

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: The White Horse, Main Road, Marchwood

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday 30th August 2005 at 9.30am**

1. Members of the Licensing Sub-Committee

Cllr Hale – Chairman
Cllr Beck
Cllr Hoy

2. Parties and their Representatives attending the Hearing

Jeff Dunn, Business Relationship Manager, Punch Taverns
Sally McMenamin, On Licence holder

Objectors:

Mrs. J Barter
Ms. R Bonnett
Mr. & Mrs. S Carr – represented by Graham Walmsley
Mr. A. Coates
Mr. Colclough
Ms. H Dawson
Mr. P Green
David & June Knight
Mr. J Linney
Miss. M Lindsay
Charles & Margaret Paul
Graham Walmsley

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mrs. N Alldridge – represented by Mr. A Coates
Mr. D Allner
Mrs. K Allum
Mr. & Mrs. J Amey – represented by Mr. C Paul
S. Blake
Mr. & Mrs. E Brogan
Ms. R Brooks
Mr. & Mrs. M Chambers
Debbie Colclough represented by Peter Colclough
Mrs. J Clark

Mr. & Mrs. Dyke
Mrs. F Harding
Mrs. J Hooper
Mr. M Hooper
Mrs. J Johnson
E Jones
Mr. K Knight
Mrs. S Lawson
Mrs. M Marshall
S. J Mitchell
Mr. A Silvey – represented by Mr. C Paul
Mr. & Mrs. Norman
M. Pollard represented by A Coates
J. Scott
Mr. & Mrs. D Shiers – represented by Graham Walmsley
Mrs. E Smith
Mr. D Tarr
Mr. & Mrs. J Thick
Mr. C White
Mr. M White
Mrs. P White
Mr. D Tarr
Mrs. J Tarr

5. Officers attending to assist the Sub-Committee

Ms. J Mutlow – Legal Advisor
Ms. K Mason - Clerk

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 22.30

*The nature of the live music shall be limited to the extent detailed in section E. of the Operating Schedule.

- 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 22.30

*The nature of the recorded music shall be limited to the extent detailed in section F. of the Operating Schedule.

- K. Provision of facilities for entertainment of a similar description to that falling within I or J (KARAOKE)*:
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 22.30

*The nature of these facilities shall be limited to the extent detailed in section K. of the Operating Schedule.

- M. Supply of alcohol:
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 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

Non-standard timings

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

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

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

Hours premises to be open to the public

Monday 11.00 to 23.30
Tuesday 11.00 to 23.30
Wednesday 11.00 to 23.30
Thursday 11.00 to 23.30
Friday 11.00 to 00.30
Saturday 11.00 to 00.30
Sunday 12.00 to 23.00

On the days that the non-standard timings above are permitted the premises will be permitted to remain open to the public for a further additional hour.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The Licensee or his/her nominated representative shall receive and respond to complaints throughout the duration of any regulated entertainment.

2. All external doors and windows shall be kept closed, other than for the purposes of access and egress, when events involving live and or amplified music (including amplified speech) are taking place.
3. All existing external seating shall be removed from the premises.
4. There shall be no alternative external seating provided at the premises at any time.
5. Signage shall be prominently displayed both inside and outside the premises advising patrons that glasses, bottles or other receptacles for the containment of alcohol or other beverages shall not be permitted to be taken outside the building after 23.00 hours.
6. After 23.00 hours noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises**.
7. Prior to 23.00 hours, music and noise emanating from the premises if audible, shall be at such a level that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises**.

** For the purposes of conditions 6 and 7 above, noise sensitive premises shall include premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), places of worship (during recognised times and days of worship) and any other premises used for any other purpose likely to be affected by the music noise.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties.

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance and anti-social behaviour. They accepted that at present there are occasions where noise and some anti-social behaviour occurs, in particular at 'turn out' time. However, they noted that no objections to the application for increased opening hours had been made by the Environmental Health Department or the Police.

The Sub-Committee considered that permitting a slightly longer period for certain licensable activities on a limited number of evenings 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.

However, permitting an extension of the hours during which the sale of alcohol (and other licensable activities excluding late night refreshment) is permitted beyond 23.00 during the working week (with a working day to follow) would not be likely to promote the licensing objectives relating to the prevention of public nuisance and prevention of crime and disorder. It is for this reason that when there is a working day the next day, licensable activities will cease at 23.00 with closing a half hour later.

On Fridays and Saturdays, the Sub-Committee considers that the public nuisance effect of noise at 'turning out' time would be less significant on Fridays and Saturdays, as they are not followed by a working day.

Furthermore the Sub-Committee considered that conditions such a prohibition on the provision of external seating would ameliorate the problems of public nuisance complained of by some of the interested parties arising from persons sitting outside the premises.

Date 30th August 2005

Licensing Sub-Committee Chairman: Cllr Hale.