



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee**
held in Vitrual on Wednesday 10 June 2020 at 9.30 am

Members Present: Mr K Hughes, Mr G McAra and Mr C Page

Members not present:

In attendance by invitation:

Officers present all items: Miss H Giudici (Licensing Assistant (Technical)), Mr L Foord (Divisional Manager for Promotion and Events) and Mr N Bennett (Divisional Manager for Democratic Services)

43 To elect a Chairman for this Hearing

It was proposed by Cllr Page and seconded by Cllr Hughes that Cllr McAra be elected as the Chairman for this meeting of the Alcohol and Licensing Sub-Committee (AELSC).

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

Cllr McAra confirmed the address of the premises which were subject to the hearing which would take place in respect of Agenda Item 3 as; 'Pub in the Park' Chichester College Fields (Westgate Fields), Avenue De Chartres, Chichester, West Sussex, PO19 1SB.

44 Declarations of Interests

There were no declarations of interest made at this meeting, and all members on the Sub-Committee represented wards outside that of the Application premises.

45 Licensing Hearings

Preliminary Matters

Cllr McAra confirmed the entirety of the meeting would be held in public session (apart from when ALESC retired to consider its decision) and therefore there would be no requirement at any point to pass a resolution to exclude any press representative or the public. The Hearing in this matter was heard using remote technology as provided for under the Coronavirus Act 2020 and the relevant Regulations made under the 2020 Act, and was held in a Zoom meeting on Wednesday 10 June 2020 at 9:30am. All parties were able to participate and could

hear and be heard and the meeting was not interrupted by technical issues of any kind.

The Sub-Committee followed the procedure set out at page 3 of the document pack. The membership was as set out in the pack.

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

The Chairman sought clarification as to who was in attendance for the Applicant. Mr Levene, Ms Caines, and Ms. Clarke confirmed their representation for the Applicant as Operations Director for Brand Events and Operations Manager's for Brand Events respectively.

Mr Nicholas Bennett, Head of Democratic and Legal Services, confirmed his role within the hearing. He explained that his role was to advise the Sub-Committee and to ensure that procedure is followed in accordance with regulations set out in the Licensing Act 2003. Mr Bennett confirmed that he would retire with the Sub-Committee, subject to no objection, in order to ensure that the Principles of Natural Justice were adhered to in the decision making process. He informed the Sub-Committee that their primary consideration was Section 4 of the Licensing Act 2003 and the four licensing objectives contained within. Mr Bennett also advised the Sub-Committee to consider the Chichester District Council Licensing Policy 2016-2021, Home Office Guidance April 2018, Human Rights Act and Section 17 of the Crime and Disorder Act 1998. Mr Bennett explained that should any advice be provided to the Sub-Committee once they had retired to consider the application, it would be recorded in the decision notice.

Cllr McAra confirmed that the purpose of the hearing was to consider whether to grant a Premises Licence and give consideration as to whether it would be appropriate to attach conditions or otherwise to ensure the licensing objectives are promoted.

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

Divisional Manager's Introduction

Mr Foord, Divisional Manager for Communications, Licensing & Events outlined details of the application. Mr Foord set out the application and set out the representations to same, and further clarified the basis of the application as a permanent Premises Licence for an event to take place yearly and on an on-going basis for licensable activities, as set out in 4.7, page 3 of the document pack, to be conducted over three consecutive days. He went through the application as set out in the document pack. Mr Foord confirmed the Applicant details, and gave an indication that there were no relevant issues he needed to raise having liaised with other licensing authorities having a role as to the Applicant company and as to Ms Katie Caines, the proposed Designated Premises Supervisor named within the application. He discussed the application of conditions to licenses.

Mr Foord confirmed the basis on which the Sub-Committee had been convened was as a result of the Licensing Authority receiving ten relevant representations. Of the representations received nine were from local residents and the other was from the Council's Environmental Protection Team (in their statutory role as a Responsible Authority under the Licensing Act 2003).

Mr Foord informed the Sub-Committee that if they were minded to grant a Premises Licence the permission would be issued to Brand Events TM Limited as a limited company. Ms Katie Caines would be specified on the Licence as the Designated Premises Supervisor being a Personal Licence holder with the London Borough of Hammersmith & Fulham. Mr Foord confirmed that he had communicated with the issuing Authority (as recorded in the report at paragraph 10), and there were no reported incidents associated with the proposed Designated Premises Supervisor.

