

FAREHAM

BOROUGH COUNCIL

AGENDA LICENSING PANEL

Date: Tuesday, 15 September 2020

Time: 10.00 am

Venue: Microsoft Teams Virtual Meeting

Members:

Councillor M J Ford, JP (Chairman)

Councillors F Birkett
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 (Pages 3 - 66)

To consider a report by the Licensing Officer regarding an application for variation of premises licence for Sir Joseph Paxton Public House, 272 Hunts Pond Road, Park Gate, Fareham PO14 4PF.



P GRIMWOOD
Chief Executive Officer

www.fareham.gov.uk
03 September 2020

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

FAREHAM

BOROUGH COUNCIL

Report to Licensing Panel

Date: 15 September 2020

Report of: The Licensing Officer

Subject: LICENSING ACT 2003 – APPLICATION FOR VARIATION OF PREMISES LICENCE – SIR JOSEPH PAXTON PUBLIC HOUSE, 272 HUNTS POND ROAD, FAREHAM PO14 4PF

SUMMARY

This report advises members of the panel of an application for a Variation of the Premises Licence for the Sir Joseph Paxton Public House, 272 Hunts Pond Road, Fareham, PO14 4PF

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 variation of a 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 variation, 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:-

Sir Joseph Paxton
272 Hunts Pond Road
Fareham
PO14 4PF

A copy of the application can be seen as Appendix B.

7. The variation seeks to:

- To extend the garden closure from 21:00 to 23:00
- To allow live performance events in the garden on submission of a TEN
- To allow the use of a bouncy castle on special events, i.e. charity fundraisers

RELEVANT REPRESENTATIONS

Responsible Authorities

8. In respect of the variation to premises licence application, the following summarises from whom representations have been received: -

Responsible Authorities

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

9. The representation received from Fareham Borough Council's Environmental Health Officer cites Prevention of Public Nuisance as the main reason for objecting to this variation. As part of the representation, a summary of complaint history from the past 5 years was included.

OTHER PERSONS REPRESENTATIONS

10. 11 representations have been received from members of the public. 1 representation has been received from Responsible Authorities.

11. All the individual representations can be seen as Appendix C to this report.

12. A map showing the premises and the location of "Other Persons" properties can be seen as Appendix D.

13. 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

14. 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 on extension 4407.

Licensing, Fareham Borough Council, Civic Offices, Civic Way, Fareham, PO16 7AZ
www.fareham.gov.uk

Appendices:

Hearings procedure as detailed at	APPENDIX A
Variation Application	APPENDIX B
Representations	APPENDIX C
Map showing premises and "Other Persons" proximity	APPENDIX D

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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 spokesperson².
- 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 objectives³.
- 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 objectives³ and may be questioned by members of the Licensing Panel and/or applicant.
- 7 **Other Persons**¹ in turn shall make their representations relating to one or more of the licensing objectives³ 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.

¹ : i.e. those other than responsible Authorities who have submitted representations;

² : 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;

³. 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

APPENDIX B

Application to vary a premises licence 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 written in black ink.
- Use additional sheets if necessary.

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

I/We Pub & Grub Co Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

850

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Sir Joseph Paxton, 272 Hunts Pond Road

Post town

Fareham

Postcode

PO14 4PF

Telephone number at premises (if any)

07977787772

Non-domestic rateable value of premises

£23,500

Part 2 – Applicant details

Daytime contact
telephone number

07977787772

E-mail address (optional)

Current postal address if
different from premises
address

Post town

Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the garden closure from 21:00 to 23:00

To allow live performance events in the garden on submission of a TEN

To allow the use of a bouncy castle on special events, i.e. charity fundraisers

This request is made due to the needs of the business and social distancing rules, guidance is that we should as much as possible use outside spaces. Due to the garden closure at 21:00, customers are not staying as long and going elsewhere or not even coming in. With current guidance it is very difficult to trade with reduced numbers internally, hence not being able to provide for our community as the garden currently closes after 21:00.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<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> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed			<u>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</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed			<u>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</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<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> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<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> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<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> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						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 (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

<p>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 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			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 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
-

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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 9)

