

**NOTICE OF HEARING  
BY THE LICENSING SUB-COMMITTEE  
under the  
LICENSING ACT 2003**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE – 9 GOSPORT STREET, LYMINGTON**

**Date and Time: WEDNESDAY 18 JANUARY 2017 AT 10.00AM**

**Place: COUNCIL CHAMBER, APPLETREE COURT, LYNDHURST**

**Telephone enquiries to: Lyndhurst (023) 8028 5000  
Direct Line (023) 8028 5588 – ask for Melanie Stephens  
E-mail: melanie.stephens@nfdc.gov.uk**

*These papers are also available on audio tape, in Braille, large print and digital format*

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THE RELEVANT PAPERS ARE ATTACHED

A large scale map of the premises will be available at the hearing

To: **Members of the Sub-Committee:**

Cllr G C Beck  
Cllr Ms L C Ford

Cllr L E Harris  
Cllr A T Glass (Substitute)

**Parties to the Hearing:**

V G Ventures Ltd – Applicant  
M A McCall Wilson – Proposed Premises Supervisor

**Supporters:**

Mr Hurst  
Ms Savin

**Objectors:**

Mrs M Bach  
Mr J & Mrs A Bearcroft  
Mr R & Ms J Brill  
Mr G Capner  
Ms S Capner  
Mr P Cardwell  
Ms G Comfort  
Mr D & Ms E Cox  
Ms S Crowe

Mr P Dolphin  
Mr T Feilke  
Ms D Garbutt  
Mr P & Ms L Gredley  
Ms F Hellier  
Mr M A Johnson  
Mr I Mellor  
Mr G de Mowbray  
Ms P de Mowbray  
Mr P Packham  
Mrs S Pitt-Brown  
Ms J Rule  
Mr B Smith & Mr S Boswell  
Captain M Stevens  
Mrs J Tester  
Mrs C A Tydeman  
Mr G Tydeman  
Ms K White  
Mr M White

**Copies for Information:**

Cllrs Penson and Mrs Rostand - Local Members  
Lymington & Pennington Town Council  
Licensing - P Weston/Mrs J McClay  
Legal Services - Miss G O'Rourke/Mrs R Rutins/Mrs K Green

## LICENSING SUB-COMMITTEE – 18 JANUARY 2017

### APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 9 GOSPORT STREET, LYMINGTON, SO41 9BG

#### 1. INTRODUCTION

- 1.1 The purpose of this hearing is to determine an application under section 17 of the Licensing Act 2003 for a premises licence in respect of 9 Gosport Street, Lymington made by VG Ventures Limited.

#### 2. THE APPLICATION

- 2.1 On 1 November 2016 an application was received for a premises licence, the main details of which are shown below:

<b>Licensable Activity</b>	<b>Hours</b>
Films	Monday to Sunday: 12:00 – 24:00
Live Music	Monday to Sunday: 12:00 – 24:00
Recorded Music	Monday to Friday & Sunday 08:00 – 24:00 Saturday 08:00 – 01:00 hours
Supply of Alcohol	Monday to Friday 08:00 – 24:00 Saturday 08:00 – 01:00 hours Sunday 10:00 – 24:00
Opening Hours	Monday & Tuesday: 08:00 – 24:00 Wednesday, Thursday & Sunday: 08:00 – 00:30 hours Friday & Saturday: 08:00 - 01:30 hours.

- # 2.2 The original application is attached as **Appendix 1**.
- 2.3 The applicant has agreed to withdraw the request for Live & Recorded Music and to reduce the terminal hour for other licensable activities to 23:00 hours. A condition has also been added whereby alcohol will only be served to persons taking a table meal.

#### 3. BACKGROUND INFORMATION

- # 3.1 These premises previously held a licence which was surrendered on 13 September 2016. A copy of this licence is attached as **Appendix 2**.
- 3.2 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days starting on the day after the authority receives the application. A notice must also be published in a local newspaper within 10 working days of the start of the consultation period. During the consultation period representation may be made to Licensing Services.
- 3.3 On Friday 4 November 2016 the notice at the premises was checked by the Licensing Enforcement Officer. It was found to be correctly displayed on site and contained the statutory information regarding the consultation period and the colour was pale blue. The last day for representations was shown as 29 November 2016.
- 3.4 The notice was published in the Lymington Times on 11 November 2016.

#### 4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. The licensable objectives are:

- 1) The prevention of Crime and Disorder;

- 2) Public safety;
- 3) The prevention of public nuisance;
- 4) The protection of children from harm.

# 4.2 Guidance about the licensing objectives issued by the Home Office under section 182 of the Licensing Act 2003 is attached as **Appendix 3**.

4.3 In determining the application the Licensing Sub-Committee must give appropriate weight to:

- 1) The steps that are appropriate to promote the licensing objectives;
- 2) The relevant representations presented by all the parties;
- 3) The Home Office guidance;
- 4) The Council's own Statement of Licensing Policy.

# 4.4 Additional Home Office guidance about determining actions that are appropriate for the promotion of the licensing objectives is attached as **Appendix 4**.

## 5. AGREED CHANGES TO THE APPLICATION

5.1 During the consultation period, Hampshire Police Licensing and the District Council's Environmental Health (Pollution) proposed additional conditions which were accepted by the applicant. These are summarised below:

Hampshire Police Licensing

- Amendment of licensable activities to end at 23:00 hours daily;
- Closing to the public at 23:30 hours daily;
- Conditions in relation to training, Challenge 25, refusals & incidents book, alcohol with food & off- sales of alcohol, and use of the garden area.

Environmental Health Pollution

- Appropriate signage to be displayed;
- Monitor and manage external areas.

5.2 There were no other representations or comments from any other responsible authority including New Forest District Council Development Control.

# 5.3 The details of the agreed changes are attached as **Appendix 5**. As a consequence of these changes, a letter was sent to all parties on 7 December (**Appendix 6**) explaining these in detail. Particular reference was made to the fact that the ceasing of licensable activities at 23:00 meant that live and recorded music and late night refreshment was no longer licensable and therefore removed from the application. The Licensing Authority decided to defer the consideration of the application to allow all parties the opportunity to consider these changes.

## 6. REPRESENTATIONS RECEIVED

6.1 During the consultation period relevant representations were received, including two letters of support. However, following the amendments to the application, as referred to in paragraph 5.3 above, a number of representations were formally withdrawn. There are now 29 objections to and 2 representations in support of the application.

6.2 The objections to the application are made on the grounds of the following licensing objectives;

- i) The Prevention of Crime and Disorder;
- ii) The Prevention of Public Nuisance.

# 6.3 The representations are all attached as **Appendix 7**.

## **7. LEGAL IMPLICATIONS**

- 7.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 7.2 The Applicant, the Responsible Authorities and all other persons who have made representations have been informed of the date, time and location of the hearing and of their right to attend and be represented.
- 7.3 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other party, with the consent of the Sub Committee.

## **8. RIGHT OF APPEAL**

- 8.1 It should be noted that the applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 8.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 8.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority, will not normally be granted within the first 12 months except for the most compelling circumstances.

## **9. CONCLUSION**

- 9.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider whether to: -
- 1) Grant the Licence - with the conditions proposed by the Police and Environmental Health (Pollution) and accepted by the applicant and all applicable mandatory conditions of the Licensing Act 2003;
  - 2) Grant the Licence – but with modified conditions to restrict further the licensable activities or operating hours;
  - 3) Reject the application.

## **10. RECOMMENDATION**

- 10.1 That the Licensing Sub-Committee determines the application.

### **Further Information:**

Paul Weston  
Licensing Services  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

### **Background papers:**

None

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LICPR/16/07106

Appendix 1

Chq: 100001

VG Ventures Ltd



**New Forest**  
DISTRICT COUNCIL

**Application for a premises licence to be granted  
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** VG VENTURES LIMITED  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference of		<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>LICENSING SERVICES</b>  - 1 NOV 2016  <b>RECEIVED</b> </div>	
9 GOSPORT STREET			
Post town	LYMINGTON	Postcode	SO41 9BG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16,500

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					



**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over				<input type="checkbox"/> Please tick yes
Current postal address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	VG VENTURES LTD
Address	2 EUSTACE HOUSE OLD PARADISE STREET LONDON SE11 6AN
Registered number (where applicable)	10274586
Description of applicant (for example, partnership, company, unincorporated association etc.)	LTD. Co.
Telephone number (if any)	07748076990
E-mail address (optional)	albert.gallordini@gmail.com

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
18	10	2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE RESTAURANT WANTS TO CREATE A WARM FRIENDLY ENVIRONMENT WHERE CUSTOMERS CAN BE SERVED A TOP QUALITY CUISINE.

THE AIM IS TO ATTRACT A MORE MATURE CLIENTELE, AND AS A RESULT THERE WILL BE SOMETHING FOR EVERYONE, WITH FOOD, DRINK AND AMBIENCE.

DAYTIME TRADING WILL BE OPEN TO THE PUBLIC.

MOST OF THE EVENING HOURS (6PM ONWARDS) WILL BE BOOKING ONLY, IN AN EFFORT TO REGULATE THE OBJECTIVES FAR MORE EFFECTIVELY AND CAUSE MINIMAL DISRUPTION TO LOCAL RESIDENCE.

WITH RETAIL MAINLY FOCUSING ON FOOD, THE PREMISES WILL WELCOME A PLACE TO EAT, ACCOMPANIED WITH REFRESHMENTS, EITHER SOFT OR ALCOHOLIC SHOULD YOU CHOOSE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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 late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
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 checked="" 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) ACTIVITY TO TAKE PLACE WITHIN THE STATED HOURS, IN THE SOUND PROOFED SNUG.								
Mon	12 00	24 00									
Tue	12 00	24 00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)								
Wed	12 00	24 00									
Thur	12 00	24 00	<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)								
Fri	12 00	24 00									
Sat	12 00	24 00									
Sun	12 00	24 00									

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			<b><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></b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment 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"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music 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 checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	12 00	24 00	MUSIC WILL BE AMPLIFIED, HOWEVER WILL ALWAYS TERMINATE BY 2100 OUTSIDE. WILL THEN MOVE INSIDE WITH WINDOWS AND DOORS BEING KEPT CLOSED TO REDUCE DISTURBANCE.		
Tue	12 00	24 00			
Wed	12 00	24 00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	12 00	24 00	CHRISTMAS EVE 1000 - 2400 NEW YEARS EVE 1000 - 0200		
Fri	12 00	24 00	<b>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</b> (please read guidance note 5)		
Sat	12 00	24 00			
Sun	12 00	24 00			

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>	
Mon	0800	2400	<b>Please give further details here</b> (please read guidance note 3) MOST RECORDED MUSIC WILL BE PLAYED AS BACK GROUND MUSIC UNLESS A SPECIFIC EVENT IS TAKING PLACE. IT WILL BE MONITORED ACCORDINGLY.		
Tue	0800	2400	AFTER 2100 OUTSIDE MUSIC WILL TERMINATE.		
Wed	0800	2400	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	0800	2400			
Fri	0800	2400	<b>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</b> (please read guidance note 5)		
Sat	0800	0100	CHRISTMAS EVE WILL TERMINATE AT 0100. NYE WILL TERMINATE AT 0200.		
Sun	0800	2400			



**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"/>
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 the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place 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 entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

<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>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> - <b>please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) CHRISTMAS <del>DAY</del> <sup>EVE</sup> 1000 - 0100 NEW YEARS EVE 1000 - 0300		
Mon	0800	2400			
Tue	0800	2400			
Wed	0800	2400			
Thur	0800	2400			
Fri	0800	2400			
Sat	0800	0100			
Sun	1000	2400			
			<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</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	MICHELE ALEXANDRA Mc CALL WILSON
Address	MARLWOOD HOUSE SILVER STREET SWAY LYMINGTON HAMPSHIRE
Postcode	SO41 6DG
Personal licence number (if known)	2525/1
Issuing licensing authority (if known)	NEW FOREST DISTRICT COUNCIL

K

**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).**

L

<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)
			<b>CHRISTMAS EVE 0100</b> <b>NEW YEARS EVE 0300</b>
Day	Start	Finish	
Mon	0800	2400	
Tue	0800	2400	
Wed	0800	2430	
Thur	0800	2430	<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)
Fri	0800	0130	
Sat	0800	0130	
Sun	0800	2430	

**M** Describe the steps you intend to take to promote the four licensing objectives:

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

STRONG MANAGEMENT CONTROLS AND EFFECTIVE TRAINING OF ALL STAFF SO THAT THEY ARE AWARE OF THE PREMISES LICENCE AND THE REQUIREMENTS TO MEET THE FOUR OBJECTIVES WITH PARTICULAR ATTENTION TO:- 1. NO SELLING OF ALCOHOL TO UNDERAGE PEOPLE. 2. NO DRUNK AND DISORDERLY BEHAVIOUR ON THE PREMISES. 3. VIGILANCE IN PREVENTING THE USE AND SALE OF ILLEGAL DRUGS AT THE RETAIL AREA. 4. NO VIOLENT AND ANTI SOCIAL BEHAVIOUR 5. NO/ANY HARM TO CHILDREN.

- OPERATING SCHEDULE PROVIDING THE HOURS OF OPERATION AND LICENSABLE ACTIVITIES DURING THOSE HOURS.
- DESIGNATED PREMISES SUPERVISOR, DAY TO DAY CONTROL, PROVIDING GOOD TRAINING ON THE LICENSING ACT (TRAINING RECORD), AUTHORIZE EACH SALE OF ALCOHOL.
- CLEAR CHALLENGE 25. INFORMATION TO PREVENT SUPPLY OF ALCOHOL TO UNDERAGE DRINKERS.

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

A CLEAR AND LEGIBLE NOTICE OUTSIDE THE PREMISES INDICATING THE NORMAL HOURS OF TRADE. NON SELLING OF ALCOHOL TO DRUNK OR INTOXICATED PERSONS. CUSTOMERS WILL BE DISCOURAGED FROM STANDING OUTSIDE THE FRONT OF THE PREMISES FOR LONGER THAN NECESSARY. NO DRINKS TO BE CONSUMED OUTSIDE THE FRONT OF THE PREMISES. STAFF WILL BE TRAINED IN ASKING CUSTOMERS TO USE THE PREMISES IN AN ORDERLY MANNER.

**c) Public safety**

INTERNAL AND EXTERNAL LIGHTING FIXED TO PROMOTE THE PUBLIC SAFETY OBJECTIVE. WELL TRAINED STAFF ADHERENCE TO ENVIRONMENTAL HEALTH REQUIREMENTS. TRAINING AND IMPLEMENTATION OF UNDERAGE ID CHECKS. A LOG BOOK OR RECORDING SYSTEM IN WHICH SHALL BE ENTERED PARTICULARS OF INSPECTIONS MADE: THOSE REQUIRED TO BE MADE BY STATUTE, AND INFORMATION COMPILED TO COMPLY WITH ANY PUBLIC SAFETY CONDITION ATTACHED TO THE PREMISES LICENSE THAT REQUIRE THE RECORDING OF SUCH INFORMATION. ALL PARTS OF THE PREMISES AND ALL FITTINGS AND APPARATUS THEREIN WILL BE MAINTAINED AT ALL TIMES IN GOOD ORDER AND IN SAFE CONDITION.

**d) The prevention of public nuisance**

THE GARDEN AREA WILL BE CLOSED OFF FROM 11pm ONWARDS AND LOCKED. IN THE EVENT OF AMPLIFIED OR ACOUSTIC MUSIC BEING PLAYED, ALL WINDOWS AND DOORS WILL BE CLOSED AFTER 2100. THIS WILL BE MONITORED AND TERMINATE BY 2400, REDUCING TO BACKGROUND MUSIC THEREAFTER. ANY VISUAL EVENTS BEING HELD IN THE SNUG WILL END AT LATEST 2400. BINS AND RECYCLING WILL NOT BE EMPTIED BETWEEN THE HOURS OF 2100-0700 TO REDUCE DISTURBANCE. WASTE COLLECTION, DELIVERIES OR CONTRACTORS WILL NOT BE ACTIVE BETWEEN 1900-0700. ANY KITCHEN EXTRACTION FANS WILL BE TURNED OFF WHEN THEY ARENT REQUIRED. AT EACH EXIT POINT A CLEAR NOTICE WILL BE DISPLAYED REQUESTING CUSTOMERS TO LEAVE RESPECTFULLY. A LIST OF LOCAL TAXI FIRMS WILL BE DISPLAYED TO DISCOURAGE LOITERING OUTSIDE AT THE END OF EVENING. NO DRINKS TO BE CONSUMED OUTSIDE THE FRONT OF THE BUILDING TO REDUCE NOISE DISTURBANCE.

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

THE DPS IS TO BE TRAINED IN SAFEGUARDING OF CHILDREN AND PEDIATRIC 1ST AID. THERE WILL BE A STRICT POLICY OF NO UNACCOMPANIED MINORS (UNDER 16) ON PREMISES AT ANY TIME UNDER 18'S WILL NOT BE SERVED ALCOHOL AT ANY TIME, REGARDLESS OF THE ACCOMPANYING ADULT REQUEST A STRICT UNDER 21 ID POLICY IN PLACE. ALL UNDER 21'S REQUIRED TO PRESENT LEGAL FORM OF ID. IN THE CASE OF AN EVENT NOT BEING APPROPRIATE FOR CHILDREN TO ATTEND, THERE WILL BE A STRICT BAN ON UNDER 18'S ATTENDING. ALL FILMS BEING PLAYED WILL ONLY BE VIEWED BY PERSONS EQUAL TO OR OLDER THAN THE STATED AGE BY THE BBFC.

**CONTINUED PREVENTION OF PUBLIC NUISANCE**

THE SHUTTERS AT THE FRONT OF THE PREMISES CAN BE CLOSED TO ALSO REDUCE NOISE AND ELIMINATE ANY LIGHT POLLUTION DURING EVENING FUNCTIONS.  
 A CONSTANT MONITOR OF GENERAL NOISE, LIGHT POLLUTION, NOXIOUS SMELLS AND LITTER WILL BE COMPLETED.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	13/10/16
Capacity	DIRECTOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 postal address for correspondence associated with this application (please read guidance note 13)

ALBERT BACCARDINI, 2 EUSTACE HOUSE, OLD PARADISE STREET

8/

Post town	CONDON	Postcode	SEH 6AW
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Telephone number (if any)	07748076850
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

ALBERT.BACCARDINI@GMAIL.COM

### Notes for Guidance

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 the 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



**Consent of individual to being specified as premises supervisor**

I MICHELE ALEXANDRA McCALL WILSON

*[full name of prospective premises supervisor]*

of  
MARLWOOD HOUSE  
SILVER STREET  
SWAY  
LYMINGTON  
HAMPSHIRE  
SO41 6DG

*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

*[type of application]*

by

MICHELE ALEXANDRA McCALL WILSON  
*[name of applicant]*

relating to a premises licence

*[number of existing licence, if any]*

for

V6 VENTURES  
9 GOSPORT STREET  
LYMINGTON  
SO41 9BG

*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

MICHELE ALEXANDRA MCCALL WILSON

[name of applicant]

concerning the supply of alcohol at

VG VENTURES  
9 GOSPORT STREET  
LYMINGTON  
SO41 9BG

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

2525 / 1

[insert personal licence number, if any]

Personal licence issuing authority

NEW FOREST DISTRICT COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

MISS M A M WILSON




Date

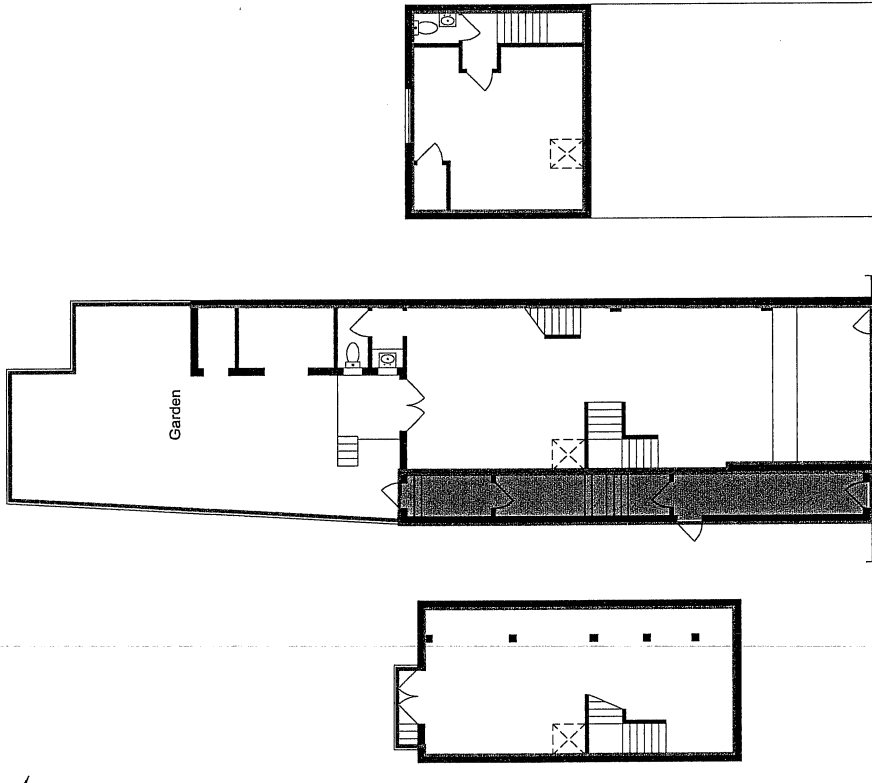
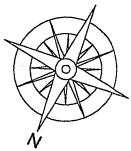
13 / 10 / 16



**LOCATION PLAN**

SCALE: 1:1250

-  The Building
-  Rights Over Common Parts
-  The Property



<p><b>EPC Assure Ltd</b>          20-22 Wenlock Road          London, N1 7GU          T: 0845 388 3814</p>	<p><b>Drawing No.</b>          1 of 1</p>	<p><b>Address</b>          9 Gosport Street          Lympington          SO41 9BG</p>	<p><b>Title</b>          Lower Ground, Ground,          First Floor          Lease Plan</p>	<p><b>Scale</b>          1:200 @ A4</p>	<p><b>Date</b>          September, 2016</p>
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NO THANKS YES

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Lymington Sea School  
 SAL Marine  
 Mill Ln  
 Gosport St  
 High St  
 Southern Daily Echo  
 YESSS Electrical Southern Group Office  
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 Bartlett Motorcycles & Scooters  
 Oriana  
 Quba & Co  
 Lal Qui Lia  
 Catholic Church  
 Our Lady of Mercy  
 Lymington Fish Bar  
 Karina's on Quay Street  
 Hair Villa  
 The Elderflower  
 Sophie's Coffee House

Map data ©2016 Google





Licensing Act 2003

## Premises Licence

Issued under Section 24 of the above Act

<b>Premises Licence Number</b>	633/5
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### Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Wytes 9 Gosport Street Lymington Hampshire SO41 9BG	Map Ref (E): 432666.697585916 Map Ref (N): 95635.0670233939 UPRN: 100060476773
Telephone Number:	

### Where the licence is time limited the dates

This licence is NOT time limited

### Licensable activities authorised by the licence

- B) Exhibition of a Film
- E) Performance of Live Music
- F) Playing of Recorded Music
- I) Provision of Late Night Refreshment
- J) Supply of Alcohol

### The times the licence authorises the carrying out of licensable activities

B - Exhibition of a Film		Exhibition of films may take place:		Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Further details:		
Mon	12:00	24:00	Licence required to show old movies in 'The Den' (Lower Ground Floor) to a non-paying crowd via a projector and suspended white screen. The sound may be amplified but not so loud that it prohibits the enjoyment of the rest of the customers at Ground Floor Level. Films will not be shown to children unless the film stipulations permit it.		
Tues	12:00	24:00			
Wed	12:00	24:00			
Thur	12:00	24:00			
Fri	12:00	24:00			
Sat	12:00	24:00			
Sun	12:00	24:00			
			Seasonal variations:		
			Non standard timings:		


 Disability Helpline  
 023 8028 5000

<b>E - Performance of Live Music</b>			<b>Performance of live music may take place:</b>	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish			
Mon	12:00	22:00	<b>Further details:</b> Occasional live music for customers. Although the permitted hours are for every day this is merely to allow the flexibility to provide entertainment during the week as well as at the weekend. Some of the music will be amplified.  <b>Seasonal variations:</b>  <b>Non standard timings:</b> Permitted hours on Christmas Eve are 10:00hrs to 24:00hrs Permitted hours on New Year's Eve are 10:00hrs to 02:00hrs		
Tues	12:00	22:00			
Wed	12:00	22:00			
Thur	12:00	22:00			
Fri	12:00	24:00			
Sat	12:00	24:00			
Sun	12:00	22:00			

<b>F - Playing of Recorded Music</b>			<b>Playing of recorded music may take place:</b>	Indoors	
				Outdoors	
				Both	Y
Day	Start	Finish			
Mon	10:00	24:00	<b>Further details:</b> Amplified music the volume of which can be regulated and varied room to room.  <b>Seasonal variations:</b>  <b>Non standard timings:</b> Permitted hours on Christmas Eve are 10:00hrs to 24:00hrs Permitted hours on New Year's Eve are 10:00hrs to 02:00hrs		
Tues	10:00	24:00			
Wed	10:00	24:00			
Thur	10:00	24:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	24:00			

<b>I - Provision of Late Night Refreshment</b>			<b>This entertainment will take place:</b>	Indoors	
				Outdoors	
				Both	Y
Day	Start	Finish			
Mon	23:00	24:00	<b>Further details:</b>  <b>Seasonal variations:</b>  <b>Non standard timings:</b>		
Tues	23:00	24:00			
Wed	23:00	24:00			
Thur	23:00	24:00			
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	24:00			



J - Sale or Supply of Alcohol - On and Off the Premises		
Day	Start	Finish
Mon	10:00	24:00
Tues	10:00	24:00
Wed	10:00	24:00
Thur	10:00	24:00
Fri	10:00	01:00
Sat	10:00	01:00
Sun	10:00	24:00

Seasonal variations:

Non standard timings:  
 Permitted hours on Christmas Eve are 10:00hrs to 01:00hrs  
 Permitted hours on New Years Eve are 10:00hrs to 03:00hrs

The opening hours of the premises		
L - Opening Hours		
Day	Start	Finish
Mon	10:00	00:30
Tues	10:00	00:30
Wed	10:00	00:30
Thur	10:00	00:30
Fri	10:00	01:30
Sat	09:00	01:30
Sun	09:00	00:30

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**  
 Alcohol is supplied for consumption both ON and OFF the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Robert Milton  
 Stanwell House Hotel.  
 14-15 High Street  
 Lymington  
 Hampshire  
 SO41 9AA

Telephone: 01590 677123

Email: robert@stanwellhouse.com

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Kate Louise Robinson  
3 Trafalgar Place  
Lymington  
Hampshire  
SO41 9BN

Telephone:

Email: kate.robinson@ekit.com

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

771  
New Forest District Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 26/03/2013

Date licence commences: 26/03/2013

Date first licence came into force: 24/11/2005



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Head of Public Health & Community Safety  
(Authorised Officer)

**Annex 1 - Mandatory conditions**

**Where licence authorises door supervision:**

- (1) Each individual at the premises to carry out a security activity must:

Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

or

Be entitled to carry out that activity by virtue of section 4 of that Act.

