

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: SAXON INN, CALMORE DRIVE, CALMORE**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on 5 July 2005**

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**1. Members of the Licensing Sub-Committee**

Cllr W H Dow (Chairman)  
Cllr J A G Hutchins  
Cllr G M Walmsley

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**2. Parties and their Representatives attending the Hearing**

Mr P Somarakis of Blake, Laphorn  
Linnell representing the applicant, Mitchell &  
Butler Leisure Retail Ltd  
Ms Deborah Beecher, Premises Manager  
Acting Inspector I Smith, Hampshire Police –  
Objector  
Mr M Robinson, Snr Environmental Health Officer,  
New Forest District Council - Objector  
  
Mrs M Dolte representing Mr & Mrs C Williams - Objector  
Mrs D Ireland - Objector  
Mr A Stone – Objector  
Mrs M A Thorne – Objector

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**3. Other Persons attending the Hearing**

Mr A Hetherington – Licensing Officer, NFDC  
Mr M Powell – Licensing Manager, NFDC

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**4. Parties not attending the Hearing**

Ms J Lambrou – Objector  
Ms W Mavey – Objector  
Mr C and Mrs M Williams – Objectors  
Mrs N Worsdale - Objector

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**5. Officers attending to assist the Sub-Committee**

Grainne O'Rourke – Head of Legal & Democratic Services  
Kate Mason – Committee Administrator

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## 6. Decision of the Sub-Committee

The application is granted on the following terms and conditions:

### Licensable activities and times permitted:

#### Films:

Monday 10.00 to 00.00  
Tuesday 10.00 to 00.00  
Wednesday 10.00 to 00.00  
Thursday 10.00 to 00.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00  
Sunday 10.00 to 00.00

#### Indoor sporting events:

Monday 10.00 to 00.00  
Tuesday 10.00 to 00.00  
Wednesday 10.00 to 00.00  
Thursday 10.00 to 00.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00  
Sunday 10.00 to 00.00

#### Live music:

Mondays, Tuesdays, Wednesdays and Sundays – only if permitted under non-standard hours below

Thursday 10.00 to 23.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00

#### Late night refreshment:

Monday 10.00 to 00.00  
Tuesday 10.00 to 00.00  
Wednesday 10.00 to 00.00  
Thursday 10.00 to 00.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00  
Sunday 10.00 to 00.00

#### Supply of alcohol:

Monday 10.00 to 00.00  
Tuesday 10.00 to 00.00  
Wednesday 10.00 to 00.00  
Thursday 10.00 to 00.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00  
Sunday 10.00 to 00.00

### Non-standard hours:

Each of the above mentioned licensable activities is permitted from 10.00 to 01.00 on up to 12 days in any 12 month period provided:

- (a) the applicant notifies to the police and the licensing authority details of the proposed activities on each occasion at least 10 days before the day in question, and
- (b) the police do not veto the activity for the additional period.

**Hours premises to be open to the public**

Monday 10.00 to 00.30  
Tuesday 10.00 to 00.30  
Wednesday 10.00 to 00.30  
Thursday 10.00 to 00.30  
Friday 10.00 to 00.30  
Saturday 10.00 to 00.30  
Sunday 10.00 to 00.30

On those non-standard days when licensable activities are permitted under the provision relating to non-standard hours set out above the premises are permitted to be open until 01.30.

Note: Existing permitted hours for New Years Eve/New Years Day continue to apply.

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

- 1. The manager or the manager's nominated deputy shall monitor external noise levels when either live or amplified music is being played.
- 2. All external doors and windows shall be kept closed after 23.00 hours, other than for access and egress, in all rooms when events involving live or amplified music (including speech) are taking place.
- 3. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.

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**7. Reasons for the Decision**

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties.

The Sub-Committee accepted that at present there are occasions where noise and a degree of antisocial behaviour occur at "turn out" time. They consider that permitting a longer period for licensable activities would enable customers to emerge from the premises at a more gradual rate. It is considered this would reduce the concentrated effect of noise or other unwanted behaviour likely to arise when numbers of people leave the

premises at the same time, which would promote the licensing objective relating to the prevention of public nuisance.

The Sub-Committee considered that conditions should be imposed requiring measures to ameliorate noise, as set out in the decision. The Environmental Health Officer was satisfied that these conditions would overcome his concerns, bearing in mind there is no history of formal complaints about noise from the premises, and confirmed that, should a statutory nuisance in the future be established, action will be taken under the Environmental Protection Act.

However, the Sub-Committee considered that during the working week some noise would inevitably emanate from the premises from the performance of live music. In view of this, they felt that the performance of live music should cease at 23.00 on Thursdays. (The application for the performance of live music on Mondays, Tuesdays, Wednesdays and Sundays was withdrawn). The Sub-Committee also noted that the applicant now wished to be granted an extra hour (to 01.00) for the provision of licensable activities on 12 days per year of their choice, and were willing to give the police the power to veto any application. On this basis, the police representative withdrew his objection. In these circumstances the Sub-Committee was of the view that granting this part of the application was not inconsistent with the licensing objectives, subject to the conditions imposed in the decision.

That part of the application relating to the transmission of any recognized international events outside permitted hours was withdrawn by the applicant at the hearing.

There were no relevant representations made in respect of the application to remove restrictions placed on the licence by virtue of the "embedded conditions" under the 2003 Act. This part of the application is therefore granted.

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Date ..... 5<sup>th</sup> JULY 2005 .....

Chairman's Signature ..... *AL HODGINS* .....

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**FOR OFFICE USE ONLY**

Decision noted to interested parties on ..... 6<sup>th</sup> JULY 2005 .....

Signed ..... *Kell* .....