

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Roebuck, Marchwood Village Centre, Main Road, Marchwood

Decision of the Licensing Sub-Committee hearing held at Hythe and Dibden Parish Council Offices on Tuesday, 1 May 2007 at 2 pm

1. Members of the Licensing Sub-Committee

Councillor Hale - Chairman
Councillor Beck
Councillor Hutchins

2. Parties and their Representatives attending the Hearing

Nick Yeo, Bond Pearce Solicitors - on behalf of Applicant
Karen Dix, Premises Supervisor – Applicant
Mike Ward, Area Manager – on behalf of Applicant

Sgt T Adams – Objector
Cllr Vango-Fisher – Witness of behalf of Objector

3. Other Persons attending the Hearing

Mrs Vango-Fisher – Observer
Miss G Fice – Observer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Ms S Sharp – Legal Advisor
Mrs M Dunsmore - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

- B. Films:
- | | |
|-----------|----------------------------------|
| 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 to 23.00 |
- G. Performances 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 to 23.00 |
- 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 24.00 |
| Saturday | 00.00 to 01.30
23.00 to 24.00 |
| Sunday | 00.00 to 01.30
23.00 to 23.30 |
- M. 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 24.00 |
| Saturday | 00.00 to 01.00
10.00 to 24.00 |
| Sunday | 00.00 to 01.00
10.00 to 23.00 |

- O. Hours premises are open to the public:
- | | |
|-----------|----------------------------------|
| 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 24.00 |
| Saturday | 00.00 to 01.30
10.00 to 24.00 |
| Sunday | 00.00 to 01.30
10.00 to 23.30 |

Non-standard hours

New Year's Eve from commencement of permitted hours until end of permitted hours on New Year's Day.

Other decisions:

1. The removal of those conditions imposed on the premises licences under paragraph 6(6) of the Eighth Schedule to the Licensing Act 2003, which attached to the former Public Entertainment Licence, being conditions 2.1, 7.1-10 inclusive, 10.8, 10.9 and 10.10.
2. The removal of the condition which requires the sale of alcohol to be ancillary to provision of music and dancing and substantial refreshment.

Mandatory conditions:

As provided for in the Licensing Act 2003

Other conditions:

1. After 23.00 hours, music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises*.
2. 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.
3. After 23.00 hours there shall be no admission or re-admission of patrons to the premises.
4. There shall be no use of the outdoor area of the premises after 23.00 hours.

* For the purposes of condition 1 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.

In respect of the finish time for the licensable activities the Sub-Committee had particular regard to representations concerning the residential locality of the premises and felt that some provision should be made to limit noise and other disturbance to local residents. They were also mindful of potential noise nuisance emanating from the patio area of the premises.

However, they felt that slightly longer hours on a Friday and Saturday night would be appropriate and should not pose the same risk of disturbance to the neighbours as during the week. The conditions imposed would assist in promoting the licensing objective relating to the prevention of public nuisance.

Date: 2 May 2007

Licensing Sub-Committee Chairman: Cllr R C H Hale

FOR OFFICE USE ONLY

Decision noted to interested parties on 2 May 2007