

NON EXEMPT

HAVANT BOROUGH COUNCIL

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

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 11th April 2022 with a consultation end date of 9th 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 27th April 2022 with a closing date for representations of 25th 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 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, public notices displayed along the site boundary (updated accordingly) and in the Hayling Island Herald newspaper on 3rd 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