

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: THE KINGS HEAD, QUAY HILL, LYMINGTON

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Tuesday, 27 September 2005 at 9.00 am.

1. Members of the Licensing Sub-Committee

Councillor G C Beck
Councillor M H G Fidler
Councillor R C H Hale – Chairman

2. Parties and their Representatives attending the Hearing

Mr R Stratton – Applicant
Mr I Davis – Solicitor for the applicant
Mr A Chisnell – in support of the applicant

Objectors
Ms S Capner
Mrs D Stork

3. Other Persons attending the Hearing

Councillor K F Ault – Observer
Miss E Davis – Observer

4. Parties not attending the Hearing

Mr & Mrs G C Scott
Mr G E Tydeman
Ms S Crowe
Ms P Mansbridge
Mr J D U Todd
Mr B & Mrs J Pullman
Mr G Ineson
Moore & Blatch Solicitors – representing Trafalgar Place Residents' Association
Mr M & Mrs K White
Mr J Thake
Mr & Mrs J Broadbent
Mr R P Hawkes
Mr C Astheimer
Mr P Brockbank
Mr R Brill

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:
Monday 19.00 to 23.00
Tuesday 19.00 to 23.00
Wednesday 19.00 to 23.00
Thursday 19.00 to 23.00
Friday 19.00 to 23.00
Saturday 19.00 to 23.00
Sunday 19.00 to 23.00

NOTE: The licensable activity mentioned at section E. above shall be limited to one day per week between 1 September and Good Friday in any year.

- F. Recorded music:
Monday 19.00 to 23.00
Tuesday 19.00 to 23.00
Wednesday 19.00 to 23.00
Thursday 19.00 to 23.00
Friday 19.00 to 23.00
Saturday 19.00 to 23.00
Sunday 19.00 to 23.00

NOTE: The licensable activity mentioned at sections F. above shall be limited to the period between 1 September and Good Friday in any year.

- 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 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to 23.30

Hours premises to be open to the public

Monday 10.00 to 0.30
Tuesday 10.00 to 00.30
Wednesday 10.00 to 00.30
Thursday 10.00 to 00.30
Friday 10.00 to 01.30
Saturday 10.00 to 01.30
Sunday 10.00 to 00.00

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. The Licensee or his/her nominated representative shall ensure that all glasses, bottles or other receptacles for the containment of alcohol or other beverages are not taken outside the building, either onto the public highway or out to the external seating area at the rear of the premises, after 23.00 hours and signage shall be prominently displayed both inside and outside the premises advising patrons of this policy.
3. The Licensee or his/her nominated representative shall ensure that all glasses, bottles or other receptacles for the containment of alcohol or other beverages are removed from patrons outside the building, either on the public highway or in the external seating area at the rear of the premises, by 23.00 hours.
4. 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 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.

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 and anti-social behaviour. They accepted that at present there are occasions where noise and some anti-social behaviour occur, in particular due to patrons spilling out onto the public highway outside the premises.

However, 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.

The Sub-Committee considered that there was only limited evidence in support of the objection that the anti-social behaviour described by the objector emanated from the patrons of the Kings Head.

The Sub-Committee also considered that the concerns raised could be adequately dealt with by the imposition of conditions and should problems occur then interested parties 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.

Date: 27.09.05

Licensing Sub-Committee Chairman: Cllr R C H Hale

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Decision notified to interested parties on 28 September 2005