

NEW FOREST DISTRICT COUNCIL

**LICENSING ACT 2003
WESTOVER HALL HOTEL, PARK LANE, MILFORD-ON-SEA**

APPLICATION

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

1. Members of the Licensing Sub-Committee

Councillor G Beck – Chairman
Councillor J M Hoy
Councillor S Wade

2. Parties and their Representatives attending the Hearing

Ms S Kenney – applicant's representative
Mr R Mechem and Mrs J Mechem, Mr S Mechem – owners of the premises

Objectors

Ms S A Young
Mrs J Walter

3. Other Persons attending the Hearing

Ms V Fletcher – Environmental Health Officer

4. Parties not attending the Hearing

Not confirmed as either attending or not attending:

Mr D F Young – objection withdrawn

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 00.30
 - Tuesday 10.00 to 00.30
 - Wednesday 10.00 to 00.30
 - Thursday 10.00 to 00.30
 - Friday 10.00 to 00.30
 - Saturday 10.00 to 00.30
 - Sunday 10.00 to 00.30

- E. Live music:
 - Monday 10.00 to 23.45
 - Tuesday 10.00 to 23.45
 - Wednesday 10.00 to 23.45
 - Thursday 10.00 to 23.45
 - Friday 10.00 to 23.45
 - Saturday 10.00 to 23.45
 - Sunday 10.00 to 23.45

- F. Recorded music:
 - Monday 10.00 to 23.45
 - Tuesday 10.00 to 23.45
 - Wednesday 10.00 to 23.45
 - Thursday 10.00 to 23.45
 - Friday 10.00 to 23.45
 - Saturday 10.00 to 23.45
 - Sunday 10.00 to 23.45

- G. Performance of dance:
 - Monday 10.00 to 23.45
 - Tuesday 10.00 to 23.45
 - Wednesday 10.00 to 23.45
 - Thursday 10.00 to 23.45
 - Friday 10.00 to 23.45
 - Saturday 10.00 to 23.45
 - Sunday 10.00 to 23.45

- H. Anything of a similar description to that falling within E. F. or G.
 - Monday 10.00 to 23.45
 - Tuesday 10.00 to 23.45
 - Wednesday 10.00 to 23.45
 - Thursday 10.00 to 23.45
 - Friday 10.00 to 23.45
 - Saturday 10.00 to 23.45
 - Sunday 10.00 to 23.45

- I. Provision of facilities for making music:

Monday 10.00 to 23.45
Tuesday 10.00 to 23.45
Wednesday 10.00 to 23.45
Thursday 10.00 to 23.45
Friday 10.00 to 23.45
Saturday 10.00 to 23.45
Sunday 10.00 to 23.45

J. Provision of facilities for dancing:

Monday 10.00 to 23.45
Tuesday 10.00 to 23.45
Wednesday 10.00 to 23.45
Thursday 10.00 to 23.45
Friday 10.00 to 23.45
Saturday 10.00 to 23.45
Sunday 10.00 to 23.45

L. Late night refreshment:

INDOORS

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

OUTDOORS

Monday 23.00 to 00.00
Tuesday 23.00 to 00.00
Wednesday 23.00 to 00.00
Thursday 23.00 to 00.00
Friday 23.00 to 00.00
Saturday 23.00 to 00.00
Sunday 23.00 to 00.00

M. Supply of alcohol*:

Monday 10.00 to 00.30
Tuesday 10.00 to 00.30
Wednesday 10.00 to 00.30
Thursday 10.00 to 00.30
Friday 10.00 to 00.30
Saturday 10.00 to 00.30
Sunday 10.00 to 00.30

*The time restrictions at section M. (supply of alcohol) apply to non-residents only. Alcohol may be supplied to residents at any time.

Non-standard timings

The permitted hours for New Years Eve/New Years Day will be 10.00 hours on New Years Eve to 00.30 hours on 2nd January.

Hours premises to be open to the public

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 hours

The aforementioned times only apply to non-residents. The premises will be permitted to open to residents 24 hours a day.

The opening hours to non-residents for New Years Eve/New Years Day will be 10.00 hours on New Years Day to 00.30 hours on 2nd January.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The facilities for making music shall be permitted both inside and outside of the premises. However, outdoor live music events shall be limited to a maximum of 4 events in any one calendar year and shall involve unamplified music only played by a single musician.
2. The provision of amplified live or amplified recorded music will be limited to 6 events per calendar month and will end at 23.45 hours, save for the provision of background music which is exempt under the Act.
3. Amplified live or amplified recorded music will only be provided in the area marked "reception hall" on the plan submitted with the application for variation*.

*The provision of acoustic live music (i.e. harpists, string quartets and music of a similar nature) can be provided in the Nuffield Suite, private dining room and lounge bar.

4. Whenever amplified live or recorded music is provided after 21.00 hours:
 - (a) the windows in the restaurant and Nuffield Suite will be kept shut;
 - (b) the door leading from the reception hall to the restaurant will be kept shut save for access and egress;
 - (c) the double front entrance doors leading into the hotel will be kept shut save for access and egress.

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. They accepted that at present there are occasions where noise occurs. However, they noted that in light of stringent conditions being agreed, the objection to the application for increased opening hours had not been maintained by the Environmental Health Department.

Furthermore, the Sub-Committee considered that in light of existing powers under the Environmental Protection Act and new powers of review under the Licensing Act, that any problems of noise nuisance that did occur as a result of extended hours or otherwise could be readily dealt with.

The Sub-Committee considered that the concerns raised could be dealt with adequately by the imposition of conditions.

The Sub-Committee considered that permitting a slightly longer period for licensable activities would not be inconsistent with the four licensing objectives.

There were no relevant representations made in respect of that part of the application to remove those current restrictions that are not necessary or relevant to the promotion of the licensing objectives and therefore this part of the application is granted.

Date 13 September 2005

Licensing Sub-Committee Chairman: Cllr G Beck

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Decision noted to interested parties on