Mr Foord explained that should there be any planning implications, these must, and would be dealt with separately to the matters being considered under the Licensing Act 2003, which is the approach supported under the current Home Office Statutory Guidance which is issued nationally to all Licensing Authorities.

Mr Foord confirmed that a full copy of the original application had been reproduced and was included in the document pack, with a summary report provided on pages 7 and 8.

Mr Foord confirmed that the Agenda papers had been made available to all parties connected with the hearing as well as being made publically available for inspection. The Licensing Team ensured that 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 was required to give the Licensing Authority notice, stating whether they intended to attend or be represented at the Hearing and whether they considered the Hearing to be unnecessary.

Mr Foord confirmed that of the parties that received a Notice of Hearing the Licensing Team received five responses within the statutory timeframe confirming attendance and their wish to address the Sub-Committee.

Mr Foord explained that the papers for the Hearing were set out in the document pack which had been provided to the Sub-Committee. Included within the document pack were copies of all representations and a formal response to the representors covering topics such as noise disturbance, traffic congestion, COVID-19, alcohol; and engagement with local businesses.

Mr Foord confirmed for the avoidance of doubt that the application was seeking four licensable activities;

- Sale by retail of alcohol (for consumption on and off the premises)
- Live music (indoors and outdoors)
- Recorded music (indoors and outdoors)
- Films (indoors and outdoors)

The hours being sought for each licensable activity were summarised in the report in the table on page 7. He confirmed that no other forms of regulated entertainment had been applied for.

Mr Foord presented a summary of the timeline for the application. He confirmed that throughout the period relevant Statutory Notices were displayed at the premises and an appropriate advert was published in the Chichester Observer.

During that time the application attracted ten relevant representations. Two further comments had also been received but following careful consideration it had been concluded that neither related to one or more of the Licensing Objectives, and were therefore rejected.

Mr Foord informed the Sub Committee that the applicant had undertaken a considerable amount of mediation, particularly to address concerns around noise management and the potential impact on the local community.

The Environmental Protection Team had raised noise concerns in their representation; however, following further discussions with the applicant there was an agreement in principle of a noise condition and specific requirements being added to the Licence, if the Sub Committee were minded to grant such.

No other Responsible Authority had made representation against this application.

Mr Foord drew the Sub-Committee's attention to the fact that Brand Events TM Ltd had already been granted a Premises Licence earlier in the year, following a Sub-Committee determination. A copy of the Premises Licence was included in the document pack from page 75.

Mr Foord reminded the Sub-Committee that the inclusion of any proposed conditions was ultimately a matter for the Sub-Committee to determine even where they were agreed in principle with a Responsible Authority.

Mr Foord introduced the Applicant and invited them to address the Sub-Committee by way of confirming his report accurately outlined their application. This was duly acknowledged by Mr Levene.

Before the applicants addressed the Sub-Committee Mr McAra invited Sub-Committee members to ask any questions as to the papers for clarification purpose before the Hearing continued. There were none.

Applicants opening Address

Mr Levene confirmed that the summary provided by Mr Foord was a true and fair overview of the licence application.

Mr Levene explained to the Sub-Committee that Brand Events TM Ltd were an established company which had been running for over 20 years and ran both indoor and outdoor events. Mr Levene highlighted that the company were committed to

promoting the licensing objectives and working with the local community. He explained that the company objectives were to ensure that everything was done to protect the venue, look after the stakeholders and ensure minimum disruption to the neighbouring community.

Mr Levene explained that alongside their own event management team, they would also liaise with a wide range of leading experts to ensure that the event was properly managed. As example these would include; Safety Advisory Group (SAG) process, planning professionals, counter terrorism experts, traffic management companies, independent noise management specialists, security management, independent food hygiene experts and medical experts.

As background Mr Levene confirmed that this would be the fourth year the company had hosted the Pub in the Park event and the event in Chichester (its first) would be the 14th event in their tour series. The company had an excellent track record which could be demonstrated through the previous successful events hosted in locations similar to Chichester and had not been subject of any review process under the Licensing Act 2003 against other Premises Licences issued around the country.

Mr Levene informed the Sub-Committee that in 'normal' circumstances they would look to host 3000 to 5000 people. However, due to the COVID-19 pandemic there was uncertainty over what government guidelines would be at the time of the event, but it was expected that visitor numbers would be considerably less than in normal circumstances in order to accommodate the necessary social distancing measures.

