

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: CROFT TAVERN, LANGDOWN LAWN, HYTHE

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday 9th August 2005**

1. Members of the Licensing Sub-Committee

Cllr M H G Fidler - Chairman
Cllr J Penwarden
Cllr S S Wade

2. Parties and their Representatives attending the Hearing

Mr C Bennett – Licence Holder
Mr M Butt – Barrister for applicant
Ms R Bradshaw - Area Manager for Spirit Group plc.

Mr. & Mrs. J Dexter - objectors
Mrs. C Gordon – representing Dr. A Gordon - objector
Dr. & Mrs. Scruton - objectors

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mr. & Mrs G Bracher
Dr. A Gordon – represented by Mrs. C Gordon
Mr. & Mrs. M Findlay – represented by John Dexter
Mr. B Reid
Mrs. S Smythe

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke - Head of Legal and Democratic Services
Kate Mason - Committee Administrator

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

- E. 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

- F. Recorded music:
 - Monday 10.00 to 23.30
 - Tuesday 10.00 to 23.30
 - Wednesday 10.00 to 23.30
 - Thursday 10.00 to 23.30
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 23.30

- H. Anything of a similar description to that falling within E and F:
 - Monday 10.00 to 23.30
 - Tuesday 10.00 to 23.30
 - Wednesday 10.00 to 23.30
 - Thursday 10.00 to 23.30
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 23.30

- J. Provision of facilities for dancing:
 - Monday 10.00 to 23.30
 - Tuesday 10.00 to 23.30
 - Wednesday 10.00 to 23.30
 - Thursday 10.00 to 23.30
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 23.30

- L. 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 00.30
 - Saturday 23.00 to 00.30
 - Sunday 23.00 to 00.00

- M. Supply of alcohol:
Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 23.30

Hours premises to be open to the public

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 00.30
Saturday 09.00 to 00.30
Sunday 09.00 to 00.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
2. Any live music will end at or before 23.00 each day
3. No person under 21 years of age shall be served alcohol on Thursday – Sunday inclusive.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties. The Applicant at the Hearing modified his Application further which had the effect of significantly reducing the hours of proposed licensable activities.

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance and anti-social behaviour. They accepted that at present there are occasions where noise and some anti-social behaviour occurs at ‘turn out’ time. However, they noted that no objections to the application (in its original form) for increased opening hours had been made by the Environmental Health Department or the Police.

The Sub-Committee considered that permitting a slightly longer period for licensable activities would enable customers to emerge from the premises at a more gradual rate.

It further considered that this would reduce the concentrated effect of noise likely to arise when numbers of people leave the premises at the same time and this would promote the licensing objective relating to the prevention of public nuisance.

However, permitting an extension of the hours during which the sale of alcohol (and other licensable activities excluding late night refreshment) is permitted beyond 23.30 during the working week (with a working day to follow) would not be likely to promote the licensing objectives relating to the prevention of public nuisance and prevention of crime and disorder. It is for this reason that when there is a working day the next day, licensable activities will cease at 23.30 with closing a half hour later.

On Fridays and Saturdays, the Sub-Committee considers that the public nuisance effect of noise at 'turning out' time would not be so significant until slightly later, as they are not followed by a working day.

The Sub-Committee were also of the view that the noise and anti social behaviour experienced by the objectors could not all be attributed to those drinking at The Croft.

There were no relevant representations made in respect of that part of the application to remove the embedded restrictions as set out in the application (including permitting children in the bar) and therefore this part of the application is granted.

Date 9 August 2005

Chairman's Signature Cllr M H G Fidler

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Decision noted to interested parties on 10 August 2005