We will continue to monitor as we do now, the level of noise coming from the garden, with a clear rota for the staff. We will also make a door available so people don't have to use the main door that opens on to the garden rather than a side door that opens up to Netley road where there are no residents.

b) The prevention of crime and disorder

We will continue our approach as we do now, this is not tolerated in the pub and will continue to be so.

c) Public safety

We will continue to follow our procedures of ensuring people leave safely and quietly and also have all the risks assessments in place to be able to continue to run this venue safely as we have done for the past 5 years.

d) The prevention of public nuisance

Regular monitoring of the garden, continue to control and use the smoking solution on Netley Road, if any entertainment is to be provided outside this will be set out by the use of a TEN. Again we will continue to work with our procedures to minimise and ensure there is no nuisance caused to neighbours and customers.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

It is an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Data Processing Fair Processing Statement

The information that you provide is used to determine whether or not to grant a Premises Variation. 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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

FAREHAM

BOROUGH COUNCIL

APPENDIX C

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: Richard Gustar

Address: Environmental Health Partnership, Fareham Borough Council, Civic Offices,
Civic Way, Fareham

Postcode: PO16 7AZ Contact telephone Number: XXXXXXXXXX

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: 850

Name of Applicant: Pub & Grub Co Ltd

Name of Premises: Sir Joseph Paxton

Premises Address (where the Licence will take effect):

272 Hunts Pond Road, Fareham

..... Postcode: PO14 4PF

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

To extend the garden closure from 21:00 to 23:00

(NB. presumably it is meant to allow the garden to open till 23:00?).

Object, reason: The condition for the garden of the Sir Joseph Paxton (SJP) to be closed by 21:00hrs (9pm) was added by the Licensing Committee following a hearing brought as a result of statutory noise nuisance because of the licensees inability to control the level of noise in the garden unreasonably disturbing neighbouring residents. Despite this condition being in place complaints have from time to time (though by no means as frequently as prior to the hearing) continued to be received about noise from the SJP, most notably at the most recent Football World Cup, although in the main the controls put in place do seem to control the situation. (Please see attached summary of complaint history for the past 5 years for your further information). The proximity of residential premises and their gardens to the licensed premises, i.e. back to back, and the lack of control measures to limit noise arising from the use of the garden after 9pm would lead Environmental Health to not being able to support this request to extend the opening hours of the garden. It is the opinion of Environmental Health that granting this variation would result in unreasonable noise disturbance (potentially amounting to a statutory nuisance) of neighbouring residents.

To allow live performance events in the garden on submission of a TEN

Object, reason: The applicant already has the ability to submit TENs

To allow the use of a bouncy castle on special events, i.e. charity fundraisers

Object, reason: The applicant already is permitted to erect and use a bouncy castle in the garden of the SJP for a maximum of 4 hours once per month. This restricted use of a bouncy castle was added during the hearing mentioned above for the same reasons as the garden must by condition currently close by 9pm.

The Protection of Children from Harm

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

Signed: RG

Dated: 14th August 2020

Please send completed form to:

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

Summary of complaint history for the past 5 years

2015 - 8 visits out-of-hours responding to complaints

2016 - 9 visits out-of-hours responding to complaints

2017 - 18 visits out-of-hours responding to complaints

2018 - 13 visits out-of-hours responding to complaints

2019 - 1 visit out-of-hours responding to a complaint

*Complaints were variously about noise from patrons in the garden; in connection with the use of a bouncy castle; and loud music and voices.

**The most recent complaint about noise from the SJP was made on 10 August this year.

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	Christopher Brown
Address	268 Hunts Pond Road, Fareham,
.....
Postcode:	PO14 4PF
Contact telephone Number.....	07521881818

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:	Pub & Grub Co Ltd
Name of Premises:	Sir Joesph Paxton
Premises Address (where the Licence will take effect):	
.....	270 Hunts Pond Road, Fareham
.....
.....	Postcode:
.....	PO14 4PF

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

If live music is permitted in the garden, then would it be permitted the entire time the garden is open? Under the same amendment the garden would remain open until 23:00.

We have two young children, who would be disturbed by music outside our house when trying to sleep.

Can live music be kept to before 20:00?

The Protection of Children from Harm

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

Signed: [Redacted Signature] Dated: 13-Aug-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."¹

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 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.

¹ 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.²

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.

² 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

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

Fareham & Gosport
19 AUG 2020
Environmental Health
Partnership

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	PATRICK FOLEY
Address	17 WELLOW GARDENS
Postcode:	PO14 4RH
Contact telephone Number.....	0755 125116

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:	Pub + grub Co. Ltd.
Name of Premises:	Sir Joseph Paxton T/A Pub + Grub Co. Ltd.
Premises Address (where the Licence will take effect):	
272 Hundspand Rd	
FAREHAM	Postcode: PO14 4PF

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

Object to extension of garden opening to 11 PM on the basis that current opening is restricted to 9 PM due to historic incidents of noise + public nuisance. The fact that the garden could host entertainment events compounds the issue as there is clearly no sound insulation in close proximity to residential houses

The Protection of Children from Harm

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

Signed:  Dated: 11/8/20

Please send completed form to:

The Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham

FAREHAM BOROUGH COUNCIL



LICENSING ACT 2003 – REPRESENTATION FORM

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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

NameVictoria Gillett.....

Address3 Wellow Gardens.....
Titchfield Common, Fareham

Postcode:PO14 4RH Contact telephone Number...[REDACTED].....

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: Pub and Grub Company Limited

Name of Premises:Sir Joseph Paxton.....

Premises Address (where the Licence will take effect):
272 Hunts Pond Road

.....
Titchfield Common, Fareham

..... Postcode: PO14 4PF...

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

Recently there were bottles smashed at the entrance of the house on Hunts Pond Road next to Wellow Gardens. The owners of the house have two young children and could have been harmed. Our immediate neighbors cleared it up on this occasion. In the past we have had to clear broken bottles and glasses at the entrance to Wellow Gardens on a regular basis, which were left in the middle of the road which would otherwise lead to damage to car tyres. Bottles and glasses can be seen on the garden walls and pavement on Hunts Pond Road on a regular basis. Bottles have also been found in our garden on occasion.

Violent threats were made against us previously on the internet on the pub's website which had to be removed by police intervention, also directly from customers when we asked them to stop swearing.

The proposed licence amendments would exacerbate these problems.

Public Safety

As mentioned above the glass has an impact on public safety.

Furthermore HM Government's notice 4.5 Entertainment recommends refraining from activities such as music leading to raised voices which increases the risk of Covid-19 transmission to the surrounding houses.

The smoking that regularly takes place next to our back fence (rather than in the smoking area the other side) can often be smelt strongly in our garden which is not good for my husband's chronic lung disease, or for any of us.

The proposed licence amendments would exacerbate these problems.

The Prevention of Public Nuisance

We do not want a repeat of previous noise issues (live and recorded music, shouting, swearing, screaming and repetitive noises from the bouncy castle). Noise abatement notices were served in 2018 in attempt to alleviate this. The dates of the problems leading to these notices have all been recorded by environmental health.

These issues have prevented our daughters from sleeping – they have had to either sleep on our bedroom floor at the front of the house (their bedrooms are at the back) or try to go to sleep wearing industrial ear defenders which are very difficult to sleep in as you can tell from the attached photo (please see last page).

The issues would also prevent me from working from home which I now have to do on an on-going basis due to Covid-19, and prevent our daughters from doing on line lessons (which have been introduced due to Covid-19) or studying.

Live music events would, as previously experienced, prevent us from using our garden entirely and cause us to cancel visitors as we have had to in the past.

We have had to close all windows to block the noise, which is unhealthy and also unbearably hot especially in the summer. The noise can be heard above the TV even with the windows

shut, meaning the TV has to be turned up disturbing everyone, including our daughter as her bedroom is above the lounge.

Historically the garden hours were restricted to 9pm to reduce the above problems. The proposed licence amendments would have the effect of reversing this restriction back to 11pm, as well as adding more ability to make excessive noise due to the live performance events and increased bouncy castle use, and lead to increased public nuisance.

The Protection of Children from Harm

As well as the issues mentioned above (broken glass and smoking) the loud swearing regularly heard from the pub garden is not appropriate for our children to hear.

Also the lack of sleep would be an issue and impact the next day as previously experienced, and they would overheat as they did previously due to the inability to open any windows.

