

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

**APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003
FILLY INN, LYMINGTON ROAD, BROCKENHURST**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday 23rd August 2005 at 3pm.**

1. Members of the Licensing Sub-Committee

Cllr Penwarden – Chairman
Cllr Fidler
Cllr Walmsley

2. Parties and their Representatives attending the Hearing

Nigel Aaron – Business Relationship Manager

Objectors:

Jeannine & David Kouwen represented by Mr A Glennie

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

None

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:

- E. Live music:
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 23.00
- F. Recorded music:
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 23.00
- M. Supply of alcohol:
Monday 11.00 to 00.00
Tuesday 11.00 to 00.00
Wednesday 11.00 to 00.00
Thursday 11.00 to 00.00
Friday 11.00 to 01.00
Saturday 11.00 to 01.00
Sunday 12.00 to 23.30

Non-standard timings

The licensable activities above will be permitted for a further additional hour on the following days:

- Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank Holiday weekends.
- Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend.
- Christmas Eve.
- Boxing Day.

The permitted hours for New Years Eve/ New Years Day will remain unchanged.

Hours premises to be open to the public

Monday 08.00 to 00.30
Tuesday 08.00 to 00.30
Wednesday 08.00 to 00.30
Thursday 08.00 to 00.30
Friday 08.00 to 01.30
Saturday 08.00 to 01.30
Sunday 08.00 to 00.00

On the days on which the non-standard timings above are permitted the premises may open for one additional hour.

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. The licensable activities permitted under E. and F. above shall not take place outside the premises.
3. Any lights positioned in the outside/external drinking areas shall be extinguished at 23.00 hours.
4. All external doors and windows shall be kept closed, other than for access and egress, in all rooms when events involving live music or recorded music (including speech) are taking place.

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 nuisance and anti-social behaviour such as shouting and swearing late at night, light pollution and noise.

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. The Sub-Committee took the view that should a statutory nuisance be established then action may be taken under the appropriate statutory regime including the Environmental Protection Act.

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.

Date 23 August 2005**Licensing Sub-Committee Chairman : Cllr J Penwarden**

FOR OFFICE USE ONLY**Decision noted to interested parties on 24 August 2005**