

chg: 150789
 Greene King
 Brewing
 Retailing Ltd

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I/W Greene King Retailing Ltd

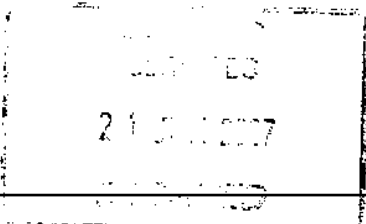
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(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 548

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Testwood Sailsbury Road Totton Southampton			
Post town	Hampshire		Post code
			SO40 3ND

Telephone number at premises (if any)	023 8086 8210
Non-domestic rateable value of premises	£41,750

Part 2 – Applicant details

Daytime contact telephone number	01284 714140		
E-mail address (optional)	hannahloynds@greeneking.co.uk		
Current postal address if different from premises address	Greene King Retailing Ltd Abbot House P O Box 337		
Post Town	Bury St Edmunds	Postcode	IP33 1QW

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes



Month
Year

Day

If not do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To alter the licensing plans to incorporate an all weather garden facility - for further details please view the licensing plan.

To amend the condition:

There shall be no use of the pub garden after 22.30hrs on Monday to Thursday and Sundays.
There shall be no use of the pub garden after 23.00hrs on Fridays and Saturdays.

To read:

There shall be no licensable activities within the pub garden after 22:30hrs Monday to Thursday and Sundays.

There shall be no licensable activities within the pub garden after 23:00hrs on Fridays and Saturdays.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend 0

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur					
Fri			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Sat					
Sun			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

Cigarette Machine
 Supply of Alcohol & Entertainment
 AWP's
 Pool Tables

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 To alter the licensing plans to incorporate an all weather garden facility - for further details please view the licensing plan.

To amend the condition:
 There shall be no use of the pub garden after 22.30hrs on Monday to Thursday and Sundays.
 There shall be no use of the pub garden after 23.00hrs on Fridays and Saturdays.

To read:
 There shall be no licensable activities within the pub garden after 22:30hrs Monday to Thursday and Sundays.
 There shall be no licensable activities within the pub garden after 23:00hrs on Fridays and Saturdays.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

To alter the licensing plans to incorporate an all weather garden facility - for further details please view the licensing plan.

To amend the condition:

There shall be no use of the pub garden after 22.30hrs on Monday to Thursday and Sundays.
There shall be no use of the pub garden after 23.00hrs on Fridays and Saturdays.

To read:

There shall be no licensable activities within the pub garden after 22:30hrs Monday to Thursday and Sundays.
There shall be no licensable activities within the pub garden after 23:00hrs on Fridays and Saturdays.

b) The prevention of crime and disorder

Premises licence as granted.

c) Public safety

Premises licence as granted.

d) The prevention of public nuisance

To amend the condition:

There shall be no use of the pub garden after 22.30hrs on Monday to Thursday and Sundays.
There shall be no use of the pub garden after 23.00hrs on Fridays and Saturdays.

To read:

There shall be no licensable activities within the pub garden after 22:30hrs Monday to Thursday and Sundays.
There shall be no licensable activities within the pub garden after 23:00hrs on Fridays and Saturdays.

e) The protection of children from harm

Premises licence as granted.


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	20th June 2007
Capacity	Licensing Manager

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Hannah Loynds
Greene King Retailing Ltd
Abbot House
P O Box 337

Post town	Bury St Edmunds	Post code	IP33 1QW
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Telephone number (if any)	01284 714140
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If you would prefer us to correspond with you by e-mail your e-mail address (optional) hannahloynds@greeneking.co.uk
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Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003

Premises Licence

Issued under Section 125 of the above Act

Premises Licence Number	548
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Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Testwood Salisbury Road Totton Southampton Hampshire SO40 3ND	Map Ref (E): Map Ref (N): UPRN:
Telephone Number: 023 80 868210 (premises)	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
E) Performance of Live Music F) Recorded Music H) Entertainment of a Similar Description to that falling within (e), (f) or (g) L) Late Night Refreshment M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

E) Live Music			Performance of live music may take place:	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Further details:		
Mon	18:00	23:00			
			Seasonal variations:		
Tue	18:00	23:00			
Wed	18:00	23:00			
Thur	18:00	23:00	Non standard timings:		
Fri	18:00	23:00	Live music shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday,		
Sat	18:00	23:00	Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the		
Sun	18:00	23:00	Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		

Live music shall be permitted from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.



F) Recorded Music			Playing of recorded music may take place:	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Further details:		
Mon	18:00	23:00			
			Seasonal variations:		
Tue	18:00	23:00			
			Non standard timings:		
Wed	18:00	23:00	Recorded music shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday		
Thur	18:00	23:00	preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		
Fri	18:00	23:00			
Sat	18:00	23:00			
Sun	18:00	23:00			

Recorded music shall be permitted from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

H) Anything of a similar description to that falling within (e), (f) or (g)			Type of entertainment you will be providing: Karaoke, D.J.		
Day	Start	Finish	This entertainment may take place:	Indoors	Y
Mon	18:00	23:00		Outdoors	
				Both	
Tues	18:00	23:00	Further details:		
Wed	18:00	23:00	Seasonal variations:		
Thurs	18:00	23:00	Non standard timings:		
Fri	18:00	23:00	Anything of a similar description to Live Music, Recorded Music or Performances of Dance shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		
Sat	18:00	23:00			
Sun	18:00	23:00			

Anything of a similar description to Live Music, Recorded Music or Performances of Dance shall be permitted from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

L) Late Night Refreshment					
Day	Start	Finish	Late Night Refreshment may take place:	Indoors	
Mon				Outdoors	
				Both	Y
Tue			Further details:		
Wed			Seasonal variations:		
Thur			Non Standard timings:		
Fri	23:00	00:00	Late Night Refreshment shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		
Sat	23:00	00:00			
Sun					

Late Night Refreshment shall be permitted from the commencement of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

m) Supply of Alcohol			
Day	Start	Finish	Seasonal variations:
Mon	11:00	23:00	
			Non standard timings:
Tue	11:00	23:00	Supply of Alcohol shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day.
Wed	11:00	23:00	each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and
Thur	11:00	23:00	on a further 12 occasions in any 12 month period provided 1
Fri	11:00	00:00	weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12
Sat	11:00	00:00	month period).
Sun	11:00	23:00	There shall be no use of the pub garden after 22:30hrs on Monday to Thursday and Sundays.
			There shall be no use of the pub garden after 23:00hrs on Fridays and Saturdays

Late Night Refreshment shall be permitted from the commencement of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

The opening hours of the premises

O) Opening Hours			
Day	Start	Finish	Seasonal variations:
Mon	11:00	23:30	
			Non standard timings:
Tue	11:00	23:30	The premises are permitted to be open for a further 30 minutes after the end of the permitted time in respect of those licensable activities on the days listed under the heading 'Non-standard hours' above.
Wed	11:00	23:30	
Thur	11:00	23:30	
Fri	11:00	00:30	The premises are also permitted to be open from the commencement of permitted hours on New Years Eve to 30 minutes after the end of permitted hours for the supply of alcohol on New Years Day.
Sat	11:00	00:30	
Sun	11:00	23:30	

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Alcohol is supplied for consumption both ON and OFF the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Greene King Retailing Ltd
Abbot House
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QW

Telephone: 01284 763222

Email:

Registered number of holder, for example company number, charity number (where applicable)

5265451

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

William Charles Peters
Testwood Hotel
Salisbury Road
Totton
Southampton
Hampshire
SO40 3ND

Telephone: 023 80868210

Email: 7994@greeneking.co.uk

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: 017

Issuing authority: New Forest District Council

This licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 14/02/2006

Date first licence came into force: 24/11/2005

M Powell

**CCTV & Licensing Manager
(Authorised Officer)**

Annex 1 - Mandatory Conditions

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Where licence authorises door supervision:

- (1) Each individual at the premises to carry out a security activity must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires this condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

Premises Licence Summary

Issued under Section 125 of the above Act

Premises Licence Number 548

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Testwood Salisbury Road Totton Southampton Hampshire SO40 3ND	Map Ref (E): Map Ref (N): UPRN:
Telephone Number: 023 80 868210 (premises)	

Where the licence is time limited the dates
 This licence is **NOT** time limited

Licensable activities authorised by the licence

- E) Performance of Live Music
- F) Recorded Music
- H) Entertainment of a Similar Description to that falling within (e), (f) or (g)
- L) Late Night Refreshment
- M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

E) Live Music			Performance of live music may take place:	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Further details:		
Mon	18:00	23:00			
			Seasonal variations:		
Tue	18:00	23:00			
Wed	18:00	23:00			
Thur	18:00	23:00	Non standard timings:		
Fri	18:00	23:00	Live music shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday,		
Sat	18:00	23:00	Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the		
Sun	18:00	23:00	Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		

Live music shall be permitted from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.



F) Recorded Music			Playing of recorded music may take place:	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Further details:		
Mon	18:00	23:00			
			Seasonal variations:		
Tue	18:00	23:00			
			Non standard timings:		
Wed	18:00	23:00	Recorded music shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		
Thur	18:00	23:00			
Fri	18:00	23:00			
Sat	18:00	23:00			
Sun	18:00	23:00			

Recorded music shall be permitted from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

H) Anything of a similar description to that falling within (e), (f) or (g)			Type of entertainment you will be providing: Karaoke, D.J.		
Day	Start	Finish	This entertainment may take place:	Indoors	Y
Mon	18:00	23:00		Outdoors	
				Both	
Tues	18:00	23:00	Further details:		
Wed	18:00	23:00	Seasonal variations:		
Thurs	18:00	23:00	Non standard timings:		
			Anything of a similar description to Live Music, Recorded Music or Performances of Dance shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		
Fri	18:00	23:00			
Sat	18:00	23:00			
Sun	18:00	23:00			

Anything of a similar description to Live Music, Recorded Music or Performances of Dance shall be permitted from the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

L) Late Night Refreshment					
Day	Start	Finish	Late Night Refreshment may take place:	Indoors	
Mon				Outdoors	
				Both	Y
Tue			Further details:		
Wed			Seasonal variations:		
Thur			Non Standard timings:		
			Late Night Refreshment shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day, each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and on a further 12 occasions in any 12 month period provided 1 weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12 month period).		
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun					

Late Night Refreshment shall be permitted from the commencement of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

M) Supply of Alcohol			
Day	Start	Finish	Seasonal variations:
Mon	11:00	23:00	
			Non standard timings:
Tue	11:00	23:00	Supply of Alcohol shall be permitted for a further additional hour on the following days: Christmas Eve, Christmas Day.
Wed	11:00	23:00	each Sunday preceding the Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and
Thur	11:00	23:00	on a further 12 occasions in any 12 month period provided 1
Fri	11:00	00:00	weeks prior notice is given to the Licensing Authority and the Police (in respect of the said 12 occasions in any 12
Sat	11:00	00:00	month period).
Sun	11:00	23:00	There shall be no use of the pub garden after 22:30hrs on Monday to Thursday and Sundays.
			There shall be no use of the pub garden after 23:00hrs on Fridays and Saturdays

Late Night Refreshment shall be permitted from the commencement of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

The opening hours of the premises

O) Opening Hours			
Day	Start	Finish	Seasonal variations:
Mon	11:00	23:30	
			Non standard timings:
Tue	11:00	23:30	The premises are permitted to be open for a further 30 minutes after the end of the permitted time in respect of those licensable activities on the days listed under the heading 'Non-standard hours' above.
Wed	11:00	23:30	
Thur	11:00	23:30	
Fri	11:00	00:30	The premises are also permitted to be open from the commencement of permitted hours on New Years Eve to 30 minutes after the end of permitted hours for the supply of alcohol on New Years Day.
Sat	11:00	00:30	
Sun	11:00	23:30	

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both ON and OFF the premises

Name, (registered) address of holder of premises licence

Greene King Retailing Ltd
Abbot House
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QW

Registered number of holder, for example company number, charity number (where applicable)

5265451

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

William Charles Peters

State whether access to the premises by children is restricted or prohibited

Not Restricted

-) For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the Operating Schedule

Q) Proposals by the applicant in order to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Additional training for all house managers on dealing with illegal activities and aggressive customers.

To join Pubwatch (if scheme exists).

Sensible drinking policy and training in place - restrictions on discounting and promotions, sale to under 18 and drunks.

Additional training on communicating with customers when service is refused for no proof of I.D.

Additional training on communicating with customers when service is refused for drunkenness.

b) The prevention of crime and disorder

Joining Pubwatch will permit the DPS to have up to the minute information on local issues and National Support, this will forge better communications with Police.

c) Public Safety

External lighting of car parks and walk ways.

Family orientated business, which is reflected in the customer base.

Increased supervision of trading area by management, staff and glass collectors etc.

To join Pubwatch will facilitate the exclusion of known troublemakers thus making the pub safer.

d) The prevention of public nuisance

All windows and external doors to be kept shut during live performance save for customer access and egress.

Regulated entertainment to end at 23:00hrs.

e) The protection of children from harm

No children to be allowed on the site after 21:00hrs.

Audited proof of age scheme to be in place.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The licence holder or nominated representative shall receive and respond to complaints throughout the duration of regulated entertainment.

2. Prior to 23:00hrs, 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*.

*(Noise sensitive premises includes premises use for residential purposes, hospitals or similar institutions, educational 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).

3. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
4. There shall be no use of the pub garden after 22:30hrs on Monday to Thursday and Sundays.
5. There shall be no use of the pub garden after 23:00hrs on Fridays and Saturdays.
6. All lights in the rear garden shall be positioned so that they are not directly illuminating surrounding residential properties.

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached (to follow).

To:	All Responsible Authorities under the Licensing Act 2003
Our Ref:	DS\PREM\VAR\06-2007\1272\1Testwood
Date:	26 Jun 2007
Application Type:	Premises - Variation of Licence
Premise Details: (If Relevant)	Testwood Salisbury Road Totton Southampton Hampshire SO40 3ND
Applicant Details:	Greene King Retailing Ltd Abbot House Westgate Brewery Bury St Edmunds Suffolk IP33 1QW

LICENSING ACT 2003

CONSULTATION

I should be pleased if you will assess the application and, if after due consideration, you wish to make representation you must advise the Council of the details of that representation by no later than **19 July 2007**.

If we do not hear from you by that date we will assume you do not wish to offer a representation and continue with the licence application process.

PLANNING AUTHORITIES PLEASE NOTE

Inevitably there will be occasions when NFNPA Development Control receive applications which should have been sent to NFDC Planning, and visa versa. In these instances on receipt of applications would both authorities quickly identify these applications and send them to the correct planning authority by way of the fastest possible means.

Response:

I wish to raise an objection to the variation to the premises licence for the Testwood on the grounds of Public Nuisance.

Verity Fletcher
18.07.06

10 Rutsey Avenue,
Jedwood,
Totter.
Southampton.
SO40 3NA.
24.06.07.

Dear Sir

I am writing to express my opposition to the proposed licensing regulations with regard to the use of the Jedwood Hotel garden.

These regulations were put in place to make sure that the local residents were not disturbed after 2300 hrs., with the extension of permitted hours of drinking. What Greene King Retailing are endeavouring to do is to have use of the garden for the whole of the licensing hours & craftily get round the regulations.

To say that it will be for non-licensed activities is a sham, obviously it is for the benefit of smokers so they may use the garden after 2300hrs. Can you honestly see a drinker leaving his drink to go out for

a smoke? Who would supervise these activities? Is someone going to stand at the door and say you can't take that drink out, I think not. Also drinkers who are in the garden at 2300 are not going to get up straight away and take their drinks inside, they don't do it at present & certainly will not if these regulations are relaxed.

Please give a thought to the residents of this area who will have to live with this extra noise & nuisance every day sometimes until 1 o'clock in the morning, to satisfy the cravings of a few people with no interest or stake in the community.

I have lived in my house behind the Testudo for 20 years and I can assure you as the hour gets later the noise becomes greater. This is not a quiet family pub, it is a "drinker's" pub and as such the people who use these premises have no thought or interest in the people around and for that matter neither

does Greene King who's sole interest is
profit

Yours faithfully

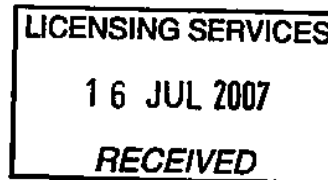
A.G. Rankin

A. G. RANKIN.

12 Nutsey Avenue
Totton
Southampton
Hants
SO40 3NA

10 July 2007

CCTV & Licensing Manager
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA



Dear Sir or Madam

**The Testwood, Salisbury Road, Totton, Southampton, Hampshire. SO40 3NA.
Objection to application for variation of a Premises Licence**

We are writing regarding the application for variation of a Premises Licence in conjunction with The Testwood in Totton.

We are objecting on the grounds of prevention of public nuisance, i.e. noise.

This pub is situated in a residential area. If this application is approved there could be an increase in noise late at night. As the pubs' opening hours extend to 1.00am on Fridays & Saturdays it is our understanding that the extension of the hours would allow their customers to be in the garden until closing time which is unreasonable on those of us whose properties border the pub. We do not see why the existing agreement cannot stay in place.

We trust that you will take into account our concerns regarding this matter.

Yours faithfully



Mr & Mrs N Quinlan

**CCTV AND LICENSING MANAGER
@ LICENSING SERVICES
NEW FOREST DISTRICT COUNCIL
APPLETREE COURT
LYNDHURST**

**18 NUTSEY AVENUE
TESTWOOD
TOTTON
SO40 3NA
12TH OF JULY 2007**

DEAR SIR

SUBJECT:- THE TESTWOOD PUBLIC HOUSE (REAR GARDEN APPLICATION)

I AM WRITING TO VOICE MY CONCERNS AT THE NOTICE PLACED ON THE REAR FENCE AT "THE TESTWOOD" PUBLIC HOUSE ON SALISBURY ROAD TESTWOOD TOTTON, TO WHICH I AM FORMALLY OBJECTING TO THIS BEING GRANTED.

DUE TO THE NEW LICENSING LAWS IN PLACE I CAN ACCEPT BUT WHY DOES THIS HAVE TO EXTEND INTO THE "REAR GARDEN" ?????? WHERE NOISE LATE AT NIGHT TRAVELS AND IS A CONSTANT NUISANCE THESE SITUATIONS CANNOT BE POLICED BY THE LANDLORD AND LANDLADY WHO ARE WORKING WITHIN THE BAR AREA AND WILL NOT BE AWARE OF WHAT THE NOISE LEVELS WILL BE OUTSIDE.

DISTURBANCES AND ACTIVITIES IN THE REAR GARDEN ALREADY BY ROWDY DRINKERS CAUSE THE OWNERS DOG TO START BARKING OUTSIDE ON THE REAR BALCONY CONTINUOUSLY TO WHICH THE MANAGERS ARE TOTALLY UNAWARE BUT US AS RESIDENTS HAVE TO PUT UP WITH. THIS HAS BEEN FORMALLY REPORTED TO NEW FOREST DISTRICT COUNCIL ON NUMEROUS OCCASIONS OVER THE LAST 2 YEARS OR MORE (NO ACTION OR MEASURES HAVE AS YET BEEN TAKEN TO RESOLVE THIS PROBLEM)

THE PLAY AREA WHICH BORDERS THE REAR FENCE IS A CONSTANT NUISANCE DUE TO PARENTS JUST LEAVING THEIR KIDS IN THE GARDEN (OUT OF THE WAY) SCREAMING AND SCREECHING NO SUPERVISION OR OVERSEEING AT ALL AND AGAIN THIS IS SOMETHING ELSE THAT WE AS RESIDENTS HAVE TO PUT UP WITH - WHY CANT THE PLAY AREA BE SITUATED AT THE BACK OF THE PUB AND NOT THE REAR OF THE GARDEN.

WHAT IS GOING TO BE ACHIEVED BY EXTENDING IT BY A FURTHER ½ HOUR - WE AS RESIDENTS HAVE ENOUGH TO PUT UP WITH NOW.