**Where the licence authorises exhibition of films:**

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where:
- (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section:

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Where licence authorises supply of alcohol:**

- (1) No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(Additional Conditions with effect from 6 April 2010)

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers when is reasonably available.

(Additional Condition with effect from 1 October 2010)

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

**Annex 2 - Conditions consistent with the operating schedule**

Conditions subject to which your previous licence(s)/certificate(s) has/have been granted:

a) General – all four licensing objectives (b,c,d,e)

b) The prevention of crime and disorder

c) Public Safety

**d) The prevention of public nuisance**

During any event involving live or amplified music (other than low level background music), all windows will be kept closed. External doors will also be kept closed, 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.

The air conditioning and cooking extraction system will be switched off when not required.

The disposal of empty bottles into outdoor storage receptacles will not take place between 2100 to 0700 hours.

Arrangements will be in place to ensure that deliveries of consumables will not take place between 1900 to 0700 hours.

Arrangements will be in place to ensure that waste collection contractors will collect between 1900 to 0700 hours.

So as to minimise disturbance to local residents late at night, staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not loiter in the vicinity of the premises.

At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.

Noise from music and voices emanating from the premises between 2300 and 0900 hours will be inaudible when measured at the boundary of all noise sensitive premises.

Prior to 2300 hours, music noise emanating from the premises whilst audible, is so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises.

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

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

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**Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

**Annex 4 - Plans**

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	25/08/2005



HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

MARCH 2015

### THE LICENSING OBJECTIVES

#### **Crime & Disorder**

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

### Public safety

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33- 8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

### Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of



certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

### **Safe capacities**

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

### **Public Nuisance**

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### Protection of Children from Harm

- 2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.27 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.28 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.29 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.30 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

MARCH 2015

**Determining actions that are appropriate for the promotion of the licensing objectives**

- 9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

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Sarah Wilson

**From:** Conway, Sharon [sharon.conway@hampshire.pnn.police.uk]  
**Sent:** 10 November 2016 16:05  
**To:** Licensing e-mail address  
**Cc:** Arran Harmer  
**Subject:** FW: New premises licence application - 9 Gosport Street, Lymington

Dear Licensing

Re New Premises Licence – 9 Gosport Street, Lymington

We have reached agreement with the applicant as set out below. This agreement being:

- Amendment of licensable activities to 2300hrs each day
- Closing to the public at 2330hrs each day
- Conditions in relation to training, Challenge 25, refusals / incidents book, alcohol with food, off-sales of alcohol, use of garden area.

### Training-

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Any reference to Challenge 25 or Challenge 21 to be amended to:

### Challenge 25 age verification

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises

### **Refusals book**

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

### **Incident book**

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

This record will be retained for 12 months.

### **Alcohol with Food**

Alcohol shall not be sold or supplied on the premises otherwise that to persons taking table meals there and for consumption by such a person as an ancillary to his meal.



### **Off- sales of alcohol**

Off sales of alcohol shall only be permitted to customers who have dined in the premises. Alcohol for consumption off the premises will be sold / supplied in sealed containers.

No consumption of alcohol or other drinks will take place outside to the front of the premises (Gosport Street).

### **Garden area**

The garden area will be closed to patrons from 2300hrs each day, and locked.

Please can you confirm if CCTV will be in operation at the premises. If so, may I suggest the following to be added as a condition:

### **CCTV**

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format disc. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

# \* Agreed Conditions

Sarah Wilson

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 29 November 2016 08:36  
**To:** Sarah Wilson  
**Subject:** FW: Premises license application- 9 Gosport Street, Lymington

E+1 Poll.

**Paul Weston**

Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**From:** Arran Harmer  
**Sent:** 28 November 2016 10:47  
**To:** Licensing e-mail address  
**Cc:** 'Albert Ballardini'  
**Subject:** FW: Premises license application- 9 Gosport Street, Lymington

Dear Licensing,

Please see the email correspondence with the applicant below which confirms that they are happy for the following conditions to be added to the operating of the licence application schedule under the heading of Prevention of Public Nuisance:

- *Signage shall be placed on all tables outside reminding customers to be respectful of neighbouring properties and keep noise to minimum*
- *Staff shall regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.*

Many thanks

**Arran Harmer**

Environmental Health Officer  
Environmental Protection | Governance & Regulation  
New Forest District Council  
Tel: **023 8028 5588** | Admin: **023 8028 5411 (option 2)**  
[arran.harmer@nfdc.gov.uk](mailto:arran.harmer@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**Governance & Regulation**

Executive Head: Grainne O'Rourke

Our Ref: F

Your Ref: 1

07 December 2016

Dear

**LICENSING ACT 2003**

**Application for Premises Licence – 9 Gosport Street, Lymington.**

I refer to your representation regarding the application dated 1 November 2016 by VG Ventures Limited for a premises licence to supply alcohol, provide regulated entertainment and late night refreshment at 9 Gosport Street, Lymington, and my letter of 30 November 2016.

The licensable activities originally applied for on 1 November 2016 were:

Supply of alcohol	Monday to Friday:	08:00 – midnight
	Saturday:	08:00 – 01:00
	Sunday:	10:00 – midnight

(with additional hours for Christmas Eve & New Year's Eve)

Films Monday to Sunday: 12:00 – midnight

Live Music	Monday to Sunday: 12:00 - midnight)
Recorded Music	Monday-Friday and Sunday: 08:00-midnight
	Saturday 08:00–01:00

(with additional hours for Christmas Eve and New Year's Eve)

Late night refreshment: Hours not specified

The opening hours of the premises were;

Monday & Tuesday:	08:00 – midnight
Wed & Thursday:	08:00 – 00:30
Friday & Saturday:	08:00 – 01:30

Following discussion during the consultation period, with Police Licensing and Environmental Health Pollution (which are Responsible Authorities), the applicant has indicated willingness to accept the following additional conditions:

- All licensable activities to cease at 23:00 each day.
- Closing to the public at 23:30 hrs each day
- Closure of the garden area to patrons at 23:00 and being locked at that time.



Disability Helpline  
023 8020 5000

**newforest.gov.uk**

Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

- Conditions in relation to training around the sale of alcohol.
- Operating a "Challenge 25" age verification policy.
- Requirement to keep a refusal/incident book relating to alcohol sales.
- Alcohol only to be sold/supplied to persons taking table meals.
- Off sales of alcohol only be permitted to customers who have dined in the premises and to be sold or supplied in sealed containers.
- No consumption of alcohol or other drinks outside the front of the premises.

It is important to note that ceasing the licensable activities at 23:00 means that live and recorded music and late night refreshment at these premises are **no longer licensable activities** and are therefore removed from the application. The Licensing Authority considers that this is a significant change in circumstances of which persons submitting representations should be made aware.

In light of the above and in accordance with Regulation 11(1) of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority is of the opinion that it is in the public interest to defer consideration of the application until January 2017.

This additional time will give those making representations the opportunity to consider the conditions set out above and to decide whether they wish to pursue their representations. If you wish to withdraw a representation, please inform me **by Friday 16 December 2016**.

The Democratic Services Team will be in touch with you shortly with a date for the hearing in January 2017.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

*Paul Weston*

Licensing Officer  
Licensing Services

Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

Support

**Sarah Wilson**

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 14 November 2016 13:13  
**To:** Sarah Wilson  
**Subject:** FW: 9 Gosport Street App./Paul Weston

**Paul Weston**  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**From:** Seahorse Magazine  
**Sent:** 14 November 2016 12:25  
**To:** Licensing e-mail address  
**Subject:** 9 Gosport Street App./Paul Weston

Dear Paul

We are at 5 Britannia Place, Station Street. Before that we were at 2 Gosport street so know the immediate area very well having been here since 1994.

I fully support the licensing application for the former Wytes bar.

The area will only benefit from further entertainment facilities. The town as a whole is getting steadily better in this respect and replacing the empty property with a vibrant and attractive new bar and restaurant premises will be a further boost to Lymington

I have, by the way, received an anonymous and very aggressive letter asking me to object.

I do not like receiving such communication without a name and address attached, as it is likely to have come from a business rival trying to prevent the application succeeding. I hope others are not swayed by the same pretty unpleasant letter which can be forwarded to you on request.

Kind regards,

Andrew Hurst

5 Britannia Place  
Station Street

Lymington  
Hampshire  
SO41 3BA  
UK

**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 15 November 2016 11:21  
**To:** Sarah Wilson  
**Subject:** FW: FAO MR PAUL WESTON

**Paul Weston**

Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**From:** Cathie Savin [mailto:...]  
**Sent:** 15 November 2016 11:06  
**To:** Licensing e-mail address  
**Subject:** FAO MR PAUL WESTON

Good Morning, I am writing to express my support for the application to operate a drinking and entertainment business at 9 Gosport Street, Lymington.

We live in a lovely town but it does need more bars/restaurants to attract tourists and locals and to keep them in town. We need visitors to spend money in our shops, and although there are plenty of coffee shops, we do need more places offering alcohol. Wytes and Graze used to use these premises and were very well used with little trouble. As long as its perhaps limited to over 21s I cannot see any issues with not granting a license.

There seems to be a lot of older people objecting to this, we really do not want Lymington to become a town just for the elderly, we need to attract young people to spend their money here and even settle down and start their families here. Please, I hope you consider this application favourably. My family, consisting of me, my husband and our four children (all in their twenties) live and work in Lymington and would like to think that there is a future for our lovely town which doesn't just consist of coffee shops and charity shops.

Thank you.

Yours

Catherine Savin

Ajax Machine Tools International Limited

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**OPEN HOUSE 16<sup>TH</sup> & 17<sup>TH</sup> N**  
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## Sarah Wilson

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**From:** Cathie Savin  
**Sent:** 15 November 2016 12:33  
**To:** Sarah Wilson  
**Subject:** RE: 9 Gosport Street Lymington

Morning, my postal address is  
The Blue House  
89 Milford Road  
Lymington  
SO41 8DN

Yours

Cathie Savin

### Ajax Machine Tools International Limited



*Lest We Forget*



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**From:** Sarah Wilson [<mailto:Sarah.Wilson@NFDC.gov.uk>]  
**Sent:** 15 November 2016 11:39  
**To:** Cathie Savin  
**Cc:** Paul Weston  
**Subject:** 9 Gosport Street Lymington

Good morning,

Thank you for your email in support of the premises licence for the above site.

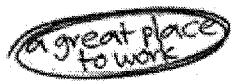
Please may you provide us with a postal address in order for us to communicate with you further?

Kind regards,

Sarah Wilson  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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\* Objection

BAC14

7 Gosport Street  
Lymington  
SO41 9BG

21 November 2016

The Licensing Authority  
NFDC  
Appletree Court  
Beaulieu Road  
Lyndhurst  
SO43 7PA



Dear Sir or Madam,

**OBJECTION TO No. 9 GOSPORT STREET**

I own and reside in the freehold property No. 7 Gosport Street which consists of a retail business on the ground floor and an apartment on the first and second floors. This Grade II Listed property was built in the 1790's. It has no modern soundproofing and sound passes easily through floors, walls and windows.

In recent years during the period when a bar was being operated in No.9 Gosport Street my life was made a misery with loud noise percolating throughout my home. This was so intrusive at times as to make the television inaudible.

I complained several times to the NFDC. They stopped the live music but seemed incapable of reducing the volume of recorded music and other sounds to an acceptable level. At some stage they insisted that the speakers were moved but that only moved the sound of music to another part of my home.

