

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: OAK AND YAFFLE, ASHLEY COMMON ROAD, NEW MILTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst  
on Monday, 8 August 2005**

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

Cllr R C H Hale - Chairman  
Cllr L Puttock  
Cllr Mrs B Smith

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

Applicant:

Paul Linton for Punch Taverns  
Christopher Carpenter – On Licence Holder  
Michelle Carpenter – On Licence Holder

Objectors:

Mr D Bywater  
Mr & Mrs Caddick  
E Clark – represented by Carole Reynolds  
Mr & Mrs V Clarke  
D O'Dell  
Mr & Mrs M Hughes  
P G Loveless  
Mr T Mitchell  
J Morris  
Mr & Mrs B Musselwhite  
Mr J O'Neill  
Mr & Mrs J Newell  
Mr & Mrs D Parkes  
Mrs P Reeves - representing Mr D Thomas  
Carole & Terry Reynolds  
Ms V Schooling  
Mr G Standing  
Mr & Mrs P Thompson  
B Williams  
Mr G Williams

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**3. Other Persons attending the Hearing**

Mr M Robinson – Senior Environmental Health Officer  
Mr G Nunn – Environmental Health Technician  
Cllr Fidler - observer

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**4. Parties not attending the Hearing**

Objectors:

Mr R Blackham  
Mr & Mrs Blundy  
Mr J Brooke  
B Browning  
Miss C Browning  
E Carter  
G Carter  
Mr N Elmslie  
Mr K Hanrahan  
Mr B James  
Miss C Lane & Mr B Lane  
Ms R Linsley  
Miss C Mason  
Mr A Mutimer  
Mr & Mrs R Phillips  
Mr & Mrs C Poole  
Mr S Sillick – represented by Mrs V Schooling  
Mr D Thomas – represented by Mrs P Reeves  
Ms C Warden  
J Williams  
Mrs E Wood

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

Julia Mutlow - Legal Advisor  
Kate Mason - Committee Administrator

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**DECISION OF THE SUB-COMMITTEE**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

- E. Live music:  
Friday 20.00 to 23.00  
Saturday 20.00 to 23.00
- F. Recorded music  
Friday 11.00 to 23.00  
Saturday 11.00 to 23.00

- J. Provision of facilities for dancing:  
Friday 20.00 to 23.00  
Saturday 20.00 to 23.00
- K. Provision of facilities for entertainment of a similar description to that falling within I or J:  
  
Friday 11.00 to 23.00  
Saturday 11.00 to 23.00
- M. Supply of alcohol:  
Monday 11.00 to 23.00  
Tuesday 11.00 to 23.00  
Wednesday 11.00 to 23.00  
Thursday 11.00 to 23.00  
Friday 11.00 to 23.00  
Saturday 11.00 to 23.00  
Sunday 12.00 to 22.30

**Non-standard hours:**

Existing permitted hours from 12.00 to 15.00 and 19.00 to 22.30 hours on Christmas Day continue to apply.

Existing permitted hours from 11.00 on New Years Eve until 23.00 on New Years Day continue to apply.

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

Monday 11.00 to 23.30  
Tuesday 11.00 to 23.30  
Wednesday 11.00 to 23.30  
Thursday 11.00 to 23.30  
Friday 11.00 to 23.30  
Saturday 11.00 to 23.30  
Sunday 12.00 to 23.00

**Mandatory conditions:**

As provided in the Licensing Act 2003

**REASONS FOR THE DECISION**

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties and has decided to reject the application in so far as it relates to the extension of licensable activities. The effect of this is licensing hours remain as for existing except for an extra 10 minutes.

The Sub-Committee accepted that at present there are occasions where noise and a degree of anti-social behaviour occur at the premises both during licensable hours and at "turn out" time. They consider that permitting a longer period for licensable activities could have the effect of extending the current problems.

The Sub-Committee considered that even with the imposition of conditions this would be insufficient at the current time to counter the problems of noise and anti-social behaviour. The Sub-Committee was particularly concerned that a statutory noise nuisance had been established at the premises and that an Abatement Notice had been served. Furthermore as there had been no appeal against that Notice it appeared that the Applicant had accepted that it was justified.

However, against that, the Sub-Committee were pleased to hear that the Applicant was working closely with Environmental Protection Officers and would suggest that a renewed application for variation of the licence be submitted if the noise nuisance issues can be resolved

However, at this time, bearing in mind the geographical location of the premises, it's proximity to a large number of residential properties and the ongoing investigation and strong objection referred to by Environmental Health, the Sub-Committee considered it was not reasonable to extend the hours during which licensable activities took place.

Furthermore, it considered that it was reasonable for persons living in the vicinity to have a degree of certainty as to when live music, with any associated increase in noise, would be taking place on the premises. In view of this, it felt that the performance of live music should be restricted to 20.00 to 23.00 on Fridays and Saturdays in line with the current Public Entertainment Licence.

The Sub-Committee also noted that the Applicant now wished to be granted an extra hour for the provision of licensable activities on May, Spring, and August Bank Holidays, Easter, Christmas Eve and Boxing Day. Again, the Sub-Committee was of the view that granting this part of the application was not consistent with the licensing objectives, in light of the ongoing issues of nuisance raised today.

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**Date 8 August 2005**

**Licensing Sub-Committee Chairman Cllr R C H Hale**

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**FOR OFFICE USE ONLY**

**Decision noted to interested parties on 9 August 2005**

**Signed .....**