YOURS FAITHFULLY


MR A RUSSELL

LICENSING SERVICES

16 JUL 2007

RECEIVED

Miss Jacqueline Houselander and Miss Sharon Cannon
7 Nutsey Avenue
Totton
Southampton
Hampshire SO40 3NA

RE Testwood Pub

18/07/07

Dear Mr Hetherington,

I am writing to you re the Testwood Pubs application for the extended use of the gardens. I would like to make it clear that we strongly object to the variation of the premises licensing hours for the garden.

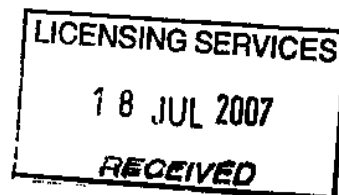
I think that the current hours are sufficient for such a premise in a built up area. Due to the smoking outside now we are noticing more noise from the patrons of the pub and if they were allowed to use to garden later this will only increase and of course with more alcohol in them this is likely to get louder!

The owners of the property also have a dog, which is let out at the end of the evening, usually (not always) barking and therefore causing a noise nuisance. If the dog is let out later due to Greene King winning this variation then we will all be kept up even later.

Regards

Jacqueline Houselander and Sharon Cannon

*Sharon
J. Houselander.*



LICENSING SERVICES

17 JUL 2007

RECEIVED

had to write to you before I
finish the diary, as it is making
me ill, I don't know what I
am going to do if the pub
gets longer time in the garden,
as it so annoying, in the
winter it is lovely and quiet,
and if this is spilt by people
drinking and making a noise
with longer hours in the garden,
this will not be a nice place to
live, I thought smoking areas was
going to be a place just to
pop out and have a smoke, not
sit there until 12.30 am.

Yours Sincerely

Mrs C. M. Robin

10th July 07

Tel:

02380865844

Mrs C. Robin
8, NOTSEY AVE
TOTTEN
HANTS
SO40 3NA

Dear Ms Huxley

May I ask you
why the Testwood Public House
is allowing their customers
to use the garden until
12.30 am, when they do not
have permission to allow
drinkers out there after 11pm,
when the hearing said they had
to go in at 11pm. I can't get
to sleep while the noise is
going on and I feel sick about
it, I am doing a diary as
requested by you, but I have

W
∞

16th July 07

02380865844

Mr. Mrs DJ. Robin
8, NUTSEY AVE
TOTTEN
HAMPSHIRE

SALISBURY
LICENSING SERVICES
17 JUL 2007
RECEIVED

Dear Sir / Madam,

We are writing to you concerning the Testwood Public Hous, Salisbury Rd Totton. What a load of disrespectful customers and manager they have there,

The manager is letting customers use the garden after 11pm, sometimes they are out there till 12.40 am and this Saturday till 1.10 am, the noise is so loud with talking laughing & cheering, we just cannot get to sleep, and

if they are given a license to let their customers use the garden all through the year, our lives will be ruined, I cannot imagine what it will be like, putting up with all this noise, I am 60 years old and my husband is 73½, we expect to have some peace at our time of life, we cannot, and will not put up with this, it is our human right to be able to go to bed at 11pm and get some sleep without being disturbed, if the noise was coming from a neighbour's garden they would be known as the neighbour from hell, and we could get it stopped, but because it is a pub, they think they can get away with it.

I thought they were going to put

a smoking area, so that customers would just go outside have their smoke and go back inside, instead of that the customers make their selves comfortable at about 8pm and stay out at the tables chairs in the garden and on the patio which now has a gazebo, because of the rain, and stay till closing time and after, and make such a noise, they seem oblivious that there are residents all around them, I don't think they would like to put up with it if they lived here. We ask you not to give the Testwood Public House the license for the garden to stay open as long as the pub, please think of us residents for a change

Yours Sincerely
C. M. Ralston
P. J. Nolan

21st June 07

Mr Mrs T, T Robin
X NUTSEY AVE

02380865544

TOTTEN

HANTS

SO40 3NA

Dear Sir ~~Madam~~

With the regard to
the Testwood Pub Salisbury Rd
Totton. Smoking Patio in the
garden which is in front of our
home.

We want to be assured that
nobody will be allowed in the
garden after 11pm for any
reason as the customers and
manager have no respect for
us residents

Last Friday night ^(15th June) customers
were allowed in the garden

until closing time 12-40 am.
We were in bed having to
listen to loud talking and
laughing, which we did not find
amusing at that time of night,
and the manager did not even
call them in at 11pm, which
is the time we agreed with
when we had a meeting with the
management and council.
We feel the manager of the pub
forgets what was agreed and
can do just what he likes,
but this is a residential area
and we have our rights to,
and will fight this all the way.
The sooner the pub realize this
the better for all of us.
The licensing hours were
already agreed before we even

got to the meeting, so we had
no chance, but noise is a
different matter,

The winter months were lovely,
peaceful quiet evenings, but now
customers have to use the garden
to smoke, we will have noise
all year round, surely customers
can just have a smoke then go
back in, but in the winter they
are being made to comfortable
with heaters, and in the summer
they will use any part of the
garden not just Smoking Patio.
We hope you can understand our
concerns, and listen to our
objections for once, and please tell
the manager to get the customers
in by 11pm and have some respect.

Yours sincerely

C. M. Robin
C. M. Robin

The Manager: Licensing Dept: NFDC.

Mr & Mrs J. Cauley
6 Nutsey Avenue
Tortton
Southampton SO40 3NA
June 24th 2007

Ref: application from Greene King: The Testwood: Salisbury Road: Totton
Proposal to extend even further the hours of garden usage.

Dear Sir / Madam

Restrictions were put on the use of this pub garden to try and safeguard local residents from late night *noise*.

Not smoking or the serving of alcohol, just noise.

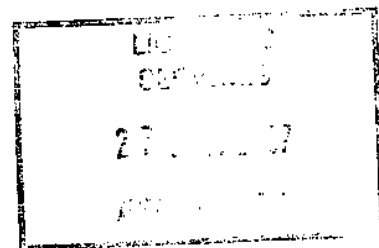
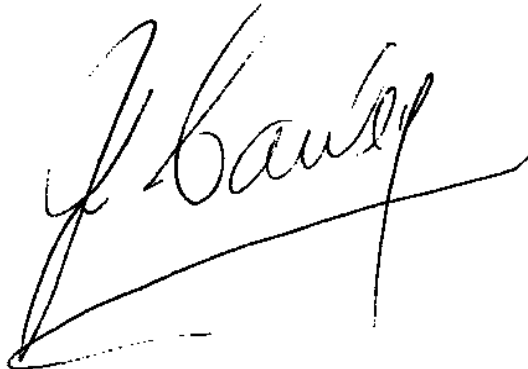
These restrictions were put into force in 2005 despite the objections from many residents who had already suffered enough. Unfortunately the restrictions are now rarely adhered to and the noise of late night merry making continues to be a serious problem to those of us that retire to bed around 22.30. This despite complaining to the pub and to the NFDC. Please keep in mind that our main rooms face this establishment. The age of open air muted conversation is long past, talking 'to the gallery' is now common place and can be very tiresome to those living close by. During the day, fine, at night not acceptable.

To be able to smoke until 22.30 and 23.00 in the garden seems reasonable if that is what this application is in respect of.

We *object* to any extension of the hours as that would mean a continuance of a serious noise nuisance from the Testwood garden.

Yours sincerely

Mr & Mrs J. Cauley.



NFDC. Licensing Office.

Mr & Mrs J Cauley
6 Nutsey Avenue
SO40 3NA.

July 7th 2007

For the attention of the Licensing Committee.

Submitted in the event that the date of the hearing may well coincide with holiday reservation dates.
Further to our objections to 'The Testwood' Totton application to extend patio garden hours of use.

(No Licensable activities' would not result in a reduction in social gatherings or the noise generated by them.)
The Testwood application to extend the hours of patio garden use, with or without Licensable activities would be to deny neighboring residents the fundamental social courtesy of a little peace and quiet after 10 PM every night.

Dear Sirs

In 2005 and despite objections from 18 neighbouring residents the Testwood public house was granted license to extend the hours of patio garden usage from 9PM to 10.30 and 11.00 PM.

After 18 months the licensing dept may have assumed that decision has proved a success, this is simply not true. As a result of the decision residents have had to suffer the noise of social gatherings in the pub garden on a regular basis and often to an unreasonably late hour. Chatter punctuated with loud laughter often continues well beyond 11.30PM. We realise realistically this cannot be controlled other then to move the social gatherings to within the confines of the pub building as indicated in NFDC noise regulation documents in the recent years. Closing the patio garden is the only way that we can get some relief from noise intrusion into our homes especially around bedtime.

The fact is we were not informed that our complaints, letters emails, phone calls should have been directed to the Licensing dept and not the environmental health dept. This information finally reached us on June 24th this year. I had complained to the Environmental Health dept about the breach of regulations originally back in November 2005. Unfortunately I was not informed at the time that the the Licensing Office personnel should be made aware of our grievances.

Local residents have had cause to complain many times over the last 18 months, direct complaints to the public house have had little or no effect in the long term. We get diaries to keep but as the pub is subject to a warning of course the problem does not occur again for a period of a few weeks. Diaries are duly considered closed. Our efforts to get an official witness to late night noise have been fruitless. The NFDC EH dept decline to furnish us with an after hours call out telephone number to date. As this is the case I believe that it is reasonable to assume the committee will take our word as witnesses.

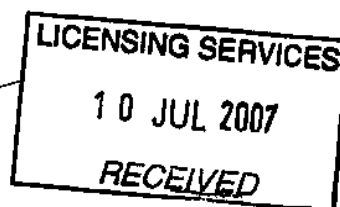
The 2005 regulations in entirety have been periodically ignored for months. Apart from the hours of use and noise rulings the requirement to adjust certain garden lights so as not to light up the front of the neighbouring residences has not been addressed at all.

Late night intrusive noise plus the light nuisance, we assumed, is the basis to request a *cut in the patio garden hours of use* back to a reasonable 10PM. Apparently we have been pre-empted by an astonishing application by Greene King to actually extend the hours of use to the early hours of morning, no doubt on a daily basis.

Late evening, when the usual surrounding ambient sounds of daily activity diminish, raised conversation and laughter from the pub patio garden becomes clearly evident *within* our homes. In the summer when our bedroom windows are open all semblance of tranquillity vanishes. These are our homes, we retire to our living and sleeping spaces to escape the dissonance of the outside world. The garden functions for at least 11-12 hours a day sufficient for the average smoker to indulge their habit I think. We have no agenda with people enjoying themselves; personally I enjoy a good laugh and joke myself but certainly would not expect my merriment to be tolerated by someone about to retire to bed or spend a quiet evening listening to a concert on the radio or TV.

We earnestly request the Licensing Committee to (1) Reject the application to extend the hours of use of the patio garden. (2) Cut the hours of use back to 10 PM: (3) At intervals ensure by some means that the rulings are complied with. Thank you for your attention.

Yours sincerely



46



Mr Tony Hetherington
NFDC. Licensing Office..

Mr & Mrs J Cauley
6 Nutsey Avenue
SO40 3NA

3-07-07.

Reference my complaint 'The Testwood' Salisbury Road. Totton.

Dear Mr Hetherington.

Further to our telephone conversation on Monday morning June 2nd.

I confirm that The Testwood patio garden was in use until 11.30pm Sunday night 1/7/07 when the 2005 regulations states 10.30 pm, which is late enough. Laughter and conversation and a certain amount of shouting continues to emanate from the patio garden area at a very late hour. Now there appears to be absolutely no control on hours of use what so ever. This is getting out of hand and needs to be addressed urgently. We cannot be expected to tolerate this annoyance at the end of the day.

Special occasions such as wedding parties would of course be a different matter.

Week commencing Sunday 1st.

Weekdays regulation: Mon – Thurs & Sundays 10.30PM. Frid – Sat 11.00 PM

Sunday: patio garden in use with associated noise until 11.30.PM (unable to sleep)

Monday patio garden in use with associated noise until 11.15 PM

Tuesday patio garden in use with associated noise until 11.PM

Wednesday cold & wet

Thursday cold & wet

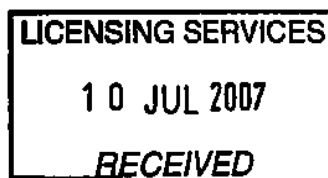
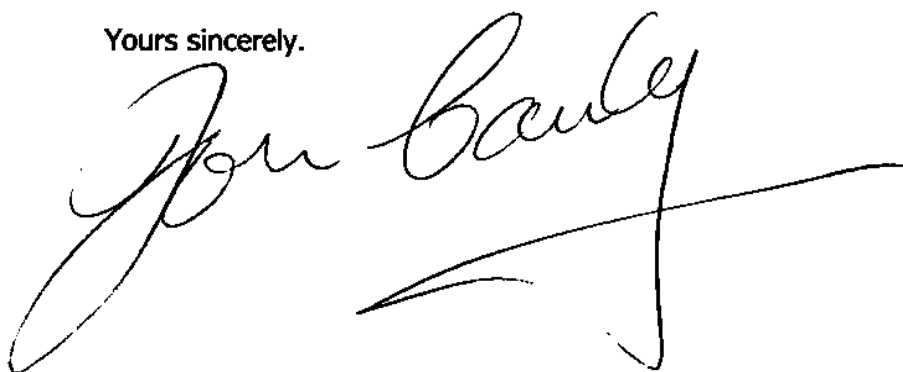
Friday patio garden in use with associated noise beyond 11.PM

Saturday patio garden in use with associated noise untill at least 11.30PM

Sunday 8th. patio garden in use with associated noise untill. 11.20PM loud & very intrusive.

