

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: ANGEL & BLUE PIG, HIGH ST, LYMINGTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday 13 September 2005 at 9.00 am**

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**1. Members of the Licensing Sub-Committee**

Cllr J M Hoy – Chairman  
Cllr M H G Fidler  
Cllr A R Tinsley

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**2. Parties and their Representatives attending the Hearing**

Mike McGoldrick – Licensee  
Ms Lloyd-Jacobs, Solicitor for applicant

Objectors:  
Mr. K. Curry  
Mr. N King for the Lymington Society

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**3. Other Persons attending the Hearing**

Reporter from Lymington Times

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**4. Parties not attending the Hearing**

None

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**5. Officers attending to assist the Sub-Committee**

Mrs. N Heaselden – Legal Advisor  
Ms. K Mason- Committee Administartor

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**6. Decision of the Sub-Committee**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

- E. Live music: indoors
  - Monday 10.00 to 23.00
  - Tuesday 10.00 to 23.00
  - Wednesday 10.00 to 23.00
  - Thursday 10.00 to 23.00
  - Friday 10.00 to 00.00
  - Saturday 10.00 to 00.00
  - Sunday 10.00 to 23.00
  
- F. Recorded music: Indoors
  - Monday 10.00 to 23.00
  - Tuesday 10.00 to 23.00
  - Wednesday 10.00 to 23.00
  - Thursday 10.00 to 23.00
  - Friday 10.00 to 00.00
  - Saturday 10.00 to 00.00
  - Sunday 10.00 to 23.00
  
- G.. Performance of dance indoors
  - Monday 10.00 to 23.00
  - Tuesday 10.00 to 23.00
  - Wednesday 10.00 to 23.00
  - Thursday 10.00 to 23.00
  - Friday 10.00 to 00.00
  - Saturday 10.00 to 00.00
  - Sunday 10.00 to 23.00
  
- H. Anything of a similar description to that falling within E, F or G: indoors
  - Monday 10.00 to 23.00
  - Tuesday 10.00 to 23.00
  - Wednesday 10.00 to 23.00
  - Thursday 10.00 to 23.00
  - Friday 10.00 to 00.00
  - Saturday 10.00 to 00.00
  - Sunday 10.00 to 23.00
  
- I. Provision of facilities for music: indoors
  - Monday 10.00 to 23.00
  - Tuesday 10.00 to 23.00
  - Wednesday 10.00 to 23.00
  - Thursday 10.00 to 23.00
  - Friday 10.00 to 00.00
  - Saturday 10.00 to 00.00
  - Sunday 10.00 to 23.00
  
- J. Provision of facilities for dancing: indoors
  - Monday 10.00 to 23.00
  - Tuesday 10.00 to 23.00
  - Wednesday 10.00 to 23.00
  - Thursday 10.00 to 23.00
  - Friday 10.00 to 00.00
  - Saturday 10.00 to 00.00
  - Sunday 10.00 to 23.00

- K. Provision of facilities for entertainment of a similar description to that falling within I or J : indoors  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00  
Sunday 10.00 to 23.00
- L. Late night refreshment: indoors  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00
- M. Supply of alcohol: on and off the premises  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 00.00  
Saturday 10.00 to 00.00  
Sunday 10.00 to 23.00

**Non-standard hours:**

Each of the above mentioned licensable activities shall be permitted for a further additional hour on the following days:

- (a) on the Thursday of the Easter Bank holiday weekend until 00.00
- (b) on the Sunday of a bank holiday weekend until 00.00
- (c) on each Friday and Saturday of a bank holiday weekend until 01.00 (the morning following)

*The licensable activities listed above shall be permitted from the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.*

**Hours premises to be open to the public**

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 (the morning following)  
Saturday 10.00 to 00.30 (the morning following)  
Sunday 10.00 to 23.30

The premises are permitted to be open for a further one hour on the following days:

- (a) on the Thursday of the Easter bank holiday weekend until 00.30
- (b) on the Sunday of a bank holiday weekend until 00.30 (the morning following)
- (c) on Friday and Saturday of a bank holiday weekend until 01.30 (the morning following)

The premises are also permitted to be open from the commencement of permitted hours on New Year's Eve to 30 minutes after the end of permitted hours for the supply of alcohol on New Year's Day.

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

1. Licensable activities shall not cause a nuisance to residents in the vicinity
2. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents
3. All external doors shall be kept closed at all times except for access and egress
4. All windows in the premises shall be closed at 11pm.
5. Whenever a function is taking place in the function room of the premises all windows of the function room shall be kept closed and all doors shall be kept closed (except for access and egress)

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**7. Reasons for the Decision**

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

They considered the objections carefully taking into account that it was accepted that some of the nuisance experienced was not caused by customers using the Premises. Whilst concerns had been raised by the neighbouring residents contacted by the Lymington Society none of the persons represented had actively made a formal objection to the application and less weight was given to the evidence provided on their behalf. However it was acknowledged that some noise nuisance could be attributable to the Premises and conditions reflecting that have been placed on the licence. Should a statutory nuisance in the future be established, action could be taken under the appropriate statutory regimes including the environmental Protection Act 1990

They also took account of the fact that the current licensee had been in situ for 16 years and was a responsible licensee

The Sub-committee noted the application for an hours extension on bank holiday weekends and felt that where the next day was a working day no extension to hours should be permitted.

There were no relevant representations made in respect of part P. of the application to remove the embedded restrictions as set out therein and therefore this part of the application is granted.

**Date 13 September 2005**

**Licensing Sub-Committee Chairman: Cllr J Hoy**

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**FOR OFFICE USE ONLY**

**Decision noted to interested parties on 15 September 2005**