

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Waterloo Arms, Pikes Hill, Lyndhurst

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday 15 December 2005 at 9.30 am**

1. Members of the Licensing Sub-Committee

Councillor W H Dow - (Chairman)
Councillor R C H Hale
Councillor G M Walmsley

2. Parties and their Representatives attending the Hearing

Applicant:
Mr P Hingston

Objectors:
Mr K Johnson
Dr Wood
Mr and Mrs Bonagura
Mr A Allen
Mr and Mrs Whithouse
Mr Meyer

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr & Mrs Jones
Mr & Mrs Symes
Mrs F Meyer

5. Officers attending to assist the Sub-Committee

Miss J Mutlow – Legal Advisor
Miss J Debnam- Clerk

6. Decision of the Sub-Committee

Licensable activities and times permitted:

- 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 11.00 to 22.00

- F. Recorded music:
 - Monday 09.00 to 23.00
 - Tuesday 09.00 to 23.00
 - Wednesday 09.00 to 23.00
 - Thursday 09.00 to 23.00
 - Friday 09.00 to 23.00
 - Saturday 09.00 to 23.00
 - Sunday 09.00 to 22.30

- H. Anything of a similar description to that falling within E, F, or G:
 - Monday 09.00 to 23.00
 - Tuesday 09.00 to 23.00
 - Wednesday 09.00 to 23.00
 - Thursday 09.00 to 23.00
 - Friday 09.00 to 23.00
 - Saturday 09.00 to 23.00
 - Sunday 09.00 to 23.00

- I. Provision of facilities for making music:
 - Monday 09.00 to 23.00
 - Tuesday 09.00 to 23.00
 - Wednesday 09.00 to 23.00
 - Thursday 09.00 to 23.00
 - Friday 09.00 to 23.00
 - Saturday 09.00 to 23.00
 - Sunday 09.00 to 22.30

- M. Supply of alcohol:
 - Monday 09.00 to 23.30
 - Tuesday 09.00 to 23.30
 - Wednesday 09.00 to 23.30
 - Thursday 09.00 to 23.30
 - Friday 09.00 to 00.00
 - Saturday 09.00 to 00.00
 - Sunday 09.00 to 23.30

Non-standard timings

The licensable activity detailed at section M above will be permitted until 00.30 hours on 6 occasions per calendar year, which must be notified to the police and the licensing authority at least 14 days in advance of the date of each event.

The licensable activities detailed at sections E, F, I and M above shall be permitted until 01.30 hours on the night of New Years Eve running into New Years Day.

Hours premises to be open to the public

Monday 09.00 to 00.00
Tuesday 09.00 to 00.00
Wednesday 09.00 to 00.00
Thursday 09.00 to 00.00
Friday 09.00 to 00.30
Saturday 09.00 to 00.30
Sunday 09.00 to 00.00

On the days on which the 'non-standard timings' above are permitted, the premises will be permitted to open for 30 minutes beyond the end of the permitted licensable activities.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. Notices shall be displayed in prominent positions both within and outside the premises requiring patrons to leave quietly and respect local residents.
2. All doors and windows shall be closed at all times during all events involving activities permitted under sections E, F, H and I other than for the purposes of access and egress.
3. All windows and doors will be kept closed after 23.00 hours each day.
4. Patrons must not be permitted in the garden or any other outside area after 23.00 hours.

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties.

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In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning the potential for noise nuisance emanating from the premises in light of the proposed longer hours being applied for, for licensable activities including the sale of alcohol.

The Sub-Committee considered that permitting a longer period for certain licensable activities on a limited basis with appropriate conditions would be appropriate as the concerns raised were broadly speculative and could be countered by conditions attached to the licence. The conditions imposed would assist in promoting the licensing objective relating to the prevention of public nuisance.

However, the Sub-Committee took the view that there should be a period after which the permitted licensable activities ceased to enable patrons to consume their drinks and gradually disperse from the premises and on that basis it took the view that licensable activities should cease 30 minutes before the premises closed to the public. Additionally it took the view that due to the nature and location of the premises that it would be reasonable and in line with the licensing objectives to require the premises to close at the time stated above.

The Sub-Committee carefully considered the proximity of the premises in relation to a large number of residential properties. However, it took the view that with the protection of licence conditions, the powers of review available under the Licensing Act 2003, other statutory regimes, such as the Environmental Protection Act, that could be invoked should a statutory nuisance occur and also the fact that the premises was apparently very well run that the licence should be granted in the terms laid out above.

Date: 15 December 2005

Licensing Sub-Committee Chairman: Cllr W H Dow

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Decision notified to interested parties on 15 December 2005