

**14 AUGUST 2025**

**NEW FOREST DISTRICT COUNCIL**

**Licensing Sub-Committee**

Minutes of a meeting held on Thursday, 14 August 2025

Cllr Steve Clarke  
Cllr Philip Dowd

Cllr David Hawkins

**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 LICENCE VARIATION - HORSE AND GROOM PUBLIC HOUSE, WOODGREEN, FORDINGBRIDGE SP6 2AS**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Thursday, 14 August 2025 at 10.00 am.**

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

**Applicant(s):**

Mr Mark Flanigan

**Objectors in attendance:**

**Parties representing objectors:**

Wendy Gregoire representing Robert Wanstall (both in attendance)

Mr Corps representing Anne Wanstall (both in attendance)

Amanda Willgoss (representing Caroline and Reginald Gurd)

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**2. Other Persons attending the Hearing**

**Council Officers:**

Christa Ferguson – Licensing Manager

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

Richard Davies – Legal Advisor  
Andy Rogers – Democratic Services Officer  
Lee Ellis – 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 a number of the parties were absent as set out below:

**Objectors:****Parties who had indicated that they would not be attending:**

Peter Carpenter  
Mr Bruce and Mrs J Dawson  
Sue Russell  
Caroline and Reginald Gurd

**Parties who had not indicated whether they would be attending:**

JR Sanger  
Anita and Kevin Ambrose Hunt  
Dr Ali Everest  
Julia Worthy  
Jane Perry  
Sandra Pargeter  
Pauline Hataisantiwong  
Anne Wanstall was at the hearing Mr and Mrs Atkinson

**Persons who had withdrawn their objections**

Mr Peter Davies, Corinne Savill and Mr Tomkins had withdrawn their objections following receipt of further information, and therefore were no longer parties to the hearing.

Some absent parties had not indicated whether or not they would be in attendance. After considering whether it was necessary in the public interest to adjourn or to hold the hearing in the absence of those parties, the Sub-Committee decided to proceed in their absence, whilst taking into consideration their written representations in reaching its decision.

**5. The Chairman explained the procedure for the hearing which all parties agreed to.**

The purpose of the hearing was to determine an application for a variation to the premises licence under section 34 of the Licensing Act 2003 in respect of the Horse and Groom public house, Woodgreen, Fordingbridge. In accordance with section 35 of the Licensing Act, where relevant representations had been made to the Licensing Authority in response to a premises licence application, the Licensing Authority must hold a hearing to consider them.

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## 6. Evidence

At the hearing, the Sub-Committee considered the application along with the evidence, both written and oral, supplied by the Applicant and those who had made relevant representations. In reaching its decision, the Sub-Committee has had regard to:

- The Home Office Guidance issued under section 182 of the Licensing Act 2003,
- The Council's own Statement of Licensing Policy.
- The steps that are appropriate to promote the licensing objectives
- Relevant Representations presented by all parties.

The Sub-Committee carefully listened to all the evidence that was provided, and considered what action, if any, was appropriate for the promotion of the four licensing objectives namely, the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

The application had been made following a visit by Police and NFDC Licensing Officers to the premises on 23 May 2025. It was noted that the rear garden and marquee were not included in the licensed area covered by the plan of the premises under the licence, in respect of the sale of alcohol.

The NPA had granted permission for the marquee, as a moveable structure, to remain in place in February 2023 but no application to licence that area had been sought. Accordingly, the variation sought to extend the licence to cover the whole of the curtilage of the Horse & Groom pub.

The variation proposed to change the licence to:-

- (i) allow sales of alcohol from an existing converted horse box in the pub garden;
- (ii) increase the licensed area to include the rear garden and 'Garden room' (marquee);
- (iii) to add the showing of films indoors (and to recognise the marquee as "indoors" to also allow films to be shown in the marquee);
- (iv) extend the licensed area to include the front car park to allow the sale of alcohol should it ever be required
- (v) remove the existing condition that children under 14 shall not be allowed on the premises after 22.00hrs.

The Sub-Committee noted that the premises had been operating from the marquee for some time since the NPA permission.

In his submission, the Applicant asserted that the Horse & Groom was the pub of the local community and said how he and his wife were deeply involved with village life and that the pub always utilised local suppliers. He said that he was surprised the hearing had become necessary as he was only seeking to regularise matters operationally. He went through the elements of his application and reassured that the showing of films would only be on an occasional basis and mainly for children, for example, at

Christmas. Similarly, the use of the car park for licensed sales would only be used very occasionally.

It was his wish to accommodate the people of the village and had said at the recent village meeting that he wanted to show how he had every intention of adhering to the law; and was adding several practises to further the existing good practise of the pub.

He felt that misrepresentations had been made about the pub's operation; for instance, the references to a 17 year old being intoxicated and taken to hospital was incorrect. The girl had suffered a seizure, and this was not due to intoxication.

In response to questions, the Applicant confirmed repeatedly that he intended to adhere to the law and comply with the Noise Management Plan which he had proposed.

The Applicant confirmed that there were now that 4 staff holding personal licences for the control of alcohol sales, and he had impressed on his staff the need to observe the measures in his new Noise Management Plan which had been developed following advice from departments at NFDC. The Sub-Committee also heard that the Applicant had installed CCTV in areas where alcohol was sold and consumed.

It was heard that the main areas of objection to the application included the use of the outside area and garden room (marquee) for music and films and the resulting noise both from amplified sound and customers, rowdy behaviour late at night, the proposed terminal time of 24:00hrs, and the marquee offering no noise mitigation for amplified sound.

One objector living near to the premises claimed that customers had been drinking outside the pub on various occasions in the last few months at 23.30, 00.30 and nearly 1.00am. Another objector claimed that there were examples of late night noise on 11 July 2025 (beyond 2am) and 17 July 2025 (1.30am).

Other episodes of late night noise were recounted up to 12.30am between 25 and 27 July 2025. In general, a number of local residents who had lived in the village for several decades felt that the noise problem had worsened over recent years.

The Sub-Committee also noted that a number of the local persons objecting had expressed support for the public house, but equally felt it important that the wellbeing of the local residents should also be taken into account.

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## 7. Decision of the Sub-Committee

The application is granted on the following terms and conditions:

**The addition of Films - 10:00 to 24:00 (all days) Indoors;**

**The addition of Films - 10:00 to 23:00 (all days) Outdoors;**

**An increase to the licensed area to include the rear garden and Garden room (marquee).**

**Inclusion of the front car park in the licensed area, to allow the sale of alcohol should it be required, for an event etc, but with a maximum limit of 12 such events per calendar year.**

**The sale of alcohol in the garden and any outside seating areas (including the marquee) shall cease by 23:00.**

**The use of the garden and any outside areas (including the marquee) shall cease for drinking by 23:30.**

**Music and films in the garden and all outside areas (including the marquee) shall cease at 23:00.**

**The condition that children under 14 shall not be allowed on the premises after 22.00 be removed.**

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## **8. Reasons for the Decision**

The Sub-Committee heard that all the Responsible Authorities had been consulted on the application. Other than two further conditions proposed by Environmental Health and agreed by the Applicant no comments or objections had had been received.

It was also noted that since the granting of the licence in 2005, 3 complaints had been made in relation to noise in 2016, 2017 and 2025. These had been investigated, and no further action had been taken.

The Sub-Committee noted the proposed Noise Management Plan submitted by the Applicant as a supplement to the hearing documents.

Although the Sub-Committee considered the petition in opposition to the application, as the vast majority of signatories had not separately made representations within the statutory 28-day period, the Sub-Committee was not able to give any significant weight to it. Similarly, the petition in support of the application could only be given limited weight as no evidence was heard from any of those signatories.

In determining the application, the Sub-Committee was mindful that it could only consider the implications of the proposed variation in relation to the extension to the licensed area and the addition of films.

After hearing concerns from residents about the use of the car park as part of the licensed premises, the Sub-Committee felt it fair and proportionate to limit the number of events in the car park to 12 per calendar year.

The Sub-Committee felt it was disproportionate to apply the same conditions to outside use as existed for the inside of the premises (i.e. the building itself), when the public house was situated in the heart of a village with proximity to several local residents who had complained of late night noise. Accordingly, it was mindful that the marquee was different from the pub building in structure and therefore in terms of noise control. The Sub-Committee therefore stipulate that films and music should cease in the garden area / outdoor area (including the marquee) at 23.00.

The Sub-Committee agreed that the condition not allowing children under 14 on the premises after 22.00 be removed from the conditions as this was not a widespread rule in other establishments in the New Forest area.

It was also mindful that there was a presumption in favour of granting an application unless there was evidence which undermined the promotion of the licensing objectives. The Sub-Committee was not persuaded by the objectors' submissions that the application to vary the premises licence as set out in the Licensing Manager's report would adversely affect the promotion of the licensing objectives, and they therefore found no sufficient cause to prevent the granting of the application. However, the Sub-Committee did feel that adjustments to the conditions applied for were necessary for the protection and wellbeing of the local residents from noise nuisance.

Accordingly, it was felt that the appropriate steps for the promotion of the licensing objectives were to grant the application, subject to conditions. It was hoped however, that a responsible public house would work constructively with neighbours to address any future issues.

The Sub-Committee observe that granting a licence gives the Licensing Authority greater control than would a TEN. Also, as was explained in the hearing, it reiterates here that, in the event of noise nuisance occurring, local residents have recourse to the Environmental Health Officer to report this, and may seek a review of the licence under the Licensing Act 2003.

**Date: 14 August 2025**

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

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 19 August 2025**

CHAIRMAN