

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: THE COMPASSES INN, DAMERHAM

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 2 August 2005**

1. Members of the Licensing Sub-Committee

Cllr W H Dow - Chairman
Cllr J A G Hutchins
Cllr G M Walmsley

2. Parties and their Representatives attending the Hearing

James Kidd - Applicant
B Riley - Objector

3. Other Persons attending the Hearing

4. Parties not attending the Hearing

Mr N A May - Objector

5. Officers attending to assist the Sub-Committee

Julia Mutlow - Solicitor
Kate Mason - Committee Administrator

6. Decision of the Sub-Committee

Licensable activities and times permitted:

Films:

Monday 09.00 to 00.00
Tuesday 09.00 to 00.00
Wednesday 09.00 to 00.00
Thursday 09.00 to 00.00
Friday 09.00 to 00.00
Saturday 09.00 to 00.00
Sunday 09.00 to 00.00

Indoor sporting events:

Monday 09.00 to 00.00
Tuesday 09.00 to 00.00
Wednesday 09.00 to 00.00
Thursday 09.00 to 00.00
Friday 09.00 to 00.00
Saturday 09.00 to 00.00
Sunday 09.00 to 00.00

Live music:

Monday 09.00 to 23.00
Tuesday 09.00 to 23.00
Wednesday 09.00 to 23.00
Thursday 09.00 to 23.00
Friday 09.00 to 23.00
Saturday 09.00 to 23.00
Sunday 09.00 to 23.00

Recorded music

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

Performances of dance

Monday 09.00 to 00.00
Tuesday 09.00 to 00.00
Wednesday 09.00 to 00.00
Thursday 09.00 to 00.00
Friday 09.00 to 00.00
Saturday 09.00 to 00.00
Sunday 09.00 to 00.00

Provision of facilities for making music

Monday 09.00 to 00.00
Tuesday 09.00 to 00.00
Wednesday 09.00 to 00.00
Thursday 09.00 to 00.00
Friday 09.00 to 00.00
Saturday 09.00 to 00.00
Sunday 09.00 to 00.00

Provision of facilities for dancing

Monday 09.00 to 00.00
Tuesday 09.00 to 00.00
Wednesday 09.00 to 00.00
Thursday 09.00 to 00.00
Friday 09.00 to 00.00
Saturday 09.00 to 00.00
Sunday 09.00 to 00.00

Late night refreshment:

Monday 23.00 to 00.00
Tuesday 23.00 to 00.00
Wednesday 23.00 to 00.00
Thursday 23.00 to 00.00
Friday 23.00 to 00.00
Saturday 23.00 to 00.00
Sunday 23.00 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 (excluding recorded music and late night refreshment) is permitted for one further hour on May Bank Holiday Monday, Spring Bank Holiday Monday and August Bank Holiday Monday in every year provided:

- (a) the applicant notifies to the police and the licensing authority details of the proposed activities on each occasion at least 7 days before the day in question, and
- (b) the police do not veto the activity for the additional period

Each of the above mentioned licensable activities (excluding recorded music and late night refreshment) is permitted for one further hour on up to 9 further 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 7 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 12 non-standard days per annum when licensable activities (excluding recorded music and late night refreshment) are permitted under the provision relating to non-standard hours set out above the premises are permitted to be open until 30 minutes after the conclusion of the permitted licensable activities.

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, other than for access and egress, in all rooms when events involving live 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.
 4. Events involving live music shall not occur more than twice a month.
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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 considered the objections relating to potential nuisance carefully but noted that, whilst understandable concerns were raised, most were speculative in that they acknowledged that few problems occurred at present. Representations were broadly concerned with the possibility that if there were a change of ownership in the future this could present problems. The Sub-Committee considered that conditions should be imposed requiring measures to ameliorate noise, as set out in the decision and are satisfied that these conditions will overcome the concerns of the objectors, bearing in mind there is no history of formal complaints about noise from the premises. Should a statutory nuisance be established in the future action will be taken under the Environmental Protection Act.

The Sub-Committee also noted that the applicant now wished to be granted an extra hour (to 01.00) for the provision of certain licensable activities on the 2 May Bank Holiday Mondays and the August Bank Holiday Monday and on up to 9 further days per annum of their choice, and were willing to give the police the power to veto any application for such an extension. 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.

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, or the application that the Children's Certificate should be disappled. This part of the application is therefore granted.

Date 2 August 2005

Licensing Sub-Committee Chairman - Cllr W H Dow.

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Decision noted to interested parties on 2 August 2005