

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Horse and Groom , Woodgreen, Fordingbridge

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

1. Members of the Licensing Sub-Committee:

Cllr R C H Hale - Chairman
Cllr J Penwarden
Cllr J A G Hutchins

2. Parties and their Representatives attending the Hearing:

Mr J Overy, Estate Manager, Hall & Woodhouse (Applicant)
Mr J Sanger (representing Mrs M Windel, Mr W W G Barnaby and Mrs M Newham – Objectors)
Mr P Morgan – Objectors

3. Other Persons attending the Hearing:

None.

4. Parties not attending the Hearing:

Mr S Dangerfield (Designated Premises Supervisor) (for Applicant)
Mrs M Windel, Mr W W G Barnaby and Mrs M Newham – Objectors).

5. Officers attending to assist the Sub-Committee:

Mrs N Heaselden – Legal Advisor
A Rogers - Clerk

6. Decision of the Sub-Committee:

The application is granted on the following terms and conditions:

Licensable activities and times permitted:

- 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: indoors
 - 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

- F. Recorded music: Indoors
 - 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

- I. Provision of facilities for music : indoors
 - 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 dancing: indoors
 - 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: indoors
 - 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: on and off the premises
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

The licensable activities listed above at sections C.E. F. I. J and M. shall be permitted to commence on New Year's Eve at the times stated above, ending at 01.30 on 2nd January.

The licensable activities at section L shall be permitted to commence on New Years Eve at 23.00 hours until 05.00 on 1st January.

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

Non-standard hours (Premises)

The premises are permitted to be open on New Year's Eve at the times stated above and closing at 02.00 on 2nd January .

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. 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.
3. After 23.00 hours any noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.
4. The use of the external areas for drinking shall cease by 23.30
5. Children under 14 shall not be allowed on the premises after 22.00

* 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.

7. Reasons for the Decision

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

Written representations had been made by the objectors who were concerned that the increase in hours applied for would cause noise and disruption. The objectors present at the hearing did not refer to noise and disturbance from patrons leaving the premises until prompted by the sub-committee. They stated that they had thus far tolerated any noise from the premises since closing was at 23.00 but were concerned that an increase in hours would prolong any noise beyond a reasonable time. The Sub-Committee noted that no objections to the application for increased opening hours had been made by the Police and furthermore that subject to the Applicant agreeing to certain conditions, the Environmental Health Department did not raise any objections to the variation.

In light of the above, the Sub-Committee considered that it would be consistent with the licensing objectives if the application were largely granted. Having considered the conditions suggested by the Environmental Protection Department and consented to by the Applicant, the Sub-Committee decided that certain conditions should be imposed and that these would ameliorate concerns as to nuisance at this stage.

However, should a statutory nuisance be established in the future, action may be taken under the appropriate statutory regime including the Environmental Protection Act or the licence could be reviewed at any time under the new provisions of the licensing regime.

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

Date: 26 September 2005

Licensing Sub-Committee Chairman: Cllr R C H Hale

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Decision noted to interested parties on 28 September 2005