

HAVANT BOROUGH COUNCIL  
PUBLIC SERVICE PLAZA  
CIVIC CENTRE ROAD  
HAVANT  
HAMPSHIRE P09 2AX



**Havant**  
BOROUGH COUNCIL

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## LICENSING SUB COMMITTEE AGENDA (ITEMS CARRIED FORWARD FROM THE MEETING OF THE SUB COMMITTEE ADJOURNED ON 24 JUNE 2022)

**Membership:** Councillor Turner (Chairman)

Councillors Milne & Shimbart

**Meeting:** Licensing Sub Committee

**Date:** Tuesday 5 July 2022 (continuation of the meeting held on 24 June 2022)

**Time:** 2.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Kim Sawyer  
Chief Executive

27 June 2022

Contact Officer: Emma Carlyle 023 9244 6151  
Email: [emma.carlyle@havant.gov.uk](mailto:emma.carlyle@havant.gov.uk)

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| <b>1 Apologies for Absence</b>   |               |
| To receive and record any apologies for absence.   |               |
| <b>2 Declarations of Interest</b>  |               |
| To receive and record any declarations of interest.  |               |
| <b>3 Licensing Act 2003, New Premises Application, Sunflower Fields, St Peters Road, Hayling Island.</b> | <b>1 - 28</b> |



## **GENERAL INFORMATION**

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PLEASE EVACUATE THE BUILDING IMMEDIATELY.

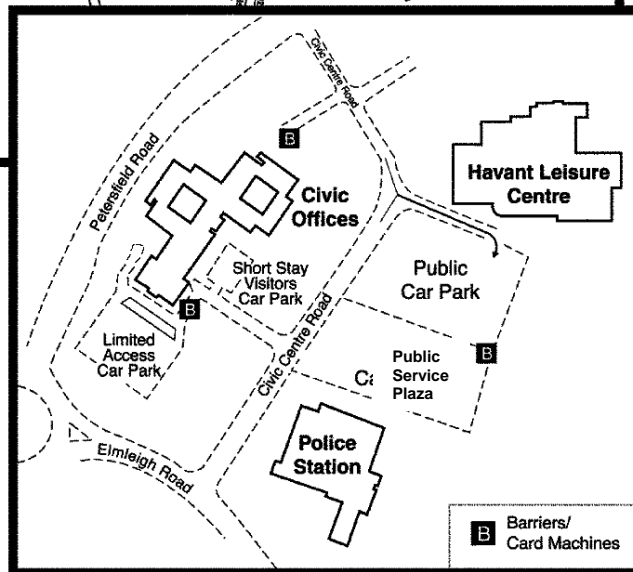
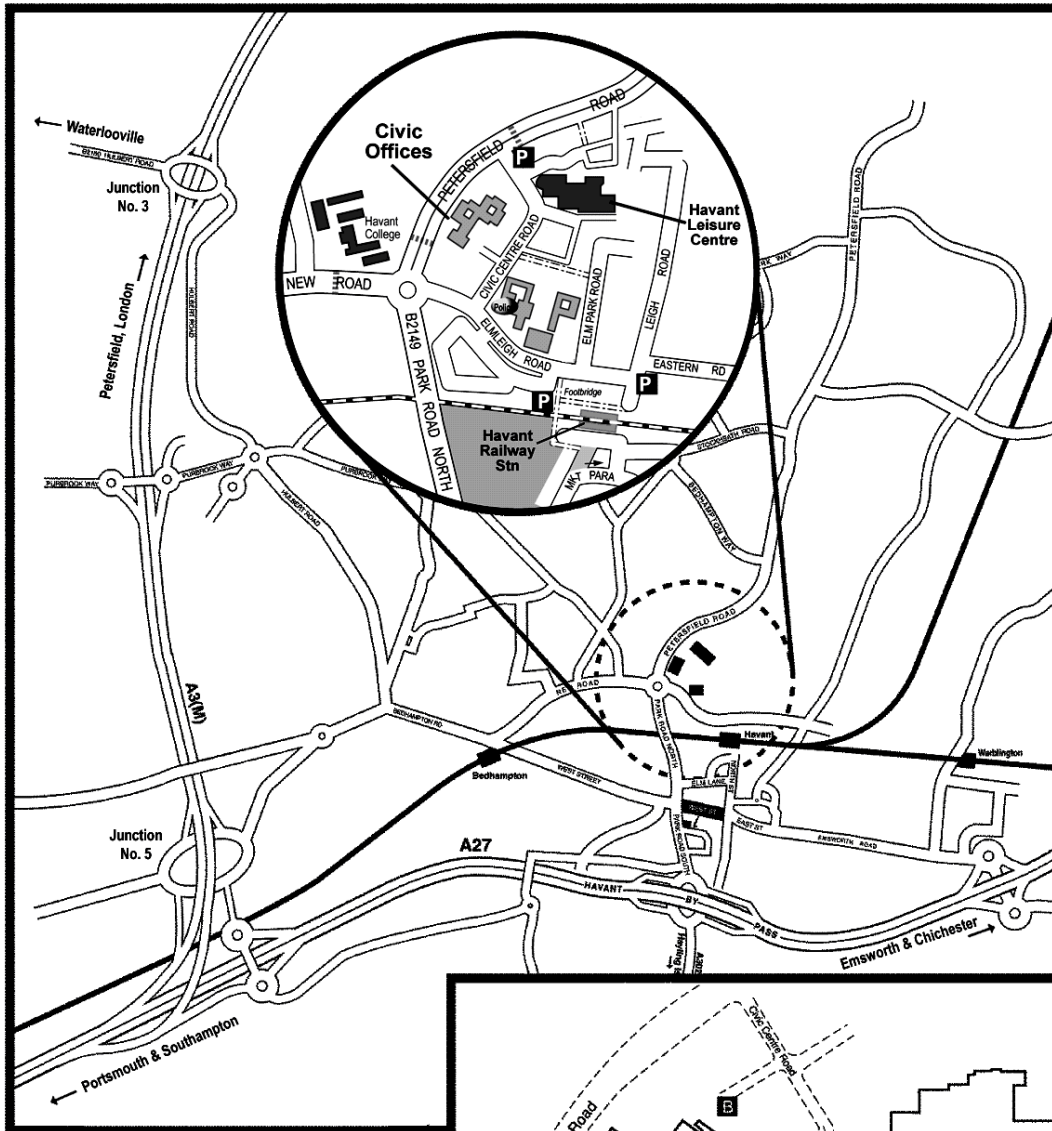
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# Havant

