

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Friday, 2 February 2024

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: S Dugan and S Ingram



1. LICENSING ACT 2003 - APPLICATION FOR VARIATION OF PREMISES LICENCE AT TITCHFIELD FESTIVAL THEATRE, 73 ST MARGARET'S LANE, TITCHFIELD, FAREHAM PO14 4BG

Persons in attendance:

Mr Kevin Fraser - Applicant

Mr John Wallsgrove - Applicants Legal Representative

Mrs C L A Hockley – Interested Party

Mr & Mrs Bastable – Interested Party

The Panel had before it a report by the Licensing Officer and supplementary information provided by the Interested parties in respect of a variation to the premises licence at Titchfield Festival Theatre, 73 St Margaret's Lane, Titchfield, Fareham, PO14 4BG. The report contained the procedure for the hearing and advised members of the Panel of the representations made by Interested Parties. The report and supplementary information were made available in advance of the meeting to Panel Members, the Applicant and all Interested Parties that had made representations.

The application was heard in accordance with the Council's agreed procedure for hearings by the Licensing Panel and was considered as follows:

- (i) The Licensing Officer presented a summary of the application and of the representations received.
- (ii) The Applicant was invited to comment on the application as detailed by the Licensing Officer.
- (iii) Interested Parties were invited to ask questions of the Licensing Officer and seek points for clarification.
- (iv) Members of the Panel were invited to ask questions of the Licensing Officer and seek points for clarification.
- (v) The Applicant was invited to present their case and did so accordingly.
- (vi) Interested Parties were invited to ask questions of the Applicant and seek points for clarification.
- (vii) Members of the Panel were invited to ask questions of the Applicant and seek points for clarification and did so accordingly.
- (viii) At the invitation of the Chairman, the Council's Legal Advisor sought clarification from the Applicant on the maximum capacity of the premises.
- (ix) The Interested Parties were invited in turn to present their objections and did so accordingly.

- (x) The Applicant was invited to ask questions of the Interested Parties and seek points for clarification.
- (xi) Members of the Panel were invited to ask questions of the Interested Parties and seek points for clarification.
- (xii) The Licensing Officer was invited to ask questions of the Interested Parties and seek points for clarification.
- (xiii) The Licensing Officer was invited to present a final summary of the application.
- (xiv) The Applicant was invited to present a final summary of the application and did so accordingly.
- (xv) The Interested Parties were invited to present a final summary of their objections and did so accordingly.

The Chairman thanked the participants for attending the hearing and advised that the Panel would retire to consider their decision in private and would circulate the decision to all parties in due course.

**DECISION OF THE LICENSING PANEL REGARDING THE APPLICATION
MADE BY MR KEVIN FRASER FOR VARIATION OF PREMISES LICENCE
AT TITCHFIELD FESTIVAL THEATRE, 73 ST MARGARET'S LANE,
TITCHFIELD, FAREHAM PO14 4BG**

All parties shall receive written notification of the decision and reasons.

The Sub-Committee has considered very carefully the application for variation of the premises licence at Titchfield Festival Theatre, 73 St Margaret's Lane, Titchfield, Fareham PO14 4BG.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, the Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision.

The Sub-Committee noted that representations objecting to the application had been made by a number of local residents. No responsible authority, including the police, had made representations.

It has paid due regard to all representations and evidence both written and given orally today and attached due weight accordingly in light of all the circumstances.

Having heard all the evidence, the Panel has determined to grant the licence as set out in the application.

REASONS

The Panel was considering a variation to an existing licence and therefore only the variation was to be considered and not the existing licence. The variation

did not seek to change any of the existing licensable activities but sought to extend the licensable area.

The objectors raised legitimate concerns around the parking situation and some noise, but these exist now irrespective of the application to vary the licence. The panel has to decide whether the issues arising fall under the remit of the Licensing Objectives and if so whether this application is going to adversely impact on those Objectives.

The Panel noted that no responsible authority had raised objection and the Panel is therefore bound to infer that the responsible authorities are satisfied with the application. The Statutory Guidance tells the Panel that the Responsible Authorities are deemed to be experts in their respective fields. In this case Environmental Health has not raised any issues regarding noise and the police have raised no objections around road safety or anti-social behaviour.

The Panel was reminded that the legislation and guidance are clear that there is a presumption of grant of an application unless objections cannot be met by conditions.

In this case the Panel is of the view that the issue around noise and parking arise not out of the premises having a licence but out of the extension of the capacity of the theatre. If this application were not granted those problems which exist now would persist. The Panel does not believe that granting this application will increase the numbers attending the venue and therefore will not make the current situation worse. In those circumstances the Legislation and Guidance is quite clear and gives the Panel very little scope other than to grant the licence.

Residents should take comfort from the strong powers on review set out in the Licensing Act 2003 and other measures under other legislation which exist to take enforcement action with regards to the premises licence where relevant. Reviews may be commenced by responsible authorities or residents. In this regard, should issues arise due to the premises not being run in the manner asserted by the Applicant during the hearing there are means of addressing this in future.

- There is a right of appeal to the Magistrates' Court for all parties and formal written notification of the decision will set out that right in full.

(The meeting started at 2.10 pm
and ended at 3.10 pm).

..... Chairman

..... Date