

LICENSING ACT 2003

APPLICATION: NEW FOREST INN, EMERY DOWN, LYNDHURST

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 30 September 2005**

1. Members of the Licensing Sub-Committee

Councillor M H G Fidler
Councillor R C H Hale (Chairman)
Councillor J M Hoy

2. Parties and their Representatives attending the Hearing

Mr G Johnson, Applicant
Ms J Gillam, Enterprise Pubs (assisting Mr Gillam)

Mr T Murray-Cox – Objector
Mrs Pickering - Objector
Mrs J Smart – Objector
Mr J Smith - Objector
Mr & Mrs R Ward – Objectors
Mr B Williamson – Objector

3. Other Persons attending the Hearing

None

4. Parties not attending the Hearing

Mr J & Ms K Adcock
Mr & Mrs Angell
Dr R Aspinal
Ms P Ball & Ms J Strange
Ms L Barnaby
Mr & Mrs Blackwell
Mr & Mrs Bloomfield
Mr M Chilcott
Mr M Combe
Mr J M Elkington

Mr & Mrs Elliott
Mrs K Garvie
Mr & Mrs Grant
Dr Y Griffiths
Prof M Hall
Mr P Hilton
Mrs E Hodgson
Mr & Mrs Holland
Maj Gen B Irwin
Ms S Jameson
Mr G Kreizler
Mr G Lloyd-Roberts
Mr D Lyle
Ms A Linnegar & Ms J Davies
Mr & Mrs Nicholson
Mrs B Payne
Mrs C Pearce
Dr Pickering
Mr & Mrs Piper
Mrs Smith
Mr J K Thomson
Mr & Mrs Truckell
Mrs J Truscott
Mr J Wadsdington
Ms E Walker

5. Officers attending to assist the Sub-Committee

Ms J Mutlow – Legal Advisor
Mrs R Rutins - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

B. Films

Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00

C. Indoor sporting events

Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00

- E. Live music:**
Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00
- F. Recorded music:**
Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00
- H. Anything of a similar description to that falling within E or F**
Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00
- I. Provision of facilities for making music:**
Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00
- J. Provision of facilities for dancing:**
Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00
- L. Late night refreshment:**
Monday 23.00 to 00.00
Tuesday 23.00 to 00.00
Wednesday 23.00 to 00.00
Thursday 23.00 to 00.00
Friday 23.00 to 01.00
Saturday 23.00 to 01.00

M. Supply of alcohol:

Monday 08.00 to 23.30
Tuesday 08.00 to 23.30
Wednesday 08.00 to 23.30
Thursday 08.00 to 23.30
Friday 08.00 to 00.30
Saturday 08.00 to 00.30
Sunday 10.00 to 22.30

Non-standard timings

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

O. Hours premises to be open to the public

Monday 08.00 to 00.00
Tuesday 08.00 to 00.00
Wednesday 08.00 to 00.00
Thursday 08.00 to 00.00
Friday 08.00 to 01.00
Saturday 08.00 to 01.00
Sunday 10.00 to 23.00

Non-standard hours

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

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. Any live music events held outdoors shall terminate at 22.30 hours.
2. The number of events involving live music shall be limited to 24 such events per calendar year and no more than 2 shall be permitted in any calendar month. Each event must be notified to the Licensing Authority at least 7 days in advance.
3. All external doors and windows shall be kept closed, other than for the purposes of access and egress, when events involving live and or amplified music (including amplified speech) are taking place.
4. After 23.00 hours music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.
5. 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 4 and 5 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 potential anti-social behaviour and were particularly mindful of the location of the premises. 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 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 closing a half hour 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.

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 and therefore this part of the application is granted.

Date: 30 September 2005

Licensing Sub-Committee Chairman:

Cllr R C H Hale

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Decision notified to interested parties on 30 September 2005

