

Name(s) and address(es) of applicants(s)

**Mr Paul Bayntun
Eastwood
Ridgeway Lane
Lymington
Hampshire
SO41 8AA**

Name and address of premises to be licensed

**Fine Food 4 Sail
Unit 3/4
Anchor House
Bath Road
Lymington
Hampshire
SO41 3YJ**

End of Statutory Objection Period: 08 January 2010

Objections received: Yes

Date of Hearing (if applicable) 05 February 2010

Resume of application	Location on file
<p>Variation of the existing Premises Licence as follows:</p> <p>To amend the hours for the sale and supply of alcohol (on and off):</p> <p>Monday to Sunday 09:00hrs to 23:00hrs</p> <p>To amend the hours of opening:</p> <p>Monday to Sunday 09:00hrs to 23:30hrs (to allow half and hour drinking up time).</p> <p>To increase the floor area as shown on plan lodged with the application for variation dates 11/12/2009.</p> <p>Recorded music at the premises will be for background purposes only and is therefore exempt under the Licensing Act 2003 and has not been requested in this application.</p> <p>To amend condition 8 on the existing premises licence to read, 'No tables and chairs in the external area outside the shop facing Bath Road to be available for use after 20:30hrs (presently 17:00hrs), 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'.</p>	<p>A</p>

Responsible Authority	Brief Details of Responsible Authority Representations	Location on file
Police	No representations	B
Fire Service	No representations	
Trading Standards	No representations	
Social Services	No representations	
Pollution	<p>The following amendments are to be added to the application which have been agreed between the applicant, Mr Bayntum and Environmental Health Pollution. These are as follows:</p> <ul style="list-style-type: none"> • The licensee or nominated representative will receive and respond to complaints. • The disposal of empty bottles and refuse into outdoor storage receptacles will not take place between the hours of 19:00hrs and 07:00hrs. • Deliveries of consumables will not take place between the hours of 19:00hrs and 07:00hrs. • Waste collection contractors will not collect between the hours of 19:00hrs and 07:00hrs. • No tables or chairs in the external area outside the shop facing Bath Road to be available for use after 20:30hrs, 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. • Staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises. At each exit point a prominent and clear notice will be displayed to this effect. • External doors will be kept closed between the hours of 20:30hrs and 23:30hrs, except where necessary for access and egress, i.e., the doors will not be secured open and will be fitted with self closers if necessary. • Speakers will not be positioned outside at any time. 	
Health and Safety	No representations	
Planning	No representations	

as possible to finish their drinks.

- The windows if left open will allow noise from the music to escape.
- The objector has concerns regarding the increase in noise pollution which will be generated from the premises and the outside area.
- Since the premises has been open there has been an increase in noise levels from car doors being slammed, horns being blown, squealing tyres and shouting and swearing in the street.
- The area in the front of the premises is only situated 6 metres from the objectors front window where people can sit and look straight into the objectors home. Frequently the objector has had to go and pick rubbish up from the premises, cigarette ends and serviettes.
- The front door of the premises has been wedged open in the past, increasing noise from people talking loudly in the bar which can be heard in the residents home.
- Since the premises opened, residents within the area have found the noise levels generated from the premises intrusive, particularly in the evening when customers have left by the front entrance. It is felt that any extension to these hours will only magnify problems still further.
- It is further suggested that the door on the opposite side of the building which opens into the Marina should become the entrance after 18:00hrs. This would significantly reduce the noise nuisance caused by the business for local residents.
- It is felt that this area is not suitable for a late licence as the residential properties are in such close proximity. There is a lack of parking facilities for the premises which is situated on a busy narrow road.
- Bath Road is one way and a narrow paved area, individuals or groups leaving the premises at night under the influence of alcohol is at high risk of injury from vehicles.
- Unlike the busy High Street, where most late night activity in Lymington takes place, here there is little street lighting, a dark expanse of boatyard into which anyone can walk and there is a low police presence.

Public Safety

**Protection Of
Children**

The original letters with copies of the acknowledgment letters attached are located in Section C

Observations of Licensing Services to include any conditions for consideration	Location of any relevant papers on file
<p>A letter covering summarised details of the objections has been sent to the applicant, Mr Bayntum and it has been requesting if any further adjustment could be made to the application in light of the objections received during the consultation process.</p> <p>However, the applicant during this process has made an effort to alleviate some of the objections by agreeing to subsequent amendments to the application suggested to him by Environmental Health Pollution (as shown above - Section B).</p> <p>A letter detailing the above agreement made between the applicant and Environmental Health Pollution has been sent to all interested parties inviting them to reconsider their objection due to said amendments.</p> <p>To date, no objections have yet been withdrawn.</p>	<p>D</p>

Date report completed: 14 January 2010

Date forwarded to Democratic Services: 14 January 2010

Paul on

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

PAUL BAYNTON

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

1294

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

FINE FOOD 4 SAIL
UNIT 3/4 ANCHOR HOUSE
BATH ROAD

Post town

LYMINGTON

Post code

SO41 3YL

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 100 BAND A

Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

EASTWOOD
RIDGEWAY LANE
LYMINGTON

Post Town

LYMINGTON

Postcode

SO41 8AA

LICENSING
SERVICES

11 DEC 2009

RECEIVED

7

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To apply to alter the hours for the sale of alcohol, opening & closing hours & amend conditions from current premises licence.

Sale of alcohol Mon - Sund 09.00hrs - 23.00hrs

Opening hours Mon - Sund 09.00hrs - 23.30hrs.

Recorded music to be background music only & therefore exempt under the L.A 03.

Increase to floor area as shown on enclosed plan of premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>	
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>	
Wed				
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>	
Fri				
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>	
Sun				

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed				
Thur				
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0900	2330	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	0900	2330	
Wed	0900	2330	
Thur	0900	2330	
Fri	0900	2330	
Sat	0900	2330	
Sun	0900	2330	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To amend condition 8 on the current premises licence stating 'No tables & chairs, in the external area outside the shop facing Bath Road to be available for use after 20.30hrs, 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

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Continue to maintain a safe environment for patients, staff and local residents. Making sure that all four of the licensing objectives are upheld and that the success of our existing steps are maintained and updated to coincide with the proposed variations.

b) The prevention of crime and disorder

Crime and disorder will be prevented by implementing extra staff training in areas such as sales of alcohol, areas of the premises and operating schedules. This will add to an already successful prevention scheme.

c) Public safety

The area to the front of the premises in which we are working to extend the licensing hours will be blocked off from motor vehicles and extra signs will be put in place to make sure both the public and staff are fully aware of how to maintain an already safe area.

d) The prevention of public nuisance

Public nuisance has been one of main areas of focus. We have managed to maintain a great prevention of public nuisance due to the staff's consistent awareness of noise levels and patients behaviour. We will keep our communications with local residents

e) The protection of children from harm

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	10 th Dec 04
Capacity	MD

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

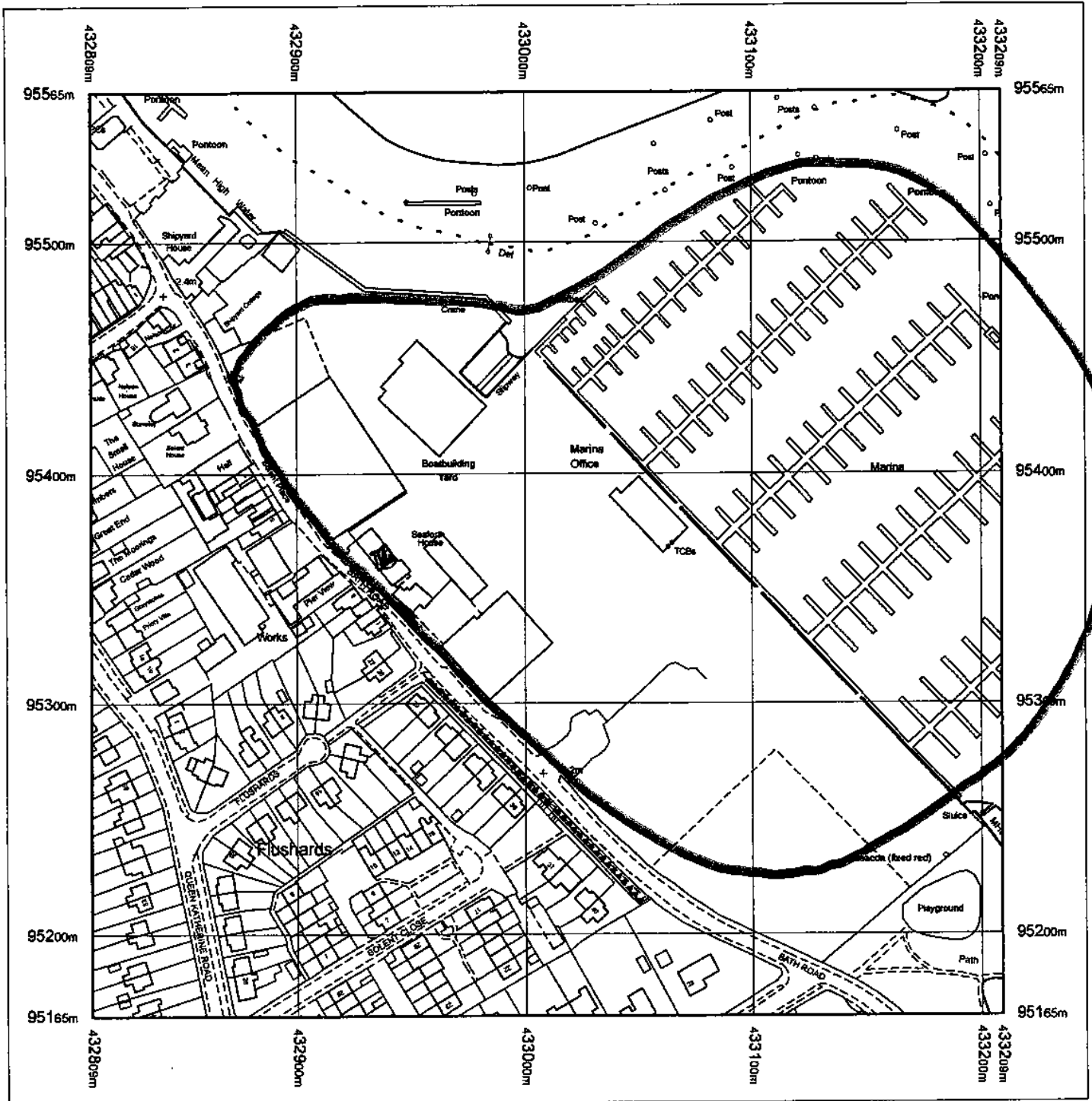
Data Protection Act 1998

The information you provide will be held in accordance with the Data Protection Act 1998, and statutory requirements including the Licensing Act 2003 and the Gambling Act 2005. It will not be used for any purpose that is not compatible with the purpose for which it was collected.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



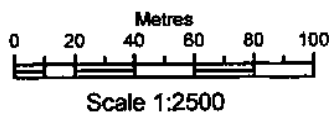
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The representation of features as lines is no evidence of a property boundary.



