

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Hyde Ex-Servicemen's & Social Club, Hyde

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 19 June 2009 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor P R Woods - Chairman
Councillor Mrs P Jackman
Councillor J Penwarden

2. Parties and their Representatives attending the Hearing

Mr Bingham – Applicant
Mr Rowland – Representing the Applicant

Mr Worsley, Environmental Health – Objector
Ms Norman – Objector
Mrs Harrison - Objector
Mr Sharp – Objector
Ms A Born – Objector
Mr & Mrs Betcher – Objectors
Cllr Sevier, Hyde Parish Council - Objector

3. Other Persons attending the Hearing

Ms Johnson – Observer
Mr Vandyke – Observer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Edward Williams – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The existing Club Premises Certificate is varied to include the following licensable activity on the following terms and conditions:

Licensable activities and times permitted:

E: Live Music (Indoors only)

No more than one occasion per calendar month on one of the following days and within the following hours:-

Monday	15.00 hours to 17.00 hours
Friday	18.00 hours to 21.00 hours
Saturday	18.00 hours to 21.00 hours

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. Prior to any live music events taking place, notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
2. Prior to any live music events taking place, a noise limiter is to be applied to the amplification equipment of the premises to ensure that the noise level does not cause public nuisance, such level to be agreed with an Environmental Health Officer of New Forest District Council.
3. Prior to any live music events taking place, the roof space of the premises is to be insulated to the satisfaction of an Environmental Health Officer of New Forest District Council.
4. During live music events, all windows and doors of the premises are to be kept closed except where necessary for access and egress.
5. The applicant is to keep a log detailing the events when live music takes place.

The aforementioned conditions have been imposed because the Sub-Committee consider them necessary to prevent public nuisance (that is, noise nuisance arising from the music) and crime and disorder (that is, to prevent a breach of the extant noise Abatement Notice).

7. Reasons for the Decision

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the applicant and objectors.

The Sub-Committee acknowledged the concerns of the objectors, especially in respect of potential public nuisance. The Sub-Committee also acknowledged the noise-related problems that had persisted at the premises for a number of years and the fact that the premises were subject to a noise Abatement Notice.

The Sub-Committee noted the applicant's offer at the hearing to insulate the roof void as far as possible and to implement any conditions imposed by the Sub-Committee.

The Sub-Committee also noted that the applicant had, at the outset of the hearing, confirmed that the intention of the application was that live music should only occur on one occasion per calendar month.

On that basis, the Sub-Committee was of the view that it had not been demonstrated that the granting of a variation of the Club Premises Certificate, to include live music, would increase the level of public nuisance (or prejudice the other licensing objectives) within the vicinity of the licensed premises, providing that the hours be restricted, and certain conditions be imposed.

Accordingly, the Sub-Committee was prepared to grant a premises licence in the terms set out at section 6 above.

The Sub-Committee highlighted out the entitlement of any person living or running businesses in the vicinity of the premises, as well as the Parish Council and responsible authorities, to ask for the Club Premises Certificate to be reviewed by the Licensing Authority in the future.

Date: 19 June 2009

Licensing Sub-Committee Chairman: Cllr P R Woods

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Decision notified to interested parties on 23 June 2009