## BOROUGH COUNCIL

Civic Offices, Havant, Hants, PO9 2AX  
 Telephone (023) 9247 4174

NON EXEMPT

## **HAVANT BOROUGH COUNCIL**

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### **Licensing Sub-Committee**

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

### **FOR DECISION BY THE LICENSING SUB-COMMITTEE**

**Portfolio: N/A**

**Report number:**

HBC/059/2022

**Head of Service:**

**Key Decision: NO**

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### **1.0 Purpose of Report**

- This report is submitted to the Licensing Sub-Committee to consider an application for a premises licence made by Mr Samuel Wilson for Sunflower Fields, St Peters Road, Hayling Island under the Licensing Act 2003.

### **2.0 Recommendation**

- The Licensing Sub-Committee is requested to determine the application for a new premises licence following receipt of relevant representations.
- In making determination the Licensing Sub-Committee must, having regard to the application and relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. The steps the Authority can take are:
  - grant the application as applied for;
  - modify the conditions of the licence by altering, omitting, or adding to them;
  - exclude any licensable activity from the scope of the licence to which the application relates;
  - refuse to specify a person as a designated premises supervisor;
  - reject the application.
- The Licensing Sub-Committee must have regard to:

Licensing Act 2003  
Guidance issued under section 182 of the Licensing Act 2003

### 3.0 Executive Summary

- Background

Mr Wilson is applying for a premises licence for the sale of alcohol at Sunflower Fields, St Peters Road, Hayling Island. Historically this activity has been covered by Temporary Event notices

The proposed premises is situated at Sunflower Fields, St Peters Road, Hayling Island (site plan attached at Appendix A).

- Premises Licence Application

The application detailed the following times for opening hours and on-sales of alcohol:

Sale of alcohol for consumption on the premises – Monday to Sunday 0900 – 2300 hours

The application was originally submitted on 11<sup>th</sup> April 2022 with a consultation end date of 9<sup>th</sup> May 2022. However, as the application was not advertised in the local newspaper within the requisite 10 working days, the 28-day consultation was re-started on 27<sup>th</sup> April 2022 with a closing date for representations of 25<sup>th</sup> May 2022. This was communicated to the Responsible Authorities and the blue site notices were amended.

A copy of the application is attached at Appendix B

- Mandatory Conditions and Operating Schedule

Every licensed premises must comply with mandatory conditions set by the Government which form part of the licence; these are attached at Appendix C.

The applicant has described, in the operating schedule, the steps they intend to take to promote the four licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm as detailed below. The operating schedule forms part of the licence conditions:

General:

The farm already takes a number of responsibilities to ensure licensing objectives are met. Current measures include;

- risk assessments
- staff training
- CCTV

Prevention of Crime and Disorder:

Effective and responsible management of premises  
Training and supervision of staff  
Provision and monitoring of CCTV  
Provision of litter bins and outside lighting

Promotion of Public Safety:

Suitable risk assessments  
Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons  
Provision of effective CCTV  
Appropriate instruction, training and supervision of those employed  
Regular testing (and certification) of procedures, appliances etc.

Prevention of Public Nuisance:

CCTV  
Appropriate instruction of staff  
Control of operating hours  
Adoption of best practice guidance  
Collection and disposal of litter  
Location of premises is away from residential properties

Protection of Children from Harm:

Acceptance of accredited 'proof of age' cards and/or 'photo' driving licences  
Appropriate instruction, training and supervision of staff in respect to determining the age of a customer  
Imposition of requirements for children to be accompanied by an adult at the farm bar  
Adoption of best practice

- Responsible Authorities

The Responsible Authorities were consulted on the application with the following responses:

Home Office: No response  
Environmental Health (Commercial): No representation  
Primary Care Trust: No response  
HCC Social Services: Acknowledgement  
HCC Trading Standards: No response  
Hampshire Fire & Rescue: No representation  
Licensing: No representation  
Planning: No representation

Environmental Health (Environment): No representation  
Police: No response

- **Representations**

A representation was received from a member of the public. This is shown in full in Appendix D. The representation relates to the Prevention of Public Nuisance.

Some extracts are detailed below:

“Having an outdoor venue licensed to serve alcohol until 2300hrs has the potential to change this setting dramatically with associated noise, lighting and traffic this would likely bring.”

“I firmly believe that a Bar licensed until 2300hrs would cause some amount of public nuisance in this area, with drinking-up time, people and vehicles leaving etc, this could easily go on until 2330hrs or later.”

“It would effectively create the potential for a pub in a field which is entirely out of keeping in this quiet and peaceful setting.”

- **Cumulative Impact Policy**

N/A

#### **4.0 Additional Budgetary Implications**

- N/A

#### **5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s**

- N/A

#### **6.0 Options considered and reasons for the recommendation**

- Section 18(3) of the Licensing Act 2003 states that where relevant representations are made, the authority must hold a hearing to consider them and take steps as it considers appropriate for the promotion of the Licensing Objectives.
- Section 18(4) of the Licensing Act 2003 specifies the steps an Authority may consider.
- The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.



In making its deliberations, the Committee is obliged to have regard to the Council's own Licensing Policy and National Guidance. The Committee must also have regard to the representations that have been made balanced against the conditions offered by the applicant and the evidence that it hears.

The Committee must take one of the following steps, as it considers necessary for the promotion of the licensing objectives:

- (a) grant the application
- (b) modify the conditions of the licence by altering, omitting or adding to them
- (c) exclude any licensable activity from the scope of the licence to which the application relates;
- (d) refuse to specify a person in the licence as the premises supervisor
- (e) reject the application.

The Committee should note that it cannot modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so, it must be because it is appropriate for the promotion of the licensing objectives.

## **7.0 Resource Implications**

- Financial Implications – None
- Human Resources Implications – None
- Information Governance Implications – N/A
- Other Resource Implication (if appropriate) – N/A

## **8.0 Legal Implications**

- This is an application for a premises licence under section 17 of the 2003 Act and must be determined in accordance with section 18 of that Act.

