

**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 Punch Taverns Plc

*(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

<b>Premises licence number</b> 487/2
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> White Horse Main Road Marchwood
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<b>Post town</b>	Southampton	<b>Post code</b>	SO40 4US
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<b>Telephone number at premises (if any)</b>	
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<b>Non-domestic rateable value of premises</b>	£11250
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**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	
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<b>E-mail address (optional)</b>	
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<b>Current postal address if different from premises address</b>	Jubilee House Second Avenue
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<b>Post Town</b>	Burton Upon Trent	<b>Postcode</b>	DE14 2WF
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**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)**

Remove the condition "All existing external seating shall be removed from the premises".

Remove the condition "There shall be no external seating provided at the premises at any time".

Also this is an application to vary the layout and design of the premises in accordance with the submitted plan.

The operating times and licensable activities authorised by the Premises Licence to remain unaltered.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

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

n/a
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#### 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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Wed			<b><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></b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (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**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Tue					
			<b><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></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 5)		
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

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed			<b><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></b> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>  		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>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)</b>		

**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)**  
As per current licence.



O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) As per current licence.
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			<b>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</b> (please read guidance note 5)
Sat			
Sun			

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

Remove the condition "All existing external seating shall be removed from the premises".

Remove the condition "There shall be no external seating provided at the premises at any time".

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)**

As per granted conditions save for the conditions requested to be removed.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

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**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	1/9/10.
Capacity	Solicitor to Applicant

**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)**

Barry Richards  
TLT Solicitors  
One Redcliff Street

<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
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<b>Telephone number (if any)</b>	0117 917 7612
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<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> barry.richards@tltsolicitors.com
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### 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.

**S/ h Wilson**

**From:** Verity Potter  
**Sent:** 04 October 2010 08:52  
**To:** Licensing e-mail address  
**Cc:** [redacted]  
**Subject:** FW: Variation to premises licence for White Horse, Main Road, Marchwood

Further to my comments on Friday, I have now received an e-mail from the Solicitor for the applicant (below) confirming a condition to be added to the licence in order to prevent a public nuisance. As a result of this confirmation I wish to withdraw my representation to this application.

Kind regards

Verity Potter  
 Environmental Health Officer  
 Environmental Protection

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**From:** Barry Richards [mailto:barry.richards@TLTsolicitors.com]  
**Sent:** 01 October 2010 16:13  
**To:** Verity Potter; Licensing e-mail address  
**Cc:** [redacted]  
**Subject:** RE: Variation to premises licence for White Horse, Main Road, Marchwood

Verity,

I have spoken with our client and they have confirmed they are agreeable to the following condition being added to the licence;

1. No licensable activities or consumption of alcohol will take place externally after 23:00hrs

I would be grateful if you could please confirm that on the basis of this agreement your representation will be withdrawn.

Kind regards

**Barry Richards**  
 Legal Assistant  
 for TLT LLP

Direct Dial: 0117 917 7612  
 Fax: 0117 917 7566  
 www.TLTsolicitors.com

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**From:** Verity Potter [mailto:verity.potter@NFDC.gov.uk]  
**Sent:** 01 October 2010 16:03  
**To:** Licensing e-mail address  
**Cc:** [redacted]  
**Subject:** FW: Variation to premises licence for White Horse, Main Road, Marchwood

**Comments from Environmental Protection in regard to the Prevention of Public Nuisance:**

Following a meeting with the Licencee for the White Horse and the Area Manager for the premises, a verbal agreement has been reached regarding the proposed variations to the premises licence

as outlined in my e-mail dated 30 September, below.

As yet, this has not been confirmed in writing. Without some controls to minimize noise from patrons late into the evening I have concerns that a public nuisance is likely to be caused and as a result I have no option but to raise an objection to this application. If confirmation of the condition to be applied to the premises licence which was agreed verbally on 30 September, stated in my e-mail of the same date is agreed, I will be in a position to remove my objection.

Kind regards

Verity Potter  
Environmental Health Officer  
Environmental Protection

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**From:** Barry Richards [mailto:barry.richards@TLTsolicitors.com]  
**Sent:** 30 September 2010 12:58  
**To:** Verity Potter  
**Subject:** RE: Variation to premises licence for White Horse, Main Road, Marchwood

Verity,

I have forwarded the wording of the condition to our client and await their response.

If you have already agreed it I don't anticipate there to be any issue with this.

As soon as I get the go ahead I will formally confirm this.

Kind regards

**Barry Richards**  
Legal Assistant  
for TLT LLP

Direct Dial: 0117 917 7612  
Fax: 0117 917 7566  
www.TLTsolicitors.com

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**From:** Verity Potter [mailto:verity.potter@NFDC.gov.uk]  
**Sent:** 30 September 2010 12:43  
**To:** Barry Richards  
**Cc:** [redacted]  
**Subject:** FW: Variation to premises licence for White Horse, Main Road, Marchwood

Dear Mr Richards

I write following the meeting this morning with the Licensee and the Area Manager of the White Horse, and George Fice of the Police Licensing Team.

