

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 1 September 2023

Present

Keast (Chairman), Milne and Mrs Shimbart

15 Apologies for absence

There were no apologies received from members for this meeting.

16 Declarations of Interest

There were no declarations of interests received from members relating to matters on the agenda.

17 Licensing Act 2003, Application to Vary a Premises Licence: Golden Lion, 54 Bedhampton Road, Havant, PO9 3EY

The Sub-Committee considered an application for a variation of premises Licence in respect of: The Golden Lion Pub, 54 Bedhampton Road, Bedhampton, Havant, PO9 3EY.

The Licensing & Animal Welfare Team Leader presented her report to the Sub-Committee and gave an outline of the application and representations received.

Environmental protection outlined their concerns regarding the application raising previous reports of noise, and the potential for that to continue.

In response to questions from Councillors, the applicant made the following points to support their application:

- a) Live music is only played outside on a Sunday from 3pm -6pm.
- b) The beer garden shuts at 10.30pm, the applicant is aware of the surrounding area and doesn't want to raise concerns with local residents.
- c) If further noise complaints are received the applicant is content to review the arrangements in place.

All parties responded to members questions and were given an opportunity to ask questions of each other.

The Sub Committee adjourned at 10:42 to consider the application.

DECISION OF THE MEETING HELD 1 SEPTEMBER 2023

APPLICATION FOR A PREMISES LICENCE VARIATION THE GOLDEN LION 54 BEDHAMPTON RD. BEDHAMPTON HAVANT PO9 3EY

This hearing was held in person and was recorded for the press and public to view via the Council's website.

The Sub-Committee has considered very carefully the application as submitted. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

The Sub-Committee noted and took into account that Environmental Health as a Responsible Authority had made a representation. No other Responsible Authority had made representations to the Sub-Committee Hearing. The Sub-Committee also took into account the representation made by a local resident.

It was made clear to the Sub-Committee at the outset of the meeting that the application to vary the hours to an earlier opening hour on Sundays had been withdrawn. Therefore, only the amendment to the plan to amend the layout of the licensable area remained for consideration.

Whilst the Sub-Committee had concerns about the impact of noise and the complaints made in that regard the evidence was that this related to noise emanating from outside the premises. The application was to amend the layout of the licensable area inside the premises with no impact on the outside area.

The Sub-Committee was satisfied that there was no Public Safety issue raised by a reduction in size of the car park as the evidence was that only 3 spaces had been lost.

Considering all the above the Sub-Committee agreed to grant the licence variation to extend the licensable area as set out on the plan attached to the application. For clarity, no change has been made to the licensing hours which remain as set out in the original licence.

Reasons:

The Sub-Committee heard from Mr Domleo (Agent) and Mr Sines (the Landlord) for the applicant and David Fitzgerald (Environmental Health Manager) for Environmental Health.

The Sub-Committee has listened to the concerns relating to noise and does have concerns about this. However, as was explained at the hearing the noise

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complained of is outside the licensable area and does not amount to a licensable activity. The concerns are being actively investigated by Environmental Health which has its own powers to call on if necessary. The Sub-Committee would hope that these investigations continue so that a satisfactory solution can be found for all parties.

The application is to amend the layout of the licensable area inside the premises and there was no evidence that the inside of the premises was causing any noise issues.

During the hearing it was accepted by Mr Domleo that Environmental Health as a Responsible Authority should be regarded as expert with regard to noise. The Sub-Committee received legal advice that the legislation had a presumption of grant so that they can only refuse the application if concerns raised cannot be met by conditions. In this case the Sub-Committee decided that the application could be granted without the need for any additional conditions.

Residents should be assured that if concerns relating to the licensing objectives do materialise and cannot be resolved through dialogue they have the right to seek a review of the licence which would be heard by the Sub-Committee.

There is a right of appeal for any party to the Magistrates' Court within 21 days of the decision.

The meeting commenced at 10.00 am and concluded at 10.42 am