

# FAREHAM

## BOROUGH COUNCIL

### Minutes of the Licensing Panel

**(to be confirmed at the next meeting)**

**Date:** Tuesday, 24 August 2021

**Venue:** Council Chamber - Civic Offices

**PRESENT:**

Councillor Michael Ford, JP (Chairman)

**Councillors:** Mrs P M Bryant and Mrs S M Walker



**1. LICENSING ACT 2003 - APPLICATION FOR VARIATION OF PREMISES  
LICENCE - THE HEATHFIELD ARMS PUBLIC HOUSE, 116 BLACKBROOK  
ROAD, FAREHAM PO15 5BZ**

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

Mrs Denise Haines – The Applicant  
Ms Sharon Wilson – The Applicant's Representative  
Mr Alan Baker – Interested Party

The Panel had before it a report by the Licensing Officer regarding an application for variation of premises licence made by the Heathfield Arms Public House, 116 Blackbrook Road, Fareham PO15 5BZ. The report contained the procedure for the hearing and advised members of the Panel of the representations made by interested parties. The report was made available in advance of the meeting to Panel Members, the Applicant and the 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.
- (ii) The Applicant was invited to comment on the application.
- (iii) Members of the Panel were invited to ask questions and seek clarification on points raised by the Applicant.
- (iv) Interested Parties were invited to comment on the Application.
- (v) Members of the Panel were invited to ask questions and seek clarification on points raised by the Interested Party
- (vi) The Interested Party was invited to make a closing statement
- (vii) The Applicant was invited to make a closing statement

The Licensing Panel then withdrew from the meeting to consider the application in private. On completion of their deliberations, the Panel returned to the meeting, whereupon the Chairman announced the decision of the Panel as follows:

**DECISION OF THE LICENSING PANEL REGARDING THE APPLICATION  
FOR VARIATION OF PREMISES LICENCE AT THE HEATHFIELD ARMS,  
116 BLACKBROOK ROAD, FAREHAM, PO15 5BZ**

All parties shall receive written notification of the decision and reasons.  
The Panel has considered very carefully the application for variation of a premises licence at the Heathfield Arms Public House.

The Panel has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation has been borne in mind whilst making the decision. 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.

It was noted that no representation had been received from any responsible authority and that residents' representations generally related to the potential for an increase in public nuisance.

The Panel noted the concessions made by the Applicant regarding outdoor live music which were made in consideration of the objections received.

Having heard all the evidence, the Panel has determined to grant the application subject to those concessions and an amendment to condition 25 as set out below.

This means that the premises may play live and recorded, amplified and unamplified music indoors between the hours of 10-00 a.m. and 11-00 p.m. every day. Recorded amplified and unamplified music can be played outdoors between 10-00 a.m. and 11-00 p.m every day. Live amplified or unamplified music can only be played once a calendar month and only between 10-00 a.m. and 8-00 p.m.

Condition 12 will be removed so that music and speech can be relayed by external speakers. Condition 25 will be retained but amended so that it reads: "*All external windows and doors will be closed by 22:30 except for access and egress when live music is being played.*"

### REASONS

The Panel was presented with concerns from several residents relating to the potential for nuisance from the proposed licensable activities. Additionally, those residents were able to provide evidence of nuisance from an event which occurred on 3<sup>rd</sup> July.

The Applicant had responded to these concerns by making the concessions contained in the decision above. 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 Applicant indicated that she was more able to control the volume of recorded music than live music and this is why concessions were made in that regard. The Panel did have a concern regarding the use of outdoor televisions for sporting events but did not intervene on the basis that any noise issues created could be reported to Environmental Health and/or form the basis of a review application.

The Panel therefore concluded that the concerns raised by the residents could be met by the decision made incorporating the concessions of the Applicant. As referenced above the 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 a manner asserted by the Applicant during the hearing there are means of addressing this in future.

The Panel noted evidence given regarding the possibility of using noise limiters and that the Applicant wished to work with the residents. With that in mind the Panel recommends that the Applicant considers the use of an appropriate noise limiter and meets regularly with neighbours to foster good relations and avoid issues arising. This might include advanced notice of forthcoming live events.

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 10.04 am  
and ended at 11.55 am).