

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION HOBURNE NAISH, CHRISTCHURCH ROAD, NEW MILTON

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday, 12 September 2005.**

1. Members of the Licensing Sub-Committee

Councillor R C H Hale - Chairman
Councillor D Harrison
Councillor P R Woods

2. Parties and their Representatives attending the Hearing

Mr N S Putnam, Company Secretary, Naish Estate (Hoburne) Limited –
Applicant
Mr D Campbell, Rawlins Davy Solicitors – representing the Applicant
Mr P J Heaton, General Manager, Naish Estate Social and Sports Club

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Professor and Mrs J D Phillipson
Mr and Mrs E Vaughan
Mr and Mrs S Knowles
Mr and Mrs M Clark
Mr R and Mrs P Briggs
Mr M and Mrs K Kingsnorth

Not confirmed as either attending or not attending:

Mr and Mrs A H King

5. Officers attending to assist the Sub-Committee

Ms J Mutlow, Legal Advisor
Mrs M Dunsmore, Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

- A. Plays:
 - 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

- B. Films:
 - 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

- C. Indoor sporting events:
 - 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

- D. Boxing or wrestling entertainment:
 - 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

- 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 description to that falling within E. F. and G:
 - 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

- I. Provision of facilities for making 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

- 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

- 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:
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

This licence permits the licensable activity at Section M. above (supply of alcohol) between 01.30 hours on New Years Day until 06.00 hours on 2nd January.

Hours premises to be open to the public

Monday 06.00 to 02.00
Tuesday 06.00 to 02.00
Wednesday 06.00 to 02.00
Thursday 06.00 to 02.00
Friday 06.00 to 02.00
Saturday 06.00 to 02.00
Sunday 06.00 to 02.00

The premises is permitted to be opened to the public between 01.30 hours on New Years Day until 06.00 hours on 2nd January.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. No live music shall be permitted outdoors at any time.
2. Where outdoor events involve recorded music, the recorded music shall cease at or before 22.00 hours.
3. Noise from recorded music played outdoors shall be barely audible* at any time at the site boundary as marked in red on the plan that will be attached to the licence.
4. The licensing authority shall be notified at least 28 days prior to any of the licensable activities referred to at section D. above taking place.

*"Barely audible" means that the noise level is so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised.

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 and disorder.

Representations were broadly concerned with the problems arising from noise and from patrons leaving the premises in a rowdy manner and littering residential premises in the area. The Sub-Committee accepted the Applicant's contention that beverages were not dispensed from the premises (aside from the site shop which closed at 20.00 hours) in cans and bottles but instead decanted into glasses. In the circumstances the Sub-Committee considered it unlikely that the litter complained of came from Holburne Naish.

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 nuisance be established in the future as a result of the extended hours then clearly action may be taken under the Environmental Protection Act and/or Licensing Act, as appropriate.

In these circumstances, the Sub-Committee was of the view that granting the application for variation with appropriate conditions was not inconsistent with the licensing objectives, subject to the conditions imposed in the decision.

The Sub-Committee wanted it noted that they were impressed by the manner in which the premises were run and it hoped that this would continue into the future.

There were no relevant representations made in respect of the application to remove embedded restrictions and other existing limitations and conditions. Therefore these would be removed and this part of the application granted.

Date 12 September 2005

Licensing Sub-Committee Chairman: Councillor R C H Hale

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Decision noted to interested parties on 21 September 2005