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Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk



units 2/3
 Anchor House

FINE FOOD

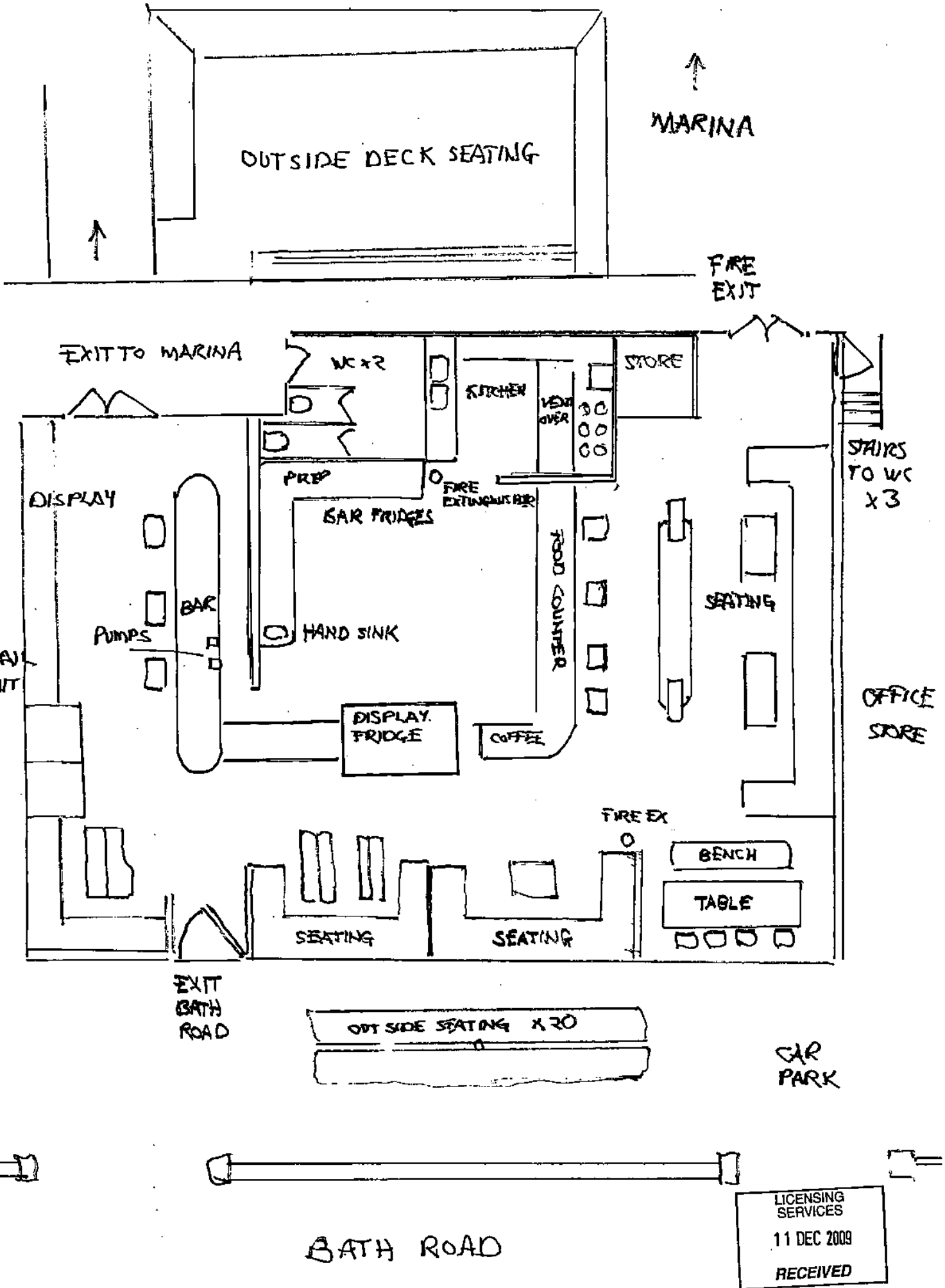
4

SAIL

BATH ROAD LYMINGTON

This is to confirm that we have increased
the size of the licenced premises with more
tables of an area of 500 sq ft

BAYNTON



Agreed Conditions - Environmental Pollution

Memorandum

FROM: Arran Harmer
EHT
Environmental Protection
New Forest District Council

TO: Paul Weston
Licensing Officer
Licensing Services

Ext: 023 8028 5165
My Ref: EPCST/09/07738
Your Ref: Fine Food 4 Sail
Date: 29 December 2009

Fine Food 4 Sail, Unit 3 Anchor House, Bath Road, Lymington, SO41 3YJ

I can confirm that I have no objections to the application on the grounds of prevention of public nuisance, provided the following conditions are added to the operating schedule of the licence, should one be granted. The following conditions were discussed and agreed with the applicant, confirmation of such an agreement was received by email on the 29 December 2009 (see following email).

Extended Licence Conditions:

- The licensee or nominated representative will receive and respond to complaints.
- The disposal of empty bottles and refuse into out door storage receptacles will not take place between the hours of 19:00 and 07:00hrs.
- Deliveries of consumables will not take place between the hours of 19:00 and 07:00hrs.
- Waste collection contractors will not collect between the hours of 19:00 and 07:00hrs. No tables or chairs in the external area outside the shop facing Bath Road to be available for use after 20:30hrs, nor shall there be any use whatsoever of this external area (after this time), apart from customers accessing and egressing to from the premises. Notices to this effect shall be placed within the premises.
- Staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises. At each exit point a prominent and clear notice will be displayed to this effect.
- External doors will be kept closed between the hours of 20:30 and 23:30hrs, except where necessary for access and egress, i.e. the doors will not be secured open and will be fitted with self- closers if necessary.
- Speakers will not be positioned outside at any time.

Arran Harmer

From: Paul Bayntun
Sent: 29 December 2009 11:33
To: Arran Harmer
Subject: Re: Variation to Licence- Fine Food 4 Sail, Bath Road, Lymington

Arran

I agree to all of this thank you, the doors will be kept closed after 20.30

I a further way to help our locals we will encourage all motorists to use the rear entrance and car park when arriving by car

Paul

On Tue, Dec 29, 2009 at 10:19 AM, Arran Harmer <Arran.Harmer@nfdc.gov.uk> wrote:

Dear Mr Bayntun,

Thank you for your prompt response.

I would like the conditions relating to deliveries and disposal of bottles to remain, I have no concerns as to how you are carrying out these activities at present time; however, there is a possibility that these arrangements could alter in the future.

I have taken onboard your comments regarding the external doors and have amended this condition accordingly (see below in bold red):

Extended Licence Conditions:

- The licensee or nominated representative will receive and respond to complaints.
- The disposal of empty bottles and refuse into out door storage receptacles will not take

place between the hours of 19:00 and 07:00hrs.

- Deliveries of consumables will not take place between the hours of 19:00 and 07:00hrs.
- Waste collection contractors will not collect between the hours of 19:00 and 07:00hrs.
- No tables or chairs in the external area outside the shop facing Bath Road to be

available for use after 20:30hrs, nor shall there be any use whatsoever of this external

area (after this time), apart from customers accessing and egressing to from the

premises. Notices to this effect shall be placed within the premises.

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- Staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises. At each exit point a prominent and clear notice will be displayed to this effect.
- **External doors will be kept closed between the hours of 20:30 and 23:30hrs, except where necessary for access and egress, i.e.**
the doors will not be secured open and will be fitted with self- closers if necessary.
- Speakers will not be positioned outside at any time.

If you are happy for these conditions to be added to the operating schedule of your licence, then please could you confirm this in via email.

Kind regards

Arran Harmer

Environmental Health Technician

Public Health and Community Safety

Tel: 023 8028 5165 | HSPN 8 777 5165

arran.harmer@nfdc.gov.uk | www.newforest.gov.uk

From: Paul Bayntun

Sent: 23 December 2009 14:45

To: Arran Harmer

Subject: Re: Variation to Licence- Fine Food 4 Sail, Bath Road, Lymington

Dear Arran

Thank you for your written version of your discussions with Mr Thompson

I agree with them all but make the following comments

Disposal of bottles happens once a week we take our yard trolley to the bottle bank that is some 100 yards away in the marina and could never be heard from Bath Rd

No deliveries ever come to the front they all arrive via the Berthon main gate at the rear.

I accept the hours of usage for the front tables and mention that the early evening use will only be

33

in June July when the sun is on them most people use the back deck facing the boats.

The front door is a problem could we not agree to have it shut in the evenings but there is no noise from the place at any time in the day and the ventilation in the summer only needs it to be open

If you were to stand in front of the 3 houses opposite you could not here anything the road makes more noise.

Please comment

Regards

Paul

On Wed, Dec 23, 2009 at 11:14 AM, Arran Harmer <Arran.Harmer@nfdc.gov.uk> wrote:

Dear Mr Bayntun,

Please find attached a copy of a letter I have sent to your premises at Bath Road in Lymington regarding your recent application to vary your license conditions.

I would be grateful if you would respond to me as soon as possible.

Kind regards

Arran Harmer

Environmental Health Technician

Public Health and Community Safety

Tel: 023 8028 5165 | HSPN 8 777 5165

arran.harmer@nfdc.gov.uk | www.newforest.gov.uk

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Please examine the full terms of this disclaimer by clicking on the following hyper link:

34

~~*~~ Support

Fil Weston

From: Joe McCarthy
Sent: 07 January 2010 00:34
To: Licensing e-mail address
Subject: Fine Food & Wine 4 Sail, Bath Rd. Lymington

Ref: Fine Food & Wine 4 Sail Bath Rd. Lymington

I would like to say I have no objection to the application and would think the hours are now fine and in keeping with other food & drinking premises.

Kind Regards A.J.McCarthy
Maple House Queen Katherine Road Lymington

Hotmail: Free, trusted and rich email service. [Get it now.](#)



35



SUPPORT BERTHON

Berthon Boat Company Limited, The Shipyard, Lymington, Hampshire SO41 3YL England

BOJM/js

Paul Weston
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

15 December 2009

Your Reference PW/LICPR/08/00010/SW

Dear Mr Weston

Fine Food 4 Sail, Anchor House, Bath Road, Lymington

I write further to your letter dated 11 December 2009, reference as above.

