

Licensing Sub-Committee – Thursday 14 August 2025 at 10am

**Application for a licence variation at Horse and Groom,
Woodgreen, Fordingbridge SP6 2AS**

Purpose	To determine a licence variation application for the Horse and Groom Public House, Woodgreen, Fordingbridge, submitted under the Licensing Act 2003
Classification	Public
Executive Summary	The report details information to be considered by Members of the Licensing Sub-Committee in determining the premises licence application
Recommendation(s)	That members of the Sub-Committee determine the premises licence variation application submitted by Leap Innovations Ltd under the Licensing Act 2003. This decision should be taken in the light of information contained in the report and provided at the hearing.
Reasons for recommendation(s)	Information as contained in the report and offered by all parties in addition to the legal licensing framework and legislation.
Ward(s)	Downlands and Forest North
Portfolio Holder	Cllr Dan Poole - Portfolio Holder for Community, Safety and Wellbeing
Strategic Director	Richard Knott – Strategic Director of Housing & Communities
Officer Contact	Christa Ferguson-Licensing Manager Environmental and Regulation 023 8028 5325 Christa.ferguson@nfdc.gov.uk

Introduction

1. The purpose of the report is to provide the Sub-Committee with information at the hearing to determine an application to vary the premises licence made under section 34 of the Licensing Act 2003 ("the Act") in respect of The Horse and Groom Public House, Woodgreen, Fordingbridge SP6 2AS.

Background

2. The premises has held a premises licence issued under the Act since 24 November 2005. The licence was converted from the previous licensing regime at the implementation of the Licensing Act in that year.
3. In June/July 2023 the premises licence transferred to the current licence holder - Leap Innovations Ltd and the DPS to Mr Mark Flannigan. Mr Flannigan is Co-Director of Leap Innovations Ltd.
4. The current licence and plan of the premises is provided as **Appendix 1**.
5. In February 2023 the NPA granted permission to the previous owner for a moveable structure in the garden of the premises. The decision Notice provided by NPA is provided as **Appendix 2**. However, until now, no application to vary the premises licence has been sought. The marquee is positioned to the rear of the premises in the garden.
6. Premises licence number 1150 permits the following licensable activities:
 - Indoor sporting events -10:00 to 24:00 (all days)
 - Live music-10:00 to 24:00 (all days) Indoors
 - Recorded music-10:00 to 24:00 (all days) Indoors
 - Late night refreshment-23:00 to 24:00 (all days) Indoors
 - Sale of alcohol-10:00 to 24:00 (all days)
 - Opening hours of the premises 10:00 to 00.30 (all days)
 - Non-standard timings.

On New Year's Eve permitted hours are between 10:00hrs on New Year's Eve to 01:30hrs on 2 January for licensable activities above and opening times, in addition to Late night refreshment between 23:00hrs on New Year's Eve to 05:00hrs on 1 January.

7. The premises is located in the village of Woodgreen, near Fordingbridge and provides a wide range of food together with various events and entertainment. The location is pinpointed on a location plan provided as **Appendix 3**.
8. On Friday 23 May 2025, Police Licensing Officers, the Licensing Compliance Officer and the Licensing Manger visited the premises whilst carrying out compliance checks in the area.
9. Staff were available together with the DPS and owner Mr Mark Flanigan.
10. Documents were checked and Officers asked Mr Flanigan about the operation of the premises, age checks and an allegation of underage sales.
11. During the inspection, Officers noticed that the plan of the premises attached to the licence indicating the licensed area, only covered the building itself and not the rear garden and marquee.
12. There is also a converted horse box in the garden, which can be used to sell drinks from. See **Appendix 4** for photos of the premises, front and rear outside areas, Garden room and neighbouring residential properties.
13. Whilst the outside area can be used for consumption of alcohol and also entertainment between 08:00hrs and 23:00hrs, the sale of alcohol may not take place outside the walls of the premises. In addition, after 23:00hrs all entertainment must take place indoors (within the walls of the premises).
14. As Mr Flanigan intends to use the outside area for entertainment, in addition to selling alcohol from the external bar, Officers advised that the premises licence must be varied accordingly to allow these activities to place outside.

The application

15. The Licensing Authority have received an application from Leap Innovations Ltd to vary the premises licence (number 1150) for the Horse and Groom Public House. The application and plan are provided at **Appendix 5**.
16. The variation application seeks:

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

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

The application also seeks to include the front car park in the licensed area, to allow the sale of alcohol should it ever be required, for an event etc.

There is no increase to the operating times of the premises proposed.

17. The applicant has proposed a number of conditions, which would be attached to any varied licence. These include those from the current licence together with additional ones to support the inclusion of outside areas. These are provided as **Appendix 6** and include:-
 - The use of the garden room(marquee) is classed as indoor use, providing all walls are retained.
 - The sale of alcohol in the garden and any outside seating areas shall cease by 23:00. This does not affect use of the marquee.
 - The use of the garden and any outside seating areas shall cease for drinking by 23:30. This does not affect use of the marquee.
18. As the condition states, if all the sides of the marquee are down, this should be considered as being "indoors" (Condition 8). The implication being that music (live and recorded) and films may be played in the marquee here until 24:00hrs as well in addition to the existing permissions for inside the premises.
19. Additional conditions were also agreed with the Environmental Health Officer and emails and agreement are provided as **Appendix 7**.

The additional Environmental conditions are:-

Glass waste, such as bottles, shall be disposed of from the premises between the hours of 10:00am and 9:30pm to prevent disturbance to residents in the vicinity of the premises.

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

20. Public consultation has been carried out, as required under the Act and officers have confirmed that the application has been advertised both at the site and in The Lymington Times newspaper, on 20 June 2025. Both were checked by officers.
21. All Responsible Authorities were consulted and provided with the application and plan. They include NFDC planning, NPA development control, Hampshire Police and NFDC Environmental Health.
22. No objections were received from any Responsible Authority including the Police and Planning and since the licence was granted in 2005, there have been 3 complaints in relation to noise; one each year in 2016, 2017 and 2025. These were investigated and no further action was taken.
23. Over the years the premises have applied for a number of TENs to extend licensable activities, including three this year.

Requirements for a hearing

24. The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These objectives being:
 - The prevention of crime and disorder,
 - Public safety,
 - The prevention of public nuisance, and
 - The protection of children from harm.
25. Members are referred to statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003 dated February 2025, in particular the sections on the licensing objectives and determining applications.
[Revised Guidance issued under section 182 of the Licensing Act 2003](#)
26. In determining the application, the Licensing Sub-Committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives,
 - The relevant representations presented by all parties,
 - Home Office guidance,
 - The Council's own Statement of Licensing Policy.

Representations received

27. During the 28-day representation period, the Licensing Authority received 19 representations from residents who live in the village. These are provided as **Appendix 8**.
28. In addition Mr Wanstall, a resident who lives next to the premises has collected a number of signatures from persons living in the village, in a petition against the variation application. The list compiled from the documents provided by Mr Wanstall is provided at **Appendix 9**. Email addresses for each person who signed were provided, but these have been removed for the benefit of publishing.
29. In the main, objections refer to concerns about
- the use of the outside area for music and films, including use of the garden room for the same,
 - Films being shown in the marquee,
 - The addition of films to the licence,
 - Additional noise and “rowdy behaviour” from patrons using the garden and marquee, particularly with a terminal time of 24:00hrs,
 - Increased issues from the premises should the changes see a rise in popularity of the premises and
 - The marquee offering no containment for amplified sound and its use up to midnight and the condition that if the sides are down on the marquee, this is considered as “inside the premises”.
30. It should be noted that the determination of this application, can only consider the implications of the proposed variation in relation to the licensing objectives; that being, the extension to the licensed area and the addition of films, as highlighted in the application.
31. However, matters that cannot be considered at this hearing include planning, traffic, car parking, increased footfall to the premises and the “need” for the addition of films, as there is are other cinemas locally.

Options appraisal

Option 1

32. Grant the application as applied for.

Option 2

33. Grant the application and add further conditions and /or amend timings for activities.

Option 3

34. Refuse the application as applied for.

Legal implications

35. This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. These Regulations provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
36. The applicant and those parties making representations have been invited to this meeting and have been provided with this report and the procedures to be followed at the hearing.
37. The applicant and those who have made relevant representations are entitled to address the Sub-Committee and to ask questions of the other party, with the consent of the Sub-Committee.

Right of appeal

38. It should be noted that the applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub-Committee to the Magistrates' Court. The appeal must be lodged with the Magistrates' Court within 21 days of the notification of the decision.
39. In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee remains valid until any appeal is heard and the decision made by the Magistrates' Court

Equalities implications

40. Each application is treated on its own merits.

Crime and disorder implications

41. Licensable activities must be provided under the terms of the Licensing Act 2003

Conclusion

42. The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which measures are appropriate for the promotion of the licensing objectives.

Appendices

- Appendix 1- Current premises licence and plan
- Appendix 2- NPA Planning Decision notice
- Appendix 3- Location plan of the premises
- Appendix 4- Photographs of the premises
- Appendix 5- Variation application and plan
- Appendix 6- Applicant proposed conditions
- Appendix 7- Conditions agreed with Environmental Health Officer
- Appendix 8- Representations received
- Appendix 9- Petitions list

Background papers

- NFDC Licensing Act 2003 Policy
- Licensing Act 2003