

# FAREHAM

BOROUGH COUNCIL

## AGENDA LICENSING PANEL

**Date:** Thursday, 27 August 2020

**Time:** 10.30 am

**Venue:** Virtual Meeting via Teams

**Members:**

Councillor M J Ford, JP (Chairman)

Councillors Mrs S M Bayford

Mrs P M Bryant



**1. Licensing Act 2003 - Application for variation of Premises Licence - Cams Hill School, Shearwater Avenue, Fareham PO16 7AZ (Pages 3 - 40)**

To consider a report by the Licensing Officer regarding an application for variation of premises licence for Cams Hill School, Shearwater Avenue, Fareham PO16 7AZ



P GRIMWOOD  
Chief Executive Officer  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
19 August 2020

**For further information please contact:  
Democratic Services, Civic Offices, Fareham, PO16 7AZ  
Tel:01329 236100  
[democraticservices@fareham.gov.uk](mailto:democraticservices@fareham.gov.uk)**

# FAREHAM

## BOROUGH COUNCIL

### Report to Licensing Panel

**Date:** 27 August 2020

**Report of:** The Licensing Officer

**Subject:** LICENSING ACT 2003 – APPLICATION FOR VARIATION OF  
PREMISES LICENCE

#### SUMMARY

This report advises Members of the Panel of an application for a Variation of a new Premises Licence for Cams Hill School, Shearwater Avenue, Fareham, PO16 8AH.

#### RECOMMENDATION

It is recommended that the Panel determines the application having regard to the provisions of the Licensing Act 2003 and associate regulations, the Council's Licensing Policy and the Representations made.

## **BACKGROUND**

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a New Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where appropriate. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision-making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made.
3. An applicant applying for a new premises licence, whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the Panel will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005 and amending secondary legislation and the rules of natural justice. The practical effect of this is that the Panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision. The Panel must also have regard to:-

### **Crime and Disorder Act 1998**

Section 17 of the Crime and Disorder Act 1998 places a Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### **Human Rights Act 1998**

The Act requires UK legislation in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon other persons' Human Rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

## **PROCEDURE FOR THE HEARING OF THE APPLICATION**

5. The standard procedure for the hearing of this licensing application can be seen as Appendix A.

## **THE APPLICATION**

6. This application is in respect of:-

Cams Hill School  
Shearwater Avenue  
Fareham  
PO16 8AH

A copy of the application can be seen as Appendix B. The Premises Plan can be seen as Appendix C.

## **RELEVANT REPRESENTATIONS**

### **Responsible Authorities**

7. In respect of this new premises application the following summarises from whom representations have been received:-

Child Protection Services	No representation
Hampshire Fire and Rescue	No representation
FBC Health and Safety	No representation
FBC Pollution	No representation
FBC Planning	No representation
Police	No representation
Trading Standards	No representation
Hampshire Public Health	No representation

## **OTHER PERSONS REPRESENTATIONS**

8. Three representations have been received from members of the public. No representations have been received from Responsible Authorities.
9. All of the individual representations can be seen as Appendix D. Two of the three representees requested that their details were not disclosed. Therefore, their personal information has been redacted.
10. A map showing the premises and the location of "Other Persons" properties can be seen as Appendix E. The two representees wishing not to disclose their personal details do not appear on Appendix E but are local residents.
11. Any decision made by the Panel must be in accordance with the four licensing objectives, the Council's licensing policy and the Section 182 guidance issued by the Secretary of State.

## **CONCLUSION**

12. The Panel members are asked to review the information in this report and any additional evidence presented to them at the Hearing when determining the application.

**Background papers:**

None.

**Enquiries:**

For further information on this report please contact Gemma Knipe (Ext 4428).

Licensing, Fareham Borough Council, Civic Offices, Civic Way, Fareham, PO16 7AZ  
[www.fareham.gov.uk](http://www.fareham.gov.uk)

Hearings procedure as detailed at	APPENDIX A
New Premises Application	APPENDIX B
Premises Plan	APPENDIX C
Representations	APPENDIX D
Map showing premises and “Other Persons” proximity	APPENDIX E

