

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: CHEQUERS, LOWER WOODSIDE, LYMINGTON

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday 12 June 2006.**

1. Members of the Licensing Sub-Committee

Councillor G C Beck – Chairman
Councillor W H Dow
Councillor S S Wade

2. Parties and their Representatives attending the Hearing

Mr S Thoyts – Applicant
Mr I Davis, Scott Bailey Solicitors – Applicant's Solicitor
Mr M Robinson - Objector
Mrs L Bennett– Objector represented by Mr C Patrick, Lester Aldridge
Solicitors
Mr & Mrs Keal - Objectors
Mrs B Hancock - Objector

3. Other Persons attending the Hearing

Mr & Mrs Knight – Observers

4. Parties not attending the Hearing

Mr L Snook – Objector represented by Mr Keal
Mr P McGrigor – Objector represented by Mr Keal
Mr & Mrs Butchart – Objector represented by Mr Keal
Mrs Wiseman - Objector represented by Mr Keal
Mr J Leach – Objector
Mrs L Phillipson – Objector

5. Officers attending to assist the Sub-Committee

Miss J Mutlow – Legal Advisor
Mrs M Dunsmore - Clerk

6. Decision of the Sub-Committee

E. Live music:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

F. Recorded music:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

G. Performances of Dance:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

H. Anything of a similar description to that falling within E, F or G:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

I. Provision of facilities for making music:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

J. Provision of facilities for dancing:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

K. Provision of facilities for entertainment of a similar description to that falling within I or J:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

L. Late night refreshment:

Monday 23.00 to 23.30
Tuesday 23.00 to 23.30
Wednesday 23.00 to 23.30
Thursday 23.00 to 23.30
Friday 23.00 to 23.30
Saturday 23.00 to 23.30
Sunday 23.00 to 23.30

M. Supply of Alcohol:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

NOTE: The licensable activities permitted at sections E. F.G.H.I.J.K.L. and M above, when taking place in the tented area adjoining the rear of the building, the back garden of the premises, or in any marquee erected in the back garden shall be restricted to 8 outdoor/marquee events per annum.

O. Hours premises are open to the public:

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 12.00 to 24.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. During any event involving live or amplified music (other than low level background music), all windows will be kept closed. External doors will also be kept closed, except where necessary for access and egress.
2. Speakers will not be positioned outside at any time other than on the 8 occasions permitted at condition 12 below.
3. The air conditioning and cooking extraction system will be switched off when not required.
4. The disposal of empty bottles into outdoor storage receptacles will not take place between 19.00 – 07.00 hours.
5. Arrangements will be in place to ensure that deliveries of consumables will not take place between 19.00 – 07.00 hours.
6. Arrangements will be in place to ensure that waste collection contractors will not collect between 19.00 – 07.00 hours.
7. So as to minimise disturbance to local residents late at night, staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not loiter in the vicinity of the premises.
8. At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.
9. Noise from amplified or unamplified music and singing and any other speech emanating from the premises between 23.00 and 09.00 hours shall be inaudible when measured at the boundary of all noise sensitive premises*.
10. Prior to 23.00 hours, music or singing emanating from the premises whilst audible, must be so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises*.
11. The pub garden shall be closed at 23.00 hours.
12. The licensable activities permitted at sections E, F, G, H, I, J, K, L, and M above, when taking place in the tented area adjoining the rear of the building, the back garden of the premises, or in any marquee erected in the back garden shall be restricted to 8 outdoor/marquee events per annum.

* For the purposes of conditions 9 and 10 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 at the hearing.

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance. They accepted that at present there are occasions where noise occurs, in particular when events are being held in the garden of the premises.

The Sub-Committee considered that permitting a slightly longer period for certain licensable activities on a very limited number of evenings per annum would strike a balance between the needs of the Applicant to run his business and the concerns of residents. They took the view that this would promote the licensing objective relating to the prevention of public nuisance.

Furthermore the Sub-Committee considered concerns about nuisance could be further dealt with by the imposition of stringent conditions that would ameliorate the problems of public nuisance, complained of by some of the interested parties, arising from persons attending events held in marquees erected outside the premises.

Date: 12 June 2006

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 13.06.06