

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Testwood Working Men's Club, Totton

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Monday, 6 August 2007 at 10.00 a.m.

1. Members of the Licensing Sub-Committee

Councillor P R Woods – Chairman
Councillor J Penwarden
Councillor A E J Shotter

2. Parties and their Representatives attending the Hearing

Applicant: Ms Susan Peacock, Club Secretary and Mr Trevor Harris, Club President, Testwood Working Men's Club

Mr Chris Burman, John Gaunt & Partners – Solicitor for the Applicant

(3 members of the public attended but took no part)

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr D Trueman - Objector

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke – Legal Advisor
Andy Rogers - 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 23.30
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

C. Indoor Sporting Events:

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

E. Live Music:

Friday 19.00 to 23.30
Saturday 19.00 to 23.30
Sunday 19.00 to 23.00

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 00.00
Saturday 10.00 to 00.00
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 00.00
Saturday 10.00 to 00.00
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 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 23.30

L. 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 00.00
Saturday 10.00 to 00.00
Sunday 10.00 to 23.30

Hours premises to be open to Members and Guests

Monday 10.00 to 00.00
Tuesday 10.00 to 00.00
Wednesday 10.00 to 00.00
Thursday 10.00 to 00.00
Friday 10.00 to 00.30
Saturday 10.00 to 00.30
Sunday 10.00 to 00.00

Non Standard Timings

The supply of alcohol and licensable activities detailed at Sections E, F, I and J shall be permitted from 10.00 until 00.00 (midnight) on the day before Bank Holidays (to include Christmas Eve and Good Friday) with closing of the premises 30 minutes thereafter (ie 00.30) on such occasions.

In respect of the Testwood Working Men's Club Annual Dinner (once a year only) (notice of the date of which shall be given to the Council 14 days prior to the event), the timings for the supply of alcohol and the same licensable activities as set out in the above paragraph, shall be 10.00 to 00.30am with closing of the premises 30 minutes thereafter.

The licensable activities detailed at sections E, F, I, J and L shall be permitted until 00.00 hours on a maximum of 13 occasions per calendar year, provided that each occasion is notified to the Police and the Licensing Authority at least 10 days in advance.

The licensable activities at sections E, F, I, J and L shall be permitted until 01.00 hours on the night of New Year's Eve with closing likewise taking place at 01.00 on this occasion.

The premises shall be permitted to be open to members and guests until 01.00 on one occasion every 4 years for the final match of the Football World Cup.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. After 23.00 music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises;*

2. Prior to 23.00 music and noise emanating from the premises (both outdoors and indoors) if audible, shall be so low that distinct tunes, lyrics, speech, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises*;
3. All external doors and windows shall be kept closed, other than for access and egress, when events of live and/or amplified music (including amplified speech) are taking place; and
4. The Licence Holder or nominated representative shall receive and respond to complaints throughout the duration of the regulated entertainment.
5. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.

* For the purposes of conditions 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 purposes 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 engaged a sound engineer to investigate noise leakage and provide a report on works required to reduce noise. The Club said it would follow this advice as much as possible in order to reduce noise. Windows on the premises had been locked.

The Sub-Committee heard that CCTV had been installed to monitor the outdoor smoking area and the frontage of the premises.

The Sub-Committee was prepared to consent to the earlier start times requested in the application and also to the extensions of times on Sundays through to Thursday. However, they were concerned about the extensions requested for both supply of alcohol and closing of premises during the normal weekend (Friday and Saturday evenings), which were to be 00.30 and 01.00 respectively.

They considered that extensions to these times on a normal Friday and Saturday night were excessive and were concerned that a level of unacceptable disturbance would be caused to the neighbourhood at an unreasonably late time on these evenings, but were prepared to give consent for the supply of alcohol to 00.00 on Friday and Saturday evenings, with closure of the premises 30 minutes later at 00.30. They considered this to be reasonable.

In addition, the Sub-Committee was prepared to grant extensions on other special occasions (ie the day before a Bank Holiday, (to include Xmas Eve and Good Friday)) to midnight with closure of the premises 30 minutes later. Furthermore, the Testwood Working Men's Club Annual Dinner would be granted consent for the supply of alcohol to 00.30 with closing at 01.00, as this was a one-off annual event. The Applicant retained their current 13 non-standard extensions to 00.00 midnight. (For the avoidance of any doubt, the Applicant withdrew the Bank Holiday extensions and the extensions to the current 13 non-standard occasions (the latter remaining at 00.00)).

Date: 07.08.07

Licensing Sub-Committee Chairman: Cllr P R Woods

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Decision notified to interested parties on 07.08.07