



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Committee Room 1 - East Pallant House on Wednesday 24 July 2019 at 10.30 am

Members Present: Mr J Elliott, Mr A Moss and Mrs S Taylor

Members not present:

In attendance by invitation:

Officers present all items: Mr N Bennett (Divisional Manager for Democratic Services), Miss H Giudici (Licensing Assistant (Technical)), Mr T Horne (Principal Environmental Health Officer), Miss S Hurr (Democratic Services Officer) and Mr D Knowles-Ley (Licensing Officer)

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

It was proposed by Cllr John Elliott and seconded by Cllr Adrian Moss that Cllr Susan Taylor be elected as the Chairman for this meeting of the Alcohol and Entertainment Licensing Sub-Committee (AELSC).

Cllr Taylor consented to act as Chairman and duly chaired the whole of the meeting.

Cllr Taylor read out the emergency evacuation procedure for the benefit of the members of the public who were present.

Cllr Taylor 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

32 **Declarations of Interests**

There were no declarations of interests made at this meeting, and all members on the Sub-Committee were representing wards outside the city of Chichester.

33 **Licensing Hearings**

Preliminary Matters

Cllr Taylor 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.

Cllr Taylor formally opened the hearing and introduced the members of the Sub-Committee and the officers present.

Cllr Taylor sought clarification from officers regarding whether any members of the public wished to make representations to the Sub-Committee.

Mr David Knowles-Ley, Licensing Manager, confirmed that six members of the public had indicated they wished to attend the hearing and five wished to address the Sub-Committee, one of which who was unable to attend would be represented by another member of the public. Mr Knowles-Ley provided a list of attendees for the Sub-Committee.

Cllr Taylor confirmed the purpose of the hearing was to consider whether to grant a Premises Licence and to give consideration as to whether it is appropriate to attach conditions to ensure the statutory licensing objectives are promoted.

Cllr Taylor asked for confirmation as to whether there had been any requests to introduce late evidence. Mr Nicholas Bennett, Divisional Manager, responded that he had spoken to the applicants and they had confirmed that they were not submitting any late evidence and he was not aware of any other parties bringing late evidence, but were they to do so, it would be processed and information provided for the Sub-Committee.

Cllr Martyn Bell requested clarification with regards to evidence, as there appeared to be some confusion relating to the map of Priory Park detailing the proposed area. Mr Knowles-Ley responded that a black and white map could be found at page 43 in the bundle and a large coloured version of the map was available for the hearing.

Cllr Taylor confirmed that the Sub-Committee members had received and read the agenda papers for the hearing and therefore there was no requirement to iterate evidence which had previously been submitted.

Licensing Manager's Introduction

Mr Knowles-Ley outlined details of the application submitted by Arena Sports Live Ltd of Elizabeth House, Queen Street, Abingdon for a permanent Premises Licence authorising a variety of licensable activities to take place annually on three days between 1st May and September 30th in a designated area of Priory Park, Chichester.

The basis on which the Sub-Committee had been convened was as a result of the Licensing Authority receiving 19 representations, all in opposition to the application. Of the representations received, two were from Responsible Authorities namely Sussex Police and the Environmental Protection Team with the remainder from a variety of other parties. All representations received were shown at pages 71-123 of the bundle along with a plan at page 15 which showed the location of all representors in relation to the application site.

Within the representation submitted by Sussex Police, a number of conditions were proposed with the intention of ensuring that the four licensing objectives which underpin the Licensing Act 2003 would be promoted. These conditions were subsequently agreed in principle by the applicant in an email from Miss Sarah Hodkinson, Festival Marketing and Events Manager, dated 12th June 2019. These conditions were shown at pages 73-76 of the bundle along with the agreement at page 77.

The representation received from the Environmental Protection Team was shown at page 81 of the bundle. The Licensing Authority was not aware of any subsequent correspondence between the applicant and the Environmental Protection Team regarding the representation and therefore at the current time the representation remained unresolved.

As a result of the various representations, the applicant determined to provide a written response to representors, seeking to address all concerns that had been raised. The Licensing Authority sent additional information to all representors on behalf of the applicant on the 16th July 2019. Mr Knowles-Ley confirmed that no representations had subsequently been withdrawn.