Mr Levene explained to the Sub-Committee that the event would be subject to the scrutiny of a Safety Advisory Group, who would evaluate Brand Events safety management plans. An Operational Event Control team would be employed onsite throughout the course of the event. He further added that any company selling alcohol must have provided evidence to the DPS that their staff had been adequately trained. Mr Levene also confirmed that the sale of alcohol would be stopped 15 minutes before the end of each session and no alcohol would be permitted to be taken off the event site.

All members asked questions of Mr Levene. Questioning from members covered the following with responses given by the Applicant in brackets.

1. What would a ticket holder expect to see at the event? (Tickets buy entry into the event which would include a large food and drink exhibition market, cookery demonstrations and workshops, and live music at the end of the sessions. There would also be a number of well-known pop-up restaurants; visitors would be able to purchase food from them for a cost of £5 per dish)
2. Was the location fenced off? (yes the site would be fenced off)
3. What was the entry fee? (Daytime session £35 per ticket, evening session £45 per ticket)
4. Are you allocated a table for food or do you have to pay extra? (no, visitors are encouraged to move around the event)
5. What about films? (As yet there are no films planned)
6. Are the estimated 3500 people per session or per day? (per session)

7. Why the change in location? (Mr Levene explained that whilst Oaklands Park was a suitable venue, the main issue with the venue was its close proximity to Chichester Festival Theatre and the fact that the event could not run when performances were taking place in the Theatre. The other issue with the venue was that the land used forms part of the rugby pitches, which by August would be being used for pre-season training (if allowed). Hosting the event at Chichester College would provide greater flexibility when planning future events)
8. What contingency plans are in place regarding potential government guidelines around Covid-19 and social gatherings? (Contingency plans are in place and discussions have been held with the events team at Chichester District Council about how the event might work, including the removal of certain attractions, decrease in ticket price and reduction in visitor numbers to each session)
9. If a Licence were to be granted what would happen to the licence for Oaklands Park, would there be two events? (There would only be one event, but having the Licence for both premises allows for a greater amount of flexibility when setting future dates)
10. Have any arrangements been made with the College to allow access to the College Car Park during the three days? (Yes)

The Chairman invited those who had made relevant representations to ask questions.

Mr Waldron asked for confirmation regarding the period of time that the licence would be operating; would it only be three days or was there a potential for it to operate over four days? Mr Foord directed Mr Waldron and the Sub-committee to page 7 of the document pack and referred to the information contained within which confirmed that the event would only be held over three days. The first day of the event would determine whether it was held over a Friday, Saturday and Sunday or a Saturday, Sunday and Monday (the Monday must always be a statutory UK Bank Holiday).

Mrs Quail asked the following questions of the Applicant, with responses given in the brackets.

1. Does the land the application refers to legally constitute a park? (Mr Bennett confirmed that the land in front of the College was classified as recreation ground and was covered by the University and Schools Act and there was no issue or concern with the land been used for the event)
2. Will the ticketing be managed in advance? (The Applicant confirmed that tickets would be sold in advance, if tickets were still available at the time of the event they would be available on the door)
3. What food safety management is in place around preparation, particularly given the current Covid-19 pandemic? (The Applicant confirmed that all the current standards regarding food preparation were adhered to. He acknowledged that due to the Covid-19 pandemic new legislation was starting to be released regarding how food producers should operate going forward, he confirmed that checks would be undertaken to ensure that all food producers exhibiting at the event were following the most current guidelines) In addition to the response given by the Applicant, Mr

Bennett added that the Food Regulations Act was continually being updated in response to the Covid-19 pandemic. If the Licence were granted the event would be supported and advised through the SAG, and enforced through the regulations and guidance available at the time. He also reminded the Sub-Committee that Food Hygiene officers have enforcement powers outside of the Licensing Act, which could be used should there be any concern.

Mr Foord highlighted to the Sub-Committee the Health Protection (Coronavirus Restrictions) (as amended) Regulations which had been brought into effect at the outbreak of the pandemic. The regulations were already on their third iteration; demonstrating the evolving situation regarding events and the Covid-19 Pandemic.

4. Why is Greene King being used when there are plenty of local brewers which could benefit from the event?

Mr Davis informed the Sub-Committee that he had not received a hard copy of the agenda pack and had only been able to access the information via the Chichester District website.

Mr Davies asked the following questions of the Applicant, with responses given in the brackets.

