

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: MALT AND HOPS, SOUTH STREET, HYTHE

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

1. Members of the Licensing Sub-Committee

Cllr D Harrison – Chairman
Cllr M H G Fidler
Cllr J M Hoy

2. Parties and their Representatives attending the Hearing

Mr. J Dunn - Punch Taverns Plc, Applicant
Ms. N Davidson – Licensee
Mr. G McNulty – in support of the licensee

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

TLT Solicitors
Ms. C McCabe and Mr. M Gibbs

5. Officers attending to assist the Sub-Committee

Mrs. N Heaseldon – Legal Advisor
Mrs. M Dunsmore - Clerk

6. Decision of the Sub-Committee

E. Live music: indoors

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 00.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

F. Recorded Music: indoors

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 00.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

K. Provision of facilities for entertainment of a similar description to that falling within I. or J: indoors

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 00.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

L. Supply of alcohol: on and off the premises

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 00.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

Non-standard hours:

Each of the above mentioned licensable activities shall be permitted for a further additional hour on the following days:

- (a) on each Friday and Saturday of a bank holiday weekend until 01:00
- (b) on the Sunday of a bank holiday weekend until 23:30
- (c) on the Thursday of the Easter bank holiday weekend until 01:00
- (d) on Christmas Eve and Boxing Day

The licensable activities listed above shall be permitted from 11.00 on New Year's Eve until 23:00 on New Year's Day.

Hours premises to be open to the public

Monday 11.00 to 23.30
Tuesday 11.00 to 23.30
Wednesday 11.00 to 23.30
Thursday 11.00 to 00.30
Friday 11.00 to 00.30
Saturday 11.00 to 00.30
Sunday 12.00 to 23.00

The premises are permitted to be open for a further one hour on the following days:

- (f) on each Friday and Saturday of a bank holiday weekend until 01.30
- (g) on the Sunday of a bank holiday weekend until 00.00
- (h) on the Thursday of the Easter bank holiday weekend until 01.30
- (i) on Christmas Eve and Boxing Day

The premises are permitted to be open from 11.00 on New Year's Eve until 23.30 on New Year's Day.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The Licensee or Designated Premises Supervisor shall receive and respond to complaints throughout the duration of regulated entertainment.
2. Prior to 23:00, music and noise emanating from the premises, whilst audible is so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises*.
3. After 23:00 music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.
4. All external doors and windows shall be kept closed, other than for access and egress, when events involving live and/or amplified music (including speech) are taking place.

* For the purposes of conditions 2 and 3 above, noise sensitive premises shall include premises used for residential purpose, hospitals or similar institutions, educational establishments (when in use), places of worship (during recognised times and day 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. However the objectors had also confirmed that they were satisfied with the way the Malt and Hops is run and do not attribute all of the noise and antisocial behaviour experienced to the patrons of the Malt and Hops.

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.

It was further noted that the extra times applied for were for Friday and Saturday nights as the current licence permitted opening until 23.00 Monday to Saturday and 22.30 on Sundays. 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 those conditions should be imposed and that these would ameliorate concerns as to nuisance at this stage.

The Sub-committee noted the application for an hours extension on bank holiday weekends and felt that where the next day was a working day no extension to hours should be permitted.

Date: 27 September 2005

Licensing Sub-Committee Chairman: Cllr D Harrison

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Decision notified to interested parties on 29 September 2005