

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Licensing Sub Committee held on 5 July 2022

Present

Milne, Turner (Chairman) and Mrs Shimbart

### **9 Apologies for Absence**

There were no apologies for absence.

### **10 Declarations of Interest**

There were no declarations of interest.

### **11 Licensing Act 2003, New Premises Application, Sunflower Fields, St Peters Road, Hayling Island.**

The Sub-Committee considered an application for a Premises Licence in respect of Sunflower Fields, St Peters Road, Hayling Island:

- (i) Report of Licensing Officer;
- (ii) Application for Premises Licence;
- (iii) Site Plan;
- (iv) Location Plan;
- (v) Mandatory Conditions on Alcohol;
- (vi) Representation received

The Licensing Officer presented her report to the Sub-Committee and gave an outline of the application and representations received.

In response to a question raised by a Member of the Sub Committee, the licensing officer advised that it was proposed to sale of alcohol for consumption on the field on Monday to Sunday between the hours of 9am to 11 pm.

Mr Wilson made the following points to support his application:

- a) Although this activity has been covered by Temporary Event notices, the unpredictability of sunflowers had resulted in a number of occasions when the flowers reaching full bloom outside of the dates covered by the notice resulting in the event being cancelled

- b) Although the event would generate noise, it was unlikely to be generated solely from the sale of alcohol. The most likely cause being noise generated by traffic travelling to and from the event

In response to questions raised by Members of the Sub-Committee , Mr Wilson advised that:

1. It was not intended to sale alcohol throughout the year but only during sunflower events which were difficult to predict as they were dependent upon the weather and growing conditions.
2. It was not intended to sale alcohol on the field for consumption off the premises. Mr Wilson advised that the farm shop could sale alcohol for sale off the premises.

Acknowledge that the event would generate noise from traffic but not soley for the sole of alcohol

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

**The Sub-Committee adjourned at 2.17pm to consider the application.**

### **Licensing Sub-Committee Notice Of Determination**

#### APPLICATION

Premises Licence Application: Premises at Sunflower Fields, St Peters Road, Hayling Island.

Licensing Sub-Committee hearing: 5<sup>th</sup> July 2022

Determination: 5<sup>th</sup> July 2022

#### IN ATTENDANCE:

##### **Licensing Sub- Committee**

Councillor Turner (chair), Councillor Milne, and Councillor Shimbart

##### **Licensing Officer**

Sarah Kosti & Catherine Rayner

##### **Democratic Services Officer**

Emma Carlyle

##### **Legal Officer**

James Paterson

##### **Applicant**

Samuel Wilson

*Licensing Sub Committee (5.7.22)*

**1. Decision**

- 1.1 The application for a premises licence is granted with those conditions consistent with the operating schedule.

**2. Reasons**

- 2.1 This is an application for a new premises licence (relating to premises at Sunflower Fields, St Peters Road, Hayling Island) for the sale of alcohol daily from 0900 to 2300.
- 2.2 The Applicant has described, in the operating schedule, the steps they intend to take to promote the four licensing objectives; the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.
- 2.3 The Applicant in addressing the sub-committee said that the site already operates as a sunflower attraction. The sale of alcohol has in the past been authorised by Temporary Event Notices to give visitors to the attraction the option of having a glass of wine on the site. However, the sunflower season varies from year to year, and a premises licence will allow the Applicant the necessary flexibility to work around this.
- 2.4 One relevant representation was received from a member of the public, in response to the consultation. This mainly concerns the prevention of public nuisance licensing objective, in particular the perception of noise nuisance arising from the proposed licensable activities.
- 2.5 In determining the application, the sub-committee has had regard to the following: the 2003 Act, the Authority's Statement of Licensing Policy, and the guidance issued by the Secretary of State under S182 of the 2003 Act.
- 2.6 The sub-committee is not satisfied that there is any real evidence arising from the representation that the proposed licensable activities will actually adversely impact on the prevention of public nuisance objective.
- 2.7 The sub-committee notes firstly that environmental health has not objected to the application, and secondly the premises is in a remote location, some distance away from the nearest residential property. It therefore gives very limited weight to the representation.
- 2.8 The sub-committee concludes that the conditions consistent with the operating schedule are sufficient to promote the licensing objectives, no further steps are necessary.

**3. Right of Appeal:**

- 3.1 The Applicant, and Interested Party have the right to appeal the decision to the Magistrates' Court within 21 days of receiving official notification of the decision from the Licensing Authority.

Signed: Councillor Leah Turner (Chairman) Date: 5<sup>th</sup> July 2022

**The meeting commenced at 2.00 pm and concluded at 2.17 pm**