-2019

Opposition for a variation of a Premises Licence

Dear Sir/Madam

I am submitting my objections and concerns regarding the licence application (Licence number 713) for the Indla Cottage Restaurant 35 Christchurch Road Ringwood Hampshire BH24 1DG submitted by Sadeq Mannan.

We live at flat 10 Elizabeth Court on the first floor and our flat is directly alongside the applicants property. A gravel driveway roughly a five metre wide separates our properties. When we first took up residence at Elizabeth Court in 2011, there was no outside seating area at the restaurant and the noise pollution was kept within the restaurant itself. Shortly after moving into our flat the restaurant introduced a small covered area at the rear of the premises to cater for smokers.

This outside covered area has gradually increased in size and the owners have now installed tables and benches, lighting and a wood burner stove (unable to have lounge windows open due to smoke) so it's now part of the restaurant where food and drink can be served outside to customers up until midnight.

Unfortunately this has caused nuisance to us and the residence of Elizabeth Court due to parties being held there, instead of inside. We have had to put up with customers in this outside area shouting, singing at the top of their voices bad language and on occasions bad behaviour.

The majority of residents who live at Elizabeth Court are elderly and want a quiet life. There are also two young families living here with young children ranging in age from one to six (three girls and two boys) they live in close proximity to the covered area and are regularly woken up by noisy customers either in the outside seating area or leaving the restaurant. I believe it's your duty to protect these youngsters from physical harm due their sleep being disturbed and reject Mr Mannans licence application for a live and outdoor recorded music licence. The residents had a taste of live music back in the summer. We couldn't listen to our television and had to adjourn to the back of our property as the sound was deafening.

It seems strange that he is now applying for a licence when he contravened his existing licence.

I have complained to the environmental department in the past but unfortunately when the two officers came and sat in my flat to monitor the noise levels it was a quiet evening, you don't know when it's going to be noisy as they don't advertise parties.

Also I had to ring the police at two o'clock one morning as there was a party going on and the noise levels were intolerable, the officer who I spoke to was very understanding as he could hear the noise in the back ground but unfortunately there were no officers available to attend but he said he would log it and inform the Environmental department of the New Forest District council.

So to conclude my opposition letter I am raising objections predominantly under the heading Noise and Disturbance.

Yours Sincerely

Mr M J Gubbins.



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**The Residents
Elizabeth Court
29-33 Christchurch Road
Ringwood
Hampshire
BH24 1DG**

**Opposition to vary the premises licence at India Cottage restaurant
Ringwood**

Dear Sir or Madam

We the undersigned being residents of the eleven flats at Elizabeth Court, 29-33 Christchurch Road, Ringwood, Hampshire BH24 1DG, strongly oppose the Licence Application (Licence No: 713) for outside live and recorded music and late night refreshments recently submitted by Sadeq Mannan of the India Cottage Restaurant, 35 Christchurch Road Ringwood, BH24 1DG.

We oppose the application on the grounds of Noise and Disturbance which we currently suffer and have suffered over many years since the restaurant erected of a covered seating area at the back of their restaurant. This area is currently used for parties, eating, drinking and smoking.

Elizabeth Court consists mainly of elderly residents apart from two young families living in flats one and three.

Flat number one has three young girls aged six, four and one. Flat number three has two young boys aged three and five.

These children are regularly woken up by the noise of people using the outside covered seating area, shouting, laughing loudly and sometimes singing at the top of their voices. Their bedrooms are approximately ten to fifteen metres from the restaurant. They are also disturbed by the restaurants staff throwing empty bottles into their bottle bins late at night.

Regarding the application for live and recorded music, we hear recorded music all the time and we've had a taste of live music back in the summer of 2019. One evening a young girl was engaged to sing live at a party for approximately two hours. The party was held under the covered area at the back of the restaurant, (seems strange they are now applying for a licence). The volume from the speakers was way above what is acceptable, fortunately, her performance finished around nine o'clock, so can you image the noise from refreshments being served, live music and recorded music being played, ten, eleven and twelve o'clock at night.

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We believe if the application is approved it would be detrimental to the health and welfare of the children and the other elderly residents, not only at Elizabeth Court but Cottage Mews along the road .

We are aware that the owner has little jurisdiction over the noise people make leaving the restaurant but is it right that their licence allows it to remain open until midnight being it's in close proximity to residential properties. In the past other businesses in the vicinity have had their licences revoked due to excessive noise levels which the management of those businesses failed to control. Maybe it's time the licence at India Cottage is reviewed regarding closing times being it's in such a close proximity to Elizabeth Court and other residential properties.

Could the Licensing officer when making his decision take into account India Cottage restaurant breaching part of Article 8 of the Human Rights Act, The convention to the Right to respect private and family life regarding noise levels.

Yours sincerely

Residents of Elizabeth Court,
29-33 Christchurch Road,
Ringwood,
Hampshire

Please see below names and signatures of residents opposing the application.

[Note: Petition signed by all residents, but signatures redacted for publishing]

FLAT ONE	ZOE SHEEN ANTHONY SHEEN
FLAT TWO	Mrs Paula Vestby Miss. Michelle Vestby
FLAT THREE	MR LOKE WILFSTHIRE MISS TIRA BRAYER
FLAT FOUR	S W Green
FLAT FIVE	Not occupied
FLAT SIX	MR MIKE BORTON
FLAT SEVEN	MR + MRS Tuck
FLAT EIGHT	P. HUMBLE & A AGUILAR

FLAT NINE	Not occupied	
FLAT TEN	MR & MRS M J GURBINS	
FLAT ELEVEN	JOSS H. 11	

MR M S GURBINS
FLAT 10 ELIZABETH COURT
29-33 CHRISTCHURCH ROAD
RINGWOOD
HAMPSHIRE
BH24 1DG

Dear Sir / Madam.

I would just like to add to the letter the residents of Elizabeth Court have submitted. On the morning of the 1st January 2020, I had cause to ring the police. (REF 139).

The reason being that at 01:25, the party being held at India Cottage restaurant was still going in full swing.

The music was loud and the base thumping along with noisy party goers.

This isn't the first time I have called.

The police, the last time was 02:00 in the morning.

I don't know what licence they had for this evening but surely they should have closed before my complaint.

Yours Sincerely

