



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Virtual on Thursday 12 November 2020 at 2.00 pm

Members Present: Mr G McAra, Mr C Page and Mr A Sutton

Members not present:

In attendance by invitation:

Officers present all items: Miss H Giudici (Licensing Assistant (Technical)), Mr D Knowles-Ley (Licensing Manager), Mr L Foord (Divisional Manager for Communications, Licensing & Events) and Ms G Di Lauro (Litigation and Licensing Lawyer)

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

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

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

Cllr Sutton confirmed the address of the premises which were subject to the hearing which would take place in respect of Agenda Item 3 as Woodies and the Annex, 10-11 and 13 St Pancras, Chichester, West Sussex, PO19 7SJ.

48 **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.

49 **Licensing Hearings**

Preliminary Matters

The Sub-Committee followed the procedure set out on the agenda front sheet. The Sub-Committee membership was as set out at the front of the pack.

The Chairman confirmed the entirety of the meeting would be held in public session (apart from when AELSC 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 Thursday November 2020 at 2pm. The meeting was also livestreamed on the council's website. All parties were able to participate and could hear and be heard.

Ms Giusj Di Lauro, Litigation and Licensing Lawyer confirmed her role within the hearing. She explained that her role was to advise the Sub-Committee and to ensure that procedure is followed in accordance with Regulations under the Licensing Act 2003. Ms Di Lauro confirmed that she 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 and to provide any other legal advice, as required. She informed the Sub-Committee that their primary consideration was Section 4 of the Licensing Act 2003 and the four licensing objectives contained within. Ms Di Lauro 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. Ms Di Lauro 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.

The Chairman formally opened the hearing and introduced members of the Sub-Committee and the officers present.

Mr Knowles-Ley confirmed that there had been no change to the list of attendees circulated in advance of the hearing and no representations had been withdrawn.

In response to a question from Ms Di Lauro, Mr Knowles-Ley confirmed that the premises being discussed were 10, 11 and 13 St Pancras. Mr Knowles-Ley explained that 10 St Pancras was the ground floor premises which currently traded as Woodies, 11 St Pancras was the premises located above number 10, 12 St Pancras was a hairdressers and had no involvement in this application and 13 St Pancras is located on the ground floor adjacent to Woodies.

The Chairman sought clarification as to who was in attendance for the Applicant. Mr John Wallsgrove confirmed his representation for the Applicant as the agent. Mr Wallsgrove explained that the applicant Mr Tim Kelly had experienced difficulties in trying to join the meeting, but he assured the Sub-committee that Mr Kelly was contactable via phone should there be any specific questions. The Chairman expressed concern that Mr Kelly was not able to join the meeting as the applicant and (after seeking advice from Ms Di Lauro) advised that Mr Kelly should join the meeting via telephone link as he felt that he should be present for the hearing. Ms Di Lauro advised the Chairman to consult the other members for their opinion on the matter; both Cllr McAra and Cllr Page agreed with the Chairman and felt that it would be best for Mr Kelly to attend. Mr Wallsgrove agreed to contact Mr Kelly.

Licensing Manager's Report

Mr Knowles-Ley, Licensing Manager outlined details of the application. He explained that this Licensing Authority had been asked to determine the application submitted by Woodies Chichester Limited of PO Box 9349, Royal Mail Group Bloomsbury Bar and Grill, Verwood, Dorset, BH24 9GF for a permanent Premises Licence

authorising a variety of licensable activities to take place at the premises to be known as 'Woodies and The Annex'. Mr Knowles-Ley informed the Sub-Committee that the applicant was seeking that the proposed premises would include, not only the area that currently trades as 'Woodies' at 10 and 11 St Pancras, but also an adjacent building at 13 St Pancras. The adjacent building has been closed for some period of time and is referred to in the application as 'The Annex'.

In order to assist with the day's proceedings, Mr Knowles-Ley explained that within his report he had referred to the two current Premises Licences which already exist in relation to the premises subject of this new application. They included Premises Licence No. 3815/20/00526/LAPRED which relates to Woodies Brasserie And Bar, 10 St Pancras, Chichester and Premises Licence No. 3815/20/01059/LAPRED which relates to 10, 11 and 13 St Pancras. Mr Knowles-Ley informed the Sub-Committee that both these licences were included within the pack and could be seen in full at pages 79-88 and at pages 89-97, respectively.

Mr Knowles-Ley confirmed the timeline associated with this application. The application had been accepted and having been validly made on 17 September 2020. The subsequent period during which relevant representations could be submitted ran for 28 consecutive days and concluded on 15 October 2020. Throughout the representation period the relevant statutory notices were displayed at the premises and an appropriate advert was published in the Chichester Observer on 24 September 2020.

Mr Knowles-Ley confirmed that the reason for which the sub-committee had been convened was as a result of the Licensing Authority receiving 18 representations, all in opposition to the application. The representations had predominantly been received from local residents. Mr Knowles-Ley drew the Sub-committees attention to the representation received from Mr Phil Johnson which had been submitted as both a resident and as the Chair of Eastgate Development Residents' Association, and also Mrs Anne Scicluna who was the City Councillor for Chichester Central. Mr Knowles-Ley confirmed that no representations had been submitted by any of the statutory Responsible Authorities specified under the Licensing Act 2003. All the representations received in opposition to the application were included within the pack and could be viewed at pages 37-78 of today's papers.

Mr Knowles-Ley highlighted that unfortunately the original plan which had been included within the agenda pack and showed the location of all representors in relation to the application site, had subsequently been found to contain errors, and therefore a corrected plan had been prepared and circulated to all relevant parties ahead of the hearing.

Mr Knowles-Ley explained that given the strength of opposition to the application, that no mediation had taken place between the applicant and those who had submitted a representation and consequently no representations had been withdrawn.

Mr Knowles-Ley informed the sub-committee that if it were minded to grant a Premises License, then it would be issued to Woodies Chichester Limited which is an 'active' company registered with Companies House. The company was

incorporated on the 19th November 2018 and currently had one active Director; Mr Timothy Kelly who was appointed on the 30th June 2020.

