

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 18 March 2024

Present

Keast, Milne and Weeks

33 Apologies for absence

There were no apologies for absence received from members.

34 Declarations of Interests

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

35 Licensing Act 2003 Premises Licence - Shoreline Festival at Chichester Avenue Car Park, Hayling Island, PO11 9EX

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 Shoreline Festival, Chichester Avenue Car Park, 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 6 objectors orally. They also considered 29 written objections.

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 all of the above the Sub-Committee decided to refuse the application.

Reasons:

The Sub-Committee has listened to the concerns of the local residents which related to all four licensing objectives. Other representations were made in relation to camping nearby, a local Site of Special Scientific Interest, and

parking concerns, however the Sub-Committee noted that these are not relevant to the licensing objectives.

Overall the Sub-Committee felt that, although the organisers of the festival had run successful events at another site on Hayling Island, the area subject to this application had inherent risks to public nuisance and public safety that could not be mitigated by conditions.

The Sub-Committee were concerned that up to 4,999 people would be entering the site, that the licensable area was very close to nearby houses (in some cases 15-30 metres), and the fact that the Hayling Light Railway runs through the site, as well as a number of beach huts.

The proximity of the site to nearby houses poses a risk that music from the stage and DJs until the end of the proposed hours would cause a nuisance to nearby residents at unreasonable hours. The Sub-Committee considered that no restriction on decibel level or time would mitigate the nuisance caused to residents.

The Sub-Committee were concerned that there was only a single entry point to and from the site, meaning that those who attended the festival would cause a nuisance to residents as they came and left the site. The number of potential attendees meant that there could be a significant amount of noise created, particularly when the festival ended, and this would cause a nuisance to those who lived across the road from the site in particular.

The Sub-Committee noted that the location of the site was in very close proximity to some of the residents, and felt that no amount of mitigation would resolve the level of nuisance caused to those residents.

The Sub-Committee also noted that the Hayling Light Railway ran through the site. Although the Applicant suggested that they would put measures in place to protect festival goers from risk from the Railway, and to protect the Railway from potential damage caused by festival goers, the Sub-Committee was concerned at the lack of detail presented to them. It was therefore not satisfied that effective measures were in place to keep people safe, or prevent damage to the Railway.

The Sub-Committee considered whether there were any additional conditions that could be imposed to promote the licensing objectives, however it concluded that the site was too close to a residential area for any conditions to have effect, and the risks posed by the presence of the Railway in the site could not be dealt with by conditions.

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.

The meeting commenced at 2.00 pm and concluded at 3.45 pm