## **9.0 Risks**

- N/A

## **10.0 Consultation**

- This premises licence application has been consulted on with all responsible authorities and the public under the requirements of the Licensing Act 2003.

## **11.0 Communication**

- The application was advertised on Havant Borough Council's website, public notices displayed along the site boundary (updated accordingly) and in the Hayling Island Herald newspaper on 3<sup>rd</sup> May 2022.
- All interested parties will be sent a notice of decision following the hearing.

## **12.0 Appendices: (include short summary of each appendix)**

- Appendix A – Site plans
- Appendix B – Application form
- Appendix C – Mandatory conditions

Appendix D – Member of public representation

**13.0 Background Papers**

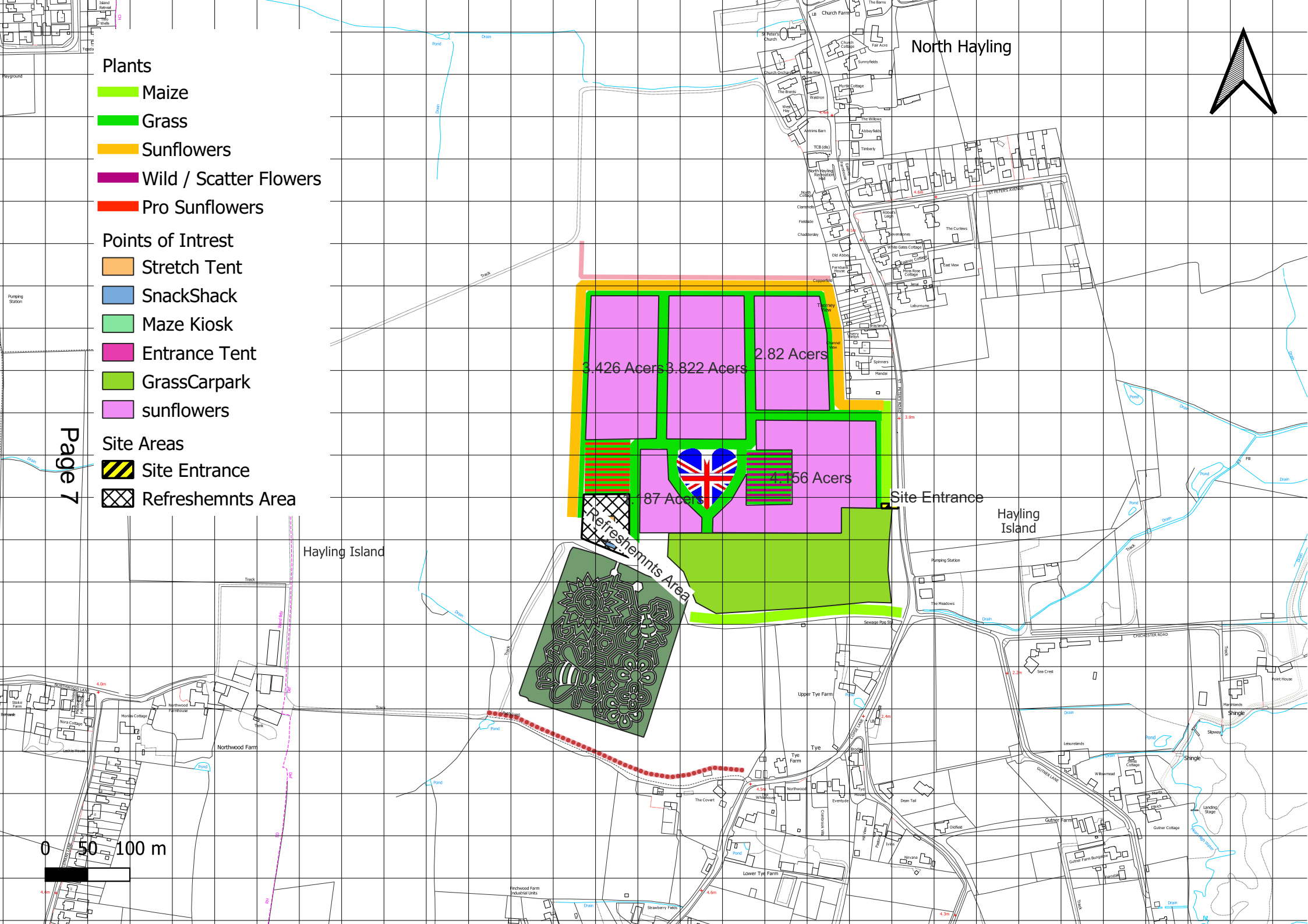
N/A

Agreed and signed off by:

Legal: James Paterson Planning and Litigation Solicitor 10.06.22

Head of Service: Signed off in absence by Chris Bradley, Executive Head of Commercial (10/06/22)

**Contact Officer:** Sarah Kosti  
**Job Title:** Licensing Officer  
**Telephone:** 023 92 446248  
**E-Mail:** sarah.kosti@havant.gov.uk



**Plants**

- Maize
- Grass
- Sunflowers
- Wild / Scatter Flowers
- Pro Sunflowers

**Points of Intrest**

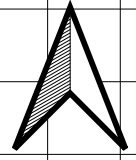
- Stretch Tent
- SnackShack
- Maze Kiosk
- Entrance Tent
- GrassCarpark
- sunflowers

**Site Areas**

- Site Entrance
- Refreshemnts Area

Page 7

0 50 100 m



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\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Farm Bar

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

Samuel

\* Family name

Wilson

\* E-mail

[Redacted]

Main telephone number

[Redacted]

Include country code.

Other telephone number

[Redacted]

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

Yes  No

Business name

Stoke Fruit Farm

If your business is registered, use its registered name.

VAT number

- 108166483

Put "none" if you are not registered for VAT.

Legal status

Partnership

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Address Description**

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Partner

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  dd / mm / yyyy

\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Bar located within refreshment area of Sunflower Fields. Consumption within dining tent and surrounding refreshment area.



*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth   
dd      mm      yyyy

Continued from previous page...

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

The farm already takes a number of responsibilities to insure licensing objectives are met, current measures include

- risk assessments
- staff training
- CCTV

b) The prevention of crime and disorder

Effective and responsible management of premises  
Training and supervision of staff  
Provision and monitoring of CCTV  
Provision of litter bins and outside lighting

c) Public safety

Suitable risk assessments  
Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons  
Provision of effective CCTV  
Appropriate instruction, training and supervision of those employed  
Regular testing (and certification) of procedures, appliances etc.

d) The prevention of public nuisance

CCTV  
Appropriate instruction of staff  
Control of operating hours  
Adoption of best practice guidance  
Collection and disposal of litter  
Location of premises is away from residential properties

e) The protection of children from harm

Acceptance of accredited 'proof of age' cards and/or 'photo' driving licences  
Appropriate instruction, training and supervision of staff in respect to determining the age of a customer  
Imposition of requirements for children to be accompanied by an adult at the farm bar  
Adoption of best practice

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

### **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.



*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

The fee is calculated on the Rateable Value of the premises as follows:

Rateable Value £0 - £4300 - £100

Rateable Value £4301 - 33,000 - £190

Rateable Value £33001 - 87,000 - £315

Rateable Value £87001 - 125,000 - £450

Rateable Value £12500+ - £635

\* Fee amount (£)

### DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

 /  /   
dd mm yyyy

Add another signatory

*Continued from previous page...*

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havant/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Farm Bar"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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## **ANNEX 1 - MANDATORY CONDITIONS**

### **Mandatory Conditions: Where licence authorises supply of alcohol**

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

- 1) The first condition is that no supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Further Conditions added 6th April 2010 as amended 1<sup>st</sup> 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 time 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) provisions 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 carries 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 a disability).
- 2) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Further Conditions added 1<sup>st</sup> October 2010 as amended 1<sup>st</sup> October 2014**

- 3) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to 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 than 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 –
    - (1) beer or cider: ½ pint
    - (2) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (3) still wine in a glass: 125ml;
  - (b) these measure 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.

**Further Conditions added 28<sup>th</sup> May 2014**

- 1) (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).
- (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.

