

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: The Three Bells, Silver Street, Hordle

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Tuesday 20 September 2005 at 1.45 pm.

1. Members of the Licensing Sub-Committee

Councillor Dow - Chairman
Councillor Hutchins
Councillor M. Wade

2. Parties and their Representatives attending the Hearing

Objectors:

Mr. & Mrs. A Pitt-Pladdy representing Mr. & Mrs. D Steers
Mr. & Mrs. I. Spreadbury representing Mr. P Harwood
Ms. R Hall representing Mrs. K O'Callaghan

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Peter Harwood represented by Mr. I Spreadbury
Mr. M O'Callaghan
Mrs. K O'Callaghan represented by Ms R Hall
Mr. & Mrs. D Steers represented by Mr. A Pitt-Pladdy

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:

- B. Films
 - Monday 10.00 to 00.00
 - Tuesday 10.00 to 00.00
 - Wednesday 10.00 to 00.00
 - Thursday 10.00 to 00.00
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 00.00

- C. Indoor sporting events:
 - Monday 10.00 to 00.00
 - Tuesday 10.00 to 00.00
 - Wednesday 10.00 to 00.00
 - Thursday 10.00 to 00.00
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 00.00

- E. Live music:
 - Monday 10.00 to 00.00
 - Tuesday 10.00 to 00.00
 - Wednesday 10.00 to 00.0
 - Thursday 10.00 to 00.00
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 00.00

- F. Recorded music:
 - Monday 10.00 to 00.00
 - Tuesday 10.00 to 00.00
 - Wednesday 10.00 to 00.00
 - Thursday 10.00 to 00.00
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 00.00

- G. Performances of dance
 - Monday 10.00 to 00.00
 - Tuesday 10.00 to 00.00
 - Wednesday 10.00 to 00.00
 - Thursday 10.00 to 00.00
 - Friday 10.00 to 00.00
 - Saturday 10.00 to 00.00
 - Sunday 10.00 to 00.00

J. Provision of facilities for making music:

Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

L. Late night refreshment

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 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 00.00

Non-standard hours:

- New Years Eve 10.00 hours to New Years Day 00.00 hours.

Hours premises to be open to the public

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

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. There shall be a maximum of 15 events involving live music in any single calendar year.
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 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.

4. At all times after 23.00 hours, music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive* premises as marked on the plan that will be attached to the licence.
5. At all times prior to 23.00 hours, music emanating from the premises will be kept to a volume that is acceptable to the residents of nearby noise sensitive* premises, as marked on the plan that will be attached to the licence.

For the purposes of conditions 2 and 3 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 public nuisance. The concerns raised by objectors as to the likelihood of potential nuisance were considered carefully and in light of the evidence before it the Sub-Committee decided that it would be consistent with the promotion of the licensing objective for prevention of public nuisance to restrict the hours applied for to those detailed above.

Having considered the conditions suggested by the Environmental Protection Department and consented too by the Applicant, the Sub-Committee decided that certain conditions should be imposed and that these would further ameliorate concerns as to nuisance at this stage.

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

Date: 20 September 2005

Licensing Sub-Committee Chairman: Cllr Dow

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Decision noted to interested parties on 21 September 2005