

NON EXEMPT

HAVANT BOROUGH COUNCIL

Licensing Sub-Committee

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

FOR DECISION BY THE LICENSING SUB-COMMITTEE

Portfolio: N/A

Head of Service: Alex Robinson

Key Decision: NO

Report number: HBC/005/2023

1.0 Purpose of Report

This report is submitted to the Licensing Sub-Committee to consider an application for the grant of a premises licence made by Mr Martyn Reah for The Hayling College, Church Road, Hayling Island, PO11 0NU under section 17 of 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

Relevant Articles of the Human Rights Act 1998

Public sector equality duty, section 149 Equality Act 2010

3.0 Executive Summary

Background

Mr Reah is applying for a premises licence for the sale of alcohol and provision of regulated entertainment at The Hayling College, Church Road, Hayling Island, PO11 0NU. Historically the College held a premises licence from 2006 – 2022. Since 2022, activity has been covered by Temporary Event Notices

The proposed premises is situated at The Hayling College, Church Road, Hayling Island, PO11 0NU (site plan attached at Appendix A).

Premises Licence Application

The application details the following times for opening hours, on and off sales of alcohol and the provision of regulated entertainment:

Opening times -

Mon to Fri: 18:00 – 23:30

Sat & Sun: 10:00 – 23:30

Sale of alcohol for consumption on and off the premises –

Mon to Fri: 18:00 – 22:00

Sat & Sun: 10:00 – 22:00

Provision of regulated entertainment – (Plays)

Mon to Fri: 18:00 – 23:00

Sat & Sun: 10:00 – 22:00

Provision of regulated entertainment – (Films)

Mon to Fri: 18:00 – 21:00

Sat & Sun: 12:00 – 21:00

Provision of regulated entertainment – (Indoor Sports)

Mon to Fri: 18:00 – 22:00

Sat & Sun: 10:00 – 22:00

Provision of regulated entertainment – (Live Music)

Mon to Fri: 18:00 – 23:00

Sat & Sun: 12:00 – 23:00

Provision of regulated entertainment – (Recorded Music)

Mon to Fri: 18:00 – 23:00

Sat & Sun: 12:00 – 23:00

Provision of regulated entertainment – (Dance)

Mon to Fri: 18:00 – 23:00

Sat & Sun: 12:00 – 23:00

Provision of regulated entertainment – (anything of a similar description to Live Music, Recorded Music Or Performances Of Dance)

Mon to Fri: 18:00 – 23:00

Sat & Sun: 12:00 – 23:00

The application was submitted on 17th April 2023 with a consultation end date of 15th May 2022.

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:

We will ensure there are competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. Staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons

Prevention of Crime and Disorder:

CCTV is installed at the college, which is operated and maintained at the premises. There are cameras that point at the school entrance along with cameras in the reception area.

Public Safety:

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs and emergency lighting All emergency exits shall be kept free from obstruction at all times.

Prevention of Public Nuisance:

Members of the public attending events will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

Protection of Children from Harm:

The licensee and staff will ask persons who appear to be under the age of 18 for photographic ID evidence such as, photographic driving licence or passport, an

official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

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, or 'Other Person.'. This is shown in full in Appendix D. The representation relates to the Prevention of Public Nuisance and Protection of Children from Harm.

Extracts are detailed below:

"I feel it could cause a public nuisance over the weekends to the nearby residents by causing noise and rowdiness around the grounds of the college.

"Schools and colleges should be the one place where alcohol is not easily obtained."

4.0 Cumulative Impact Policy

N/A

5.0 Additional Budgetary Implications

N/A

6.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s

N/A

7.0 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.

The Committee may only consider matters relating to the four licensing objectives.

8.0 Resource Implications

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

9.0 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.

A party may appeal against the decision of the Licensing Sub-Committee to the Magistrates Court within 21 days of notice of the decision.

10.0 Risks

N/A

11.0 Consultation

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

12.0 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 May 1st 2023.

All interested parties will be sent a notice of decision following the hearing.

13.0 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

14.0 Background Papers

N/A

Agreed and signed off by:

Legal: Andrew Forrest Senior Litigation Solicitor (Housing, Adults & Courts)

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