

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: CHALKIES PUB AND CAFÉ, RINGWOOD ROAD,  
NORTH GORLEY**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday, 27 September 2005 at 4.30 pm.**

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

Cllr D Harrison  
Cllr J M Hoy  
Cllr A R Tinsley - Chairman

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

Mr I S White – Applicant  
Mr Fynn of Horsey Lightly Fynn - Solicitors for the Applicant  
Ms C Wadlow – Objector  
Mrs F Fretton – Objector  
Mr M Robinson – Environmental Health Officer, New Forest District Council - Objector  
Ms V Fletcher – Environmental Health Officer, New Forest District Council - Objector

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

Mr S J Bartlett – Objector  
Mr J T and Ms A G M Whittet – Objectors  
Mr B D and Ms L Juniper – Objectors  
Mr R and Ms P Conroy – Objectors

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**5. Officers attending to assist the Sub-Committee**

Mrs. N Heaseldon – Legal Advisor  
Miss J Debnam - Clerk

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**6. Decision of the Sub-Committee**

- C. Indoor Sporting events  
Monday 07.00 to 23:30  
Tuesday 07.00 to 23:30  
Wednesday 07.00 to 23:30  
Thursday 07.00 to 23:30  
Friday 07.00 to 00.00  
Saturday 07.00 to 00.00  
Sunday 07.00 to 23:30
  
- E. Live music: indoors  
Monday 07.00 to 23:30  
Tuesday 07.00 to 23:30  
Wednesday 07.00 to 23:30  
Thursday 07.00 to 23:30  
Friday 07.00 to 00.00  
Saturday 07.00 to 00.00  
Sunday 07.00 to 23:30
  
- F. Recorded music: Indoors  
Monday 07.00 to 23:30  
Tuesday 07.00 to 23:30  
Wednesday 07.00 to 23:30  
Thursday 07.00 to 23:30  
Friday 07.00 to 00.00  
Saturday 07.00 to 00.00  
Sunday 07.00 to 23:30
  
- I. Provision of facilities for music: indoors  
Monday 07.00 to 23:30  
Tuesday 07.00 to 23:30  
Wednesday 07.00 to 23:30  
Thursday 07.00 to 23:30  
Friday 07.00 to 00.00  
Saturday 07.00 to 00.00  
Sunday 07.00 to 23:30
  
- J. Provision of facilities for dancing: indoors  
Monday 07.00 to 23:30  
Tuesday 07.00 to 23:30  
Wednesday 07.00 to 23:30  
Thursday 07.00 to 23:30  
Friday 07.00 to 00.00  
Saturday 07.00 to 00.00  
Sunday 07.00 to 23:30
  
- L. Late night refreshment: indoors  
Monday 23.00 to 23:30  
Tuesday 23.00 to 23:30  
Wednesday 23.00 to 23:30  
Thursday 23.00 to 23:30  
Friday 23.00 to 00.00  
Saturday 23.00 to 00.00  
Sunday 23.00 to 23:30

- M. Supply of alcohol: on and off the premises  
Monday 07.00 to 23:30  
Tuesday 07.00 to 23:30  
Wednesday 07.00 to 23:30  
Thursday 07.00 to 23:30  
Friday 07.00 to 00.00  
Saturday 07.00 to 00.00  
Sunday 07.00 to 23:30

**Non-standard hours:**

The licensable activities at part M shall be permitted for an additional ½ an hour on Christmas Eve and for an additional 1½ hours on New Years Eve.

**Occasional events**

On 12 occasions per annum the licensable activities permitted under parts E, F, I, J, L and M above shall be permitted for an additional 1 hour for the purpose of holding pre-booked functions. Written notice will be given to the council at least 10 working days prior to any occasional event taking place

On these occasions the permitted hours that the premises shall be open to the public under part O shall be extended by 1½ hours.

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

- Monday 07.00 to 00.00  
Tuesday 07.00 to 00.00  
Wednesday 07.00 to 00.00  
Thursday 07.00 to 00.00  
Friday 07.00 to 00.30  
Saturday 07.00 to 00.30  
Sunday 07.00 to 00.00

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

1. Prominent clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. The function room situated at the rear of the building shall only be used for the playing of recorded background music and not for regulated music entertainment.
3. Any regulated entertainment falling within Sections E (Live Music); F (Recorded Music) or Section I (Provision of Facilities for Making Music) shall only be played in the restaurant/bar part of the building at the front of the premises shown coloured orange on the attached plan.

4. Any amplified live or recorded music (other than that played as background music) and any facilities provided for making amplified music shall be controlled through tamper proof noise limitation equipment which prior to use under this Licence shall be set at a level to have previously been agreed between the Environmental Health Officer of NFDC and the applicant or his authorised representative. The equipment shall thereafter be maintained at such a level and no amplified music and/or speech shall be played at the premises at any higher level.
5. The installation and setting of the noise limiter together with any necessary additional works of sound insulation shall be undertaken before any regulated entertainment is permitted under the Licence.
6. During the playing of any live or recorded music (other than background music) or during the provision of any facilities for making music the windows in the restaurant/bar area and the external doors leading into the garden shall be kept closed at all times other than for access or egress or for emergency purposes.
7. The garden and all external areas shall not be used by customers after 23:00 and after this hour the external doors leading into the garden shall be kept closed at all times other than for emergency use.
8. The kitchen extraction system shall be switched off no later than 23:00 hours.
9. A contact telephone number will be provided to adjoining noise sensitive premises so that if any complaints arise occupiers of such premises can be given the opportunity of speaking to management at the premises.
10. The applicant will arrange to supply customers with telephone numbers for licensed taxis or private hire vehicles to be available to take patrons from the premises whenever required.
11. Signs shall be erected to encourage customers to park at the front of the premises.

