

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

**APPLICATION TO VARY A CLUB PREMISES CERTIFICATE - LICENSING ACT
2003**

**NEW MILTON FOOTBALL AND ATHLETIC CLUB (INCORPORATING
LYMINGTON AND NEW MILTON FC) FAWCETTS FIELD**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday 23rd August 2005 at 9.30am**

1. Members of the Licensing Sub-Committee

Cllr Fidler - Chairman
Cllr Penwarden
Cllr Smith

2. Parties and their Representatives attending the Hearing

Mr. J Holliday representing Mrs. P Drake, applicant
Objectors:
Mr. A Carter
Mrs. K Jessop – represented by Mr. A Carter

3. Other Persons attending the Hearing

Mrs. Holliday – observer

4. Parties not attending the Hearing

Mr. I Colverson – represented by Mr. A Carter
Mr. & Mrs. D Crouch represented by Mr. A Carter
Mrs. P Drake – represented by Mr. J Holliday
Mrs. D Dunford – represented by Mr. A Carter
Mrs. J Harley – represented by Mr. A Carter
Mr. E Nightingale – represented by Mr. A Carter
Mr. & Mrs. M Procter – represented by Mr. A Carter
Mr. R Squibb – represented by Mr. A Carter
Mrs. A Titley – represented by Mr. A Carter
Mr. J Withrington – represented by Mr. A Carter
Carole & Christopher Woodcock – represented by Mr. A Carter

Not confirmed as either attending or not attending:

Ms. Chase
Mr. R Dene
Mr. Green
Ms. Griffiths
Mr. C Hold
Mr. McHugh
Mr. A Rixon
Mr. Watson

5. Officers attending to assist the Sub-Committee

Ms. G O'Rourke – Legal Advisor
Ms. K Mason – Committee Administrator
Ms. N Heasleden – Solicitor (observing)

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

A. Plays

Such events shall be limited to the hours between 10.00 and 23.30 Monday to Thursday (inclusive); 10.00 and 00.30 Fridays and Saturdays (inclusive); 11.00 and 23.00 Sundays.

C. Indoor sporting events:

Such events shall be limited to the hours between 10.00 and 23.30 Monday to Thursday (inclusive); 10.00 and 00.30 Fridays and Saturdays (inclusive); 11.00 and 23.00 Sundays. .

E. Live music*:

Save as permitted below such events shall be limited to the hours between 10.00 and 23.30 Monday to Saturday (inclusive); 11.00 and 23.00 Sundays.

F. Recorded music*

Save as permitted below such events shall be limited to the hours between 10.00 and 23.30 Monday to Saturday (inclusive); 11.00 and 23.00 Sundays.

G. Performance of Dance*

Save as permitted below such events shall be limited to the hours between 10.00 and 23.30 Monday to Saturday (inclusive); 11.00 and 23.00 Sundays.

I. Provision of facilities for making music*

Save as permitted below such events shall be limited to the hours between 10.00 and 23.30 Monday to Saturday (inclusive); 11.00 and 23.00 Sundays.

J. Provision of facilities for dancing*

Save as permitted below such events shall be limited to the hours between 10.00 and 23.30 Monday to Saturday (inclusive); 11.00 and 23.00 Sundays.

L. 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 00.30
Saturday 10.00 to 00.30
Sunday 11.00 to 23.00

NOTE:

1. *Live/amplified recorded music to 0030 hours can take place on a maximum of 25 occasions in any 12 month period provided 7 days prior notice is given to the Council's Environmental Health Department in respect of each event.

Non-standard hours:

Existing rights for New Years Eve are retained.

Mandatory conditions:

As provided in the Licensing Act 2003

Other Conditions:

1. After 2300 hours music and noise emanating from the premises shall be inaudible at the boundary of noise sensitive premises represented by the hashed line on the attached plan.
2. Prior to 2300 hours music and noise emanating from the premises whilst audible shall be so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognized at the boundary of noise sensitive premises represented by the hashed line on the attached plan.
3. All external doors should be kept closed except as required for access and egress when events involving live or amplified music (including amplified speech) are taking place inside the building.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties in light of the Applicant's application.

