

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Lymington Royal British Legion, High Street, Lymington

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday, 26 September 2011 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor Mrs C Ward
Councillor P R Woods - Chairman
Councillor Mrs P Wyeth

2. Parties and their Representatives attending the Hearing

Mr & Mrs Dunford – Applicant
Mr Mapes – representing the Applicant

Objectors:
Mr Worsley – Environmental Health (Noise Pollution)
Mr & Mrs Osmond

3. Other Persons attending the Hearing

Cllr Mrs Lewis – Observer
Mr King – Observer

4. Parties not attending the Hearing

Objectors:

Ms Green
Ms McLean
Mr Shepherd
Mr Furniss
Mr & Mrs Sheffer

5. Officers attending to assist the Sub-Committee

Tory Putnam – Legal Advisor
Melanie Stephens - 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 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

B: Films

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

C: Indoor Sporting Events

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

E: Live Music

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

F: Recorded Music

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

G: Performances of Dance

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

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

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

I: Provision of facilities for making music

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

J: Provision of facilities for dancing

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

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

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

L: Supply of Alcohol

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 10.00 to 23.30
Sunday 12.00 to 22.30

Seasonal variations:

Christmas Eve 10.00 to 00.00
Christmas Day 11.30 to 14.00
New Years Eve 10.00 to 00.30

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose;
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium;
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislations, to the Police for inspection on request;
4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time;
5. The system will display, on any recording, the correct time and date of the recording;
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity;
7. That signage be erected in the garden area advising all patrons to leave the premises quietly and to be respectful of neighbours; and
8. That no beverages (including soft drinks) be consumed after 23.00 hours in the garden area.

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.

In light of the reduction of the hours applied for by the Applicant during the hearing, the Sub-Committee were of the view that a 30 minute extension of hours for the supply of alcohol and other licensable activities would not adversely affect any of the licensing objectives within the vicinity of the licensed premises.

The Sub-Committee were satisfied that conditions 7 & 8 above, as offered by the Applicant during the hearing, were sufficient to alleviate the concerns of local residents.

In relation to the objection made by Environmental Health, the Sub-Committee was mindful that this objection had been made without any evidence. However, the conditions offered by the Applicant were sufficient to satisfy the concerns of the Environmental Health Officer and subsequently he was prepared to withdraw his objection in light of this.

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

Date: 27 September 2011

Licensing Sub-Committee Chairman: Cllr P R Woods

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Decision notified to interested parties on 28 September 2011