I understand that 'Fine Food 4 Sail' have applied to extend their licensed opening hours and that their application is due to go to hearing in January 2010.

I am writing not only to reinforce our support for their application but also to ask that you consider special dispensation to extend their licensing hours for any specific private functions over the Christmas and New Year especially given the current economic climate. They have recently expanded their operation and it would be a disaster if the business forewent valuable revenue over the festive period, especially when there is demand from their regular (and well-behaved to date) clientele.

Fine Food 4 Sail provides a much needed and welcome service for our many permanent and visiting boat owners as well as a good deal of local like-minded people, and naturally we support any moves to enhance the service they provide.

Yours sincerely

Brian O J May
Managing Director



* Objection

MRS. J. A. DAWSON
NEWGATE & KEYSTONE COTTAGE
THE QUAY
LYMINGTON
HAMPSHIRE SO41 3AW

LICENSING SERVICES
17 DEC 2009
RECEIVED

Licensing Officer
M. F. D. C.

Jean Shi
Ref. PW/KICPR/08/00010/SW
Re. Fine Food & Sals. 504 34J

Regarding the revised application for extended trading hours - I must object as before as this is a totally unsuitable area for a later licence. Due to close residential buildings, lack of parking spaces and situated on a busy narrow road.

No mention of music this time so I assume this is not an issue, but would be objected to as before.

Yours faithfully,
/

* Objection

Fisher's

11 Nelson Place, Lyminster, Hampshire SO41 3RT

14/12/09

The Licensing Officer,
NFDC. Appellate Court
Lyndhurst
SO43 7PA.

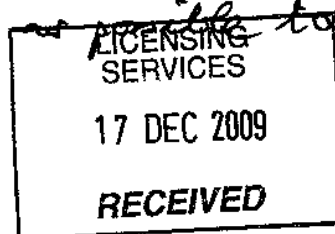
Min ref.
PW/LICPR/
08/0000/SW

Sir.

Fruit Food & Bar
Balt Road, Lyminster

Thank you for your notification of 11 Dec. regarding the renewed application in this case. In my opinion (we live nearby) the revised proposal is still most objectionable.

1) It is proposed that at 2030 hrs the forecourt area will be cleared of customers, but it is naive to suppose that in practice this will actually happen; the interior of the premises will not have room for the people who have been sitting outside and they will inevitably take as long as possible to finish their drinks.



- 2) If windows are left open after 2330 the noise of the "music" will get out.
- 3) We know that people are at their noisiest after an evening's drinking and customers leaving up to 2330 will inevitably cause a lot of aggravation for nearby residents, who will be trying to get to sleep.

I recall very clearly how much disturbance we used to have some years ago from the pub at the top of Nelson Place at turn-out time. Apart from noise, we suffered a broken window, rubbish through our letter-box and people urinating against our wall. We were very relieved when the pub closed.

This is a residential area and the change sought in this application is quite unsuitable.

Yours faithfully,

R. O. RICHARDS

* Objection

The Cabin
8 Bath Road
Lymington
SO41 3RU

15th December 2009

Your Ref. PW/LICPR/08/00010/SW

The Licensing Officer
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst SO43 7PA



Dear Sir

Ref Fine Food 4 Sail
3-4 Anchor House, Bath Road Lymington SO41 3RU

With reference to the new application for amendments to the above premises. Please find attached a copy of my letter written on the 28th November and would affirm that nothing has changed.

I'm absolutely horrified at the thought of having these premises open for these hours just yards from my windows. As I wrote in my protest eighteen months ago there is only a matter of a dangerous single track road, no pavement, between my property and their forecourt.

Since writing my last letter I have seen their Web~~S~~ Site, Mr Bayntun certainly has no thoughts for the local residents.

Please, please do not allow these amendments

Yours sincerely

Mary Sanders (Mrs)

The Cabin
8 Bath Road
Lymington
SO41 3RU

28th November

The Licensing Manager
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst SO43 7PA

Dear Sir

Ref. Fine Food & Wine 4 Sail
Unit 3 Anchor House Lymington

I wish to protest in the strongest possible terms to the application of "Fine Food & Wine 4 Sail" to extend the licensing hours of their business.

Eighteen months ago I, and several others, objected to Mr Bayntun's original application for a license to serve alcohol on his premises opposite my house in Bath Road. As a result of our objections, a Hearing was held at Lyndhurst in June 2008 where the Licensing sub-committee listened to both the applicant and the objectors before agreeing to allow Mr Bayntun a license that was limited to the hours of 0900 – 2100 and which did not allow use of the front of the building in the evenings. I was obviously disappointed that a license had been granted at all but I did feel that the committee had made a very fair judgement in the circumstances.

Last week, whilst reading the Lymington Times, I noticed that Mr Bayntun had made a new application. We therefore looked for the notice that was supposed to be displayed on his premises and discovered it "Hidden from View" by their awning in a position so high that it couldn't be read! (It has now been moved down and can be seen). This new application is applying for everything we originally protested about i.e late night drinking, music and sitting on the forecourt outside my front windows.

The only thing that has changed since his last application is the size of his premises! Mr Bayntun has recently rented the property next door to the original bar which he has called "The Mess". This increase in capacity will obviously mean more customers, more cars, more noise and more nuisances.

During the last eighteen months there have been times when the existing Bar has been open far later than it should have been which has resulted in complaints to the appropriate authorities from another protestor. It seems to me that the applicant has a very cavalier attitude towards the alcohol license and only agreed to the original conditions believing that he could either ignore them or have them surreptitiously modified. Please do not allow him to get away with it.

Yours sincerely

Mary Sanders (Mrs)

* Objection

The Endshed
6 Solent Avenue
Lymington
Hampshire
SO41 3SN

LICENSING
SERVICES
18 DEC 2009
RECEIVED PR/08/000/10/SW

December 16th

Dear Mr Weston.

Five Foot o 4 Sail
Unit 3-4 Anchor House Park Rd.

Although this application is better than the last, I still reaffirm the view that it will be noisy and make too much traffic late in the evenings, & that Parking will be a problem. Its bad enough here in Avenue Road in the summer already.

Yours sincerely

(Mrs)

* Objection



Nelson House,
Nelson Place,
Lymington,
Hampshire SO41 3RT
Tel:

17th December 2009

Paul Weston Esq.,
Licensing Officer, Licensing Services,
New Forest District Council,
Appletree Court,
Lyndhurst,
Hampshire, SO437PA

Your ref: PW/LICPR/08/00010/SW

Dear Sir,

Premises: Fine Food 4 Sail
Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ

I refer to the above revised application, details of which I do not at this time actually hold, but I wish to put it on record that I would strongly object to

- any increase in Opening Hours of the premises;
- any increase in the Sale of Alcohol hours;
- any increase in the floor area within the premises

- On the grounds that this is a residential area which would be adversely affected by

- anti-social behaviour which would result from the sale of alcohol in such a restricted space for many hours daily
- noise pollution both from customers and from music (recorded or live)
- disturbance of the peace until late at night seven days a week
- increased traffic and parking difficulties

I would be grateful if you could send me full details of the Application and a copy of the Plan of the proposed extended floor area.

Yours faithfully,

43

1
* Objection

David Ling
8 Bath Road
Lymington
Hants
SO41 3RU

CCTV & Licensing
Licensing Services
Appletree Court
Lyndhurst
SO43 7PA

29/11/09



Dear Sir/Madam

Ref: Unit 3 Anchor House Bath Road
Lymington SO41 3YL

I am writing to express my deep concern with regards the extended opening hours of the bar "Fine foods 4 sail".

I unfortunately suffer from ill health and need a peaceful area to live in; I have to go to bed early as I need plenty of rest. The extra noise created by the extended hours would be very detrimental to my state of health both physically and psychologically.

My partner also retires early as she starts work at 06.30 six days a week. Living here is ideal as she works next door and is close if I should need her in a hurry as I did when I had my second heart attack. Besides which we can not afford to move any where else.

We already have a great loss of privacy from the bar as we live opposite and since it extended into the adjacent unit they are now directly opposite our front window and next summer we fully expect them to extend there tables across in front of there extended frontage. I never saw any notice applying for the extension or change of usage to this unit which was an office.

Our house is only very small so we can not sit in a different area to avoid being observed from the seating area outside the bar. The noise of people outside echoes around the narrow street and even more so at night which would be unbearable in the summer when we like to have our windows open. The noise going on till 21.00 is bad enough but for it to go on until 23.30 would be too much to bear.

With the extension of there premises and the extension of opening hours the noise levels would increase dramatically. Not just peoples voices, shouting and laughter but their cars, motor bikes etc.

Yours sincerely,

David Ling

Still objecting strongly ⁴⁴ - nothing has changed

* Objection

MRS. C. F. RICHARDS
Fisher's

11 Nelson Place, Lymington, Hampshire SO41 3RT

Licensing Officer,
Licensing Services,
Appletree Court,
Lyndhurst SO43 7PA.

Your Ref: PW/LICPR/08/
00010/SW

16.12.2009

Dear Mr. Weston.
Re. Premises Fine Food & Sail
Unit 3-4, Anchor House,
Balk Road, Lymington. SO41 3YJ



Thank you for your letter dated December 11th 2009, advising me of the new variation of the licensing application at the above premises.

I am surprised that the applicants consider that one hour earlier than the 12 midnight originally applied for would lessen objections. 23.00 hrs. is still late, and further more, the new application now includes Sundays, and up to 23.30. Allowing for 'drinking up time', which would prolong noise, the time when the premises would actually conclude activities will continue to be very late indeed.

Your department has responsibility

for Public Health and Community Safety; the current nationwide anxiety about levels of alcohol consumption and the dangers they promote seems to me to come within your remit. Every day the press has accounts of violence and criminal behaviour, including vandalism, caused by excessive drinking, both locally and nationally. Lymington itself is not exempt.

I feel it is quite unrealistic to expect the licensee to be able to clear the external area of chairs and tables at 20.30. If the interior is busy, where will customers go? This suggested amendment would in itself promote argument and aggression. Are our local police aware of these applications, and their implications?

There is no further mention of recorded music, which can of course be just as intrusive as 'live' music when the volume is turned up. The beat of rock and heavy-metal late at night, or at any time when the volume is not under strict control, would badly affect the quality of life of many residents, largely retired, who live in this hitherto quiet corner of Lymington. There

(Premises Fine Food & Sails, Unit 3-4, Anchor
House Balth Road, SO41 3YJ) (continued)

is no mention of restricting the use of 'recorded music' to the interior of the premises, nor of having doors and windows shut, nor of restricting the volume of such music. Since the original application has been rejected, may I take it that no music at all is applied for in the new variation? Permission to play music should not be assumed by the applicant.