23 May 2022

Dear Licensing Dept

### **Representation re Premises Licence, Sunflower Fields, St Peters Road, Hayling Island**

After careful consideration and with some reluctance I am writing to object to the licensing application of Samuel Wilson 26/4/22 for a Bar in the Sunflower fields, St Peters Road on Hayling. I recognise the need farmers have to diversify in order to survive and the sunflower fields will no doubt have provided some welcome and additional revenue to the farm. Fields that were for many years purely agricultural, with little footfall other than the odd tractor working the ground and the harvesting of crops, have now become a well-known and busy tourist attraction. This brings many seasonal visitors and traffic from other areas to Northney.

My concern is that with a Bar licensed to sell and consume alcohol from 0900 – 2300hrs, the fields are likely to have additional visitors at unsociable hours which has nothing to do with agriculture or viewing sunflowers. It would effectively create the potential for a pub in a field which is entirely out of keeping in this quiet and peaceful setting

My objection is based on:-

**1) Prevention of public nuisance.** Northney is an extremely quiet area at night, I have been a resident here for 40 years there is very little traffic through the village come the evening. One of greatest pleasures is to sit in my garden at night listening to the owls and watching the bats and the stars, there is often nothing else to hear, the silence is beautiful. Having an outdoor venue licensed to serve alcohol until 2300hrs has the potential to change this setting dramatically with associated noise, lighting and traffic this would likely bring. Noise and voices travel a very long way across open fields and it is a well-known fact that when people drink alcohol they become louder. (After speaking with Sam Wilson, I now realise that noise I heard on some evenings last summer was coming from the fields was when temporary licenses were in operation). Whilst I understand that at this time, the intention is to only operate during the 'sunflower' season, there would be nothing to prevent the license being used at any time of year for other ventures.

The measure of nuisance caused by license premises changes dramatically according to the setting for example – a licensed premises in a busy city centre may have a very different impact on the community to an open-air Bar in a peaceful rural area. I firmly believe that a Bar licensed until 2300hrs would cause some amount of public nuisance in this area, with drinking-up time, people and vehicles leaving etc, this could easily go on until 2330hrs or later.

**2) Public safety.** The relationship between alcohol and public safety is a complex one. Regular consumption of alcohol has clear health implications and the ability to consume alcohol in every setting increases the potential for consumption. Alcohol related violence, especially interpersonal and domestic is always a potential wherever alcohol can be purchased and consumed. The concept of families enjoying a field of sunflowers, taking photos and having tea and cakes can be very different when alcohol is brought into the equation. I would question whether a family outing is really enhanced by the opportunity to consume alcohol until 2300hrs.

The roads in Northney village are narrow and there is no footpath, the majority of visitors to the sunflower fields will be arriving and leaving in vehicles, many perhaps with no concept of the risks of driving in rural areas and lacking consideration to pedestrians, cyclists etc (not to mention hedgehogs!) on these narrow roads. Ordinarily I take my dogs for a short walk around 10pm and feel quite safe to do so, cars are infrequent and can be heard coming from a distance so moving to a place of safety is easy should one come along. This situation would change completely with consumers driving away from the fields late at night, especially after a drink or two at the Bar.

**3. The prevention of crime and disorder.** There is a clear link between crime and disorder and alcohol consumption. In this setting one might assume that mostly it would be family groups taking advantage of the opportunity to have some alcoholic beverages whilst on an outing together. An alcohol licence until 2300hrs could well bring a different clientele and associated public order and drink driving offences could perhaps become a factor.

**4. The protection of children from harm.** Again, it is my understanding that the sunflower fields are mainly a family attraction. If parents are having a few drinks at the Bar I wonder how much attention will be given to the children who may well be free to roam and play in the fields without supervision. Also, I have previously mentioned the health implications and the relationship between alcohol consumption and violence, all of which can bring harm to children. It does seem a shame that alcohol needs to be an element in an otherwise safe and healthy outdoor experience.

I hope you will give some consideration to the points I have raised. I do not wish to be seen as a killjoy but my concerns are genuine. If the intention of the applicant is only to use the license on occasions and purely in association with the sunflowers, I would have thought that the use of temporary licences rather than a permanent Bar licence, 7 days a week all year round, would be more than adequate for this venue and with the hours restricted to 2000hrs to prevent public nuisance into the night.