Even in the bedrooms of my home on the second floor the rhythmic thumping of the base notes was clearly heard and sleep was impossible.

After the garden was closed each evening the smokers moved into Gosport Street immediately outside the front door of the bar and adjacent to my front entrance door. Gosport Street is very narrow at this point, not 2 metres wide, with railings behind the curb stones so these people were hemmed in right outside my front door, drinking, smoking, using foul language and regularly fights broke out. This disgusting behaviour often continued after the bar closed sometimes into the early hours.

I could not open my front windows and the smell of cigarette smoke permeated my whole property. The front first floor bedroom became unusable.

My tenant runs his business between midday and late into the evening. We fear his business will be severely affected by youths crowded round in the street outside his windows. His customers are unlikely to welcome having to run the gauntlet of semi

inebriated and sometimes very inebriated people as they enter or leave his shop. Similarly, you can imagine how unpleasant it is for a lady to return to her home in the evening to be faced by an intimidating mob milling about outside her front door.

Surely a resident can demand to live in peace in their property and businesses must have the right to carry on their lawful occupation as has been the case here for over two hundred years before the foolish and injudicious granting of licences which are completely inappropriate in a heavily populated residential area.

The proposed business and attendant licenses are not suitable in No.9 Gosport Street.

The license applications must be refused for the sake of those who live here and have done so for many years.

Please acknowledge receipt of this letter.

Yours faithfully,

Mrs Margaret Bach.

\* objection

B BEARCROFT

**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 21 November 2016 10:08  
**To:** Sarah Wilson  
**Subject:** FW: No 9 Gosport St objection: Dr J S Bearcroft 8 Place

**Paul Weston**  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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**From:** Clare Bearcroft [<mailto:cl>]  
**Sent:** 21 November 2016 08:15  
**To:** Licensing e-mail address  
**Subject:** No 9 Gosport St objection: Dr J S Bearcroft 8 Place

Dear Sir/Madam

**Objection to the application at No. 9 Gosport Street-** Grateful if you could acknowledge receipt of this email.

I object very strongly to the granting of this proposed license.

My reasons are as follows:

1. My wife (88 years old) and I (90 years old) live at 8 Trafalgar Place. This is behind and very close to the applicant premises. Our rear garden is no more than a few yards from the rear garden / backyard of the applicant premises. There are many other homes which will be similarly affected by this application.
2. In past years, we have experienced very significant problems with noise from the previous occupants of the applicant premises when they were trading as the restaurant / bar 'Grazes' and subsequently as 'Whytes'. The problem had also been a live issue for the previous owners of our house. The noise has been particularly bad during the summer months due both to the premises being busier and with doors and windows being open. It has been so intolerable that I was unable to sit outside in my back garden on summer evenings, but had to retire inside the house. Even there it was necessary to keep the windows closed. On some nights, usually weekends, I had the choice of closing my bedroom window to suppress the noise

problem and endure sleeplessness due to a hot stuffy room or open the window and endure the same due to the noise. As far as I could tell, the music played in those days was recorded, but the raucous chatter and laughter was very much 'live'. And this was when the premises were trading as a restaurant bar and not as an amplified live music venue, as is proposed in the application.

3. I have no wish to be a NIMBY killjoy, but in my opinion, the premises are 'embedded' in an otherwise residential area to such a degree that it is simply unsuited for use as a bar / live music venue, as proposed, when it would be impossible to mitigate the impact of noise on residents in the vicinity.
4. In any event, music, and certainly not amplified music, should not be permitted to be played outside at any time. As for music being played inside the venue, this should always cease at 11.00p.m.
5. Even if music is only played inside the venue, if it is amplified there must be some control of the volume which is capable of enforcement.
6. The proposed sale of alcohol until midnight and 1.00am on Saturday will inevitably mean more antisocial behaviour outside the premises.
7. I had believed that these premises were licensed as a restaurant so I am unclear how they can reposition themselves as a bar and entertainment establishment.

We thank you for your support and consideration.

John and Annette Bearcroft. (No 8 Trafalgar Place)

SO41 9BN

Sarah Wilson

\* Objection

BRILL

**From:** Roger Brill  
**Sent:** 17 November 2016 20:24  
**To:** Licensing e-mail address  
**Cc:** A Jane  
**Subject:** Objection to Application for New Premises Licence: 9 Gosport Street, Lymington, S041 9BG

Re. Objection to Application for New Premises Licence: 9 Gosport Street, Lymington, S041 9BG

Dear NFDC Licensing,

As residents of No. 12 Trafalgar Place we are writing to express our objection to the Premises Application on Gosport Street which we understand includes provision to serve alcohol and play live and recorded music until midnight 6 days per week and until 1am on Saturdays. We have been residents at Trafalgar place for 14 years and strongly believe that if this application were to be approved it would undoubtedly have serious implications for the residents, not only of Trafalgar Place, but also those of Gosport Street and Quay Hill. Our main concerns are as follows:

1. Increased levels of noise in such a densely populated area; something which has already been a problem with prior businesses operating in this premises. This is especially a problem for residents of Trafalgar Place due to the confined outside area which magnifies the noise coming from inside and out. Even if live music was limited until 9pm outside, undoubtedly the serving of alcohol until 1.30am would result in increased noise/shouting etc. coming from the garden area and on the street as patrons leave the premises.
2. Antisocial behaviour: with late night drinking and entertainment, of course will come an increase in antisocial behaviour, again a problem experienced previously, and one which will only be magnified by the extending of the premises licence. Even with restrictions on use of the outdoor area, the noise made by smokers and those on the street leaving the premises is a real problem for residents living around the area.

Overall we feel that a premises of this size, listed nature and location in the heart of Lymington is far better limited to that of a cafe/restaurant/wine bar (with sensible limits on licence timings and provision of music), rather than that of a late-night drinking establishment which will undoubtedly foster anti-social behaviour and cause unnecessary stress and disruption to the residents.

We must emphasise that we are in no-way anti-commerce, and by all means would appreciate and support a well-run establishment- cafe/restaurant- which is appropriate for the setting and building.

Yours faithfully,

Roger and Jane Brill  
12 Trafalgar Place  
Lymington SO41 9BN

\* Objection

CAPNER G

**Paul Weston**

---

**From:** G CAPNER ESC  
**Sent:** 07 November 2016 09:48  
**To:** Licensing e-mail address  
**Cc:**

**Subject:** Greenwood  
OBJECTION to Application for New Premises Licence: 9 Gosport Street, Lymington SO41 9BG

**Attachments:** Enforcement letter 2 30.11.2015.pdf; Enforcement letter 1 of 9.9.2015.pdf; Enforcement complaint 2 001.jpg; Enforcement Complaint 1 001.jpg; Capner to Curran 23.7.2015.eml; Capner to NFDC and Police 20.7.2015.eml; Louise Stone complaint 14.8.2014.eml; To Sgt McWilliam 10.8.2014.eml; Karen to Env.Health 8.8.2014.eml; licensing email 28.7.2014.eml

Dear NFDC Licensing

As residents of Lymington for 28 years we write to register our **STRONG OBJECTION** to this new Premises Licence application in its entirety on the following grounds:

1. As your records will show, we have been in regular contact with yourselves, Sgt McWilliam the officer then in charge of Lymington Police Station and his colleagues in Hampshire Constabulary Licensing Department, Safer New Forest Targeting Crime and Anti Social Behaviour, NFDC Environmental Health and NFDC Planning regarding the non observance of the **EXISTING** licence and the adverse impact on our health and wellbeing from noise and anti social behaviour from the use of these premise including having to leave our home at weekends when the impacts become intolerable and unbearable. A sample of emails in 2014 and 2015 are attached, including a diary log (the premises have been closed for most of 2016). The proposed new premises licence application will intensify and greatly magnify those concerns relating to noise and anti social behaviour into the small hours which are not just the result of ineffective operator management but relate to the fundamental inappropriateness of this small Grade 2 listed building in Lymington's Conservation Area to accommodate a late night drinking and entertainment establishment. The building is closely surrounded by noise sensitive receptors with houses and flats on all sides and this confined area magnifies noise and disturbance as well as affecting a large number of people trying to sleep and carry on with their lives without major and intrusive disturbance. In particular, the proposal for live and recorded amplified music both outdoors and indoors demonstrates that the proposers have no thought for the effect on surrounding noise sensitive receptors which suggests they will have a similarly insensitive attitude in running their business. The existing building does not have double glazing and it has been repeatedly shown that operators do not abide by time conditions or conditions to close doors and windows (which do not in any event effectively attenuate noise nuisance) especially in warm weather. Indeed it just means that drunken customers congregate at the Gosport Street entrance to smoke, shout and scream into the small hours. An application for mechanical ventilation in 2007 was refused and dismissed on appeal because of its impact on the listed building and the conservation area (see NFDC 06/0882 & 07/89748).

2. It is clear from the application that the proposed operators will seek to run the premises as a drinking and entertainment establishment. As the attached correspondence with NFDC's Planning Enforcement Officer demonstrates, the lawful planning use is as an A3 restaurant/cafe (also confirmed in Savills last sales particulars) not an A4 drinking establishment or a sui generis entertainment establishment. The operators do not have planning permission for their proposed activities which are not characteristic of a genuine A3 restaurant/cafe and on this basis alone the application should be rejected in its entirety as well as the manifest and documented impacts in terms of noise, anti social behaviour and effect on the general amenity of the area and the peaceful enjoyment of one's home which is protected by the Human Rights Act.

3. As well as rejecting this application in its entirety, in the light of the past history of this establishment in terms of noise nuisance, anti social behaviour and unlawful planning use this opportunity should be taken to **REVIEW** the **WHOLE EXISTING LICENCE** to make it compatible with its lawful use as a genuine A3



restaurant/cafe in a sensitive location which has been the subject of ongoing and consistent complaints. This should include prohibiting the use of the garden after 21.00 hours, the restriction of opening hours to before 23.00 hours , prohibiting the playing of ALL amplified live and recorded music, the showing of films and the sale/supply of alcohol off the premises.

We are happy to attend any inquiry into this matter.

Yours faithfully,

Gareth and Susan Capner  
6, Trafalgar Place,  
Lymington SO41 9BN  
Tel: 07799 11111

**PLANNING & TRANSPORTATION**

Head of Service: Chris Elliott

Mr G Capner, MA FRTPI  
6, Trafalgar Place  
Lymington  
Hampshire  
SO41 9BN

Our Ref: EN/14/0524

Your Ref:

30 November 2015

Dear Mr Capner,

**ADDRESS** WYTES, 9 GOSPORT STREET, LYMINGTON, SO41 9BG  
**ALLEGED BREACH** UNAUTHORISED CHANGE OF USE FROM A3  
RESTAURANT TO A4 DRINKING ESTABLISHMENT

Further to my last letter dated 9th September 2015, I am writing today to update you with regards to the above alleged breach of planning control that you brought to our attention.

As you are aware, we have been monitoring the use of the Wytes over the last 3 months and I can now confirm that the Council have concluded, based on the information available, that the alleged unauthorised change of use of Wytes to a drinking establishment (A4) appears to have ceased. Therefore, it is our intention to close the enforcement file on this matter.

I trust this clarifies our position at this time. Should you be concerned by activities at these premises in the future, please do not hesitate to contact the Council again and we will investigate accordingly.

Thank you for your assistance during our investigations.

Yours sincerely,

Sarah Barnes  
Assistant Planning Officer - Enforcement

Tel: 023 8028 5588  
Email: dev.control@nfdc.gov.uk

**newforest.gov.uk**  
Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

## PLANNING & TRANSPORTATION

Head of Service: Chris Elliott

Mr G Capner, MA FRTPI  
6, Trafalgar Place  
Lymington  
Hampshire  
SO41 9BN

Our Ref: EN/14/0524

Your Ref:

09 September 2015

Dear Mr Capner, MA FRTPI,

**RE: ALLEGED UNAUTHORISED CHANGE OF USE OF WYTES, 9 GOSPORT STREET,  
LYMINGTON, SO41 9BG**

Further to my last e-mail 21st July 2015, I am writing today to update you on our investigations concerning the alleged breach of planning control at Wytes, 9 Gosport Street, Lymington.

Following the issues reported in July 2015, the owners have confirmed that they have revised the premises use in order to fall within the permitted A3 Use Class, to resolve the alleged breach.

A new manager had been appointed and Wytes are now open from 12:00 pm to 11.00 pm (closing later, 12.30 a.m, Friday and Saturday), during which they serve food between 12 - 3 pm and 6 - 10 pm Wednesday to Sunday. Customers do not need to pre book or pre order.

In light of the above, the Council intend to monitor the premises use until November 2015, and will review the case again thereafter.

I trust this clarifies our position on this matter at this time. If you have any queries about the content of this letter, please do not hesitate to contact me on the number below.

Yours sincerely,

Sarah Barnes  
Assistant Planning Officer - Enforcement

Tel: 023 8028 5588  
Email: dev.control@nfdc.gov.uk

**newforest.gov.uk**

Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

## Planning Enforcement Enquiry Form

Please use this form to make a complaint about a planning enforcement matter. We will investigate your complaint and reply to you by e-mail or in writing, usually within 7 working days. We will advise you if our initial investigations will take longer to complete.

The comments that we will give you are at officer level only, without prejudice, and solely based on the information provided to the Council. It does not, in part or in full, form a legal determination under Section 191 or 192 of the Town & Country Planning Act 1990. If you require such a determination, you will find the appropriate advice, fees and application forms on [www.newforest.gov.uk/planning](http://www.newforest.gov.uk/planning).

Full name\* Gareth Capner, MA FRTPI  
Address\* 6, Trafalgar Place  
Lymington

Postcode SO41 9BN

Telephone

Email (leave blank if none)

**PLEASE NOTE: Officers do not accept anonymous complaints.**

**Please complete all of the details marked with a \*. We will keep all of your details confidential.**

Address where the activity is being undertaken\* Wytes  
9, Gosport Street  
Lymington

Postcode SO41 9BG

Description (e.g. building works, extension, business activity, tree works etc)\* Unauthorised change of use from A3 restaurant to A4 drinking establishment and unauthorised display of advertising banner on railings along Gosport Street.

Date which work/activity started (if known) 07/06/2014

Name/Address/Phone numbers of the owner/occupier/builders etc (if known) As above

Please give further details as to the effect the building/activity is having on you and local amenities e.g. noise, traffic, smells, overshadowing etc.

The established use of 9 Gosport Street at ground floor and basement level is an A3 restaurant trading as Limpets until 2006 and subsequently as Graze until last year. It has now been rebranded as Wytes which describes itself on the unauthorised banner as a "Champagne, Cocktails and Music Lounge". It is now an A4 Drinking Establishment functioning in a small Grade 2 listed building in the Conservation Area totally inadequate for its purpose and creating serious disturbance.

First observed on or about

07/06/2014  
Page 66

Information/Evidence to support allegation

Sgt McWilliam of Lymington Police, Arran Harmer of NFDC Environmental Health, Stephanie Bennett NFDC Community Safety Co-ordinator and Bernadette Hanly of Victim Support are all involved and logs are being kept.

Date

10/08/2014

## Paul Weston

---

**From:** G CAPNER ESQ  
**Sent:** 23 July 2015 08:13  
**To:** Patrick Curran  
**Cc:** Karen White  
**Subject:** Fwd: FW: Re Wytes

Dear Mr Curran

Further to this morning's email I note from reading Licence 633/6 that the 01.00am time limit for a Sunday morning specifically relates to both the Sale or SUPPLY of alcohol on or off the premises.

Regards

Gareth Capner

-----Original message-----

From : r

Date : 23/07/2015 - 07:14 (GMT+01)

To : Patrick.Curran@NFDC.gov.uk

Cc

Subject : RE: FW: RE WYTES

Dear Mr Curran

I refer to your email and our telephone conversation yesterday.

1. As I said in my email of 20th July I was awoken at 1.17am on the morning of Sunday 19th July by customers of Wytes standing outside Wytes on the east side of Gosport Street drunkenly screaming and shouting. I put on my dressing gown and shoes, walked out of my house and positioned myself directly opposite Wytes on the west side of Gosport Street. It was 1.24am by my watch. Wytes has a large window and was brightly lit so I had a clear view of the large number of customers clustered round the bar and I observed alcohol being passed over the bar by the bar person and money being paid. I also observed a male urinating in the street drain outside Loose Ends.

2. As they were busy serving alcohol no one was even available, or aware of the need, to manage the outside customers. The licence states:

"So as to minimise disturbance to local residents late at night, staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not loiter in the vicinity of the premises. At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly".

The new young managers are not carrying out these duties and have taken down the notices required by the licence on both the garden door and the main Gosport Street door.

3. The licence states that noise from music and voices must be inaudible between 2300 and 0900 hours. Mrs White at 9 Trafalgar Place which lies immediately behind the garden of Wytes was disturbed on the night of Thursday 16th July by the use of the garden after 2300 hours. In addition the door to the garden was lodged open so that the noise from inside Wytes escaped. This is in breach of the condition in the licence which states:

"External doors will also be kept closed, except where necessary for access and egress, ie the doors will not be secured open and will be fitted with self closers if necessary".

Mrs White will be contacting you by email with further particulars which I am aware is a recurring problem.

We are grateful for your undertaking to raise these breaches with the licensee.

Yours sincerely

Gareth Capner  
6, Trafalgar Place,  
Lymington SO41 9BN  
Tel: 07850 491320

-----Original message-----

From : Patrick.Curran@NFDC.gov.uk  
Date : 22/07/2015 - 12:52 (GMTDT)  
To :  
Subject : FW: Re Wytes

Patrick Curran  
Licensing Enforcement Officer  
Licensing  
Tel: 023 8028 5505 | Internal: 4444  
[patrick.curran@nfdc.gov.uk](mailto:patrick.curran@nfdc.gov.uk) | [www.newforest.gov.uk](http://www.newforest.gov.uk)

---

**From:** Patrick Curran  
**Sent:** 22 July 2015 11:49  
**To:**  
**Subject:** re wytes

Dear Mr & Mrs Capner,

Thank you for your email concerning Wytes. Rest assured I will do what I can within the terms of the Licensing Act 2003 to resolve this matter. Cases of disorder or matters of persons acting in an inappropriate manner outside the premises would also be matter for the Police. I have forwarded your email to my point of contact in Hampshire Police who has said that she will be passing the matter to the colleagues based at Lymington, I believe you have already contacted a Police officer in that regard.

One area that does concern me is your allegation that the premises is selling alcohol beyond their permitted hours. Can you actually say that you saw alcohol being sold i.e. money changing hands on the 19<sup>th</sup> July 2015 past 0100hrs?

I have tried your telephone number on a couple of occasions to verify this. Once I have established this I will speak to the licensee in order to establish if any breaches of the licence have or alleged to have occurred. I will not release your detail to the owners unless you particularly want me to.

I understand that my colleague Sarah Barnes has been in contact with you regarding planning matters.

I look forward to hearing from you.

Yours sincerely,

Patrick Curran  
Licensing Enforcement Officer  
Licensing Services  
NEW FOREST DISTRICT COUNCIL  
Tel 02380 285505

**From:** G CAPNER ESQ  
**Sent:** 20 July 2015 11:57  
**To:**

**Subject:** Wytes, 9 Gosport Street, Lymington SO41 9BG (Licence 633/6)

Dear Mr Harmer, NFDC Licensing, Mrs Barnes and Sgt McWilliam,

Following our discussions last year, Wytes is now "under new management" although we understand that the licensee is still Mr Robert Milton of Stanwell House Hotel.

We were awoken at 01.17am on Sunday 19th July by customers congregating and shouting in Gosport Street outside Wytes with one male urinating in the street drain outside Loose Ends.

The new management make no attempt to manage this situation and indeed have taken down the notices regarding quiet exit from the Gosport Street and garden doors in breach of the licence.

I confirmed this by putting on my dressing gown and shoes and going into the street. Mrs Pitt Brown of 5 Trafalgar Place also did this at 01.00am

I also confirmed that they were still selling alcohol at 01.24am in breach of their licence.

In addition on the night of Thursday 16th July Mrs Karen White of 9 Trafalgar Place was disturbed by the garden door being kept open and the garden being used after 11pm also in breach of the licence.

In my discussions with Mrs Barnes it is clear that Wytes is operating illegally as an A4 Drinking Establishment in an inappropriate small listed Grade 2 building where it's appropriate and lawful use is as an A3 restaurant. The operators of Wytes need to change their business and operational model and return to being a full time restaurant.

Please take action to contain and resolve this anti social nuisance including a complete review of the licence.

Yours sincerely

Gareth and Susan Capner  
6, Trafalgar Place, Lymington SO41 9BN

\*\*\*\*\*

**From:** G CAPNER ESQ [m]  
**Sent:** 20 July 2015 11:57  
**To:**  
**Cc:**  
**Subject:** Wytes, 9 Gosport Street, Lymington SO41 9BG (Licence 633/6)

Dear Mr Harmer, NFDC Licensing, Mrs Barnes and Sgt McWilliam,

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Please take action to contain and resolve this anti social nuisance including a complete review of the licence.

Yours sincerely

Gareth and Susan Capner  
6, Trafalgar Place, Lymington SO41 9BN

\*\*\*\*\*

Patrick Curran  
Licensing Enforcement Officer  
Licensing  
Tel: 023 8028 5505 | Internal: 4444  
[patrick.curran@nfdc.gov.uk](mailto:patrick.curran@nfdc.gov.uk) | [www.newforest.gov.uk](http://www.newforest.gov.uk)

\*\*\*\*\*

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## Paul Weston

---

**From:** G CAPNER ESQ  
**Sent:** 20 July 2015 11:00  
**To:**  
**Cc:**  
**Subject:** Wytes, 9 Gosport Street, Lymington SO41 9BG (Licence 633/6)

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Please take action to contain and resolve this anti social nuisance including a complete review of the licence.

Yours sincerely

Gareth and Susan Capner  
6, Trafalgar Place, Lymington SO41 9BN

**Paul Weston**

---

**From:** louise stone  
**Sent:** 14 August 2014 12:20  
**To:**  
**Subject:** v v y l e s

Dear Gareth

Your email has been forwarded on from my former employer following my redundancy last year.

I too have been finding the noise level intolerable and have been forced to sleep on my sofa at the rear of the property. My bedroom is directly above the DJ's equipment and my bedroom vibrates with the noise.

I was unaware that others were being disturbed and will take it up with Robert Milton, the owner of the business.

Regards  
Louise

**Paul Weston**

---

**From:** G CAPNER ESO  
**Sent:** 10 August 2014 12.04  
**To:**  
**Cc:**  
**Subject:** Wytes, 9 Gosport Street, Lymington.

Dear Seargeant McWilliam

Thank you for your email of 7th August. We have been on a short holiday and on our return have found the situation variable. As you will have seen from Mrs White's recent email noise from a live band was intrusive last Thursday 7th August and the log we are keeping for NFDC Environmental Health records disturbances both before and after 11pm on Friday 8th August from music, distinct drumbeats and voices. Last night Saturday 9th was OK.

The essential problem is that a small listed building has been turned from a restaurant into a drinking and music venue. We trust you will continue to help us because the management ignore us and once they think they are "off the radar" they will not even try to manage the inadequacies of this inappropriate venue.

We are copying this email to Mrs Crowe at No 11, Mrs White at No 9, Mr Harmer at NFDC Environmental Health, Stephanie Bennett and Bernadette Hanly at Victim Support and the freeholder of the premises Louise Stone.

Kind regards

Gareth and Susan Capner

6, Trafalgar Place, Lymington, SO41 9BN

**Paul Weston**

---

**From:**  
**Sent:** 08 August 2014 14:45  
**To:** Gareth Capner; Shireen Crowe  
**Subject:** Fwd: Whytes, Gosport Street, Lymington

Prompt reply but disappointing information.... K

Sent from my iPad

Begin forwarded message:

**From:** Arran Harmer <[Arran.Harmer@NFDC.gov.uk](mailto:Arran.Harmer@NFDC.gov.uk)>  
**Date:** 8 August 2014 14:03:02 BST  
**To:** '  
**Cc:** \_\_\_\_\_

---

**Subject: RE: Whytes, Gosport Street, Lymington**

Dear Mrs. White

Thank you for your email.

I am disappointed to hear that there have been further disturbances from music at Wytes, especially having brought the issue of noise to their attention on several occasions. I would be grateful if you could forward your diary sheets to me after the weekend so that I can assess them with a view to arranging some noise monitoring from your property in the near future.

In terms of the live music advertised in relation to their premises licence (i.e. occasionally permitted), unfortunately, since the premises licence was issued live music has been deregulated by the Live Music Act 2012 between the hours of 08:00hrs and 23:00hrs for audiences up to 200 people. Therefore, any conditions attached to the licence in relation to live music between these hours are no longer enforceable- which may include this condition about accessional live music only being permitted at the premises. That said, they must still not cause a nuisance to neighbouring properties from any music or noise from the premises- which is the aspect we are currently investigating.

I have copied the planning enforcement officer into this email in relation to the vinyl advertising banner attached to the railings along Gosport Street as it may be of interest in the course of investigating other issues associated with the premises.

Yours sincerely

Arran Harmer  
Environmental Health Technician  
Public Health and Community Safety  
Tel: 023 8028 5588 | Internal: 284444  
[arran.harmer@nfdc.gov.uk](mailto:arran.harmer@nfdc.gov.uk) | [www.newforest.gov.uk](http://www.newforest.gov.uk)

-----Original Message-----

From: Karen White

Sent: 08 August 2014 17:22

To:

Subject: whytes, Gosport Street, Lymington

Dear Sirs

Following the recent communications concerning licence breach at Whytes, I would like to report an incident last evening (8th August) when a live band was playing just inside the open garden doors at Whytes at 9.00pm. After complaining in person the girls behind the bar said 'oh, the doors were closed earlier'. Even after the doors were closed, music could be quite clearly heard due to the amplification.