The timing of the new application causes concern. Your letter, dated December 11th did not arrive here until December 16th, with the dead line for comments set at January 8th, 2010. Within this period comes the delay of Christmas post, 2 public holidays and 3 weekends. Many residents are away and will not return until after New Year. As far as accumulating objections goes this is highly convenient for the applicants, but puts residents at a great disadvantage. We shall not be able to get to Lyndhurst to see the plans for the enlargement of the interior which your department says are not available at Lyminster. The timing of the application, as with that of many planning appeals and

applications, is biased in favour of the
Suplicants.

My final objection is based on the lack
of car-parking any where near Five Food
& Sail, unless this application is sponsored by
the Barton Boat Co. who are offering space. It
does not say so. Balk road has only very
restricted parking, the Quay is always busy
& is used by customers of The Ship Inn.

Queen Katherine Road & Flushards are usually
used by residents, Nelson Place is already
made noisy by passing traffic roaring up &
down the hill, and has a single yellow line
prohibiting parking during the day. There used
to be a public house on the corner of Grove Road
and Nelson Place, and we remember only too
well the noise of inebriated patrons down our
road at closing time, and their anti-social habit
of vomiting and urinating where they chose.
We were naturally delighted when it closed.
From the increase in floor area applied for,
F. F. & Sail seems to expect a steep rise in the
number of patrons.

All the foregoing disadvantages and
impracticalities of this application are such
that I would urge your department to reject
prolonged hours of alcohol sale, limit the use of recorded
music and bear in mind the deleterious effect they
would have on our neighbourhood.

Yours Sincerely (Mrs)

* Objection

01.12.09

CCTV & Licensing Manager
Licensing Services
Appletree Court
Lyndhurst
SO43 7PA



Dear Sir/Madam

Having finished my letter (enclosed with this one) on Sunday I have found out some more details.

I went on to Mr Baynton's website to find that he was advertising that he could cater for 60 people inside and a further 60 outside, this seems to be totally in breach of the original description given by him. It has made me have sleepless nights worrying about what he will do next. I have enclosed a page from the website. I feel that the original license was issued on the basis that it would mainly be a shop and off license where people could have a glass of wine when they come off their yachts, he is now trying to make it into a large restaurant and bar.

I was also reminded that we had a second episode of vandalism in front of his bar and the café (now shut down) again this was never heard of before they existed and was only possible due to all the signs, tables chairs and pots left out at night.

I also re-read the original licensing agreement which claims that he would be shut on Mondays. He has in fact been open on the bank holidays.

Please read this with my other letter.

Thank you

Kenna Sanders

All my original objections still hold true
I have had sleepless nights over my
concerns 49

Miss K Sanders
8 Bath Road
Lymington
Hants
SO41 3RU

27.11.09

CCTV & Licensing Manager
Licensing Services
Appletree Court
Lyndhurst
SO43 7PA



Dear Sir/Madam

Please accept this as my official objection to the extension of licensed hours for the premises known as "Fine Foods for Sail". When the application was put in for eighteen months ago I opposed it then and wrote to you (copy of which is enclosed) and attended the meeting held at Appletree Court. When I attended the meeting I was very impressed by the way we were listened to and that one of the council members had even taken the trouble to come to our road and see what we were objecting to. He agreed then that it would not be good for us to have the bar (and that is what it is) open after 21.00.

At the original meeting the people from 'Fine foods for Sail' claimed it was going to be mainly for quality food's and claimed it was to be a shop, "Fine food 4 sail is a delicatessen, it will sell food, coffee and wine as an off licence" this was in a letter from Kenna Dacre just before the last hearing. I can honestly say that in the last year I have never seen anyone walking out with food to take away. They provided photographs of shelves full of food stuffs which are now full of alcohol. They are in fact listed in Yellow pages under 'bars', not under delicatessens as they implied the premises main purpose would be.

Since the bar has opened there has been several times that the terms of his license have been ignored, with hindsight I realise I should have complained at these times to keep you in the picture. For example people outside the front drinking after 17.00, (notices to advise customers this is not allowed are often covered by chairs, bikes etc), people drinking in the bar after 21.00, people being served after 20.30, the front door propped open, I do not think he has installed the CCTV that was on the original agreement either etc.

Traffic has increased in the evenings in our single track road, there is increased noise levels from car doors being slammed, horns being blown, squealing tyres and shouting and swearing in the street. This is a very narrow road where cars have to

50

give way to each other either side of our row of houses which often causes sharp braking etc.

The area in front of the bar is only about 6 metres from my front window and people sitting outside look straight in. The wind blows rubbish across the road and I have often had to pick up cigarette ends, serviettes and rubbish from outside the house.

Groups of people hanging around outside is very intimidating for the local population, many of whom are elderly and live alone. We have even had a window broken in a house in the road just after the bar opened this may be completely coincidental however until we had the bar this never happened. In the original application they mention one table with four chairs they now have several tables with approximately 20 chairs, and I am sure this number will increase this year due to there increased frontage.

I have never seen any form of planning application notice for the brassiere they have now opened in the next door building that used to be offices, or in deed for all the signs and logos. This building is even closer to our front windows. In fact is directly opposite. Now they have the extra area this will mean they are capable of serving more people and that only means increased noise levels, increased traffic levels, increased lack of privacy, increased fear levels for local residents, increased rubbish, increased alcohol consumption etc. This will mean it will be even noisier at 21.00 so please please do not let them stay open later.

When I heard about the application for extended hours I went to see if there was a notice up. It was not visible from the road and was only when I stood right outside the bar I saw the notice, I could still not read it clearly as it was in the top left hand corner partially obscured by the writing on the window.

The street is no longer peaceful in the evenings and extended hours would mean extended noise and greater drinking times would mean greater volume. Especially if people are allowed to sit outside the front.

Please do not allow this extension to the hours as it will ruin our lives having to cope with the disturbance later in the evening will disrupt our lives, the noise levels will go up the traffic will be greater so there will be more risk to pedestrians, and the nuisance to us will be considerable.

Yours hopefully

Kenna Sanders

* Objections *



4.12.2009

N.F.D.C.
Lyndhurst
SO 43. 7PA.

Your ref: PW/LICPR/108/00010/SW

Fine Food 4 Sale: Unit 3 Anchor House Both Road
Lymington.

Dear Sir,

I am concerned that the sale of alcohol and late opening hours in these premises is likely to cause problems of noise and disturbance in this area of Lymington. And what about parking?

I hope you will take these things into account when ruling on this application.

Yours faithfully,

* Objection

5 Kingsfield
Lymington
SO41 3QY
18th December 2009

Licensing Services
NFDC
Appletree Court
Lyndhurst
SO43 7PA

**Ref: License Variation Fine Food & Wine Unit 3 Anchor House, Bath Road, Lymington
SO41 3YJ**

Dear Mr Weston,

Thank you for your letter dated 11 December 2009 advising that a revised application has been received.

As before I wish to object to the variation of the existing license to the above premises for the following reason:

The building opens onto an area which until the arrival of this business was quiet from evening until morning as all adjacent businesses operate normal business hours.

The present licence, which was supported by the landowner, sought to limit the opening hours to maintain the peace and quiet in this residential area.

I can confirm that one of the residents opposite has regularly phoned me since the premises opened asking for support as she was finding the noise generated by the business to be intrusive particularly in the evenings and when customers have left by the front entrance outside licensed hours.

Any extension in time will only magnify the problems already being experienced and I ask you to reject the new application.

Further I would ask you if it is possible to amend the existing condition such that after 6.00pm the door opening onto Bath Road should be used only as a fire exit. It should not be allowed to be used as an outdoor smoking area nor as a routine exit from the business.

There is an alternative door on the opposite side of the building which opens into the Marina. This door should become the entrance after 6.00pm. This would significantly reduce the noise nuisance caused by this business to local residents.

Yours faithfully,



Rob Struzyna

* Objections by G. Foster



34 Shoards
Symington
Herts.

20-12-09

YOUR REF
PW/LICPR/08/00010/SW.

Dear Sir

In reply to the amended application for the new Bar in Rott Road. (TINE FOOD & WINE & SAIL).

The amended application is very similar to the original.

There is one item not mentioned. Where will the patrons of these premises stand to smoke? Outside of course as smoking is banned in public areas inside.

That will surely mean unwelcome noise until late at night for residents in which is now a quiet residential area.

Therefore all objections formerly
made still remain.

yours sincerely

* Objection

Licensing Services

New Forest District Council

Apple Tree Court

Lyndhurst

SO43 7PA

Mr P H Coster

The Anchorage

Bath Road

Lymington

Hants

SO41 3RU

22-12-2009

Dear Sir / Madam

This is my objection to the Latest Extended licence application to the:- 4 Sail Bar.

As of the latest review that has the end date of the 8th January 2010.

All the previous objections to the last application still stand that was submitted for end date of 12th Dec 2009.

Again my Objection for Not having it Open after 9pm Monday – Sunday Noise, Anti-social Behaviour, Public nuisance being caused by noise coming from the premises.

At this very moment in time, all the patrons to the 4 sail bar have to stand outside the Main Front Doors to **Smoke** whatever the weather whatever the time of day. So where are they all going to stand and smoke in the summer nights up to 11pm? Right outside somewhere, so really the very possibility of loud noise from laughter, drunken merriment, bad language etc will still be right outside all the windows of all the properties opposite and effect everybody right down the road, so things will not have altered one bit from the last Extended licence application, as the patrons will by law still have to come outside to smoke in large noisy groups. So I am objecting as will many others every time the Pub / bar puts in for any extended time past 9pm, Why IS there a need for this bar to be open till then? What need is there for it to be open till 11.30pm week days and on Sunday nights? When there's The Kings Head, The Ship, The Mayflower and Two yacht clubs, Proper places, well established places well situated in proper areas, with proper parking, access for patrons, away from homes and windows, All this in a narrow quiet road where there's never been a Pub / Bar there before.

Yours Sincerely

MR P H Coster



* Objection

rah Wilson

From: mary falk
Sent: 02 January 2010 15:04
To: Licensing e-mail address
Subject: Premises: Fine Food 4 Sail Premises: Unit 3-4 Anchor House, Bath Road, Lymington SO41 3YJ

8 Nelson Place
Lymington
SO41 3RT

Dear Mr. Weston,

Your ref: PW/LICPR/08/00010/SW

Thank you for your letter of 11 December informing me of the new variation application. I do reaffirm my views as set out in my original letter of objection.

I do not consider that the amendments, as set out in your letter to me of 11 December, make the application acceptable.