The impact on their studies mentioned above would be particularly significant with our eldest daughter (and potentially both daughters) going back to school on a part time basis in September with on line lessons and more homework to be done at home. Furthermore GCSEs and A levels are coming up for both daughters.

The proposed licence amendments would exacerbate these problems.

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

Signed:  Dated: 18.8.20

Please send completed form to:

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

Attached photo of ear defenders worn by our daughters in bed



FAREHAM BOROUGH COUNCIL

Fareham & Gosport
19 AUG 2020
Environmental Health
Partnership

LICENSING ACT 2003 – REPRESENTATION FORM

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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 Mrs SAMANTHA HELLYAR
Address 15 WELLOW GARDENS, TITCHFIELD COMMON
FAREHAM HANTS
Postcode: PO144RH. Contact telephone Number: [REDACTED]

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 350
Name of Applicant: Pub and Club Co Ltd
Name of Premises: Sir Joseph PAXTON Public House
Premises Address (where the Licence will take effect):
272 Hunts Pond Rd Titchfield Common
FAREHAM Postcode: PO144PF.

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 Sleep deprivation to us as it would be nearer midnight after clearing up and drinking up time. We couldn't open windows in home due to noise levels. and if a TEN License was issued for potentially up to 7 days per licence up to 15 times per annum. This could be extremely detrimental and distressful as we couldn't use garden the entire summer.

The Prevention of Public Nuisance If the pub garden is to be used until 11pm with or without music/bouncy castle, this causes extra noise levels and surpasses 11pm due to drinking up time and cleaning up time. The later the time, the more drunk people get therefore louder, and using unacceptable bad language. We therefore cannot sit in our garden or open our windows.

The Protection of Children from Harm
Our children cannot go to bed at a reasonable time if the noise level gets too loud with shouting, swearing and music. One child suffers nose bleeds if over heated and has had surgery due to this. therefore must be able to open window in bedroom. Noise carries the later it is. If the noise level is unacceptable mid week this would affect my children's schooling.

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

Signed: ..... Dated: 11/8/20.....

Please send completed form to:

The Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham

2 Netley Road
Titichfield Common
Fareham
Hampshire
PO14 4PE

17th August 2020

Ref; Application to vary a premises licence site notice Licensing Act 2003

Name of applicant; Pub & Grub Co. Ltd.

To whom it may concern,

I am writing to object to the above application.

Having recently moved into 2 Netley Road, (14th August 2020) I was extremely concerned upon finding a letter at my premises relating to the above subject.

Whilst I understood that moving to the above address would mean some background noise relating to activity in the pub garden, I also knew that this had to stop by 9pm and that there would be no live or loud music.

Subsequently being informed that a request has been made by the pub to extend the garden opening hours to 11pm along with proposed live music events is completely unacceptable to me. I have moved into the property with 3 children, an 11 year old, a 3 year old and one year old and the potential disruption due to heightened noise levels and extended garden opening would be detrimental to their sleep patterns and ergo their wellbeing and general state of mind.

I do not believe that this is the location to have such live events as it is a quiet residential community surrounded by individual low density housing. I believe that live music and or events in outside space should be confined to city centre locales or in mixed use zoning areas where the risk of noise pollution to one's neighbours is greatly reduced, or indeed accepted as part of residing in such an area.

It should also be noted that in this current environment that we live in with the Global Covid 19 pandemic, it would be wholly irresponsible to be holding events that promote public gatherings, (outside of one's own bubble) in confined spaces regardless of any good intention by the pub to limit numbers or contact because this simply does not work.

Based on the above, I would politely but strongly urge that the above application be rejected by Fareham Borough Council.

Sincerely

A solid black rectangular box used to redact the signature of the sender.

Mr. Wayne Kaleta

FAREHAM BOROUGH COUNCIL

Fareham & Gosport

19 AUG 2020

Environmental Health
Partnership

LICENSING ACT 2003 – REPRESENTATION FORM

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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 Duncan
McCune.....

Address 5 Wellow Gardens, Titchfield Common
Fareham.....

Postcode: PO14 4RH..... Contact telephone Number 01489 584244 or
mobile [REDACTED].....

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 numberNot Known.....

Name of Applicant: ...Pub & Grub Co.
Ltd.....

