

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: SHOREFIELD COUNTRY PARK

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday 22nd August 2005**

1. Members of the Licensing Sub-Committee

Cllr G. Beck - Chairman
Cllr L. Puttock
Cllr Mrs. B Smith

2. Parties and their Representatives attending the Hearing

Graham Bond, Solicitor for applicant
Mr. Simon Pollock – Managing Director
Mr. Ian Phillips, General Manager
Mr. G Farrell, Health & Safety Officer

Objectors:

Mr. M Affleck
Mr. D Williams, Solicitor for Mr. M Affleck

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mr. & Mrs. P Buckingham
Ms T Buckingham
Mr. B Buckley
Mr. R Harris
Mr. R Matthews
Mr. L. Welch

Not confirmed as either attending or not attending:

Mr. & Mrs. Hillier
Mr. Lees
Mr. D Tugby

5. Officers attending to assist the Sub-Committee

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions:

Licensable activities and times permitted:

- A. Plays:
 - Monday 12.00 to 22.00
 - Tuesday 12.00 to 22.00
 - Wednesday 12.00 to 22.00
 - Thursday 12.00 to 22.00
 - Friday 12.00 to 22.00
 - Saturday 12.00 to 22.00
 - Sunday 12.00 to 22.00

- B. Films:
 - 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

- C. 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

- D. Boxing or wrestling entertainment:
 - Monday 12.00 to 00.00
 - Tuesday 12.00 to 00.00
 - Wednesday 12.00 to 00.00
 - Thursday 12.00 to 00.00
 - Friday 12.00 to 00.00
 - Saturday 12.00 to 00.00
 - Sunday 12.00 to 00.00

- E. *Live Music:
 - Monday 10.00 to 01.00
 - Tuesday 10.00 to 01.00
 - Wednesday 10.00 to 01.00
 - Thursday 10.00 to 01.00
 - Friday 10.00 to 01.00
 - Saturday 10.00 to 01.00
 - Sunday 10.00 to 01.00

- F. Recorded Music:

Monday 10.00 to 01.00
Tuesday 10.00 to 01.00
Wednesday 10.00 to 01.00
Thursday 10.00 to 01.00
Friday 10.00 to 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to 01.00

- G. *Performances of dance:
Monday 10.00 to 01.00
Tuesday 10.00 to 01.00
Wednesday 10.00 to 01.00
Thursday 10.00 to 01.00
Friday 10.00 to 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to 01.00

- H. Anything of a similar nature to that falling within E. F. and G:
Monday 10.00 to 20.00
Tuesday 10.00 to 20.00
Wednesday 10.00 to 20.00
Thursday 10.00 to 20.00
Friday 10.00 to 20.00
Saturday 10.00 to 20.00
Sunday 10.00 to 20.00

- J. *Provision of facilities for dancing:
Monday 10.00 to 01.00
Tuesday 10.00 to 01.00
Wednesday 10.00 to 01.00
Thursday 10.00 to 01.00
Friday 10.00 to 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to 01.00

*When the licensable activities referred to at sections E. F. G and J. above are being held outdoors, such events shall be restricted to 8 occasions per annum in total and will cease at or before 21.30 hours.

- L. Late night refreshment:
Monday 23.00 to 01.00
Tuesday 23.00 to 01.00
Wednesday 23.00 to 01.00
Thursday 23.00 to 01.00
Friday 23.00 to 01.00
Saturday 23.00 to 01.00
Sunday 23.00 to 01.00

- M. Supply of alcohol:

Off-sales:
Monday 08.00 to 22.00
Tuesday 08.00 to 22.00
Wednesday 08.00 to 22.00
Thursday 08.00 to 22.00

Friday 08.00 to 22.00
Saturday 08.00 to 22.00
Sunday 10.00 to 22.00

On-sales:

Monday 10.00 to 01.00
Tuesday 10.00 to 01.00
Wednesday 10.00 to 01.00
Thursday 10.00 to 01.00
Friday 10.00 to 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to 01.00

Non-standard timings

The number of events involving the licensable activities detailed at sections E. F. G and J above, shall be restricted to 8 times per annum, if such events are to be held outdoors. The licensing authority shall be notified at least 7 days in advance of any such event taking place. Any such event shall cease by 21.30 hours.

Hours premises to be open to the public:

Monday 07.00 to 01.00
Tuesday 07.00 to 01.00
Wednesday 07.00 to 01.00
Thursday 07.00 to 01.00
Friday 07.00 to 01.00
Saturday 07.00 to 01.00
Sunday 07.00 to 01.00

Mandatory conditions:

As provided in the Licensing Act 2003.

Other conditions:

1. All external doors and windows shall be kept closed, other than for access and egress, in all rooms when events involving live or recorded music or entertainment (including speech) are taking place.
2. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
3. Notices shall be displayed in prominent positions in the front car park which adjoins Downton Park, restricting its use to the parking of staff vehicles only.
4. The area known as the Bistro Terrace shall not be operated or available for the use of patrons after 21.30 hours.
5. Outdoor events involving live or recorded music shall cease by 21.30 hours and shall be restricted to the area surrounding the outdoor swimming pool. The number of such events shall not exceed 8 per annum in total. The licensing authority shall be notified at least 7 days in advance of any such event taking place.
6. Music (both live and recorded) and speech from the premises shall be inaudible after 23.00 hours at the hashed line marked on the attached plan and barely audible at the same line between 20.00 and 23.00 hours.

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 concerns were raised, most were speculative in that they acknowledged that few problems occurred at present. In particular, it was confirmed by Mr. Affleck's representative in summing up (he being the only objector present) that there had been no problems with music itself.

Representations were broadly concerned with the problems arising from the use of the area – the car park and terraces adjacent to Downton Park. 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. Should a statutory nuisance be established in the future then clearly action may be considered under the Environmental Protection Act, as appropriate.

In these circumstances the Sub-Committee was of the view that granting the application for variation 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 Children's' Certificate and therefore these restrictions would be removed and this part of the application granted. Furthermore in line with the varied hours the restriction on operating times during April to September detailed on the Public Entertainment Licence would also be removed.

Finally the Sub-Committee wanted it to be noted that they were impressed with the businesses run by both the applicant and the objector and considered that it was in both their interests to continue working together to deal with any difficulties that may arise.

Date 23 August 2005

Chairman's Signature G C Beck

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Decision noted to interested parties on 23 August 2005