Sale of alcohol until 2300 and premises opening hours until 2330 are both still late and, in my view, out of place in this otherwise quiet residential area. Moreover the proposed extension for Sundays is even less acceptable than the original proposal.

Increasing the floor area increases the potential numbers at the premises, increasing in turn the probability of excessive noise.

I do not believe that the proposed restriction of the external area after 2030 hours is realistic. Will the staff of Fine Food really make customers who are in the middle of eating and drinking at 2030 move immediately away from that area? And, even if they did, is it realistic to suppose that all such customers, after having consumed a few drinks, will move quietly? Who will ensure compliance with this restriction? Our Police Force are already too stretched. Will Fine Food be employing staff after 2030 to ensure that the last customers really do use the external area solely for the purpose of egress (and quiet egress) from the premises?

Even if it were possible to keep the external area empty and quiet after 2030 which, as I have indicated, I do not think that it is, noise will spread through open doors and open windows, disturbing the neighbourhood 7 days a week until late.

I am concerned that comments need to be with the Council by 8 January. A large number of residents are away over the Christmas and New Year Holiday and will therefore lose the ability to make their objections known. Even extending the 8 January deadline would not deal with this problem unless you were to give notice to all concerned of the extension. If the deadline is not to be extended with appropriate notice given, I trust that you will take into account when considering this amended application that there would have been more numerous objections to it had those affected been received actual notice in time.

Yours faithfully,

Mary Falk

57

40 Flushards

3rd January 2010

Lymington

SO4135B

Dear Mr Weston,

I am writing in response to the letter ref PWL/LICPR/08/00010/SW Fine Food 4 Sail.

The amendments listed in the letter 11/12/09 are unacceptable. The area is a residential one, the boatyard work finishes at 1700 each day Monday to Friday and there is no disturbance outside those hours.

Whilst I can see that some form of cafe/bar is a benefit to the marina users, that trade will be limited to the sailing season, the real trade that the bar is looking for is the town trade, the sort that uses Longs, young, noisy and heavy drinkers.

Sale of alcohol on and off – is this really needed , there is Tesco open until 2200 selling alcohol, does Lymington really need another off sale point??

The extended opening hours – if you recall in the original application this was asked for then but changed to allow the licence to be granted, now the owner is trying to get this back having initially accepted the shorter hours.

No tables and chairs after 2030 – do you really believe that the staff will be asking people to vacate tables and enforce it? Or that customers will simply say ' Oh ok 'and move inside half way through a meal ?? Course they won't, that condition will be agreed and then ignored. The distance from the front of the bar to the houses across the road is very short 25'?? isn't there some legislation that prohibits the ingress and egress from a licensed establishment within a certain distance of residential property?. The noise from people leaving even if behaving reasonably will be unpleasant, just the normal goodbye chat etc., never mind if they are drunk. There is already a problem with groups of people who have been drinking walking down Bath Rd to the town late at night shouting and on occasions screaming. The Woodside Garden Park in the evenings is frequented by groups of young adults drinking alcohol – an early morning walk will show the empty cans and bottles of booze from the previous night.

Where will the cars be parked- there are no carparking spaces near the bar, has Berthons agreed that the bar customers can park in the marina?

Fine Food4 Sail are trying to get now what they weren't able to have granted initially, music, extended opening hours, outside tables. The reasons for these not being granted are still the same, it is a residential area , there are plenty of places in Lymington (in appropriate situations) where alcohol is sold until late. I feel that the NFDC has a responsibility to consider the type of place that Lymington is, the tourist trade (which is a high standard) and the problems that alcohol brings with it. The initial response from FF4S when the licence was granted of being considerate to the area and people living close by was just a smokescreen, they always had the intention of reapplying , they have no interest at all in the area and the discomfort that music, outside drinking, extended hours will cause to the local residents.

Yours Faithfully

Dr Sandy Fielding and Professor Martin Whittle.

* Objection

**Hamilton Cottage
4 Nelson Place
Lymington
Hampshire
SO41 3RT**

**Telephone No
MobileNo.**

E Mail:

28th December 2009

Licensing Officer
Licensing Services
New Forest District Council
Public Health & Community Safety
Appletree Court
Lyndhurst
Hampshire
SO43 7PA



Dear Sir,

Premises: Fine Food 4 Sail
Unit 3-4 Anchor House, Bath Road, Lymington

I acknowledge receipt of your letter dated the 11th instant (Your ref: PW/LICPR/08/00010/SW) and hereby confirm that I wish to reaffirm my objection to the grant of this licence. The small variation made to the times and the inclusion of Sundays most certainly does not cause me to change my view that such an application is totally out of keeping in this quiet residential area. Apart from the noise and drunkenness elements which the grant of such a late night licence would undoubtedly bring, there is of course absolutely no provision for the parking of vehicles, meaning that the nearby roads, busy as they are particularly in the summer months when the problems are at their greatest, would be clogged even more.

No, I certainly do wish to continue my objection to this application.

Yours sincerely,

R. Gouldie

* Objection

Sarah Wilson

From:

Sent: 05 January 2010 22:01

To: Licensing e-mail address

Cc:

Subject: Fine Food and Wine 4 sail - Bath Road Lymington SO41 3YJ

We wish to register our very strong objection to the proposed application to extend the hours of this establishment, both in terms of opening and the use of the outside area.

Bath Road is primarily a residential area with houses directly opposite the wine bar for quite some distance either way. To grant the extensions to the existing licence will **inevitably** generate an increase in noise and the generally antisocial behaviour associated with long drinking hours in the area. The High Street is able to provide plenty of places for late night drinking and the SHIP INN recently extended its licensing hours.

The wine bar appears to have no parking for its customers and so there will be increased pressure on the already limited parking available and an increase in people returning to parked cars in the Quay car park..

Please confirm that this objection has been received and that it will be taken into account when this unfortunate application is considered.

Yours faithfully,

Peter and Linda Stockwell,
2 Bath Road,
Lymington

61

06/01/2010

* Objection

19 Solent Avenue
Lymington
Hants
SO41 3SD

1 January 2010

Paul Weston
Licensing Officer
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA



Dear Mr Weston,

Fine Food 4 Sail
Unit 3-4, Anchor House, Bath Road, Lymington, SO41 3YG

Thank you for your letter of 11 December regarding the new variation application for the above premises.

We write to object to the application on the following grounds.

1. Inappropriate Location For A Late Night Bar Brasserie and Off Licence.

The premises are immediately opposite private houses and has residential areas close by which will be affected by increased late night nuisance, increased parking congestion and late night noise (see objections 2,3 and 4 below).

2. Late Night Nuisance in the Surrounding Area.

Members and Officers of the Council will be aware that late night drinkers , after leaving the Mayflower Pub congregate in the Recreation Ground opposite the river in South Bath Road and the noisily disperse along Solent Avenue and other local roads.

The proposed late night opening of the bar/brasserie ("Fine Food 4 Sail") will materially increase the problem of noisy dispersal of late night drinkers and will materially reduce the living standards of the residents in the area.

3. Lack of Appropriate Parking.

The premises lie towards the Northern End of Bath Road which has a section of narrowed roadway and is subject to a double yellow line parking restriction throughout.

The result of the application (if granted) will therefore increase the burden on parking spaces in local car parks and on streets with no parking restrictions such as Solent Avenue.

4 Noise

The application (if granted) will increase the noise levels in the surrounding area of the bar/brasserie after the hour of 10pm, the time after which many of the local residents retire to bed. The noise nuisance may be particularly significant in summer.

Yours sincerely,

Mrs J Bassett

Mrs N. Kimmins

~~*~~ Objection

Sai Vilson

From:
Sent: 06 January 2010 12:02
To: Licensing e-mail address
Subject: Re: Fine Food and Wine4Sail proposed extension of licence.

>To: <licensing@nfdc.gov.uk>

Subj: Fine Food and Wine4Sail proposed extension of licence.

Their Bath Road premises are away from the natural centers of eating and entertainment in the High St., Gosport St., The Cobbles and Town Quay. They are very close to, and back onto, quiet residential areas, with no customer parking if the forecourt is used for their proposed outside events. Lymington already is well supplied with a wide range of restaurants and licensed premises. Most of these run with few problems apart from the frequent late night disturbances in the cluster at the end of Queen St.

To date we have had no problems with the running under the existing licence. We do however, strongly object to extending the opening hours to midnight, the use of outside areas and playing of recorded music:

- there is already adequate late night provision in existing premises and clubs close to the site
- late night opening will probably attract potentially troublesome, 'second round', drinkers to a quiet non-entertainment area
- the combination of outdoor celebrations and recorded music will create a major disturbance to the residential properties in Bath Road, Flushards, Queen Katherine Road, Solent Close and Avenue. At night the area is very quiet so residents can have windows open and use their gardens without suffering unnecessary noise pollution from the current fashion of playing repetitive beat music at very high volumes.

The changes proposed in the amended application are only minor improvements and fall far short of overcoming our objection to granting the extended opening and drinking hours applied for..

Mr & Mrs W M Walbank.
11, Solent Avenue, Lymington SO41 3SD

2009: A year in review - <http://www.tiscali.co.uk/2009>

* Objection

To Licensing Services,

I/We strongly object to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

As residents living close to the premises we do not want late night drinking close to our homes.

Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Name(s)

MRS. B. B. MEREDITH

Address

TIMBERS, QUEEN KATHERINE RD.,
LYMINGTON, HANTS. SO41 3RY

Signed

Date

5th Jan. 2010.



To Licensing Services,

* Objection

I ~~we~~ **strongly object** to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sall, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

As residents living close to the premises we do not want late night drinking close to our homes.

Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Name(s) **SYLVIA LAWCASTER**

Address **38 FLUSHARDS
LYMINGTON HANTS.**

Signed

Date **5/1/10**



* Objection

Mr C Goddard
38, Bath Rd
Lymington
Hants
SO41 3SB

5th Jan 10

Your Ref: PW/LICPR/08/00010/SW

Dear Sir,

In reply to your letter of the 11 12 09. My objections remain the same in every way. As to the having tables out side until 8.30 pm and then bringing them in this is a totally unworkable idea. I would like to hear how the owners and staff are going to persuade the patrons at the stroke of 8.30 that they now have to get up with their plates drinks etc and move inside.

How can the staff assure patrons that there will be enough seating indeed enough room, for up to sixty people, who may have been drinking and are not going to take kindly to this regardless of what the rules are!

When these rules are broken (which they will be) then we the residents will have to complain to the council who will need proof which will mean someone having to keep a diary then the council will issue a warning, the owners will say it won't happen again sorry etc and they will carry on. In the meantime while this drags on we the residents will have to put up with this, not the owners not the staff or the council but the residents.

This is a residential area and although there are businesses along Bath Rd they all close at the end of normal working hours.

As far as I'm concerned this place should never have been allowed and there should be no change to its existing terms.

Yours Sincerely

Mr C Goddard



* Objection

Paul Weston

From: pete warne
Sent: 06 January 2010 23:33
To: Licensing e-mail address
Subject: Objection to application

6th January 2010

Please be advised that we strongly object to the application for extended licence to service late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

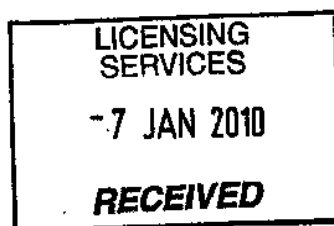
As residents living close the premises we do not wish to have late night drinking close to our homes.

Our Reasons for objecting to this change to licence are:-

* Noise disturbance and antisocial behaviour in an otherwise quiet residential street.

* Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Mr & Mrs Warne
93 Queen Katherine Road
Lymington
SO41 3RZ



68

* Objection

Licensing Services,

I/We strongly object to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

As residents living close to the premises we do not want late night drinking close to our homes.

Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Name(s) *Mr and Mrs E. J. SYMONS*

Address *8, SOLENT AVENUE*

LYMINGTON SO41 3SU

Signed

Date

06/01/2010



* Objection

Paul Weston

From: sue sparks
Sent: 07 January 2010 19:00
To: Licensing e-mail address
Cc: 'sue sparks'; 'Andrew Daton-Lovett'
Subject: URGENT - PLANNING APPLICATION OBJECTION
Importance: High

REF.: NEW VARIATION APPLICATION WITH AMENDMENTS OF PREMISES LICENSE AT FINE FOOD & WINE 4 SAIL, UNIT 3-4 ANCHOR HOUSE, BATH ROAD, LYMINGTON SO41 3YJ

PLANNING APPLICATION OBJECTION

Dear Sir/Madam

We are writing to lodge our objection in respect of the above application to extend the premise's late night alcohol and music license to 23.30hrs, seven days per week.

As a relatively new resident from London we are all too aware of how much disturbance such a late license can have in predominantly residential areas. The immediate and surrounding area within which Fine Food & Wine 4 Sail is set is mainly residential and is an integral part of Lymington's charm. Such a use would not only cause intolerable problems for its residents but change the landscape of this area.

Extending hours to 23:30 hours every night of the week would mean absolutely no respite for residents in this area. The property in question has an open terrace area and the late hours and noise within the close proximity of compacted housing to the sides and front of the property would no doubt cause a great deal of distress and disturbance to residents sleep and right to peaceful enjoyment of their homes. This would be seven days a week until at least midnight every night by the time revellers and patrons leave the area.

As well as noise pollution there would also be the issue of increased parking and traffic in an already busy area; residents already find it difficult to park near their homes. The only immediate unrestricted evening parking would be in residential areas which are already heavily congested by parking and traffic, especially in the summer months when this bar is likely to be at its busiest. Indeed, we have been surprised by the volume of traffic and the lack of any parking restrictions or traffic calming measures.

On a personal note, our side of Nelson Place has experienced intolerable issues with parking and being able to access and exit our premises. So much so, that we have found ourselves in extremely difficult circumstances of not being able to leave our home by car in emergency situations let alone whim. This is because drivers park, inconsiderately, opposite our garage as there are currently no restrictions. It is a very narrow road and there is no space to be able to access/exit our garage if a vehicle has parked opposite. This has resulted in us effectively being "stuck" at home once our cars are garaged. We have even considered calling the police during one emergency situation where we had to travel.

We will be writing to the council under separate cover regarding this issue however increased parking, which another bar would bring, can only add to parking congestion and the well regarded Lymington Rowing Club who only have Nelson Place available to park. Patrons of this bar could only park in already saturated residential areas.

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08/01/2010

The third point is general noise and disturbance after closing areas. We already experience enough noise from people leaving various quay side establishments at night, especially at the weekend and during the summer months, let alone seven nights a week. This noise and disturbance is coupled with the issue of people having drunk too much, shouting, smashing bottles etc etc. Many of the residents are hard working people with long hours and early starts, something not conducive with having to put up with noise until very late at night. Unlike "Fine Food & Wine 4 Sail" we don't have the luxury of opening our business late in the morning or the advantages of shift work. Surely we have an expectation of peace within our homes, especially after a hard day's work contributing to the local economy, which was the expectation when we/other residents moved to this area.

Granting such an application would be hell for local residents who would suffer unnecessarily just for another late night venue – surely there are already enough in Lymington – and a business making money. If this application were allowed it would come down to one business profiting at everyone else's misery.

Given the issues we already have to deal with in this area I fail to understand why this application is even being considered.

We therefore object strongly to this application and we would like our objections from Sue Sparks and Andrew Daton-Lovett of the below address to be duly noted. We would appreciate confirmation of receipt of our objections.

Please do not hesitate to contact us should you require any further information.

Yours faithfully

Sue Sparks
Andrew Daton-Lovett

Nevis
Nelson Place
LYMINGTON
SO41 3RT

71

1
* Objection

Pier View,
Bath Road,
Lymington,
Hampshire,
SO41 3RU

Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA



7th January 2010

Dear Sir or Madam,

Re: New variation application with amendments (11/12/09) of Premises License at Fine Food & Wine 4 Sail, Unit 3&4, Anchor House, Bath Road, Lymington, SO41 3YL

My name is Thomas Ryan and I live at Pier View immediately opposite Fine Food & Wine 4 Sail in Bath Road, Lymington. I am 14 years old and I am currently studying for my GCSEs at Priestlands School and very high grades are expected from me in the near future.

I feel that if Fine Food & Wine 4 Sail are granted their application involving keeping their bar open till 11.30 p.m. seven nights a week, with recorded music, late night refreshments, and the restrictions for use of the outside area facing my home lifted after 5p.m.; reaching the lofty goals that I have been set will be even more of a challenge for me as I can clearly hear all that happens outside my room.

At this time in my life, a good night's sleep is one of the most important things to me, and I do not wish it to be ruined by noise originating from Fine Food & Wine 4 Sail.

I thank you for your time and wish that you consider the consequences of allowing this application to be granted to Fine Food & Wine 4 Sail.

Yours sincerely,

Thomas Ryan.

* Objection

Pier View,
Bath Road,
Lymington,
Hampshire,
SO41 3RU

Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA



7th January 2010

Dear Sir or Madam,

Re: New variation application with amendments (11/12/09) of Premises License at Fine Food & Wine 4 Sail, Unit 3&4, Anchor House, Bath Road, Lymington, SO41 3YL

My name is Catherine Ryan. I am seventeen years old and currently am studying at Brockenhurst College until 2011. I live at Pier View in Bath Road opposite the bar, Fine Food & Wine 4 Sail which opened in June 2008.

Following the opening of this bar there has been an increase in noise. The front door at Fine Food & Wine 4 Sail has been wedged open many times so I can hear people talking loudly in the bar across the narrow street in my room. I have been disturbed by customers slamming car doors and accelerating their engines when leaving from either the car park adjacent to my home, or in front of the locked entrance gate (opposite) to Berthon Boatyard.

This application by the licensee at Fine Food & Wine 4 Sail to:

1. extend the opening hours until 11.30 p.m.
2. sell alcohol until 11.00 p.m.
3. sell late night refreshments 11.00 - 11.30 p.m.
4. play recorded music from 9.00 a.m. to 11.30p.m.
5. restrict the use of the forecourt facing our home until 8.30p.m.

every day and night of the week is excessive.

This application ignores the rights of families and individuals to peace and quiet and sleep who live in the quiet residential street opposite Fine Food & Wine 4 Sail.

Should this application be granted, I would be very badly affected by the daily increase in noise disturbance from the following:

1. constant recorded music being played at the premises
2. customers talking loudly, laughing and shrieking when using the forecourt in front of my home
3. increased numbers of people outside my home late at night drawn to the premises for late night refreshments
4. customers talking loudly and slamming car doors and accelerating their engines when they leave the premises late at night

I benefit from studying in the calm atmosphere of my home and aim to go to university when I have completed my studies at Brockenhurst College.

Since Fine Food & Wine 4 Sail opened, in August 2008, our front door window was smashed during the night, the police were contacted, but no suspects were identified. The tables, chairs and plant pots in front of Fine Food & Wine 4 Sail were vandalised by youths one night in September 2008. Recently, drunken youths have attempted to climb over gate to Berthon Boatyard at night on several occasions.

If the proposed extended opening hours were allowed our neighbourhood would be at risk from increased incidents of crime.

Thank you for taking the time in reading this.

Yours sincerely

Catherine Ryan

* Objection

33 Flushards
Bath Road
Lymington
SO41 3SB

Tel:

Paul Weston
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA



7 January 2009

Dear Mr Weston,

Thank you for your letter of 11 December 2009 regarding the new variation application by **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

We wish to reaffirm our objection to the application to extend the licensing hours for sale of alcohol on and off the premises, to extend the opening hours and to extend the hours of use of the forecourt at these premises.

We objected in May 2008 when the original, much reduced, licence was awarded. Our arguments against this current application remain unchanged although we have no personal issues with the licence as it currently stands after the last hearing.

We live very close to the premises and we still believe a licensed property is totally inappropriate to the neighbourhood, which is a quiet residential area. We believe that extending the licensing hours would bring unacceptable noise levels during the evening and weekends, which are currently peaceful times when the boat yard in Bath Road is closed.

Bath Road is extremely narrow with a contra flow system at that point and there are houses immediately opposite that would be very badly affected by the noise. Those of us a little further away (but still within direct line of sight) would still be disturbed by the noise from smokers and other drinkers on the forecourt and from people arriving and departing.

We are concerned about the impact on the neighbourhood, particularly on children, of anti-social behaviour of inebriated patrons arriving and departing the establishment, past houses both opposite the property and in either direction along Bath Road. The current licensing hours restrict this disturbance – extending the hours into the evening would be unacceptable.

We are also concerned about the safety of local residents when faced with late night drinkers outside. This area is unlike the busy High Street where most late night activity in Lymington takes place; here there is little street lighting, a dark expanse of boatyard into which anyone can walk, and a low police presence.

We object to the use of the forecourt as a drinking area after 5pm. Any activity in this area will cause high levels of noise to reverberate off the high slab-sided shed to the north and carry across the adjacent water. This would further exacerbate the problems outlined above.

