

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION FOR REVIEW OF PREMISES LICENCE THE VINE INN, ROMSEY ROAD, OWER

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Monday, 6 November 2006

1. Members of the Licensing Sub-Committee

Councillor R C H Hale (Chairman)
Councillor G C Beck
Councillor J Penwarden

2. Parties and their Representatives attending the Hearing

Mrs V Day – Applicant for Review
Mr A Orchard – Witness in support of Applicant
Mr S O’Gorman – Designated Premises Supervisor
Mr A Stones, Spirit Group Limited – Licence Holder
Mr M Phipps – TLT Solicitors (solicitor for the Licence Holder)
Mr M Robinson – Environmental Health, New Forest District Council

3. Other Persons attending the Hearing

Mr T Hetherington - Observer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Mrs N Heaselden – Legal Advisor
Mrs M Dunsmore - Clerk

6. Decision of the Sub-Committee

In having regard to the application and relevant representations the Sub-Committee has taken the following steps that it considers necessary for the

promotion of the licensing objectives in particular the prevention of public nuisance.

The steps are: -

To modify the conditions of the licence as follows: -

1. Within three months (starting with the date of this decision) any amplified, live or recorded music (other than that played as background music) and any facilities provided for making amplified music shall be controlled through tamper proof noise limiting equipment which must be approved by the Environmental Health Officer (EHO) of New Forest District Council and set at a level so that that music noise shall be inaudible at the boundary of all noise sensitive premises*. The noise level shall be approved by the EHO and thereafter maintained at that level or below.
2. Contact details including telephone numbers of the Area Manager and the Designated Premises Supervisor shall be made available to all residents of noise sensitive premises* within licensing hours.
3. Subject to relevant planning controls, notices shall be displayed in prominent positions within and outside the premises including the exits of the car park requiring patrons to leave quietly and respect local residents. These notices will supplement those already in existence inside the premises and will be monitored by the EHO.
4. For a period of half an hour after each function has ended the Designated Premises Supervisor or a person authorised by the DPS shall supervise and monitor customers exiting the car park.
5. Verbal announcements shall be made at the end of each function, reminding customers to leave quietly and respect local residents.

* For the purposes of condition 1 and 2 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.

To temporarily exclude the licensable activity from the scope of the licence:

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6. The licensable activities as set out in parts E, F & H of the premises licence number 525 be suspended until such time as the level referred to in condition 1 above has been set and approved by the EHO.

7. Reasons for the Decision

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

The significant problems experienced by the local residents were fully acknowledged by the Licence Holder, who accepted that they were due in part to the poor management of the premises in the past. The Licence Holder further acknowledged that holding functions in a marquee, which by their

nature have no acoustic protection, was inappropriate given the close proximity of noise sensitive premises. The Sub-Committee were pleased to note, in light of the accepted problems, the spirit of cooperation demonstrated by the Licence Holder that no further events would take place in a marquee.

It was also noted given the Licence Holder's full acceptance of and responsibility for the music noise emanating from the premises, that they have offered to meet the local residents of the premises affected on a quarterly basis to discuss any problems or issues that may arise. The Sub-Committee encourages open dialogue to take place with local residents. The Licence Holder has also agreed to keep and maintain a complaints register to monitor and deal with complaints.

The Sub-Committee considered, given the excessive noise levels experienced by the local residents, the request that all functions should cease at 11.00pm. In this instance however, it was felt that this would be too draconian a solution given the proposals offered by the Licence Holder that all music noise shall be restricted to inaudibility at the boundary of all noise sensitive premises. The Sub-Committee was mindful however, that requiring functions to cease at 11.00pm remains an option should problems continue to be experienced by local residents. It was considered necessary and proportionate to give the Licence Holder an opportunity to set the noise limiter at a level of inaudibility at the boundary of all noise sensitive premises.

Date: 6 November 2006

Licensing Sub-Committee Chairman: Cllr R C H Hale

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Decision notified to interested parties on 9 November 2006