

# Public Document Pack

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A meeting of **Alcohol and Entertainment Licensing Sub-Committee** will be held virtually on **Thursday 5 August 2021 at 9.30 am**

MEMBERS: Mrs T Bangert, Mr A Moss and Mr A Sutton

## SUPPLEMENT TO AGENDA

### Part 1

This agenda supplement circulates the officer report which was unintentionally omitted from the agenda papers for the new premises licence application listed below.

3 **The Community Hall, Donegall Avenue, Chichester, PO19 1TY** (pages 1 to 6)

Officer Report

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

**Alcohol and Entertainment Licensing Sub-committee**

**Date & Time:** Thursday 5<sup>th</sup> August 2021 at 09:30

**Venue:** Online via 'Zoom' platform

**Application for a PREMISES LICENCE  
(Application Number – 21/00301/LAPRE)**

The Community Hall  
Donegall Avenue  
Chichester  
West Sussex  
PO19 6DF

**1. RECOMMENDATIONS**

- 1.1 That the sub-committee consider and determine an application made by Chichester Community Development Trust for a Premises Licence.**
- 1.2 If the determination is to grant a 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 Premises Licence application submitted by Chichester Community Development Trust of The Water Tower, Blomfield Drive, Chichester, West Sussex, PO19 6BZ (Charity Number 1140014) has been the subject of three relevant representations, all in opposition to the application. Of the representations received, two were from members of the public and one was received from Sussex Police in their statutory role as a Responsible Authority under the Licensing Act 2003.**

**3. BACKGROUND**

Included in this report are the following attachments:

- 3.1 Copy of the Alcohol and Entertainment Licensing Sub-Committee Protocol and Procedure.**
- 3.2 A plan 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 application (**Attachment B**).
- 3.4 Copy of all relevant representations (**Attachment C**).
- 3.5 Copy of mediation (**Attachment D**).

**4 SUMMARY OF THE PREMISES LICENCE APPLICATION**

- 4.1 A copy of the complete application is reproduced in full at Attachment B.
- 4.2 Chichester Community Development Trust submitted a valid application on 25<sup>th</sup> March 2021. As part of the application process, statutory public notices were displayed by the applicant at the application site during the representation period; this ran between 25<sup>th</sup> March 2021 and 22<sup>nd</sup> April 2021 inclusive. In addition, a copy of the statutory public notice was published in the Chichester Observer on 8<sup>th</sup> April 2021.
- 4.3 The applicant states the following within the application form which provides a general description of the site and intended use:

*‘The Community Hall is a venue for community events and bookings, managed by the Chichester CDT team. These events consist of exercise classes, birthday parties, small conferences, meetings and community meetings.’*

- 4.4 The application seeks a permanent Premises Licence, with the only licensable activity being authorised to take place at the premises being the retail sale of alcohol.
- 4.5 The table below states the standard days and timings that the original application sought for the retail sale of alcohol and opening hours. However, as a result of Mr Jones’ representation being received on 13<sup>th</sup> April 2021, the applicant determined to amend the original hours and the hours now being applied for are those stated in the final column:

Licensable activities	Hours proposed by the applicant within the initial application	Hours now proposed by the applicant as a result of mediation
Supply of Alcohol <i>(for consumption on the premises only)</i>	<b>Every Day 09:00 – 22:00</b>	<b>Every Day 09:00 – 21:30</b>
Hours premises are open to the public	<b>Every Day 09:00 – 22:00</b>	<b>Every Day 09:00 – 22:00</b>

- 4.6 The applicant has provided information within Box M of the application form as to the steps that they intend to take to promote all four of the licensing objectives; the application form is included at Attachment B. As a result of representations being submitted, the applicant also determined as part of the mediation to update section M and this is also shown at Attachment D.

4.7 As the retail sale of alcohol is being applied for as a licensable activity, then it is ordinarily the case that an individual is specified within the application as the proposed 'Designated Premises Supervisor' (the 'DPS'). However, as the premises subject of the application meets the definition of a 'community premises' and further is operated by a 'management committee', then the applicant is entitled to request that the 'management committee' collectively takes responsibility for the supervision and authorisation of all alcohol sales rather than a DPS. Form L70 at Attachment B confirms the applicant's request in this respect.

## **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 2020-2022, statutory guidance published by the Home Office (April 2018) 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 of a licence on the promotion of at least one or more of the licensing objectives. Representations can be in opposition and/or support of an application. As stated at paragraph 2.1 above, the application attracted three relevant representations, all of which are in opposition. All representations are reproduced in full at Attachment C.

6.2 As outlined at paragraph 2.1, representations were received from two members of the public along with Sussex Police.

6.3 Whilst the various representations make reference 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 Safety and Public Nuisance licensing objectives should the application be granted as originally applied.

## **7 MEDIATION**

7.1 Whilst Sussex Police determined to submit a representation in respect of the application, discussions have been held between the applicant and Sussex Police. The applicant subsequently agreed to a number of conditions proposed by Sussex Police, all of which are shown in full at **Attachment D**, and consequently they were prepared in principle to withdraw their representation.

7.2 However, since the conditions were agreed with Sussex Police, the applicant further offered additional mediation to the outstanding representors (shown in the email dated 25<sup>th</sup> May 2021 in **Attachment D**), this included specifically that:

- *No outside area is now being applied for/ alcohol will not be served on the terrace – all alcohol sales and consumption will take place indoors only.*
- *The applicant is applying for the retail sale of alcohol for consumption **on** the premises only.*
- *The license will not be extended to hirers of the Community Hall, but is solely for the use of CCDT at their own events held in the Hall, such as Fish & Chip quiz nights, Sunday lunch clubs and heritage talks, at which they may wish to serve alcohol.*

7.3 As a result of the additional mediation offered, the original conditions agreed with Sussex Police regarding third party hirers and off sales would no longer have been appropriate. Instead it is being proposed that a condition would need to be included prohibiting third parties from undertaking licensable activities at the premises and any Premises Licence granted would be for 'on' sales of alcohol only. All other conditions remain as originally agreed with Sussex Police. Sussex Police have confirmed their agreement to these proposed additional changes (this is included at **Attachment D**) and consequently in principle they continue to be prepared to withdraw their representation should it have been possible to grant a Premises Licence.

7.4 Following the email sent to all outstanding representors detailing the mediation the applicant had offered on 25<sup>th</sup> May 2021, Mr Kenneth Jones confirmed that he too in principle would be prepared to withdraw his representation.

7.5 The only outstanding representation at this time is therefore that submitted by Mr Graham Parr. Mr Parr has engaged with the mediation process and has been provided with all the mediation that has been offered by the applicant to date. However, at the time of compiling this report, Mr Parr's concerns remain unresolved although he is due to meet with representative(s) of the Chichester Community Development Trust on the 30<sup>th</sup> July 2021.

## **8 CONSIDERATION**

8.1 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.

8.2 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.

8.3 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.

8.4 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.

8.5 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.

8.6 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).

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

## **9. OPTIONS OPEN TO THE SUB-COMMITTEE**

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

- (a) Grant the Premises Licence as applied for;
- (b) Grant the Premises Licence 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) Grant the Premises Licence but exclude certain licensable activities from the licence or reduce the hours being sought during which the licensable activities may take place; or
- (d) Reject the whole or part of the Premises Licence application.

## **10 BACKGROUND PAPERS**

- Licensing Act 2003
- Home Office Guidance issued under section 182 of the Licensing Act 2003 (April 2018)
- Chichester District Council's Statement of Licensing Policy 2020-2022

11 **ATTACHMENTS**

**Attachment A:** 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 application.

**Attachment C:** Copy of all relevant representations.

**Attachment D:** Copy of all mediation.

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