As a result of this meeting I understand that your client is happy for a condition to form part of the premises licence which states the following:

1. No licensable activities or consumption of alcohol will take place externally after 23:00hrs

Agreement to a condition to this effect would allay my concerns in regard to public nuisance,



and would allow me to advise the Licensing Officer that I have no further concerns in regard to this application.

I would be grateful if, following consultation with your client, you could confirm that this is acceptable. As I need to make comments by tomorrow it would be helpful if you could consider this matter as soon as possible.

Kind regards

Verity Potter  
Environmental Health Officer  
Environmental Protection

Tel: 023 8028 5594 | HSPN: 8777 5594  
[verity.potter@nfdc.gov.uk](mailto:verity.potter@nfdc.gov.uk) | [www.newforest.gov.uk](http://www.newforest.gov.uk)

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~~\*~~ Objection

Sarah Wilson

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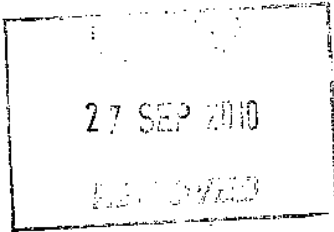
**From:** Phil Green  
**Sent:** 26 September 2010 14:58  
**To:** Paul Weston  
**Cc:** Licensing e-mail address  
**Subject:** Representation re. White Horse Public House, Marchwood application for Licensing Terms change

**Attachments:** Objection Sept 2010..doc

Please find attached a written representation regarding the above.

Kind regards,

Mr P R T Green & Miss R L Bonnett



25

Mr P R T Green & R L Bonnett  
17 Evergreen Close  
Marchwood  
Southampton  
Hampshire  
SO40 4XU

25 September 2010

New Forest District Council Licensing Authority  
Main Office  
Appletree Court  
Lyndhurst  
Hampshire  
SO43 7PA

Dear Sirs

**Re: White Horse Public House, Main Road, Marchwood – Application to vary premises licence**

We wish to object to the above application and now set out our reasoning in this letter.

It is understood that the Licensing Act is based on 4 principles and we believe that the application made by the White Horse Public House potentially breaches all 4. I will therefore set out reasoning under all 4 principles. Additionally, I will then make reference to a more suitable alternative solution that the White Horse Public House has at its disposal.

Before I begin however, I believe that this application has not been presented correctly by the White Horse Public House. The notice in the local newspaper states that there is a 'submitted plan' in respect of this application. I have spoken to the NFDC Licensing Office on more than one occasion about this, including a discussion with Patrick Curran. I have been told that the 'submitted plan' makes no sense. I have therefore already suggested to the NFDC Licensing Authority that the application should therefore be thrown out, until such time as a 'submitted plan' actually makes sense and is therefore of use to the Public in considering this application. How can the Public be expected to consider the application if the 'submitted plan' makes no sense even to the Licensing Authority? I therefore propose that the White Horse Public House is advised to re-submit its application, together with a clear plan and then this consultation period should start again from the beginning. This is the only fair way of anyone concerned being able to properly consider the matter.

Under the 'Freedom of Information Act' I, like any member of the public, am entitled to request in writing any documentation held by the Local Authority (albeit subject to

redaction of some personalised information). In view of this, I now request copies of the following –

1. The current Licensing terms for the White Horse Public House in Marchwood
2. A full copy of the current application including the 'submitted plan'
3. Details of any complaints made against the White Horse Public House (including any representations from the Police) for the last 10 years – which will provide data that is both pre and post the changes effected to their Licensing terms in 2005.

Respectfully I would suggest that these are provided to me long before any proposed Hearing about this application, so that I have plenty of time to consider the content of same and make any additional enquiries that may be relevant following receipt of it, including consultation with my Solicitor.

#### Objection based on the 4 Principles of the Licensing Act

1. Prevention of Crime and Disorder – the car park area of the White Horse Public House is currently subject to the restriction that prohibits outside seating areas. It seems that the application being made now is to lift this restriction in this area. This restriction was put in place following the Hearing in 2005 when it was highlighted that the **criminal activity** of under-age drinking, fighting and criminal damage was taking place in this car park area. Additionally there was **disorder** caused there by patrons playing music from their car stereos and excessive larking around / noise making. One of the main reasons why this happened in the car park area was the fact that the White Horse Public House cannot control (or see / supervise) suitably the car park area. Since the prohibition of seating areas in the car park, there has to our knowledge, been no problem at all. There is well founded fear that should the seating restriction be lifted, problems of a similar nature will quickly return.
2. Public Safety – on occasions the car park area is actually quite full. If the White Horse Public House creates seating areas in the car park area then the parking facility will be reduced and this will have the knock on effect of patrons finding alternative parking positions. When parking is busy there we know that cars tend to be parked in dangerous positions in Woodglade Close and, at times previously, along the front of the White Horse. This affects Public Safety. Additionally, should there be a smoking area created within the car park, dangerous cigarette smoke will regularly and consistently pass across and through the fencing that bounds private gardens to the rear of the car park area. There is a growing concern developing at least in the North of this country regarding this very point, in so much as outside areas with high density of cigarette smoking can detrimentally affect non-smokers also situated in close proximity. I have read that there is medical opinion to support this view. In fact, I believe that changes to the law are being proposed by some MPs. Also, under this heading, an uncontrolled area such as this car park, should it be permitted to have people drinking in it, is a serious threat to Public Safety for both those who are walking past it along the pavement and those who may need to complain about it over their boundary fences. Furthermore, litter (including glass bottles) has been found in various residents' gardens prior to the prohibition of the seating area in 2005. Finally,

there is a significant fire risk to the trees, bushes and wooden fencing that bounds the properties around the car park area from carelessly discarded cigarettes and matches. There is a resultant risk of a fire developing there, spreading to the public dwelling houses themselves.