Mr Knowles-Ley explained should the Sub-Committee be minded to grant a Premises Licence, this would be issued to Arena Sports Live Ltd which was a company currently registered with Companies House as 'active'. As the application was seeking the retail sale of alcohol as a licensable activity, an individual who holds Personal Licence must be specified within the application as the proposed Designated Premises Supervisor. In this case this was, Mr Anthony Michael Nash who held a Personal Licence granted by Test Valley Borough Council, which was confirmed at page 27 of the bundle.

Mr Knowles-Ley confirmed the Agenda papers had been made available to all parties connected to the hearing, and also confirmed that the statutory Notice of Hearing required 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 was required to give to the Licensing Authority a notice, stating whether they intended to be present, or be represented at the hearing and whether they considered a hearing to be unnecessary. Parties were required to give notice no later than five working days before the day of the hearing.

Mr Knowles-Ley further confirmed that of the 19 parties that were sent a Notice of Hearing, seven responses were received, one of which confirmed non-attendance and a further six, all in time, confirming attendance although not all necessarily wishing to address the Sub-Committee.

A copy of the application had been reproduced in full within at pages 17 to 31. In addition to the application form, attention was drawn to a number of other documents, including the 'Event Management Plan' for the proposed event shown at pages 33-43, an 'Adverse Weather Plan' at pages 47-54, 'Risk Assessments' and 'Fire Risk Assessments' at pages 55-68 along with confirmation of insurance at page 69.

Mr Knowles-Ley confirmed that for the avoidance of doubt, the application was seeking to show films, play recorded music and provide the retail sale of alcohol as licensable activities. The hours being sought for each licensable activity were summarised at pages 6 and 7. In addition, the proposed licensed area was shown on the plan at page 43 and enlarged colour copies of this plan were available.

Mr Knowles-Ley added confirmation with regards to the timeline associated with the application. A valid application was accepted by the Licensing Authority on the 30th May 2019 and the period during which relevant representations could be submitted ran for 28 consecutive days concluding on the 27th June 2019. Throughout the representation period relevant statutory notices were displayed at the premises and an appropriate advert published in the Chichester Observer on 6th June 2019.

Mr Knowles-Ley concluded by advising that it was important to be aware that if the decision was made to grant a Premises Licence, that the inclusion or otherwise of any proposed conditions was ultimately a matter for the Sub-Committee to determine.

Mr Knowles-Ley requested that Miss Sarah Hodgkinson and Miss Mandy Biddle confirm on behalf of the applicant that his report outlined the application accurately. Miss Hodgkinson and Miss Biddle confirmed that Mr Knowles-Ley's report was an accurate and thorough appraisal of their application. Miss Hodgkinson agreed that the report outlined the application accurately with the exception of an updated plan which had been circulated. Mr Knowles-Ley confirmed that had been made available within supplementary information.

Mr Knowles-Ley introduced the applicants and invited them to address the Sub-Committee.

Applicant's Opening Address

Miss Biddle began by explaining that 'Prosecco in the Park' would be taking place in Priory Park. The event was designed to be a friendly, relaxed and family orientated environment for people of all ages to enjoy a wide variety of suitable films shown on a big screen, not a music festival playing live acts. This would be the first year of the event being held in Chichester and Miss Biddle added that she would not like it to be compared with other events that may misrepresent their organisation, such as issues with the Ice Rink or Oktoberfest.

Miss Biddle confirmed that they had been providing live events for over twenty years with experience of outdoor events and those held in large indoor arenas, adding that they had not encountered bad behaviour, criminal offences being committed, noise disturbance or issues with the welfare of children.

Miss Biddle outlined details of their first Prosecco in the Park in 2018 at Abingdon-on-Thames, a location close to the river and town centre and residential dwellings. 3,000 people had attended without causing any disturbances or complaints. Less than 50 vehicles had been used to access the event as it had been marketed to indicate walking or using public transport to attend. During the previous month, the

first Prosecco in the Park event for the year had been held in Northampton and again had been a family event without any issues or incurring any complaints. The event had been designed to accommodate 3,000 people, and the maximum over the three days at Abingdon had reached 3,000, but this may have been due to the fact that this was Miss Biddle's local town, so it had been expected that numbers would be higher than at other locations. With regards to the public leaving the event, this was expected to be staggered, as people would leave the event at different times depending upon which films they wished to see.