Mr Knowles-Ley explained that as the application sought the retail sale of alcohol as a licensable activity, then an individual who holds a Personal Licence must be specified within the application as the proposed Designated Premises Supervisor. Mr Knowles-Ley advised that Mr Michael O'Neil who holds a Personal Licence granted by Southwark Council, was the proposed Designated Premises Supervisor, this was confirmed on page 21 of the pack.

Mr Knowles-Ley confirmed that all papers for the hearing had been provided to all relevant parties ahead of the hearing. He also confirmed that the statutory Notice of Hearing required under the Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 had been sent to both the applicant and all parties who submitted a relevant representation. He explained that upon receipt of such notice, a party is required to give to the Licensing Authority a notice stating whether they intended to attend or be represented at the hearing or whether they considered the hearing to be unnecessary. All parties were required to give notice no later than five working days before the hearing.

Mr Knowles-Ley informed the members of the Sub-Committee, that of the 19 parties that had been sent a Notice of Hearing, 10 responses had been received. Of the responses received; two parties confirmed that they were unable to attend the hearing; however one had requested that they were represented by another party. It was expected that the remaining eight respondents would be present for the hearing and were expected to either address the sub-committee or be represented.

In response to a question from Mr Knowles-Ley the Chairman confirmed that he and his fellow Sub-Committee members had received a list that set out all responses received.

A copy of the application had been reproduced in full and was included within the pack at pages 13 to 34. For the avoidance of doubt, Mr Knowles-Ley explained that the application was seeking live music, recorded music, late night refreshment and the retail sale of alcohol as licensable activities. The applicant was seeking permission for all of these licensable activities to be conducted indoors; however they were also seeking permission for the retail sale of alcohol to be permitted outdoors within an area located at the rear of the premises adjacent to New Park Road car park. The proposed extent of the licensed area was shown on the plans provided at page 33 and 34 of the agenda pack.

In order to assist with proceedings, Mr Knowles-Lay had summarised the hours being sought for each licensable activity at page 2 and 3 of his report. He explained the reason that the applicant was requesting permission for live and recorded music to commence at 23:00 is because a license is not required to stage a performance of live music or the playing of recorded music if it is provided in accordance with all of the following:

- It takes place between 8AM and 11PM;
- It takes place at an alcohol on-licensed premises; and

- The audience is no more than 500 people

Mr Knowles-Ley concluded, that it was important for the Sub-Committee 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 them to determine.

Mr Knowles-Ley asked Mr Wallsgrove (as the applicant's representative) if his report and summary outlined their client's application accurately. Mr Wallsgrove confirmed that it did.

In response to a question from the Chairman Mr Wallsgrove confirmed that Mr Kelly was trying to join the meeting but was experiencing technical difficulties. The Chairman asked Democratic Services if they could assist and help Mr Kelly, Mrs Baker, Democratic Services Officer confirmed that they would.

Following Mr Knowles-Ley's report the Chairman invited fellow members and representors to ask any questions they may have in respect of his report.

In response to a question from Cllr Martyn Bell (who was in attendance on behalf of Mr Bernard Buckley), Mr Knowles-Ley explained that historically live and recorded music was a licensable activity regardless of the venue capacity; hours of operation or the location which it took place in. In recent years regulated entertainment in the form of live and recorded music has been deregulated, therefore a licensed premises with a capacity of no more than 500 people, no longer requires a licence to play music between the hours of 8am and 11pm. Mr Knowles-Ley explained that the application being considered was a new application and the applicant was entitled to benefit from the deregulation i.e. play music up until 11pm as long as the capacity did not exceed 500.

Applicants Opening Address

As Mr Kelly's representative (and whilst Mr Kelly joined the meeting) Mr Wallsgrove addressed the sub-committee.

Mr Wallsgrove explained that his presentation would be split into four parts. The first part would be to provide a brief history of the premises and an explanation as to how it would like to trade going forward; the second part would be to explain the application and the proposed hours and activities, comparing what has been applied for, with what the current premises licence. (Mr Wallsgrove explained that he hoped that the second part would help the Sub-Committee further understand what was being applied for and why). The third part of the presentation would be to explain how the premises would be managed, with specific reference being made to the extensive conditions included within the operating schedule included within the pack; and the fourth part of the presentation would look to address some of the representations that had been made by local residents.

Before starting his presentation Mr Wallsgrove asked that the Sub-Committee be mindful to the fact that the application has received no representations from Responsible Authorities. Mr Wallsgrove drew the sub committee's attention to guidance issued under section 182 of the Licensing Act, which states that the Licensing Committee should have regard to the expert opinion of those responsible

authorities, and in particular draws attention to the Police as the experts on crime and disorder; and the Environment Health Officer for concerns over noise, public nuisance and public safety. Mr Allgrove iterated that the Sub-Committee should consider the significance of no representations being made by Responsible Authorities.

As set out in his opening statement Mr Wallsgrove presented the Sub-Committee with a brief history. He informed the Sub-Committee that Woodies had originally opened in the 1970's and operated from number 10 St Pancras where it had traded at the premises for approximately twenty years. In the 1990's the owner at the time purchased the neighbouring property, 13 St Pancras. During this period the buildings were knocked through and joined together. Mr Wallsgrove explained that it was for this reason that there was currently a premises licence in place which covered 10, 11 and 13 St Pancras. At some point the premises did return to trading from just 10 and 11 St Pancras, with a partition wall erected between the two premises, Woodies continued to trade this way until 2018 when it was shut completely.

