

LICENSING SUB-COMMITTEE – 5 AUGUST 2021 AT 10AM

APPLICATION FOR A PREMISES LICENCE

CALSHOT POP UP HOTEL, CALSHOT FIELD, PART OF THE CADLAND ESTATE, CALSHOT

1. INTRODUCTION

- 1.1 The purpose of this report is to provide Members with information at the hearing to determine an application for a time limited premises licence under section 17 of the Licensing Act 2003 (“the Act”) in respect of Calshot Pop Up Hotel, part of the Cadland Estate, Jack Maynard Road, Calshot.

2. BACKGROUND INFORMATION

- 2.1 A location map of the area is provided as **Appendix 1**.
- 2.2 Photographs of the entrance to the site, general parking on the approach road, steps to the private beach and the beach looking toward the beach area provided for residents of the site, are provided as **Appendix 2**.

3. THE APPLICATION

- 3.1 On 14 June 2021 the Licensing Authority received an application for a time limited premises licence from Destination Pop Up Limited (“the applicants”). The application is attached as **Appendix 3** and the accompanying plan as **Appendix 4**. The limited time period being from the date of grant to 30 August 2021.

- 3.2 The applicants seek permission for the following licensable activities:

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 00:00hrs

- 3.3 The licence application seeks the sale of alcohol to support and enhance the (non-licensable) glamping experience, providing a bar and restaurant for residents on the site. There is also limited availability for non-residents. There is no requirement to apply for regulated entertainment as any music provided will be incidental or fall under the Live Music Act 2012, the Entertainment Amendment Order 2013 and/or the Deregulation Act 2015 subject to such music remaining within the stipulated times.
- 3.4 There are approximately 70 various sized structures for campers ranging from large canvas tents to wooden cabins, to smaller tents suitable for smaller families. There is a bar and restaurant, beauty area and inside and outside yoga areas. There is sufficient parking on site away from the accommodation, together with a children’s area and dog walking area.
- 3.5 Conditions proposed by the applicants in Part M of the application are provided as **Appendix 5**. These would be attached to any premises licence granted for the site, but may be amended or enhanced by Members at this hearing, should this be appropriate under the Act and statutory guidance.
- 3.6 As the site opened for customers from 9 July 2021, Temporary Event Licences (TENs) were planned to be submitted to cover the period until the determination of the licence. To date, four TENs have been applied for and granted for the following dates,

9-11 July, 13-18 July, 20-25 July and 27 July to 1 August 2021. No objections were raised by the Police or Environmental Health (the only two agencies permitted to object to TENs under the Act).

- 3.7 Public consultation has been carried out as required under the Act and officers have confirmed that the application has been advertised both at the site and in the local newspaper.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These objectives being:

- 1) The prevention of crime and disorder;
- 2) Public safety;
- 3) The prevention of public nuisance; and
- 4) The protection of children from harm.

- 4.2 Members are referred to statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003 dated April 2018, in particular the sections on the licensing objectives and determining applications.

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 4.3 In determining the application, the Licensing Sub-Committee must give appropriate weight to:

- 1) The steps that are appropriate to promote the licensing objectives;
- 2) The relevant representations presented by all the parties;
- 3) Home Office guidance; and
- 4) The Council's own Statement of Licensing Policy.

5. REPRESENTATIONS RECEIVED

- 5.1 During the consultation period the Licensing Authority received 7 representations against the application. These are from residents who live in the area, a local NFDC and County Councillor, and Mr Simon Verdon, from The Landmark Trust. The Trust provide a holiday rental property in the vicinity - Luttrell's Tower. As part of his representation, Mr Verdon has provided information about the Tower, a restored Grade II property. Members may refer to the map in **Appendix 1** which highlights the location of Luttrell's tower and the residential addresses of representees.

- 5.2 Representations refer to the additional noise, traffic and general disturbance they feel that the operation and additional visitors (who may have consumed alcohol at the site) will bring to the area. The hours for the sale of alcohol and the likelihood of disturbance from patrons following evening activities at the site have also been referenced. Representations are provided as **Appendix 6** of the report.

- 5.3 The New Forest National Park Authority (NPA) (who are responsible for planning permissions and development in this location) have also submitted an objection and this can be found as **Appendix 7**. The NPA officer does, however, make reference to planning matters, which cannot be considered under the Act, as these matters fall outside the four Licensing Objectives which representations must refer to. This however, as the only Responsible Authority to submit an objection, has been included

for information for Members, as others may also refer to the temporary nature of the operation and site permissions.

5.4 In supporting a transparent and robust application process, all of these representations have been included for consideration although Members may wish to consider the weight they give to aspects of these objections, in line with legal guidance.

5.5 Section 182 statutory guidance states that:

'It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.' (paragraph 9.9)

5.6 No representations against the application have been received from any other Responsible Authority including the Police or Environmental Protection.

6. THE HEARING

6.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. These Regulations provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

6.2 The applicant and those parties making representations have been invited to this meeting and have been provided with this report and the procedures to be followed at the hearing.

6.3 The Applicant and those who have made relevant representations are entitled to address the Sub-Committee and to ask questions of the other party, with the consent of the Sub-Committee.

7. RIGHT OF APPEAL

7.1 It should be noted that the applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub-Committee to the Magistrates' Court. The appeal must be lodged with the Magistrates' Court within 21 days of the notification of the decision.

7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee remains valid until any appeal is heard and the decision made by the Magistrates' Court.

8. CONCLUSION

8.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations take such steps as it considers appropriate for the promotion of the licensing objectives. Those steps are:

- (a) to grant the application as applied for, with or without attaching additional conditions or with modifications as considered appropriate;
- (b) to refuse to specify a person in the licence as the premises supervisor;
- (c) to reject the application

9. RECOMMENDATION

9.1 That the Licensing Sub-Committee determines the application.

10. APPENDICES

Appendix 1-Location of the premises

Appendix 2-Photographs of the site

Appendix 3-Premises licence application

Appendix 4-Application site plan

Appendix 5-Conditions submitted in the application

Appendix 6-Representations

Appendix 7-NPA Representation

Appendix 8-List of parties to the hearing

For further information contact:

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Background papers:

NFDC Licensing Policy
Section 182 Statutory guidance
Licensing Act 2003