

# FAREHAM

BOROUGH COUNCIL

## AGENDA

### LICENSING AND REGULATORY AFFAIRS COMMITTEE

**Date:** Monday, 10 June 2024

**Time:** 6.00 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor Mrs P M Bryant (Chairman)

Councillor Mrs J Needham (Vice-Chairman)

Councillors C Bainbridge  
I Bastable  
Mrs S M Bayford  
Ms F Burgess  
J M Englefield  
G Furnivall  
Mrs P Hayre  
S Ingram  
A M Murphy  
Dr A W West  
L W Whittle

**Deputies:** S Dugan



D J Hamilton

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

**1. Apologies for Absence**

**2. Minutes**

**(1) Minutes of meeting of Licensing and Regulatory Affairs Committee**  
(Pages 5 - 10)

To confirm as a correct record the minutes of the meeting of the Committee held on 12 March 2024.

**(2) Minutes of meeting Thursday, 30 May 2024 of Licensing Panel** (Pages 11 - 14)

To confirm as a correct record the minutes of the meeting of the Licensing Panel held on Thursday 30 May 2024.

**3. Chairman's Announcements**

**4. Declarations of Interest**

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

**5. Deputations**

To receive any deputations of which notice has been lodged.

**6. Roles and Responsibilities of the Licensing and Regulatory Affairs Committee**  
(Pages 15 - 16)

To receive a presentation by the Head of Environmental Health and the Assistant Director (Democracy) which will provide members with an overview of the responsibilities of the Licensing and Regulatory Affairs Committee.

**7. Licensing and Regulatory Affairs Committee Work Programme** (Pages 17 - 22)

To consider a report by the Head of Environmental Health on the Committee's Work Programme for 2024/25.



A WANNELL  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
31 May 2024

**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

### Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

**Date:** Tuesday, 12 March 2024

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** Mrs P M Bryant (Chairman)

**Councillor** Ms F Burgess (Vice-Chairman)

**Councillors:** I Bastable, Mrs S M Bayford, S Dugan, M J Ford, JP,  
N R Gregory, D J Hamilton, Mrs P Hayre, Mrs K K Trott and  
Mrs S M Walker

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S Ingram and Ms S Pankhurst.

**2. MINUTES**

**(1) Minutes of meeting of the Licensing & Regulatory Affairs Committee**

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 30 January 2024 be confirmed and signed as a correct record.

**(2) Minutes of meeting Friday, 2 February 2024 of Licensing Panel**

RESOLVED that the minutes of the meeting of the Licensing Panel held on 02 February 2024 be confirmed and signed as a correct record.

**(3) Minutes of meeting Wednesday, 28 February 2024 of Licensing Panel**

RESOLVED that the minutes of the meeting of the Licensing Panel held on 28 February 2024 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

**4. DECLARATIONS OF INTEREST**

Councillor Mrs S Walker declared disclosable pecuniary interests in respect of item 6 on the agenda as she is a Council appointed representative on the Board of Trustees of Portchester Community Centre, Portchester Parish Hall and Burr ridge Community Centre.

Councillor M J Ford, JP declared a disclosable pecuniary interest in respect of item 6 on the agenda as he is a Council appointed representative on the Board of Trustees at Victory Hall in Warsash.

Councillor Mrs S M Bayford declared a non-pecuniary interest in respect of item 6 on the agenda as she is a Council appointed representative at the Lockwood Community and Sports Association.

Councillor Mrs P Hayre declared a disclosable pecuniary interest in respect of item 6 on the agenda as she is a Council appointed deputy representative on the Board of Trustees at Crofton Community Association.

Councillor S Dugan declared a disclosable pecuniary interest in respect of item 6 on the agenda as he is a Council appointed representative on the Board of Trustees at Crofton Community Association.

Councillor Mrs K K Trott declared a non-pecuniary interest in respect of item 6 on the agenda as she is a Council appointed representative at Wallington Community Association.

## **5. DEPUTATIONS**

There were no deputations made at this meeting.

## **6. STATUTORY REVIEW OF PARLIAMENTARY POLLING DISTRICTS AND POLLING PLACES**

Councillor Mrs S Walker declared disclosable pecuniary interests in respect of this item as she is a Council appointed representative on the Board of Trustees of Portchester Community Centre, Portchester Parish Hall and Burrige Community Centre.

Councillor M J Ford, JP declared a disclosable pecuniary interest in respect of this item as he is a Council appointed representative on the Board of Trustees at Victory Hall in Warsash.

Councillor Mrs S M Bayford declared a non-pecuniary interest in respect of this item as she is a Council appointed representative at the Lockwood Community and Sports Association.

Councillor Mrs P Hayre declared a disclosable pecuniary interest in respect of this item as she is a Council appointed deputy representative on the Board of Trustees at Crofton Community Association.

Councillor S Dugan declared a disclosable pecuniary interest in respect of this item as he is a Council appointed representative on the Board of Trustees at Crofton Community Association.

Councillor Mrs K K Trott declared a non-pecuniary interest in respect of this item as she is a Council appointed representative at Wallington Community Association.

The Committee received a report by the Assistant Director (Democracy) which updated members on the Statutory Review of Parliamentary Polling Districts and Polling Places.

As there was no discussion nor debate about the use of specific community centres as polling stations listed above, all councillors remained in the room and took part in the decision.

RESOLVED that the Licensing and Regulatory Affairs Committee:

- (a) agrees the statutory notice, as set out in Appendix A to the report, and the timeline for the statutory review;
- (b) considered the proposed scheme of polling places, as set out in Appendix B to the report; and

- (c) delegates authority to the Assistant Director (Democracy), following consultation with the Chairman of the Licensing and Regulatory Affairs Committee and the Returning Officer, to make any minor amendments to the proposed timeline in order to meet the statutory review in the event of the UK Parliamentary General Election being called before the review is completed.

## **7. FAREHAM & GOSPORT ENVIRONMENTAL HEALTH PARTNERSHIP UPDATE**

The Committee received a presentation by the Head of Environmental Health which provided members with an update on the Fareham and Gosport Environmental Health Partnership. A copy of the slides is attached to these minutes as Appendix A.

In discussing this item it was noted that significant cost savings have been made for both Councils since the Partnership was established in 2012. However, the Head of Environmental Health advised that going forward, the ongoing pressure to deliver further cuts in expenditure will be much more difficult to achieve. There has been a recent resignation in the Food Safety team which will present challenges for the team if difficulties are encountered in recruiting a replacement.

The Committee noted the evident, and ongoing success, of the Partnership and enquired whether, in the light of the new administration at Gosport Borough Council and the recent dissolution of the Havant Borough Council and East Hampshire District Council Partnership, Gosport Borough Council is still committed to the continuation of the Partnership. The Head of Environmental Health advised the Committee that the new administration at Gosport is indeed committed to the Partnership and has recently resolved that it should continue. The Head of Environmental Health highlighted that there would be significant operational and cost implications for both Councils if the Partnership were to be dissolved.

During discussion on the scope and capacity of the Partnership, the Committee raised concern that there has been recent news coverage that Environmental Health Departments are not fulfilling their statutory duties due to budget cuts and staffing shortages. The Head of Environmental Health reported that Fareham is one of the better performing councils in terms of the key area of Food Inspections. The backlog that was created due to the Covid-19 Pandemic has been cleared and the team is currently achieving over 90% of inspections completed.

RESOLVED that the Licensing and Regulatory Affairs Committee notes the content of the presentation.

## **8. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME**

The Committee received a report by the Head of Environmental Health which presented an opportunity for members to review the Work Programme for the current municipal year and to finalise a proposed draft Work Programme for 2024/25.



RESOLVED that the Licensing and Regulatory Affairs Committee:

- (a) notes the progress on actions arising from the meeting of the Committee held on 30 January 2024, attached as Appendix A to the report;
- (b) reviewed the Work Programme for the 2023/24 municipal year, attached as Appendix B to the report;
- (c) approves the proposed draft Work Programme for 2024/25, attached as Appendix C to the report; and
- (d) agrees to submit the proposed draft Work Programme for 2024/25 to Council for approval.

(The meeting started at 6.01 pm  
and ended at 6.53 pm).

..... Chairman

..... Date



# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

(to be confirmed at the next meeting)

**Date:** Thursday, 30 May 2024

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Pamela Bryant (Chairman)

**Councillors:** I Bastable and S Ingram



**1. LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE AT FAREHAM LIVE, OSBORN ROAD, FAREHAM PO16 7DB**

Persons in attendance:

Ewan McGregor, Legal Representative for Trafalgar UK Theatres  
Gavin Shoeman, Proposed Designated Premises Supervisor  
Emily O'Dell, Project and Entertainment Manager for Trafalgar Theatres

The Panel had before it a report by the Licensing Officer and supplementary information provided by Interested Parties in respect of an application for premises licence – Fareham Live, Osborn Road, Fareham PO16 7DB.

The report contained the procedure for the hearing and advised members of the Panel of the representations made by Interested Parties. The report and supplementary information were made available in advance of the meeting to Panel Members, the Applicant and all Interested Parties that had made representations.

At the commencement of the hearing, and at the request of the chairman, the Council's Legal Advisor reminded the Panel that presumption under the Licensing Act 2003 is to grant the licence unless the Panel is of the view that objections cannot be met by conditions attached to the licence.

The application was heard in accordance with the Council's agreed procedure for hearings by the Licensing Panel as detailed at Appendix A to the report.

A variation to the application was put forward by the applicant so that the off-sales element of alcohol was withdrawn and the requested hours for Late Night Refreshment amended to the following:

Monday to Thursday - 23:00 to 00:30  
Friday & Saturday – 23:00 to 01:30  
Sunday – 23:00 to 00:00

Following the discussions, the Panel Members withdrew from the meeting to make their deliberations.

On completion of their deliberations, the Panel returned to the hearing, whereupon the Chairman announced the Panel's decision to grant the licence.

RESOLVED that, subject to the amendment outlined above, the application for premises licence be granted.

## DECISION NOTICE

### 30 May 2024 – Licensing Panel Decision

#### Application for a Premises Licence – Trafalgar UK Theatres Fareham Ltd

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

The Panel has considered very carefully the application for a premises licence at Fareham Live Osborne Road Fareham PO16 7DB.

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

The Panel noted that representations objecting to the application had been made by several local residents. No responsible authority had made representations.

The Application was amended so that the application for off-sales of alcohol was withdrawn and the requested hours for Late Night Refreshment were amended to the following:

Mon – Thur 23:00 to 00:30

Fri & Sat 23:00 to 01:30

Sun – 23:00 to 00:00

The Panel has paid due regard to all representations and evidence both written and given orally today and attached due weight accordingly in light of all the circumstances.

Having heard all the evidence, the Panel has determined to grant the licence as amended as set out above.

### REASONS

The Panel noted that the Application was similar to the existing Licence and there had been no representations from any of the responsible authorities. Legal advice was received that the application should be granted unless the objections could not be met by conditions on the licence. The Panel also received advice that speculation as to what might happen could not be considered. Whilst fears of objectors may be real they are still only fears and not evidence and any decision can only be based on evidence in the papers or heard today.

Concerns were raised regarding the potential for crime and disorder arising from the premises and public nuisance by way of noise and litter. Whilst this was speculative the Panel accepted the representation that the nature of the premises and its use was unlikely to attract a clientele that would engage in anti-social behaviour. The Panel noted that no responsible authority had raised objection, and the Panel is therefore bound to infer that the responsible authorities are satisfied with the application. The Statutory Guidance tells the Panel that the Responsible Authorities are deemed to be experts in their respective fields and the Panel gave great weight to this. In this case

Environmental Health has not raised any issues regarding noise and the police have raised no objections around anti-social behaviour.

Objections were raised as to the total hours for alcohol sales with a suggestion that ad hoc events could be dealt with by Temporary Event Notices. The Panel accepted the Applicant's submission that the time limits for Temporary Event Notices may be a barrier to some events and the flexibility of the requested hours was necessary.