Mr Wallsgrove explained that his client became involved with the premises in March 2019; however, Woodies had ceased trading in March 2020 in accordance with the government lockdown. Mr Wallsgrove informed the Sub-Committee that the premises had not reopened since and were not expected to reopen until May 2021. Mr Wallsgrove explained that Mr Kelly had taken the opportunity during lockdown to review the business; it is Mr Kelly's intention to knock through to 13 St Pancras and reopen the partition wall which had been installed, in order to make the premises one venue again. Accordingly Mr Kelly had applied for a new licence, and that is what was being considered by the Sub-Committee. Mr Wallsgrove emphasised that if the Sub-Committee were minded to approve the application in accordance with the terms sought, then it was the applicant's intention to surrender his two current licenses and have just the one premises licence for the single venue.

Mr Wallsgrove clarified that a variation application to the current Woodies licence was made in 2019 and had been determined by a Sub-Committee, this had been an extension to the operating hours on Fridays, Saturdays and New Year's Eve. A number of public representations had been made in objection to the application; however, the Sub-Committee at the time did approve the application. He noted that many of the representations that had been made in response to the current application were very similar in their concerns regarding potential nuisance. Mr Wallsgrove explained that the reason he had made reference to the previous application was because residents at the time had expressed some concerns and fears. However, Mr Wallsgrove highlighted that there had been no credible evidence to support those concerns and fears regarding what might happen. The representations being made in response to this application were again just concerns and fears about what might happen with no credible evidence being put forward. Mr Wallsgrove acknowledged that there had been one or two incidents referred to in the representations and he would address these as part of his presentation.

**Mr Kelly joined the meeting at this point.*

For the second part of the presentation Mr Wallsgrove surmised the application and explained what the difference was between the application being considered and the current licences already in place. Mr Wallsgrove explained that the licence being considered very much mirrored the current licence for 10 St Pancras in terms of the activities and hours of operation, and drew the sub committee's attention to page 79 of the pack which set out the existing licence for Woodies at 10 St Pancras. He explained the difference between the new application and the existing licence was in relation to live and recorded music, the current licence permits live and recorded music to be played up until midnight on a Friday, Saturday and New Year's Eve, whereas the new application requests permission for live and recorded music to be played for an extra 45 minutes – up until 12.45am. Mr Wallsgrove informed the Sub-Committee that the request was not for the whole premises and drew their attention to the premises plan (which had been submitted with the application and was included within the pack) he explained that the premises were known as Woodies and the Annex. He explained that the request for the permission to play live and recorded music for an additional 45 minutes applied to only the part of the premises known as the Annex. The conditions proposed in the application had been made following discussions with Environmental Health and had been done to ensure that there is no noise leakage. Mr Wallsgrove explained that people would be prevented from entering or exiting via the Annex and instead would be required to leave from the Woodies side of the premises to prevent any noise disturbance. Mr Wallsgrove explained that the Woodies side of the premises had a lobby, whereas the Annex side of the premises had no such feature, this had given caused concern during discussions with the Environmental Health Officers due to the possibility of a public nuisance being caused as clients left and it was why the proposed condition had been included as part of the application.

Mr Wallsgrove drew the sub committee's attention to page 24 of the pack, (which set out the application being considered), and in particular paragraph D where, under the heading 'prevention of public nuisance', a specific condition had been included which stated; '*regulated entertainment is only permitted in Woodies (as marked on the plan and at Annex 4) each Friday and Saturday and on New Year's Eve until midnight.*' Mr Wallsgrove explained that this condition retained what was already currently licensed and stressed that any breach of this condition was enforceable by review and was also a criminal offence. In his opinion, the conditions that had been put forward as part of the application; particularly in relation to the proposed timings on each side of the building and the way in which exit and entry to the premises would be managed; promoted the licensing objectives sufficiently to ensure that if the application were granted the Sub-Committee could be confident that residents would not be disturbed by allowing music to be played for an extra 45 minutes two days a week.

Mr Wallsgrove referred to comments in the representations concerning noise at the rear of the premises. He explained that the same conditions that currently applied to Woodies are included within the new application; including that the outside area must be closed at 10pm, once that area is shut there is no access or egress available from the rear of the property. Mr Wallsgrove believed that this condition demonstrated that the conditions included within the operating schedule were sufficient enough to safeguard residents from any noise from live or recorded music played at the premises.

Mr Wallsgrove explained that all proposed conditions were included within the operating schedule, which was included within the pack. He did not discuss each condition individually, however, he did draw the sub committees attention to the additional conditions that had been included as part of the application and were not in place on the current licence. In particular a more stringent condition had been included on the admission of people under the age of 18, on page 24 under the title '*Protection of children against harm*', there had also been the inclusion of conditions regarding deliveries. Mr Wallsgrove explained that the inclusion of the conditions regarding deliveries had been done at the request of the Police during a pre consultation discussion with them. Mr Wallsgrove stressed that there was no intention for deliveries from Woodies, but due to the change in the way businesses have had to operate during lockdown, the Police had requested it be added to the licence and Mr Kelly had been happy to see it included within the application as a proposed condition.

Going forward, Mr Wallsgrove explained that once reopened Woodies would continue to trade predominantly as a restaurant. The Annex would have food available but it would not be a designated restaurant. It is not anticipated that there would be any dramatic change to the current customer base. Mr Wallsgrove explained that the reason he mentioned this was because a number of representations referred to the premises changing to a nightclub and therefore attracting a younger clientele. Mr Wallsgrove wished to reassure the Sub - Committee that this was not the intention of the owner; music would be a feature in the Annex on a Friday and Saturday evening, but it is anticipated that people would first go to Woodies and then move into the Annex, therefore spending their whole night at the one location. This same point had been stressed on a previous variation when the hours had been extended and customers were able to stay in the one venue and did not leave to find other licensed premises.

Mr Wallsgrove addressed the issue of what impact the extra 45 minutes on a Friday and Saturday might have, as he presumed this would be one of the main concerns of the Sub-Committee in deciding whether to permit the application or not. He did not believe that the additional time would have a negative impact and was unlikely to be heard by local residents, the proposed conditions included within the application would ensure this was the case, for example when live or recorded music was playing there would be no windows or doors opened. He also iterated that the patio at the rear of the premises closed at 10pm and from 11pm no one would be allowed to exit or enter via the Annex side of the premises. There were also conditions included to prevent anyone from taking their drinks outside the front of the building. Mr Wallsgrove explained that these conditions would enable staff to deal with those who did take their drinks outside, as well as monitor the noise levels. Mr Wallsgrove explained that there was CCTV located both inside and outside the premises.