1. Why had so little detail about the event been provided? (The applicant confirmed that an Event Safety Management Plan is submitted to the Licensing Authority, the SAG and other relevant authorities. The Event Safety Management Plan would include a number of more detailed plans including a Noise Management Plan and a Traffic Management Plan.)
2. What consideration had been given to traffic and the movement of people around the site? Had the applicant considered how visitors might access the event and was there a way in which inappropriate parking might be prevented, particularly around Westgate? (The Applicant confirmed that consideration had been given to the traffic management to and from the site. Intelligence provided through advanced ticket sales would dictate whether measures such as a park and ride would need to be considered. The Applicant confirmed that they would work with the Chichester District Council, WSCC Highways and Sussex Police to prevent inappropriate parking where residents had concern. He added that an independent Traffic Management company would be employed during the course of the event to manage traffic on and off site.)
3. What consideration had been given to noise levels that might be generated by the event and was it possible to view the Noise management plan? (The Applicant confirmed that they had met with the Environmental Health Noise Officer (EHO) and an agreement had been confirmed, which included a condition in the Licence, if it were to be granted. The Applicant explained that the EHO would only authorise the playing of music to a level which they are satisfied with and within National Guidelines. They also explained that local residents would be receive a letter before the event, providing a telephone number which could be rung if they thought the noise levels were excessive and

- provided a brief explanation over the course of action that would be taken following a noise complaint)
4. Was the applicant aware of the location of Marriott House a residential home located next to the site?
 5. Had the applicant considered siting the event at the front of the College?
 6. Could further detail be given to the space marked campsite in the location plan?

The Chairman invited those who had made relevant representations to ask any further questions.

Mrs Quail asked how appropriate it was to approve an event during the pandemic given the number of unknowns. Mr Bennett acknowledged Mrs Quails concern but reminded the Sub-Committee that when considering an application they must only consider whether the four licensing objectives have been met.

The Chairman invited the applicant and those who had made relevant representations to present a summary to the Sub-Committee.

Mr Levene confirmed that he had nothing further to add.

In his summary Mr Waldron informed the Sub-Committee that he had spoken on behalf of his wife and four other local residents, all of whom live in very close proximity to the event location. He expressed concern over the length of the event; the close proximity to both Marriot House and Tollhouse Close where a large number of elderly residents lived and as a final note the absence (or lack of) of any notification about the event.

In her summary Mrs Quail iterated her concerns over the proposed event and asked that further consideration be given to locating the event on the south side of the college to minimise the disturbance to neighbouring residents.

Mr Foord confirmed that the Applicant had complied with all the necessary statutory requirements of the Licensing Act 2003 and supporting regulations, including the Notices for the Licence application both onsite and in the Chichester Observer. As a point of note he explained that the process for a licence application was different to a planning application. The full document pack was made publically available on Monday 1 June 2020 and could be accessed on the Chichester District Council website, every representor was emailed with the direct link to the information.

Divisional Managers Conclusions

Mr Foord referred to a number of points within the council's current Statement of Licensing Policy 2016-21. The Licensing Authority recognised that the entertainment industry in the district was a major contributor to the local economy, attracting tourists, visitors and creating a vibrant community; and providing employment. However, as part of the policy adoption the Licensing Authority also recognised 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 and each application was viewed on its own merit.

Mr Foord explained that applications are considered on their individual merits and that the Sub Committee needed to weigh the needs of the applicant, residents and visitors to ensure the public are entertained safely. Mr Foord explained that it was expected any licence holder would take the responsibility of ensuring that any licence granted was complied with. The licensing function must not to be viewed as a mechanism for the control of person beyond the direct control of the licence holder; other mechanisms outside the licensing function were available to address such issues and would be discussed through the Safety Advisory Group. However, the licence holder would be responsible for minimising the impact of anti-social behaviour of their clients within the vicinity of their premises and to demonstrate that any conditions included within their operating schedule were delivered and applied in practice

The Chairman confirmed that the decision would be issued within the statutory period in writing and that no oral decision would be provided on the day of the meeting. The Chairman also checked that all parties were happy for Mr Bennett to accompany the members of the Sub-Committee into the private session in case legal advice was required. Any advice received would be included within the decision notice.

All persons other than Mr Bennett and the Sub Committee members, and Mr Elliot who remained to observe, left the remote meeting so that a decision could be made.

Decision

The Sub-Committee returned at 11.30am from its deliberations to announce its decision with respect to the application. It is confirmed that Mr Bennett was not required to provide any legal advice but they did speak to him about some practical matters after the decision was finalised - this discussion is noted after this decision.

Cllr McAra as Chairman confirmed the following decision to officers after the meeting as being the determination of the Sub- Committee.

The Sub-Committee was considering an application by Brand Events TM Ltd of 4 Vencourt Place, London for a Premises Licence to run an event called: 'Tom Kerridge presents Pub in the Park'.

Relevant representations were received with regards to this application from ten members of the public as well as from a Responsible Authority as defined by the Licensing Act 2003, namely Chichester District Council's Environmental Protection Team.

The representation by the Responsible Authority has been resolved in principle by way of mediation between the parties. It requires the Premises Licence Holder to submit to the Environmental Protection Team a Noise Management Plan at least three months before the event taking place for their approval with the exception of 2020 only which is six weeks. This representation was deemed relevant as it addressed one of the Licensing Act 2003 objectives under section 4, namely the prevention of public nuisance.

The Sub-Committee, in taking its decision, has not considered matters such as planning or parking and traffic issues as these do not fall under section 4 of the Licensing Act 2003. The Sub-Committee is satisfied that a traffic management plan will be developed between the applicant and the Highways Services of the West Sussex County Council. It also noted that Sussex Police have not submitted any objection to this application.

The Sub-Committee did note and pay particular attention to representations from the members of the public addressing them as to both the location and as to the uncertainty caused by the current pandemic. They noted the sincere concerns raised by those persons and acknowledged that the position on managing safety is particularly challenging in the current environment.

However, the Sub-Committee also noted the representations and experience of the applicant as set out by their representative and in their application. They considered the experience of the applicant generally in managing safety, the clear evidence that the applicant was engaged with the ongoing changes imposed by the pandemic and the planning which the applicant set out to react to the regulatory and practical issues which may impact upon the event. The Sub-Committee considered that they were satisfied that the applicant was able to demonstrate sufficiently that they are able to promote the Licensing Objectives and would work with relevant authorities applying themselves to the position as it will be at the time of the event.

The Sub-Committee also noted the concerns raised by and on behalf of local residents and in particular comments as to persons living at Marriot House and other premises near to the event site against the objectives of the prevention of public nuisance and that of promoting public safety. In assessing this they paid heed to the views of the residents as well as the papers from the Environmental Protection Team. They also noted the balanced and reasonable views on this expressed by several representors. The Sub-Committee also noted the other mechanisms available to the authority and partner agencies to ensure that activity during an event is controlled so as to reasonably balance and protect the needs of residents in the context of well-run events. The Sub-Committee considered their own policies and the advice of the Divisional Manager for Communications, Licensing and Events and came to a conclusion that a fair balance could be achieved with the event as applied for and that they were confident that the licensing objectives would be promoted.

The Sub-Committee in arriving at its decision has considered all the documents submitted and in particular the Manager's report, the application and the valid representations made both in writing and verbally. The Sub-Committee has considered all four licensing objectives and their promotion, namely: the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. Due consideration has been given to s.17 of the Crime and Disorder Act 1998 under which the Council has a duty to exercise its functions with regard to the likely effect on crime and disorder in its area and to do all that it reasonably can to prevent crime and disorder.

The Sub-Committee has also taken into account Chichester District Council's Statement of Licensing Policy 2016-2021 and the Revised Home Office Guidance of April 2018. The Sub-Committee has noted Human Rights and Equality considerations.

Having considered all of the factors above, this Sub-Committee has decided to GRANT this application subject to the conditions already specified in the application and with the conditions agreed in principle with the Environmental Protection Team.

Note

The Sub-Committee did not take legal advice from Mr Bennett but after making their determination, did ask him to confirm the position discussed in the meeting that the publication of all documents to the website, and having those emailed to all parties was sufficient to ensure a fair hearing. He confirmed his advice given in the meeting on this point and again confirmed the operation of the Coronavirus Act 2020 (and related regulations) upon remote meetings. They noted his apology to the persons who were not in receipt of paper copies and he confirmed he would look at what steps might be possible to give out documents earlier for future hearings. They accepted that this was not a legal duty, but clearly is likely to be helpful to many involved in the hearings if paper copies are available though they accepted the impact of coronavirus upon post means that not all of this is in the control of the authority.

The Sub-Committee also wished to note that they hoped that the event could be an example of the green shoots of recovery in the District and that a well- run event, which they hope and anticipate this will be based on everything they heard, can be a signpost that the positive things will return to our community in the future.

46 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: