

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: HEATH HOTEL, BEAULIEU ROAD, DIBDEN PURLIEU**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Monday, 3 October 2005 at 11.15 am.**

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

Councillor G Beck - Chairman  
Councillor L R Puttock  
Councillor P R Woods

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

Whitbread Group Plc – Mr J Lean, Area Manager (Applicant)  
Mr G Trout and Miss C Bailey, Heath Hotel

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

T. E Clifford (Objector)  
John Gaunt & Partners Solicitors for the applicant

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

Ms J Mutlow – Legal Advisor  
Mr A Rogers - 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: Indoors
  - Monday 10.00 to 00.00
  - Tuesday 10.00 to 00.00
  - Wednesday 10.00 to 00.00
  - Thursday 10.00 to 00.00
  - 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 00.00
  - Tuesday 10.00 to 00.00
  - Wednesday 10.00 to 00.00
  - Thursday 10.00 to 00.00
  - 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 00.00
  - Tuesday 10.00 to 00.00
  - Wednesday 10.00 to 00.00
  - Thursday 10.00 to 00.00
  - Friday 10.00 to 00.30
  - Saturday 10.00 to 00.30
  - Sunday 10.00 to 23.30
  
- F. Recorded music:
  - Monday 10.00 to 00.00
  - Tuesday 10.00 to 00.00
  - Wednesday 10.00 to 00.00
  - Thursday 10.00 to 00.00
  - Friday 10.00 to 00.30
  - Saturday 10.00 to 00.30
  - Sunday 10.00 to 23.30
  
- G. Performances of dance:
  - Monday 10.00 to 00.00
  - Tuesday 10.00 to 00.00
  - Wednesday 10.00 to 00.00
  - Thursday 10.00 to 00.00
  - Friday 10.00 to 00.30
  - Saturday 10.00 to 00.30
  - Sunday 10.00 to 23.30
  
- I. Provision of facilities for making music:
  - Monday 10.00 to 00.00
  - Tuesday 10.00 to 00.00
  - Wednesday 10.00 to 00.00
  - Thursday 10.00 to 00.00
  - Friday 10.00 to 00.30
  - Saturday 10.00 to 00.30
  - Sunday 10.00 to 23.30

- 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 00.30  
Saturday 23.00 to 00.30  
Sunday 23.00 to 23.30

- M. Supply of alcohol:  
Monday 10.00 to 00.00  
Tuesday 10.00 to 00.00  
Wednesday 10.00 to 00.00  
Thursday 10.00 to 00.00  
Friday 10.00 to 00.30  
Saturday 10.00 to 00.30  
Sunday 10.00 to 23.30

### **Non-standard hours**

The licensable activities listed above will be permitted until 00.30 hours on the day following:

- The Sundays of the May, Spring/Whitsun and August Bank Holiday and Easter weekends
- Christmas Eve
- New Year's Eve

The licensable activities listed above will be permitted between 11.30 and 22.30 hours on Christmas Day.

The licensable activities listed above will be permitted until 00.30 hours on 10 further occasions provided that these occasions are notified to the Licensing Authority at least 7 days advance of them taking place.

The licensable activities listed above will be permitted on further occasions to enable the broadcast of televised sporting events of national or international interest outside normal permitted hours provided:

- the police and licensing authority are notified at least 7 days in advance; and
- the police or the licensing authority do not veto the occasion.

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

Monday 10.00 to 00.30  
Tuesday 10.00 to 00.30  
Wednesday 10.00 to 00.30  
Thursday 10.00 to 00.30  
Friday 10.00 to 01.00  
Saturday 10.00 to 01.00  
Sunday 10.00 to 00.00

### **Non-standard opening hours**

The premises will be permitted to open until 01.00 hours on the day following:

- The Sundays of the May, Spring/Whitsun and August Bank Holiday and Easter weekends
- Christmas Eve
- New Years Eve

The premises will be permitted to open between 11.30 and 22.30 hours on Christmas Day.

The premises will be permitted to open until 01.00 hours on 10 further occasions provided that these occasions are notified to the Licensing Authority at least 7 days advance of them taking place.

The premises will be permitted to open on further occasions to enable the broadcast of televised sporting events of national or international interest outside normal permitted hours provided:

- the police and licensing authority are notified at least 7 days in advance; and
- the police or the licensing authority do not veto the occasion.

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. The licensee or his/her nominated representative shall receive and respond to complaints throughout the duration of the regulated entertainment.
2. 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.
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 public nuisance. However, they noted that, subject to the acceptance of certain conditions, no objections to the application for increased opening hours had been made by the Environmental Health Department.

Despite that they took the view that the impact of the nuisance described would be less significant on Fridays and Saturdays as these did not precede a normal working day and therefore, the Sub-Committee considered that it would be consistent with the licensing objectives if the application were granted in part but restricted further on Sundays to Thursdays.

Having considered the conditions suggested by the Environmental Protection Department and consented too by the Applicant, the Sub-Committee decided that certain conditions should be imposed and that these would ameliorate concerns as to nuisance at this stage.

However, should a statutory nuisance be established in the future, action may be taken under the appropriate statutory regime including the Environmental Protection Act.

**Date: 03.10.05**

**Licensing Sub-Committee Chairman: Cllr G C Beck**

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**Decision notified to interested parties on**