Mr Wallsgrove informed the Sub-Committee that he believed the conditions included within the application did positively promote the licensing objectives and ensured that residents would not be disturbed by noise. He again reminded the Sub-Committee that there had been no objections from any of the responsible authorities, and stressed that if Environment Health officers thought that the conditions were not robust enough to promote the prevention of public nuisance

then they would have objected to the application. Mr Wallsgrove believed that the lack of representation from Environment Health and other responsible bodies demonstrated that the conditions proposed were acceptable and would prevent disturbance from the playing of music for an extra 45 minutes.

Mr Wallsgrove took the time to address some of the concerns that had been raised in some of the representations made by local residents. Mr Wallsgrove acknowledged that the local community had every right to raise their concerns and that the Licensing Act enabled communities to do this as part of the application process. However, it did not mean that false allegations and comments that may persuade the Sub-Committee to refuse the application should be made if they could not be supported with credible evidence.

At this point the Chairman stopped Mr Wallsgrove to take legal advice from Ms Di Lauro. The Chairman raised concern that Mr Wallsgrove; in referring to false allegations being made was becoming too personal in respect of the representations made. Ms Di Lauro confirmed that Mr Wallsgrove was able to comment in respect of how the applicant feels about the representations made, so long as he did not refer to specific individuals. Ms Di Lauro advised that he should be allowed to continue.

During the pause in proceedings the Chairman took the opportunity to welcome Mr Kelly to the meeting and thanked him for persevering with the technology to join and take the time to hear what was being said.

The Chairman invited Mr Wallsgrove to continue. Mr Wallsgrove confirmed that he had no intention of making any personal attack on residents; he intended to just respond to some of the comments that had been made in the representations. In reference to a comment that had been made claiming Woodies would turn into a nightclub, Mr Wallsgrove assured the Sub-Committee that this was not the case. He explained that having music playing for an extra 45 minutes on a Friday and Saturday would not change the nature and character of the premises and in no way would it become a nightclub and he did not believe it would attract a younger crowd. Mr Wallsgrove challenged the concerns raised by the residents who stated that the area of the city in which the premises was located was a quiet residential area, Mr Wallsgrove explained that there were a number of other licensed premises and restaurants within the local area and therefore felt it was a misnomer to refer to the location as a quiet residential area, it was more appropriate to describe it as being a mix of residential and commercial. Mr Wallsgrove explained that it was important to highlight this to the Sub-Committee, as some of the comments made had referred to members of the public drinking from bottles in the car park at the rear. He informed the Sub-Committee that Woodies did not serve drinks to be taken off the premises and that if there were people drinking in the car park it was unlikely to be a customer of Woodies. Mr Wallsgrove stressed that the representations contained no credible evidence to support the claim that those drinking in the car park were customers of Woodies. In respect of comments made regarding breaches of licensing conditions, Mr Wallsgrove confirmed that there had been no breaches in conditions and these comments should be disregarded. Similarly, comments made that claimed the premises had been shut by the police were also not true and informed the Sub-Committee that the premises had never been shut down by the police since it had been in Mr Kelly's ownership.

Mr Wallsgrove explained that he felt some of the comments made in the representations demonstrated a lack of understanding about the application as comments had been made which referred to an extension of hours for drinking. Mr Wallsgrove confirmed that was incorrect and explained no request was being made to extend the hours for the sale of alcohol, nor to extend opening hours as the premises would shut at the same time as it did currently. In reference to a representation that asked why a licensing application hadn't been sought for dancing, Mr Wallsgrove explained that dancing was not a licensable activity for members of the public.

Mr Wallsgrove asked that when the Sub-Committee retire, that they consider whether any credible evidence had been put forward to substantiate concerns raised in the representations. Mr Wallsgrove requested that if there was no credible evidence then the Sub-Committee should ignore those particular comments. This concluded Mr Wallsgrove's summary.

The Chairman thanked Mr Wallsgrove for his summary. Before proceedings continued, the Chairman consulted Mr Knowles-Ley and asked if he could clarify the exact opening hours that the applicant was applying for. Mr Knowles-Ley confirmed that he had compared the current hours and that 10 and 11 St Pancras would operate alongside the hours proposed in the application being considered, therefore he confirmed that they were exactly the same. The only difference being the additional 45 minutes proposed for the Annex as Mr Wallsgrove had stated in his address to the Sub-Committee. Mr Knowles-Ley informed the Sub-Committee that he was pleased Mr Wallsgrove had acknowledged in his address that whilst the hours will remain the same, that the capacity for the premises would increase as it was important that the Sub-Committee were aware of this factor.

Mr Knowles-Ley asked Mr Wallsgrove if he could provide further clarification regarding 'off sales' as Mr Wallsgrove had said this was not something Woodies did. However, off sales was something that was allowed as part of the current licence and had also been included within this licence application. Mr Wallsgrove explained that the licence did include 'off sales' but this had only been included so that an unfinished bottle of wine could be taken home by the customer, he iterated that it was not to sell bottles of beer for consumption off the premises.

The Chairman asked if Mr Knowles-Ley could confirm that allowing 'off sales' within a licence does allow for any drink to be taken off, not just bottles of wine. Mr Knowles-Ley confirmed that this was the case, however, he did draw the sub committees attention to the operating schedule (p.22 and 24) where there conditions were being proposed which included that 'off-sales' would cease at 11pm and that all off-sales of alcohol would be supplied in sealed containers.

The Chairman asked if Mr Knowles-Lay could provide any further information regarding any breaches of conditions and what the current situation was. Mr Knowles-Ley explained that following the comments made in the objections received he had undertaken a search through the Licensing Team's complaint record and also contacted officers within the Environmental Protection Team (Mr Knowles-Ley stressed that it was important to acknowledge that officers from that team were not

present at the hearing). Following his investigations Mr Knowles-Ley confirmed that there a noise complaint was made in August 2019 to the Environmental Protection Team, prior to that the last complaint had been in 2014. With regards to the Licensing Team, Mr Knowles-Ley informed the Sub-Committee that there had been one complaint in March 2020 and six complaints during 2019. He confirmed that his team had been to the premises and offered advice on licencing compliance; he also added that he had met with two of the general managers; Mr Josh Wright and Mr Billy Stevens. Mr Knowles-Ley informed the Sub-Committee that he had visited the premises in May 2019 and November 2019. He confirmed that no formal action had been taken to date and explained that the preferred approach by the Licensing Team was to always work with those responsible for operating licensed premises.

The Chairman invited Mr Kelly to add any further comments. Mr Kelly confirmed that Mr Wallsgrove had made a fair representation of the application and confirmed that he had nothing further to add at this stage.

The Chairman invited members of the Sub-Committee to ask the applicant any questions they had.

Cllr McAra asked the applicant if they could confirm whether a public notice containing the following words; *'the Annex soon to be Chichester's hottest live music venue, located conveniently next to Woodies, will bring Chichester to life, delivering the best of local DJ's and music to your ears and feet'*; had been distributed by them. Mr Wallsgrove was unable to comment, Mr Kelly confirmed that they had.

In response to Mr Kelly's answer the Chairman highlighted that Mr Wallsgrove had said in his address that there would not be any fundamental change in the clientele of the premises. Mr Kelly assured the Sub-Committee that Woodies was not turning into a nightclub, and explained that there was a wide variety of music played at the venue including; Motown and seventies disco, the premises attracted people who could dine first and then go onto enjoy music at the same premises. Mr Kelly stressed that this business model was not new as music had been played at the premises for twenty years. Mr Kelly explained the main difference was that number 13 had not previously been open as the main focus had been to ensure that renovations in the main building were completed before opening the Annex.

Cllr Page asked the applicant why they were applying for a licence for 1am and why had they not chosen to continue with the current operating hours or request opening till 2am, for example. Mr Wallsgrove explained that the closing hour of 1am was what was currently in place and confirmed there was no intention to extend the licence until 2am due to the negative impact that closing at this time would have on local residents.

Cllr Page asked the applicant what difference was expected from the additional 45 minutes. Mr Wallsgrove explained that it would allow people to remain at the premises longer and would help prevent a transient crowd of people coming to the premises, as they would be able to stay on the premises and enjoy their whole evening's entertainment at Woodies and the Annex. Mr Wallsgrove informed the

Sub-Committee that from current experience when music was limited to midnight, customers were likely to leave the venue even though it still remained open.

Cllr Page asked if Mr Wallsgrove could confirm that there was no egress from the back of the premises in the evening. Mr Wallsgrove confirmed that was correct.

The Chairman asked Mr Wallsgrove if he could clarify why he believed there was a difference between operating until 12.45am and not 2am. Mr Wallsgrove explained that the difference would be in the potential noise nuisance and crime and disorder caused to local residents at the rear of the property, there would be far less people in the area at 2am than there would be at 1am.

The Chairman invited representors to ask the applicant any questions they may have following his address; he did remind them that this was not the point at which objections were to be discussed.

Cllr Bell informed the Sub-Committee that he was the elected member for the Chichester Central ward, and was representing Mr Bernard Buckley who was unable to attend the hearing. Cllr Bell asked for clarification regarding the egress from the premises after 11pm. Mr Wallsgrove confirmed that entry and exit from the premises after 11pm would be through the door at the front of the building on St Pancras, he reminded the Sub-Committee that Woodies already operates till 1am and whilst it was expected that there would be a greater number of customers leaving at that time, due to an increase in capacity from the Annex; it was not felt that this would have a negative impact on residents. Mr Wallsgrove commented that if a negative impact was expected or anticipated then the Environmental Health Officer would have submitted the necessary representation.

Mr Levy informed the hearing that he was aware a licensing application had been submitted earlier in the year which requested operating hours until 1.45am and had subsequently been withdrawn. Mr Levy also submitted that the publicity material that had been produced for Woodies did refer to the premises as a nightclub, and questioned the inference made by Mr Wallsgrove that nothing had changed. He enquired why the applicant had not made reference to the earlier application. Mr Wallsgrove explained that the application Mr Levy was referring to had been made in respect of the Annex side of the premises and looked to vary the licence that was already in existence. When the application was made it had been the intention that the premises would not operate as one venue. However, following subsequent consultations with the Police and Environmental Health the application was withdrawn. Mr Wallsgrove explained that feedback from Environmental Health had raised concern that there would be a negative impact to local residents. Following the withdrawal Mr Kelly decided that it would be more beneficial to have the premises combined and operating as one venue up until 1am. Mr Wallsgrove stressed to the Sub-Committee that this underpinned the significance that no negative impact would be caused by this application as no representations had been made by Environmental Health, whereas they would have submitted a representation for the application if it requested operating hours until 2am.

At this point Ms Di Lauro advised the Sub-Committee that questions asked must be relevant to the current application being considered by the hearing. The Chairman acknowledged the advice and concurred.

Cllr Scicluna asked the applicant if any reference to 'last admissions' had been included within the application. Mr Wallsgrove confirmed that there was no proposed condition for last admissions; this was because it was felt that it was not necessary as the venue would be operating to the same hours as it did currently. The chairman asked Mr Knowles-Ley to comment. Mr Knowles-Ley confirmed that there was no condition in the application and it would be a matter for the Sub-Committee to decide whether such a condition should be included if the licence were granted.

