



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Old Court Room - The Council House (Chichester City Council), North Street, Chichester on Thursday 11 July 2019 at 2.00 pm

Members Present: Mr A Sutton, Mr H Potter and Mrs S Taylor

Members not present:

In attendance by invitation:

Officers present all items: Mr N Bennett (Divisional Manager for Democratic Services), Mr L Foord (Divisional Manager for Promotion and Events), Miss S Hurr (Democratic Services Officer) and Mr D Knowles-Ley (Licensing Officer)

27 To elect a Chairman for this Hearing

It was proposed by Mr Potter and seconded by Mrs Taylor that Mr Sutton be elected as the Chairman for this meeting of the Alcohol and Entertainment Licensing Sub-Committee (AELSC).

Mr Sutton consented to act as Chairman and duly chaired the whole of the meeting.

28 Declarations of Interests

There were no declarations of interests made at this meeting.

29 Priory Park, Chichester, West Sussex, PO19 1BL

Preliminary Matters

Mr Sutton read out the emergency evacuation procedure for the benefit of the members of the public who were present.

Mr Sutton confirmed the address of the premises which were the subject of the hearing which would take place in respect to agenda item **3 as being Priory Park, Chichester, West Sussex, PO19 1BL.**

Mr Sutton confirmed with the Sub-Committee members that they had received and read the agenda papers for this meeting; namely the agenda.

Mr Sutton confirmed the entirety of the meeting would be held in public session (apart from when the AELSC retired to consider its decision) and therefore there

would be no requirement at any point to pass a resolution to exclude any press representatives or the public.

Mr Sutton formally opened the hearing and advised that Mr Bennett, Divisional Manager, Democratic Services would retire with the Sub-Committee, in the event of any legal advice being required, when they made their decision in respect of the application.

Divisional Manager's Introduction

Mr Foord, Divisional Manager, Communications, Licensing & Events outlined the details of the application submitted by Mr Henry Clark of 14 Langdon View, Wembury, Plymouth associated with a Premises Licence of limited duration for two days on Saturday 7th September 2019 and Sunday 8th September 2019 in a designated area of Priory Park, Chichester.

The basis on which this Sub-Committee has been convened is as a result of this Licensing Authority receiving 15 representations; 2 in support and 13 in opposition. The Licensing Authority sent additional information to all representors on behalf of the applicant. The intention was that this information may satisfy the concerns of all representors, however the various representations remain. The correspondence sent to all representors and subsequent responses are shown at pages 95-122 in the bundle.

If the Sub-Committee were minded to grant a Premises Licence the permission would be issued to Mr Henry Clark as an individual. Mr Clark would also be specified on the Licence as the Designated Premises Supervisor, being a Personal Licence holder with Plymouth City Council and having consented to undertake this role as shown at page 37 within the bundle.

Mr Foord clarified that if the decision was to grant a Premises Licence, it is understood that Mr Clark would not be required to seek planning permission for a change of use of the land under consideration. If there were to be any possible planning implications, these must, and would be dealt with separately to matters being considered under the Licensing Act 2003. This approach is supported by the current Home Office Statutory Guidance issued nationally to all Licensing Authorities.

A full copy of the original application had been reproduced within the bundle at pages 17 to 37, although for convenience the activities and hours applied for are summarised in the report at page 7.

The agenda papers had been provided and made available to all parties connected to the Hearing. The Licensing Team ensured the statutory Notice of Hearing under the Licensing Act 2003 (Hearings) (Amendment) Regulations was sent to the applicant and all persons who had made relevant representations. Following receipt of that Notice a party shall give to the Licensing Authority notice stating whether they propose to attend or be represented at the Hearing, and whether they consider a hearing to be unnecessary. In relation to this case, parties were required to give

notice no later than five working days before the day on which the hearing was to be held.

Mr Foord confirmed of the 15 parties that received a Notice of Hearing this Licensing Authority received eight responses, five of which were to confirm non-attendance and a further three, received in time, had confirmed attendance and wished to address the Sub-Committee. For clarification no Responsible Authorities submitted relevant representations against the application.

The papers run from page 5 to the end and included copies of all representations received in relation to the application and copies of the applicants Event Management Plan and Programme of Events (page 39/40), along with their Noise Management Plan on pages 41 to 44 and a Security Schedule/Responsibilities at page 47. Within the papers the proposed area, referred to as 'Event Area 1' could be found on page 45. Enlarged copies of the drawing have been provided to assist with proceedings.

For avoidance of doubt the application is seeking two Licensable Activities namely 'SUPPLY OF ALCOHOL' and 'LIVE MUSIC'.

The hours for each activity are;

SUPPLY OF ALCOHOL - Saturday between 12.00 (midday) and 21.30hrs with the last sale of alcohol for consumption on the premises being 30 minutes PRIOR to the premises closing i.e. 21.00hrs on the Saturday.

On Sunday the application seeks the SUPPLY OF ALCOHOL for between 12.00 (midday) and 16.30hrs again with the last sale of alcohol for consumption on the premises being 30 minutes PRIOR to the premises closing i.e. 16.00hrs on the Sunday

With regards to the licensable activity of 'LIVE MUSIC' the application is seeking the following hours; 12.00 (midday) and 21.00 on the Saturday and 12.00 and 16.30hrs on the Sunday.

The hours the premises are open to the public are Saturday 12.00-21.30 and Sunday 12.00-16.30.

No other forms of regulated entertainment have been applied for.

Mr Foord provided a summary timeline of the application and further background to an application previously made by Mr Clark.

Mr Clark submitted a valid application for a time limited Premises Licence on 15th May 2019. The period during which relevant representations could then be made ran for 28 consecutive days concluding on 12th June 2019.

Throughout the period relevant statutory Notices were displayed at the premises and an appropriate advert published in the Chichester Post on 24th May 2019.

During this time the application attracted 15 representations all of which were from local residents. No Responsible Authority submitted a representation as stated in my report at paragraph 2.1 on page 5. Comments have been included with regards to previous events held in Priory Park, not connected with the applicant. Mr Foord reminded members that the individual merits of the application were to be considered.

It was however considered appropriate for the proceedings to make the Sub-Committee aware that in June last year Mr Clark operated an event known as 'The Great British Gin Festival' in the same area of Priory Park. A copy of the granted Premises Licence and associated activities, hours and conditions is included in the bundle on pages 49 to 57. The application in 2018 attracted no relevant representations and gave rise to no complaints according to the Licensing Authority's records as stated at paragraph 4.6 on page 7.

Mr Foord confirmed that at this stage that the inclusion or otherwise of any proposed conditions was ultimately a matter for the Sub-Committee to determine, and further information would be provided by the applicant's representative.

Mr Foord requested that applicant's representative Miss Nicki England to confirm whether his report outlined Mr Clark's application accurately. Miss England confirmed that Mr Foord's report as an accurate and thorough appraisal of Mr Clark's application. Mr Foord introduced the applicant's representative and invited her to address the Sub-Committee.

Applicant's Opening Address

Miss Nikki England began by explaining that she had been involved with organising events in a managerial capacity for three years, including the Great British Gin Festival the previous year. Mr Clark and she undertook much of the work required to organise events. Mr Clark was the licence holder having had experience of operating licenced premises in Plymouth and she took responsibility for overseeing events. Miss England confirmed they were open to any suggestions and fully appreciated that the park was in a residential area. She also recognised the content of the representations which had been submitted to the Licensing Authority.

A Point of Clarification Sought by the Sub-Committee

Mr Sutton sought clarification regarding the difference between the event in the previous year (2018) and the potential current event subject of the application. Miss England responded that last year's event had been well-received, but this year there would be more exhibitors and stands, toned-down live music to create less of a festival atmosphere, with a focus on exhibitions and show stands.

Oral Submissions by the Representors

The following representors addressed the Sub-Committee:

Mr Dean had sent his apologies.

Mrs Lecompte queried that the tickets were on sale on-line before the event had gained a licence, and without the opportunity of a refund. Miss England responded that if the event did not take place, the ticketing provider (Event-brite) have appropriate insurance and would give refunds. Mr Bennett confirmed that Eventbrite is an international company and had previously been examined by the Council as the Licensing Authority, and were found to be operating appropriately.

Cllr Martyn Bell introduced himself as a Chichester District Councillor for Chichester Central ward and as a Chichester City Councillor for the same ward together with Cllr Anne Scicluna who supported his stance on this matter. Cllr Bell confirmed his views were his own, but also of residents. The ward included five sheltered housing blocks and residential developments. Priory Park was not a suitable venue in a residential area, and accessed down narrow streets. Cllr Bell expressed his view that this event could give rise to anti-social behaviour and public affray as had taken place in St Martins Square at the time of the Oktoberfest in Priory Park in Autumn 2018. It was the view of residents and his own that Chichester District Council was hiring Priory Park to promoters of alcohol driven events without taking appropriate action to prevent criminal violence and upholding law for the protection of life and property of the surrounding residential community. Section 17 of the Crime and Disorder Act 1998 required the local authority to exercise its various functions to do all that it can to prevent crime and disorder. It is also the view of residents that Chichester District Council is failing to discharge its own responsibilities under the Council's own Licensing Policy 2016-2021 which recognises that licensed premises have significant potential to have an adversary impact on denser residential areas and affirms that the licensing authority wished to maintain and protect the amenity of residents from the operation of licensed premises. The application should be considered in the context of concerns about the high risk of anti-social behaviour and crime and disorder as a consequence of alcohol driven events in Priory Park. There was a recent acknowledgement by Chichester police of an increase in anti-social behaviour in the city in the last twelve months. There is strong anecdotal evidence of growing drug abuse, and a recently reported gang-rape within the city centre. Offers by event organisers to patrol the nearby streets to ensure residents feel safe provided no protection for the residents, as even Security Industry Authority (SIA) register workers do not have any more rights than an average citizen. This was at a time when warnings are being given that there is a crisis in policing due to funding cuts. With regards to the protection of children, the event is sprits led, and children will be playing in the park playground, and Cllr Bell questioned therefore what message is this kind of event sending to children. Cllr Bell asked the Sub-Committee to consider what is currently happening in Chichester, and reject the application.

Mr Potter sought clarification with regards to the incident in St Martin's Square and whether there was any evidence that this was linked to the Oktoberfest event. Cllr Bell confirmed that there was evidence, and that an investigation was currently on-going. Mr Bennett advised that an on-going criminal investigation, could not be discussed.

Miss England explained that she had done similar events and that this was a quiet and calm event with average customer being mostly women aged between 40 and

50 years. Families would be encouraged to bring picnics and the event would not be akin to a party.

Cllr Bell, sought clarification that women would be drinking gin. Miss England, responded that the idea would be around trying different flavours from small independent producers. Cllr Bell added that men would also be drinking.

Divisional Manager's Response

Mr Foord addressed the comments which had been made with regards to suggestions that there was an increase in violent crime and public disorder in association with events at Priory Park. As a Licensing Authority, the Council had liaised with the relevant Inspector at Sussex Police within the Chichester and Arun Prevention Team, Divisional Licensing officer at Sussex Police and Community Safety colleagues. A statement had been received from Sussex Police that from a pure licensing perspective, previous events held had not caused any significant issues, adding with regards to the wider community impact these were outside the pure licensing issues and therefore are better commented upon by prevention teams. The local intelligence officer from Chichester and Arun who undertook research from 1 June 2018 to 31 May 2019, the incidents recorded were limited and none related to events at Priory Park. There were a number of offences across the city but it was difficult to state whether these were directly attributable to alcohol associated with events. Sussex Police licensing had reviewed their records and had little to report, but do refer to the Oktoberfest incident cited by Cllr Bell. From a community safety perspective the reported public place crime figures, were relatively low with few if any in the vicinity of Priory Park, but Mr Foord accepted this may not be a true reflection, but does not support the view that public place violent crime is increasing, but remains consistent. The Council procedures insist that risk assessments and other safeguards are put in place for event management and to promote the four licensing objectives.

Applicant Representative's Closing Summary

Miss England referred to an open letter which she had written to Chichester residents following receipt of the representations, which was included in the bundle. Miss England concluded that she considered she had responded to all representations and that everyone had access to a copy of the letter. Miss England confirmed that Chichester had been chosen as the event had gone well in the previous year which was why the applicant had wanted to return. Miss England added that she was willing to do whatever was required and did not wish any issues to occur.

Divisional Manager's Conclusion

Mr Foord referred to a number of salient points within the council's current Statement of Licensing Policy. The Licensing Authority recognised that the entertainment industry in the district was a major contributor to the local economy, attracting tourists and visitors and creating a vibrant community and providing employment. However, the Licensing Authority also recognised as part of the policy adoption, that both the needs of residents and visitors to have a safe and healthy

environment in which to live, work and enjoy recreation were to be considered. The adopted policy set out the general approach to be taken when considering applications under the act, but each application was viewed on its individual merits. In view of the wide range and variety of applications, the policy could not set out all of the factors which would result in the licensing objective being achieved, nor the necessary and appropriate control measures required for each premises. However, it must be understood that the licensing function was not to be seen as a mechanism for the general control of anti-social behaviour by individuals once they were beyond the direct control of the licensee of the premises or event, as other mechanisms outside the licensing regime were available to address such issues. There was however, the expectation that every licence holder would take responsibility to minimise the impact of the anti-social behaviour of their patrons within the vicinity of their premises, to reflect the measures that are to be taken to achieve this in their operating schedule, and to demonstrate that these are applied in practice.

Final Opportunity for Submissions

Mr Sutton ascertained that everyone felt that sufficient opportunity to address the Sub-Committee had been given and that no-one wished to make any new points.

Cllr Bell commented that he felt they had been told that they could raise concerns under the four licensing objections, but Mr Foord had introduced the commercial benefit of events, and it was his view that although it would bring visitors to Chichester, it would undermine established businesses. Mr Bennett responded that the policy which had been referred to, had to balance the needs of everyone and therefore did not introduce anything new, but iterated the local policy. Cllr Bell further commented that he wished to understand that the applicant was responsible for what happened on the site but when people left the site, they were no longer responsible. Mr Foord responded that this is an issue which regularly raised and had been discussed at other licensing hearings, but if as a Licensing Authority a licence was granted there was an expectation that of a premises licence holder to manage their event successfully and safely. The Licensing Authority complied with the guidance issued by the Home Office and if minded could attach licensing conditions seeking to manage the behaviour of a customer, whilst within the direct control of the licence holder and their staff and immediate curtilage, but not beyond that.

Cllr Bell requested permission to ask one further question which was whether Miss England's organisation was involved in the Oktoberfest. Miss England responded that there were a number of brands which sat under one umbrella, and that the Gin Festival in the previous year had been her event. Miss England confirmed that Mr Stevenson had been the licensee at Oktoberfest as included in the open letter referred to earlier. Cllr Bell further commented that he understood Mr Stevenson had stated that Priory Park was not suitable. Mr Foord confirmed that he had no knowledge of that comment.

Retirement to Reach Decision

Mr Sutton explained that the Sub-Committee would retire with the CDC Litigation and Licensing Lawyer Mr Bennett, in his role as defined early in the hearing to consider its decision. The Sub-Committee would return to announce its decision within he anticipated, one and a half hours.

The Sub-Committee retired at 2.40pm to make its deliberations and reach a decision with respect to the application. The members of the Sub-Committee were accompanied by Mr Bennett.

Decision

The Sub-Committee returned at 3.15pm from its deliberations to announce its decision with respect to the application.

Mr Sutton read out the Sub-Committee's decision which was as he explained was an indicative version only. The final version would be published with any necessary corrections made.

The final perfected version is set out as follows:

The Chichester District Council as Licensing Authority by its Alcohol and Entertainment Licensing Sub-Committee determined on 11th July 2019 that a Premises Licence be granted for the above premises. The Committee resolved the application and granted it subject to times and conditions as set out below.

The hours and conditions have been determined on the basis of the sub-committee considering the geographical location of the premises and their close proximity to residential premises in the immediate vicinity and all evidence submitted both before the hearing (forming the papers for the hearing) as well as all representations at the hearing.

The Sub-Committee has taken due note of the representations made by the applicant and the concerns expressed, the issues raised in written submissions by the residents and representors, and the issues raised by the Senior Environmental Health Officer, which were the subject of discussion with the applicants through the hearing. The decision was based on the requirements of the four licensing objectives, namely crime and disorder, prevention of public nuisance, protection of children from harm and public safety, and Chichester District Council's Statement of Licensing Policy and National Guidance issued by the Home Office.

The Sub-Committee having considered all of the above granted the application for the activities and timings as set out in the application as set out in the report to the sub-committee, subject to the standard conditions.

There may be further conditions attached to this Premises Licence that transfer automatically from the application or are mandatory under the Licensing Act 2003. Full details will be provided when the Premises Licence is issued.

In accordance with Schedule 5 of the Licensing Act 2003, you may appeal against this determination of the Licensing Authority to the Worthing Magistrates' Court, Christchurch Road, Worthing, West Sussex, BN11 1JD.

Such an appeal must be commenced by notice of appeal given by the appellant to the Justices' Chief Executive for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified in writing by the Licensing Authority of the decision appealed against.

30 **Consideration of any late items as follows:**

There were no late items for consideration at this meeting.

The meeting ended at 3.17 pm

CHAIRMAN

Date: