

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 15 September 2020

Venue: Microsoft Teams Virtual Meeting

PRESENT:

Councillor Michael Ford, JP (Chairman)

Councillors: F Birkett and Mrs K Mandry



1. LICENSING ACT 2003 - APPLICATION FOR VARIATION OF PREMISES LICENCE - SIR JOSEPH PAXTON PUBLIC HOUSE, 272 HUNTS POND ROAD, PARK GATE, FAREHAM PO14 4PF

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

Mr Mark Homeyard – Responsible Authority
Mrs Victoria Gillett – Interested Party
Mrs Samantha Hellyar – Interested Party
Mr Duncan McCune – Interested Party
Mr Terry Smith – Interested Party

The panel had before it a report by the Licensing Officer regarding an application for premises licence in respect of the Sir Joseph Paxton Public House, 272 Hunts Pond Road, Fareham PO14 4PF. The report contained the procedure for the hearing and advised members of the relevant representations made by a Responsible Authority and from other interested parties. The report was circulated in advance of the meeting to Panel Members, the Applicant and the Responsible Authority/Interested Parties that had made representations.

The Applicant was not present at the meeting due to an emergency family matter that needed to be dealt with.

The panel was informed that the Applicant had reached an agreed compromise position with some of the residential objectors, including all those in attendance today and details of that compromise were explained.

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 Responsible Authority presented its representations and answered questions thereon from Members of the Panel and the Legal Advisor.
- (iii) The Interested Parties presented their representations and answered questions thereon from Members of the Panel and the Legal Advisor.
- (iv) The Responsible Authority made a closing statement and answered questions on final points for clarification
- (v) The Interested Parties made closing statements and answered questions on final points for clarification.

The Licensing Panel then withdrew from the meeting to deliberate on the application in private. On completion of their deliberations, the Panel Members returned to the meeting.

The Chairman read out the decision of the Panel as follows:

**DECISION OF THE LICENSING PANEL REGARDING THE
APPLICATION FOR A REMISES LICENCE VARIATION AT SIR JOSEPH
PAXTON PUBLIC HOUSE, 272 HUNTS POND ROAD, PARK GATE,
FAREHAM PO14 4PF**

The Panel has considered very carefully the application for a variation of premises licence at the Sir Joseph Paxton Public House, 272 Hunts Pond Road, Fareham PO14 4PF.

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

The Panel has paid due regard to all the representations presented to it both written and given orally at the hearing by the Applicant and the other parties and has given each one appropriate weight in making its decision.

The Panel heard that the applicant was unable to attend the meeting for personal reasons but was content for the meeting to proceed in his absence. Four residential objectors and Environmental Health attended the meeting and with the permission of the chair addressed the meeting.

The Panel was also informed that the applicant had reached an agreed compromise position with some of the residential objectors, including all those in attendance today and details of that compromise were explained.

In consideration of all the above, the Panel has determined to refuse the variation as set out in the original application but is prepared to grant a variation as agreed in the compromise between the applicant and some of the residential objectors.

The variation places conditions on the licence as follows:

Live music to be played in the garden up to a maximum of four times, per calendar year.

On those occasions all music in the garden is to cease by 1900 hours and the garden to be used on these four occasions only until 2300 hours.

The premises licence holder shall give not less than 4 weeks' notice of each event to the licensing authority detailing the nature of the event. The event will also be publicised sufficiently to bring it to the attention of local residents at least 4 weeks prior to the event taking place.

Condition 53 on the licence will be amended to be consistent with the conditions above.

All other conditions on the licence remain.

Reasons

The Panel was mindful of the strong objections to the application in its original form. These were not only from residents but also Environmental Health in its capacity as a responsible authority. The panel felt that the original application would exacerbate an existing issue around public nuisance and as noise abatement notices had been served might also lead to criminal proceedings touching on the crime and disorder licensing objective.

The Panel recognised that the applicant had responded positively to the residential objections and had met with some residents and had agreed a compromise position. Credit was due to both the applicant and the residents for their pragmatic approach.

The Panel did not wish to interfere with the positive moves made by all parties and was satisfied that the proposed compromise would alleviate concerns it had with regard to public nuisance and crime and disorder.

The application is therefore granted with the conditions set out above.

Recommendations

The Panel recommended that the applicant make a telephone number available to local residents for them to raise concerns.

The Panel also recommended that the applicant and residents set up a method of communication to enable notification of the events referred to in the conditions above.

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

RESOLVED that the amended application for the variation of the premises licence be granted.

(The meeting started at 10.05 am
and ended at 12.45 pm).