

**6 DECEMBER 2024**

**NEW FOREST DISTRICT COUNCIL**

**Licensing Sub-Committee**

Minutes of a meeting held on Friday, 6 December 2024

Cllr Steve Clarke  
Cllr Alvin Reid

Cllr Neil Tungate

**Apologies**

Apologies were received from Cllr Colm McCarthy and Cllr Alvin Reid replaced him as the named reserve on the Agenda.

**1 ELECTION OF CHAIRMAN**

Cllr S Clarke was elected Chairman of the Sub-Committee.

**2 DECLARATIONS OF INTEREST**

There were none.

**3 APPLICATION FOR A NEW PREMISES LICENCE AT WALHAMPTON SCHOOL, SCHOOL LANE, LYMINGTON SO41 5ZG**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on 6 December 2024 at 10.00 am.**

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

**Applicants:**

Alison Bennett, Director of Finance and Operations, Walhampton School  
Alyson Joos, Applicants Representative  
Jonny Timms, Headteacher of Walhampton School

**Objectors:**

Mr and Mrs Olney

Mr David Harris (Representing Mr and Mrs DA Worthy)

Eileen Morton

Mrs Margaret Cooper

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**2. Other Persons attending the Hearing****Council Officers:**

Christa Ferguson – Licensing Manager  
Peter Donelan - Licensing Compliance Officer

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

Richard Davies – Legal Advisor  
Andy Rogers – Democratic Services Officer

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**4. Absence of Parties**

At the outset of the hearing, it was noted by the Sub-Committee that the following members of the public that submitted representations were absent:

**Parties who were absent:**

Hilary Teal  
Mr and Mrs Kendrick  
Mr and Mrs DA Worthy  
Mr Gibbins  
Mr Stephen Robinson  
Sue and Jane MacPherson  
Rob Pollock  
Alison Husband  
Mrs A Wrenn  
Mr and Mrs Taunt  
Mr Jason Ludlow  
Sarah Fox  
June Webb  
Mr & Mrs Shakespeare  
Carol Douglas  
Mr and Mrs Morgan  
Mr and Mrs King  
Mr J Tennant  
Michael and Jacqueline Street

The Sub-Committee agreed that the hearing could proceed in their absence.

- 5.** The Chairman explained the procedure for the hearing which all parties agreed to.  
The Legal Advisor then explained the reason for the hearing.
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**6. Decision of the Sub-Committee**

The purpose of the hearing was to determine a new premises licence application for Walhampton School, submitted under the Licensing Act 2003.

The Sub-Committee decided to grant the Application as applied for with the following Licensable activities and times permitted:

**Films (indoors and outdoors)**

Monday to Sunday 08:00 to 23:00

**Live music (indoors and outdoors)**

Monday to Sunday 10:00 to 24:00

**Recorded music (indoors and outdoors)**

Monday to Sunday 08:00 to 24:00

**Late night refreshment (indoors and outdoors)**

Monday to Sunday 23:00 to 01:00

**Supply of alcohol (on the premises)**

Monday to Sunday 10:00 to 24:00

**Premises open to the public (for events)**

Monday to Sunday 08:00 to 01:00

**New Year's Eve activities**

To be extended until 01:00 on New Year's Day

**Other conditions:**

In addition to the licensable activities detailed above, the licence shall be subject to all the conditions as offered by the Applicant, as well as those conditions required by the Police, and Environmental Health, as agreed by the Applicant, all of which are set out in the Licensing Manager's report.

**Mandatory conditions:**

As provided in the Licensing Act 2003 and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

Additionally, the mandatory conditions regarding films and underage viewing should be added as stipulated in NFDC's Licensing Policy.

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**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 all those who had made relevant representations and attended the meeting.

The Sub-Committee noted that 11 of the initial 34 representations objecting to the application had been withdrawn as they were satisfied with the agreed additional restrictions and conditions. Also, those conditions requested by the Police and Environmental Health prior to the hearing had been agreed and added to the application conditions. Boldre Parish Council had similarly withdrawn their representations for the same reasons. This left 23 objections from local residents, who cited, amongst others, concerns about noise, behaviour from patrons and increased number of events at the venue.

It was noted that concerns relating to increased traffic, planning, road infrastructure and the effect on animals all fell outside of the remit of the Sub-Committee and the Licensing Act 2003.

Late documentary submissions from the Applicant and the objectors were circulated at the hearing with the consent of both parties. An objector circulated a map showing the location of objectors in relation to the School premises as well as a list of Temporary Event Notices ('TEN' or 'TENS') obtained by Walhampton School Trust Ltd from 2022 to 2024.

The Sub-Committee noted the Applicant's submissions which included points on improving communications with local residents, risk assessments and safeguards, charitable objectives, training and details of events. The Applicant explained that the number and frequency of events indicated in the application referred to the maximum numbers that may take place. However, whilst having that maximum number allowed some flexibility, the actual number of events held were likely to be fewer, and the School would also usually aim to finish events earlier than the times applied for. The Applicant was carefully considering the Council's Noise Management guidance and promised to reduce unnecessary disruption.

In their submissions, the local residents had no complaints relating to the ordinary day-to-day school events, but feared that the planned number of licensable outdoor activities, in particular those in the summer months and at weekends, would result in unacceptable noise levels which would impair their enjoyment of the use of their gardens and homes.

The Sub-Committee noted the plans circulated by an objector, showing the location of objectors' houses, the distances of which appear to range from approximately 200-900 metres from the School (using the scale indicator on the plans). It was claimed all residents in these areas experienced noise – including music - from the School. The Sub-Committee also heard verbal representations relating to traffic noise late at night and a request that the event finish times should take account of the time taken to leave the premises. Doubts were raised by objectors that noise mitigation could be effective.

A number of concerns were noted concerning the anticipated disturbance regarding noise levels from showing films. There were also concerns that the applied time limits of 0800 to 2300 Monday to Sunday for outdoor events was excessive, and were expected to result in public nuisance, specifically unacceptable noise, which it was claimed would impact residents' health and wellbeing.

The Sub-Committee sought clarification from the Licensing Manager, in response to objectors' complaints about the failure to notify the public of the application and the period for lodging representations. The Licensing Manager confirmed that notification had correctly been displayed at the School premises, had been checked and the Notice had been published in the Lyminster Times, in compliance with the legislation. The Licensing Manager also explained there was no legal obligation to notify individual households of licencing applications, as required with planning applications.

The Applicant reassured the objectors and the Sub-Committee of its performance of risk assessments for all events at the School site, including those where alcohol was served, and how these were related to the four licensing objectives.

The Sub-Committee acknowledged that one of the Applicant's reasons for their premises licence application was to avoid the need to apply for repeated TENs. The Sub-Committee also noted that unlike premises licences, no conditions can be attached to TENs (unless the venue already has a premises licence and they are added at a hearing) and only statutory bodies can object.

During the hearing, the Applicant acknowledged, and apologised for, the anxiety that the application had caused residents and expressed its wish to be a valued neighbour. To this end, the Applicant offered to provide information to local residents on upcoming events, which would also be displayed on local notice boards, with an e-mail of this information provided to those who required it. The Applicant also specifically undertook to use and follow the New Forest District Council's 'Managing Noise from Licensed Premises' guidance.

The Sub-Committee noted that a number of conditions were requested by the Police and Environmental Health, and these had been agreed by the Applicant to mitigate concerns raised, as shown in the Licensing Manager's report.

There was no evidence submitted relating to crime and disorder concerns, public safety or relating to the protection of children from harm.

In its deliberations after the hearing, the Sub-Committee noted that there had been no previous complaints when the Applicant had held TEN events and concluded that it had heard no verifiable evidence that the granting of the licence as applied for would create a public nuisance via unacceptable noise in the future. Therefore, the Sub-Committee was not persuaded that the licensable activities at the premises would adversely affect the promotion of the licensing objectives.

Whilst it noted concerns over driving behaviour, the Sub-Committee agreed that such incidences should be reported to the Police and that traffic concerns off site were not within the remit of the Licensing Act 2003 in the promotion of the licensing objectives. Drivers are always under a general duty to drive responsibly.

The Sub-Committee was very much mindful of the Applicant's expressed wish in the hearing to be a responsible and considerate neighbour, to build relationships and a useful dialogue with local residents. The Sub-Committee was persuaded that the Applicant would manage events well and responsibly using safeguards in the licence. It was also alert to the fact that such a licence placed much greater restraints on the Applicant than would exist under TEN requirements. The Sub-Committee also felt the Applicant appeared genuine in their pledge to work with local residents.

Having heard evidence from both parties, the Sub-Committee felt that the conditions attached to the application and those applied after discussions with Police and Environmental Health were adequate to meet public

concerns, and accordingly they agreed that the licence should be granted as applied for. However, the Sub-Committee requests the addition of the mandatory conditions relating to any films shown on the School premises, namely that they would be age appropriate with measures restricting children from viewing age-restricted films, in accordance with the Council's Licensing Policy.

The Sub-Committee advises that a mechanism is in place for the licence to be called in for a licence review hearing if issues arise and that local residents may contact Environmental Health if noise becomes a concern.

**Date: 6 December 2024**

**Licensing Sub-Committee Chairman: Cllr S Clarke**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 12 December 2024.**

CHAIRMAN