

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

(to be confirmed at the next meeting)

**Date:** Wednesday, 28 February 2024

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Pamela Bryant (Chairman)

**Councillors:** I Bastable and Mrs P Hayre



**1. LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE AT THE BOAT HOUSE CAFE, SWANWICK MARINA, SHORE ROAD, SWANWICK SO31 1ZL**

Persons in attendance:

Mr Richard Saville - Head of Estates at Premier Marinas

Mr Steven Moore – Head of Operations at Premier Marinas and Designated Premises Supervisor

Mr Oliver Weeks – Managing Director of Premier Marinas

The Panel had before it a report by the Licensing Officer and supplementary information provided by Interested Parties in respect of a premises licence at The Boat House Café, Swanwick Marina, Shore Road, Swanwick S031 1ZL.

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.

The application was heard in accordance with the Council's agreed procedure for hearings by the Licensing Panel and was considered as follows:

- (i) The Licensing Officer presented a summary of the application and of the representations received. It was clarified that the name of the premises is The Boat House Pop Up Café.
- (ii) The Chairman invited comments and points for clarification from the Applicant on the application, as submitted by the Licensing Officer. None were put forward.
- (iii) The Chairman invited comments and points for clarification from Members of the Panel on the application, as submitted by the Licensing Officer.
- (iv) The Applicant was invited to present their case and did so accordingly.
- (v) Members of the Panel were invited to ask questions of the Applicant and seek points for clarification.
- (vi) The Licensing Officer was invited to comment on points raised by the Panel Members and provided clarification accordingly.
- (vii) At the invitation of the Chairman, the Council's Legal Advisor addressed the meeting to give general advice in respect of the granting of a licence.
- (viii) The Applicant was invited to make a closing statement and did so accordingly.

The Panel then withdrew from the meeting to make their deliberations.

On completion of their deliberations, the Panel Members returned to the meeting, whereupon the Chairman announced the decision of the Panel as follows:

**28 February 2024 – Licensing Sub-Committee Decision  
Application for a Premises Licence – Premier Marinas, The Boat House  
Café, Swanwick Marina, Swanwick SO31 1ZL**

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

The Sub-Committee has considered very carefully the application for a premises licence at The Boat House Café, Swanwick Marina, Swanwick SO31 1ZL.

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 Sub-Committee noted that following discussions with the police the application was varied so that the hours now sought are :

Sale of alcohol every day between 07:30 and 23:00  
Recorded Music every day between 09:00 and 23:00  
Live Music every day between 12 Noon and 23:00

The Sub-Committee noted that representations objecting to the application had been made by a number of local residents. No responsible authority, including the police and environmental health, had made representations.

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

Having heard all the evidence, the Panel has determined to grant the licence with the revised hours as mentioned above.

**REASONS**

The objectors raised legitimate concerns around noise issues but many of these referred to the terminal hour of 1:00 am in the original application. None of the objectors attended the hearing. There was no representation from environmental health regarding noise issues. The Sub-Committee was reminded that the statutory guidance states that the responsible authorities are to be regarded as experts in their field.

The applicant stated that the premises is predominantly food led and the music, live and/or recorded will be of a background nature to accompany dining or an event. It will not be a nightclub and there will be no alcohol or music events. Additionally, there will be no flashing or disco lights at the premises.

The Sub-Committee was reminded of the exemptions in relation to live and recorded music so that no licence is required for :

Unamplified live music between 08:00 and 23:00 on any premises

Amplified live music between 08:00 and 23:00 in a workplace not authorised to sell alcohol.

Both of these exemptions apply to these premises whether a licence is granted or not. The granting of a licence would allow recorded and amplified live music between 08:00 and 23:00 and therefore has little impact on the concerns raised.

The Sub-Committee was reminded that the legislation and guidance are clear that there is a presumption of grant of an application unless objections cannot be met by conditions. In this case the reduced hours take the music outside of the licensing regime.

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.

RESOLVED that the application for premises licence be granted.

(The meeting started at 10.05 am  
and ended at 11.25 am).

..... Chairman

..... Date