



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Committee Room 1, East Pallant House on Thursday 17 August 2023 at 2.00 pm

Members Present: Mr I Ballantyne, Mr T O'Kelly and Mr H Potter

Members not present:

In attendance by invitation:

Officers present all items: Mr Laurence Foord (Senior Licensing Officer) Mr N Bennett
(Divisional Manager for Democratic Services)

9 **To elect a Chairman for this Hearing**

RESOLVED:

That Cllr Ballantyne was duly elected as Chairman of the Sub Committee.

10 **Declarations of Interests**

There were no declarations of interest.

11 **Licensing Hearings**

The Chairman opened the Hearing.

The Chairman invited Mr Foord to make his introduction.

Licensing Manager's Introduction

Mr Foord explained that the reconvened Alcohol & Licensing Sub-Committee was being held to determine an application for a Premises Licence under the Licensing Act 2003 submitted to this Licensing Authority by The Secret Boardroom Ltd of The Secret Boardroom, 2 Petersfield Road, Midhurst, West Sussex. Mr Foord clarified that the application relates to the same address of the applicant at 2 Petersfield Road, Midhurst, West Sussex and follows the originally adjourned meeting held on 24 July 2023. At the first hearing Mr David Knowles-Ley, Licensing Manager introduced the application as it was framed at that time. Mr Foord went on to state that proceedings were halted because on the day a sound insulation assessment undertaken by Venta acoustics instructed by the applicant was presented and as a

result there was insufficient time for it to be considered by the Environmental Protection Team in their role as a Responsible Authority.

Mr Foord stated that since the first hearing in July he has been aware of significant mediation between the applicant Ms Shakilla Mahabir and the Environmental Protection Team. This has resulted in several changes to the original application. Mr Foord stated that live and recorded music were deregulated and removed from consideration. Additionally, Mr Foord clarified that late night refreshments were no longer applicable.

Mr Nicholas Bennet, Monitoring Officer clarified that the Environmental Protection Team were still relevant authority and that their views on the license as a whole remain a key part of the authority's evidence.

The Environmental Protection team outlined their representation and also explained that they would no longer object on the proviso of the revised application that has been made and the suggested conditions if they were to go onto the licence. They stated that they had received the noise report from Venta Acoustics. They produced a considered summary for the applicant in which they state that the Venta Acoustics report found that the separating structure between the commercial premises below and the flats above were poor. However, the report did conclude that the structure could support music of mid 50 decibels before 11 pm.

The Chairman invited the Licensing Manager to make his summary.

Mr Foord stated that the Licensing Act 2003 and accompanying regulations require the council as local licensing authority carry out its functions with a view to promoting the four licensing objectives which are:

1. The preventions of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

Mr Foord stated that in reaching their determination the Sub Committee must have regard to recently revised guidance from the Home Office in December 2022. Mr Foord highlighted the Chichester DC Statement of Licensing Policy. He explained that it set out the general approach taken by the Licensing Authority when considering licences under the Licensing Act. He reminded the Sub-Committee that each application must be considered on its own merit.

He clarified that the Licensing function should not be seen as the way to control Anti-Social Behaviour once beyond the direct control of licensed premises, as there were other mechanisms outside the licensing regime which would address such issues. However, the Licensing Authority expected every holder of a licence to take responsibility to minimise the impact of anti-social behaviour from their customers or patrons within the vicinity of their premises and reflect the measures to do this within their Operating Schedule.

The Chairman informed the Hearing that the Sub-Committee would retire for deliberations.

RESOLVED:

The Sub-Committee made the following determination;

The Sub-Committee resolved the application and granted it after a hearing subject to the below.

The application is for a Premises Licence for the retail sale of alcohol on the premises and indoors every day from 11:00am to 00:30pm by The Secret Boardroom 2 Petersfield Road Midhurst West Sussex. This Sub-Committee considered all documentation available in the Pack, such as the application, the conditions as suggested by the Responsible Authority: Sussex Police and all the representations made within the statutory deadlines.

The Sub-Committee, in reaching its decision has considered all the facts of the case and taken into consideration the following:

The four Licensing Objectives which are:

1. The prevention of crime and disorder;
2. Public safety;
3. The Prevention of public nuisance; and
4. The protection of children from harm.

It also gave due regard to the Home Office Guidance of December 2022, this Council's Statement of Licensing Policy 2022-2027, Human Rights Act and Equality Act considerations.

The Sub-Committee decided to **GRANT** a Premises Licence for the retail sale of alcohol for consumption on the premises and indoors from 11:00am to 00:30pm every day. The licence will include the mandatory conditions as well as all those conditions as suggested by Sussex Police which are stated below. The Sub-Committee is mindful of the fact that, should issues arise which do not promote the four Licensing Objectives, this licence may be reviewed at any time, subject to reliable and credible evidence being submitted.

Conditions as agreed between the applicant and Sussex Police:

Provision and maintenance of closed-circuit television system (CCTV);

Control of customers whilst smoking or otherwise congregating outside the front of the premises beyond the licensed area;

Provision and maintenance of an incident log;

Active member of any Pubwatch Scheme or similar group where these

operates in the area;

Provision of Security Industry Authority (SIA) staff when identified by a risk assessment of requested by Sussex Police;

Operation of a 'Challenge 25' policy at the premises to protect against children buying alcohol including signage at the premises;

Training of all individuals who would be involved in selling alcohol; and Requirement for children to be accompanied by a responsible adult at all times along with children not being permitted on the premises after 21:00

12 Consideration of any late items as follows:

There were no late items to consider.

The meeting ended at 3.07 pm

CHAIRMAN

Date: