

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR PREMISES LICENCE – CALSHOT POP UP HOTEL,
CALSHOT FIELD, JACK MAYNARD ROAD, CALSHOT**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on 5 August 2021**

1. Members of the Licensing Sub-Committee

Councillor Neil Tungate (Chairman)
Councillor Geoff Blunden
Councillor Rebecca Clark

2. Parties and their Representatives attending the Hearing

Applicants:

Mr Philip Day, Laceys Solicitors
Mr Mark Sorrell, Destination Pop Up
Mr Chris Bailey and Alex Brooke, Peppermint Bars

Objectors:

Cllr Alexis McEvoy, local District and County Councillor
Mr Simon Verdon, The Landmark Trust

3. Other Persons attending the Hearing

Council Officers:

Ms Christa Ferguson - Licensing Manager

Other Persons:

Ms A Scott (Laceys Solicitors (Observing))

4. Officers attending to assist the Sub-Committee

Richard Davies – Legal Advisor
Andy Rogers - Clerk

5. Absence of Parties

At the outset of the hearing it was noted by the Sub-Committee that a number of the parties were absent as set out below:

Those who had indicated that they would not be attending:

C Cochrane, NFNPA
J Ward

6. Those who had not indicated whether they would be attending:

J Bryant
R Gray
Mr and Mrs Hunt
J Banting

7. Some absent parties had not indicated whether or not they would be in attendance. The Sub-Committee considered whether it was necessary in the public interest to adjourn the hearing or to hold the hearing in the absence of those parties. The Sub-Committee took into account the fact that the points raised by these parties were very similar to the points raised by the parties in attendance. The Sub-Committee decided to proceed with the hearing in their absence and take into consideration their written representations in reaching its decision.

8. Decision of the Sub-Committee

The purpose of the hearing was to determine an application for a premises licence under section 17 of the Licensing Act 2003 ("the Act") in respect of the Calshot Pop up Hotel, Calshot Field, Jack Maynard Road, Calshot.

The application is granted on the following terms and conditions (as applied for):

Supply of alcohol (on the premises)
Monday to Sunday 11:00 to 23:00
As the site is residential, for the period of the operation, the site opening hours are Monday to Sunday 00:00hrs to 24:00hrs

9. Reasons for the Decision

The Sub-Committee considered the application for a time limited premises licence along with the evidence, both written and oral, supplied by the Applicant and all those who had made relevant representations.

In reaching its decision, the Sub-Committee has had regard to the Home Office Guidance issued under section 182 of the Licensing Act 2003, and the Council's own Statement of Licensing Policy.

At the hearing, the Sub-Committee carefully listened to all the evidence that was provided and considered what action, if any, was appropriate for the promotion of the four licensing objectives namely, the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

The main areas of concern raised by those objecting to the application related to the following:

- **Noise issues and disturbance due to additional visitors**
- **Additional noise nuisance and anti-social behaviour and potential criminal activity related to proposed hours for the sale of alcohol**
- **Hazards arising from increased traffic**

- **General public safety concerns relating to the sale of alcohol**

The Council's legal representative advised that issues raised by objectors, such as planning, and traffic were not relevant to the licensing objectives for the purposes of the application.

The Sub-Committee noted the Applicant's additional representations including responses to objections made. They also noted the additional written representations from Mr Verdon.

The Applicant advised the Sub-Committee that, if the licence were granted, it would submit an application for a change in the proposed DPS, instead of the person named in the Application.

The Sub Committee heard that the site had been operating since 9 July 2021 and had been able to sell alcoholic drinks under a series of Temporary Event Notices (TENs), the latest of which will expire on 8 August 2021. An application had been made for a further TEN covering the period 10-15 August 2021. This application was made in the event that the premises licence application was unsuccessful, or if the decision took the full 5 working days to be published.

The Sub-Committee heard that none of the responsible authorities (Police, Environmental Health etc) had objected to any of the TENs applications, or this application, nor had there been any complaints from them during the period of operation of the site.

The Sub-Committee noted in the objectors' evidence that there were no specific incidents directly linked to the sale of alcohol at the site since 9 July 2021 when the site opened.

Due to lack of evidence, the Sub-Committee were not persuaded by the objectors' submissions that the sale of alcohol on the site would lead to public nuisance, anti social behaviour, or threaten public safety. Similarly, they heard no relevant evidence to support objectors' requests to reduce the proposed hours for the sale of alcohol.

It was noted that security arrangements included provision of 2 security personnel between 7pm to 7am, and 1 employed from 7am to 7pm.

The Sub-Committee was mindful that there was a presumption in favour of granting an application unless there was evidence which undermined the promotion of the licensing objectives.

In view of evidence heard, and solely on the terms of the application, the Sub-Committee felt that, overall, granting the application would not adversely affect the promotion of the licensing objectives.

Accordingly, the Sub-Committee was of the view that the appropriate steps for the promotion of the licensing objectives was to grant the application subject to the conditions set out in the application.

Should there be any concerns in the future regarding operation of the premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the premises licence in for review.

Date: 5 August 2021

Licensing Sub-Committee Chairman: Cllr N Tungate

FOR OFFICE USE ONLY

Decision notified to interested parties on 5 August 2021