

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Thursday, 27 August 2020

Venue: Virtual Meeting via Teams

PRESENT:

Councillor Michael Ford, JP (Chairman)

Councillors: Mrs S M Bayford and Mrs P M Bryant



1. LICENSING ACT 2003 - APPLICATION FOR VARIATION OF PREMISES LICENCE - CAMS HILL SCHOOL, SHEARWATER AVENUE, FAREHAM PO16 7AZ

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

Representing the Applicant

Mrs Gwennan Harrison-Jones

Mr Chris Nunn

Interested Parties

Mr Russell Corrigan

Mr Allan Bell

The Panel had before it a report by the Licensing Officer regarding an application for a premises licence in respect of Cams Hill School, Shearwater Avenue, Fareham, PO16 8AH. The report contained the procedure for the hearing and advised Members of the Panel of the relevant representations received from various interested parties. The report was circulated in advance of the meeting to Panel Members, the Applicant and all Interested Parties who had made written representations.

The Panel considered the application in accordance with the procedure as follows:

- (i) The Chairman of the Licensing Panel outlined the procedure to be observed and invited Panel Members, Officers and Interested Parties to introduce themselves.
- (ii) The Chairman asked the Applicant whether any modification was to be made to the application or the operating schedule submitted. The Applicant confirmed that no modifications were to be made.
- (iii) The Licensing Officer presented a summary of the application and the representations received.
- (iv) The Applicant commented on the application and on the representations made by the interested parties concerned.
- (v) Members of the Panel were given the opportunity to ask questions and seek clarification on points raised by the Applicant.
- (vi) The Interested Parties were given the opportunity to make representations.
- (vii) Members were given the opportunity to ask questions and seek points of clarification from Interested Parties.

The Licensing Panel then withdrew from this meeting and joined a private meeting in which to deliberate in private on the application. All parties were

invited to return to the hearing when the Licensing Panel had completed its deliberations.

Having considered the representations made, the decision of the Panel was as follows:

RESOLVED that the premises licence be granted but:

(1) Varied to reduce the premises area to exclude the front lawn and front classroom as agreed by the applicant; and

(2) Subject to the following conditions:

- Refusals / ID Checks / Incident Book

The premises licence holder shall ensure that a refusals book / ID check / incident book or log is maintained by staff at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.

- ID Challenge 25

The premise licence holder shall ensure that a system is in place so that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation to confirm they are 18 or over. Acceptable identification shall be a passport, photo driving licence, PASS accredited photo ID or Military ID. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to for that person.

- Risk Assessment

The premises licence holder shall ensure that all public and private 'events or functions' are subject to a written Risk Assessment that shall include the date, times and nature of the event, the assessment of risk and the measures put in place to address any identified risks. All Risk Assessments shall be documented and retained for a minimum of 1 year and shall be made available for inspection by Police, and Council Officials upon request.

**DECISION OF THE LICENSING PANEL REGARDING THE
APPLICATION FOR A NEW PREMISES LICENCE AT CAMS HILL
SCHOOL SHEATERWATER AVENUE, PO16 8AH**

The Panel has considered very carefully the application for a new premises licence at Cams Hill School, Shearwater Avenue, PO6 8AH.

It has given due regard to the Licensing Act 2013, the Licencing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Crime and Disorder Act 1998, the Equality Act 2010 and Human rights legislation have been borne in mind whilst making the decision.

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

The Applicant (by the Head teacher and School Business Manager) clarified and confirmed that:-

- (1) The Application is for a new premises licence and reference to a variation in the text of the report is a slip.
- (2) The Application includes all of the school premises, buildings shown on the plans at Appendix C and outdoor areas as the licenced premises.
- (3) The hours sought for the supply of alcohol (Box J page 18 of the report) are 12 noon to 11pm each day seven days a week.
- (4) The hours that the premises are open to the public (Box L page 19 of the report) is amended to be the same hours, that is, 12 noon to 11pm each day, seven days a week.

The Applicant further clarified in his presentation to the panel and in answer to questions asked by Panel members and the other parties that:-

- (5) The school Business manager is able to train other members of staff with regards to alcohol sales.
- (6) The school does not anticipate any events where Alcohol sales will take place in the short term due to the Covid 19 situation, and if the situation changes it will ensure all appropriate risk assessments and compliance with the applicable legislation and Government Guidance are carried out for any event.
- (7) The school is a Community school and a people centred school, it does not wish to cause any issues to its neighbours Its key priority is the education of young people and this is a side activity. Activities are not daily and unlikely to be weekly. Currently there are three event in the year where alcohol sales are anticipated. The school has good conditions with the police and confirms it is happy for these to be included on any licence granted.
- (8) The school confirmed it agreed to vary the area included in the application to exclude the front lawn and classroom at the front of the school and the Application plan could be amended accordingly, in response to a representation made.
- (9) The school in seeking the licence for alcohol sales for the majority of the school site, was looking for flexibility.
- (10) The school described the steps it takes to increase parking spaces for events and reiterated it does not wish to cause any nuisance to the residents.

The Panel very carefully considered all the concerns expressed by the three representations which in summary were of:-

- Potential public nuisance by noise, and loss of privacy from overlooking;
- Of Crime and Disorder including damage to residents' property and risks to their safety arising from alcohol sales,

- Of issues with Public Safety re alcohol and driving;
- Of concerns to Public Safety re inadequate parking and insufficient lighting at the premises, and issues concerning public safety re Covid-19;
- Public Nuisance likely to be caused to neighbours from noise and disruption by the extended hours sought for supply of alcohol, and
- Protection of Children from harm, citing the risk from traffic in the car park, where drivers may be impaired by drinking, and poorly trained staff supplying alcohol, and the risks from Covid 19 and c for change in focus for the school.

The Panel considered the relevance of some of the matters raised and that they were outside the scope of the licencing hearing, and the responses provided by the Applicant's representatives to the concerns that were raised by residents.

It noted that none of the Responsible Authorities consulted, which include Hampshire Constabulary, Trading Standards, Hampshire Public Health, Child Protection Services and Fareham Borough Council Health and Safety had made any representation to the Application.

In consideration of all of the above, the Panel has determined to

Grant the application, but

- (1) **varied** to reduce the premises area to exclude the front lawn and front classroom as agreed by the Applicant, and
- (2) **subject to the following conditions** (in addition to the mandatory conditions)

Refusals / ID checks / incident book

The premises licence holder shall ensure that a refusals book / ID check / incident book or log is maintained by staff at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.

ID – challenge 25

The premises licence holder shall ensure that a system is in place so that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation to confirm they are 18 or over. Acceptable identification shall be a passport, photo driving licence, PASS accredited photo ID or Military ID. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

Risk Assessment

The premises licence holder shall ensure that all public and private 'events or functions' are subject to a written Risk Assessment that shall include the date, times and nature of the event, the assessment of risk and the measures put in place to address any identified risks. All Risk Assessments shall be documented and retained for a minimum of 1 year and shall be made available for inspection by Police and Council officials upon request.

Reason These three conditions were agreed by the Applicant with the Police, and the Applicant has confirmed agreement at the hearing.

Reason for decision

Weighing up all the evidence, the Panel concluded that the Licensing Objective can be met by the reduction of the licensed area, and the imposition of the above conditions, and it would not be proportionate to refuse the application.

The objecting parties, can be reassured that there is a power to instigate a review in the event that the licensable activities at the premises do lead to issues undermining the licensing objectives.

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

(The meeting started at 10.30 am
and ended at 1.13 pm).