

LICENSING SUB – COMMITTEE

Tuesday 9 September 2025 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

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Application: Application for grant of a premises licence

Premises: Ellonies, The Square, Bishops Waltham, Hampshire, SO32 1GS

Part A. Report

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Part A.

1. Application

Applicant: Ellonies Ltd

Premises: Ellonies, The Square, Bishops Waltham, Hampshire, SO32 1GS

- 1.1 This application is for a new premises licence under section 17 of the Licensing Act 2003 for Ellonies, The Square, Bishops Waltham, Hampshire, SO32 1GS.
- 1.2 The applicant has stated that the premises is a bistro comprising multiple levels, including a ground floor, mezzanine, loft floor with proposed additional seating outside on the pavement at the front of the venue. Food and alcohol will be served throughout all area of the premises and pavement. The space is designed to accommodate both casual dining and drinks across all floors.

The original application sought to provide licensable activities as set out in the application at Appendix 1.

- 1.3 The applicant amended the times sought for licensable activities as follows:
 - a. **Supply of Alcohol (for consumption on and off the premises)**
 Sunday to Thursday 0800 to 2300
 Friday and Saturday 0800 to 0000
 Bank Holiday Weekends Friday to Sunday 0800 to 0000
 Sunday preceding Bank Holiday Mondays 0800 to 0000
 1 December to 1 January 0800 to 0030
 - b. **Late Night Refreshment (for consumption on and off the premises)**
 Friday and Saturday 2300 to 0000
 - c. **Live Music (indoors only)**
 Friday and Saturday 0800 to 0000
 - d. **Recorded Music (indoors only)**
 Friday and Saturday 0800 to 0000
 New Years Eve 0800 to 0030
 Sunday preceding Bank Holiday Monday 0800 to 0030
- 1.4 No representations were received from any Responsible Authority.
- 1.5 Representations were received by 4 'Other Persons'. However, following the applicant amending their application to reduce the timings

and proposed additional conditions as shown in italics, in section 5 of the report, 3 persons withdrew their representations.

- 1.6 One Representation from 'Other Persons'; two Ward Councillors remains, in relation to public safety, and the prevention of public nuisance licensing objectives. The Councillors consider that the conditions do not fully mitigate the harm caused from the use of the rooftop. Copies of the representation can be found at Appendix 2.
- 1.7 Notice of the application was displayed outside of the premises for a period of 28 days until 11 August 2025 and advertised in the Southern Echo on 16 July 2025.
- 1.8 Notice of the hearing were sent to all Parties on 13 August 2025.

Designated Premises Supervisor

Rebecca Gibbons

Steps to promote the Licensing Objectives

Please see Section M Appendix 1.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Environmental Health

No representations received.

Hampshire Constabulary

No representations received.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

Planning/South Downs National Park

No representations received.

3. Representations from Other Persons

Representation have been received from one 'Other Persons', which is against the application. The main concerns are with regard to public safety and the prevention of public nuisance licensing objectives.

Representations can be found at Appendix 2.

4. Observations

- 4.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.2 In making its decision, the Sub-Committee is also obliged to have regard to the [National Guidance](#) and the Council's [Licensing Policy](#).
- 4.3 The Sub-Committee must have regard to all of the representations.
- 4.4 The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:
 - a) Grant the licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and the mandatory conditions;
 - b) exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) refuse to specify a person in the licence as the premises supervisor;
 - d) reject the application.
- 4.5 The premises is not situated within the South Downs National Park, and therefore, the Sub-Committee are not required to take steps to further the SDNP purposes when considering this application.
- 4.6 The Sub-Committee must seek to further the SDNP purposes when considering applications to ensure they are respected. The purposes are:-
 - (a) Purpose 1 – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
 - (b) Purpose 2 – to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 4.7 If there is a conflict between the SDNP purposes, Purpose 1 must have priority.

Terminal hours

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers appropriate to promote the Licensing Objectives.

(Licensing Policy 2.23, 2.24, Part 4- A8, C4)

Licensing Objectives

Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.12, 2.17, 2.21 – 2.22 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4 Section B)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 2.24, Part 4 Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4 Section D)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no

interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

Public Sector Equality Duty

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act (or add details if it does).