The Objectors raised the fact that there had been issues with other premises in the past particularly the Sovereign Pub and Ferneham Hall. These were historical issues for different premises and different operators and had little or no relevance to this application.

Residents should take comfort from the strong powers on review set out in the Licensing Act 2003 and other measures under other legislation which exist to take enforcement action with regards to the premises licence where relevant. Reviews may be commenced by responsible authorities or residents. In this regard, should issues arise due to the premises not being run in the manner asserted by the Applicant during the hearing there are means of addressing this in future.

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

(The meeting started at 10.07 am  
and ended at 1.05 pm).

..... Chairman

..... Date

# FAREHAM

## BOROUGH COUNCIL

### **Presentation to The Licensing and Regulatory Affairs Committee**

**Date:** 10 June 2024

**Report of:** Head of Environmental Health

**Subject:** RESPONSIBILITIES OF THE LICENSING & REGULATORY AFFAIRS  
COMMITTEE

#### **SUMMARY**

Officers will provide the Committee with a presentation outlining the service areas falling within the Licensing and Regulatory Affairs Committee. The presentation will outline the key recent achievements and future challenges for each of the service areas.

#### **RECOMMENDATION**

It is recommended that the Licensing and Regulatory Affairs Committee notes the contents of the presentation.





# FAREHAM

## BOROUGH COUNCIL

### **Report to Licensing and Regulatory Affairs Committee**

**Date**                **10 June 2024**

**Report of:**        **Head of Environmental Health**

**Subject:**           **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK  
PROGRAMME**

#### **SUMMARY**

At the Committee meeting on 12 March 2024, members agreed a draft Work Programme for 2024/25 which was submitted to Council for approval. The draft Work Programme was duly approved at the meeting of the Council held on 09 April 2024.

Members are now invited to carry out a further review of the Committee's Work Programme for the 2024/25 Municipal Year.

#### **RECOMMENDATION**

It is recommended that the Licensing and Regulatory Affairs Committee:-

- (a) notes the progress on actions arising from the meeting of the Committee held on 12 March 2024, attached as Appendix A to this report; and
- (b) agrees the updated Work Programme for the 2024/25 municipal year as attached at Appendix B to this report.

## **INTRODUCTION**

1. At the meeting of the Committee on 12 March 2024, members agreed a draft Work Programme for 2024/25 which was submitted to Council for approval. The draft Work Programme was duly approved at the meeting of the Council held on 09 April 2024.

## **MONITORING**

2. The progress on actions since the last meeting of the Committee is attached as Appendix A to this report for information.

## **WORK PROGRAMME 2024/25**

3. The Committee's Work Programme for 2024/25 is attached as Appendix B to this report for consideration.
4. Members are now invited to consider and agree any further additions to the Work Programme for 2024/25.

## **RISK ASSESSMENT**

5. There are no significant risk considerations in relation to this report.

## **CONCLUSION**

6. To summarise, Members are now invited to note the progress on matters considered by the Committee at its last meeting, as shown in Appendix A to this report and agree the Licensing and Regulatory Affairs Committee Work Programme for 2024/25, as set out at Appendix B.

## **APPENDICES:**

**APPENDIX A** – Progress on Actions since the last meeting.

**APPENDIX B** – Current Work Programme 2024/25

**Background Papers:** None

**Reference Papers:** None

**Enquiries:** For further information on this report please contact Ian Rickman. (01329 824773)

LICENSING AND REGULATORY AFFAIRS COMMITTEE

PROGRESS ON ACTIONS FROM LAST MEETING – 12 March 2024

<b>Subject</b>	<b>Statutory Review of Parliamentary Polling Districts and Polling Places</b>
<b>Type of Item</b>	Report
<b>Action by Committee</b>	<p>The Committee received a report by the Assistant Director (Democracy) which updated members on the statutory review of Parliamentary Polling Districts and Polling Places.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee:</p> <ul style="list-style-type: none"> <li>(a) agrees the statutory notice, as set out in Appendix A to the report and the timeline for the statutory review;</li> <li>(b) considered the proposed scheme of polling places, as set out in Appendix B to the report; and</li> <li>(c) delegates authority to the Assistant Director (Democracy), following consultation with the Chairman of the Licensing and Regulatory Affairs Committee and the Returning Officer, to make any minor amendments to the proposed timeline in order to meet the statutory review in the event of the UK Parliamentary General Election being called before the review is completed.</li> </ul>
<b>Outcome</b>	Complete
<b>Link Officer</b>	Leigh Usher
<b>Subject</b>	<b>Update on Fareham &amp; Gosport Environmental Health Partnership</b>
<b>Type of Item</b>	Presentation
<b>Action by Committee</b>	<p>The Committee received a report by the Head of Environmental Health which provided members with an update on the Fareham and Gosport Environmental Health Partnership.</p> <p>In discussing this item it was noted that significant cost savings have been made for both Councils since the Partnership was established in 2012. However the Head of Environmental Health advised that going forward, the ongoing pressure to deliver</p>

	<p>further cuts in expenditure will be much more difficult to achieve. There has been a recent resignation in the Food Safety team which will present challenges for the team if difficulties are encountered in recruiting a replacement.</p> <p>The Committee noted the evident, and ongoing, success of the Partnership and enquired whether, in the light of the new administration at Gosport Borough Council and the recent dissolution of the Havant Borough Council and East Hampshire District Council Partnership, Gosport Borough Council is still committed to the continuation of the Partnership. The Head of Environmental Health advised the Committee that the new administration at Gosport is indeed committed to the Partnership and has recently resolved that it should continue. The Head of Environmental Health highlighted that there would be significant operational and cost implications for both Councils if the Partnership were to be dissolved.</p> <p>During discussion on the scope and capacity of the Partnership, the Committee raised concern that there has been recent news coverage that the Environmental Health Departments are not fulfilling their statutory duties due to budget cuts and staffing shortages. The Head of Environmental Health reported that Fareham is one of the better performing Councils in terms of the key area of Food Inspections. The backlog that was created due to the Covid-19 Pandemic has been cleared and the team is currently achieving 90% of inspections completed.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee notes the content of the presentation.</p>
<b>Outcome</b>	Complete
<b>Link Officer</b>	Ian Rickman
<b>Subject</b>	<b>FINAL REVIEW OF WORK PROGRAMME 2023/24 AND DRAFT WORK PROGRAMME 2024/25</b>
<b>Type of Item</b>	Report
<b>Action by Committee</b>	<p>The Committee considered a report by the Head of Environmental Health which provided a final review of the Committee's Work Programme for 2023/24 and the draft Work Programme for 2024/25.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee:</p> <p>(a) notes the progress on actions arising from the meeting of the Committee held on 30 January 2024, attached as Appendix A to the report;</p> <p>(b) reviewed the Work Programme for the 2023/24 Municipal year, attached as Appendix B to the report;</p>

	(c) approves the proposed draft Work Programme for 2024/25, attached as Appendix C to the report; and (d) agrees to submit the proposed draft Work Programme for 24/25 to Council for approval.
<b>Outcome</b>	Complete
<b>Link Officer</b>	Ian Rickman

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME  
2024/25**

<b><u>DATE</u></b>	<b><u>SUBJECT</u></b>	<b><u>TRAINING SESSION/ WORKSHOP</u></b>
<b>10 June 2024</b>	Presentation on the Role and Responsibilities of the Licensing & Regulatory Affairs Committee  Review of current Work Programme	
<b>01 July 2024</b>		Licensing Training
<b>22 July 2024</b>	Review of current Work Programme  Parliamentary Polling Districts & Polling Places: Consultation Responses and Proposals.	
<b>24 September 2024</b>	Review of current Work Programme	
<b>26 November 2024</b>	Review of current Work Programme	
<b>28 January 2025</b>	Actual Revenue Expenditure 2023/24  Spending Plans 2025/26  Fees and Charges 2025/26  Preliminary Review of current Work Programme and Draft Work Programme 2025/26	
<b>11 March 2025</b>	Update on Fareham & Gosport Environmental Health Partnership – Presentation  Final Review of current Work Programme and Draft Work Programme 2025/26	

**UNALLOCATED**

- Update on Police Licensing Matters