

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Wednesday, 2 November 2016

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: A Mandry and R H Price, JP



1. LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENSE - COLDEAST MANSIONS, COLDEAST DRIVE, SARISBURY GREEN SO31 7PT

At the invitation of the Chairman, the Panel was joined by the following persons:-

Representing the Applicant - Mansion Wedding and Events Limited

Mr John Wallsgrove, Solicitor
Miss Rachel Blay, Designated Premises Supervisor

Interested Parties

Mrs Jan Gatt, resident of Rayleigh Walk
Mr Allan Duncan, resident of Nathaniel Close
Mr Stuart Kimber, resident of Nathaniel Close
Mrs Angela Monk, resident of Rayleigh Walk

The Panel had before it a report by the Licensing Officer regarding the application for a premises licence in respect of Mansion Wedding and Events, Coldeast Mansion, Coldeast Drive, Sarisbury Green, Southampton SO31 7PT. A copy of the Hearing Procedure for the consideration of the application from Mansion Wedding and Events, in accordance with the Licensing Act 2003, had been made available to all parties at the meeting.

The Panel considered the application in accordance with the agreed hearing procedure as follows:-

- (i) The Chairman of the Licensing Panel invited Panel Members and Officers to introduce themselves and outlined the procedure to be observed.
- (ii) The Chairman asked the Applicant whether any modifications were to be made to the application. The Applicant confirmed that no modifications were to be made.
- (iii) The Licensing Officer presented a summary of the application and of the representations received from interested parties.
- (iv) The Applicant's representative commented on the application and on the representations made, addressing the four licensing objectives.
- (v) During the course of the hearing, the Panel sought clarification of points made and asked questions of the applicant.
- (vi) The interested parties, Mrs Gatt, Mr Duncan, Mr Kimber and Mrs Monk were given the opportunity to make representations relating to the four licensing objectives
- (vii) Mr Wallsgrove was given the opportunity to make a closing statement.

- (viii) The interested parties were given the opportunity to make a closing statement.

The Licensing Panel then withdrew from the room to deliberate in private on the application. Having considered the representations made, the Panel returned to the hearing and all parties were advised that the decision of the Panel was as follows:-

RESOLVED that the application for a premises licence be granted in part subject to the conditions outlined in the decision notice as shown below:-

**DECISION OF THE LICENSING PANEL REGARDING APPLICATION FOR
PREMISES LICENCE AT COLDEAST MANSION, COLDEAST DRIVE,
SARISBURY GREEN, SO31 7PT.**

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

The Panel has considered very carefully the application for a premises licence at Coldeast Mansion.

The Panel has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation has been borne in mind whilst making the decision. 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. Advice was accepted by the Panel at the start of the hearing that matters relating to the following could not be taken into consideration:

- Planning matters / planning breaches
- Parking
- Highways matters and road safety
- Effects upon wildlife
- Commercial need
- Viability
- The commercial capabilities of the proposed premises licence holder.

Accordingly the Panel focussed its mind upon the licensing objectives only.

It was noted that no representation had been received from any responsible authority.

Conditions had been agreed by the applicant with the Police and these are set out, along with mandatory conditions, in the report to the Panel. It was also noted that the applicant was willing to limit the numbers of patrons to a maximum of 250 within the marquee.

DECISION

Having heard all the evidence the Panel has determined to grant the application in part. The existing building shall be licensed as applied for and subject to conditions discussed during the course of the hearing.

Those conditions are as follows:

Patrons shall not be allowed to access outside areas at the premises after 9.00pm on any day other than for access and egress or to gain access to smoking areas.

When regulated entertainment is taking place at the premises all external windows and doors shall be closed except for purposes of access and egress and for access to smoking areas.

The area set out for the proposed use of a marquee shall not be licensed.

REASONS

The Panel was presented with evidence from a large number of residents relating to the potential for nuisance and crime and disorder resulting from the proposed licensable activities. Much of this concern (relevant to the licensing objectives) related to use of the marquee. Whilst the applicant had set out an area within which the proposed marquee would be located, the size of the marquee, construction details, sound attenuation details, specific times / duration of use could not be confirmed. The Panel's greatest concern was that live and recorded music was proposed and that the Panel was invited by the applicant to consider the application on the basis of continuous use rather than for specific periods or times. Whilst it is noted that the applicant indicated they would employ a sound expert and implement attenuation measures as advised (including installation of a limiting device and further the potential use of sound absorbent material and an acoustic ceiling etc.) no detail could be provided at this stage sufficient, in the opinion of the Panel, to address the concerns of residents regarding potential noise escape, particularly during the summer months when it is not unreasonable to expect residents' windows to be open.

The Panel has had to very carefully balance the rights of residents who strongly feel they shall be affected by the potential use of such a structure, which is inherently difficult to insulate, against the right of the applicant to conduct a business of this nature in this locality. In this respect the Panel was required to make a reasonable judgment to avert risk. It had to carefully consider the evidence it had heard and whether this meant it was "appropriate" to take action in accordance with section 18 of the Act in order to promote the licensing objectives. It is noted that the relevant licensing objective is the *prevention* of public nuisance.

It is accepted that the Act includes strong powers on review and other measures under other legislation exists to take enforcement action but that does not preclude the Licensing Authority from taking action before the event where this is appropriate.

On balance, it was considered appropriate to refuse the licence so far as it relates to use of the marquee as the Panel is not satisfied that the proposed measures shall mean that the licensing objective is not undermined. This action was deemed appropriate on the basis that it was required to prevent the licensing objective from being undermined in the 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 10.05 am
and ended at 2.23 pm).