

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: FOR THE GRANT OF A PREMISES LICENCE AT THE OLD VICARAGE HOTEL, LYNDHURST ROAD, HINTON, CHRISTCHURCH.

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Thursday 20 January 2011 at 10.00 a.m.

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor W H Dow
Councillor Mrs B Smith

2. Parties and their Representatives attending the Hearing

Mr W Arnold – Applicant
Mr L Arnold – Applicant’s Representative

Objectors:
Mr and Mrs Howarth
Mr and Mrs Hammond
Mrs and Mrs Pidwell

3. Other Persons attending the Hearing

Mrs C Gallagher – New Forest District Council
Mr M Robinson – New Forest District Council

4. Parties not attending the Hearing

None

5. Officers attending to assist the Sub-Committee

Tory Putnam – Legal Advisor
Jan Debnam - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

A: Plays

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

E: Live Music

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

F: Recorded Music

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

G: Performances of Dance

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

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

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

I: Provision of facilities for making music

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

J: Provision of facilities for dancing

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

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

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

L: Late night refreshment

For residents:

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

For non-residents:

Monday 23.00 to 24.00
Tuesday 23.00 to 24.00
Wednesday 23.00 to 24.00
Thursday 23.00 to 24.00
Friday 23.00 to 24.00
Saturday 23.00 to 24.00
Sunday 23.00 to 24.00

New Year's Eve from start of permitted hours on 31 December to the end of permitted hours on 1 January.

M: Supply of Alcohol

For non-residents:

Monday 10.00 to 24.00
Tuesday 10.00 to 24.00
Wednesday 10.00 to 24.00
Thursday 10.00 to 24.00
Friday 10.00 to 24.00
Saturday 10.00 to 24.00
Sunday 10.00 to 24.00

For residents:

Supply of alcohol to residents shall apply 24 hours per day.

Hours premises to be open to the public

Monday 07.00 to 00.00
Tuesday 07.00 to 00.00
Wednesday 07.00 to 00.00
Thursday 07.00 to 00.00
Friday 07.00 to 00.00
Saturday 07.00 to 00.00
Sunday 07.00 to 00.00

Premises are open to residents 24 hours a day.

New Year's Eve – from start of permitted hours on 31 December to end of permitted hours on 1 January.

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. The marquee will only be used from 1 May to 31 October and 1 December to 1 January inclusive in any year.
2. The premises shall be licensed for 12 events per calendar month.
3. All music events taking place in the marquee shall be finished by 23:00hrs.
4. All recorded music shall be finished by 24:00hrs by which time all events would have finished.

Indoor Music Events:

5. During any event involving live or amplified music (other than low level background music), all windows will be kept closed. External doors will also be kept closed, except where necessary for access and egress, i.e., the doors will not be secured open and will be fitted with self closers if necessary.
6. Prior to 23:00hrs, music and voices emanating from the premises whilst audible, shall be so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises.
7. After 23:00hrs, music and voices emanating from the premises shall be inaudible at the boundary of all noise sensitive premises

Outdoor Music Events:

8. Prior to 23:00hrs, music and voices emanating from the premises whilst audible, shall be so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises.
9. After 23:00hrs, music and voices emanating from the premises shall be inaudible at the boundary of all noise sensitive premises.
10. For reference, the definition of outdoor events includes any event taking place within any temporary structure such as a marquee. Noise sensitive premises includes premises used 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 use for any other purpose likely to be affected by the music noise.
11. Deliveries and service providers shall be undertaken at such an hour not to cause nuisance to neighbours.

12. The disposal of empty bottles into outdoor storage receptacles will not take place between 19:00hrs - 07:00hrs.
13. Arrangements will be in place to ensure that waste collection contractors will not collect between 19:00hrs - 07:00hrs.
14. Prominent signs shall be displayed at all exits and in circulatory areas requesting patrons to leave the premises quietly, having regards for the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, playing car radios loudly and sounding car horns.
15. So as to minimise disturbance to local residents late at night, staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises.
16. All air conditioning and cooking extraction systems shall be switched off when not required

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 Panel were satisfied that the licensing objectives relating to public safety, the protection of children and crime and disorder raised no concerns in the current application and the only objections arose in relation to public nuisance from noise.

The Panel were mindful of the fears being expressed by the local residents in the light of the history of noise nuisance from these premises and the long period of time that it took to address those problems. They were however satisfied that the imposition of strict conditions, along the lines agreed by the Applicant would provide adequate protection so that the premises do not impinge on the reasonable enjoyment of their homes by nearby residents.

The Panel were also aware that, under more recent licensing legislation, there were remedies available to nearby residents, should those conditions not be met, and the situation could be addressed within a reasonable time frame. A copy of the relevant legislation has been provided to the objectors for their assistance.

The Panel have decided to grant the licence subject to having amended the conditions in the light of the representations received.

Date: 20 January 2011

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 21 January 2011