

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Woods Wine Bar, High Street, Milford on Sea**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Wednesday 28 January 2009 at 9.30am**

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

Councillor W H Dow  
Councillor J A G Hutchins - Chairman  
Councillor Puttock

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

Mr Halliwell – Applicant  
Mr Poole and Mr James - Representatives for the Applicant

Objectors:  
Mr Worsley, Environmental Health Officer  
Mr & Mrs Heath  
Mr Taylor  
Mr Lines  
Mrs Mapes  
Mr West  
Mr Bell

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

Objectors:  
Mr Fry  
Mr and Mrs Simmons  
Milford-on-Sea Parish Council

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

Edward Williams – 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.

The licensed area of the premises is shown edged in red on the attached plan.

### **Licensable activities and times permitted:**

E: Live Music

Monday 11.00 to 22.30  
Tuesday 11.00 to 22.30  
Wednesday 11.00 to 22.30  
Thursday 11.00 to 22.30  
Friday 11.00 to 22.30  
Saturday 11.00 to 22.30  
Sunday 11.00 to 22.30

F: Recorded Music:

Monday 11.00 to 22.30  
Tuesday 11.00 to 22.30  
Wednesday 11.00 to 22.30  
Thursday 11.00 to 22.30  
Friday 11.00 to 22.30  
Saturday 11.00 to 22.30  
Sunday 11.00 to 22.30

H: Anything of a similar description to that falling within (E) to (G)

Monday 11.00 to 22.30  
Tuesday 11.00 to 22.30  
Wednesday 11.00 to 22.30  
Thursday 11.00 to 22.30  
Friday 11.00 to 22.30  
Saturday 11.00 to 22.30  
Sunday 11.00 to 22.30

I: Provision of facilities for making music:

Monday 11.00 to 22.30  
Tuesday 11.00 to 22.30  
Wednesday 11.00 to 22.30  
Thursday 11.00 to 22.30  
Friday 11.00 to 22.30  
Saturday 11.00 to 22.30  
Sunday 11.00 to 22.30

J: Provision of facilities for dancing:

Monday 11.00 to 22.30  
Tuesday 11.00 to 22.30  
Wednesday 11.00 to 22.30  
Thursday 11.00 to 22.30  
Friday 11.00 to 22.30  
Saturday 11.00 to 22.30

Sunday 11.00 to 22.30

M: Supply of Alcohol (on and off the premises)

Monday 11.00 to 22.30

Tuesday 11.00 to 22.30

Wednesday 11.00 to 22.30

Thursday 11.00 to 22.30

Friday 11.00 to 22.30

Saturday 11.00 to 22.30

Sunday 11.00 to 22.30

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

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 23.00

Saturday 11.00 to 23.00

Sunday 11.00 to 23.00

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions:**

1. All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.
2. Any CCTV should be installed and maintained at the premises to the satisfaction of the 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 after the recording and shall be surrendered to Hampshire Constabulary immediately on request.
3. The premises will not hold any irresponsible drinks promotions.
4. A 'zero' tolerance to drugs will be taken; any person(s) found using or in possession of suspected illegal drugs or substances must be reported to the police. Any drugs found on the premises will be confiscated and kept in a safe until such time that it can be taken to the police station, or collected by an officer. An effective system must be in place to record and document any seizures. Appropriate measures should be implemented to prevent drug use within the premises.
5. Adequate risk assessments will be conducted and documented.
6. The maximum number of persons permitted the on premises will not exceed the capacity (including staff) based on the provisions of the Regulatory Reform (Fire Safety) Order 2005 or less if dictated by the Fire Authority.

7. The terrace and smoking area will be adequately illuminated for patrons using these facilities during the hours of darkness.
8. All fire safety, lighting and other health and safety equipment will be properly maintained.
9. Adequate staff training records will be kept.
10. Deliveries and provision of services will be at such an hour so as not to cause nuisance to neighbours.
11. Prominent signs will be displayed at all exits asking persons to leave quietly.
12. After 22:00 hours, music and noise shall be inaudible at the boundary of all noise sensitive premises and prior to 22:00 hours, music and noise emanating from the premises whilst audible will be so low that distinct tunes, lyrics, musical instruments and any bass beat cannot be recognised at the boundary of all noise sensitive premises\*.
13. No licensable activities or consumption of alcohol will take place externally after 20.00 hours.
14. A written log shall be kept of all refusals including refusals to serve alcohol. The refusals log will be properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.
15. The Challenge 21 policy will be adopted, whereby anybody attempting to buy alcohol who looks under 21 will be asked to provide acceptable photo ID proving that they are 18. This will include passport, photo driving licences and PASS accredited photo ID only.
16. Regular training will take place for staff on the Challenge 21 policy (at least every six months) and a written record of training and any refresher training will be kept.
17. The Challenge 21 and other deterrent signage will be displayed in store.
18. Smoking is to take place only in the external area to the west of the licensed premises (shown edged blue on the attached plan).
19. Refuse (including bottles) is to be placed into receptacles outside the premises before 19.00 hours.
20. Noxious smells from the premises are not permitted so as to cause a nuisance to nearby properties and the premises are to be properly vented.

\* For the purposes of condition 12 above, noise sensitive premises includes premises used for residential purposes, hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purpose likely to be affected by the music noise.

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

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the Applicant, his representatives and the Objectors.

The Sub-Committee recognised the concerns of the Objectors, in particular the concerns relating to potential noise nuisance given the close proximity of the premises to some residential properties (albeit the premises are situated in an essentially commercial location). However, the Sub-Committee considered that, on balance, the objections could be adequately dealt with by attaching conditions to the licence, such that the licensing objectives would not be prejudiced.

The Sub-Committee was mindful that, apart from the Council's Environmental Health Department and Milford on Sea Parish Council (which had withdrawn its objection less than 24 hours before the hearing), none of the Authorised Persons or Responsible Authorities had objected to the license application (the Police and Trading Standards having agreed not to object following the Applicant's acceptance of a number of conditions).

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

The application sought a licence for the whole of the premises, despite the fact that the front area of the premises is to be used as a shop separate from the bar and bistro operation. The Objectors raised concerns regarding the prospect that, at some later stage (and subject to planning considerations) the shop could be incorporated into the bar and bistro operation. The Sub-Committee recognised that, in that event, the size of the area being used for licensable activities would significantly increase and would encroach closer towards a number of residential properties, thereby increasing the potential for public nuisance. The Sub-Committee therefore decided to restrict the licensed area as stipulated above.

The Sub-Committee reminded all objectors that interested parties (along with Authorised Persons and Responsible Authorities) are entitled to seek a Review of the licence in the event that the licensing objectives become prejudiced at some future point.

**Date: 28.01.09**

**Licensing Sub-Committee Chairman: Cllr J A G Hutchins**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 29 January 2009**

SMOKING SHELTER

CYCLING

FIRE EQPT.

- CO<sub>2</sub>
- FIRE BLANKET
- FOAM EXT.

TERRACE

FIRE EXIT

KITCHEN

FIRE EXIT

CAFE BISTRO

BAR

STORAGE

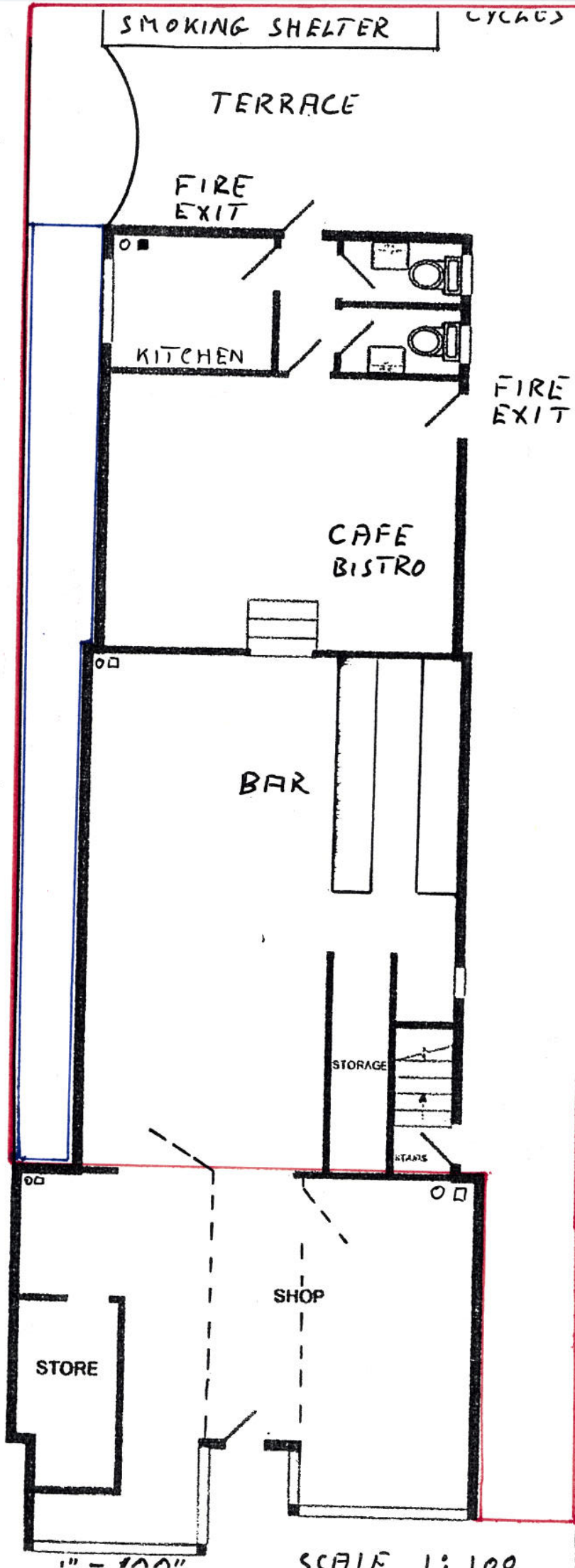
STAIRS

SHOP

STORE

1" = 100"

SCALE 1:100



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