# FAREHAM

## BOROUGH COUNCIL

### PROCEDURE FOR HEARINGS BY THE LICENSING PANEL

#### GENERAL

- 1 This procedure will be followed for hearings held by the Licensing Panel to determine :-
  - Applications for grant, variation or review of a premises licence under the provisions of the Licensing Act 2003 where representations have been made by any of the responsible authorities or other persons (as defined by the Licensing Act 2003);
  - Applications for grant or renewal of a personal licence under the provisions of the Licensing Act 2003 where representations have been made by any of the responsible authorities or other persons (as defined by the Licensing Act 2003);
  - Applications for grant or renewal of a public entertainments licence which is not otherwise determined by officers;
  - Such other licensing matter as may be referred by the Licensing Officer or the Licensing and Regulatory Affairs Committee from time to time.
- 2 Hearings shall be held in public unless the Panel considers that the greater public interest is served by excluding the public from the meeting in accordance with Schedule 12A of the Local Government Act 1972. Circumstances when it may be appropriate to do so include where there is a likelihood of disclosing exempt information relating to the applicant.
- 3 Parties to the hearing will be the applicant and any responsible authority or other person party making representations. The parties to the hearing may be accompanied by a representative, who may present the case on their behalf.
- 4 The Licensing Officer will not be a party to the hearing but will facilitate proceedings by conducting such pre-decision discussions as may be required and by presenting at the hearing a summary report of the application and any representations, together with the Officer's comments as to how these relate to the relevant legislation and the appropriate licensing policy.
- 5 Where any party intends to produce documents in support of his/her case they shall have been asked to do so in advance of the date of hearing. In the event that a document is submitted for consideration for the first time at the hearing, the Chairman may adjourn the hearing to a later time or date. It is expected that such adjournments will only be used in exceptional circumstances. The Chairman may in any event adjourn the hearing at any time before the Panel reaches its decision for any other reason he/she considers appropriate.
- 6 Each party when asked will present details of any witnesses to be called.

**AT A HEARING in accordance with THE LICENSING ACT 2003**

- 1 **The Chairman of the Licensing Panel** will outline the procedure to be observed and may invite any Other Persons to appoint a spokesperson<sup>2</sup>.
- 2 **The Chairman** will ask the applicant whether any modification is to be made to the application or operating schedule submitted.
- 3 **The Licensing Officer** will present a summary of the application and of any representations received and will comment upon their relevance to the Licensing Act 2003 and the Council's licensing policy.
- 4 **The Applicant** may comment on the application and on representations made addressing the four licensing objectives<sup>3</sup>.
- 5 **The Panel** may seek clarification of points.
- 6 **The responsible authorities** in turn shall make their representations relating to one or more of the licensing objectives<sup>3</sup> and may be questioned by members of the Licensing Panel and/or applicant.
- 7 **Other Persons**<sup>1</sup> in turn shall make their representations relating to one or more of the licensing objectives<sup>3</sup> and may be questioned by members of the Licensing Panel and/or applicant.
- 8 **The responsible authorities** in turn may make a closing statement.
- 9 **The Other Persons** in turn may make a closing statement.
- 10 **The Applicant** may make a closing statement.
- 11 **The Licensing Panel** will then withdraw from the hearing to deliberate in private. In the event of uncertainty on any of the evidence, all parties will be recalled to the hearing whilst the point in question is clarified. In the event that the Licensing Panel has sought advice on points of law, the legal adviser shall explain to all parties what advice was given.
- 12 **All parties** shall be invited to return to the hearing when the Licensing Panel has completed its deliberations.
- 13 **The Chairman** shall announce the Panel's decision.

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<sup>1</sup> : i.e. those other than responsible Authorities who have submitted representations;

<sup>2</sup> : this is most likely where there are a number of persons making representations upon the same point. The fact that the Panel does not hear from all Other Persons will not mean that their representations are not taken into account, but rather that the strength of feeling is understood and the case will not gain weight through repetition;

<sup>3</sup>. the four licensing objectives are:- (i) The prevention of crime and disorder; (ii) Public Safety; (iii) The prevention of public nuisance; (iv) The protection of children from harm.

# FAREHAM

## BOROUGH COUNCIL

### Application for a premises licence to be granted under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals.
- In all cases ensure that your answers are inside the boxes and in black ink.
- Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We CHRIS NUNN ON BEHALF OF CAMS HILL SCHOOL  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
CAMS HILL SCHOOL SHEARWATER AVENUE FAREHAM			
<b>Post town</b>	FAREHAM	<b>Postcode</b>	PO16 8AH
<b>Telephone number at premises (if any)</b>		01329 231641	
<b>Non-domestic rateable value of premises</b>		£ 335,000	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

*Please tick as appropriate*

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *                 | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *            |                                     |                             |
| i. as a limited company                           | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or          | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                              | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                      | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment | <input checked="" type="checkbox"/> | please complete section (B) |

- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick if yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of Birth:</b>			I am 18 or over <input type="checkbox"/> Please tick if yes		
<b>Nationality:</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of Birth:</b>			I am 18 or over <input type="checkbox"/>	Please tick if yes	
<b>Nationality:</b>					
Current residential address if different from premises address					
Post town		Postcode			
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

<b>Name</b>	CAMSHILL SCHOOL
<b>Address</b>	CAMS HILL SCHOOL SHEARWATER AVENUE FAREHAM PO16 8AH
<b>Registered number (where applicable)</b>	07751232
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>	Educational charity
<b>Telephone number (if any)</b>	01329 231 641
<b>E-mail address (optional)</b>	CNUNNE@CAMSHILL.COM

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	09	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises and its intended use (please read guidance note 1)

WE ARE A SCHOOL. WE HAVE AN ON SITE CANTEEN WE WILL BE SERVING ALCOHOL AT EVENING EVENTS, IE PRODUCTIONS. WE ALSO HOST EXTERNAL EVENTS LIKE ART EXHIBITIONS AND RUN SUMMER FETES AND CHRISTMAS MARKETS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed				
Thur				<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri				
Sat				
Sun				

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (read guidance note 6)			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			Outdoors	<input type="checkbox"/>
Mon					Both	<input type="checkbox"/>
Tue					<b><u>Please give further details here</u></b> (please read guidance note 4)	
Wed						
Thur			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)			
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> - <b>please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	12pm	11pm			
Tue	12pm	11pm			
Wed	12pm	11pm			
Thur	12pm	11pm			
Fri	12pm	11pm			
Sat	12pm	11pm			
Sun	12pm	11pm			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. (Please see declaration about the entitlement to work in the checklist at the end of the form).

Name	CHRIS NUNN		
Date of Birth	[REDACTED]		
Address	[REDACTED]		
Postcode	[REDACTED]	[REDACTED]	[REDACTED]
Personal licence number (if known)	2020   01659   06EPEN		
Issuing licensing authority (if known)	EASTLEIGH		

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

**L**

**Hours premises are open to the public**  
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	6AM	10PM
Tue	6AM	10PM
Wed	6AM	10PM
Thur	6AM	10PM
Fri	6AM	10PM
Sat	8AM	4PM
Sun	8AM	4PM

State any seasonal variations (please read guidance note 5)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

As a school we are already committed to the objectives. All our staff attendees are vigilant and always aware. We will need to provide extra training to ensure the objectives are met with alcohol on site as well.

**b) The prevention of crime and disorder**

We will ensure all staff understand the importance of preventing crime and disorder. Our site will always be appropriately staffed and ticketed events. If anything does happen we will ensure we inform the appropriate authorities.

**c) Public safety**

Our site is governed by a health + safety policy and strict fire guidelines. We have first aiders on site at all times. Our events will be ticketed to ensure no overcrowding. We have more than adequate walkways, seating areas and toilet facilities including disabled access.

**d) The prevention of public nuisance**

As we already hold a lot of the events we already ensure we do not create a public nuisance. All noise levels are controlled and kept to a minimum and at reasonable hours. Litter is kept on site and cleaned up. We are a strictly non-smoking site. We have enough parking to ensure no disturbance to our neighbours.

**e) The protection of children from harm**

Being a school the protection of children is our number one priority. We will be ensuring we challenge 25 and also be vigilant of anyone purchasing for a minor. Any event will be for a family setting so nothing of adult nature.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	
<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>	
Signature	
Date	10/6/2020
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

