

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 28 September 2021

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor Michael Ford, JP (Chairman)

Councillors: Ms S Pankhurst and Mrs S M Walker



1. LICENSING ACT 2003 - APPLICATION FOR NEW PREMISES LICENCE AT COLDEAST MANSION, COLDEAST DRIVE, SARISBURY GREEN, SO31 7PT

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

Mr Jason Parker – Applicant and Director of Graphite Property Management
Mr Daniel Byrne – Director of Graphite Property Management
Kelly Bedford – Interested Party
Paul Friedrich – Interested Party

The Panel had before it a report by the Licensing Officer and supplementary information provided by the Applicant and Interested Parties regarding an application for premises licence made by Graphite Property Management in respect of Coldeast Mansion, Coldeast Drive, Sarisbury Green, Southampton SO31 7PT. 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. A further supplementary document was tabled at the meeting and is attached to these minutes as Appendix H.

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 Applicant confirmed that there was no proposed modification to the application.
- (ii) The Licensing Officer presented a summary of the application and of the representations received.
- (iii) The Applicant was invited to comment on the application.
- (iv) Members of the Panel were invited to ask questions and seek points for clarification on points raised by the Applicant.
- (v) Interested Parties were invited to ask questions and seek points for clarification raised by the Applicant.
- (vi) Interested Parties were invited in turn to make their representations relating to the licensing objectives and were questioned by members of the Panel and the Applicant accordingly.
- (vii) Interested Parties were invited in turn to make a closing statement
- (viii) 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 PREMISES LICENCE AT COLDEAST MANSION, COLDEAST DRIVE, SARISBURY GREEN, SOUTHAMPTON SO31 7PT

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

The Panel has considered very carefully the application for a premises licence at Coldeast Mansion.

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.

Having heard all the evidence, the Panel has determined to grant the licence as set out in the application. To clarify, this limits the playing of live and or recorded music outside to 11-00 p.m every day. The sale of alcohol will be confined to inside only after 11-00 p.m. every day.

REASONS

The Panel was presented with concerns from several residents relating to the potential for nuisance from the proposed licensable activities.

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 Responsible Authorities are deemed to be experts in the respective fields.

The Panel 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. Additionally, the Panel was reminded that they can only consider factual evidence brought before it and should not consider speculation.

The objections raised were all speculative as to what might occur if the licence was granted. Whilst the panel understands the concerns of residents its hands are tied by the legislation which precludes the consideration of speculation.

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 the manner asserted by the Applicant during the hearing there are means of addressing this in future.

The Panel noted that the Applicant was keen to foster good relations with neighbours. To that end Mr Byrne had offered his address and telephone number for complaints indicating that he lived a mere 10 minutes away.

With that in mind the Panel recommends that the Applicant considers meeting regularly with neighbours to maintain good relations and avoid issues arising.

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 10.10 am
and ended at 12.35 pm).