

Licensing Sub-Committee – 6 December 2024

Application for a new premises licence at Walhampton School, School Lane, Lymington SO41 5ZG

Purpose	To determine a premises licence application for Walhampton School, submitted under the Licensing Act 2003
Classification	Public
Executive Summary	The report details information to be considered by Members of the Licensing Sub-Committee in determining the premises licence application
Recommendation(s)	That members of the Sub-Committee determine the premises licence application submitted by Walhampton School under the Licensing Act 2003. This decision should be taken in the light of the information contained in the report and at the meeting.
Reasons for recommendation(s)	Information as contained in the report and offered by all parties in addition to the legal licensing framework and legislation.
Ward(s)	Forest and Solent
Portfolio Holder	Cllr Dan Poole - Portfolio Holder for Community, Safety and Wellbeing
Strategic Director	Richard Knott – Strategic Director of Housing & Communities
Officer Contact	Christa Ferguson-Licensing Manager Environmental and Regulation 023 8028 5325 Christa.ferguson@nfdc.gov.uk

Introduction

- 1 The purpose of the report is to provide the Sub-Committee with information at the hearing to determine an application for a new premises licence which has been made under section 17 of the Licensing Act 2003 ("the Act") in respect of Walhampton School, Lymington SO41 5ZG.

Background

- 2 The school sits in large grounds and is a co-educational private day and boarding school for children aged 2-13. The application seeks to support the activities of the school and there is no proposal to change the use of the educational facility.
- 3 Currently, the site may provide alcohol under the Temporary Event Notice arrangement ("TEN"). Each application must be submitted in the correct notice period and will incur a cost of £21.00. Only the Police or Environmental Protection may object to the grant of a TEN and conditions cannot be attached to a TEN (unless the venue already has an existing premises licence or club premises certificate). There is a limit of 15 TENS per premises.
- 4 The applicant wishes to use a premises licence to provide licensable activities rather than submit separate applications for Temporary Event Notices ("TENS").

The application

- 5 The Licensing Authority have received an application for a new premises licence from Alison Bennett, the Director of Finance and Operations, on behalf of Walhampton School Trust Ltd

The application is provided as **Appendix 1**.

The plans submitted with the application are provided as **Appendix 2**.

- 6 The application seeks permission for the following licensable activities-

Films (indoors and outdoors)

Monday to Sunday 08:00 to 23:00

Live music (indoors and outdoors)

Monday to Sunday 10:00 to 24:00

Recorded music (indoors and outdoors)

Monday to Sunday 08:00 to 24:00

Late night refreshment (indoors and outdoors)

Monday to Sunday 23:00 to 01:00

Supply of alcohol (on the premises)

Monday to Sunday 10:00 to 24:00

Premises open to the public (for events)

Monday to Sunday 08:00 to 01:00

- 7 However, as outlined in the application, the applicant intends to restrict activities, as follows within the hours applied for, to provide flexibility for arranging events. The number of events proposed is less than the number of days permitted under TENs, plus other non-licensable activities can also take place.

Films will take place at no more than 5 functions per year

Live music and/or recorded music after 23:00hrs (indoors) will take place on no more than 10 occasions per year

Late night refreshment (hot food or drink after 23:00hrs) will take place on no more than 2 occasions per year

Private/wedding reception functions (invitation only) will take place on no more than 5 occasions per year

Daytime events-outdoors (fairs, food festivals, auto shows etc) will take place on no more than 5 occasions per year

Licensable activities (live/recorded music/sale of alcohol) will finish at 23:00hrs outside

New Year's Eve activities will be extended until 01:00 on New Year's Day

- 8 The site is not open to the general public, but events will be ticketed or by invitation only.
- 9 The applicant has proposed a number of conditions and these can be found in Part M of the licence application in **Appendix 1**.
- 10 In addition, further conditions have been requested by the Police and Environmental Protection to address the licensing objectives. The correspondence relating to these are provided as **Appendix 3**.
- 11 The application has been correctly advertised as required under the Licensing Act 2003, although the representation period had to be extended due to an error in the initial display notices.

Requirements for a hearing

- 12 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These objectives being:
- The prevention of crime and disorder,
 - Public safety,

- The prevention of public nuisance, and
 - The protection of children from harm.
- 13 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>
- 14 In determining the application, the Licensing Sub-Committee must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives,
 - The relevant representations presented by all parties,
 - Home Office guidance,
 - The Council's own Statement of Licensing Policy.

Representations received

- 15 During the representation period, the Licensing Authority received 34 representations from members of the public who live locally and one representation from the Parish Council. We also received one letter of support.
- 16 During the representation period it would appear that a local resident contacted local residents and delivered information to them about the application. However, the information did not provide all the details of the application.
- 17 To ensure that residents were in receipt of all the relevant information relating to the application, the Licensing Manager emailed each one, explaining the application in more detail and provided a copy of the conditions agreed with the Police and Environmental Health, plus the restrictions placed on the number of events by the applicant.
- 18 Following this communication 11 representations from residents were withdrawn and Boldre Parish Council were satisfied with the additional restrictions and conditions.
- 19 The remaining 23 representations are provided as **Appendix 4**
- 20 Representations received against the application raise concerns about the implications of granting a licence for events at the site, citing concerns about noise, behaviour from patrons and increased number

of events at the venue. Increased traffic, planning, road infrastructure and the effect on animals, all fall outside the remit of this sub-committee and the Licensing Act 2003.

- 21 All Responsible Authorities were consulted and provided with the application, as required under the Act, including NFDC planning, NPA development control, Hampshire Police and NFDC Environmental Health.
- 22 Police and NFDC Environmental Health requested additional conditions, which were agreed by the applicant with no correspondence from the remaining authorities.
- 23 The full list of conditions can be seen on **Appendix 5**, together with the restrictions the applicant wishes to place on the number of events held under the terms of the licence if granted.
- 24 It should be noted that some events that do not involve large numbers of attendees or the sale of alcohol may still take place at the site as they are not licensable under the Licensing Act 2003.

Options appraisal

Option 1

- 25 Grant the application as applied for with agreed conditions.

Option 2

- 26 Grant the application and add further conditions and/or change operating and sale of alcohol hours.

Option 3

- 27 To exclude from the scope of the licence any of the licensable activities to which the application relates.

Option 4

- 28 To refuse to specify a person in the licence as the premises supervisor.

Option 5

- 29 Refuse the application as applied for.

Legal implications

- 30 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.
- 31 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.
- 32 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.

Right of appeal

- 33 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.
- 34 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

Equalities implications

- 35 Each application is treated on its own merits.

Crime and disorder implications

- 36 Licensable activities must be provided under the terms of the Licensing Act 2003

Conclusion

- 37 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which measures are appropriate for the promotion of the licensing objectives.

Appendices

Appendix 1- Premises licence application

Appendix 2- Plans of the site

Appendix 3- Police and Environmental Health correspondence

Appendix 4- Representations received against the application

Appendix 5- List of all conditions agreed by the applicant

Background papers

NFDC Licensing Act 2003 Policy

Licensing Act 2003