

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 18 August 2021

Present

Milne (Chairman), Keast and Patrick

7 Declarations of Interests

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

8 Licensing Hearing - New Premises Application, Royal Car Park and Beachland Open Space, Seafront, Hayling Island.

The Sub-Committee considered an application for a Premises Licence in respect of the Royal Car Park and Beachland Open Space, Seafront, Hayling Island.

The Sub Committee considered the Licensing Officer's report which included written representations received.

All parties present agreed to:

- (1) Councillor Turner appearing as a witness on behalf of the applicant; and
- (2) Mr Fitzgerald circulating a plan showing the proximity of the residential properties to the application site.

In the absence of Mr Beck or a representative for Mr Beck, the Committee agreed to continue in his absence and rely upon Mr Beck's written representation.

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

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 11.35 am to consider the application.

DECISION OF THE LICENSING SUB-COMMITTEE

The Licensing Authority, Havant Borough Council, received a report for the application of an alcohol license at Royal Car Park and Beachland Open Space, Seafront, Hayling Island

The application was considered by the Licensing Sub-Committee at their meeting on 18 August 2021 at The Public Service Plaza, Civic Centre Road, Havant PO9 2AX. The review was conducted as per the Sub-Committee's standard procedures.

In the absence of Mr Beck or his representative, the Sub-Committee agreed to continue the hearing in their absence and rely upon Mr Beck's written representation

The Sub Committee heard from:

(A) Mrs Grieve – Havant Borough Council Licensing Team Leader

Mrs Grieve confirmed that the application had been duly advertised and all persons who had made representations had been made aware of the hearing.

Mrs Grieve read the report to the Sub-Committee.

In response to questions, Mrs Grieve:

- (a) confirmed that a DPS had not been allocated yet;
- (b) confirmed that the license had not been granted before the Sub-Committee hearing. The Sub-Committee would determine whether the license will be granted; and
- (c) confirmed that the statutory requirements for consultation, advertisements, and site notices had been complied. The application had also been published on Council website.

(B) Mr Fitzgerald – Environmental Health, Havant Borough Council

(A request by Mr Fitzgerald to circulate a plan showing the proximity of residential properties to the application site was agreed by all parties during the meeting)

Mr Fitzgerald, with reference to the code of conduct for external events, made representations as to noise concerns especially with regard to:

- (a) the fact that residential properties were within 150m of the application site;
- (b) the impact of music etc being played after 2300hrs;
- (c) concerns re wind and amplification; and
- (d) how applicant would control the site as they were not the 'organiser' of the events.

He confirmed they the Environmental Health Team would be satisfied if there was a clear cut-off at 2300hrs for noise and a contact point in

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place for residents in order that corrective actions could be dealt with at the time.

He was satisfied by amended proposals put forward in hearing. But 2300hrs remained the key issue.

(C) Professor Stowell

Professor Stowell made representations including concerns:

- (a) that sound could be amplified;
- (b) as to the cleanliness of beaches after event;
- (c) regarding alcohol and young persons;
- (d) over the provision of toilet facilities;
- (e) over the impact of plastic waste;
- (f) relating to the arrangements for overnight stayers/campers;
- (g) regarding the lack of communication with local residents and any impact plan; and
- (h) over the single point telephone contact.

(D) Mrs Skennerton – Residents Association

Mrs Skennerton stated that the original concerns were that this event would be on-going. She advised that she would like the Council to engage more with residents when such events are applied for.

Mrs Skennerton raised concerns

- (a) regarding such an event so close to residential properties and the local residents. She considered that it was vital that the event ceased at 2300hrs
- (b) over parking facilities, toilets, showers, fires on beaches; broken bottles in sand and traffic sounds.
- (c) over the Council's ability as applicant to enforce the event when a separate organisation would be running the event.

Mrs Skennerton suggested the use of a 'silent' disco.

(E) Mrs Stowell

Mrs Stowell raised concerns over noise, children and enforcement. She advised that she would be happy with a 'silent' disco.

(F) Mr Hasted, for the applicant Havant Borough Council Communities

Mr Hasted made representations on behalf of the applicant including providing the background of the event .

Mr Hasted also explained:

- (a) the reasons for specific points within the application;
- (b) that Armada Events, the organiser, had liaised with the emergency and safety groups;
- (c) that the location was chosen following feasibility studies and liaising with Armada Events and other departments within Havant BC. This was only site available for such an event; and
- (d) that the Council's Communications Team will ensure local residents have contact number for problems.

Mr Hasted called on the following witnesses to support the application

(1) John Radford – Safety Officer Armada Events

Mr Radford:

- (i) advised that a safety management plan would be put into effect;
- (ii) advised that the Police had no objections;
- (iii) explained that the event would be within a controlled space with SIA qualified staff with body-worn cameras;
- (iv) explained the controlled access plan and that a VP and child safety plan would be in place;
- (v) explained that all PA systems would point out to sea;
- (vi) clarified that the event was for only 3 days and that the Sunday event would close at 5pm;
- (vii) advised that the toilets would be put in place with a cleaning plan and contracted cleaners would be used overall for the event;
- (viii) advised that a contractor would be used to tidy up after the event. However, he could not name the specific contractor as this was outside his remit; and
- (ix) advised that complaints would first to go through Council's normal complaints lines.

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(2) Councillor Turner

(A request by Mr Hasted to call Councillor Turner as a witness was agreed by all parties during the meeting)

Councillor Turner:

- (i) explained the importance of the Armada event, including education of children. She also stated that the event raised money for local charities;
- (ii) advised that the Armada event brought worthwhile publicity to the area.
- (iii) spoke in support of the security implementation provided by Armada staff.
- (iv) stated that the Armada had also historically left the sites in a clean condition free from waste.
- (v) stated that the event was only for 2 nights and therefore would cause minimal disruption to local residents.
- (v) Has offered to allow use of her flat to be used for sound checks.
- (vi) Believes event brings commercial benefits to the area.

All parties were given an opportunity to make closing submissions

(All parties, including the licensing officer and members of the public left the meeting to enable the Sub Committee to determine the application in private)

Legal Advice

The Sub-Committee received legal advice as follows:

- (a) The options available to the Sub-Committee were laid out in the report and the Sub-Committee had to consider which option, in their consideration, was reasonable based upon this hearing.
- (b) The decision should be made solely by the Sub-Committee members and only by those members who have heard the whole application.
- (c) The Sub-Committee should take such steps as it considered appropriate for the promotion of the licensing objectives;
 - (i) The Prevention of crime and disorder;
 - (ii) Public Safety;
 - (iii) the prevention of public nuisance; and

- (iv) the protection of children from harm
- (d) To ensure natural justice, the Sub-Committee should give reasons for their decision.

Matters Considered

In making their decision the Sub-Committee considered the

- (A) submitted report together with all the representations, comments and other appendices attached to the report;
- (B) views expressed by the representatives, who attended the meeting, together with their answers to questions raised during the meeting; and
- (C) the legal advice set out above

Findings of Fact

The Sub-Committee made the following findings of fact:

- (1) the organiser had historically run such events successfully without issues; and
- (2) the applicant had met all the safety and licensing requirements.

Decision

The Sub-Committee:

RESOLVED: that the Licensing Authority agreed to grant the license.

Reasons for the Decision

The reason for the Sub-Committee's decision were as follows:

The applicant and organiser had an excellent historic record in running events and had met all the safety and licensing requirements.

The meeting commenced at 10.00 am and concluded at 11.34 am