

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Butler's Bar & Grill, Shaftesbury Street, Fordingbridge**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday 20 September 2005 at 4 pm**

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

Councillor Dow - Chairman  
Councillor Hutchins  
Councillor M Wade

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

Mr. J Butler – Applicant

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**3. Other Persons attending the Hearing**

None

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**4. Parties not attending the Hearing**

Objectors:  
Mr. & Mrs. J Fotheringham  
Mr. W Cole

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

Ms J Mutlow – Legal Advisor  
Ms. K Mason - Clerk

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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:  
Monday 12.00 to 23.00  
Tuesday 12.00 to 23.00  
Wednesday 12.00 to 23.00

Thursday 12.00 to 23.00  
Friday 12.00 to 23.00  
Saturday 12.00 to 23.00  
Sunday 12.00 to 23.00

- F. Recorded music:  
Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 01.00  
Friday 08.00 to 01.00  
Saturday 08.00 to 01.00  
Sunday 08.00 to 00.00

The nature of the recorded music shall be limited to the extent detailed in section F. of the Operating Schedule.

- H. Provision of a similar description to that falling within E. F. or G.:  
Monday 12.00 to 23.00  
Tuesday 12.00 to 23.00  
Wednesday 12.00 to 23.00  
Thursday 12.00 to 23.00  
Friday 12.00 to 23.00  
Saturday 12.00 to 23.00  
Sunday 12.00 to 23.00

- I. Provision of facilities for making music  
Monday 12.00 to 23.00  
Tuesday 12.00 to 23.00  
Wednesday 12.00 to 23.00  
Thursday 12.00 to 23.00  
Friday 12.00 to 23.00  
Saturday 12.00 to 23.00  
Sunday 12.00 to 23.00

- K. Provision of facilities for entertainment of a similar description to that falling within I or J:  
Monday 12.00 to 23.00  
Tuesday 12.00 to 23.00  
Wednesday 12.00 to 23.00  
Thursday 12.00 to 23.00  
Friday 12.00 to 23.00  
Saturday 12.00 to 23.00  
Sunday 12.00 to 23.00

- M. Supply of alcohol:  
Monday 08.00 to 00.00  
Tuesday 08.00 to 00.00  
Wednesday 08.00 to 00.00  
Thursday 08.00 to 01.00  
Friday 08.00 to 01.00  
Saturday 08.00 to 01.00  
Sunday 08.00 to 00.00

### **Non-standard timings**

The timings for New Years Eve/New Years Day shall remain unchanged.

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

Monday 08.00 to 00.30  
Tuesday 08.00 to 00.30  
Wednesday 08.00 to 00.30  
Thursday 08.00 to 01.30  
Friday 08.00 to 01.30  
Saturday 08.00 to 01.30  
Sunday 08.00 to 00.30

### **Non-standard hours**

The hours for New Years Eve/New Years Day shall remain unchanged.

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
2. No children shall be permitted to enter the premises when events involving live music are taking place. On other days, when live music is not taking place children will only be permitted on the premises when accompanied by a supervising adult, and in any event not beyond 22.00 hours.
3. The music volume from the juke box will be turned down at 23.00 hours to such a level so as not to cause noise nuisance to the occupants of any noise sensitive\* premises.

\* For the purposes of condition 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.

4. The beer garden will be closed and clear of patrons by 23.00 hours. The garden gates will be locked at 20.00 hours.

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## **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 emanating from the garden of the premises .

The Sub-Committee considered that permitting a slightly longer period for certain licensable activities on a limited basis with appropriate conditions would enable customers to emerge from the premises at a more gradual rate. The conditions imposed would assist in promoting the licensing objective relating to the prevention of public nuisance.

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: 20 September 2005**

**Licensing Sub-Committee Chairman: Cllr Dow**

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**FOR OFFICE USE ONLY**

**Decision noted to interested parties on 22 September 2005**