

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: BROCKENHURST MASONIC DINING CLUB**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Wednesday, 6 September 2006**

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

Councillor J M Hoy  
Councillor A R Tinsley - Chairman  
Councillor S S Wade

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

Mr. R. J. Chadwick – Applicant

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**3. Other Persons attending the Hearing**

Mr. A. Hetherington – Observer

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**4. Parties not attending the Hearing**

Mr. C.J. Allison - Objector

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

Ms. S. Sharp – 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:**

- A. Plays:  
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 12.00 to 14.00; and  
19.00 to 23:00
- 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 12.00 to 14.00; and  
19.00 to 23:00
- F. Recorded 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 12.00 to 14.00; and  
19.00 to 23:00
- G. Performance of dance:  
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 12.00 to 14.00; and  
19.00 to 23:00
- H. Anything of a similar description to that falling within (e), (f) or (g)  
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 12.00 to 14.00; and  
19.00 to 23:00

- I. Provision of facilities for making 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 12.00 to 14.00; and  
19.00 to 23:00
  
- J. Provision of facilities for dancing:  
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 12.00 to 14.00; and  
19.00 to 23:00
  
- K. Provision of facilities for entertainment of a similar description to that falling within (i) or (j)  
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 12.00 to 14.00; and  
19.00 to 23:00
  
- L. Supply of alcohol:  
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 12.00 to 14.00; and  
19.00 to 23:00

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

- 1) Prior to 23:00 hours, music and noise emanating from the premises whilst audible, is so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises\* as offered and agreed by the applicant.
- 2) Live music will be permitted on the premises on a maximum of 6 days each calendar month as offered and agreed by the applicant.
- 3) There must be no persons present on the premises between the hours of 23:30 and 08:00 hours.

\* Noise sensitive premises includes premises use for residential purposes, hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any 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 noted that the Club had had the use of the premises on this site over the last fifty years and that this application had come about due to the erection of a new building and the demolition of the old one. The applicant stated that their long-standing use had been problem and complaint free with regard to their neighbours and, as this was not contradicted, this was taken into account particularly because the applicant did not intend to change to any great extent, the manner of its use.

Accordingly, the Sub-Committee decided that with regard to the numbers of persons who might use the facilities, this would be self-regulating, as there would be a fire certificate limiting this and the applicant had stated the hall could comfortably seat 100 persons.

Similarly, the Sub-Committee did not anticipate that any concern would arise should the premises be let out to members for functions as the applicant stated that this had not occurred frequently in the evenings in the past.

The Sub-Committee heard that the new building was double glazed and air conditioned. Homeford House and most residences nearby would also be double glazed. Accordingly, the Sub-Committee was satisfied with the applicant's assurances that there should be no noise nuisance occurrence whatever type of music or amplification was taking place inside. The Sub-Committee also took into account the statutory regime under the Environmental Protection Act 1990 which could be invoked should any concerns arise in the future, as well as the power of review under the Licensing Act 2003. The applicant had offered conditions (1) and (2) which we felt dealt with any concerns adequately.

Having considered the type of usage of the building and the number of private and public parking spaces available and the double yellow lines on Grigg Lane, the Sub-Committee was satisfied that there was no relevant concern for the Sub-Committee regarding parking provision.

The Sub-Committee was concerned about the likelihood of noise nuisance being caused in this residential area should the premises be used in the late hours and which may arise from car doors, the premises doors and people's voices. Accordingly, we imposed condition (3) for these reasons. Subject to that, we were satisfied that the hours applied for were reasonable.

**Date: 06.09.06**

**Licensing Sub-Committee Chairman: Cllr A Tinsley**

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**Decision notified to interested parties on 7 September 2006**