3. Prevention of Public Nuisance – as highlighted in points 1 and 2 above, there is great potential for public nuisance if this latest application is successful. Nothing fundamentally has changed since the restriction to outside seating areas was put in place back in 2005. The White Horse Public House still has no direct control over who enters this area – it's a car park, therefore people come and go to it 'unrestricted' and un-vetted. Likewise, should the restriction be lifted, it will be possible to transport drinks to anyone in the car park area without any knowledge of where (or who) the drinks are actually going to. Back before 2005 when this restriction was put in place, there is plenty of evidence on your files to show what kind of public nuisances potentially can occur in the car park area.
4. Protection of children from harm – like many of the residents who flank the car park area of the White Horse Public House, on evenings and weekends we entertain nephews, nieces and other family members / friends who are children in our garden. At the moment our garden backs onto a car park. In the event that it becomes a seating area in any part there will be the associated foul and abusive language, shouting and intimidating rowdy behaviour occurring just a few feet behind our boundary fence. Combined with the risk of cigarette smoke too, this is potentially a very harmful situation for children.

I find it frankly staggering that the White Horse Public House has made an application to have the seating restriction lifted in the car park when it actually has **its own garden** to the rear of its premises! Yes, that's right - they actually have a garden already! This particular garden is separated from properties to the rear by a decent amount of foliage, together with a separate alleyway / pathway before any bounding property gardens are affected. Additionally, and crucially, access to this garden would be via the rear of the bar only – meaning that all patrons using it would be suitably vetted as they passed through. Under-age drinking would be eliminated and poor behaviour witnessed and controllable, should it even occur. Also, no car stereos or people passing along the pavement would be possible to affect, or interact with, this area. Maximum use of the **car park** would be retained. Only people who bought a house that backed onto / adjacent to a pub garden would be affected by same – and to a significantly lesser degree. They bought what they could foresee – whereas, if the car park is allowed to be changed to one providing seating areas, the affected property owners did **not** choose to buy properties that flanked public house seating facilities. Why, you may ask, is the White Horse not currently using their own garden area? I am informed that the reason for this is that they want to retain it as their own 'private garden' for their tenant! This is unfair and downright selfish, however there may be a different reason that perhaps concerns cost of creating more suitable access from the bar. If this is a 'cost' issue, then Punch Taverns needs to deal with this rather than causing potential problems for local residents simply to save a few pounds. How can a Public House seek to preserve its own 'private' garden at the expense of numerous neighbouring private gardens?

So, to summarise, the only sensible answer to the White Horse's application is to decline it, to save potential breach of the 4 core principles of the Licensing Act. At

the same time, the White Horse should be asked to explore its current garden for any outside seating area proposals, with relevant and appropriate plans submitted for further consideration.

I end this letter with reference to the European Convention on Human Rights. - most specifically to Article 8 (Right to respect for private and family life) and to Article 1 of the First Protocol (Right to peaceful enjoyment of possessions). I firmly believe that if this application is allowed, then it will contravene these rights.

Yours faithfully

Mr P R T Green & Miss R L Bonnett

(hard copy posted and also emailed to [paul.weston@nfdc.gov.uk](mailto:paul.weston@nfdc.gov.uk) & [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk))

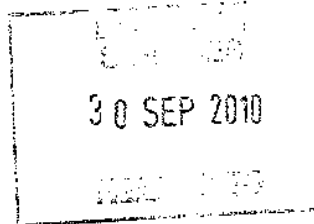
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\* Objection \*

21 Evergreen Close  
Marchwood  
Southampton  
SO40 4XU

28 September 2010

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



Dear Mr Weston

**RE: LA2003 S34 Application to Vary Premises Licence (48712)**  
The White Horse, Main Road, Marchwood, SO40 4US

Thank you for your guidance as to the grounds on which an objection can be made. I object to the variation on the grounds of the prevention of public nuisance.

Over the years I have not had any nuisance whatever from the pub. However, since the two garages (**which are still on the submitted plan**) were removed by the present landlord, I have become more aware of the regular (and perfectly reasonable) movements. The garages came right up to my rear boundary and a picnic table has now been placed right up in my corner.

I anticipate a public nuisance if seating is allowed. It is only to be expected that punters are there to enjoy themselves outdoors on a lovely Summer's afternoon which is when adjoining residents also would like to maintain the quiet to enjoy their tiny gardens. The restriction was put on for a good reason, because the pub is in a residential area. I would appreciate it remaining so.

Yours sincerely

MRS A M SMITH