The Sub-Committee were mindful of the concerns raised by the objectors in respect of noise emanating from events taking place inside the premises involving amplified music and speech. They felt that such concerns could be addressed by the imposition of the conditions that were agreed in advance of the hearing by the Environmental Health Department and the Applicant together with a condition in respect of the doors being required to be kept closed and therefore the application would be granted.

There was no evidence that the anti-social behaviour experienced by the neighbouring properties was caused by patrons of the Club leaving the premises.

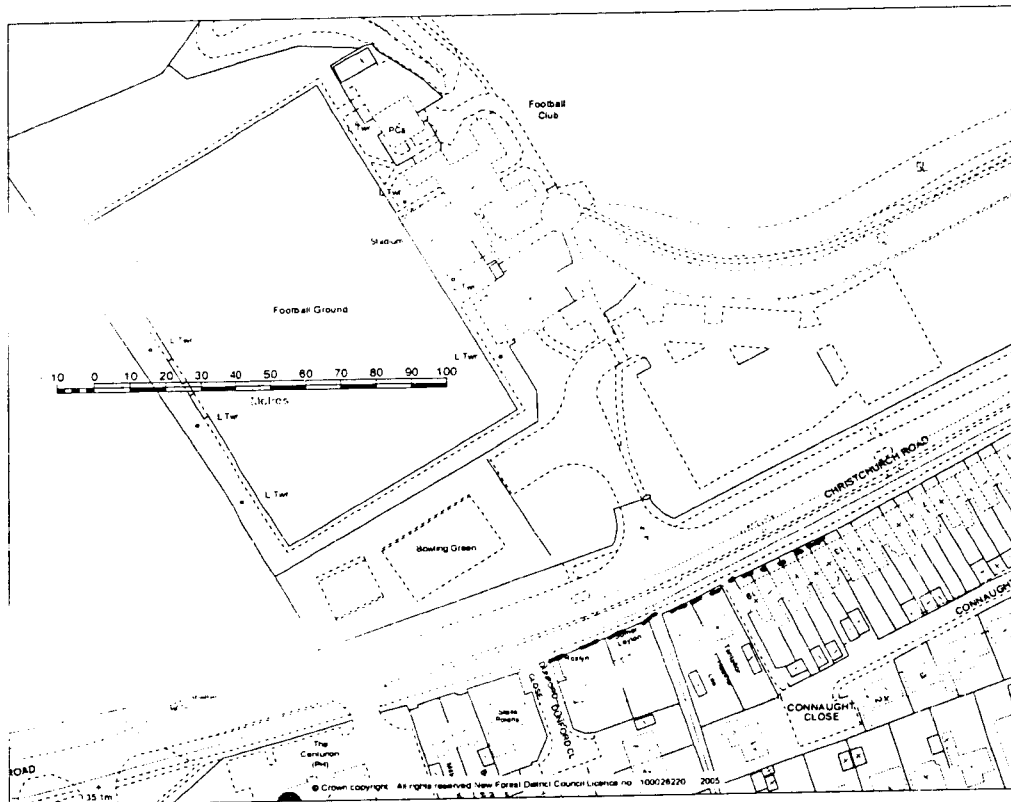
As the Club were proposing little more than they currently benefited from under their previous certificate, the Sub-Committee was of the view that granting the variation was not inconsistent with the licensing objectives.

Date 23 August 2005

Licensing Sub-Committee Chairman : Cllr M H G Fidler

FOR OFFICE USE ONLY

Decision noted to interested parties on 24 August 2005



Community Services
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA
 Tel: (023) 80285000



Suggested Condition:

- After 2300, music and noise emanating from the premises shall be inaudible at the boundary of noise sensitive premises, represented by an assessment at the 5 hashed lines.

Prior to 2300, music and noise emanating from the premises whilst audible, is so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises.

(Noise sensitive premises includes premises use for residential purposes, hospitals or similar institutions, educational establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purpose likely to be affected by the music noise.)