Mr Casburn asked Mr Kelly if he could explain what had happened on New Year's Eve 2019 when the police were called to the premises. Before the applicant answered the question the Chairman sought advice from Ms Di Lauro as to whether the question was reasonable. Ms Di Lauro explained that the question was relevant, but only because Mr Wallsgrove had addressed this particular issue regarding false allegations made in the representations. She advised that the Sub-Committee must be mindful that any answer given is a peripheral issue raised by Mr Wallsgrove in saying that the allegations were unsubstantiated. She explained that the question had been asked of the applicant regarding these allegations, but any answer provided should not be given too much weight as it was only a peripheral matter and anything that has occurred is in the past and therefore not strictly relevant to the application being considered.

Mr Wallsgrove answered the question, he highlighted that there were no pieces of evidence in front of the Sub-Committee for any breaches in conditions. He confirmed that on New Year's Eve 2019 the Police had attended the premises and advised Mr Kelly that he was not permitted to open to the hours which had appeared on an advertisement. Mr Wallsgrove explained that an assumption had been made by both Mr Kelly and his manager that the other had applied for a Temporary Event Notice to extend the hours on the licence; unfortunately neither had made the application. The publicity that stated how late the premises would remain open on New Year's Eve had already been distributed, the Police attended the premises and explained that there was no Temporary Event Notice and the normal operating hours as prescribed in the Premises Licence had to be adhered to. Customers left shortly after the music stopped at midnight and people left the premises between 12am and 1am.

Mrs Webster asked the applicant for clarification regarding the provision of fire exits, as it appeared from the plans that there was only one fire exit at the front of the building and none at the back. Mr Kelly confirmed that there was a fire escape at the back of the building. Mr Wallsgrove drew Mrs Webster's attention to page 33 of the plan and explained where the fire exits were located, he also clarified that Woodies did not have occupancy for 500 people; the number had only been cited as a reference to the statutory provisions around deregulated entertainment.

Mrs Webster enquired further if fire officers were satisfied with the provision of fire exits at the building. At this point Ms Di Lauro advised the chairman that this was not

a relevant question; and highlighted that there had been no representations from the Fire Service as a responsible authority.

The chairman invited the objectors to make their oral representations but explained he would impose a three minute rule due to time constraints and the number of people present who wished to speak.

The chairman invited Mr Richard and Helen Levy to make their representation.

Mr Levy thanked the Chairman and raised the following concerns; the noise disturbance that would be caused by the premises staying opening till 1am and the change in clientele that would be likely to visit a more nightclub type venue. Mr Levy explained that despite Mr Wallsgrove placing a great deal of emphasis on the fact that no representations had been made by the Environmental Health Officer, he failed to understand what the difference was in the noise disturbance caused at 1.45am and compared to the noise disturbance caused in 1am (as applied for). Mr Levy questioned the applicant's claim that the clientele would remain greatly the same, and believed that it was unlikely customers who visited the premises for a meal and drink would stay on. Mr Levy believed that the applicant's were honing in on the need for a nightclub within the City, and whilst acknowledging that Chichester may need a nightclub, did not believe that locating it within a mixed residential area was appropriate.

The Chairman thanked Mr Levy and invited Virginia Korda to speak, Ms Korda informed the Chair that she did not wish to speak as her colleagues were covering all the points she wished to raise.

The Chairman invited Peter and Jane Webster to speak. Mrs Webster enquired whether there was any air conditioning on the premises, especially in respect of the licensing condition that windows and doors must remain closed when music is played. She also asked if any soundproofing had been included as part of the building works that were currently ongoing.

The Chairman asked Ms Di Lauro if it was appropriate for Mrs Webster's question to be answered at this stage rather than simply make her representations. Ms Di Lauro advised the Chair to confirm with Mrs Webster what her concern was in relation to the questions she had asked. The Chairman explained that the questions were in regard to the provision of air conditioning within the building and what noise mitigation measures had been provided, Ms Di Lauro acknowledged this and advised that if Mrs Webster had no additional statement to that which she had already submitted then the questions could be answered at this stage. The Chairman asked the applicant if they could answer the questions. Mr Wallsgrove advised that he was unaware of whether there was any air conditioning within the building but Mr Kelly would confirm, however, Mr Wallsgrove did highlight that the condition on the licence was such that when regulated entertainment was played within the premises the windows and doors must be closed, therefore in his opinion whether there was air conditioning or not, would not be relevant. . Mr Kelly confirmed that there was air conditioning within the building, and that there had been some soundproofing as part of the renovations.

The Chairman invited Mr Casburn to speak. Mr Casburn informed the Sub-Committee that his representation was made with his partner Bernard Buckley. Mr Casburn explained that he was concerned by the potential impact that the licence would have on both the mental and physical health of residents who be kept awake (until 1.30am or 2am) from the noise caused by drunk revellers leaving the venue. He explained that from experience by the time people had said their farewells it could be much later before they leave the square. Mr Casburn acknowledged that whilst security guards will stop any violent acts they will not be able to stop the raucous farewells, slamming of car doors and raised voices of visitors - who may well have been drinking for over five hours - leaving the nightclub. Mr Casburn stressed that the premises was a nightclub and was promoted as such on Mr Kelly's Facebook page and Instagram accounts. He noted that a Sub-Committee had already commented on this. Mr Casburn put forward that the previous licence (as referred to by Mr Kelly's representative) had only been granted because he had persuaded the Sub-Committee that it was principally to allow the playing of jazz at the end of a meal. Mr Casburn submitted the following trip advisor comment as evidence to the Sub-Committee (the comment was made on 2 November 2019); *'came here for a dinner with friends and family, evening started off beautifully had some nice drinks, main course was lovely and then from 8 the music was turned up to an ear piercing pitch. One of our sweet elderly lady guests asked politely to turn the music down only to be confronted by the management who said, 'we're turning it up in 15 minutes, if you don't like it leave and don't come back'. Quite frankly none deserves to be spoken to in such an aggressive manner; to steal the quote. How can you have a restaurant that insists on excessively loud music before nine and what happened to customer service?'* Mr Casburn highlighted that this reviewer says *'I am 29 years old, so it is hardly unlikely that I am out of touch and I found it unbearable'*.

Mr Casburn explained that he believed that there was a plan to extend the DJ line up [Mr Casburn held up a promotional flyer] from 2020, with 52 nights already listed with acts such as; Daft Funk and Mike P. He stressed that the venue was a nightclub and the Sub-Committee should not be fooled into thinking that it is anything else. Mr Casburn asked that the Sub-Committee reject the application, but should they approve it he requested that is granted for a time limited period, so that the applicant is able to prove they can adhere to any new regulations put in place.

The Chairman invited Cllr Bell to speak on behalf of Mr Buckley. Cllr Bell explained that he was speaking on behalf of Mr Bernard Buckley and would be addressing his concern under the licensing objective; 'prevention of a public nuisance'. Cllr Bell iterated that he was the CDC member for the ward. Cllr Bell explained that his and Mr Buckley's main concerns were about the late night and early morning. At this point Ms Di Lauro stopped Cllr Bell to remind him that he was making a representation strictly on behalf of Mr Buckley and not in his role as a councillor. Cllr Bell acknowledged this and explained that Mr Buckley's main concern was the late night and early morning noise from the car park that is located at the rear of Woodies. With regards to the 'mixed use (business and residential) Cllr Bell explained that the car park was surrounded on three sides by residential properties, as well as residents on the fourth side – the same side as Woodies. Cllr Bell informed the Sub-Committee that he had received a complaint from someone who lived on the St Pancras side. He raised concern that through the introduction of the Annex at Woodies the premises would double in size, which would mean many

more customers. Even if the hours are the same as the current licence, the increase in capacity at the venue will mean that there are more people leaving at the same time, and therefore there will be more noise created as people make their way round to the car park and then home. Cllr Bell explained that in Mr Buckley's opinion there will be noise from people slamming car doors and making raucous farewell. Whilst this is not a criminal offence it will prevent people from sleeping in their own homes which, Mr Buckley felt residents in the area are entitled to.

Cllr Bell challenged Ms Di Lauro as he was the local member and was allowed to express his own views on application. Ms Di Lauro explained to the Sub-Committee and to Cllr Bell that the regulations are very clear, Cllr Bell had not submitted his own representation as set out in the regulations and therefore he could only make representation on behalf of Mr Buckley.

The Chairman invited Mr Robinson to speak. Mr Robinson thanked the Sub-Committee for allowing him the opportunity to speak. He referred to the Council's Statement of Licensing Policy 2016 – 2021 and the factors contained within it which will be applied to the decision taken. Mr Robinson submitted that the application being considered was in breach of the council's policies; in particular the applicant had not provided any indication of the overall capacity at the premises. Mr Robinson was concerned by this omission as this was a possible source of crime and disorder (in paragraph 6.2), a possible threat to public safety (paragraph 7.2), and likely to increase the potential for public nuisance (paragraph 8.2). Mr Robinson informed the Sub-Committee that the applicant had been asked by West Sussex Fire and Rescue on 7 August 2020 for this information and had failed to provide it. Mr Robinson did acknowledge that this request had been made during consultation on the previous application that was withdrawn. However, Mr Robinson said that the request had been repeated on 12 October 2020 in relation to the current application, and quoted *'as the necessity to carry out a fire risk assessment and to accurately calculate the maximum occupancy numbers by using the floor space factor as identified in the fire risk assessment'*. Mr Robinson claimed that this information had still not been provided. Mr Robinson referred to the council's policy in respect of public safety, and read that the Sub-Committee must have regard to the measures taken by the applicant to ensure that the physical safety of any person visiting or working at licensed premises is not compromised. Mr Robinson submitted that the application being considered failed to address public safety and that the applicant had left that section of the form blank. Mr Robinson submitted that the applicant also failed to sufficiently address the issue of public nuisance, interpreting it as simply; access and egress. He explained that the applicant had made no reference to paragraph 8.2 in the council's statement, which included factors such as; the location and proximity to residential and other sensitive premises; the consequence of the use of taxi's to transport clients to and from the venue. He noted that the applicant had failed to make any reference to what the statement refers to as the 'wind down' period which, Mr Robinson explained, was the end of the licensable activities and the closure of the premises. In failing to address this within the application, the applicant has failed to recognise nor made any provision for clients leaving the premises between midnight and about 12.30 from Sunday to Thursday, and between about 1am and 1.30am on Friday and Saturday. In summary, Mr Robinson submitted that the application, demonstrated an egregious and arrogant disregard to the council's responsibilities under the Licensing Act.

The Chairman invited Mrs Scicluna to speak. Mrs Scicluna informed the committee that her main concern was for neighbours around the property. She explained that whilst people had moved into their homes knowing that there were restaurants along St Pancras and that many of them had rear doors leading onto the car park near where their homes were, they were aware that the various eating premises closed at reasonable hours, and their own sleeping time was respected. Mrs Scicluna suggested that none of these neighbours were prepared for one of these premises to suddenly decide that they would like to provide 'vertical drinking' and, both live and recorded music into the small hours of the night/morning. Whilst the applicant stated that the doors and windows would be kept closed, he had also stated that patrons would be allowed to go outside to chat and smoke etc., which would mean that the door will be open and closed all evening, particularly in the patio area. Mrs Scicluna suggested that music would leak out of the premises and because it would be emitted spasmodically would be even worse. Mrs Scicluna raised concern that there was still potential for the noise to escape through the walls, even though the applicant had undertaken soundproofing, the Sub-Committee should be aware that many of the buildings along St Pancras were built before soundproofing was even thought of. Mrs Scicluna explained that when the premises closed many of the patrons would leave their cars in the car park behind the premises or maybe have ordered a taxi to pick them up. Mrs Scicluna described how the car park was surrounded by the homes of the neighbours who would be trying to sleep and submitted that as the background sound would be less at that time in the morning, the noise of car doors, chatter and laughter (or indeed other sounds) would be much greater. Mrs Scicluna raised concern that patrons could be placed in danger when exiting the premises as the footway is very narrow and the cars travel at great speed around the one way system. Mrs Scicluna expressed that in her opinion the hours being requested were unneighbourly and would be difficult for enforcement agencies to manage.