I concede that on Monday, Tues due to small numbers in the garden area the level of conversation was low but still audible, this does not change the fact that it is just another example of ignoring the regulation designed to protect local residences. Had the numbers been greater which no doubt they will be in better weather the noise will surely reach the usual invasive levels.

Yours sincerely.



Tracey Matthews
Environmental Health Technician.

Mr & Mrs J Cauley
6 Nutsey Avenue
Totton SO40 3NA

10-6-07

Dear Mrs, Miss Matthews

Referring to the extract below (Licensing sub-committee decision Testwood Hotel, Totton) September 2005.

- (2) "Prior to 23:00, music and noise emanating from the premises whilst audible, is so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises"
- (4) "There shall be no use of the pub garden after 22.30 hours Mon to Thurs and Sundays."
- (5) "There shall be no use of the pub garden after 23.00 hours Fridays and Saturdays."
- (6) "All lights in the rear garden shall be positioned so that they are not directly illuminating surrounding residential properties."

We understand that some of our neighbours in Nutsey Avenue have contacted the council by telephone, email and letter, indicating that, in effect, all four of the committee rulings (above) are being increasingly flouted by the proprietors of this establishment. Evidently the proprietors have been informed but take little or no notice of requests by telephone or letter to abide by the document.

As examples of their attitude, the bright lights have never been adjusted homes are lit up at night until late when they are left on. Thurs 14th June the garden was in use until 23.20 complete with the noise that that generates. On this occasion the lights were out. Personally I have had cause to ring to hotel because of music noise audible in my front room, windows closed. In the heat of summer our windows need to stay open.

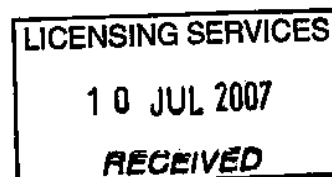
We take this opportunity to support and agree with our neighbours in their endeavours to have the ruling enforced. If the proprietors do not wish to 'play ball' then we believe that relinquishes our duty to agree to our side of the ruling and thus take the case back to the Licensing committee for re assessment ?

Residents would also like the 'after office hours' council call out telephone number since officers need to 'witness' for themselves. We would appreciate a reply.

Thank you.

Sincerely

Mr & Mrs J Cauley



Tracey Matthews
Environmental Health Technician.

20th March 2006

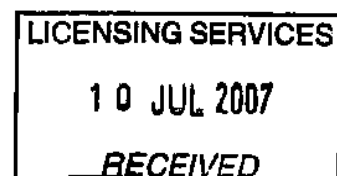
Dear Mrs, Miss Matthews

Referring to the extract below (Licensing sub-committee decision Testwood Hotel, Totton)

(2) "Prior to 23:00, music and noise emanating from the premises whist audible, is so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises"

Saturday 18th March: In view of the noise restrictions, printed above, the engagement of a 'rock band' seems a cavalier choice for the evening's entertainment. Unfortunately for local residents a pre-requisite of rock music is it has to be played at considerable volume, lasting through to the 23:00 cut off. Since the music was even evident inside homes, clearly all aspects of the above ruling were ignored. Whilst on occasions a certain extended level of peripheral noise is to be expected i.e. weddings etc, it should be by no means become the norm. Perhaps it can be assured that the regulations will be adhered to in future. Thank you for your kind attention.

Nutsey Avenue residents:



6 Nutsey Avenue
Totton. SO40 3NA

7-7-07

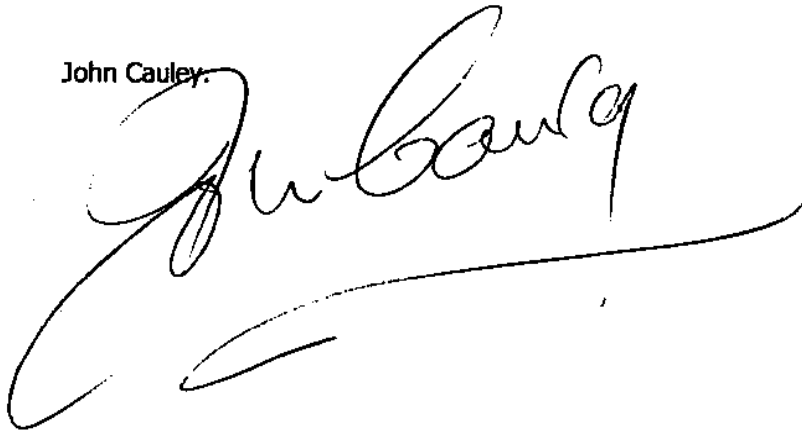
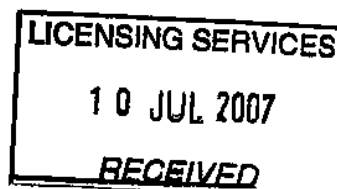
Dear Mr Hetherington

I would be grateful if you would pass this statement, (3 copies enclosed) to the members of the Licensing Committee. The envelope is unsealed if you wish to read the contents. Thank you.

Frankly I was stunned by information you passed on to me with reference to licensing applications. The fact that these companies can quite literally apply to do anything they wish in the name of trade, just a simple and easy application and then sit back. The astounding thing is that those unfortunates adversely affected by the proposed application are then left to scramble around in attempt to gather history of complaint as to why the application should be rejected. Usually the reasons are absolutely obvious and not in need of document or proof. Most of the complaints are by phone in the vain hope of getting a quick fix. It appears that, on application, licensed establishments do not have to prove anything. A level playing field, I think not, if this is the "way of the world" then God help the neighboring householder. I appreciate the guidance that you have given me in this matter.

Yours Sincerely

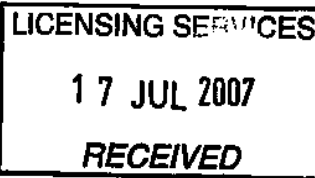
John Cauley.

A large, stylized handwritten signature in black ink, appearing to read 'John Cauley', with a long horizontal flourish extending to the right.

Mr Tony Hetherington
Licensing Dept
New Forest District Council
Lyndhurst

16-7-07

Mr & Mrs J Cauley
6 Nutsey Avenue
Totton
SO40 3NA



Dear Mr Hetherington

Keeping you up to date and further to letters of complaint concerning late night noise.

The Testwood public house proprietor has obviously thrown caution to the winds and now decided to completely ignore any license or noise restrictions and keep their patio garden open to all hours including through to 1 AM last Saturday night. The noise, shouting, singing and general party time clamour has now reached a pitch and constancy beyond reason. Absolutely no concern about the neighbourhood what so ever, its garden party time every night. It is quite simply, completely out of order.