I would also like to comment on Whytes' vinyl advertising banner now attached to the railings in Gosport Street. As far as I am aware they do not have planning permission for this. The notice advertises live music on Thursdays, Fridays and Saturdays i.e. 50% of their opening evenings - not occasional live music permitted under their license.

I will continue to complete the Noise Complaint Record form sent to me by Mr Harmer.

Yours faithfully,

Karen White  
9 Trafalgar Place  
Lymington

Sent from my iPad

\*\*\*\*\*

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**Paul Weston**

---

**From:**  
**Sent:** 28 July 2014 10:13  
**To:** Licensing e-mail address  
**Cc:**  
**Attachments:** .....

Dear Mr Weston

Further to our telephone conversation this morning we attach a log of the breaches of premises license 633/6 by the Wytes license holder. Specifically there are 4 issues:

1. The licence states that there could be "occasional live music for customers". Wytes are now holding live music and DJ sessions every Thursday, Friday and Saturday and as they are closed on

Mondays, live music is being played for 50% of their opening days. This is not "occasional".

2. Before 11pm it should not be possible to recognise distinct tunes and all external doors and windows must be kept shut. This is not being observed.

3. After 11pm noise will be "inaudible" when measured at the external boundary of our house number 6 Trafalgar Place. We are regularly woken by amplified noise heard within our double skinned

and double glazed house. We can never open our windows even in the hottest weather.

4. Customers congregate outside in Gosport Street to smoke, drunkenly shout and scream after 11pm. into the small hours.

Our amenity and sleep patterns are being seriously affected by these breaches of the licence. Wytes has effectively become an A4 drinking establishment whereas its existing established use is as an A3 restaurant previously known at Limpets. It is a small listed building entirely unsuitable for this use and we formally request that you review the fundamental appropriateness of this license.

Yours sincerely

Gareth and Susan Capner

**Sarah Wilson**

\* Objection

G CAPNER ESQ

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 21 November 2016 10:10  
**To:** Sarah Wilson  
**Subject:** FW: New Premises Licence application: 9 Gosport Street Lymington SO41 9BG

**Paul Weston**  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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---

**From:** G CAPNER ESQ [mailto:gcapner@nfdc.gov.uk]  
**Sent:** 20 November 2016 09:50  
**To:** Licensing e-mail address  
**Cc:** Cllr Alan Penson  
**Subject:** New Premises Licence application: 9 Gosport Street Lymington SO41 9BG

Dear Mr Weston

I wish to make a separate objection to this application. The garden of 9 Gosport Street is only 20 feet from my small court garden garden. If amplified or even non amplified live and recorded music is allowed in their garden it really means you are denying me quiet enjoyment of my home and garden. Music coming from these premises in the past has meant that my home vibrates with loud bass notes and I am forced to hear their choice of music. I am a musician and I love to hear music but I do not think it is too much to ask that I choose the music I hear in my home. You will know that this listed building is not sound proofed and so even music played inside the premises means that I can clearly hear the beat and words of the recordings in my home and in the summer months when it would preferable to sleep with the windows open this is not possible. I fail to understand why a restaurant would need to create a night club atmosphere to attract customers. I urge you to take into consideration the peace and well being of the residents in the neighbouring properties.

Thank you  
Susan Capner  
6 Trafalgar Place  
Lymington  
SO41 9BN



Sarah Wilson

objection

CARDWELL

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 15 November 2016 08:30  
**To:** Sarah Wilson  
**Subject:** FW: Objection to No 9 Gosport Street, Lymington

**Paul Weston**  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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**From:** Peter Cardwell [mailto:]  
**Sent:** 15 November 2016 08:05  
**To:** Licensing e-mail address  
**Subject:** Objection to No 9 Gosport Street, Lymington

To The Licensing Authority, NFDC:

I am writing to object to the licensing application for No 9 Gosport Street, Lymington.

Number 9 Gosport Street is situated in the middle of a residential area and the application to play recorded music and to perform live music to late in the evening raises concerns. It is likely that amplified music will be heard clearly in neighbouring homes.

The sale and consumption of alcohol raises concerns about the possible behaviour of customers. There are frequent incidents of smashed windows in the Gosport Street /Lymington High Street areas and this indicates the necessity for the provision of security.

Yours faithfully,  
Peter Cardwell  
21 Trafalgar Place  
Lymington  
SO41 9BN

*4 objections* *COMFORT*  
**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 15 November 2016 08:28  
**To:** Sarah Wilson  
**Subject:** FW: New Premises Licence 9 Gosport Street, Lymington, SO41 9BQ

**Paul Weston**  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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---

**From:** Gillian Comfort [mailto:[gillian.comfort@nfdc.gov.uk](mailto:gillian.comfort@nfdc.gov.uk)]  
**Sent:** 14 November 2016 18:50  
**To:** Licensing e-mail address  
**Subject:** New Premises Licence 9 Gosport Street, Lymington, SO41 9BQ

Dear Sirs

I am writing to object to the following application in the strongest possible terms.

My reasons for objecting are as follows:

1. The premises only have planning permission for A3 use. The proposed use is undoubtedly A4 and is for a drinking and entertainment establishment not a café/restaurant.
2. Residents of Trafalgar Place have been plagued for years by issues with anti social behaviour and excessive noise from this building. It is a listed building in a conservation area and is not fit for the purpose. The windows are not double glazed, the garden backs on to many other private dwellings and the sound insulation is insufficient for amplified music and films!!!!

I sincerely hope that this application is dismissed in its entirety.

Yours faithfully

Gillian Comfort  
23 Trafalgar Place  
Lymington  
SO41 9BN

Sarah Wilson

---

**From:** Dudley Cr  
**Sent:** 17 November 2016 10:00  
**To:** Licensing e-mail address  
**Subject:** Licence Application - 9 Gosport Street, Lymington - OBJECTION

We are writing to object to the granting of the licensing application by the proprietor of 9 Gosport Street on the following grounds:

- Currently, the premises has permission to operate as a restaurant/café – not a drinking and entertaining establishment with extended hours and amplified music.
- The surrounding area, Trafalgar Place, Gosport Street, Mill Lane, Station Street, The Quay and Captain's Row, is predominantly residential, and much of it in the Conservation Area.
- The application is asking for permission to operate a drinking and entertainment business from 8.00 am to midnight/1.00 am, with an extension to 3.00 am on special occasions. Clearly this will have a huge impact on the noise levels of the neighbouring area, not to mention drinking crowds outside until the early hours of the morning with the likelihood of public disturbances and even police intervention.
- The building in question is a listed building and an extended hours drinking and entertaining establishment is not an appropriate use for it.
- Gosport Street is a busy access street for the town – the granting of this licence will increase congestion due to delivery trucks having to stop outside the premises and, particularly if an off premises sales licence is also granted, the real possibility of inconsiderate/hazardous parking on the part of its clientele.

We therefore strenuously urge the New Forest District Council to deny this application.

Dudley and Emma Cox  
7 Trafalgar Place  
Lymington

SO41 9BN

\* Objection -

Crowe

**Sarah Wilson**

---

**From:** Paul Weston  
**Sent:** 10 November 2016 14:35  
**To:** Sarah Wilson  
**Subject:** FW: Objection to the licence application by 9 Gosport Street, Lymington

**Paul Weston**

Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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---

**From:** Shireen Crowe [m]  
**Sent:** 10 November 2016 14:26  
**To:** Sarah Barnes  
**Cc:** Paul Weston  
**Subject:** Objection to the licence application by 9 Gosport Street, Lymington

Dear Ms Barnes and Mr Weston

I would like to make the strongest objection to the licence request by the new operator of this property (9 Gosport Street) on the grounds of the anti social behaviour and distress to local residents it will result in. Those in the immediate vicinity (Trafalgar Place, Mill Lane, The Quay, Captain's Row) have been through the nightmare of noise, drinking till all hours, vomiting on the pavements or over Trafalgar Place wall, urinating in the Trafalgar Place gardens, police being called because of 2am noise. However, I realise that the planning department are less interested in the emotional distress of the local community – albeit that several of us had to move out of our homes in order to get some sleep during the balmy summer nights when the noise was so bad. In my case I suffered stress and depression due to the lunch/evening noise levels and regular inconsiderate behaviour of those who frequented the establishment. I have no reason to suspect that the general public's behaviour will be any better under this new management – long hours of drinking encourages drunken (and usually bad) behaviour which spills out on to the street.

But, on a less emotional note, No: 9 Gosport Street only has permission for a restaurant/café NOT a drinking and entertainment establishment.

## Sarah Wilson

---

**From:** Shireen Crowe  
**Sent:** 10 November 2016 15:02  
**To:** Sarah Wilson  
**Subject:** Re: 9 Gosport Street

Yes of course – SO41 9AU – 4 Haven Point, Station Street, Lymington.

Shireen Crowe |

---

**From:** Sarah Wilson <[Sarah.Wilson@NFDC.gov.uk](mailto:Sarah.Wilson@NFDC.gov.uk)>  
**Date:** Thursday, 10 November 2016 14:51  
**To:** Microsoft Office User <[Microsoft.Office.Outlook@newforest.gov.uk](mailto:Microsoft.Office.Outlook@newforest.gov.uk)>  
**Subject:** 9 Gosport Street

Good afternoon,

Thank you for your recent representation to the application for the grant of a premises licence.

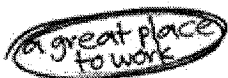
For administrative purposes, please may you provide a full postal address to future correspondence.

Kind regards,

Sarah Wilson  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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Sarah Wilson

\* Objection

DoLP=12

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 21 November 2016 10:10  
**To:** Sarah Wilson  
**Subject:** FW: New Premises Licence Application: 9 Gosport Street Lymington

Paul Weston  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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-----Original Message-----  
From: Peter Dolphin  
Sent: 20 November 2016 08:04  
To: Licensing e-mail address  
Subject: New Premises Licence Application: 9 Gosport Street Lymington

Dear NFDC Licensing,

I am writing to register my strong objection to the new premises licence application for 9 Gosport Street Lymington.

As I understand it the premises only has permission for an A3 restaurant/cafe and now the application is to allow them to operate as a drinking and entertainment establishment. I believe that this will cause immense nuisance to residents in Trafalgar Place and beyond. Trafalgar Place is a quiet residential square situated very close to Gosport street and many of the properties either back directly onto the rear of 9 Gosport Street or overlook the premises.

I am very concerned about the potential problems this will incur including:

1. The noise created by allowing opening hours up until 1:00am in the morning - and potentially later still for special events.
2. The potential for noise and nuisance created by allowing off licence sales of alcohol.
3. Drinking alcohol outside the premises, in the garden area late in the evening - into the early morning hours
3. Amplified music being played outside in the garden of the property which is surrounded by residential housing
4. The general disruption that will be likely caused to the surrounding residential areas by broadening the licence application

In addition I understand that severe problems have been caused previously when this establishment was allowed to operate in the way that this licence is permitting.

Yours sincerely

Peter Dolphin  
12A Trafalgar Place  
Lymington

Sarah Wilson

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 14 November 2016 15:57  
**To:** Sarah Wilson  
**Subject:** FW: Mr Paul Weston, Esq.

**Paul Weston**  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**From:** Britannia House [\[mail\]](#)  
**Sent:** 14 November 2016 15:31  
**To:** Licensing e-mail address  
**Subject:** FAO: Mr Paul Weston, Esq.

**Licensing Application: 9 Gosport Street, Lymington**

Dear Mr Weston,

I am writing with regard to above application.

My name is Tobias and I am the owner of Britannia House, AA 4 star gold Bed and Breakfast in Station Street.

It has been brought to my attention that the new owners of no.9 Gosport Street have applied for a 7 day a week, 16-hour a day drinking and entertainment business operation incl playing live music until 1/3am in the morning, selling alcohol off licence etc.

I STRONGLY OBJECT to such a comprehensive licensing application.

Any operation of such extent is not recommendable at all in Lymington. Now after so many years, the pub goers of the Kings Head are "tame and civilised" and hardly any noise after 11pm/midnight coming from Quay Hill, not to mention The Fusion and the Thomas Tripp where fights were part of the entertainment. All that has been sorted out, very much to the delight of both community and police.

So I don't think that it is in anyone's interest to open a noisy bar in Lymington town centre, where loud music and drinking are the core of the business.

Many thanks for your consideration.

