

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A variation to the application was put forward by the applicant so that the off-sales element of alcohol was withdrawn and the requested hours for Late Night Refreshment amended to the following: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