

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Tuesday, 9 November 2021

Venue: Microsoft Teams Virtual Meeting

PRESENT:

Councillor Michael Ford, JP (Chairman)

Councillors: I Bastable and Mrs S M Walker



1. LICENSING ACT 2003 - APPLICATION FOR NEW PREMISES LICENCE AT EDWARDS COFFEE LOUNGE, 177 WEST STREET, FAREHAM PO16 0EG

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

Mrs Lisa Edwards – Applicant
Mrs Julie Tyrell – Applicant’s colleague

The Panel had before it a report by the Licensing Officer and supplementary information provided by the Applicant and an Interested Party regarding an application for premises licence made by Mrs Lisa Edwards in respect of Edwards Coffee Lounge, 177 West Street, Fareham PO16 0EG.

The report contained the procedure for the hearing and advised members of the Panel of the representation made by the Interested Party. The report and supplementary information were made available in advance of the meeting to Panel Members, the Applicant and the Interested Party that had made a representation.

The application was heard by the Licensing Panel in accordance with the Council’s agreed Procedure for Hearings and was considered as follows:

- (i) The Applicant confirmed that there was no proposed modification to the application.
- (ii) The Licensing Officer presented the application and the representation 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) 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 members 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 PO16 0EG

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

The Panel has considered very carefully the application for a premises licence at Edwards Coffee Lounge.

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 the one representation from a local resident 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.

REASONS

The Panel was presented with concerns from one resident 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 objection raised was 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.

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 10.08 am
and ended at 11.07 am).