

Licensing Authority, Chichester District Council, East Pallant House,
1 East Pallant, Chichester, West Sussex, PO19 1TY

Alcohol and Entertainment Licensing Sub-Committee

Date & Time: Monday 11th September 2023 at 2.30pm

Venue: Committee Rooms, Chichester District Council, East Pallant House, 1 East Pallant,
Chichester, West Sussex, PO19 1TY

**Application for VARIATION of a PREMISES LICENCE
(Application Number – 23/00909/LAPRE1)**

Little Monster Tap
23 The Hornet
Chichester
West Sussex
PO19 7JL

1. RECOMMENDATIONS

- 1.1 That the Sub-Committee consider and determine an application made by Little Monster Brewing Company Limited for a Premises Licence variation.**
- 1.2 If the determination is to grant a varied Premises Licence, to give consideration as to whether it is appropriate to attach conditions to ensure the statutory licensing objectives are promoted.**
- 1.3 The Sub-Committee is to give reasons for its decision.**

2. REASONS FOR HEARING

- 2.1 The application to vary the existing Premises Licence submitted by Little Monster Brewing Company Limited of Metherell Gard, Burn View, Bude, Cornwall, EX23 8BX (Company Number 11228185) has attracted 32 relevant representations. Of the representations, 21 are in support and 11 in opposition to the application. No representations were received from any of the designated Responsible Authorities under the Licensing Act 2003. All the representations were made by members of the public.

3. BACKGROUND

Included in this report are the following attachments:

- 3.1 Copy of the Alcohol and Entertainment Licensing Sub-Committee – Protocol.
- 3.2 Plans depicting the application site and local area in relation to the representations received by the Licensing Authority (**Attachment A**).

- 3.3 Copy of the complete Premises Licence variation application (**Attachment B**).
- 3.4 Copy of all relevant representations (**Attachment C**).
- 3.5 Copy of the existing Premises Licence (and conditions) for Little Monster Tap. (Premises Licence number 3815/23/00770/LAPRED) (**Attachment D**).

4 SUMMARY OF THE PREMISES LICENCE APPLICATION

- 4.1 A copy of the application to vary the existing Premises Licence is reproduced in full at Attachment B.
- 4.2 Little Monster Brewing Company Limited submitted a valid application on 14 July 2023. As part of the application process, statutory public notices were displayed by the applicant at the premises during the representation period which ran between 14 July 2023 and 11 August 2023 inclusive. In addition, a copy of the statutory public notice was published in the Chichester Observer series on 20 July 2023.
- 4.3 Below are extracts taken from the application form in which the applicant provided a general description of the site and nature of the variation being sought:

*The current licence allows the sale of alcohol from 12.00 – 21.30 hours and we wish to extend this from 12.00 to 23.00 hours. **An additional 1.5 hours.***

*The current licence allows the opening of the premises from 12.00 to 22.00 hours, and we wish to extend this from 12.00 to 23.30 hours. **An additional 1.5 hours.***

We will only open until these times subject to planning.

The applicant has also identified a condition currently imposed on the licence which they believe could be removed as part of the variation application, this is Condition 7 of Annex 2) of the current Premises Licence which states:

“No tapped lagers, or spirits, will be sold for either on or off sales”.

In support of the application a new plan was also provided illustrating a rotation of the bar (by 90 degrees) making it, in the applicants’ experience “*easier to view customers coming into and exiting the premises to better adhere to the four licensing objectives*”.

- 4.4 The variation application therefore seeks to extend the existing hours the premises is authorised to undertake the supply of alcohol by 1.5 hours with the terminal hour being 23.00 hours rather than the current 21.30 hours.
- 4.5 Naturally the hours the premises would be open to the public would also need to be extended if the application is successful. The current terminal opening hour is 22.00 hours and thus would be extended to 23.30 hours incorporating an additional 1.5 hours.
- 4.6 The table below sets out the existing opening hours and activities on the current Premises Licence compared to what is being applied for.

Licensable Activity	Current hours on existing Premises Licence	Proposed hours as part of variation application
Supply of Alcohol <i>(Consumption indoors & on the premises only)</i>	Everyday 12:00 to 21.30	Everyday 12:00 to 23.00
Hours premises are open to the public	Everyday 12:00 to 22.00	Everyday 12.00 to 23.30

4.7 Due to statutory deregulation that has come into effect since the Licensing Act 2003 was introduced in 2005, it is important to be aware that with respect specifically to live music and recorded music, these activities are not actually licensable if all of the following criteria is met:

- The live or recorded music takes place between 08:00 and 23:00.
- It takes place at an alcohol on-licensed premises; and
- The audience is no more than 500 people.

