

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Piccolo Mondo, High Street Milford-on-Sea**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Wednesday 21 September 2005 at 11 am**

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

Councillor Dow - Chairman  
Councillor Penwarden  
Councillor Walmsley

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

Mr. J Crouch – Applicant  
Ms. S Kenney – Solicitor for applicant

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**3. Other Persons attending the Hearing**

None

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**4. Parties not attending the Hearing**

Mr. & Mrs. M Ayling - objectors

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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:**

- B. Plays:  
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 03.00  
Saturday 10.00 to 03.00  
Sunday 10.00 to 00.00

- E. Live music:  
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 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

\*The licensable activity listed at Section E. (live music) above shall be limited to 12 events in any calendar year.

- F. Recorded music:  
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 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

- G. Performances of dance:  
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 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

- H. Anything of a similar description to that falling within E. F. or G.  
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 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

- I. Provision of facilities for making music:  
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 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

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 03.00  
Saturday 23.00 to 03.00  
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 03.00  
Saturday 10.00 to 03.00  
Sunday 10.00 to 00.00

### **Non-standard timings**

The permitted hours for New Years Eve/ New Years Day will be 10.00 hours on New Years Eve to the end of standard timings 2<sup>nd</sup> January.

### **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 00.30  
Friday 08.00 to 03.00  
Saturday 08.00 to 03.00  
Sunday 08.00 to 00.30

### **Non-standard hours**

The permitted hours for New Years Eve/ New Years Day will be 08.00 hours on New Years Eve until 30 minutes after the end of standard timings on 2<sup>nd</sup> January.

NOTE: it should be noted that the premises are permitted to be open for a further 30 minutes beyond the terminal hour for licensable activities on Sunday to Thursday. On Fridays and Saturdays the premises will not be permitted to remain open for a further 30 minutes beyond the terminal hour for licensable activities as this was not applied for in the application to vary. The Sub-Committee were aware of and content with this inconsistency in the hours granted but were unable to regularise the position as they did not have power to grant a further 30 minutes on Fridays and Saturdays as this had not been applied for or advertised.

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. No live or recorded music shall be played outdoors.
2. During events involving live or amplified music the front door of the premises shall be kept closed after 23.00 hours save for access and egress.
3. At all times after 23.00hours, music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises as shown on the map attached to the licence.

4. At all times prior to 23.00 hours music from the premises shall be kept to a volume that is acceptable to the nearby residents of noise sensitive premises as shown on the map attached to the license.

\* For the purposes of conditions 3 and 4 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.

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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, but noted that these were broadly speculative and therefore considered that it would not be appropriate to restrict the hours requested. Additionally it took the view that the imposition of conditions, as detailed in this decision would adequately promote the licensing objective relating to the prevention of public nuisance.

If problems did in fact arise then these could be dealt with under the existing statutory regimes or under the new powers of review under the Licensing Act 2003.

On Fridays and Saturdays, the Sub-Committee considered that the public nuisance effect of noise at 'turning out' time would not be so significant.

**Date: 21 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**