

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: The Old Farmhouse, Ringwood Road, Totton

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday 20 September 2005 at 9.30am**

1. Members of the Licensing Sub-Committee

Councillor Dow - Chairman
Councillor Hale
Councillor Hoy

2. Parties and their Representatives attending the Hearing

Ms. Tania Billows – Applicant

3. Other Persons attending the Hearing

Mr. & Mrs. R Barfoot
Mrs. M Goodfellow
Mr. & Mrs. W Lake
Maj. & Mrs. Lucas
Mrs. V Snelling
Mr. J Targett

4. Parties not attending the Hearing

Mr. & Mrs. J Buckler represented by Mr. & Mrs. C Lucas
Mr. & Mrs. G Clark represented by Mrs. M Goodfellow & Mrs. V Snelling
Mrs. L Hulley
Sandra & Paul Morris
Raymond Roberts
Mrs. M Sharp
John Sleep
Mrs. B Snook
Mr. & Mrs. Wheeler

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:

- F. Recorded music (DISCOS)*:
Monday 18.00 to 23.00
Tuesday 18.00 to 23.00
Wednesday 18.00 to 23.00
Thursday 18.00 to 23.00
Friday 18.00 to 23.00
Saturday 18.00 to 23.00
Sunday 18.00 to 23.00

*The number of events involving recorded music will be limited to 12 per calendar year and shall be subject to condition 8 below.

- H. Anything of a similar description to that falling within E, F or G (KARAOKE)**:
Monday 18.00 to 23.00
Tuesday 18.00 to 23.00
Wednesday 18.00 to 23.00
Thursday 18.00 to 23.00
Friday 18.00 to 23.00
Saturday 18.00 to 23.00
Sunday 18.00 to 23.00

** The number of events involving recorded music will be limited to 13 per calendar year and shall be subject to condition 8. below.

- L. Late night refreshment
Friday 23.00 to 00.00
Saturday 23.00 to 00.00

- M. Supply of alcohol:
Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 11.00 to 23.00

Non-standard hours:

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

- Christmas Eve
- Christmas Day
- Good Friday
- Easter Saturday
- Easter Sunday

- St. Patricks Day
- St. Georges Day

Furthermore one extra hour shall be permitted for on either Friday or Saturday evening until 01.00 hours on both:

- August Bank Holiday Weekend; and
- Spring Bank Holiday Weekend

The licensable activities listed above shall be permitted from 11.00 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 11.00 to 23.30
 Tuesday 11.00 to 23.30
 Wednesday 11.00 to 23.30
 Thursday 11.00 to 23.30
 Friday 11.00 to 00.30
 Saturday 11.00 to 00.30
 Sunday 11.00 to 23.30

The premises shall be permitted to be open for a further one additional hour in line with the non-standard hours permitted above.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The Licensee or his/her nominated representative shall accept and respond to complaints throughout the duration of any regulated entertainment.
2. Patrons shall not be permitted on the premises outside the building itself after 2300 hours other than for the purpose of access and egress.
3. Prior to 23.00 hours, music and noise emanating from the premises if audible, shall be at such a level that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all 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. During all events involving live music all windows and external doors shall be kept closed except for access and egress.
5. There shall be no events involving regulated entertainment held outdoors.
6. No children will be allowed on the premises after 22.00 hours.
7. Notices shall be displayed on the premises in prominent positions both internally and externally requesting that patrons leave quietly and respect local residents.

8. The events detailed at sections F. and H. above shall only be permitted provided that:
- (a) the police and licensing authority have been notified at least 7 days in advance of the event;
 - (b) the police have not vetoed the event.
-

7. Reasons for the Decision

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

In respect of the standard finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance and crime and disorder. The Sub-Committee noted that objectors had made the point that by extending the current hours during which licensable activities could take place and increasing the level of regulated entertainment that could be provided there was the potential for further public nuisance and crime and disorder to occur.

Against this the Committee considered that it was not conclusive that all the problems described emanated from patrons leaving the Old Farmhouse.

In light of the above the Sub-Committee considered that it would be appropriate and consistent with the licensing objectives if the variation were granted to an extent, but limited to the hours listed in this decision notice. Should nuisance be established in the future, action could be taken under the appropriate statutory regimes including the Environmental Protection Act and the Licensing Act.

There were no relevant representations made in respect of part P. of the application to remove the current embedded restrictions under section 168 of the 1964 Act and therefore this part of the application is granted.

Date: 20 September 2005

Licensing Sub-Committee Chairman: Cllr Dow.

FOR OFFICE USE ONLY

Decision noted to interested parties on 23 September 2005