

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: THE CROWN INN, OLD CHRISTCHURCH ROAD, LYMINGTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Monday, 26 September 2005 at 6.00 pm.**

---

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

Councillor M Fidler  
Councillor D Harrison  
Councillor J Penwarden - Chairman

---

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

Mr P Roberts – Applicant  
Mr I Davis – Solicitor for the applicant  
Mr P Ingram – witness in support of the applicant

**Objectors:**

Mr P and Mrs J Povey  
Ms P Sainsbury-Brown  
Mr R Hunter – in support of Ms. P Sainsbury-Brown  
Mr K Shelley

---

**3. Other Persons attending the Hearing**

Mr A Roberts & Mrs C Roberts – in support of the applicant  
Mrs Ingram & Miss C Ingram - in support of the applicant

---

**4. Parties not attending the Hearing**

M G & P M Johnson  
Mr R & Mrs J Pearce  
Ms M Bongers  
M H & H G Tasker  
Mr & Mrs G W Ferguson  
Prof & Mrs G J Bowden  
Mr A Hogg

---

**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:**

- E. Live music:  
Friday 20.30 to 22.30  
Sunday 20.00 to 22.00
- F. Recorded music:  
Friday 20.30 to 22.30  
Sunday 20.00 to 22.00

NOTE: The licensable activities mentioned at sections E. and F. above shall be restricted to 12 occasions in total per annum (maximum of 1 per calendar month). Each of those 12 occasions must be notified to the Licensing Authority in writing at least 7 days in advance.

- M. Supply of alcohol:  
Monday 10.30 to 00.00  
Tuesday 10.30 to 00.00  
Wednesday 10.30 to 00.00  
Thursday 10.30 to 00.00  
Friday 10.30 to 00.30  
Saturday 10.30 to 00.30  
Sunday 10.30 to 00.00

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

Monday 10.30 to 00.30  
Tuesday 10.30 to 00.30  
Wednesday 10.30 to 00.30  
Thursday 10.30 to 00.30  
Friday 10.30 to 01.00  
Saturday 10.30 to 01.00  
Sunday 10.30 to 00.30

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

1. The outside garden will be cleared of patrons and glasses and closed by 23.00 hours each day.
2. All the conditions and limitations attached to the Public Entertainment Licence dated 1 April 2005 will be transferred to the new licence.
3. The number of events involving the licensable activities detailed at E. and F. above shall be limited to 12 per calendar year (maximum of 1 per calendar month).

## **7. Reasons for the Decision**

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties. They considered in particular the fact that the premises was situated in a sensitive village setting.

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning nuisance. They accepted that at present there are rare occasions where nuisance occurs, but also acknowledged that most of the concerns raised were speculative. However, they noted that no objections to the application for increased opening hours had been made by the Police or the Environmental Health Department.

The Sub-Committee considered that permitting a slightly longer period for certain licensable activities on a limited basis would enable customers to emerge from the premises at a more gradual rate and this would promote the licensing objective relating to the prevention of public nuisance.

However, permitting an extension of the hours during which the sale of alcohol was permitted beyond 00.00 hours during the working week (with a working day to follow) would not be likely to promote the licensing objectives relating to the prevention of public nuisance.

On Fridays and Saturdays, the Sub-Committee considered that the public nuisance effect of noise at 'turning out' time would be less significant as they are not followed by a working day.

The Sub-Committee considered by granting only slightly longer hours and imposing conditions then the concerns raised could be adequately dealt with. Should problems occur then interested parties or responsible authorities had the option to apply for a review of the licence. Additionally, there were other statutory regimes, such as the Environmental Protection Act that could be invoked should problems occur in due course.

The Applicant did not apply to remove the limitations and conditions on the existing public entertainment licence and in the circumstances the Sub-Committee had no power to remove the limitation on the number of events permitted. However, if such an application to vary were received in the future, then this would clearly be judged on its merits.

**Date: 26.09.05**

**Licensing Sub-Committee Chairman: Cllr J Penwarden**

---

**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 27 September 2005**