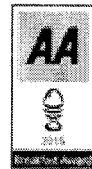
Yours Tobias Feilke  
Owner, Britannia Guesthouse, Station Street, Lymington

Britannia House  
Station Street  
Lymington  
SO41 3BA

11



**BRITANNIA**  
HOUSE



Lymington Bed and Breakfast Accommodation in The New Forest



Sarah Wilson

Objection

GARBUTT

**From:** Dotty Garbut  
**Sent:** 15 November 2016 22:42  
**To:** Licensing e-mail address  
**Subject:** Re: "Objection to NO. 9 Gosport Street"

Dear Sarah Wilson,

Sorry not to have given my details in my email "Objection to No 9 Gosport street." They are as follows=- Dorothy Garbutt, 16, Trafalgar Place, Lymington SO41 9BN

On 10/11/2016 15:09, Licensing e-mail address wrote:

> Good afternoon,  
>  
> Thank you for your objection to the above premises licence application.  
>  
> For our assistance, please may you provide your full postal address for future correspondence.

> Kind regards,

> Sarah Wilson  
> Licensing Services  
> Governance & Regulation  
> New Forest District Council  
> Tel: 023 8028 5505  
> Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
> newforest.gov.uk

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> -----Original Message-----

> From: Dotty Garbutt [<mailto:>]  
> Sent: 10 November 2016 15:02  
> To: Licensing e-mail address  
> Subject: "Objection to NO. 9 Gosport Street"

> Dear Sir/Madam,

> Having heard from my neighbours & various residents about the application for the property of NO 9 Gosport street to be permitted to become a drinking establishment with extended hours, I felt it needed a second thought. The area is not really suitable to the requirements. Parking is always a problem even during normal daytime needs, let alone extra space required for our youthful party-goers, has plenty of thought been given to the additional noise late at night? I note planning is asking for 1am closure, this would be 1.30am clearance of the surrounding area at least. The properties alongside of NO 9 are of considerable age, has any great thought been given to FIRES or available space for a Fire Crew to attend should the need arrive? I ask only for this matter to be given careful thought before planning consent be granted.

> Yours Sincerely

Sarah Wilson

---

**From:** Paul and Liz Gredley  
**Sent:** 15 November 2016 21:03  
**To:** Licensing e-mail address  
**Subject:** Objection to Licensing application at No.9 Gosport Street, Lymington

Dear Sir/Madam

We live at Flat 2, The Old Mill, Mill Lane, Lymington, SO41 9AZ.

We are objecting to the proposed licence application at No.9 Gosport Street due to the likelihood of intrusive disturbance from live and recorded music (live music being amplified) being played potentially from 08:00hrs to midnight, Sunday to Friday inclusive and beyond on Saturdays, Christmas Eve and New Years Eve.

Together with the sale and consumption of alcohol on and off the premises during the same hours, this raises concern about unsupervised, unruly behaviour of customers local to the premises especially at closing times.

No.9 Gosport St is situated adjacent a residential area, including our property, and it is inevitable that the music will be heard at these homes especially in summer with windows open and with amplified live music. Despite the requirement for the music to move inside at 21:00 hrs with windows and doors closed, No.9 Gosport St is a listed building and has single glazed windows which cannot provide sufficient reduction in the noise.

We consider that the licence to play music should not be granted but if it is, the volume should be controlled and monitored and the music hours greatly reduced and stopped much earlier in the evening.

We trust you will consider this application carefully in line with your duties under sections 80 and 81 of the Environmental Protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993)

Paul and Liz Gredley

\* Objection

HELLIER

**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 21 November 2016 10:12  
**To:** Sarah Wilson  
**Subject:** FW: Objection to No9 Gosport Street

**Paul Weston**  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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---

**From:** Florence Hellier  
**Sent:** 18 November 2016 16:15  
**To:** Licensing e-mail address  
**Subject:** Objection to No9 Gosport Street

We object to No 9 Gosport Street as it will cause disturbance to our house  
Kindest regards,

**Florence Hellier**  
HOXTON BAKEHOUSE

UNIT 9B  
LOVERIDGE LANE  
SOUTHAMPTON  
SO15 1GQ

M  
+ . .

## Sarah Wilson

---

**From:** Sarah Wilson  
**Sent:** 22 November 2016 10:58  
**To:**  
**Cc:** Sarah Wilson  
**Subject:** 9 Gosport Street Lymington

Good morning Ms Hellier,

We are in receipt of your objection for the above premises, who have made an application for a Premises Licence.

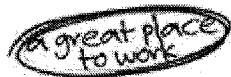
In order for us to communicate with you further, please may you provide us with your residential address for administrative purposes.

Kind regards,

Sarah Wilson  
Licensing Services  
Environmental Health  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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\* Objection

JOHNSON

**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 15 November 2016 08:30  
**To:** Sarah Wilson  
**Subject:** FW: 9 Gosport Street, Lymington

**Paul Weston**

Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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**From:** Mike Johnson [<mailto:>]  
**Sent:** 13 November 2016 10:49  
**To:** Licensing e-mail address  
**Subject:** 9 Gosport Street, Lymington

Dear Sirs : I should like to record my objection to an application for a late night drinking and music licence at 98 Gosport Street. This premises is at the heart of a residential neighbourhood and is highly inappropriate for where it is situated. Additionally, late night licensing will bring with it associated traffic in an already crowded street and make it impossible for people to sleep.

Yours faithfully  
Michael A. Johnson  
3 Trafalgar Place  
Lymington  
SO41 9 BN

\* Objection

MELLO

**Sarah Wilson**

---

**From:** Ian and Tina MELLO  
**Sent:** 22 November 2016 16:08  
**To:** Sarah Wilson  
**Subject:** Re: Application for late night drinking 9 Gosport Street

My address is;  
Ruardean  
Captains Row  
Lymington  
SO41 9RP

Regards Ian Mell

---

**From**  
**To** >  
**Sent:** Tuesday, 22 November 2016, 13:30  
**Subject:** FW: Application for late night drinking 9 Gosport Street

Good afternoon,

Thank you for your email.

In order for us to communicate further, please may you provide your full postal address.

Many thanks,

Sarah Wilson  
Licensing Services  
Environmental Health  
New Forest District Council  
Tel: 023 8028 5505  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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-----Original Message-----

**From:** Paul Weston  
**Sent:** 22 November 2016 12:40  
**To:** Sarah Wilson  
**Subject:** FW: Application for late night drinking 9 Gosport Street

Paul Weston  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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-----Original Message-----

From: Ian Mellor [mailto:

Sent: 22 November 2016 12:34

To: Paul Weston

Subject: Application for late night drinking 9 Gosport Street

Dear sir,

we own property on Captains Row and we object to this application for late night drinking at Wytes , 9 Gosport Street.

The reason for this is:

This is mainly a residential area

There are houses very close to these premises and customers leaving here late at night will cause noise and nuisance  
People leaving these premises also walk down Captains Row causing a lot of noise and disturbance and engage in  
unneighbourly activities.

In the past customers who have had too much to drink have been involved in altercations both with residents and each  
other.

This will have a material adverse affect on residential amenity and safety.

This sort of establishment is more appropriate in a city centre clubland not a residential street in a market town.

Sent from my iPhone

Kind regards

Ian Mellor

\*\*\*\*\*

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\* objection

MOWBRAY G

**Sarah Wilson**

---

**From:** Geoffrey de Mowbray  
**Sent:** 17 November 2016 09:00  
**To:** Licensing e-mail address  
**Cc:** Paul Weston  
**Subject:** RE: Objection - 9 Gosport Street

Good morning,

It is 15 Trafalgar Place  
Lymington  
Hants SO41 9BN

**From:** Sarah Wilson [mailto:Sarah.Wilson@NFDC.gov.uk] **On Behalf Of** Licensing e-mail address  
**Sent:** 17 November 2016 08:51  
**To:** <  
**Cc:** \_\_\_\_\_  
**Subject:** RE: Objection - 9 Gosport Street

Good morning,

Thank you for your email.

For us to be able to communicate with you further, please may you provide your full postal address by return.

Kind regards,

Sarah Wilson  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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---

**From:** Geoffrey de Mowbray [mailto:  
**Sent:** 17 November 2016 08:38  
**To:** Licensing e-mail address  
**Subject:** Objection - 9 Gosport Street

Dear Sir/Madam

I wish to object to the Licencing application for Number 9 Gosport Street which is situated in the middle of a residential area in Lymington town.

While prevailing conditions will vary, it is likely that amplified music will be able to be heard clearly in twenty neighbouring homes, in which old people and children who have difficulties in sleeping, live. Control of volume of the music will need to be enforced and not be allowed after 23:00, at the latest. It should be noted that one of the appeals to Lymington is not one of a "bar and club" town.



Furthermore, the sale and consumption of alcohol from 08:00 until midnight every day and until 1am, or even 3am, on Saturdays raises concern with regard to the possible behaviour of customers. The provision of Security in the street will be essential every evening from 19:00 and will have to continue until all customers have left and the premises are closed.

Kind Regards

**Geoffrey de Mowbray**  
Chief Executive Officer



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\* - 10/11/2016

MOWBRAY P

**Sarah Wilson**

---

**From:** Patricia de Mowbra  
**Sent:** 15 November 2016 10:15  
**To:** Sarah Wilson  
**Cc:** Paul Weston  
**Subject:** Re: 9 Gosport Street

15 Trafalgar Place  
Lymington  
SO41 9BN.

On 15 Nov 2016 09:13, Sarah Wilson <[Sarah.Wilson@NFDC.gov.uk](mailto:Sarah.Wilson@NFDC.gov.uk)> wrote:  
Good morning,

Thank you for your email relating to the above premises.

For administration purposes to allow us to communicate with you further, I would be grateful if you could provide your full postal address by return.

Kind regards,

Sarah Wilson  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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[www.newforest.gov.uk/emaildisclaimer](http://www.newforest.gov.uk/emaildisclaimer)

**Sarah Wilson**

requested address

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 15 November 2016 08:27  
**To:** Sarah Wilson  
**Subject:** FW: Objection to No.9 Gosport Street

Paul Weston  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
newforest.gov.uk

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-----Original Message-----

**From:** Patricia de Mowbray  
**Sent:** 14 November 2016 17:26  
**To:** Licensing e-mail address  
**Subject:** Objection to No.9 Gosport Street

I wish to object to the Licencing application for Number 9 Gosport Street which is situated in the middle of a residential area in Lymington town.

While prevailing conditions will vary, it is likely that amplified music will be able to be heard clearly in twenty neighbouring homes, in which old people and children who have difficulties in sleeping, live. Control of volume of the music will need to be enforced and not be allowed after 23:00, at the latest.

Furthermore, the sale and consumption of alcohol from 08:00 until midnight every day and until 1am, or even 3am, on Saturdays raises concern with regard to the possible behaviour of customers. The provision of Security in the street will be essential every evening from 19:00 and will have to continue until all customers have left and the premises are closed.

4  
Sarah Wilson

---

PACKHAM  
**From:** Paul Packham  
**Sent:** 15 November 2016 22:04  
**To:** Licensing e-mail address  
**Subject:** 9 Gosport Street, Lymington, SO41 9BG - New Premises Licence - OBJECTION

Dear NFDC Licensing,

Please accept this email as my OBJECTION to an application that I understand has been made for a new Premises Licence at the address of 9 Gosport Street, Lymington, SO41 9BG.

I am aware that this property has had a premises licence in the past and that this has, on many occasions in the past, not been adhered to and the site has been a significant contributing factor to antisocial behaviour in this area of the town. The new premises licence appears to include for extended hours beyond that which previous applications have been granted for, and this raises major concerns regarding the wellbeing of residents within close proximity – Trafalgar Place is such a location and the residents therein should not be subjected to the high probability of regular antisocial behaviour into the early hours, which is quite obviously going to be the inevitable outcome of the granting of any form of premises licence that allows operations later than could be considered reasonable, and includes a licence to perform live and recorded amplified music on a regular basis, late at night.

My understanding is that the property does have lawful planning use as an A3 Restaurant/Café and this is accepted, albeit I would strongly urge the reconsidering of this current License on the basis of the history of this site – this property does not have an A4 Drinking Establishment Licence and, on this basis alone, the application is strongly objected to and I would wish to lodge this email as a STRONG OBJECTION to the granting of a new premises licence to this property.

Thank you.

Mr P Packham  
11 Trafalgar Place, Lymington, SO41 9BN

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\* Objection

Pitt

Sarah Wilson

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 21 November 2016 14:04  
**To:** Sarah Wilson  
**Subject:** FW: Objection to No.9 Gosport Street, Lymington

Paul Weston  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
newforest.gov.uk

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-----Original Message-----

**From:** Shirley Pitt-Brown  
**Sent:** 21 November 2016 13:25  
**To:** Licensing e-mail address  
**Subject:** Objection to No.9 Gosport Street, Lymington

Dear Sirs,

I write to object to the licensing application made for the above premises.

My family live less than 20 yards away from the door, on Gosport Street itself, and is very concerned with what is likely to happen.

We have read the proposals regarding the sale of alcohol combined with music, and sense a repeat of anti-social behaviours that we - the neighbourhood - had to witness previously, when the No. 9 was used similarly. At that time, customers would 'roll out' into the road, screaming obscenities, singing along to the music .... Perhaps if music was taken OUT of the equation, as in other local eateries (i.e. The Elderflower, Egans, ), objections would not be so heavily provoked?