Week diary: Monday: Noise and chatter beyond 11PM
Tuesday: Noise and chatter beyond 11PM
Wednesday Noise and chatter beyond 11.20PM
Thursday: Noise and periods of shouting beyond 11.25PM
Friday: Noise and periods of shouting, cheering, etc: beyond midnight
Saturday Loud shouting, cheering, etc to at least 1 PM.
Sunday: Noise, periods of shouting beyond 11PM

A similar diary has been sent to Verity Fletcher Health & Environment Dept.

Thank you for your concern

Mr & Mrs J Cauley.



Mr Tony Hetherington
Licensing Dept
New Forest District Council
Lyndhurst

Mr & Mrs J Cauley
6 Nutsey Avenue
Totton
SO40 3NA

23-7-07

Dear Mr Hetherington
Keeping you up to date . The Testwood Public House.

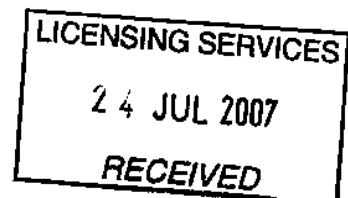
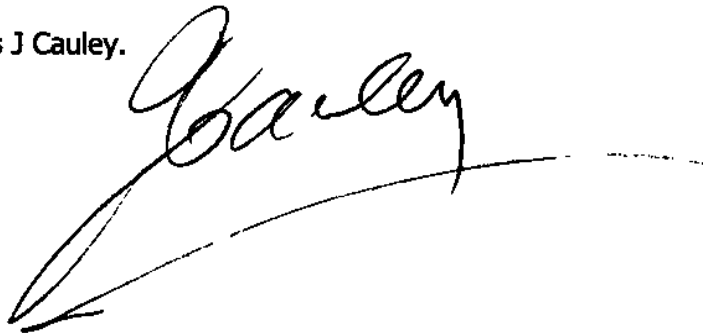
Week diary: commencing 16th July

Monday social gathering in the Patio Garden- in use beyond 11PM
Tuesday: Social gathering in the Patio Garden- in use beyond 11PM
Wednesday Social gathering in the Patio Garden- in use beyond 11.PM
Thursday: Social gathering in the Patio Garden- in use beyond 11.PM
Friday: Social gathering in the patio garden loud conversation starting
 at 10.45PM to beyond 11.30 PM
Saturday Not recorded (away from home.)
Sunday: Loud chatter and laughter beyond 11.45 PM

A similar diary has been sent to Verity Fletcher Health & Environment Dept.

Thank you for your concern

Mr & Mrs J Cauley.



attention of Justice Lewis MP?

NFDC. Licensing Office.

Mr & Mrs J Cauley
6 Nutsey Avenue
SO40 3NA.

July 7th 2007

For the attention of the Licensing Committee.

Submitted in the event that the date of the hearing may well coincide with holiday reservation dates.
Further to our objections to 'The Testwood' Totton application to extend patio garden hours of use.

(No Licensable activities' would not result in a reduction in social gatherings or the noise generated by them.)
The Testwood application to extend the hours of patio garden use, with or without Licensable activities would be to deny neighboring residents the fundamental social courtesy of a little peace and quiet after 10 PM every night.

Dear Sirs

In 2005 and despite objections from 18 neighbouring residents the Testwood public house was granted license to extend the hours of patio garden usage from 9PM to 10.30 and 11.00 PM.

After 18 months the licensing dept may have assumed that decision has proved a success, this is simply not true. As a result of the decision residents have had to suffer the noise of social gatherings in the pub garden on a regular basis and often to an unreasonably late hour. Chatter punctuated with loud laughter often continues well beyond 11.30PM. We realise realistically this cannot be controlled other than to move the social gatherings to within the confines of the pub building as indicated in NFDC noise regulation documents in the recent years. Closing the patio garden is the only way that we can get some relief from noise intrusion into our homes especially around bedtime.

The fact is we were not informed that our complaints, letters emails, phone calls should have been directed to the Licensing dept and not the environmental health dept. This information finally reached us on June 24th this year. I had complained to the Environmental Health dept about the breach of regulations originally back in November 2005. Unfortunately I was not informed at the time that the the Licensing Office personnel should be made aware of our grievances.

Local residents have had cause to complain many times over the last 18 months, direct complaints to the public house have had little or no effect in the long term. We get diaries to keep but as the pub is subject to a warning of course the problem does not occur again for a period of a few weeks. Diaries are duly considered closed. Our efforts to get an official witness to late night noise have been fruitless. The NFDC EH dept decline to furnish us with an after hours call out telephone number to date. As this is the case I believe that it is reasonable to assume the committee will take our word as witnesses.

The 2005 regulations in entirety have been periodically ignored for months. Apart from the hours of use and noise rulings the requirement to adjust certain garden lights so as not to light up the front of the neighbouring residences has not been addressed at all.

Late night intrusive noise plus the light nuisance, we assumed, is the basis to request a *cut in the patio garden hours of use* back to a reasonable 10PM. Apparently we have been pre-empted by an astonishing application by Greene King to actually extend the hours of use to the early hours of morning, no doubt on a daily basis.

Late evening, when the usual surrounding ambient sounds of daily activity diminish, raised conversation and laughter from the pub patio garden becomes clearly evident *within* our homes. In the summer when our bedroom windows are open all semblance of tranquillity vanishes. These are our homes, we retire to our living and sleeping spaces to escape the dissonance of the outside world.

The garden functions for at least 11-12 hours a day sufficient for the average smoker to indulge their habit I think. We have no agenda with people enjoying themselves; personally I enjoy a good laugh and joke myself but certainly would not expect my merriment to be tolerated by someone about to retire to bed or spend a quiet evening listening to a concert on the radio or TV.

We earnestly request the Licensing Committee to (1) Reject the application to extend the hours of use of the patio garden. (2) Cut the hours of use back to 10 PM; (3) At intervals ensure by some means that the rulings are complied with. Thank you for your attention.

Yours sincerely

Latesr

Verity Fletcher
Environmental Health Dept
New Forest District Council
Lyndhurst

Mr & Mrs J Cauley
6 Nutsey Avenue
Totton
SO40 3NA

16-7-07

Your ref: EPOSN/07/04756
cc Julian Lewis MP.

Dear Ms Fletcher

Further to letters of complaint concerning late night noise.

The Testwood public house proprietor has obviously thrown caution to the winds and decided to ignore any license and noise restrictions and keep their patio garden open to all hours including through to 1 AM last Saturday night. The noise, shouting, singing and general party time clamour has now reached a pitch and constancy beyond reason. Absolutely no concern about the neighbourhood what so ever. It is quite simply, completely out of order.

Week diary: Com MON July 9th.

Monday: Noise and chatter beyond 11PM
Tuesday: Noise and chatter beyond 11PM
Wednesday Noise and chatter beyond 11.20PM
Thursday: Noise and periods of shouting beyond 11.25PM
Friday: Noise and periods of shouting, cheering, etc: beyond midnight
Saturday Loud shouting, cheering. etc to at least 1 PM.
Sunday: Noise, periods of shouting beyond 11PM

Thank you for your concern

Mr & Mrs J Cauley.

Julian Lewis MP

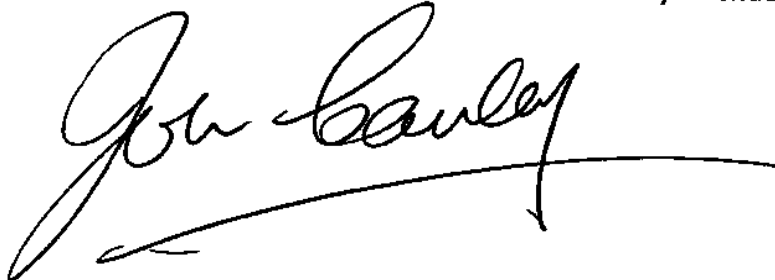
6 Nutsey Avenue
Totton
SO40 3NA..
Tel:02380871824.

15/7//2007

Dear Sir

The residents of Nutsey Avenue once again would be grateful for your support in our quest to stop late night intrusive pub noise increasingly evident and to an unacceptably late hour. The statements I enclose are self-explanatory and should give you a good idea as to the history of this matter. Our complaints are lodged with The NFDC Licensing dept and the NFDC Environmental Health dept. We would very much like to say that we are getting assistance but right now we do not have a great deal of confidence as to the future. One would assume that there is an authority to whom these businesses are answerable to . Many of the residents along this road are retired, you would be welcome should you wish to visit this small community. As you are aware we already have problems with the industrial estate to the back of us, this is now another serious threat to the enjoyment of our homes and community.
Thank you.

Mr & Mrs John Cauley (on behalf of all concerned Nutsey Avenue residents)

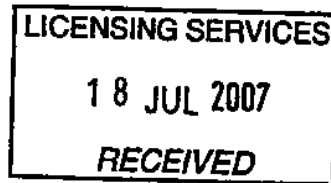
A handwritten signature in black ink, appearing to read 'John Cauley', with a long horizontal flourish extending to the right.

Dr JULIAN LEWIS MP (NEW FOREST EAST)
Shadow Defence Minister



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Tony Hetherington
Licensing Officer
NFDC Appletree Court
Lyndhurst
Hampshire SO43 7PA



16 July 2007

Dear Tony,

Testwood PH, Salisbury Road, Totton

Enclosed is a copy of a worrying self-explanatory letter and related correspondence sent to me by my constituents Mr and Mrs Cauley and I have no reason to doubt that their concerns are shared by other residents in Nutsey Avenue.

I shall be most grateful if you will consider the points raised by my constituents and then advise me in a form which I can pass on to them what redress is available to tackle their complaints about late night noise and light nuisance. In particular, I know they will wish to be reassured about any possible extension to the pub opening times, so far as these impact on the patio garden and, indeed, about whether restrictions are being considered on the currently permitted hours of operation.

Finally, it would be helpful if you will kindly liaise with your colleagues in Environmental Health to see what can be done to establish a practical call-out system in the event of late night noise becoming intolerable. This would obviate the need to keep diaries by long-suffering residents - a method which appears to have only a short-term influence on the pub.

Please will you send me a summary on the current state of play as soon as practically possible?

With kind regards,

Yours sincerely,

57

((3))

feli

Dr Julian Lewis MP
3 The Parade
Southampton Road
Cadnam
SO40 2NG

Our Ref: TH/pl548/jl
Your Ref:

19 July 2007

Dear Julian,

Testwood Public House, Salisbury road, Totton

Thank you for your letter of 16 July and enclosures. I have recently been made aware of the problems being experienced by Mr and Mrs Cauley and, yes, you are correct that their concerns appear to be shared by several of their neighbours.

The current premises licence was granted by a Licensing Panel following a hearing after local residents objected to the application. In granting this licence the panel was mindful of the resident's representations and attached a number of conditions to the licence which were designed to minimise any disruption.

My colleagues in environmental pollution tell me that during April 2006 a complaint was made about noise from the premises. Briefly, the complainant's letter was acknowledged and noise diary sheets and an explanation of the next steps in the procedure sent to the complainant. The diary sheet was returned with only a single incident noted and as there were no further complaints the file was closed.

On 19th June 2007 a further complaint regarding noise from the premises was received by NFDC environmental pollution. Standard procedures were implemented and diary sheets sent to the complainant. I understand that diary sheets have recently been returned and that this complaint continues to be under investigation with late night observations already planned.

Shortly afterwards on 26 June the licensing service received an application to vary the current licence. The variation requests that one of the conditions, previously placed on the licence by a licensing panel, be changed from:

"There shall be no use of the pub garden after 22.30 hrs on Monday to Thursday and Sundays.

There shall be no use of the pub garden after 23.00 hrs on Fridays and Saturdays"

To read:

"There shall be no licensable activities within the pub garden after 22.30 hrs Monday to Thursday and Sundays.

There shall be no licensable activities within the pub garden after 23.00 hrs on Fridays and Saturdays"

There is a 28 day consultation process for all premises licence applications and to date several objections have been received from local residents and one from NFDC

.../cont.

environmental pollution service. Where objections are not withdrawn a hearing must take place and all objectors invited to make their representations personally at the hearing. The consultation process ends at midnight tonight, 19 July, and a hearing date will be decided some time next week.

I am sure that your complainant will not mind me telling you that he has objected to the current application and, as such, will have an opportunity to address the forthcoming hearing. I have spoken to Mr Cauley at some length on this matter and already have on file a letter from him to be presented to members of the panel should the hearing be convened whilst he is on holiday.

So at the moment there is an ongoing investigation regarding public nuisance and an application to vary the current licence currently under consideration. Both of them will be dealt with as we would deal with any other complaint and variation application.

Following both of these instances, should the premises still present problems to local residents, noise and other pollution problems can be dealt with by the environmental pollution service and, under the Licensing Act 2003, any interested party (people residing or working in the vicinity or organisations representing people living or working in the vicinity) may apply to have the premises licence reviewed providing the application for review is based on one or more of the licensing objectives (prevention of crime and disorder, protection of children, prevention of public nuisance and public safety). There is no fee payable for requesting a review.

I hope that the information contained in this note will be of assistance to both yourself and your constituents. If they require any further information I shall do my best to be of assistance.

Finally, the provision of an "out of hours" service has been discussed by the council on many occasions. I have spoke to the Environmental Health Manager concerned, Mrs Gallagher, and she will respond to you separately on this matter.

With kind regards,

Yours sincerely,

Tony Hetherington
Licensing Officer
Tel: 023 8028 5449
Fax: 023 8028 5596
Email: licensing@nfdc.gov.uk