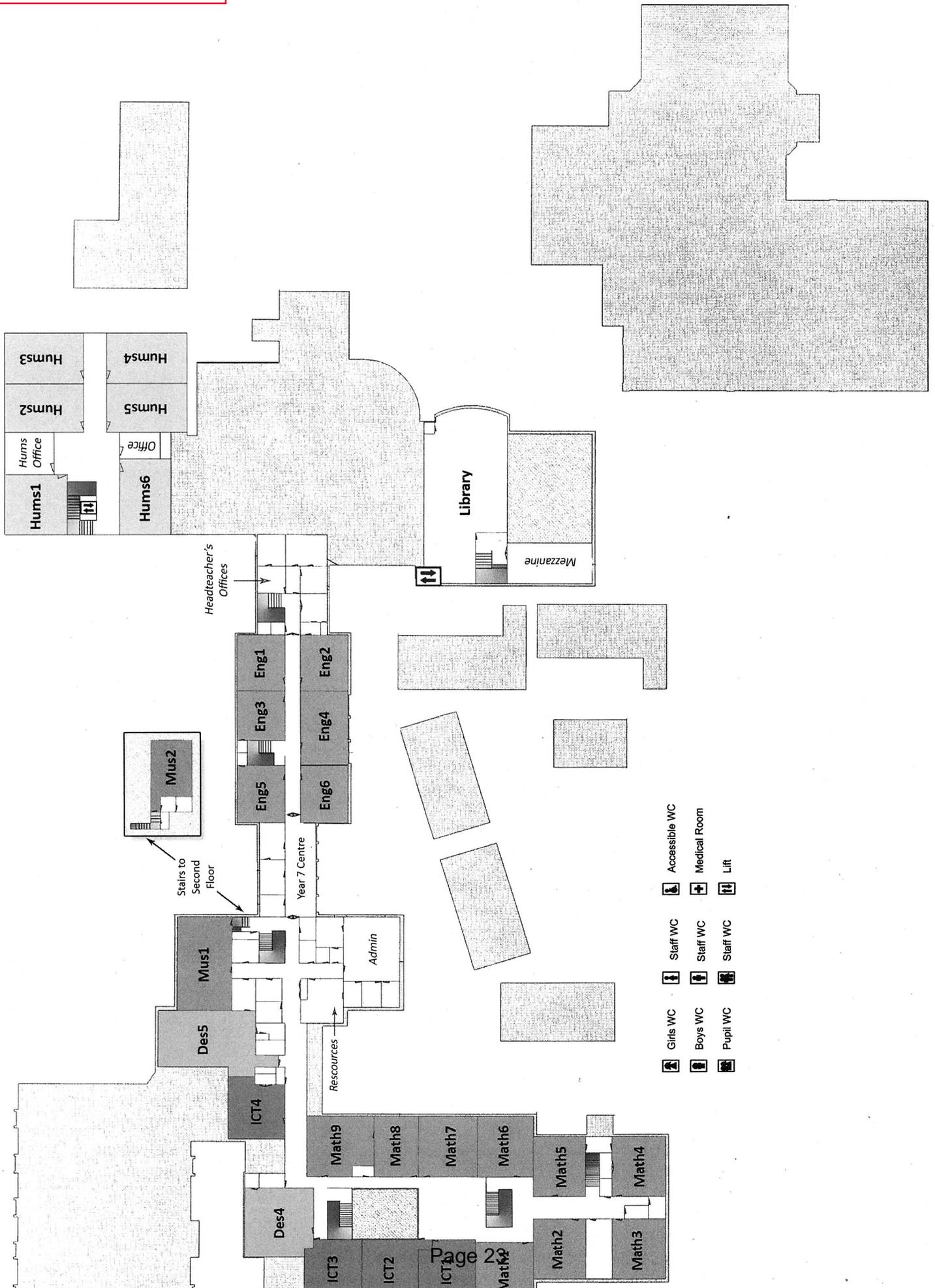
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

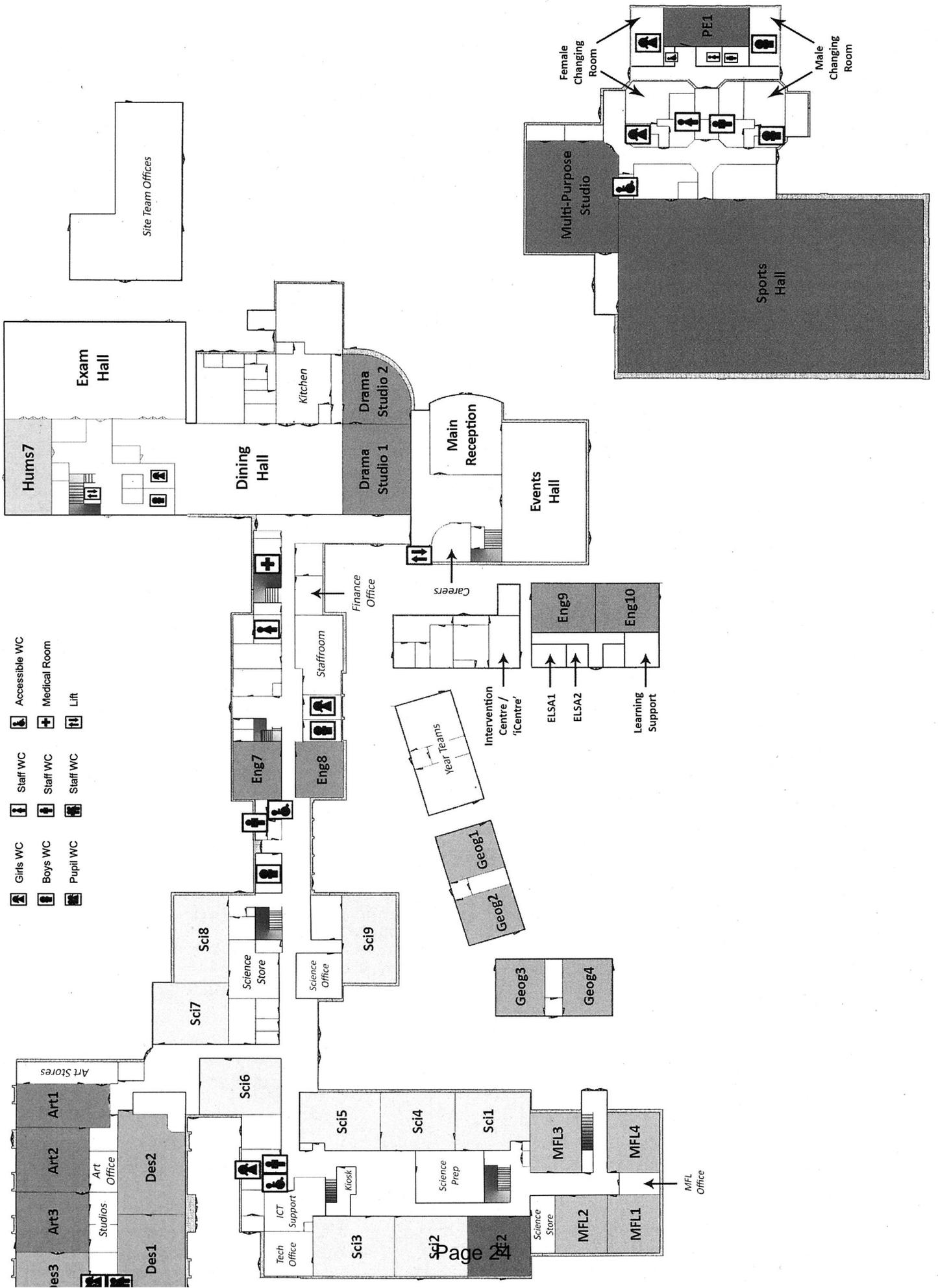
Return form to The Licensing Team, Fareham Borough Council, Civic Offices, Civic Way, Fareham PO16 7AZ