Cllr Elliott sought clarification regarding whether a small area of the park would be utilised for the event. Miss Biddle responded that was correct and they would also ensure the event would not encroach onto the cricket area. Cllr Elliott also sought clarification in relation to the expected number as a maximum of 5,000 had been quoted. Miss Biddle confirmed that the estimated numbers were 3,000 at any one time. Cllr Elliott requested confirmation regarding why the licensing application was for five years and Miss Biddle explained that the application was not a five year licence but a continuous licence as they wished to establish longevity, creating an event which the community could look forward to.

Cllr Moss sought clarification regarding whether the event was centred-around showing films or whether it was about providing Prosecco. Miss Hodgkinson confirmed one of the bars at the events was an American styled RV vehicle called the 'Champagne and Prosecco Bar', and that was where the inspiration for name originated from with the idea that you could have a drink in the park, watch a film and enjoy a relaxed environment, adding that the name 'sounds nice'.

Mr Bennett requested sight of the updated plan to ensure everyone was viewing the same plan. Cllr Taylor and other members of the sub-committee agreed they were satisfied that they were viewing the correct updated plan. Mr Bennett advised that if the updated plan was to provide greater clarity or to view the area on a larger scale, that would not be classed as new evidence. If it provided information that was different, then it may be classed as new evidence and a different conversation would be required. Mr Bennett explained that the updated plan appeared to be just a plan which included items such as the site toilets, and was therefore related to site management rather than the licensing application. Mr Bennett confirmed which plan should be considered at the hearing and Cllr Taylor iterated that the sub-committee were satisfied with regards to the information shown on the additional plan.

Oral Submissions by the Representors

Professor Philip Robinson explained that he was the Chairman of Friends of Priory Park and confirmed that the objection from the group remained as the main concerns were that the response from the applicants was 'generic', citing previous events operated in locations which were very different in comparison with Priory Park. Professor Robinson also commented that in the previous month nine 'Prosecco in the Park' events had been advertised on the applicant's website and this had now been revised to five. Professor Robinson cited his principle concern relating to adolescents under fourteen-years old being left in the park by their parents as darkness fell, who may then be able to find ways to obtain alcohol. The event would also result in the children's Sunday morning Park Run not taking place.

Miss Hodkinson and Miss Biddle were invited to respond by Cllr Taylor, and Miss Biddle confirmed that child welfare was a priority, event staff were trained, a handbook was available, appropriate procedures were established, under-aged children would not be served alcohol and a log book was kept to record incidents. Miss Hodkinson added that the responsibility for children rested with their parents but child welfare and safe-guarding was in place. Miss Biddle also confirmed that children under the age of fifteen were not permitted into the site without an accompanying adult. Professor Robinson responded that it would be dark, and it could not be controlled.

Cllr Moss sought clarification regarding whether there had been any incidents at any other events, as alcohol was on sale. Miss Hodkinson confirmed they had not experienced any incidents regarding poor behaviour, and these were not the kind of events that resulted in incidents occurring.

Cllr Moss further sought clarification regarding whether the events were genuine 'family events'. Miss Biddle confirmed that the events were family friendly and also had a specific 'kids zone' area which was staffed. Miss Biddle added that they would really like to return to run the event again next year and also explained that one of the chosen films (A Star is Born) had been altered to a film which was certificated to a '12' (Dirty Dancing) following representations received. Miss Biddle also explained that she would like to respond to Professor Robinson's comment regarding the reduction in the number of events, which was due to the applicants considering that some of the locations were determined as unsuitable.

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 commented that he believes the proposed site is unsuitable for their event like the others that had just been referred to. He commented that Priory Park was not suitable as it was in a residential area and that there must be other more suitable venues in the district. Cllr Bell explained that he understood that the log book was kept for incidents within the event, but that his main concern and that of the residents was cited as 'spillage' from people leaving the park, having spent most of the day drinking. One of the applicants representatives had mentioned some of the incidents that had happened in Chichester following another drinks-led event and walking into narrow residential streets. Cllr Bell added that he was also concerned about the impact on children who used the playground in Priory Park who would be able to view a drinks-led event. Cllr Bell requested confirmation of the film certificate rating of one of the films, which was confirmed as a certificate '12', and commented that there would be a number of children around in the park under the age of 12 and suspected the screens would be visible outside of the event and the soundtrack would be heard. Cllr Bell asked if the sub-committee were minded to grant the licence that it was for one year only.

Cllr Bell continued on and quoted that the applicants representative had earlier summed-up their event by stating that the name 'Prosecco in the Park sounded nice'. He requested confirmation regarding the type of alcohol that would be on sale. Miss Hodkinson explained that other than the Champagne and Prosecco Bar,

craft beer, cocktails, street food, coffee, soft drinks and water would also be available. Cllr Bell expressed his concerns that this was an alcohol-led event. Miss Hodkinson responded that this was a film event, with five food outlets, coffee, and water. Miss Hodkinson added that families would be encouraged to bring picnics, and they would ensure the event was not 'alcohol-fuelled'.

Cllr Bell commented that the park in Abingdon was not in a town centre or residential area, to which Miss Biddle confirmed the event held in Abingdon was near to the town centre over the bridge, near to residential properties.

Cllr Taylor asked if Mr or Mrs Lecompte wished to speak to which Mrs Marianne Lecompte responded that she did not now wish to speak.

Mr Brian Dean explained he was a member of Friends of Priory Park and also a member of Priory Park Cricket Club, and that his objections may be different from previous speakers, but that he also in agreement with them. Mr Dean further explained that he had a number of objections, but having sought information from Mr Laurence Foord, Divisional Manager, and Mr Knowles-Ley, that he had been advised these were outside the scope of the matters that the sub-committee could consider. The Home Office guidance for Licensing Authorities sent by Mr Foord emphasised the four statutory objectives, but did not state that other objections cannot be considered. Mr Dean commented that some of the objections could be handled differently and at an earlier stage, if the Authority had a process for public consultation when an applicant initially applied for hire of land in the Authority's ownership. On questioning this matter it had been confirmed by Mrs Sarah Peyman, Divisional Manager that such a process did not exist, but she had explained that the applicants could not have the whole area applied for, and had asked the applicants if they would consider an alternative location. As the only form for public discussion had to relate to the four main licensing objectives, Mr Dean confirmed his comments would relate to 'the prevention of public nuisance' and the 'protection of public safety'. With regards to the first objective, people would be deprived of full access to the park for five days, which could be regarded as public nuisance as well as stopping the Sunday Park Run as previously mentioned. With regards to the second objective, the event would require a number of temporary structures to be set-up, brought in by vehicles which could significantly damage the cricket outfield, which would not have recovered in time for the commencement of the 2020 season. Although the applicants confirmed they would not encroach on to the cricket field, this was likely to be the cricket square, but not of the outfield, which would then place fielders at risk from the damaged surface, which could result in claim for personal injury directed at the Authority. Mr Dean commented that Mrs Peyman had endeavoured to reassure him having raised the matter with Chichester Contract Services, who had not raised concerns. Mr Dean suggested that this service did not do well in resolving issues caused by the ice rink. Mr Dean queried why the event could not be restricted to the same area of the park which Chichester Contract Services had stated would be recovered by the end September, which the New Park Cinema has no issue in using for their annual event, as there is sufficient space. Mr Dean referred to the reduction in the number of events and believed the event in Gloucester cancelled at a late stage was due to difficulties in negotiations with the local authority and it seemed that the applicant had claimed the tickets for Gloucester could be used at Chichester, without knowing if the event would be going

ahead. Mr Dean suggested that none of the four objectives would be achieved and therefore the sub-committee should reject the application.

Cllr Elliott sought confirmation regarding the type of sporting events held in the winter months. Mr Dean responded that there were none as far as he was aware but the concerns were that the ground would not have recovered sufficiently for cricket to be played in the 2020 season.

Cllr Moss considered that most of the comments made were not relevant to the granting of a licence, but the Authority was in a position to ensure the land recovered, and the sub-committee needed to focus upon the licence, as the land could be dealt with separately.

Miss Biddle confirmed that via mediation she had been proactive in responding to comments and had received feedback regarding the Park Run and due to the timing of other events, could usually accommodate these, and be open to further discussion. Miss Biddle added that she was in agreement regarding the conditions which were left following the ice rink event, and that she would take images before and after the event and make an agreement as to what she would do regarding restoration work. Mr Dean iterated that the cricket field was in very good condition and most of the applicants other events took place in meadow land and farm land.

Cllr Taylor asked Cllr Bell if he would be speaking again on behalf of Cllr Anne Scicluna, and Cllr Bell confirmed he would not as Cllr Scicluna had endorsed all that he had previously referenced in his comments to the hearing and this included that were a licence granted, that it was for one year only.

Mrs Susi Richardson asked if the applicants had visited the park during the hours of darkness, which was confirmed, and also if they were aware of the size of the park and the difficulties of staffing the park amongst the trees. Miss Hodgkinson responded that the updated plan illustrated where in the park the event would be situated. Mrs Richardson requested further information regarding the barriers. Miss Hodgkinson responded that the crowd control barriers were the height of a table and the 'Heras' fencing was taller than six feet. Mr Bennett advised that issues of safety are generally dealt with separately, but the sub-committee could request confirmation from the officers as to whether they had confidence in the security and layout plan, but it was not directly relevant to licensing objectives. The sub-committee could seek information regarding whether all appropriate measures had been planned, but the detail would not be required.

Dr Barbara Ely explained her concerns were with regards to the setting-up and removal of the event which seemed to include 50 lorries, cranes, heavy lifting equipment. Dr Ely queried how this would be managed as there was no parking within the park and the surrounding roads were narrow. Miss Biddle confirmed that she had discussed this with Dr Ely, and had received similar comments from other representors to whom she had responded, that there would be three containers, with each brought on to the site, one at a time.

Mrs Lecompte sought permission to speak which was agreed by Cllr Taylor. Mrs Lecompte asked with regards to the email correspondence she had received from

Miss Hodgkinson, it had been stated that the event was 160m from the nearest residence but the applicants had now 'changed their mind', locating the screen backing onto the playground and therefore Mrs Lecompte commented the measurement to the residences in Franklin Place must be less than 160m, and therefore she was objecting on the grounds of public nuisance.

Cllr Elliot sought clarification with regards to the assessment made in relation to the use of generators and lighting during the evening. Miss Hodgkinson replied that lighting would be at a 'low level' so appropriate for the films to be viewed but access around the site acceptable in terms of safety. Lighting not expected to cause an problem to local residents.

Mr Tim Horne, Principal Environmental Health Officer, confirmed that the Environmental Protection Team had submitted a representation as the detail within the application had been limited and as such he had also sought additional information. A map had been received regarding the layout of the site, with the screen sited south of the mound which was 160m away from Priory Road, which although would be closer to Franklin Place, would have the mound, a large embankment and a wall in between, which provides a barrier. Mr Horne had sought to quantify noise levels and had yet to receive a response as to the level of noise with a film would produce. In regards to power, Mr Horne had also sought information as to where that would be sited and the map depicted a compound just north of the cricket pavilion, which was where the power would be placed which was approximately 50 metres from the nearest residence. The power plant would run throughout the night on its lowest setting to provide refrigeration but he was awaiting information regarding the noise output and was yet to receive sufficient details to allay concerns. There would also be additional power plant for lighting towers at the main entrance (due east of the Guildhall) and was uncertain as to lighting provision between for the main entrance and the main gate at the corner of Guildhall Street and Priory Road. Mr Horne confirmed that there were a number of positives included within the noise management plan that had been provided regarding sound testing, the recording of noise levels, keeping of information logs, provision for the recording of any complaints received, and the only major concern was that the operator was promoting a higher noise level than would be expected for this type of activity. Mr Horne had suggested that a noise limit around the park should be set and the applicants had chosen to ignore that noise level and had opted for a higher noise level. Mr Horne's concern associated with this was, that this year may be 'films' but subsequent years could include musical entertainment of a higher noise level. The applicants had assured Mr Horne that the event would be a low noise event but have not identified how low that noise would be.

Miss Biddle confirmed that she had not yet had an opportunity to respond to Mr Horne's email received the previous day and that Mr Horne had attached some noise conditions which Miss Biddle felt they could agree and adhere to. The generators were 'super-silent', which would not be audible, with just one used overnight for refrigeration and, the concessions would not be permitted to bring in their own generators. Miss Biddle confirmed they would reconsider the location and also that she was awaiting information regarding the generator in relation to the octave bands. Mr Horne confirmed that there had been a number of emails sent to the applicants and that a lower noise level had been promoted from the outset but the

noise management plan had set higher noise levels. Miss Hodkinson responded that she previously confirmed that the normal speech level is 60 decibels and that most of the films had speech only to which Mr Horne queried that four were music and song films. Miss Biddle further responded that Mr Horne's comments were appreciated but that Mr Horne's advice was not to exceed 55 decibels, which Miss Hodkinson considered they could comply with. Mr Horne reminded the applicants that they were required to demonstrate how that would be achieved technically. Mr Horne also requested information in regards to what the noise level would be for the audience. Miss Hodkinson responded that JK Audio were the sound engineers who would perform sound checks and monitor the levels at the event. Mr Horne further queried why the information had not been provided to date. Cllr Taylor sought clarification regarding the sound levels recommended by Mr Horne which was confirmed as 55 decibels at the boundary with any residential property.

Cllr Moss sought clarification regarding how films were charged for, to which Miss Hodkinson confirmed that the entrance fee was for the whole of the day and the evening, but people often choose the film they wish to see and attend for that. Cllr Moss queried what the time gap was between films, this was confirmed as approximately an hour and a half. Cllr Moss further queried whether those attending the event would be potentially drinking for that period of time. Miss Hodkinson confirmed that they could attend the family area or enjoy their picnics. Cllr Moss sought information regarding the level of lighting and whether that might disturb people within the area. Miss Hodkinson confirmed that the lighting would only be low level and at the end of the event would be switched off. During the event there would be light from the screen, but that films were usually viewed in darkness with entrances and pathways lit. Miss Hodkinson also confirmed that she considered this would be appropriate for the safeguarding of children. Cllr Moss requested further information regarding noise levels, and whether the applicant might have live music, to which Miss Hodkinson responded that the application was for the showing of films. Cllr Moss commented that the applicants had given a number of responses prefaced with 'we believe..', and that therefore guarantees were not being given regarding matters such as noise levels. Miss Hodkinson confirmed that may have been the way information had been communicated and that they would meet the requirements and were willing to consider any recommendations as this was planned to be a community event and they wanted people to return to future events. Mr Moss queried the nature of the locations with regards to other events. Miss Hodkinson responded that the Oxford and Hereford events were surrounded by a residential area and the Abingdon event was not entirely surrounded by a residential area but was in close proximity. Mr Moss sought final clarification on the timing of the licence which was not required until 26 September this year, but in future years if it was granted, the licence would be requested from May until September inclusive. Miss Biddle confirmed they would like to have a licence for the early summer months up until September which would provide some flexibility. Mr Knowles-Ley confirmed that they were a number of existing premises licences granted for activities to take place over a certain number of days between several dates within the calendar year. He stressed that this enables an operator to come back and to agree dates, but within those parameters of a limited number of days between certain dates, subject to the land being hired. Cllr Moss queried if the event could just be undertaken once and Mr Knowles-Ley confirmed that a condition could be added to the licence that activities could only be conducted on three

consecutive days on one occasion between the 1st May and 30th September annually. Cllr Moss sought clarification regarding whether a licence was granted for only one year could be used once this September and on a second occasion next year between the dates cited. Mr Knowles-Ley confirmed that if the licence was granted for this year, then it would lapse at the end of September, adding that it is not unusual for an operator to request a permanent licence, referencing the application, advertising and administrative cost implications. Mr Knowles-Ley advised that there was a provision under the Licensing Act 2003, that if a licence holder does not promote the four licensing objectives regardless of whether it was a first or other numbered event, that there is the ability to review a licence. Any party could ask for a licence to be brought before a sub-committee for review, including for example to consider if the objectives were being promoted. Operators were also aware of the potential for a licence to be altered, have further conditions added or ultimately be revoked. The intention was generally to grant a licence which allowed the operator to plan for future events, but with the mechanism of a review available should the need arise.

Mr Dean commented with regards to Cllr Moss question relating to future years events, cricket was played every weekend with one the of the matches being against the MCC, which is a corporate cricket club and damage to the cricket pitch may prevent them coming to Priory Park in future which would be a sad loss to Chichester and the cricket club.

Mr Bennett queried if Mr Horne was planning to recommend a condition. Mr Horne responded that he believed the applicant wished to comply with recommended noise level, which was confirmed by the applicants. Mr Horne explained that he had summarised the noise conditions of relevance, which could be circulated. Mr Bennett suggested that if the sub-committee were minded to approve the licence and apply the condition regarding noise, it could be stated that a noise plan was to be agreed with officers prior to the event taking place. Cllr Taylor confirmed the suggestion was noted.

Applicants Closing Summary

Cllr Taylor invited the applicant to provide a summary. Miss Biddle thanked those present for the feedback and comments, and iterated that this was a family friendly event and they had not had any incidents connected with an alcohol-fuelled nature. Mr Knowles-Ley would be aware via the representations that they had asked for feedback and comments, and had welcomed recommendations and wished to work with everyone to ensure the event could return next year.

Licensing Manager's Conclusion

Mr Knowles-Ley explained the Licensing Act 2003 and supporting regulations required that the Council, as the local Licensing Authority, carried out its functions with a view to promoting the four licensing objectives which were:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and

- The protection of children from harm.

In reaching their determination, this Sub-Committee must have regard to the current statutory guidance issued by the Home Office in April 2018, this Council's current Statement of Licensing Policy 2016-2021, along with both oral and written evidence associated with this application.

Mr Knowles-Ley made reference to a number of matters referred to in the current Statement of Licensing Policy. Within the policy the Licensing Authority recognised that the entertainment industry in this district was a major contributor to the local economy, attracting tourists and visitors, creating vibrant communities and was a major employer. However, the Licensing Authority also recognised the needs of residents and visitors to have a safe and healthy environment in which to live, work and enjoy their recreation.

This Licensing Authority had within its current policy set out the general approach that it would take considering applications under the Act, also confirming that each application would be considered on its merits. In addressing licensing issues, Mr Knowles-Ley highlighted that the Licensing Authority had regard to wider considerations affecting the amenity of any area, including littering and fouling, noise, crime and disorder and the capacity of the district's infrastructure and resources.

The Licensing Authority made it clear 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 any premises concerned as other mechanisms outside the licensing regime were available to address such issues. However, the Licensing Authority expected every holder of a licence to take responsibility to minimise the impact of anti-social behaviour of their patrons within the vicinity of their premises.

Finally Mr Knowles-Ley explained it was recognised that the licensing function was only one means of securing the delivery of the licensing objectives and should not be seen as a panacea for solving all problems within the community. The Licensing Authority would therefore continue to work with all other parties in order to promote the four licensing objectives.

Cllr Moss requested clarification regarding the impact of being granted a licence for only one year. Miss Biddle responded that there would be a cost and resource implication. With regards to the police representation, on returning each year the process of an EMP would be undertaken and a review to ensure the licensing objectives were being adhered to correctly. Mr Moss commented the applicant had submitted their application late in the year and would this normally be earlier in the year. Miss Biddle agreed that they would normally apply earlier in the year.

Cllr Moss sought further clarification regarding whether an event would be held this year and not next year if a licence was granted. Miss Biddle confirmed that an event would be held this year.

Mr Horne confirmed that noise conditions could be agreed, and other matters had been addressed, and that although the overnight generator use for refrigeration was slightly outside the realm of the licensing considerations, it remained within the nuisance scope, and therefore agreement would be required to ensure it was sufficiently controlled.

Cllr Taylor confirmed that no one wished to make any further comments, and explained that the sub-committee would retire with the CDC Litigation and Licensing Lawyer Mr Bennett. Mrs Taylor added that should Mr Bennett provide any legal advice, this would be reported to all present. The sub-committee would return to announce its decision within she anticipated, thirty minutes.

The Sub-Committee retired at 11.55am to make its deliberations and reach a decision with respect to the application.

Decision

The Sub-Committee returned at 12.25pm from its deliberations to announce its decision with respect to the application. It was confirmed that Mr Bennett was not required to provide any legal advice.

Cllr Taylor read out the sub-committee's decision which was as she explained was an indicative version only. The final version would be published with any necessary corrections made.

The sub-committee had determined the application for licence in respect of Priory Park, Chichester, West Sussex, PO19 1BL deciding as follows:

The Chichester District Council as Licensing Authority by its Alcohol and Entertainment Licensing Sub-Committee determined on 24th 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.

To grant a licence for one year.

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 Sussex Police, 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 at pages 17 to 31 of the papers subject to the following specific conditions:

- 1) That a noise plan relating to the licensing conditions be agreed in writing by the Environmental Protection Team of the Chichester District Council.
- 2) That the conditions agreed with Sussex Police (as set out in the sub-committee papers for this matter) be applied to the licence.

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.

The following is not part of the decision – the sub- committee would hope that a further application may follow the above event taking place and presenting as to the actual impact of the event so that a longer period can be considered.

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

There were no late items for consideration at this meeting.

The meeting ended at Time Not Specified

CHAIRMAN

Date: