

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Three Bells, Silver Street, Hordle**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Friday, 10 October 2008 at 10.00 am.**

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

Councillor G C Beck - Chairman  
Councillor W H Dow  
Councillor Mrs McLean

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

Applicant:

Trudy Murphy, General Manager and Gianni Arrighi, Regional Operations  
Manager, Whitebread Plc – Applicant  
Michelle Hazlewood – John Gaunt & Partners, Solicitor for the Applicant

Objectors:

Gary Worsley, Environmental Health Officer  
Mrs Ross Hall  
Mrs O’Callaghan  
Mr & Mrs Pitt-Pladdy  
Mrs Stears  
Mr Spreadbury

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**3. Other Persons attending the Hearing**

Dale Bruce – Observer

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**4. Parties not attending the Hearing**

None.

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

Edward Williams – Legal Advisor  
Melanie Stephens - Clerk

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## **6. Decision of the Sub-Committee**

The application to extend the licensed area by reference to the attached Plan number 08-207-10 (dated September 2008) is granted on the following terms and conditions: -

### **Licensable activities and times permitted:**

L: Late Night Refreshment

At the agreement of the Applicant this licensable activity shall be removed from the current license.

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 23.00  
Saturday 10.00 to 23.00  
Sunday 10.00 to 23.00

### **Non Standard Timings:**

The premises shall be entitled to supply residents of the proposed Premier Inn with alcohol 24 hours a day.

### **Hours premises to be 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 23:30  
Saturday 10:00 to 23:30  
Sunday 10:00 to 23:30

### **Non Standard Timings:**

The premises shall be open to the residents of the proposed Premier Inn 24 hours a day.

### **Mandatory conditions:**

As provided in the Licensing Act 2003

### **Other conditions:**

1. The patio area as marked on Plan number 08-207-10 shall be closed to both members of the public and residents of the Premier Inn from 22:00 hours.
2. To replace existing condition number 2, to provide clear and legible notices to be displayed at exits and other circuitry areas requesting patrons to leave the premises quietly, having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, playing radios loudly and sounding car horns.
3. No alcohol shall be consumed externally after 22:00 hours.
4. To replace condition number 5, at all times prior to 23:00 hours, live and recorded music and noise emanating from the premises, whilst audible, shall be so low that distinct tunes, lyrics and musical instruments (bass beat) cannot be recognised at the boundary of the nearest noise sensitive property as marked on the plan attached to the current licence.
5. Access from the patio to the front of the premises will be for emergency purposes only.
6. In respect of the 24 hour operation provision, a resident shall be regarded as the person who has reserved the letting room at the proposed Premier Inn and second occupying adult only.
7. Subject to planning permission being granted upon application, the patio area will be encompassed by an acoustic fence of a height of 5ft from the level of the patio area, which will have no general point of entry.

\* For the purposes of condition 4 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.

The Sub-Committee heard nothing in the representations of the objectors to lead it to the conclusion that (i) extending the license to include the external areas and (ii) allowing the premises to be open (including the supply of alcohol) to residents of the proposed Premier Inn for 24 hours a day would have a detrimental impact on any of the licensing objectives, once certain conditions had been attached.

In respect of the restrictions placed on the use of the outside areas, the Sub-Committee had particular regard to representations concerning potential noise nuisance emanating from the premises in particular the patio area. The

conditions imposed would assist in promoting the licensing objective relating to the prevention of public nuisance.

The Sub-Committee were pleased to hear that the Applicant and residents had worked hard to achieve various compromises surrounding the application and hoped that this open communication between the parties would continue.

Additionally, the Sub-Committee would remind residents that there were statutory regimes, such as the Environmental Protection Act, that could be invoked should a statutory nuisance occur in the future.

**Date: 13 October 2008**

**Licensing Sub-Committee Chairman: Cllr Beck**

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**Decision notified to interested parties on 14 October 2008**