

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: East Close Country Hotel, Lyndhurst Road, Hinton St Michael

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Wednesday, 1 July 2009 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor P R Woods - Chairman
Councillor W H Dow
Councillor Mrs B Smith

2. Parties and their Representatives attending the Hearing

Mr P Fudge, DPS, East Close Ltd – Applicant
Ms Palmer – Solicitors for the Applicant

Objectors:
Mr Vandyck – Environmental Health Officer
Mr Frank
Dr & Mrs Carr

3. Other Persons attending the Hearing

Ms N Johnston – Observer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Edward Williams – Legal Advisor
Ms M Stephens- Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensed area

Indoor – the area outlined in blue on drawing ECCH/065/07/043 (attached to this licence) where there is resident access except for the WCs and the kitchens.

Outdoor – the area outlined in red on the A4 map (attached to this licence).

Regulated entertainment is to be restricted to the areas outlined in blue on the attached A4 map (that is, the lawn area to the rear of the hotel and a marquee situated in the walled semi-circle area).

Licensable activities and times permitted:

B: Films (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

C: Indoor Sporting Events

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

E: Live Music (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

F: Recorded Music (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

G: Performances of Dance (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

H: Anything of a similar description to that falling within (e), (f) or (g) (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

I: Provision of facilities for making music (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

J: Provision of facilities for dancing (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

K: Provision of facilities for entertainment of a similar description to that falling within (i) or (j) (indoors and outdoors)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

L: Late night refreshment (indoors and outdoors)

Monday 23.00 to 05.00
Tuesday 23.00 to 05.00
Wednesday 23.00 to 05.00
Thursday 23.00 to 05.00
Friday 23.00 to 05.00
Saturday 23.00 to 05.00
Sunday 23.00 to 05.00

M: Supply of Alcohol (off the premises and on the premises)

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

Hours premises to be open to the public

Monday 00.01 to 00.00
Tuesday 00.01 to 00.00
Wednesday 00.01 to 00.00
Thursday 00.01 to 00.00
Friday 00.01 to 00.00
Saturday 00.01 to 00.00
Sunday 00.01 to 00.00

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The licensee shall install and maintain a CCTV system to the reasonable standard which has been agreed with the Hampshire Constabulary Crime Prevention Officer.
2. CCTV recordings shall be retained for a calendar month and these will be made available to the Police on request (subject to the Data Protection Act 1998).
3. Front of house staff will be trained to meet the requirements of the Licensing Act 2003.
4. Front of house staff will be advised that they must request identification from any persons who look under 21 years before they are sold alcohol.
5. The only identification that will be acceptable as proof of age will be that approved by PASS, photo driving licence or passport.
6. The supply of intoxicating liquor will be limited for non-residents (excludes genuine guests of residents) between the hours of 09.00 and 01.00 except: -

- (a) an extra hour will be allowed on the seasonal variations as defined below
 - (b) until the extended time permitted on the non-standard timings as defined below; and
 - (c) from the cessation of the terminal hour on New Year's Eve to the start of permitted hours on New Year's Day.
7. Seasonal variations will be during the month of December, on bank/public holiday weekends (Friday to Monday inclusive); on St Valentines, St George's, St Andrew's, St Patrick's and St David's Days and on change from GMT to BST.
 8. Non-standard timings will be on a maximum of 20 occasions each calendar year on 10 working days' notice (or such shorter period as may be allowed) given to the Police and the Licensing Authority of a special occasion or an event until 03.00 or such longer time as the Police may permit.
 9. An adequate amount of seating will be provided in the areas where licensable activities take place.
 10. The premises will not be used under this licence until the appropriate Responsible Authorities have indicated their satisfaction of the works.
 11. No deliveries at the premises will be arranged between 22.00 hours and 06.30 hours the following day.
 12. There will be no removal of barrels or crates into outside areas between 00.00 hours and 06.30 hours the following day.
 13. Night time staff will be reminded to leave the premises quietly.
 14. Customers leaving the premises at night will be reminded to do so quickly and quietly to prevent disturbance to residents in the vicinity.
 15. Noise from regulated entertainment or persons attending such entertainments shall be inaudible within all noise sensitive premises with windows open in a typical manner for ventilation between 00.00 hours and 12.00 hours.
 16. No outdoor regulated entertainment shall take place save on the lawn behind the Hotel and in the marquee, such entertainment only being permitted between 12.00 hours and 23.00 hours except when in the marquee.
 17. There shall be no outdoor regulated entertainment between 00.00 hours and 12.00 hours, unless permitted following consultation with the Council's Environmental Health Team.
 18. Large external functions such as party in the park type events are only allowed following further consultation with the Responsible Authorities to prevent public nuisance.
 19. A noise management plan in respect of all regulated entertainment shall be provided to, and agreed by, the Council's Environmental Health Team to ensure that noise emanating from the premises does not cause a public nuisance. No regulated entertainment is to take place until this plan has been so agreed. Once the noise management plan has been agreed by the Council's Environmental Health Team, the agreed volume levels/ settings are

not to be altered without the further consent from the Council's Environmental Health Team. The Applicant shall make available to the local residents a telephone number that will be answered by a delegated member of staff to receive any noise complaints.

20. Supervision by a responsible adult of any children in bar areas will be encouraged.

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 took account of the fact that, during the hearing, the Council's Environmental Health Officer formally withdrew his objections. This was because he was satisfied that those objections had been dealt with by way of the conditions offered by the applicant including, in particular, the condition requiring a noise management plan to be agreed with the Council's Environmental Health Team before regulated entertainment is permitted.

The Sub-Committee acknowledged the concerns of the objectors, in particular regarding the public nuisance that the proposed outdoor activities had the potential to cause.

However, the Sub-Committee was of the view that, provided various conditions were imposed, the granting of the application for a new premises licence would not cause a public nuisance within the vicinity of the licensed premises or prejudice any of the other licensing objectives.

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

The Sub-Committee pointed out the entitlement of any interested party and responsible authority to ask for the Premises Licence to be reviewed by the Licensing Authority in the future.

Date: 1 July 2009

Licensing Sub-Committee Chairman: Cllr P R Woods

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Decision notified to interested parties on 3 July 20