

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 13 March 2018

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: Mrs S M Bayford and J S Forrest



**1. LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE -
HALLMARK JEWELLERY, 15 SOUTH STREET, TITCHFIELD PO14 4DL**

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

Representing the Applicant

Mr Mark Hussey
Mr Ryan Humphries

Interested Parties

Mr David Baber
Mrs Polly Baber
Mrs Susan Boden

The Panel had before it a report by the Licensing Officer regarding an application for premises licence in respect of Hallmark Jewellery, 15 South Street, Titchfield, PO14 4DL. The report contained the procedure for the hearing and advised Members of the Panel of the relevant representations received from various interested parties. The report was circulated in advance of the meeting to Panel Members, the Applicant and all Interested Parties who had made written representations.

Letters of further clarification received from the Interested Parties were circulated at the hearing.

The Panel considered the application in accordance with the 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 modification was to be made to the application or the operating schedule submitted. 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. The Panel's attention was drawn to paragraph 6 of the report which highlights that the hours of business the licensable activities were now being applied for were seven days a week from 0900 hours to 1800 hours and not as stated in the initial application form.
- (iv) The Applicant commented on the application and on the representations made by the interested parties concerned.
- (v) Members of the Panel were given the opportunity to ask questions and seek clarification on points raised by the Applicant.
- (vi) The Interested Parties were given the opportunity to make representations

(vii) Members were given the opportunity to ask questions and seek points of clarification from Interested Parties.

The Licensing Panel then withdrew from the room to deliberate in private on the application. All parties were invited to return to the hearing when the Licensing Panel had completed its deliberations.

Having considered the representations made, the decision of the Panel was as follows:

RESOLVED that the premises licence be granted subject to the amended hours of operation on Monday to Saturday and further subject to the following conditions:

- Use of the premises licence on any Sunday to be restricted to eight occasions per year; and
- No amplified sound is permitted to begin before midday on any Sunday.

**DECISION OF THE LICENSING PANEL REGARDING APPLICATION FOR
PREMISES LICENCE VARIATION AT HALLMARK JEWELLERY, 15
SOUTH STREET, TITCHFIELD, FAREHAM PO14 4DL**

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

The Panel has considered very carefully the application for a premises licence at Hallmark Jewellery.

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 the application had been amended and further clarification had been received from residents as a result. This was received by the licensing authority in advance of the hearing and the applicant was afforded an opportunity to read the additional material at the start of the hearing.

It was noted that whilst residential objections had been received, no representations were received from the Police, Environmental Health or any other responsible authority.

Having heard all the evidence, the Panel has determined to grant the premises licence subject to the amended hours of operation on Monday to Saturday and further subject to the following conditions:

- Use of the premises licence on any Sunday is restricted to eight occasions per year.

- No amplified sound is permitted to begin before midday on any Sunday.

REASONS

The Panel accepted legal advice provided during the hearing that representations concerning planning, parking, traffic, the number of licensed premises (commercial need), the siting of a log burner or fire safety etc. could not be taken into consideration and the Panel focused its attention upon the four statutory licensing objectives only.

The premises are located within a unique setting and it was accepted that surrounding premises are residential and particularly susceptible to noise nuisance given their construction and age.

Ordinarily the Panel would consider any alcohol licence to be inappropriate in such a sensitive location. However, in light of the nature of the business currently in operation and proposed on the grant of any licence, the Panel was satisfied that the risk posed to the licensing objectives and in particular concerns relating to noise and nuisance generally was extremely limited. The following factors were considered persuasive:

- The size of the premises is small and the number of potential patrons limited
- The fact that the licensable activities were described as forming a very small part of the overall business – i.e. the potential accompaniment to a food offering
- The nature of the regulated entertainment described presented very little risk – e.g. a solo artist or harp being played simply as background to food and or jewellery sales and not the main attraction to the premises
- Reassurance from the applicant that the business will not change at the premises – a licence will negate the need for temporary event notice which could otherwise be utilised

The Panel also accepted legal advice given during the course of the hearing that granting the licence does not set a precedent and further that the Licensing Act 2003 contains strong powers / mechanisms to deal with nuisance in the future, should problems arise by way of review of the premises licence. Accordingly the Panel was bound to consider the detail of the application before it and not the potential scenario. The Panel took solace from this legal advice as reassurance for the residents and as warning to the applicant and any future business owner that this is an eminently sensitive location and changes to the business to intensify the licensable activities would not be acceptable. Accordingly a condition restricting Sunday operation at the premises was imposed and to protect resident's interests and minimise any potential public nuisance.

In light of all the evidence considered it was felt appropriate to grant the licence subject to the two conditions limiting Sunday use.

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 12.10 pm
and ended at 2.05 pm).