

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: The Langley Tavern, Lepe Road, Blackfield

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on**

1. Members of the Licensing Sub-Committee

Cllr Dow – Chairman
Cllr Penwarden
Cllr Walmsley

2. Parties and their Representatives attending the Hearing

Applicant:

Jeff Dunn – Business Relationship Manager
Joanne Grant – On Licence holder

Objectors:

Mr. & Mrs. Greenland
Mrs. D Lewis
Mr. G Lock
Mrs. R Lucas
Mr. P Johnson representing Mrs. J Barrett
Mrs. McEvoy
Mr. S Payne
Ms. A Roe representing Mrs. J Pawson
Mr. & Mrs. B Targett

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Ms. J Barrett – represented by Peter Johnson
Mr. & Mrs. L Chivers – represented by Ms. A Roe
Mr. & Mrs. M Delauney
Ms. D Foot
Mr. C Herring – represented by Peter Johnson
Mr. & Mrs. Holloway
R. B Hughes
Colin & Julia Lewis
Mr. & Mrs. R Lloyd

Mrs. J Pawson represented by Ms. A Roe
Miss. J Pawson
Ms. J Pugh
Mrs. J Thomas
Mr. D Turley
Mr. & Mrs. P Weston

Not confirmed as either attending or not attending:

Mr. D Chisnall
Mrs. S Colledge
Mrs. E Cumming
Mrs. D Flux
Mr. P Hinks
Mr. & Mrs. K Kitcher
Mr. & Mrs. W McEvoy
Mr. A Martin
Mr. R Sign

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 the facilities for entertainment shall be limited to the extent detailed in section K. of the Operating Schedule.

**NOTE: The licensable activities mentioned at sections E. F. and K. above shall be restricted to 24 occasions in total per annum. Each of those 24 occasions must be notified to the Licensing Authority in writing at least 7 days in advance.

- 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

Only the licensable activity listed at section M. above (supply of alcohol) shall 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.

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

The premises are permitted to be open 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.

This is in line with the non-standard timings permitted above.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The Licensee or his/her nominated representative shall accept and respond to complaints throughout the duration of any regulated entertainment.
2. Signage shall be prominently displayed both inside and outside the premises advising patrons that glasses, bottles or other receptacles for the containment of alcohol shall not be permitted to be taken outside the building after 23.00 hours.
3. The Licensing Authority must be notified at least 7 days in advance of any of the 24 occasions on which the licensable activities at sections E. F. and K. are taking place.
4. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
5. 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.
6. After 23.00 hours any 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 and also the further amendments/restrictions to be applied to regulated entertainment offered by the Applicant at the hearing.

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 occur and that complaints have been made to the Environmental Protection Department. However, they noted that no objections to the application for increased opening hours had been made by the Police and furthermore that subject to the Applicant agreeing to certain conditions the Environmental Health Department did not raise any objections to the variation.

The Sub-Committee considered that permitting a slightly longer period for certain licensable activities on a limited basis 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 was permitted beyond 23.00 hours 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 was 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 considered that the public nuisance effect of noise at 'turning out' time would be less significant as they are not followed by a working day.

The Sub-Committee also considered that the concerns raised about noise from Karaoke could be adequately dealt with by the imposition of the conditions suggested by the Environmental Protection Officer and should problems occur then interested parties or responsible authorities had the option to apply for a review of the licence. Additionally, there were other statutory regimes, such as the Environmental Protection Act that could be invoked should a statutory nuisance occur in due course.

Date 31 August 2005

Licensing Sub-Committee Chairman: Cllr W H Dow

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Decision noted to interested parties on 2 September 2005