

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: The White Horse, Ringwood Road, Netley Marsh

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday 15 December 2005 at 3.00 pm**

1. Members of the Licensing Sub-Committee

Councillor R C H Hale – (Chairman)
Councillor D Harrison
Councillor J A G Hutchins

2. Parties and their Representatives attending the Hearing

Applicant:
Mr and Mrs Freeman

Objectors:
Ms D Burrows
Mrs E Rickman
Cllr L R Puttock
Mr W Bewes
Mrs P Gifford

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mrs M Lewis – represented by Cllr Puttock
Mr B Leamore
Mr D Hickman
Mr Rickman – represented by Mrs Elena Rickman
Ms M Swales

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*:
Tuesday 12.00 to 23.00
Friday 12.00 to 23.00
Saturday 12.00 to 23.00

- F. Recorded music*:
Monday 12.00 to 23.00
Tuesday 12.00 to 23.00
Wednesday 12.00 to 23.00
Thursday 12.00 to 23.00
Friday 12.00 to 23.00
Saturday 12.00 to 23.00
Sunday 12.00 to 22.30

- H. Anything of a similar description to that falling within E, F, or G*:
Wednesday 12.00 to 23.00
Sunday 12.00 to 22.30

- I. Provision of facilities for making music*:
Tuesday 12.00 to 23.00
Friday 12.00 to 23.00
Saturday 12.00 to 23.00

*NOTE: The licensable activities permitted at Sections E, F, H and I above shall be limited to a maximum of 6 events per calendar month in total.

- M. Supply of alcohol:
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 12.00 to 22.30

Non-standard timings

The licensable activity detailed at section M above will be permitted until 01.00 hours on a maximum of 10 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 and M above shall be permitted between 09.00 on New Years Eve and 01.00 hours on New Years Day.

Hours premises to be open to the public

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 23.30
Saturday 09.00 to 23.30
Sunday 09.00 to 23.00

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 live and/or recorded music, 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 to remain in the garden or any other outside area after 23.00 hours.
5. The totality of licensable activities permitted at Sections E, F, H and I above shall be limited to a maximum of 6 events per calendar month in total.
6. At all times, 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 those purposes of condition 6 above, the definition of "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.

The Sub-Committee had particular regard to representations concerning the potential for noise nuisance emanating from the premises in light of the licensable activities including live and recorded music and karaoke.

The Sub-Committee considered that permitting certain licensable activities on a limited basis with appropriate conditions would be appropriate. The conditions imposed would assist in promoting the licensing objective relating to the prevention of public nuisance.

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 and other statutory regimes, such as the Environmental Protection Act, that could be invoked should a statutory nuisance occur that the licence should be granted in the terms laid out above.

Date: 15 December 2005

Licensing Sub-Committee Chairman: Cllr R C H Hale

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Decision notified to interested parties on 16 December 2005