

Licensing Sub-Committee

31 March 2021

Variation for Sandford Park Club, Holton Heath

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllrs. B Ezzard and R Holloway

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendation: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of: -

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

Reason for Recommendation: The Sub-Committee must consider the oral representations and information given at the hearing.

1. Executive Summary

An application has been made to vary the licence for Sandford Park Club in Holton Heath. The application has been out to public consultation and has attracted representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

2. Financial Implications

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs

3. Climate implications

None

4. Other Implications

Public Health and Community Safety

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

6. Equalities Impact Assessment

Not Applicable

7. Appendices

Appendix 1 – Premises licence

Appendix 2 – Application for the variation

Appendix 3 – Representations

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

[EHRC - Guide to the Human Rights Act for Public Authorities](#)

9. Details

9.1. Weststar Holidays Limited are the holders of the premises licence for Sandford Park Club at Sandford Caravan Park, Holton Heath, Poole, BH16 6JZ. The Licence currently allows for : -

Regulated entertainment indoors

Everyday	10:00 to 03:00
Sunday before Bank Holiday	10:00 to 02:00
New Year's Day	24 hrs

Alcohol sales

In the Licensed area	10:00 to 00:30
May to October, 6 residential weekends of Fri-Sun	10:00 to 02:00
May to October, Pop Up/Bar/Restaurant area	10:00 to 22:00

Late Night Refreshment

Everyday	23:00 to 03:00
Sunday before Bank Holiday	23:00 to 02:00
New Year's Day	23:00 to 05:00

The current licence is attached at appendix 1, page 6 of this report.

- 9.2. They have applied to vary the licence by extending the sale of alcohol and regulated entertainment, and to amend the plans attached to the licence.
- 9.3. The hours applied for are:

Supply of Alcohol (on and off the premises)

Every day 10:00 to 02:00

Live Music, Recorded Music, Plays, Films, Performance of dance and anything of a similar description (indoors)

Every Day 10.00 to 03:00

Live Music, Recorded Music, Plays, Films, Performance of dance and anything of a similar description (outdoors)

Everyday 10:00 to 23:00

The full application is attached at appendix 2, page 26 of this report. Included with the application are new plans for the premises at page 37 and a Noise Assessment which is at page 41.

- 9.4. The operating schedule at part M of the application, found at pages 33 and 4 contains four steps that would be added to the licence as conditions consistent with the operating schedule: -
- Outdoor entertainments will be operated within the parameters defined by the noise assessment completed by Inacoustic dated 1 February 2021.
 - A noise limiter will be fitted to the outdoor sound system so that sound levels cannot be exceeded.
 - During periods of outdoor entertainment, a nominated person will periodically monitor noise levels and these logs will be documented in a Noise Log.
 - The Noise Log will be retained for 12 months and be made available upon request by a responsible authority.

- 9.5. The application has been advertised on the premises, in a newspaper and the Councils web site.
- 9.6. Representations have been received from Environmental Health, the Parish Council and 15 residents who live in the vicinity of the premises. The representations are included in full in the table in appendix 3, which can be found on pages 67 - 78.
- 9.7. For representations to be counted as relevant and taken into consideration they must relate to one of the four licensing objectives of:
 - a) the prevention of crime and disorder
 - b) the prevention of public nuisance
 - c) public safety
 - d) the protection of children from harm.

10. Considerations

- 10.1. Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are

limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

11. Recommendation

11.1. The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of;

- a) the prevention of crime and disorder
- b) the prevention of public nuisance
- c) public safety
- d) the protection of children from harm.

11.2. The steps that the Sub-Committee may take are to:

- a) modify the conditions of the licence, or
- b) reject the whole or part of the variation.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.