**Data Processing Fair Processing Statement**

The information that you provide is used to determine whether or not to grant a Premises Licence. We have a duty to protect the public funds we administer and may use your information for the prevention and detection of fraud. The information may also be used for auditing, monitoring, statistical and other research. Some of the information we hold may be shared with other Council or Government departments, agencies and similar organisations (including law enforcement agencies) to enable them to perform their duties or for comparison purposes. The information we hold about you is normally retained for seven years after the end of the licence period. For further information about the National Fraud Initiative see [www.fareham.gov.uk/dpnfi](http://www.fareham.gov.uk/dpnfi)

# APPENDIX C





# FAREHAM

## BOROUGH COUNCIL

### APPENDIX D

#### LICENSING ACT 2003 – REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Panel.

#### Personal Details

Name .....Mr Russell Corrigan .....

Address .....17 Shearwater Avenue, Fareham, Hampshire.....

Postcode: .PO16 8YE..... Contact telephone Number..... 

#### Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Licence number .....

Name of Applicant: ...Cams Hill School.....

Name of Premises: ...Cams Hill School.....

Premises Address (where the Licence will take effect):

.. Shearwater Avenue, Fareham.....

..... Postcode: ...PO16 7AZ.....

#### Reason/s for representation

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Any representations that are considered to be vexatious or frivolous will not be considered.

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

**The Prevention of Crime and Disorder**

**Public Safety**

**The Prevention of Public Nuisance**

My house is the closest residential property to the Cams Hill school complex, we directly face and overlook the school classroom that was recently added to their complex (part of the sports hall and associated changing rooms). This classroom also suffers from poor ventilation and as such needs the “emergency” door to be opened (for example during warm weather).

My wife and I are concerned that if this classroom and the school grass area directly between both parties were to be used for events where the consumption of alcohol was allowed it would be a major nuisance, both in terms of noise and loss of privacy (this area has direct views into our dining room and main bedroom).

If the premises site license application were to be amended to exclude holding alcohol events directly opposite my property (as outlined above) then I would have no other concerns.

**The Protection of Children from Harm**

I, .....Russell Corrigan....., hereby declare that all information I have submitted is true and correct.

Signed: .....R J Corrigan..... Dated: ...05/08/2020.....

Please send completed form to:

The Licensing Team  
Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ

# Licensing Act 2003 Guidance: How to Make a Licensing Representation

## Criteria for making a representation

Under the Licensing Act 2003, any person is able to make written representation in relation to certain types of applications. However, for a representation to be considered relevant, it must address the likely effect the granting of the application will have on the promotion of one or more of the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Representations must relate to the impact of licensable activities carried on from the premises on those objectives listed above. By way of an illustrative example: "...a representation from a local business person about the commercial damage caused by competition from a new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant."<sup>1</sup>

Please also be aware that the Licensing Authority will not consider representations that are frivolous or vexatious. The former category refers to representations that display a lack of seriousness in purpose or nature, whilst the latter relates to representations which appear to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause of justification.

Any person who is aggrieved by a rejection of their representation on either of the above grounds may lodge a complaint via the Council's complaints procedure.

