

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: TESTWOOD WORKING MENS CLUB**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Monday, 24 October 2005 at 9.00 am.**

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

Councillor R C H Hale  
Councillor G Walmsley  
Councillor P Woods - Chairman

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

Ms K Rowcliffe – Applicant  
Mr S Boast – in support of applicant

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**3. Other Persons attending the Hearing**

Mr & Mrs Holt – Observers

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**4. Parties not attending the Hearing**

Mr & Mrs Southwell – Objectors

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

Ms J Mutlow – Legal Advisor  
Mrs M Dunsmore - 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 11.00 to 23.30
  - Tuesday 11.00 to 23.30
  - Wednesday 11.00 to 23.30
  - Thursday 11.00 to 23.30
  - Friday 11.00 to 23.30
  - Saturday 11.00 to 23.30
  - Sunday 12.00 to 23.00
  
- C. Indoor sporting events:
  - Monday 19.00 to 23.00
  - Tuesday 19.00 to 23.00
  - Wednesday 19.00 to 23.00
  - Thursday 19.00 to 23.00
  - Friday 19.00 to 23.00
  - Saturday 11.00 to 23.00
  - Sunday 12.00 to 22.00
  
- E. Live music:
  - Saturday 19.30 to 23.00
  - Sunday 19.30 to 23.00
  
- 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 23.00
  - Friday 11.00 to 23.00
  - Saturday 11.00 to 23.00
  - Sunday 12.00 to 23.00
  
- H. Anything of a similar description to that falling within E. F. or G.  
Dinner Dances will be permitted on 2 occasions per calendar year between 19.00 and 00.00 hours.
  
- J. Provision of facilities for dancing:
  - Tuesday 19.30 to 23.00
  - Saturday 19.30 to 23.30
  - Sunday 19.30 to 23.00
  
- L. 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 23.00
  - Friday 11.00 to 23.00
  - Saturday 11.00 to 23.00
  - Sunday 12.00 to 22.30

### **Non-standard Timings**

Additionally, the licensable activities detailed at sections E. F. J. and L. above shall be permitted until 00.00 hours on a maximum of 13 occasions per calendar year provided that each occasion is notified to the Police and the Licensing Authority at least 10 days in advance.

The licensable activities detailed at sections E. F. J. and L. shall be permitted until 01.00 hours on the night of New Years Eve.

- M. Hours premises open to the Members and guests:
- Monday 11.00 to 23.30
  - Tuesday 11.00 to 23.30
  - Wednesday 11.00 to 23.30
  - Thursday 11.00 to 23.30
  - Friday 11.00 to 23.30
  - Saturday 11.00 to 23.30
  - Sunday 12.00 to 23.00

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

Additionally, the premises shall be permitted to be open to Members and guests shall be permitted to be open until 00.00 hours on a maximum of 13 occasions per calendar year provided that each occasion is notified to the Police and the Licensing Authority at least 10 days in advance.

The premises shall be permitted to be open to Members and guests until 01.00 hours on the night of New Years Eve and also on one occasion every 4 years for the Final Match of the Football World Cup.

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
2. The duty Committee Officer/person and or Steward/Assistant Steward shall receive and respond to complaints throughout the duration of any regulated entertainment.
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 inside 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 (both outdoors and indoors) 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 public nuisance. However, they noted that no objections to the application for increased opening hours had been made by the Environmental Health Department and the extension of hours applied for was modest.

In light of the above, the Sub-Committee considered that it would be consistent with the licensing objectives if the application were granted, but decided that certain conditions should be imposed, which 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 1990 and the Licensing Act 2003.

**Date: 24.10.05**

**Licensing Sub-Committee Chairman: Cllr P Woods**

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**Decision notified to interested parties on 25.10.05**