

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 10 January 2017

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: Mrs S M Bayford and Miss S M Bell



1. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from the meeting in accordance with Section 100(a) of the Local Government Act 1972, on the grounds that the following matters to be dealt with involve the disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of part 1 of Schedule 12A of the Act.

2. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCE

Case 1 – Mr S

The Panel considered a report by the Head of Environmental Health on an application for a private hire vehicle driving licence. A copy of the report, which contains exempt information, was circulated with the agenda. A copy of the DBS check and a letter in support of the application were tabled at the meeting.

The Licensing Manager reported regarding the case of Mr S, where information received required that his application for a private hire vehicle driving licence needed to be determined by the Panel.

At the invitation of the Chairman, and in accordance with the Council's standard procedure for the hearing of private hire vehicle licence applications, the applicant addressed the Panel regarding his application and answered question thereon.

Following the submission of his application, the Applicant and the Licensing Manager withdrew from the meeting whilst the Panel considered the application.

After the Panel's deliberations, all parties were recalled to hear the Chairman announce that the Panel had come to the following decision:-

RESOLVED that the application for a private hire vehicle driving licence be granted.

3. APPLICATION FOR VARIATION OF PREMISES LICENCE - FAREHAM WORKING MEN'S CLUB, 8 MILL ROAD, FAREHAM, PO16 0TN

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

Representing the Applicant (Fareham Working Men's Club)

Mrs Karen Clarke (Club Secretary)

Interested Parties

Mrs Lucy Coates, resident of Mill Road
Mr David O'Neill, resident of Mill Road

The Panel had before it a report by the Licensing Officer regarding an application for the variation of the premises licence in respect of Fareham Working Men's Club, 8 Mill Road, Fareham PO16 0TN. In accordance with the Licensing Act 2003, a copy of the hearing procedure for the consideration of the application had been made available to all parties at the meeting.

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

- (i) The Chairman of the Licensing Panel outlined the procedure to be observed and invited Panel Members, Officers and Interested Parties to introduce themselves.
- (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 the representations made from Interested Parties.
- (iv) The Applicant was given the opportunity to comment on the application and the representations made.
- (v) During the course of the hearing, the Panel asked questions and sought points of clarification from the Licensing Officer and the Applicant.
- (vi) The interested parties, Mrs Coates and Mr O'Neill were given the opportunity to make representations relating to the licensing objectives.
- (vii) All parties were given the opportunity to make closing statements.

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 variation of the premises licence be granted as outlined in the decision notice below:

DECISION OF THE LICENSING PANEL REGARDING APPLICATION FOR VARIATION OF PREMISES LICENCE AT FAREHAM WORKING MEN'S CLUB, 8 MILL ROAD, FAREHAM, PO16 0TN.

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

The Panel has considered very carefully the application for variation of a premises licence at the Working Men's Club.

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.

It was noted that no representation had been received from any responsible authority and that residents' representations generally related to the potential for an increase in crime and disorder and public nuisance.

Legal advice was accepted that the Panel was considering the variation application only and not the Club Premises Certificate relating to adjoining parts of the building.

Having heard all the evidence the Panel has determined to grant the application.

REASONS

The Panel was presented with evidence from a number of residents relating to the potential for nuisance and crime and disorder resulting from the proposed licensable activities. Much of this concern related to historic operation under the Club Premises Certificate ("CPC"), rather than recent use of the area now intended to be licensed (in accordance with regular TEN notification).

The Applicant confirmed that the application sought to bring the use of the Concert Hall in line with the hours permitted for the Club under the CPC and that, if granted, the licence would not increase the frequency of use or the intensity of use to that already existing via use of TENS.

The lack of representation from, notably, the Police or Environmental Health means that the Panel is bound to infer that no objection is held and that responsible authorities are satisfied with the application.

Representations of residents expressed concern regarding those leaving the premises, particularly late at night and whilst under the influence. The Panel had to consider whether the application being considered would lead to an increase in those issues or present further risk to the Licensing Objectives. Given the nature of planned events i.e. dance classes and daytime wakes it was not considered appropriate to impose restrictions or to refuse the grant of the licence.

The Act includes strong powers on review and other measures under other legislation exists to take enforcement action with regards to the CPC or premises licence where this is relevant. Residents were advised during the course of the hearing to contact the Police where instances of crime and disorder occur and Environmental Health when issues relating to noise nuisance emanating from the building are witnessed. Both the CPC and the premises licence can be reviewed where there is evidence relating to issues arising from their operation. Reviews may be commenced by responsible authorities or residents. In this regard, should issues arise due to the premises

not being run in a manner asserted by the Applicant during the hearing there are means of addressing this in future.

The Panel noted evidence given by the Applicant indicating that the residents' concerns are understood and that attempts will be made to ensure these are taken on board and acted upon where appropriate. The Panel strongly recommends that the Premises Licence Holder makes every effort to foster good relations with neighbours and undertakes a thorough risk assessment of events at the premises – to consider, in particular, whether SIA doorstaff are required (e.g. where the number attending, the hours of hire and whether alcohol is to be available indicate a higher risk) to monitor those leaving the premises. The Panel did consider imposing a condition requiring the same but did not feel it was currently appropriate at this stage.

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 9.50 am
and ended at 12.25 pm).