## Making a representation

Relevant representations must be in writing and submitted to the Licensing Authority within the 28-day notice period. Late representations will not be considered and will be returned.

If you are unsure when the application was made, you can view the following website [http://www.fareham.gov.uk/licensing\\_and\\_inspections/licensing/premlicensing.aspx](http://www.fareham.gov.uk/licensing_and_inspections/licensing/premlicensing.aspx) and follow the link near the bottom of the page 'Register of current applications and reviews requested'. Alternatively, you can look at the site notice posted at the premises which advertises the application. If you would like information about licences already in force please contact the Licensing Team at Fareham Borough Council on 01329 824373.

We have prepared a 'Representation Form' which can be used to assist you when making representations. The form is designed to help extract the type of information which is required to ensure the representation is relevant and therefore, can be accepted.

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<sup>1</sup> Amended Guidance issued under Section 182 of the Licensing Act 2003 – October 2012

## **Alternatives to making a representation**

If you do not want to make your own representation, then you may wish to consider approaching a representative who may consent to make the representation on your behalf. For example, you may wish to ask a local Councillor or any other recognised body or association. If you are unsure about whom you can approach in your area, please contact the Licensing Team.

If your chosen representative is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of your representation. You must provide your chosen representative with your name, address and details of the grounds upon which your representation is made. They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently, the Notice of Hearing and any decision notice will also be sent to your representative.

## **Petitions**

When organising/submitting a petition as part of your representation, there are some important factors to bear in mind:

- We ask that the instigator of the petition identifies themselves as a central point of contact, as we may need to make contact in order to verify certain matters and if we are unable to do so this could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses for each signatory must be provided.
- All signatories must be made aware that where representations are made and not withdrawn, a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers.

The Licensing Authority will not write to each signatory separately but instead expects that the instigator of the petition will advise each signatory of the hearing date and the final outcome of the application. It is also expected that the instigator will represent signatories at the hearing and will speak for them.

## **Disclosure of personal details of persons making representation**

Where a Notice of Hearing is given to an applicant, the Licensing Authority is required to provide that applicant with copies of the relevant representations that have been made. It is only in exceptional circumstances that personal details will be removed from representation correspondence.

We would refer you to Government Guidance on this matter, which states:

*“In exceptional circumstances, persons making representation to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.”*

*Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.*

*For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.*

*The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.<sup>2</sup>*

## **Hearings**

If the Licensing Authority decides that representations are relevant, it must hold a hearing to consider them. In the meantime, the Licensing Authority, the applicant and any person or body who has made representation can negotiate an agreeable way forward, and where written agreement is reached between all parties, the hearing may be cancelled.

The Licensing Authority strongly encourages all parties to mediate, and will assist, where possible, in the facilitation of mediation discussions.

Where agreement cannot be reached, the hearing will take place before a Licensing Panel, which is made up of three Elected Members from the Council's Licensing and Regulatory Affairs Committee.

The applicant, persons making representation, and any responsible authority will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. The Notice will be sent out within the prescribed statutory timescales. **Please note that you are required to respond to this Notice.**

All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised at this stage and parties are limited to speaking to matters outlined in their original representation and response to Notice of Hearing, although detail provided may be expanded upon.

Where you have chosen to use a representative, only they may speak on your behalf. However, Members may still wish to direct questions to applicants, even in cases where they are represented.

Please note that parties will all be given an equal amount of time in which to address the Panel, but that time period may be limited by the Chairman of the Panel – for example, where there are numerous objections, speaking time may be limited to 5 minutes, or the Chairman may request, where lots of similar representations have been made, that a spokesperson is nominated.

The Panel will not permit cross examination between parties.

Please be assured that if for any reason you are unable to attend the hearing, the Panel will still consider your written representation.

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<sup>2</sup> Amended guidance issued under Section 182 of the Licensing Act 2003 – October 2012

The Panel will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved by the decision, an appeal may be made to the Magistrates' Court. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

**Contact Details:**

Licensing Team  
Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ

01329 236100 (switchboard) 01329 824373 (direct line)

Email: [Licensing@fareham.gov.uk](mailto:Licensing@fareham.gov.uk)

**The advice in this document should not be regarded as a definitive statement of the law – it is our current interpretation only, and may be subject to change Only the Courts can give an authoritative opinion on statute law.**



# FAREHAM BOROUGH COUNCIL

## LICENSING ACT 2003 – REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Panel.

### Personal Details

Name: [REDACTED]

Address: [REDACTED]

Postcode: [REDACTED]

Contact telephone Number: [REDACTED]

\*Please withhold personal details from applicant.

### Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Licence number: 10259

Name of Applicant: Mr Chris Nunn

Name of Premises: Cams Hill School

Premises Address (where the Licence will take effect):

Shearwater Avenue, Fareham

Postcode: PO16 8AH

### Reason/s for representation

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Any representations that are considered to be vexatious or frivolous will not be considered.

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

### **The Prevention of Crime and Disorder:**

The applicant lists his role as School Business Manager, so it is unclear whether the intent of the applicant is to

- a) Reduce the administration time spent on the small number of temporary licences currently requested by the school to support school activities
- or
- b) Increase School revenues by letting out school facilities to organisations such as rugby clubs or other entities where regular drinking is part of the club ethos, or other events such as wedding receptions.

The request for a 7 day licence indicates to me that the money for running alcohol themed ventures at the weekend is driving this application.

The schools statutory disclosure page ( <https://www.camshill.com/information/statutory-information/> ) Indicates that the Mr Nunn and Gwennan Harrison-Jones, have jointly set up a cleaning company owned by the school. My knowledge of the law is not sufficient for me to comment on the legality of school officers acting as directors and possibly taking fees as directors for a company set up to provide cleaning services to the school, or to organisations that are renting school facilities.

### **Public Safety**

#### **Public Safety – a) Alcohol and driving**

*Even small amounts of alcohol can affect your ability to drive so the only safe advice is to avoid any alcohol if you are driving ( [Drinkaware.co.uk](http://Drinkaware.co.uk) )*

*Any amount of alcohol in your bloodstream can impact your driving ability. The effects of alcohol abuse vary greatly, putting you at risk for causing an accident or highway injury. Safe driving requires the ability to concentrate, make good judgements and quickly react to situations. However, alcohol affects these skills, putting yourself and others in danger. ( <https://www.alcoholrehabguide.org> )*

British Standard BS 12464:2014 table 5.9 gives a breakdown of how the different lighting classes for different types of car park can be determined. ( <http://www.mma-consultancy.co.uk/car-park-lighting/car-park-lighting-regulations/> )

Prior to the Pandemic, school events on Thursday evenings caused parking from the school to overflow onto Shearwater Avenue, I mention it here because the school parking arrangements are sufficient for staff, but not sufficient for some of the “out of hours” events currently being operated. This is identified as a Public Safety issue because the current school parking is not properly provided or lit for high levels of traffic, in hours of darkness that does currently occur. The (pre-lockdown) Thursday evening situation is already a public safety nightmare where safety of pupils and parents when walking between haphazardly parked cars in darkness, add to that situations some parents inevitably have their driving ability even slightly impaired by alcohol will increase the Public Safety risk as parents and pupils exit the site.

#### **Public Safety – b) Covid-19**

Today’s news talks about having to close pubs to balance the risk of increased spread of Covid-19 due to opening schools – observations from countries like the United States and Japan indicate that alcohol consumption leads to poor social distancing practiced when alcohol is consumed. The schools published Covid-19 risk assessment includes specific actions, I quote,

11. *Minimisation of face-to-face meetings.*

12. *Stopping non-essential visitors and contractors coming to site*

( <https://www.camshill.com/wp-content/uploads/2020/07/Covid-Risk-Assessment.pdf> )

The risk assessment is silent how the school will manage the risk of the existing practice of providing alcohol at school events, nor does the risk assessment indicate that an extended alcohol licence operable from noon to 11 pm 7 days a week is needed to better manage the catastrophic impact that Covid-19 is having on staff and pupils and their ability to attend school.

The Covid-19 pandemic is the biggest threat to organisations of all sizes and I would have thought that responsible management of the school would be totally focussed on minimising the risk to the school operation due to Covid-19. If an extended alcohol licence was part of keeping staff and students safe, well and good, but managing the supply of alcohol is not listed in the schools Covid-19 risk assessment. I would question the wisdom of any management team that was doing any activity (such as seeking to extend alcohol licences) that was not absolutely essential to minimising the physical and long term educational risk to staff, parents, and pupils from Covid-19.

Emergency laws introduced this year requires venues that serve alcohol need to comply with stringent operating procedures, such as no standing at the bar, servers wearing masks and visors, app based ordering, maintaining a list of visitors for contact tracing. None of these legal requirements are identified in the schools Covid-19 risk assessment.

I suggest that the increased challenges of supplying alcohol on school premises be properly addressed in it's Covid-19 risk assessment prior to seeking to extend the occasional alcohol provision that occurred in the past.

### **The Prevention of Public Nuisance**

The degree of public nuisance that can arise depends on the intention of the School and its Business Manager – the applicant.

I assume the school already has permission for performance of music, combined with the 7 day a week noon to 11 pm alcohol licence would make it possible for the school to rent it's buildings for parties and wedding receptions. The application for the 7-day licence, rather than a school day licence indicates that the Business Manager is chasing the money, rather than seeking to do what's right by the pupils and schools neighbours.