4.8 Given the capacity of the licensed premises is under 500 and it already has an alcohol on-license should live or recorded music take place at the premises between 08.00 and 23.00 these would not be licensable activities.

4.9 The applicant provided additional information in their Operating Schedule as to how they intend to take to promote all four of the licensing objectives should the variation be granted. This is shown within the application form at Attachment B.

5 THE PROCESS AND PROMOTION OF LICENSING OBJECTIVES

5.1 The legislation provides a clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. Each objective is of equal importance. The licensing objectives are:

- The prevention of crime and disorder,
- Public safety,
- The prevention of public nuisance, and
- The protection of children from harm.

5.2 In carrying out its licensing functions, the Licensing Authority must also have regard to its current Statement of Licensing Policy 2022-2027, statutory guidance published by the Home Office (August 2023) along with relevant matters raised in any representation(s).

6 RELEVANT REPRESENTATION(S)

- 6.1 A representation is “relevant” if it relates to the likely effect of the grant or variation of a licence on the promotion of at least one or more of the licensing objectives. Representations can be in opposition or support of an application. As stated at paragraph 2.1 above, this application attracted 32 relevant representations, 21 of which are in support and the remaining 11 in opposition. All relevant representations that subsist are reproduced in full at Attachment C.
- 6.2 It is for the Licensing Authority to determine whether a representation (other than a representation from a Responsible Authority of which there are none for this particular application) is frivolous or vexatious. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, or without reasonable cause or justification. However, it is recommended that, in borderline cases, the benefit of doubt about any aspect of a representation should be given to the person making the representation.
- 6.3 Amongst other things the supporting representations comment positively on the ambience of the premises and its welcoming nature, reflected in the clientele it attracts. There were supportive comments about the responsible management ethos at the venue. Comments are made based on customers and some neighbours own experiences, most notably the lack of evidence or incident at the premises that undermine any of the four licensing objectives and that extending the operating hours at the premises would not change this. Reference is also made to its city centre location, other licensed premises in the area and a shared desire to support small independent businesses that act as a community hub.
- 6.4 The representations in opposition refer to a number of matters, it is evident that the main areas of concern particularly relate to the likely effect on the promotion of the Public Nuisance and Prevention of Crime and Disorder objectives should the extension to hours be granted as a result of the variation application. Such matters raised include - encouragement of more drinking, concerns around increased noise, loud music, littering and urination. One representor suggests the application will have a *“wholly detrimental impact on the lives of people living nearby”* with another stating the application site is *“unsuitable for extended use being in the middle of a residential area”*.

7 CONSIDERATIONS

- 7.1 In reaching its determination, the Sub-Committee must take into consideration the promotion of the four statutory licensing objectives, the Council’s Statement of Licensing Policy, the current Home Office Guidance along with written and/or oral evidence during the hearing.
- 7.2 It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application. The licensing objectives are the only grounds on which representations can be made, and the only grounds on which the Licensing Authority will be able to refuse an application or impose appropriate conditions in addition to mandatory conditions and those proposed by the applicant in their operating schedule.
- 7.3 Human Rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1

relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. These are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done: -

- Has its basis in law;
- Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim,
- Is proportionate to the aims being pursued; and,
- Is related to the prevention of crime or, the protection of public order or health or the protection of the rights and freedoms of others.

7.4 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

7.5 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.

7.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from Responsible Authorities and any other person(s).

7.7 The Sub-Committee are required to give reasons for their decision.

8. OPTIONS OPEN TO THE SUB-COMMITTEE

8.1 When considering this application, the following options are available to the Sub-Committee:

- (a) Grant the Premises Licence variation, as applied for;
- (b) Grant the Premises Licence variation as applied for along with any additional conditions considered appropriate to promote one or more of the licensing objectives on which relevant representations have been received.
- (c) Reject the whole or part of the Premises Licence variation application.

9 BACKGROUND PAPERS

- Licensing Act 2003 (as amended)
- Home Office Guidance issued under section 182 of the Licensing Act 2003 (August 2023)
- Chichester District Council's Statement of Licensing Policy 2022-2027

10 ATTACHMENTS

Attachment A: Plan depicting the application site and local area in relation to the representations received by the Licensing Authority.

Attachment B: Copy of the complete Premises Licence variation application.

Attachment C: Copy of all relevant representations.

Attachment D: Copy of Part A of the existing Premises Licence (3815/23/00770/LAPRED)

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