

LICENSING SUB – COMMITTEE

Tuesday 6 May 2025 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Nick Lindner

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Application: Application for grant of a premises licence

Premises: Mi Bello Lugar, Brooklands Farm, Botley Road, Bishops
Waltham, Southampton, Hampshire, SO32 1DR

Part A. Report

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Part A.**1. Application**

Applicant: Shane and Tracey Oliver

Premises: Mi Bello Lugar, Brooklands Farm, Botley Road, Bishops Waltham, Southampton, Hampshire, SO32 1DR

- 1.1 This application is for a new premises licence under section 17 of the Licensing Act 2003 for Mi Bello Lugar, Brooklands Farm, Botley Road, Bishops Waltham, Southampton, Hampshire, SO32 1DR.
- 1.2 The applicant has stated that the premises is a former shipping container which has been converted into a craft cider making facility. They would like a premises licence in order to be able to sell cider made at the land to the public. They would like people to be able to drink alcohol on the premises so that they can choose which to purchase to take away for off site consumption. The applicant has stated that vehicle access by the public will not be possible, and it will be a 'walk-to' premises.
- 1.3 The application seeks to provide licensable activities as follows:
 - a. Supply of alcohol (for consumption on and off the premises) from 0900 to 2100 (Monday, and Friday to Sunday).
- 1.4 No representations were received from any Responsible Authority.
- 1.5 Four representations from 'Other Persons' have been received in relation to the prevention of crime and disorder, public safety, and the prevention of public nuisance licensing objectives. Copies of the representations can be found at Appendix 2.
- 1.6 The four representations were originally considered invalid by the licensing authority, however, after seeking legal advice they were accepted as valid as the representations state concerns relating to the safety of the public accessing the premises, which are not sufficiently mitigated in the application.
- 1.7 Notice of the application was displayed outside of the premises for a period of 28 days until 4 March 2025 and advertised in the Hampshire Chronicle on 13 February 2025.
- 1.8 Notices of the hearing were sent to all Parties on 9 April 2025.

Designated Premises Supervisor

Shane Oliver

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

No representations received.

3. Representations from Other Persons

Representations have been received from four 'Other Persons', all of which are 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.

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:

Monday	0900 to 2100
Friday to Sunday	0900 to 2100
For consumption on and off the premises.	

Crime and Disorder

- CD1. A notice shall be displayed at the entrance to the premises informing persons that CCTV is in operation.
- CD2. At least one CCTV camera shall be in operation at the front of the premises at all times when the premises is in use.
- CD3. Customers shall not be permitted to take open containers of alcohol or soft drinks from the premises.
- CD4. The premises licence holder shall ensure that all bottles and glasses are to be removed from public areas as soon as possible after the contents have been left or are empty.

Public Safety

- PS1. The premises licence holder shall ensure that adequate and appropriate First Aid equipment and materials will be available on the premises.

- PS2. The premises licence holder shall ensure that at least one suitable trained First Aider will be on duty when the premises are open to the public.
- PS3. Fixed wiring is subject to an Electrical Installation Condition Report at suitable intervals and temporary power supplies are inspected by a suitably qualified Electrician.

Public Nuisance

- PN1. Prominent notices shall be displayed requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

Protection of Children

- PC1. The premises licence holder shall adopt and implement a challenge 21 policy and a poster will be displayed no under 18's will be provided with alcohol.
- PC2. Children shall only be permitted on the premises when accompanied by an adult.

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

Resource Implications

A statutory licence fee of £100 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Shane and Tracey Oliver
2. Representations by Other Persons
3. Location Plan showing Representations