5. Conditions

Mandatory Conditions

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

– effective from 1 October 2014

1. (1) The responsible person must 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—
 - (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 times 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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carried a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) 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 either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other an 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: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- $P = D + (D \times V)$
 where-
 - (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

Operating Hours

1. The hours the premises may be used for the sale of alcohol shall be:

Supply of Alcohol (for consumption on and off the premises)

Sunday to Thursday 0800 to 2300

Friday and Saturday 0800 to 0000

Bank Holiday Weekends (Friday to Sunday), and on the Sundays preceding bank holiday Mondays 0800 to 0000

1st December to 1st January 0800 to 0030

2. The hours the premises may be used for the provision of regulated entertainment shall be:

Recorded Music (indoors only)

Friday and Saturday 0800 to 0000

New Year's Eve 0800 to 0030

Sunday preceding Bank Holiday Monday 0800 to 0030

Live Music (indoors only)

Friday and Saturday 0800 to 0000

3. The hours the premises may be used for the provision of late night refreshment shall be:

Late Night Refreshment (for consumption on and off the premises)

Friday and Saturday 2300 to 0000

Crime and Disorder

- CD1: The premises licence holder shall ensure all staff will be trained in responsible alcohol sales, including how to recognise signs of intoxication and how to refuse service when necessary.

- CD2: The premises licence holder shall ensure regular refresher training will be provided, and training records will be maintained.
- CD3: The premises licence holder shall ensure that high-quality CCTV system will be installed and maintained throughout the premises, including all entry and exit points. Footage will be recorded and retained for a minimum of 28 days and made available to the police or authorised officers on request.
- CD4: The premises licence holder shall ensure that risk assessments will be carried out for all events and busy periods. An incident log will be maintained to record any issues, including refusals of service, ejections, or disturbances.
- CD5: The premises licence holder shall ensure that the layout of the premises will be designed to promote good visibility throughout the venue, discouraging secluded areas and helping staff monitor patron behaviour effectively.
- CD6: The premises licence holder shall ensure that outdoor/pavement seating areas will be well-lit to discourage anti-social behaviour and assist in the identification of individuals if any issues arise. Lighting will be positioned to support CCTV coverage without causing disturbance to neighbours. Staff will monitor the external areas during operating hours, and at closing time will ensure the exterior is checked and customers are dispersed safely and respectfully.
- CD7: The premises licence holder shall ensure that our environment is designed to encourage responsible and relaxed social drinking rather than high-volume consumption.
- CD8: The premises licence holder shall ensure that a zero-tolerance approach to the use or possession of drugs on the premises. Staff will be trained to identify and handle such situations appropriately, and suspicious activity will be reported to the police.
- CD9: The premises licence holder shall ensure that they work closely with the local police, licensing authority, and community safety teams, and attend local Pub Watch or similar meetings where relevant.

Public Safety

- PS1: The premises licence holder shall ensure staff will receive comprehensive training in health and safety, emergency procedures, responsible alcohol service (including Challenge 25), and conflict de-escalation techniques. This ensures they are well-prepared to identify and respond to any safety concerns swiftly and professionally.
- PS2: The premises licence holder shall ensure we adhere to the licensed occupancy limits and monitor capacity levels in real-time to prevent

overcrowding. This will help maintain a safe and comfortable environment for both customers and staff.

- PS3: The premises licence holder shall ensure that High-quality CCTV will be installed throughout the premises, covering all public areas and entry/exit points. Footage will be retained in accordance with licensing conditions and made available to the authorities upon request.
- PS4: The premises licence holder shall ensure that entrance and exits are well-lit, clearly marked, and free from obstructions.
- PS5: The premises licence holder shall ensure that fire safety systems, including alarms, extinguishers, and clearly marked escape routes, will be regularly tested and maintained. Staff will receive training on fire evacuation procedures and first aid.
- PS6: The premises licence holder shall ensure that no alcohol is served to intoxicated individuals and will have policies in place to refuse service if needed. We will work closely with local police and licensing officers to address any issues promptly and responsibly.
- PS7: The premises licence holder shall ensure the premises will be maintained in line with all health and hygiene regulations. We will conduct regular.
- PS8: The premises licence holder shall ensure that they will provide information to customers on local taxi services and public transport options to encourage safe and orderly dispersal from the premises, particularly during late hours.

Additional conditions offered by premises licence holder:

Public Safety

PS9: The premises licence holder shall ensure that the roof terrace will be for seated dining and the enjoyment of drinks with meals only. There will be no bar located on the terrace.

PS10: The premises licence holder shall ensure that all safety aspects of the terrace will comply fully with relevant safety and building regulations.

Public Nuisance

- PN1: The premises licence holder shall ensure background music will be kept at a low volume and monitored regularly to ensure it is not audible beyond the premises.
- PN2: The premises licence holder shall ensure signage will be displayed asking patrons to leave the premises quietly and to be respectful of our neighbours.

- PN3: The premises licence holder shall ensure that use of any outdoor seating areas will be limited to specific hours and monitored to ensure noise is kept to a minimum.
- PN4: The premises licence holder shall ensure that staff will conduct regular checks to ensure that customers are not causing undue noise or disturbance outside the premises.
- PN5: The premises licence holder shall ensure external areas will be kept clean and litter-free, with waste bins provided and emptied regularly.
- PN6: The premises licence holder shall ensure staff will encourage small groups to disperse quickly and quietly and will, if needed, assist in arranging licensed transport for customers.
- PN7: The premises licence holder shall ensure deliveries and waste collection will be scheduled during daytime hours to minimise any disruption to nearby residents.
- PN8: The premises licence holder shall ensure a logbook will be maintained for any complaints received from the public. Each complaint will be investigated and action taken as appropriate.
- PN9: The premises licence holder shall ensure contact details for a member of management will be made available to local residents should they wish to raise any concerns directly.
- PN10: The premises licence holder shall ensure that the roof top seating area will close strictly by 2100 each evening.*
- PN11: The premises licence holder shall ensure appropriate staffing will be in place at all times to monitor and ensure these conditions are upheld.*
- PN12: The premises licence holder shall ensure all external doors and windows will be closed by 23:00 hours to minimise noise disturbance to nearby residents*
- PN13: The premises licence holder shall install appropriate boundaries and screening around the roof terrace to ensure privacy, preventing visibility in or out from both nearby residences and customers.*

Additional conditions agreed by the applicant and Environmental Health in relation to Public Nuisance:

- PN14: The premises licence holder shall ensure no amplified or live music shall be played in any external area of the premises at any time.
- PN15: The premises licence holder shall ensure the designated smoking area shall be limited to no more than five patrons at any one time. Clear

signage shall be displayed, and staff shall monitor the area to ensure compliance.

Protection of Children

- PC1: The premises licence holder shall ensure a strict Challenge 25 policy. Anyone who looks under 25 will be asked to provide valid photographic ID (passport, driving licence, or PASS-accredited card) before being served alcohol.
- PC2: The premises licence holder shall ensure children under the age of 18 will not be permitted on the premises unless accompanied by a responsible adult. We will clearly display signage indicating this policy.
- PC3: The premises licence holder shall ensure that all staff will receive regular and documented training on the licensing objectives, especially on preventing the sale of alcohol to underage persons. Refresher training will take place every six months and be recorded in our training log.
- PC4: The premises licence holder shall ensure that a refusals log will be maintained to document any attempted purchases of alcohol by underage individuals or anyone without valid ID. This log will be regularly reviewed by the management team to monitor patterns and address issues promptly.
- PC5: The premises licence holder shall ensure no promotions or events will be run that might attract underage individuals. The bar is intended for adult clientele and the environment, marketing materials, and décor will reflect this.
- PC6: The premises licence holder shall ensure should the premises be used for family-friendly events during the day (e.g. tasting events or private hire), clear guidelines will be in place, and areas where alcohol is served will be clearly segregated and supervised.
- PC7: The premises licence holder shall ensure that high-quality CCTV will be installed and maintained throughout the premises, including at the entrance. Footage will be stored securely for at least 28 days and made available to relevant authorities upon request.
- PC8: The premises licence holder shall ensure that the DPS and management team will take an active role in enforcing these policies and ensuring that any concerns regarding the presence or safety of children are addressed immediately.

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the ‘Thriving Places priority’ which supports new business needs and opportunities, tourist economy, and the food/drink sector by working with partners and using powers available to us to make the Winchester district a safe and pleasant place to live, work and visit.

Resource Implications

A statutory licence fee of £190 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Ellonies Ltd
- 1a. Plan
2. Representations by Other Persons
3. Location plan of premises