Name of Premises : The Sir Joseph
Paxton.....

Premises Address (where the Licence will take effect):

...The Sir Joseph Paxton, 272 Hunts Pond Road
.....

..... Postcode: PO14
4PF.....

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

We have had glasses thrown into our garden, and bottles left at end of cul de sac, both whole and broken across road. Will this increase again?
Deliberate action to cause damage to cars and or individuals. Found last Thursday evening 6th August Corona bottle smashed across end of Wellow Gardens and into the drive of house to the south in Hunts Pond Road. Householder advised as they have small children.

Public Safety

In the current situation, the increased volume due to shouting increases chance of Covid being spread through the air, as noted in Government guidelines. Certainly, the present control in the garden does not stop this occurring at any time.
The increased use of the garden also means the amount secondary smoke, from cigarettes, we are experiencing is also more noticeable, and will increase if the hours are extended. As asthmatics this is of concern.

The Prevention of Public Nuisance

Please see attached

The Protection of Children from Harm

Please see attached with relation to potential sleep deprivation caused by the need to move children between bedrooms due to noise. Also ear defender's with regards to our Grand Children and Live Bands.

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

Signed:  Dated: 10/8/20.....

Please send completed form to:

Sir Joseph Paxton

History.

We bought our house in 1990, the living area and 3 bedrooms are at the back of the house, with the back garden being adjacent to the pub garden. The Sir Joseph Paxton pub was, when we bought the house, only the original building and ok for a residential area. An extension was subsequently added to create a sports pub more suitable to a town centre, than a residential area, despite concerns lodged about increased noise and other potential issues.

When we bought the house there were no time restrictions on the pub garden and for some time there were no problems. After one of the Landlord changes a restriction to 10pm was put in place, as noise, anti-social behaviour and bad language continued well passed midnight. This 10pm restriction was reduced to 9pm, I believe in early 2014, due to breaches of the existing 10pm restriction.

Issues

Extension of garden hours

For the last few years, we have put up with the loud noise and extremely bad language in the garden especially on Fridays, Saturdays and sometimes Thursdays, not only in the evening but also in the afternoon. Knowing that it will cease at 9pm. Often keeping the doors and windows shut until after 9pm. The exception to the 9pm restriction is the smoking area, where the shouting, swearing and sometimes screaming continues until well after 11pm. I have phoned the pub to complain about noise in the smoking area. My calls have sometimes been answered sometimes not. The result of my call regarding the disturbance might have an effect for maybe 5 minutes before starting again. This would no doubt be the same for the garden if the extension to 11pm is allowed.

We now regularly have my 4 and 3 year old grandsons staying overnight to give my daughter a break, as my son in law is at sea for up to 9 months in a year. We have to put the 4 year old to bed in the main bedroom at the front of the house, due to the noise and move him to his own room at the back of the house after 9pm.

I have recently phoned the pub at approx 9.25pm to ask if they could get the people in the garden to move out and was told they have half an hours drinking up time. As I understand the restriction this is not correct.

If the extension to the hours is allowed are we supposed to keep windows and doors shut all night move my grandson at 11pm or would it be by 11.30pm. put up with shouting etc. which gets louder as more alcohol is consumed?

Allow Live Performances after submission of TEN

The Landlord has thankfully paid a large sum to minimise the noise from within the pub. Even so we can still hear the music if a band is on or Karaoke. We can often answer the Wednesday night quiz from our living room.

If a band plays in the pub garden, which is adjacent to my garden, there will be no sound protection. I have put up with a band in the garden on a Saturday afternoon and the volume was very intrusive.

If the band was playing in the evening/night I would find the noise unacceptable. My four year old grandson has had hearing issues, which we now hope has been rectified. If a band plays I may have to buy Ear defenders for him and his brother. My neighbour already has these for his daughters due to the garden noise. Or are we expected to move out so that we are not bothered by the excessive noise?

I have looked at the TEN and though I am sure Fareham council would not currently allow all that is on offer but the possibilities are quite frightening, for someone adjacent to a property where one is granted.

The Bouncy castle.

As Long as the bouncy castle is only used occasionally and not placed adjacent to my fence, this does not create a major issue. However constant use and lack of supervision could result in a change of opinion.