If the school intention is to raise funds for the school by increasing out of hours use of the school buildings then there will be increased Public Nuisance to the close neighbours of the school. The use by the (pre-lockdown) Boxercise class and Cricket club is already noticeable, extending this to organisations that need the ability to supply alcohol as a reason to rent space at the school is likely to increase the degree of Public Nuisance experienced by neighbours to the school. In our case it is likely to reduce our enjoyment of our garden, due to the noise and disruption of people drinking alcohol from noon until 11.pm 7 days a week.

### **The Protection of Children from Harm**

Personally, I can see no need for any school to normalise supply of alcohol on school premises. I have highlighted above the increased risk to children exiting a school building through an underlit haphazard carpark from drivers whose ability may be diminished by "just the one". This risk will be increased by school staff not trained in supply of alcohol inadvertently supplying oversize measures.

Government data ( <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-alcohol/2018/part-4> ) show that in the UK in 2017, last year for which data is available, approximately 17% of UK adults drank more than 6-8 units on a heaviest drinking day in the last week.

This means that it is likely that in any class of school children there will be some that are adversely affected by their parents drinking. I can think of no situation where a child affected in this way will benefit from their seeing their school providing yet more alcohol to their parents.

The risk of Covid-19 causing harm to children is still not fully understood, either from the virus infection itself or from the emotional harm caused by passing it on to an older family member. This, I suspect will be the recurring theme in the news when schools return in September.

I have mentioned already that the schools Covid-19 risk assessment makes no mention of how alcohol will be safely supplied. The schools Covid-19 risk assessment also says nothing about extra support children who become silent carriers will need, this is relevant here, because no amount of management effort is guaranteed to keep a school safe and functioning in the Covid-19 era.

A school management team that is busy pursuing a noon to 11pm, 7 day a week alcohol licence without properly identifying some of the widely anticipated challenges their pupils will face in this Covid-19 era, in my opinion, is not functioning in the best interest of the children, staff or wider school community.

I, [REDACTED], hereby declare that all information I have submitted is true and correct.

Signed: ..... [REDACTED] ..... Dated: *26<sup>th</sup> August 2020* .....

Please send completed form to:

The Licensing Team  
Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ

# FAREHAM

## BOROUGH COUNCIL

### LICENSING ACT 2003 – REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Panel.

#### Personal Details

Name:

Address:

Postcode:

Contact telephone Number:

\*Please withhold personal details from applicant.

#### Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Licence number: 10259

Name of Applicant: Mr Chris Nunn

Name of Premises: Cams Hill School

Premises Address (where the Licence will take effect):

Shearwater Avenue, Fareham

Postcode: PO16 8AH

#### Reason/s for representation

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Any representations that are considered to be vexatious or frivolous will not be considered.

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

**The Prevention of Crime and Disorder:** It is understood that the school currently applies for a limited number of temporary annual licences for use at school events.

It is not known during what additional events the school wishes to supply alcohol and why the school would consider the temporary application for the current number and type of events warrants an application for a licence permitting the supply of alcohol on an unrestricted basis, 7 days a week during the hours of 1200 to 2300? It can only be assumed that the intention is to increase the number and type of out of hours and weekend events.

From what has previously been a small number of events, closely controlled and monitored by the school and restricted as such by the application for temporary licences from the council, the freedom would given to increase this to any number of events, connected or unconnected with the school, with participants allowed access to the school and permitted to drink alcohol on an unrestricted basis. This increased activity could lead to risk of individuals, fuelled by alcohol intake, causing damage to resident's property and affecting their safety and security.

### **Public Safety**

Some previous out of hours events at the school have caused high levels of traffic using Shearwater Avenue, as the level of parking at the school is insufficient. This situation currently can at times be hazardous to residents leaving or returning to their properties and pupils and parents leaving the school. An increase in this traffic from additional events, mixed with side effects from drivers with impaired abilities due to alcohol intake, is a risk to public safety.

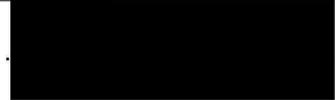
### **The Prevention of Public Nuisance**

Noise levels, additional traffic and parking problems from the current number of events is already at times, a public nuisance. Any increase will have a severe impact on this residential area.

### **The Protection of Children from Harm**

The school is supposed to be a place for children to learn, and not an environment which has alcohol for sale on an unrestricted basis. It should also not be a place which is sublet outside of school hours to other organisations, with the sale of alcohol being used to generate revenue.

I,  hereby declare that all information I have submitted is true and correct.

Signed:  ..... Dated: *3 August 2020*

Please send completed form to:

The Licensing Team  
Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ

# Environmental Health Map