Yours faithfully,  
Shirley Pitt-Brown (Mrs.),  
5 Trafalgar Place,  
Gosport Street,  
SO41 9BN.

My name and address:

# \* Objection

RUCE

**Sarah Wilson**

---

**From:** Jar  
**Sent:** 29 November 2016 13:04  
**To:** Sarah Wilson  
**Subject:** Re: Objection to 9 Gosport Street Application

5 Hamilton Mews  
26 Gosport Street  
Lymington  
SO41 9BG

---

**From:** Sarah Wilson <[Sarah.Wilson@NFDC.gov.uk](mailto:Sarah.Wilson@NFDC.gov.uk)>  
**Sent:** 29 November 2016 08:52  
**To:** 'jantwining@hotmail.com'  
**Subject:** RE: Objection to 9 Gosport Street Application

Good morning,

Thank you for your email regarding the above premises.

In order for us to correspond with you further, it would be helpful if you could provide us with your full postal address by return.

Kind regards,

Sarah Wilson  
Licensing Services  
Environmental Health  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**From:** Janet [mr]  
**Sent:** 25 November 2016 16:53  
**To:** Licensing e-mail address  
**Subject:** Objection to 9 Gosport Street Application

Dear Sir/Madam

Objection to the licensing application at No 9 Gosport Street

As a very local resident, also in Gosport Street, we ask the application to play live music and recorded music both in and outside at NO 9 Gosport Street, seven days a week be turned down.

Gosport Street is a busy road, and the sounds bounce off all the houses, as they are in close proximity. To add music into this confined space, all day every day, till midnight, will make the noise levels unacceptably high

Its inappropriate in a densely populated residential area, with flats on the party walls to both sides of 9 Gosport Street.

We ask you to consider the immediate residents and reject this application.

Regards

Janet Rule

Hamilton Mews

\*\*\*\*\*

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Objection

09/11/16

Sarah Wilson

**From:** Paul Weston  
**Sent:** 09 November 2016 12:39  
**To:** Sarah Wilson  
**Subject:** RE: 9 Gosport Street

Sarah

Yes - try & get an address for Mel.

Paul Weston  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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-----Original Message-----

**From:** Sarah Wilson On Behalf Of Licensing e-mail address  
**Sent:** 09 November 2016 12:18  
**To:** Paul Weston  
**Subject:** FW: 9 Gosport Street

Are you happy to accept this objection?

Sarah Wilson  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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-----Original Message-----

**From:** Brian Smith [mailto:  
**Sent:** 09 November 2016 11:51  
**To:** Licensing e-mail address  
**Subject:** 9 Gosport Street

We have been alerted to the application for a music licence for the above premises. As joint owners of Old Walls, Mill Lane, Lymington, we should like to register our strong objections to this application on the grounds that amplified music being played on these premises, both indoors and outdoors, would be a gross intrusion into the lives of the inhabitants of the surrounding neighbourhood.

SO419AZ



Please ensure that no such inappropriate licence is granted.

Brian Smith  
Stephen Boswell.  
Sent from my iPad

\* Objection

STEVENS

**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 28 November 2016 10:09  
**To:** Sarah Wilson  
**Subject:** FW: 9 Gosport St

**Paul Weston**

Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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**From:** Captain [\[mailto: \]](#)  
**Sent:** 26 November 2016 12:17  
**To:** Licensing e-mail address  
**Subject:** 9 Gosport St

Good morning.

I would like to put an objection to the licensing of 9 Gosport st.

This is a residential area and having a bar close at 0100 is not going to work in this area.

Amplified music and all day drinking is not an advancement to this area.

Please be sensitive to the type of area this is.

Best regards

Captain Mark Stevens  
SY Red Dragon

## Sarah Wilson

---

**From:** Captain  
**Sent:** 29 November 2016 11:09  
**To:** Sarah Wilson  
**Cc:** Paul Weston  
**Subject:** RE: 9 Gosport St

Hi Sarah  
My postcode is  
SO41 9AZ  
Best  
Mark

Captain Mark Stevens

*Red Dragon*

Hill Robinson Yacht Consultants ... Residence du Port Vauban  
17 Avenue de 11 Novembre ... Antibes ... 06600 ... France

---

**From:** Sarah Wilson [<mailto:Sarah.Wilson@NFDC.gov.uk>]  
**Sent:** 29 November 2016 09:43  
**To:**  
**CC:** Paul Weston <[Paul.Weston@NFDC.gov.uk](mailto:Paul.Weston@NFDC.gov.uk)>  
**Subject:** FW: 9 Gosport St

Good morning Captain Stevens,

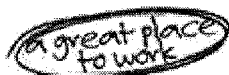
In order for us to correspond with you further on this matter, please may you provide your full postal address by return.

Kind regards

Sarah Wilson  
Licensing Services  
Environmental Health  
New Forest District Council  
Tel: **023 8028 5505**  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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Sarah Wilson

**From:**  
**Sent:** 15 November 2016 09:40  
**To:** Sarah Wilson  
**Subject:** Re: 9 Gosport Street

Thank you for your response. My address is: 3 Britannia Place, Mill Lane, Lymington SO41 9AY.  
Jacqueline Tester

Sent from my iPad

On 15 Nov 2016, at 09:14, Sarah Wilson <[Sarah.Wilson@NFDC.gov.uk](mailto:Sarah.Wilson@NFDC.gov.uk)> wrote:

Good morning,

Thank you for your email relating to the above premises.

For administration purposes to allow us to communicate with you further, I would be grateful if you could provide your full postal address by return.

Kind regards,

Sarah Wilson  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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<image001.jpg><image002.jpg><image003.jpg>

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<image004.jpg>

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 15 November 2016 08:28  
**To:** Sarah Wilson  
**Subject:** FW: 9 Gosport Street

Paul Weston  
Licensing Services  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
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-----Original Message-----

**From:**  
**Sent:** 14 November 2016 19:05  
**To:** Licensing e-mail address  
**Subject:** 9 Gosport Street

Dear Sir or Madam,

I would like to raise my objections to the licensing application by the owner of 9 Gosport Street to operate a drinking and entertainment business. My objections are based on my belief that such an establishment would impair the quality of life for local residents. In particular I believe that nuisance will be caused by:

- 1) amplified music and noisy drinking crowds, potentially until 1am or later at the weekend.
  - 2) encouraging drinkers to move from local pubs when they close, where they will continue their alcohol consumption to the point of intoxication, with bad behaviour resulting.
  - 3). Noise when drinkers leave the establishment.
  - 4) nowhere for the taxis to wait to pick up customers.
- In addition:
- 5) off license sales are totally unnecessary given that Tesco is open until 10pm.

I see a repeat of the bad behaviour that occurred when Longs night club operated in the town.

The proposed establishment would be fine in a city centre, but not in Gosport Street, Lymington.

I ask that you take my objections seriously.

Yours faithfully

Jacqueline Tester (Mrs)

Sent from my iPad

Sarah Wilson

---

*\* Objection*

*TYDEMAN C*

**From:**  
**Sent:** 10 November 2016 11:17  
**To:** Licensing e-mail address  
**Subject:** No.9 Gosport St SO41 9BG

STRONG OBJECTION

I live in close proximity to this premises which has insidiously escalated from a grade A3 eating establishment to a Grade 4 drinking and music/entertainment venue which previously has not been without problems of noise and anti social behaviour. No.9 is a small Grade 2 listed building in a conservation area closely surrounded by many residential properties whose residents will be greatly affected in one way or another by amplified music and, no doubt, the anti social antics which seem to proliferate around these drinking places. I object very strongly to the granting of this license.

Mrs C A Tydeman  
19 Trafalgar Place  
Lymington  
SO41 9BN

Sent from Samsung tablet

\* Objection

TYDEMAN G

**Sarah Wilson**

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 21 November 2016 10:09  
**To:** Sarah Wilson  
**Subject:** FW: No. 9 Gosport Street, Lymington

**Paul Weston**  
Environmental Health  
Governance & Regulation  
New Forest District Council  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)  
[newforest.gov.uk](http://newforest.gov.uk)



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**From:**  
**Sent:** 20 November 2016 15:01  
**To:** Licensing e-mail address  
**Subject:** No. 9 Gosport Street, Lymington

I wish to make a strong objection to the granting of a license to the above premises for its inappropriateness in a very small Grade 2 listed building in a conservation area which is highly residential. It will be a huge imposition on the people living in the vicinity and, in particular, many of the residents of Trafalgar Place several of whom will be very badly affected by noise and, almost inevitably, anti-social behaviour.

Yours  
George Tydeman  
Director, Trafalgar Place (Lymington) Residents' Ass. Ltd.  
19 Trafalgar Place  
Lymington  
SO41 9BN

Sent from Samsung tablet

\* Objection

WHITE K



# TRAFALGAR PLACE (LYMINGTON) RESIDENTS ASSOCIATION LIMITED

Registered Office: Keels Barn, Highclere, Newbury RG20 9PS

20th November 2016



Attention: Mr Paul Weston  
Planning/Licensing Department  
New Forest District Council  
Appletree Court  
Beaulieu Road  
Lyndhurst SO43 7PA



Dear Mr Weston

## **New Premises Licence Application: 9 Gosport Street, Lymington SO41 9BG**

I write as Honorary Secretary of the Trafalgar Place (Lymington) Residents' Association to which all 24 households in Trafalgar Place belong. We wish to object to the above application in the following terms.

Mrs Barnes of NFDC Planning Enforcement has confirmed that the lawful use of 9 Gosport Street is as an A3 restaurant/cafe and she has confirmed, along with PC Conway of the Police Licensing Department, that the new owners intended to run this establishment as a restaurant. We have no objection to this.

However, the existing licence and the proposed new licence seek clauses which will allow them to operate as an A4 drinking and entertaining establishment which has caused immense nuisance and anti-social behaviour in the past, and which has involved your Department, Environmental Health, the Lymington Police and Planning Enforcement. A sample of these abuses since 2014 has been well documented in real time by Mr Capner of 6 Trafalgar Place in his objection as well as by others.

.....cont




In order that the establishment operates as an A3 restaurant and not an unauthorised A4 drinking and entertaining establishment we request the following amendments:

1. In common with other restaurants in Lymington the establishment should close by 23.30.
2. There should be no live or recorded music (amplified or not) outside in the small patio garden which is closely surrounded by residential properties, or inside this small poorly sound-proofed listed building with no ventilation.
3. The garden should be closed at 21.00 to safeguard the amenities of adjoining properties following the precedent established in the planning permission (16/10559) and licence (1294/8) for the Shipyard Bar and Kitchen at Berthon.
4. Off licence sales of alcohol are not a usual occurrence at genuine restaurants and should be prohibited.

We shall be represented at the hearing on Tuesday, 20th December by Mr Peter Dolphin, a resident of Trafalgar Place and Director of the Residents' Association.

Yours sincerely



Karen White  
Honorary Secretary  
Trafalgar Place Residents' Association  
9 Trafalgar Place  
Lymington SO41 9BN

Sarah Wilson

---

From: Martyn W'  
Sent: 16 November 2016 08:06  
To: Licensing e-mail address  
Subject: Licence Application 9 Gosport Street

OBJECTION to Application for New Premises Licence at 9 Gosport Street, Lymington

Dear NFDC Licensing

Please record our strong objection to every topic in this new licence application - we have lived in Lymington for over 20 years and are well aware of the past problems concerning these premises.

1.  
You will be aware of well-documented records of the involvement of both the local and county Police forces dealing with anti-social behaviour following incidents at the premises, and the Environmental Health Department have been heavily involved in noise and nuisance issues. These long-standing problems from the former Wytes and Graze concerned the CURRENT licence the range of which is far less intrusive than that of the new application.

2.  
9 Gosport Street is situated in a mainly-residential Conservation Area. The garden (at the rear of the building) is in a largely residential area and is surrounded by private houses and flats with gardens and balconies. Many of the residents are elderly retirees. The nature of the buildings means the 'garden' of 9 Gosport Street is in a confined area which acts as a sound-box and any outside noise which is hugely intrusive to all residents.

3.  
The premises are totally unsuitable for outside entertaining, let alone for the playing of music at all hours of the day until the middle of the night. Even music restricted to the inside is intolerable as windows and doors are continually opened and closed for access and ventilation - any sound 'escapes', and people gather outside in Gosport Street to drink and smoke. Even the existing permission for use of the garden without music until 9.30pm is unacceptable for neighbours.

4.

We understand that the premises currently hold a licence for a restaurant or cafe, but recently the premises have become a purely drinking establishment with all the associated problems of alcohol consumption. The requested extension to the opening hours (a 17 hour- day) for selling alcohol and providing continual music does not seem consistent with a restaurant status and is entirely in-appropriate for its surroundings.

In conclusion, we feel that the Licensing authority should take the opportunity to review the existing licence and give no consideration to the new application. The use of the premises should be compatible with their residential, quiet, conservation-area surroundings and be respectful to those who live there and have the right to peace and quiet.

Yours sincerely

Martyn White  
9 Trafalgar Place  
Lymington SO41 9BN

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