DUNCAN MCGINCH 10/8/20



Good afternoon Gemma.

Thank you for your time given to our phone conversation this afternoon re my representation against the subject application.

I am attaching the photos taken yesterday of the Site Notice which is about 40 metres from the pub and which I believe is not sufficiently prominent or readable.

Since our conversation I have checked again for other notices on or near the Sir Joseph Paxton site. I have found three which are also not prominent or readable. I hope it will be OK if I send photos of those with a second email to stay within the Outlook memory constraints.

Regarding the reason for my representation, this is the public nuisance and potential disturbance which would be suffered by the many hundreds of residents (including my household) within a few hundred metres radius of the subject pub, if music and/or extended beer garden hours are introduced.

Kind regards

John McNamara

18 Robins Meadow



**APPLICATION TO VARY A PREMISES LICENCE
LICENSING ACT 2003**

Name of applicant: Pub & Grub Co Ltd

HEREBY GIVE NOTICE that an application has been submitted to the Council on 23rd July 2020 to vary a premises licence at Pond Road PO14 4PF:

Details of the variation are as follows:

- To extend the garden closure from 21:00 to 23:00
- To allow live performance events in the garden
- To allow the use of a bouncy castle on special occasions

It is an offence to knowingly or recklessly make a false statement in an application. Such an offence is liable to a fine of up to £5,000.

This application and the Licensing Register can be viewed during normal office hours.

Anyone wishing to make representation to the Council should do so in **WRITING** up to 28 days from the date of the application to the Council, Civic Offices, Civic Way, Fareham, Hampshire. www.fareham.gov.uk

The closing date for representations is:

20th August 2020



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FAREHAM

BOROUGH COUNCIL

LICENSING ACT 2003 – REPRESENTATION FORM

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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 Louise O'Brien
Address 2a Netley Road, Fareham

Postcode: PO14 4PE Contact telephone Number [REDACTED]

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 850

Name of Applicant: The Pub And Grub Company Ltd

Name of Premises: Sir Joseph Paxton

Premises Address (where the Licence will take effect):

272 Hunts Pond Road, Fareham

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.

Drunken behaviour in a pub beer garden until late at night. Loud music late at night.

Public Safety

This will attract more cars than the venue has parking spaces, leading to dangerous parking along the Hunts Pond Road and Netley Road.

The Prevention of Public Nuisance

The Joseph Paxton is in a residential area and their beer garden is surrounded by homes, the occupants of which are entitled to be able to enjoy their own outdoor areas without the intrusion of a live music venue immediacy adjacent to their property.

If the Joseph Paxton were to be granted this licence it would surely have a negative impact on their neighbours, not least of which will be a reduction in the saleability of their house. I would not have bought this house if it were this closed to a live music venue.

The Protection of Children from Harm

The houses surrounding the pub beer garden are 4 bedroom family houses, I have 2 children living at home who's sleep would be severely disrupted, especially during the warm summer months (when windows need to be open) and exam time if there was live music being played yards away from their bedroom window.

I, Louise O'Brien, hereby declare that all information I have submitted is true and correct.

Signed:  Dated: 20/8/2020.

Please send completed form to:

The Licensing Team
Fareham Borough Council
Civic Offices

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 Phil O'Brien
Address 2a Netley Road, Fareham

Postcode: PO14 4PE Contact telephone Number 0 [REDACTED]

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 850

Name of Applicant: The Pub And Grub Company Ltd

Name of Premises: Sir Joseph Paxton

Premises Address (where the Licence will take effect):

272 Hunts Pond Road, Fareham

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.

Drunken behaviour in a pub beer garden until late at night. Loud music late at night.

Public Safety
This will attract more cars than the venue has parking spaces, leading to dangerous parking along the Hunts Pond Road and Netley Road.

The Prevention of Public Nuisance

The Joseph Paxton is in a residential area and their beer garden is surrounded by homes, the occupants of which are entitled to be able to enjoy their own outdoor areas without the intrusion of a live music venue immediacy adjacent to their property.

I work shifts for NATS at the Air Traffic Centre located at Swanwick and I need to be able to have reasonable rest. If, god forbid, there was an air traffic incident due to a mistake of mine related to fatigue I'd be duty bound to report the reason for my fatigue and this would be investigated by Civil Aviation Authorities Air Accident Branch.

