

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: GREEN DRAGON PUBLIC HOUSE, BROOK

**Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on
16 August 2005 at 2.30pm**

1. Members of the Licensing Sub-Committee

Clr Penwarden - Chairman
Clr Fidler
Clr Hutchins

2. Parties and their Representatives attending the Hearing

Mr P Banes-Walker – Owner and On Licence Holder

Objectors:

Mr & Mrs R Blackham
Mr A Lowth
Mr P Reynolds
Mrs J Robinson

3. Other Persons attending the Hearing

Mrs P Reynolds

4. Parties not attending the Hearing

Mr T Goplen

5. Officers attending to assist the Sub-Committee

Ms J Mutlow – Legal Advisor
Ms K Mason – Committee Administrator

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

- B. Films
 - Monday 07.30 to 00.30
 - Tuesday 07.30 to 00.30
 - Wednesday 07.30 to 00.30
 - Thursday 07.30 to 00.30
 - Friday 07.30 to 00.30
 - Saturday 07.30 to 00.30
 - Sunday 07.30 to 00.30

- C. Live sporting events:
 - Monday 07.30 to 00.30
 - Tuesday 07.30 to 00.30
 - Wednesday 07.30 to 00.30
 - Thursday 07.30 to 00.30
 - Friday 07.30 to 00.30
 - Saturday 07.30 to 00.30
 - Sunday 07.30 to 00.30

- E. **Live music:
 - Monday 12.00 to 23.00
 - Tuesday 12.00 to 23.00
 - Wednesday 12.00 to 23.00
 - Thursday 12.00 to 23.00
 - Friday 12.00 to 23.00
 - Saturday 12.00 to 23.00
 - Sunday 12.00 to 23.00

- F. **Recorded music:
 - Monday 07.30 to 23.00
 - Tuesday 07.30 to 23.00
 - Wednesday 07.30 to 23.00
 - Thursday 07.30 to 23.00
 - Friday 07.30 to 23.00
 - Saturday 07.30 to 23.00
 - Sunday 07.30 to 23.00

- H. Anything of a similar description to that falling within E and F:
 - Monday 07.30 to 00.30
 - Tuesday 07.30 to 00.30
 - Wednesday 07.30 to 00.30
 - Thursday 07.30 to 00.30
 - Friday 07.30 to 00.30
 - Saturday 07.30 to 00.30
 - Sunday 07.30 to 00.30

- J. ****Provision of facilities for dancing:**
Monday 07.30 to 23.00
Tuesday 07.30 to 23.00
Wednesday 07.30 to 23.00
Thursday 07.30 to 23.00
Friday 07.30 to 23.00
Saturday 07.30 to 23.00
Sunday 07.30 to 23.00

****NOTE:** The licensable activities mentioned at sections E. F. and J. above shall be restricted to 15 separate occasions in total per annum. These 15 occasions are in addition to the hours permissible for the period - New Year's Eve to 2 January each year - details of which are set out under "**Non-standard hours**" below.

- L. Late night refreshment
Monday 23.00 to 00.30
Tuesday 23.00 to 00.30
Wednesday 23.00 to 00.30
Thursday 23.00 to 00.30
Friday 23.00 to 00.30
Saturday 23.00 to 00.30
Sunday 23.00 to 00.30

- M. Supply of alcohol:
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

Non-standard hours:

The licensable activities listed above at sections B. C. F. H. J. and L. shall be permitted to commence on New Year's Eve at the times stated above, ending at 01.30 on 2 January.

The licensable activities listed above at sections E. and M. shall be permitted to commence on New Year's Eve at the times stated above, ending at 01.00 on 2 January.

Hours premises to be open to the public

- Monday 07.30 to 01.00
Tuesday 07.30 to 01.00
Wednesday 07.30 to 01.00
Thursday 07.30 to 01.00
Friday 07.30 to 01.00
Saturday 07.30 to 01.00
Sunday 07.30 to 01.00

Non-standard timings

The premises are permitted to be open on 2 January each year until 01.30 in line with the non-standard hours permitted above.

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 music (live or recorded) in the garden will end at or before 22.00.
 3. Any music (live or recorded) inside the building will end at or before 23.00.
 4. The total number of live or recorded music events shall not exceed 15 per annum.
 5. Music and speech from the premises shall be barely audible between 20.00 and 23.00 hours at the points on the pavement marked by two thick dotted lines on the attached plan.
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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 has modified his Application since its initial submission which has had the effect of reducing, in part, 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 public nuisance. However, they noted that no objections to the application (in its amended form) for increased opening hours had been made by the Environmental Health Department. The concerns raised by objectors as to the likelihood of potential nuisance were mostly speculative and based on the fact that the premises are situated in close proximity to other licensed premises. However, in the absence of any evidence that this will in fact be the case, the Sub-Committee did not feel that they could restrict 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. Having considered the conditions suggested by the Environmental Protection Department and consented too by the Applicant, the Sub-Committee decided that certain conditions should be imposed and that these would ameliorate concerns as to nuisance at this stage.

However, should a statutory nuisance be established in the future, action may be taken under the appropriate statutory regime including the Environmental Protection Act.

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.

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 and therefore this part of the application is granted.

Date 16 August 2005

Licensing Sub-Committee Chairman: Cllr J Penwarden

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Decision noted to interested parties on 18 August 2005