

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 12 March 2024

Present

Harris, Patel and Weeks

30 Apologies for absence

There were no apologies of absence received from members.

31 Declarations of Interests

There were no declarations of interests relating to matters on the agenda.

32 Licensing Hearing - Premises Licence - Isla Bay, Hayling Island PO11 9LL

Decision Notice – Licensing Hearing Sub Committee

The Chairman welcomed all parties to the meeting and explained the procedure for the hearing.

The Sub-Committee considered very carefully the application for grant of a premises licence for Isla Bay, 6 Rails Lane, Hayling Island, as submitted. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision. The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

The Sub-Committee heard evidence from the applicant, and the objector Mr Wakley both orally at the hearing and in written representations.

The Sub-Committee noted that none of the Responsible Authorities attended the Hearing, but that conditions had been agreed with the applicant, to be added to the licence, should the application be granted. It was also noted that the Applicant proposed further conditions, having considered the objectors' written representations.

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the application, subject to the conditions agreed with the Responsible Authorities and the applicant, and the following conditions:

- The premises licence holder shall ensure that signage, requiring customers to park in public car parks, is displayed in a prominent location at the premises. This is to prevent nuisance to residents.

- The premises licence holder shall ensure that any supply of alcohol in accordance with the premises licence is supplied as ancillary to a table meal only.

The Applicant is advised to keep the background music to a low volume, to prevent impacting on the residents who live above the Premises.

Reasons:

The Sub-Committee has listened to the concerns of the local resident which related to public nuisance, anti-social behaviour, and road safety. However, as this is a new application the concerns amount to speculation as to what might happen at the premises. The sub-committee noted that the responsible authorities are regarded as experts in their respective fields, and had not raised objections.

The Sub-Committee noted that the conditions agreed with the responsible authorities and suggested by the Applicant do meet concerns that do not amount to speculation, and meet most of the concerns of the Sub-Committee.

The Sub-Committee carefully considered Mr Wakley's concerns that customers using the premises caused a public nuisance to residents by blocking potential escape routes. They considered that requiring the Applicant to put up signage requiring customers to use nearby public car parks would be sufficient to address this concern.

The Sub-Committee also noted concerns about the Applicant selling alcohol without requiring food to be purchased. Although the Applicant denied that this would be the case, and he wanted to run the premises as a restaurant as opposed to a bar/pub, the Sub-Committee considered that requiring alcohol to be served with food would sufficiently reduce the risk of customers becoming too intoxicated and causing a public nuisance.

Although the Sub-Committee noted that the Applicant intended only to play background music, they felt it important to ensure that it was kept at a level so as not to cause a nuisance to residents living above the premises.

Members of the public should be assured that there is a general right to review a premises licence which can be brought by residents or responsible authorities, where there is evidence that the objectives are not being met. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it. There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.

Licensing Sub Committee (12.3.24)

The meeting commenced at 1.00 pm and concluded at 1.40 pm