If the Joseph Paxton were to be granted this licence it would surely have a negative impact on their neighbours, not least of which will be a reduction in the saleability of their house. I would not have bought this house if it were this closed to a live music venue.

The Protection of Children from Harm

The houses surrounding the pub beer garden are 4 bedroom family houses, I have 2 children living at home who's sleep would be severely disrupted, especially during the warm summer months (when windows need to be open) and exam time if there was live music being played yards away from their bedroom window.

I, Phil O'Brien, hereby declare that all information I have submitted is true and correct.

Signed: Dated: 20/8/2020.

FAREHAM BOROUGH COUNCIL

Fareham & Gosport

19 AUG 2020

Environmental Health
Partnership

LICENSING ACT 2003 – REPRESENTATION FORM

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Personal Details

Name AMANDA QUICK

Address 9 WELLOW GARDENS, Fareham

..... HANTS

Postcode: PO14 4RH... Contact telephone Number: [REDACTED]

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: Pub and Grub Co Ltd

Name of Premises: Sir Joseph Poxton, 272 Hunts Pond Road

Premises Address (where the Licence will take effect):

..... 272 Hunts Pond Road

..... Fareham

Postcode: PO14 4PF

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

EMPTY BEER BOTTLES LEFT LAYING ON SURROUNDING ROADS + PAVEMENTS (NETLEY RD/HUNTS POND RD/WELTON GARDENS).
COVID 19 - LIVE MUSIC/SINGING (TRANSMISSION OF GERMS IS A RISK!)

INAPPROPRIATE LANGUAGE / ANTI SOCIAL BEHAVIOUR ON LEAVING PUB.

Public Safety

SOMETIMES VERY NOISY ON LEAVING PUB AND PEOPLE HAVE BEEN HEARD SHOUTING / VERY MERRY IN NETLEY RD AREA FOR A LONG TIME AFTER CLOSING.

The Prevention of Public Nuisance

ACCEPT LIVE MUSIC EVENTS UP TO 9pm but reject application to 11pm. This would be much too noisy especially with the continuous thud of bass music.

The Protection of Children from Harm

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

Signed: ..... Dated: 8/8/2020.....

Please send completed form to:

The Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham

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 <u>MR T. E. SMITH</u>
Address <u>7 WELLOW GARDENS</u> <u>TITCHFIELD COMMON</u>
Postcode: <u>PO14 4RH</u> Contact telephone Number... XXXXXXXXXX

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: <u>DAVID ROSEBY</u>
Name of Premises: <u>SIR JOSEPH PAXTON</u>
Premises Address (where the Licence will take effect): <u>272 HUNTS POND ROAD</u> <u>TITCHFIELD COMMON</u> Postcode: <u>PO14 4RF</u>

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

- a) Anti-Social Behaviour
- b) Unacceptable Language
- c) Raised Voices, causing potential risk of transmission Covid (H.M. gov. website :- H.S Entertainment)
- d) Bottles, glasses, removed from pub and left at end of cut de-sac.

Public Safety

- a) Sleep deprivation .
- b) Threatening behaviour
- c) Threat of Covid transmission due to raised voices (shouting).

The Prevention of Public Nuisance

- a) Sound limitation (monitor disabled)
- b) Unacceptable levels of noise from music, bouncy castle.
- c) Windows having to be kept shut due to noise levels.
- d) limit of 9pm due to historic issues

The Protection of Children from Harm

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

Signed: ..... Dated: 6 August 2020.....

Please send completed form to:

The Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham

Sir Joseph Paxton

272 Huntspond road

Tel; 01489 571111

Hi we hope that you all keeping well during these difficult times.

We would like to inform you that we are trying to extend our garden hours from 9pm to 11pm as this is having a massive impact on our business with the current pandemic going on.

The garden will not always be open untill 11pm and will be monitored every 30 mins for noise.

Since we have been here we have stopped many things in the pub to try and help with relations with neighbouring houses, However we feel this is something we need to do to try and save our business, if we do have to leave the business i doubt you will get such understanding landlords the next time round.

Please dont hesitate to contact us

Yours Sincerely

David Roseby

(07977787772)



