

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: THE PLUM MONKEY, HIGH STREET, LYNDHURST

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Wednesday, 28 September 2005 at 3.30 pm.

1. Members of the Licensing Sub-Committee

Councillor J Hoy – Chairman
Councillor Mrs B Smith
Councillor A R Tinsley

2. Parties and their Representatives attending the Hearing

Mr. D Rowley – Representing Punch Taverns PLC, Applicant

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr. P Thompson
Mr. D J Trippier

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:

- F. Recorded music:
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 11.00 to 22.30

- M. Supply of alcohol:
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 11.00 to 22.30

Non-standard timings

The licensable activities above will be permitted for a further additional hour on the following days:

- Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank Holiday weekends.
- Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend.
- Christmas Eve.
- Boxing Day.

The permitted hours for New Years Eve/New Years Day will remain unchanged.

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 11.00 to 23.00

The premises will be permitted to be open to the public for a further additional hour on the following days in line with the non-standard timings detailed above:

- Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank Holiday weekends.
- Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend.
- Christmas Eve.
- Boxing Day.

The permitted hours for New Years Eve/New Years Day will remain unchanged.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. Unaccompanied children are not permitted on the premises at any time. And in any event no children are permitted on the premises after 22.00 hours.
2. At all times after 23.00 hours any recorded music at the premises shall be background music only.
3. After 23.00 hours music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.
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 conditions 3 and 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 occurs, in particular at 'turn out' time. However, they noted that no objections to the application for increased opening hours had been made by the Environmental Health Department or the Police.

The Sub-Committee considered that permitting a slightly longer period for licensable activities would enable customers to emerge from the premises at a more gradual rate. It further considered that this would reduce the concentrated effect of noise likely to arise when numbers of people leave the premises at the same time and this would promote the licensing objective relating to the prevention of public nuisance.

The Sub-Committee also took the view that the conditions imposed on the licence would have the effect of ameliorating the concerns raised. Should noise nuisance occur as a result of the extended hours, or in fact at all then interested parties could ask the Licensing Authority to consider reviewing the licence or the Council's Environmental Protection Officers to consider taking action under other statutory regimes such as the Environmental Protection Act.

Date: 28.09.05

Licensing Sub-Committee Chairman: Cllr J Hoy

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Decision notified to interested parties on 29 September 2005