

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: NEW MILTON SNOOKER CLUB, STATION ROAD, NEW MILTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Thursday, 29 September 2005 at 2.30 pm.**

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

Councillor M G H Fidler - Chairman  
Councillor J M Hoy  
Councillor J Penwarden

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

Mr. S Dyer– applicant represented by Mr. J Payne, Horsey Lightly Fynn

Objectors:  
Mrs. M Kerntiff  
Mr. B & Mrs. J Bates  
Mr. Lomax

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

Ms. C Creasey  
Mr. C Chambers  
Mrs. C Wooller  
Mrs. M Hilditch  
Ms. M Farr C/O Tastebuds  
Ms. W Milton  
Mr. A & Mrs. H Brown  
Mrs. L Tylee  
Mrs. R J Walters  
Mrs. A Bunce  
Mrs. E Sedgwick  
K Easlea  
Mr. R A Kerntiff & Mr. T Kerntiff  
Mr. T Evans  
Mrs Lomax

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

Ms. J Mutlow – Legal Advisor  
Ms. J Debnam - Clerk

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

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

- B. Films  
Monday 10.00 to 23.30  
Tuesday 10.00 to 23.30  
Wednesday 10.00 to 23.30  
Thursday 10.00 to 23.30  
Friday 10.00 to 00.30  
Saturday 10.00 to 00.30  
Sunday 10.00 to 23.30
- C. Indoor sporting events  
Monday 10.00 to 23.30  
Tuesday 10.00 to 23.30  
Wednesday 10.00 to 23.30  
Thursday 10.00 to 23.30  
Friday 10.00 to 00.30  
Saturday 10.00 to 00.30  
Sunday 10.00 to 23.30
- E. Live music:  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00
- F. Recorded music:  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00
- G. Performance of dance:  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

- H. Anything of a similar description to that falling within E. F. or G.  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00
  
- I. Provision of facilities for making music:  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00
  
- J. Provision of facilities for dancing:  
Monday 10.00 to 23.00  
Tuesday 10.00 to 23.00  
Wednesday 10.00 to 23.00  
Thursday 10.00 to 23.00  
Friday 10.00 to 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00
  
- L. Late night refreshment:  
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 00.30  
Saturday 23.00 to 00.30  
Sunday 23.00 to 23.30
  
- M. Supply of alcohol:  
Monday 10.00 to 23.30  
Tuesday 10.00 to 23.30  
Wednesday 10.00 to 23.30  
Thursday 10.00 to 23.30  
Friday 10.00 to 00.30  
Saturday 10.00 to 00.30  
Sunday 10.00 to 23.30

**Non-standard timings**

The licensable activities detailed at B. C. L. and M. above will be permitted for additional hours between 00.01 and 00.00 hours (24 hours) on 12 occasions in total per year provided that:

1. such occasions are advertised prominently both inside and outside the premises no less than 14 days in advance, and
2. the Licensing Authority and the Police are notified of such occasions at least 14 days in advance, and
3. the police do not veto the event.

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

The premises will be permitted to be open to the public 24 hours a day 7 days a week.

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. Noise and vibration will not be allowed to emanate from the premises to cause a nuisance to nearby properties.
2. At or before 23.00 hours all windows at the premises will be closed and locked.

Note : the license will be subject to the steps proposed in part Q of the operating schedule.

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## **7. Reasons for the Decision**

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties and the amendments to the operating schedule offered by the Applicant in light of discussions with the Council's Environmental Protection Officers.

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning nuisance and anti-social behaviour. They accepted that at present there are occasions where noise and some anti-social behaviour occurs. 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 accepted that by extending the hours permitted for the sale of alcohol this could potentially lead to an increase in such problems arising from the premises. It also noted the Applicant's acknowledgement that the premises had had problems over the years which they were clearly attempting to rectify by imposing stringent policies to deal with those causing the problems, such as bans on particular individuals, and in light of this the Sub-Committee considered that the situation was improving. It also noted that no formal complaints had been made to the Authority other than a letter concerning broken glass and litter. It did not feel that this was sufficient to reject the variation altogether.

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.

However, in light of the location of the Club, in close proximity to residential premises, permitting an extension of the hours during which the supply of alcohol is permitted beyond 23.30 during the working week (with a working day to follow) would not be likely to promote the licensing objectives relating to the prevention of public nuisance and prevention of crime and disorder. It is for this reason that when there

is a working day the next day, licensable activities will cease at 23.30 with the usual closing (as indicated by the Applicant at the hearing) being 30 minutes later.

On Fridays and Saturdays, the Sub-Committee considers that the public nuisance effect of noise at 'turning out' time would not be so significant until slightly later, as they are not followed by a working day.

The Sub-Committee were also of the view that the noise and anti social behaviour experienced by the objectors could not be wholly attributed to those drinking at Snooker Club.

The Sub-Committee paid particular heed to the steps suggested in the operating schedule and in light of those and the points raised above considered it in line with the licensing objectives to grant the variation to the extent stated.

There were no relevant representations made in respect of that part of the application to remove the embedded restrictions as set out in the application (including permitting children in the bar) and therefore this part of the application is granted.

**Date: 29.09.05**

**Licensing Sub-Committee Chairman: Cllr M H G Fidler**

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**Decision notified to interested parties on 30 September 2005**