

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Fine Food & Wine 4 Sail, Lymington**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Monday, 9 June 2008 at 10.00am**

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**1. Members of the Licensing Sub-Committee**

Councillor Puttock  
Councillor Penwarden - Chairman  
Councillor S Wade

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

Applicant:

Mr Bayntun, Applicant  
Mr Thompson, General Manager  
Miss Dacre, Logistics Coordinator  
Mrs Russell, Solicitor, Heppenstalls Solicitors

Objectors:

Mrs M Sanders  
Miss K Sanders  
Mr P Sanders  
Mr & Mrs L McEwen  
Ms J Du Cane

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**3. Other Persons attending the Hearing**

Georgina Fice, Hampshire Constabulary.

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**4. Parties not attending the Hearing**

Objectors:

Mr S Fegan  
Mr C Goddard  
Mrs S Phillips  
Mrs A Nash  
Ms S Lancaster

Mr & Mrs B Nash  
Ms C Ryan  
Mr D Ling  
Ms P Walmisley  
Mr F Coster  
Mr K Chapman  
Mr B Stares  
Mr P Benham  
Mr S Chapman  
Mr C Reygadas  
Mr C Walder  
Mr R Cooper  
Mr E McEwen  
Mr O Lewis  
Mr L Lewis  
Mr R Struzyna

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

Grainne O'Rourke – Legal Advisor  
Melanie Stephens - Clerk

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**6. Decision of the Sub-Committee**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

M: Supply of Alcohol (on sales)

Monday – premises closed  
Tuesday 9.00 to 20:30  
Wednesday 9.00 to 20:30  
Thursday 9.00 to 20:30  
Friday 9.00 to 20:30  
Saturday 9.00 to 20:30  
Sunday 9.00 to 20:30

M: Supply of Alcohol (off sales)

Monday – premises closed  
Tuesday 9.00 to 21:00  
Wednesday 9.00 to 21:00  
Thursday 9.00 to 21:00  
Friday 9.00 to 21:00  
Saturday 9.00 to 21:00  
Sunday 9.00 to 21:00

## **Hours premises to be open to the public**

Monday – premises closed  
Tuesday 9.00 to 21.00  
Wednesday 9.00 to 21.00  
Thursday 9.00 to 21.00  
Friday 9.00 to 21.00  
Saturday 9.00 to 21.00  
Sunday 9.00 to 21.00

## **Non Standard Timings:**

The premises shall not be open on Christmas Day and New Years Day.

## **Mandatory conditions:**

As provided in the Licensing Act 2003

## **Other conditions:**

1. CCTV should be installed and maintained at the premises to the satisfaction of the Licensing Authority and Police. As a minimum it shall enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system shall be to a standard acceptable as evidence in a court of law and shall be securely retained for a minimum of 30 days. The recording shall be surrendered in a playable format to Hampshire Constabulary or the Licensing Authority immediately on request.
2. The premises will operate the 'Challenge 21' Scheme, posters and other deterrent signage will be displayed to this effect in prominent positions at the premises. All staff will be trained to challenge any young person(s) attempting to purchase alcohol. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
3. Regular training will take place for staff on licensing law and the 'Challenge 21' Scheme (at least every six months) and written records of training and refresher training will be kept.
4. The internal door leading to storage area should be a solid core door, which should be fitted with a 5 lever mortise local BS3621 or better and hinge bolts. The framework of the door itself must be strengthened to avoid the door being forced from its frame.
5. A lockable cage should be installed to store all alcoholic beverages, the design of the cage should be a solid construction either fitted securely to the walls or floor of the building. The locking mechanism should be a close shackled padlock which will prevent bolt croppers being used.
6. The window located at the rear of the garage will be fitted with internal bars with a central cross bar, the frame must be grouted into the masonry and not flush with the internal wall of the garage.
7. A refusals book will be kept and monitored on a weekly basis.

8. No tables or chairs, in the external area outside the shop facing Bath Road to be available for use after 5pm nor shall there be any use whatsoever of this external area (after this time) apart from customers accessing and egressing to and from the premises. Notices to this effect shall be placed within the premises.

## 7. **Reasons for the Decision**

The Sub-Committee carefully considered the evidence, both written and oral, from the parties.

The Sub-Committee were mindful that at the time of the hearing, there were no existing objections from any of the statutory bodies.

The Applicant had significantly reduced the times when licensable activity would take place from what was set out originally in their application. In response to clarification, they were asking for the sale of alcohol to 8.30pm in the evening with closing at 9.00pm and agreed there would be no use of the external area at the front of the premises for customers after 5.00pm.

The Sub-Committee were mindful of the concerns of the local residents about the potential noise disturbance emanating from the premises, in particular the front of the premises which was in close proximity to residential properties. The Applicant had recognised this and put forward proposals which meant that the front of the premises would not be used by customers sitting at tables and chairs after 5.00pm daily.

The Applicant also agreed, as far as possible, to keep the front doors closed thereby limiting noise from inside. After 5.00pm, customers having a drink would normally be sitting at the rear of the premises which would mean that disturbance to residents would be minimised. The Applicant reacted to residents' concerns that drinking should stop at an earlier time (i.e at 8.30pm) than closing which would be 9.00pm. This would give 30 minutes drinking up time to allow people to gradually disperse from the premises.

The Sub-Committee were therefore of the opinion that with the conditions that the Applicant had agreed to, and the reduced times of licensing activities agreed to by the Applicant, their proposals were acceptable.

The Sub-Committee reminded both the Applicant and the Objectors that if the residents experienced any noise problems associated with the premises they could ask the Council to review the licence.

**Date: 9 June 2008**

**Licensing Sub-Committee Chairman: Cllr J Penwarden**

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**Decision notified to interested parties on 11 June 2008**