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In our opinion, Bath Road is unsuitable for increased pedestrian and vehicular traffic (that would be associated with any bar or club), particularly at night, due to its narrow width and single pavement, so public safety is a consideration. There is also no real provision for parking on or off road at the premises so the increase in vehicles would be detrimental to the residents parking in adjacent roads.

The bar is aimed at attracting visiting yachtsmen from the marinas so we do not believe this facility is aimed at catering to the locals' needs. The temporary patrons would have less reason to give due regard for the neighbours peace and well-being.

Many of our neighbours are either elderly or are families with young children. They will be particularly vulnerable to the increased noise and rowdy, intimidating behaviour frequently associated with drinkers departing such premises. Young children are usually in bed by 8pm and any noise after this hour, especially in summer when houses have their windows open, will be very disturbing.

In our opinion there are already sufficient licensed premises open late at night around the Town Quay and High Street area that are in close enough walking distance from the marinas to negate the need for this establishment to extend its hours in a peaceful residential area. In the opposite direction there are sailing clubs, a bar and pub that also cater for visiting yachtsmen's needs.

At the previous hearing, when the licence hours were restricted to 8.30pm, the proprietor claimed that a misunderstanding had led to the application for late night licence – is this the case again this time, or is this actually what he intended all along?

We would also like it brought to your attention that this premises has never held planning permission status to be a bar. Therefore it should not be granted a licence to operate as such. The bar has also doubled in size since the last licence application by extending into the adjacent shop unit.

We appreciated the fair methods by which the resolution to the previous application was reached and hope that your committee will understand when we say that we are not willing to compromise beyond the current arrangement – already a step further than many of our neighbours find acceptable.

Please register our renewed objection and advise us on how the application will be reviewed.

Thank you.

Yours faithfully,

Luke and Emma McEwen

* Objection

To Licensing Services,

~~I~~ **strongly object** to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

As residents living close to the premises we do not want late night drinking close to our homes.

Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Name(s) *Kate Harris*

Address *8, Solent Avenue, Lymington Hants*

Signed

Date *5/1/10*



* Objection

Pier View,
Bath Road,
Lymington,
Hampshire,
SO41 3RU

Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA



7th January 2010

Dear Sir or Madam,

Re: New variation application with amendments (11/12/09) of Premises License at Fine Food & Wine 4 Sail, Unit 3&4, Anchor House, Bath Road, Lymington, SO41 3YL

I very strongly object to the application to vary a Premises License at Fine Food & Wine 4 Sail, Unit 3&4, Anchor House, Bath Road, Lymington.

In early April 2008, Paul Bayntun applied for an alcohol license at Fine Food & Wine 4 Sail at Unit 3, Anchor House, Bath Road, Lymington. In this application, Mr Bayntun applied for:

- opening hours: 09.00 -23.30, seven days a week.
- supply of alcohol 09.00-23.00, seven days a week, 24.00 during Cowes Week and 00.30 on Christmas Day and New Years' Day.
- the provision of live and recordable music and late night refreshments.

On 16th April, 2008, the provision for live and recordable music and late night refreshments was removed.

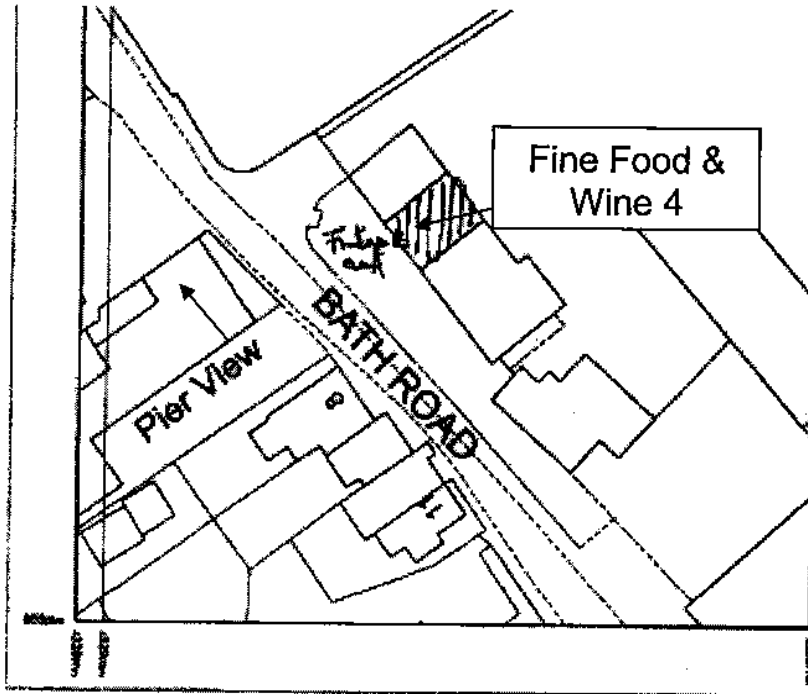
Objection letters from local residents were sent to Licensing Services at the NFDC by 14th May 2008. On 29th May 2008, all objectors received a letter from Paul Bayntun's landlord, Brian May, Managing Director of Berthon Boat Company, confirming the terms of the lease for Unit 3, Anchor House and stating the opening hours were to be 08.00-21.00, seven days a week, 'to prevent the possibility of noise and raucous behaviour at night to protect both local home owners and yachtsmen returning from town from the possibility of disturbance'.

On 9th June, 2008, a hearing took place at Appletree Court in Lyndhurst.

The decision of the Licensing Sub-Committee hearing granted:

- Sale of alcohol: on sales, Tuesday to Sunday 9.00-20.30
- Sale of alcohol: off sales: Tuesday to Sunday 09.00-21.00 – these times are in accordance with the lease.
- In addition, Paul Bayntun agreed at the hearing to remove tables and chairs from the front of the premises after 17.00 daily and keep the front door closed as far as possible to minimize potential noise disturbance to local residents.

On 13th June 2008, Fine Food & Wine 4 Sail opened, the front door was wedged open and people stood outside in front chatting and laughing at 20.30. As I live with my family at Pier View immediately opposite these premises (see map below), I decided to phone Councillor Mrs. Lewis who advised me to commence a log to record all activities (below map).



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Date	Time	Observations
13/6/08	19.00	Opening day Party. Front door to Fine Food wedged open, able to hear party with my windows closed
	20.30	Front door to Fine Food (FF) wedged open again; people standing outside chatting and laughing, able to hear with windows closed.
18/6/08	19.00-21.00	Front door (FF) wedged open.
19/6/08	18.00-21.00	Front door (FF) wedged open.
25/6/08	17.15	Front door (FF) wedged open, tables and chairs remain in front. Sign now painted on front window: Bar 9a.m.-9p.m., Off License; Deli; Breakfasts; Dish of Day; Lunches; Evening Meals; Specialities; Local Produce.
26/6/08		Front door (FF) wedged open all evening. Able to hear laughing and talking in my home with windows shut.
19/9/08	20.00	About 8 people in bar including licensee talking loudly, can hear this with all windows closed.
8/10/08	18.30	Five men standing outside drinking and chatting, front door (FF) fixed open.

2009		
Friday 13/2/09	21.40	Bar open after 21.00, full of people. Front door (FF) open, could hear music, people talking loudly when leaving when my windows closed. Customers eventually left FF
Friday 27/2/09	21.20 21.45	Four people seated inside in front of bar drinking beer and wine. Customers eventually completed their drinks and left.
Friday 6/3/09	21.30	Two young women 'under the influence' seen entering bar. Bar full of people drinking. No evidence of being told bar is closed.
	21.45	Bar still open, some customers leaving.
	22.00	Licensee present in bar.
Friday 15/5/09	21.30	Bar full of people and at back (riverside), able to hear with my windows closed.
	22.00	Bar still open. People standing outside in front chatting.
	22.15	Bar still open.
Friday 12/6/09	20.45	Group of people outside in front of FF arguing and swearing for about 30 minutes. Able to hear all this with my windows closed. Sign at front of bar informing customers to move into bar after 17.00 blocked by bicycle.
Friday 31/7/09	21.05	Bar full of people. Live music heard from back of premises (riverside) with my windows closed. Front door (FF) wedged open all evening. New sign to right side of premises " Opening soon, The Mess, Bar/Deli/Brasserie ".
Friday 28/8/09	22.05	"Reggae evening". Large crowd of people in bar and back. Bar still open.
4/11/09	21.05	Bar full of people drinking alcohol.
Friday 6/11/09	21.20 21.45 22.25 23.00 + 23.20 + 23.35 23.45 00.10	People seen entering bar. Bar full of people all drinking alcohol, no signs of closing. Bar remains full of people drinking alcohol and talking loudly - able to hear when FF door closed. Bar still full of people talking loudly and drinking alcohol. Licensee in bar, bar still open, people drinking alcohol. People still sat drinking in bar.

This log demonstrates breaches observed in both the licensable times permitted and noise control at Fine Food & Wine 4 Sail over a period of seventeen months. These observations are limited by the fact that I work unsocial hours, including late duties and night duty.

The log was finally sent to the Licensing Enforcement Officer on 11th November, 2009, after the continued erosion of the opening hours on Friday nights throughout 2009, which culminated with this bar being open until after midnight on 6th November, 2009. Paul Bayntun was interviewed by the Licensing Enforcement Officer on 24th November, 2009, which resulted in violations of the Licensing Act 2003 being identified. This log has been sent by Licensing to the Environmental Health department at the NFDC.

The current variation application with amendments (submitted 11/12/09) applies to:

- Extend premises opening hours to 09.00-23.30 seven days a week
- Extend the sale of alcohol (on and off) to 09.00-23.00 seven days a week
- Play recorded music during opening hours
- Sell late night refreshments 23.00-23.30 during opening hours
- Use of the outside area facing my home to be restricted after 20.30

This application is almost identical to the original submitted in April 2008 on which the hearing in June 2008 was based.

I very strongly object to this application on grounds that the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance will not be met.

- **Prevention of crime and disorder**

Since Fine Food & Wine 4 Sail opened in June 2008, our front door window was smashed in the middle of the night on 14th August 2008. The police were called but no suspects identified. The window was replaced at a cost of £200.

On 5th September, 2008, the forecourt at Fine Food & Wine 4 Sail at night was vandalised by youths destroying pot plants and turning over tables and chairs; the police were informed by a 101 call. Recently, drunken youths have been attempting to climb the high-entrance gates to Berthon Boat, adjacent to Anchor House at night.

The serving of late night alcohol opposite our home would lead to an unavoidable increase in anti-social behaviour and the area around my home becoming less safe. There are already a more than adequate number of premises with late night licenses within a five minute walk in the High Street which support the need for late night drinking.

- **Public Safety**

Bath Road, between my home, Pier View, and Unit 3, Anchor House, is one way (see map) and has a narrow pavement. Public safety is of paramount importance to individuals or groups, leaving the premises at night, under the influence of alcohol, due to the risk to injury from vehicles, especially 'joyriders' who drive at speed along Bath Road at these times.

- **Prevention of Public Nuisance - Noise**

We – my two teenage children and I have lived in Bath Road for six years. I myself am employed as a Staff Nurse at a local hospital, which is a tiring and demanding job. I work unsocial hours: early, late and night duties all year working weekends, Bank Holidays, Easter, Christmas and New Year.

Our home, is located approximately **4-5 metres** across Bath Road from Fine Food & Wine 4 Sail. This is a residential area which was quiet from evening until morning, as all adjacent businesses operated normal business hours, until this bar opened (see log).

The current variation application with amendments (submitted 11/12/09) is totally unreasonable and indicates a complete indifference to the rights to peace and quiet and sleep to those living in opposite and in very close proximity to Fine Food & Wine 4 Sail.

As we live facing Fine Food & Wine 4 Sail, granting this application will expose my family and I to very substantial increase in noise due to:

1. incessant recorded music being played at the premises during opening times
2. the attraction of increased numbers of people to the premises late at night, every night of the week, to purchase late night refreshments
3. customers gathered outside in the forecourt, in front of my home, talking loudly, laughing and shrieking, every evening of the week
4. customers talking loudly, slamming car doors and accelerating their engines when they leave the premises late at night, every night of the week

On New Year's Eve 2009, a Temporary Event Notice was given to Fine Food & Wine 4 Sail permitting the use of recorded music. On this night, music could be heard from the premises, with the door closed to Fine Food & Wine 4 Sail, until about 02.00 when the party finished.

Finally there are two issues concerning planning:

1. Unit 3, Anchor House, where Fine Food & Wine 4 Sail is located, only has planning permission for use as a coffee shop (Class A3).
2. Fine Food & Wine 4 Sail has expanded over the past few months into the adjacent office unit 4, opening 'The Mess' a deli-brasserie. No planning permission was sought.

To conclude, the decisions taken by the Licensing Sub-Committee at the hearing in June 2008 were reasonable and even-handed. Naturally, I am not willing to make concessions which erode this current arrangement.

Please confirm this objection has been received,

Yours faithfully,

Jane Du Cane (Mrs.)

To Licensing Services,

* Objection

We strongly object to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

As residents living close to the premises we do not want late night drinking close to our homes.

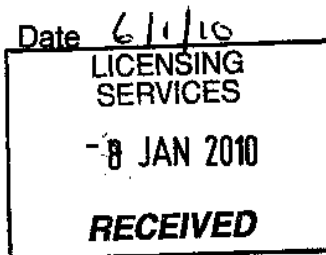
Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Name(s) *Mr and Mrs M. Thomas*

Address *Ferry View
Bath Road Lymington SO41 3SE*

Signed



~~*~~ Objection

**Shipwrights Cottage
Quay Road
Lymington
Hampshire SO41 3AX
Tel/Fax:
Email:**

6th January 2010



New Forest District Council
Licensing Officer
Appletree Court
Lyndhurst
Hampshire SO43 7PA

Dear Sirs

PW/LICPR/08/00010/SW – Fine Food for Sail, Bath Road, Lymington

I would urge you to consider rejecting this new appeal for the premises. The premises are situated where Bath Road narrows to the point where only one car may pass and I can see that the increase in road traffic would make that very worrying for the terraced houses who are particularly close to the road at that point.

Also as the row of terraced houses juts out, the occupants of this quiet street could easily be upset by any rowdiness ensuing from the premises late in the evening.

In my opinion it is not an appropriate location as this is part of a quiet residential area in the lower part of Lymington and would unnecessarily disturb the immediate residents and could lead to more rowdiness on the Quay late at night.

I would ask that my views be taken into consideration and that this application be rejected.

Yours faithfully

R J Rickaby (Miss)

To Licensing Services,

* Objection

We strongly object to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at Fine Food and Wine 4 Sall, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.

As residents living close to the premises we do not want late night drinking close to our homes.

Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

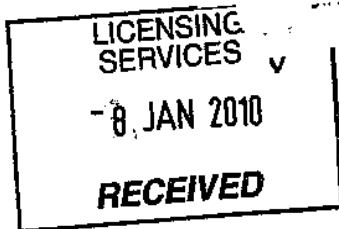
Name(s) MR + MRS J. W. PHILLIPS

Address 3 SOLENT AVENUE
LYMINGTON. SO41 3SD.

Signed

Date

5 JAN. 2010



To Licensing Services,

* Objection

I/We **strongly object** to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at **Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington, SO41 3YJ.**

As residents living close to the premises we do not want late night drinking close to our homes.

Our reasons for objecting to this change to licence are:

- Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
- Inadequate parking provision, so patrons will tend to park in adjacent residential streets.

Name(s) **MRS D. MITCHELL**

Address **CORNER HOUSE
NELSON PLACE**

Signed

Date

5-1-10



* Objection

Sarah Wilson

m:

Sent: 08 January 2010 11:56

To: Licensing e-mail address

Subject: Premises License at Fine Food & Wine 4 Sail, Bath Road, Lymington

I strongly object to the application for extended licence to serve late night alcohol on and off the premises and to extend the hours of use of the forecourt at Fine Food and Wine 4 Sail, Unit 3-4 Anchor House, Bath Road, Lymington SO41 3YJ.

As a resident living close to the premises I do not want late night drinking close to my home.

My reason for objecting to this change to licence are:

1. Noise disturbance and antisocial behaviour in an otherwise quiet residential street.
2. Inadequate parking provision so patrons will tend to park in adjacent residential streets.

Mary Crebbin
2 Riverbank House
King Saltern Road
Lymington
SO41 3QF

8 January 2010

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* Letter sent to all objectors.

Ms M Crebbin
2 Riverbank House
King Saltern Road
Lymington
Hampshire
SO41 3QF

Our Ref: PW/LICPR/08/00010/PW
Your Ref:

12 January 2010

Dear Ms Crebbin

**RE: (S34 LA2003) Application to vary licence – PL 1294
Fine Food 4 Sail, Unit 3/4 Anchor House, Bath Road, Lymington.**

I write to provide an update regarding this matter and the process thereafter, should your objection remain.

The following additional conditions have been agreed with Environmental Protection:

**The licensee or nominated representative will receive and respond to complaints;
The disposal of empty bottles and refuse into out door storage receptacles will not take place between the hours of 19:00 and 07:00hrs;
Deliveries of consumables will not take place between the hours of 19:00 and 07:00hrs;
Waste collection contractors will not collect between the hours of 19:00 and 07:00hrs;
No tables or chairs in the external area outside the shop facing Bath Road to be available for use after 20:30hrs, nor shall there be any use whatsoever of this external area (after this time), apart from customers accessing and egressing to from the premises. Notices to this effect shall be placed within the premises.
Staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises. At each exit point a prominent and clear notice will be displayed to this effect.
External doors will be kept closed between the hours of 20:30 and 23:30hrs, except where necessary for access and egress, i.e. the doors will not be secured open and will be fitted with self-closers if necessary.
Speakers will not be positioned outside at any time.**

There are no other adverse comments from any other Responsible Authority (Fire, Police, Trading Standards etc.)

In view of the above I write to enquire whether you now wish to withdraw your objection and I would be grateful if you would inform this office accordingly.

Where objections are not subsequently withdrawn, the matter will have to be determined by a licensing panel at a formal committee meeting. This will be arranged through Democratic & Legal Services with the costs being the responsibility of the council tax payers in the New Forest administrative area.

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In taking this option you will need to produce evidence to support your representation and this matter including your comments and relevant details will become part of a public record.

Further, it should be noted that any decision made is subject to appeal at the magistrate's court and in defending its position the Council may ask that you appear as a witness to give evidence on its behalf.

Any licence produced is also subject to the review process should future problems occur.

If I can be of any further assistance please contact this office.

Yours sincerely

Paul Weston

Licensing Officer
Licensing Services

Tel: 023 8028 5505
Fax: 023 8028 5596
Email: licensing@nfdc.gov.uk

Melanie Stephens

From: Paul Weston
Sent: 19 January 2010 13:51
To: Melanie Stephens
Subject: FW: Fine Food 4 Sail
Attachments: FF4Sail.pdf; FF4S EP cond.pdf; mediation FF4Sail.doc

FYI

Paul Weston
Licensing Officer
Licensing Services
Tel: 023 8028 5505 / HSPN: 8 777 5449
paul.weston@nfdc.gov.uk / www.newforest.gov.uk

From: Paul Weston
Sent: 19 January 2010 13:48
To: 'Wallsgrave, Jon'
Subject: RE: Fine Food 4 Sail

Dear Jon

I thank you for the information which I will forward to our Legal & Democratic Services committee clerk.

I can confirm that Environmental Protection were the only Responsible Authorities to make a representation – agreement reached thereafter as attached.

There were 34 representations from Interested Parties, unfortunately the case file on this matter has already been passed to Legal & Democratic Services, however the summary letter is attached.

Likewise my mediation letter containing the agreement reached with EP is also attached. This was sent out to all Interested Parties, so far 2 parties have withdrawn their objections and 2 have confirmed that their objection remains, the majority have not responded, and therefore mediation would appear not to be an option.

I understand that this matter has been provisionally listed for the afternoon on Tuesday 2nd February.

We now await the hearing notices to appraise the commitment of the remaining objectors.

Regards

Paul Weston
Licensing Officer
Licensing Services
Tel: 023 8028 5505 / HSPN: 8 777 5449
paul.weston@nfdc.gov.uk / www.newforest.gov.uk

From: Wallsgrave, Jon [mailto:Jon.Wallsgrave@bllaw.co.uk]
Sent: 19 January 2010 11:48
To: Paul Weston
Subject: Fine Food 4 Sail

Dear Paul

I am instructed by Paul Bayntun to represent him on the 5th February. Please accept this email as notice

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19/01/2010

that we will both attend the hearing though only I will be making any representations and questions from the interested parties or the Committee should be addressed through me.

Could you provide copies of the representations from interested parties and confirm Paul's instructions that none of the responsible authorities opposed the variation?

Paul unfortunately did not have a copy of the application nor premises licence today and to speed things up I wonder if you would do me a really big favour and email those across as well? If not don't worry I'll have to wait for snail mail from Paul.

Kind Regards

Jon

Jon Wallsgrave
Partner
Licensing and Regulatory team

DDI: +44 (0)23 8085 7224 ■ M: +44 (0)7900 905849 ■ F: +44 (0)23 8036 3349 ■ E: jon.wallsgrave@blilaw.co.uk



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