For the purposes of condition 9 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.

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.

The Sub-Committee were aware of the comments being made about noise from the premises which included the sound of amplified music. The imposition of conditions limiting the part of the premises that may be used for licensable entertainment to the restaurant/bar area, requiring the use of a noise limiting device and also that windows and doors should be kept closed should bring about an improvement compared to the present situation and therefore make an extension of hours for licensable activities to 11.30 p.m. on Sundays to Tuesdays and midnight on Fridays and Saturdays acceptable. It was recognised that patrons leaving the premises both on foot and by car were causing noise and disturbance. It was considered reasonable to require the erection of a sign to encourage patrons to park at the front of the car park, to minimise the disturbance caused by the sounds of vehicles leaving on a gravel surface. It was also essential that clear notices were placed at all exits from the premises to remind patrons to leave the area quietly and considerately towards the neighbours.

The Sub-Committee considered that allowing 12 occasional events, with an additional hour of licensable activities, for the purpose of holding pre-booked events was reasonable, but that the 18 applied for was too great a number.

The Sub-Committee had noted the constraints imposed by the extant noise abatement notice on the premises.

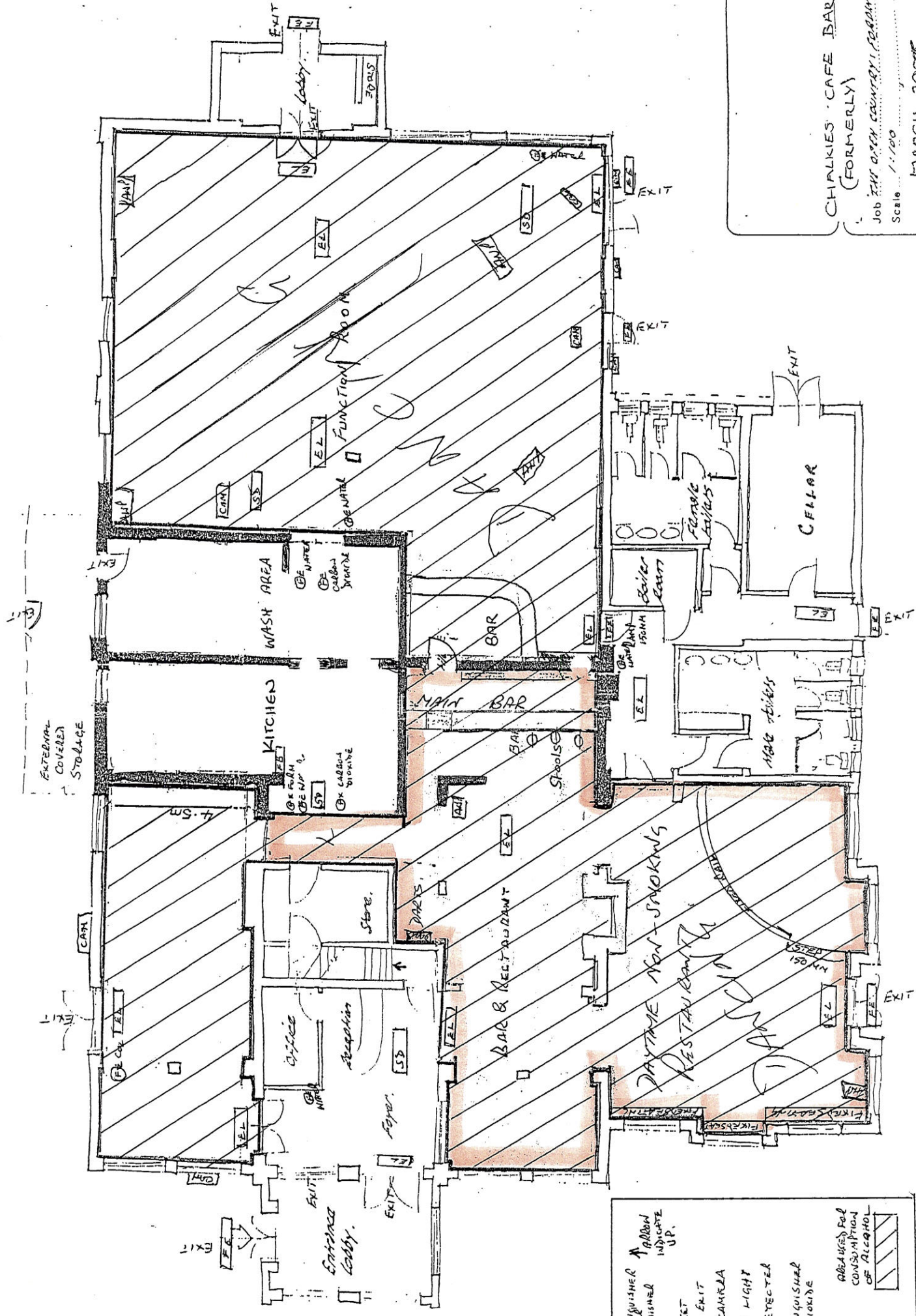
**Date: 27 September 2005**

**Licensing Sub-Committee Chairman: Cllr A R Tinsley**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 29 September 2005**



CHALKIES CAFE BAR  
(FORMERLY)  
Job: THE OPEN COUNTRY, BERRING  
Scale: 1:100  
MARCH 2008

- LEGEND KEY
- FIRE EXTINGUISHER
  - WATER EXTINGUISHER
  - FOAM EXTINGUISHER
  - FIRE BLANKET
  - FIRE ESCAPE EXIT
  - SECURITY CAMERA
  - EMERGENCY LIGHT
  - SMOKE DETECTOR
  - FIRE EXTINGUISHER CARBON DIOXIDE
  - AVERAGE FOR CONSUMPTION OF ALCOHOL