

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: THE GAMEKEEPER, 268 WOODLANDS ROAD, WOODLANDS

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday, 11 July 2005**

1. Members of the Licensing Sub-Committee

Cllr Hutchins – Chairman
Cllr Beck
Cllr Dow

2. Parties and their Representatives attending the Hearing

Lloyd Stephens, Mark Thompson, Fiona Thompson & Steven Lapage for
Wadworth & Co Ltd
Ms Runcieman, representative of Dr B Humberstone – local objector
Mrs Runcieman – local objector
Ms Penny Greensmith – local objector
Mr & Mrs Lee – local objectors. Note: Mr Lee will also be representing
Ms Case
Mrs J L Fisher – local objector

3. Other Persons attending the Hearing [names and status]

Cllr L R Puttock – Local Ward Councillor
Cllr D B Tipp – Local Ward Councillor
Cllr Hale
Martyn Powell – Licensing Manager
Tony Hetherington – Licensing Officer
Diane Sim – Licensing Assistant

4. Parties not attending the Hearing

Ms A Brown – local objector
Ms U D Case (represented by Mr Lee) – local objector
Mr & Mrs R Hieatt – local objector
Mr & Dr Humberstone (represented by Ms Runcieman) – local objector
Mr T Matthews – local objector
Mr K Watts – local objector
Ms J K Watts – local objector
Dr & Mrs Crowe – local objectors
Ms Sue Stone – local objector

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke – Head of Legal and Democratic Services
Julia Mutlow – Solicitor
Kate Mason – Committee Administrator

6. Decision of the Sub-Committee

Licensable activities and times permitted:

Live music:

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Recorded music:

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Anything of a similar description to live or recorded music or performance of dance:

Mondays 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Provision of facilities for dancing:

Mondays 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

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:

The following non-standard timings are permitted:

Live music, recorded music, anything of a similar description, and provision of facilities for dancing:

New Year's Eve up to 0200 on 1 January

Late night refreshment:

New Year's Eve up to midnight between 1 and 2 January
14 February, 1 March, 17 March, 23 April, 25 July, nearest Friday to 31 October, 30 November, 24 December and 25 December up to 01.00 the following day

Supply of alcohol:

New Year's Eve up to midnight between 1 and 2 January
14 February, 1 March, 17 March, 23 April, 25 July, nearest Friday to 31 October, 30 November, 24 December and 25 December up to 01.00 the following day

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 the following days the premises are permitted to be open as follows:

New Year's Eve up to 00.30 on 2 January
14 February, 1 March, 17 March, 23 April, 25 July, nearest Friday to 31 October, 30 November, 24 December and 25 December up to 01.30 the following day

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, other than for access and egress, in all rooms after 23.30 hours.
3. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
4. Patrons shall not be permitted on the premises outside the building itself after 23.00, other than for the purpose of access and egress.
5. Details of local licensed taxi companies shall be displayed in the premises.

REASONS FOR THE DECISION

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

In respect of the standard finish time for the various licensable activities, the Sub-Committee had particular regard to representations concerning noise nuisance. They accepted that at present there are occasions where noise occurs at "turn out" time. However they noted that no objection to the application for increased opening hours had been made by the Environmental Health Department or the police.

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 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 noted that some representations were to the effect that patrons sitting at outside tables caused noise. They considered that a condition could be imposed on the licence to prevent this after 23.00 hours. The Sub-Committee also noted that objectors had made the point that the premises are the only licensed premises in the vicinity that has to date applied to sell alcohol after 11.00 p.m., and had the potential to draw people from other public houses that close at 11.00 p.m. However in the absence of any evidence that this would be the case the Sub-Committee do not feel they can restrict opening hours on the basis of speculation. It also noted points made about access being by a narrow rural road, parking in the country roads, and pedestrian traffic, providing potential for accidents. While this may be the case, the Sub-Committee did not accept that the degree of hazard was dependent on the timing of the premises' closure.

In light of the above, the Sub-Committee considered that it would be consistent with the licensing objectives if the application were largely granted. Should a statutory nuisance in the future be established, action may be taken under the Environmental Protection Act.

Regarding supply of late night refreshment, the Sub-Committee considered that if this were permitted right up to closing time, it would not help encourage the timely and gradual dispersal of patrons. Those who had been supplied with food or drink shortly before closing time would be likely to remain longer than they otherwise would in order to consume it. They therefore considered that the supply of late night refreshment should cease half an hour before closing.

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.

Date: 11 July 2005

Licensing Sub-Committee Chairman. Cllr J A G Hutchins

FOR OFFICE USE ONLY

Decision noted to interested parties on 12 July 2005