

NON EXEMPT

HAVANT BOROUGH COUNCIL

Licensing Sub-Committee

Licensing Act 2003, New Premises Application, Royal Car Park and Beachland Open Space, Seafront, Hayling Island.

FOR DECISION BY THE LICENSING SUB-COMMITTEE

Portfolio: N/A

Head of Service (Neighbourhood Support): Mrs N Meagher

Key Decision: No

1.0 Purpose of Report

- This report is submitted to the Licensing Sub-Committee to consider an application for a premises licence made by Havant Borough Council for Royal Car Park and Beachland Open Space, Seafront, 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
 - Havant Borough Council's Statement of Licensing Policy

3.0 Executive Summary

- Background

Havant Borough Council, via the Community Team, are applying for a premises licence for Council approved events at the Royal Car Park and Beachland Open Space, Seafront, Hayling Island, Historically event organizers used the Council licence at West Beachlands Car Park and Open Space once agreed by the Community Team/Safety Advisory Group however this area has been eroded and no longer viable to use, therefore this licence has been cancelled. The main use of the licence was for the Armada Kite Surfing Festival.

As this licence is being applied for events only, it has been applied without a nominated Designated Premises Supervisor (DPS) and any event organizer would nominate a personal licence holder to hold this position for their event.

Originally the application was for an indefinite licence, however during consultation this has been amended and now the application is for one event only to take place over 3 days in September 2021 to include Fri/Sat/Sun. The proposed event to use the licence is Armada Kite Surfing Festival, 10th-12th September 2021. (This amendment can be found at Appendix A)

The proposed premises is situated at Royal Car Park and Beachland Open Space, Seafront, Hayling Island (site plan attached at Appendix B i and B ii and, for assistance, a map is attached at Appendix B iii).

- Premises Licence Application

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

Live and recorded music – outdoors (stage) - Friday/Saturday 1000 – 2200 hours and Sunday 1000 – 1700 hours

Live and recorded music – indoors (marquee) Friday/Saturday 1000 – 0100 hours and Sunday 1000 – 1700 hours

Entertainment similar to live and recorded music or dance – Friday/Saturday 1000 – 0100 hours and Sunday 1000 – 1700 hours, use of stage and marquee for activities such as karaoke or silent disco.

Sale of alcohol for consumption on the premises – Friday/Saturday 1100 – 0030 hours and Sunday 1100 – 1630 hours

The application was originally submitted on 24th June 2021 with a consultation end date of 22nd July 2021. However due to a mis-timing with advertising the application in the local newspaper, the 28-day consultation was re-started on 5th July 2021 with a closing date for representations of 1st August 2021. This was communicated to the Responsible Authorities and the blue site notices were amended.

A copy of the application is attached at Appendix C

- **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 D.

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:

All events will require the written permission of the Council.

Event organisers will be asked to provide information to the Council's Safety Advisory Group in the interests of Public Safety, where it is deemed necessary by the Council.

The approved information for the events after a Safety Advisory Group meeting will be given to the police licensing and local authority licensing departments and will become part of the licensing conditions for the event.

Times of the event's licensable activities to be agreed within the scope of the premises licence.

Prevention of Crime and Disorder:

The Event organisers shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

The Event organisers must ensure that all staff selling alcohol have received adequate training to a recognised national standard on the law with regard to age restricted sales and that this has been properly documented and training records kept as a hard or digital copy for a period of 6 months after the event. These records must be made available to the Police and Licensing Authority on request. The trained persons contact details must be included in these records.

No one shall take part in the retail sale or the supply of alcohol prior to being trained.

A challenge 25 policy shall be in place at the event. Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic

identification as proof of age. Acceptable ID shall be a Valid Passport with hologram; Valid UK Photo card Driving Licence.

Challenge 25 Signage advising customers of the Policy shall be in place at each bar.

A refusals log shall be in operation at each bar. The refusals log shall be maintained throughout the event and be made available to Police or the Licensing Authority on request.

No supply of alcohol shall take place at any bar unless a Personal Licence Holder is present.

All Personal Licence Holders shall be made aware of the licence conditions. This shall be documented and a copy of the conditions shall be made available at each bar. Police and the Licensing authority shall have access to this documentation when requested and these records kept as a hard or digital copy for 2 years after the event.

No glass shall be dispensed to members of the public. All alcohol products shall be sold in plastic bottles, served in polycarbonate or plastic drinking vessels. Any alcohol in a glass container shall be decanted into a plastic container prior to supply to customers.

Any off sales will be in sealed containers.

No shots or shooters shall be available for purchase at the event. Any spirits shall be sold with a mixer.

Any person under the age of 18 attempting to purchase alcohol or any adult attempting to purchase alcohol for someone under 18 shall be asked to leave the event after event organisers have considered that it is safe for them leave the site.

A minimum of one SIA (Security Industry Authority) accredited person shall be present at each bar at all times that alcohol is being sold or supplied Any person deemed unfit due to drink or drugs at the event shall be asked to leave the event after organisers have considered that it is safe for them to leave the site.

The sale or supply of alcohol shall only be from the fixed bars as shown on the plans with this licence.

No alcoholic drink shall be priced below £1.50.

A sign shall be placed at each bar encouraging persons to drink responsibly and to be aware that it is an offence to be drunk in charge of a child.

Promotion of Public Safety:

Any person employed by the Event organisers carrying out security activities shall wear a fluorescent/reflective tabard/jacket clearly marked with their role on the back.

Every entry/exit point to the venue shall be manned by an appropriately accredited SIA person.

The DPS or person authorised by DPS shall ensure that bag searches are carried out as customers enter the event.

The DPS or person authorised by DPS shall ensure that any person appearing to be under the influence of alcohol or illegal drugs shall be refused entry.

Customers shall not be permitted to bring their own alcohol onto the site, with the exception of designated camping areas.

The DPS or person authorized by DPS shall ensure that customers do not bring Glass bottles into any bar area on site.

The DPS or person authorized by DPS shall ensure that customers are allowed to bring their own bottles of water so long as they are sealed and unopened.

Upon request by a responsible authority the holder of the premises licence or an agent on behalf of and under the authority of the licence holder shall provide precise information regarding the number of people present on the site at the given time during which licensable activities are taking place.

Prevention of Public Nuisance:

The following measure will be in place to limit the impact of the event on the local area:

Event site PA distanced from residential properties.

PA systems all facing out to sea to reduce noise disturbance.

Outside main stage to close at 2000 hours latest on Friday and Saturday with all subsequent amplified music within festival marquee.

Event finish time will be in accordance with published timings and as agreed with the venue.

Waste management and continual litter picking will take place during each event day; all waste associated with the event will be removed immediately after the event with a final sweep carried out the following morning post event.

Protection of Children from Harm:

Unaccompanied under 18s to be off site at 2200 hours.

All misplaced children will be cared for in the 'Medical Tent' by DBS (Disclosure and Barring Service) checked stewards. This area will have strict access limitations. Name of DBS checked staff made available to Hampshire Constabulary on request.

Premises licence holder shall ensure that the medical welfare unit includes staff who are trained and/or have experience of dealing with emergencies and issues that relate to children and young people.

Guardians/parents will be required to complete a 'Lost Child' document prior to re-uniting.

Proof of age provisions will be in place at all public bars; all bar staff will be briefed on age restriction policies.

All stewards to be fully briefed on the measures in place to protect children/vulnerable adults from harm.

All members of staff will be made aware of the Lost and Found Child Procedure, set out in a separate document and appended to the Event Management and Safety Plan.

No adult shall be permitted to work alone with any children.

Premises licence holder shall ensure that any reports of neglect or abuse of children on the site are treated seriously and the proper authorities notified.

- Responsible Authorities

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

Home Office: No response

Environmental Health (Commercial): No response

Primary Care Trust: No response

HCC Social Services: No response

HCC Trading Standards: No response

Hampshire Fire & Rescue: No representation

Licensing: No representation

Planning: No representation

Environmental Health (Environment): Representation received

Police: Hampshire Constabulary requested conditions to be added to the premises licence, if granted, as detailed below. Hampshire Constabulary stated they have no objection to the licence provided the conditions were added. These were agreed with the applicant during the consultation period.

Conditions

During the consultation period, Police proposed the following conditions and were agreed by the applicant:

The event is time limited for 1 x event per calendar year which is no longer than a 3-day weekend, that being the Kite Surfing Armada. (Please note the application has been amended further by the applicant and is for one event only to take place over 3 days in September 2021 to include Fri/Sat/Sun. The proposed event to use the licence is Armada Kite Surfing Festival, 10th-12th September 2021, as attached at Appendix A)

SECURITY

1. Unless there is written agreement with Hampshire Police, the site shall be secured by Heras fencing or similar to prevent illegal access.
2. Unless there is written agreement with Hampshire Police, the security plan shall include a minimum requirement for all attending members of the public to be subject to the searching of outer garments and bags. For events deemed to present a higher risk by the Police, the following entry checks shall also be included: drug detecting dog sniff checking (drugs) and metal wand scanning (weapons / knives).
3. Unless there is written agreement with Hampshire Police, the security plan will include the requirement of roaming security roles aside from static positions.
4. Unless there is written agreement with Hampshire Police, all security staff shall be provided with ID to identifying them as staff working at the event.
5. Unless there is written agreement with Hampshire Police, the security plan will distinguish between roles of SIA staff and security marshals.
6. Unless there is written agreement with Hampshire Police, the security plan will ensure appropriate levels of staffing for the maximum attendance for each event.
7. Unless there is written agreement with Hampshire Police, the security plan shall have the resilience for security staff to respond in numbers to emergencies on site.
8. Unless there is written agreement with Hampshire Police, Body Worn Video shall be used by security staff at bars, entry points and within the dedicated response team.
9. Unless there is written agreement with Hampshire Police, ejections should be recorded on BWV.
10. Unless there is written agreement with Hampshire Police, Body Worn Video footage shall be retained for 28 days and made available to Police upon request.
11. Unless there is written agreement with Hampshire Police, the licence holder shall maintain a register of each person employed in a security role and shall provide to the Police upon request full details of the security staff member and their duty times at the event.
12. Unless there is written agreement with Hampshire Police, Security staff shall wear fluorescent / reflective jackets / tabards with 'security' marked on the rear.
13. Unless there is written agreement with Hampshire Police, Security staff shall ensure that no alcohol is taken from the site when members of the public are leaving.

CHILDREN / VULNERABLE ADULTS

1. Unless there is written agreement with Hampshire Police, persons under the age of 16 must be in the direct company and supervision of a responsible adult aged 18 or over.
2. Unless there is written agreement with Hampshire Police, there shall be an area within the festival site dedicated to dealing with child welfare and vulnerable adults. Staff performing roles within this area shall be CRB checked or have a similar legal check performed.
3. Unless there is written agreement with Hampshire Police, staff working within the child welfare area shall work in a minimum of 'two's' when dealing with persons under 18.
4. Children should always be supervised within the child welfare area.
5. Unless there is written agreement with Hampshire Police, staff working within the child welfare area shall have access to a radio to make contact with event management.

POLICIES / GENERAL

1. The Premises Licence Holder shall submit an Event Management Plan (EMP) and an appropriate site plan to the Police at least 30 days in advance of the event. Any amended version / final version of the Event Management Plan must be submitted to the Police at least 15 days prior to the event.

2. This will include but not be limited to:

- Event Management Structure, roles and responsibilities
- Alcohol Management Plan
- Traffic Management Plan Security & Steward Management Plan
- Major Incident and Emergency Plan
- Medical Provision Plan
- Evacuation Plan
- Counter Terrorism Plan
- Zero Tolerance Drugs Policy
- Search Policy
- Use of Glass Policy
- Ejections Policy
- Safeguarding Policy
- Welfare Policy
- Lost Child Policy
- Vulnerable Adults Policy

3. All measures listed within the final 'Event Management Plan' shall become conditions of the Premises Licence. A failure to comply with the Event Management Plan shall be a breach of the Premises Licence.

4. The premises licence shall only be in use for a maximum of 1 event per calendar year, with the event lasting up to a 3-day weekend. (Please note the application has been amended further by the applicant and is for one event only to take place over 3 days in September 2021 to include Fri/Sat/Sun. The proposed

event to use the licence is Armada Kite Surfing Festival, 10th-12th September 2021, as attached at Appendix A)

These are attached as Appendix E.

A Representation has been received from the Responsible Authority Environmental Health (Environmental Protection).

The concerns the Environmental Protection Team, have with the application, are the following:

The close proximity to residential dwellings, reviewing the location, properties are separated by 150 metres between the proposed stage. The events that have been operated in locality before, however there has been a greater separation between the event and residential dwellings.

The proposed hours, where live or recorded music currently go on until (01:00hrs on Saturday and Sunday) mornings is too late.

Concern about the direct control the applicant has over the event and the control they will have to directly ensure all measures required are implemented.

Foresee public nuisance occurring because of the time the music is currently proposed to play until, coupled with the proximity of the dwellings. The problems will be exacerbated when live music occurs at the site, as live music contains greater low frequency sound energy, (especially in the 63Hz and 125 Hz range), which has a propensity to propagate through structures and still be noticeable inside dwellings.

Given the issue, request that the following changes to the hours of the licence and conditions be applied to proposed premises licence: (Please note the representation doesn't provide suggested hours however the Environmental Health officer may choose to include this when presenting his submissions)

- 1) A written noise management plan shall be submitted (at least 14 days before the event) to the Environmental Protection Team for approval. The plan shall include the following details:
 - a) Written confirmation on how any noise complaints received before, during and after the event will be handled by the applicant.
 - b) Communication plan for local residents, which will include a telephone number to be used to make complaints during the event.
 - c) A written logbook will be used, to record complaints received, and corrective actions taken the licence holder.
 - d) Location plan of Noise monitoring location(s), taking account of noise sensitive premises
 - e) The Music Noise level (MNL) shall not exceed 75dB LAeq, 15min, when measured 1 metre from the façade of any noise sensitive premises

2) A sound test shall be carried out before each event (to show the compliance with the management plan, noise limits. The applicant must notify Environmental Protection, 7 days beforehand, to allow attendance during the sound test.

3) The conclusions and corrective actions (if any) of the sound test must be submitted, in writing, to Environmental Protection Team within 12 hours of the completion of the event.

This is attached as Appendix F.

- **Representations**

11 members of the public raised objections to the application. These all include concerns regarding noise nuisance which relates to the Public Nuisance objective.

Some referred to anti-social/disorder concerns which fall under the Crime and Disorder objective.

Some references were also made about concerns regarding litter/toilets/proximity to shoreline which relates to Public Safety objective and one comment regarding risk to children due to late hours, relating to Protection of Children from Harm.

These are attached as Appendix G

Where relevant, representees were made aware of any mitigation already provided either within the operating schedule or agreed conditions or referred to in the draft of the event statement and management plan. They were also advised that the revised licence application is for one event for 3 days in September 2021 for the Kite Surfing Armada (10th – 12th) only.

- **Cumulative Impact Policy**

Some relevant representations received refer to other licensed premises already in the vicinity. Havant Borough Council does not have a cumulative impact policy therefore any comments regarding the number of licensed premises in an area is not a matter for a licensing authority to take into consideration.

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 Councils 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 license 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, 6 public notices displayed along the site boundary (updated accordingly) and in the Hampshire Independent newspaper on 9th July 2021.
- All interested parties will be sent a notice of decision following the hearing.

12.0 Appendices: (include short summary of each appendix)

Appendix A – Confirmation that licence now applied for a one event only for 3 days in September 2021 to include Fri/Sat/Sun.

Appendix B – Site plans

Appendix C – Application form

Appendix D – Mandatory conditions

Appendix E – Police conditions and confirmation of acceptance

Appendix F – Environmental Protection representation

Appendix G – Member of public representations

13.0 Background Papers

N/A

Agreed and signed off by:

Legal: Surinder Atkar: 5th August 2021

Head of Neighbourhood Support: Natalie Meagher: 6th August 2021

Contact Officer: Miss H Smith
Job Title: Licensing Officer
Telephone: 023 9244 6653
E-Mail: hilary.smith@havant.gov.uk
Date: 5th August 2021