

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 5 June 2023

Present

Keast, Mrs Shimbart and Wade

12 Apologies for Absence

There were no apologies for absence received from members.

13 Declarations of Interests

There were no declarations of interest received from the members present relating to matters on the agenda.

14 Licensing Act 2003, New Premises Licence Application, The Hayling College, Church Road, Hayling Island, PO11 0NU

The Sub-Committee considered an application for a Premises License in respect of The Hayling College, Church Road, Hayling Island, PO11 0NU.

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 applicant advised that alcohol would be available for purchase within the stated hours on the application.

Mr Reah made the following points to support his application:

- a) The hours of opening stated were a guide and events will unlikely go on past 11pm.
- b) The sale of alcohol will be available during the hours outlined in the application and
- c) Hayling College are keen to continue to be a 'good neighbour' and have relevant practises in place to minimise noise.

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 10:28 to consider the application.

LICENSING SUB – COMMITTEE
DECISION OF THE MEETING HELD 5 JUNE 2023
IN ATTENDANCE:

LICENSING SUB-COMMITTEE:

Councillor Keast (Chairman), Councillor Elaine Shimbart, Councillor Peter Wade.

LICENSING OFFICER:

Sarah Kosti & Briony Appletree

DEMOCRATIC SERVICES OFFICER:

Emma Carlyle

SOLICITOR:

Andrew Forrest

APPLICANT:

Mr Martyn Reah

APPLICATION FOR A NEW PREMISES LICENCE
THE HAYLING COLLEGE CHURCH ROAD HAYLING ISLAND PO11 0NU

This hearing was held in person and was recorded for the press and public to view via the Council's website.

The Sub-Committee has considered very carefully the application 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 Sub-Committee considered the representations, both written and given orally today, by all parties. 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 also took into account that neither Hampshire Constabulary nor any other Responsible Authority had made representations to the Sub-Committee Hearing.

The Sub-Committee had concerns about the impact of noise with a terminal hour of 23-30. Considering all of the above the Sub-Committee agreed to grant the licence in accordance with the application but with a terminal hour for closing the premisses of 23-00.

Licensing Sub Committee (5.6.23)

Reasons:

The Sub-Committee heard from Mr Reah for the applicant and the Licensing Officers.

The Sub-Committee noted that no responsible authorities made representations.

The Sub-Committee has listened to the concerns of the objectors which related to noise. However, as this is a new application the concerns amount to speculation as to what might happen at the premises.

The Sub-Committee received legal advice that speculation as to what may happen cannot be considered. Advice was also given that the legislation had a presumption of grant so that they can only refuse the application if concerns raised cannot be met by conditions. Advice was also received that the responsible authorities are regarded as experts in their respective fields.

Residents should be assured that if the concerns raised do materialise and cannot be resolved through dialogue they have the right to seek a review of the licence which would be heard by the Sub-Committee.

There is a right of appeal for any party to the Magistrates' Court within 21 days of the decision.

The meeting commenced at 10.00 am and concluded at 10.28 am