

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: BOLD FORESTER, BEAULIEU ROAD, MARCHWOOD**

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

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

Cllr Mrs B Smith - Chairman  
Cllr M H G Fidler  
Cllr J M Hoy

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

Mr M Butt – Barrister for applicant

Objectors:

Miss C Bedford  
Mr & Mrs J Haynes  
Mrs E Holder  
Ms P Hoff  
Ms G Jordan  
Mr I Parsons  
Ms H Richardson  
Mrs J Richmond  
Mr R Smallman  
Mr J Wingate

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**3. Other Persons attending the Hearing**

None

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**4. Parties not attending the Hearing**

Ms L Burlinson  
Mr & Mrs Crouch  
Mrs N Grace  
Mrs I Parsons  
Mrs T Pitcher  
Mrs J Potheary  
Mrs R Smallman

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

Grainne O'Rourke - Head of Legal and 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:**

- E. Live 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
  
- F. 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
  
- H. Anything of a similar description to that falling within E, F or G:
  - 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
  
- J. Provision of facilities for dancing:
  - 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
  
- 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 00.00
  - Saturday 23.00 to 00.00
  - Sunday 23.00 to 00.00

- M. 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 shall be permitted for a further additional hour on 20 separate occasions per annum 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.

The licensable activities listed above shall be permitted from 11.00 on New Year's Eve to the end of permitted hours on New Year's Day.

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

- Monday 09.00 to 00.30
- Tuesday 09.00 to 00.30
- Wednesday 09.00 to 00.30
- Thursday 09.00 to 00.30
- Friday 09.00 to 00.30
- Saturday 09.00 to 00.30
- Sunday 09.00 to 00.30

The premises are permitted to be open for a further one hour on 20 separate occasions in line with the non-standard hours permitted above.

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

Any music (live or recorded) shall not be audible at any time inside neighbouring residential buildings.

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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 Applicant's representative modified the application further at the hearing which had the effect of reducing the hours applied for.

In respect of the standard finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance. The Sub-Committee noted that objectors had made the point that by extending the current hours during which licensable activities could take place had the potential for public nuisance to occur. However, in light of the fact that there was no evidence that this would in fact be the case, the Sub-Committee do not feel that they could justify restricting opening hours on the basis of speculation.

In light of the above the Sub-Committee considered that it would be consistent with the licensing objectives if the application were largely granted. However, having it considered that ceasing all licensable activities at 00.00 on every night would be reasonable and proportionate in light of the location and representations raised. Should a statutory nuisance be established in the future, action could be taken under the appropriate statutory regimes including the Environmental Protection Act.

There were no relevant representations made in respect of part P. of the application to remove the embedded restrictions as set out therein and therefore this part of the application is granted.

**Date 9 August 2005**

**Chairman's Signature Cllr Mrs B Smith**

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**FOR OFFICE USE ONLY**

**Decision noted to interested parties on 11 August 2005**