The Chairman invited Mr Wallsgrove and Mr Kelly to respond, if they wished, to the representations made and to make their final summary.

Mr Wallsgrove confirmed that they did not have any questions in response to the representations made. As a final summary Mr Wallsgrove highlighted the following points that he asked the Sub-Committee to take into consideration when they retired:

- There had been no representations to the application from any of the responsible authorities; and in particular given the concern raised as to whether 45 minutes of additional music would cause any public nuisance the Environmental Health Officer had not submitted any objection to the application.
- The change requested is a relatively small change to the existing licence.
- The capacity of 500 is a misnomer, the number referring to the law regarding deregulation; and has been addressed; Mr Wallsgrove iterated that Woodies was not capable of hosting 500 people.

- Regards to concerns raised over fire exits should be disregarded as they were not a relevant consideration and were satisfactory.

Mr Wallsgrove explained that Woodies had traded since the last variation from June 2019 through to March 2020, and to Mr Kelly's knowledge no complaint had ever been made by a resident directly to the premises. There had been one noise complaint made to Environmental Protection but that had not been referred to either Mr Wallsgrove or Mr Kelly, and therefore Mr Wallsgrove was unaware of what the complaint was and highlighted that they had not had the opportunity to discuss the complaint.

In response to the claims made regarding breaches of conditions and closures, these had not been proved. The only evidence that had been produced by Mr Casburn was a review from somebody who had visited the premises and in Mr Wallsgrove's view was not credible evidence. Mr Wallsgrove stressed that the applicant did respect the residents' feelings and concerns and that in granting the licence the residents would not be adversely affected. Mr Wallsgrove informed the Sub-Committee that the same concerns were stated at the previous hearing, with concerns raised over noise and detrimental impact upon the local environment. None of the concerns had come to fruition and would not if the Sub-Committee granted the licence. Mr Wallsgrove acknowledged that should the concerns come to fruition then there would be the ability to review the licence, to date there had been no licence reviews. If the licence was to be granted and there were still concerns, residents would be able to raise these with the Environmental Protection Team who would then apply for a review the licence.

As a point of note but not relevant to the application, Mr Wallsgrove informed the Sub-Committee that Mr Kelly let five rooms above the premises and was therefore very concerned for his own tenants that there was no noise disturbance.

The Chairman thanked Mr Wallsgrove and invited Mr Kelly to make any comments. Mr Kelly confirmed that he was happy with what Mr Wallsgrove had said and had no further comments to make.

The Chairman invited members of the Sub-Committee to ask any final questions they may have of the applicant.

Cllr Page referred to a comment made by Mrs Scicluna in reference to the patio. Cllr Page asked if Mr Wallsgrove could confirm whether the patio was a place where people could drink and smoke, and could he confirm that the patio shut at 10pm. Mr Wallsgrove confirmed that the patio would shut at 10pm. He clarified that up until 10pm drinkers and smokers who wished to use the patio area would exit via the rear door. He highlighted that the music was in the Annex side, whereas the patio was on the Woodies side of the premises and therefore far enough away for the noise not to disturb residents when the door is used. This had proven to be the case as the premises had been operating in this manner from June 2019 – March 2020 and there had been no complaints even when music had been played from the Woodies side. Mr Wallsgrove explained that anyone who wished to smoke after 10pm would be required to go out of the front of the building; they would not be allowed to take their drinks out the front.

Cllr McAra referred to the plan on page 33 of the agenda pack. Regarding the Annex side of the premises; Cllr McAra asked for further information regarding where live music and disco would be sited within the plan. Mr Kelly explained that the DJ booth would be sited at the front of the building, with speakers located throughout the premises. Mr Kelly explained that they were not installing large speakers; instead they were installing lots of smaller speakers which would be distributed throughout the premises, this meant that more clarity would be provided and the speakers didn't need to be as loud. Mr Kelly confirmed that the fire exits would not be blocked. He explained that the DJ's who would be attending the premises would be using the 'kit' that was already installed at the venue; they would not be bringing lots of equipment. A lot of the time the DJ's brought their laptop and then plug it into the in-house system.

Cllr McAra asked a further question in regards to whether Mr Kelly viewed live music as played by a DJ or a live band. Mr Kelly explained that it was a both, he informed the Sub-Committee that they were looking to host comedy nights, jazz nights and blues nights. Mr Kelly explained that live bands would be sited at the side of the building; the DJ box unit would be built at the front of the building and would provide a permanent space for a DJ. Cllr McAra acknowledged that Mr Kelly had carefully thought through where acts would be sited and that they would not be blocking any fire exit.

The Chairman referred to the publicity material and the schedule of DJs that had been produced. He enquired if this was part of the Woodies promotional material. Mr Kelly confirmed that it was part of the Woodies promotional material to show people who come to the premises who is going to be playing and when.

The Chairman invited Mr Knowles-Ley, Licensing Manager to present his summary. Before he presented his summary Mr Knowles-Ley asked Mr Wallsgrove for a point of clarification regarding the patio area. Mr Knowles-Ley explained that it was his understanding that there was currently no potential for the patio be used as either an access or egress point, he stressed that with the addition of the Annex the rear fire exit route would pass through that area and the Sub-Committee should consider this as part of their deliberations. Mr Knowles-Ley asked if he was correct in his understanding that any other door, whether located at the rear or the front of the building could be used to exit the building other than on a Friday or Saturday evening after 11pm when guests must exit to the front of the building. Mr Wallsgrove confirmed that the fire exit in the Annex was only a fire exit and could not be used for general access and egress. He confirmed that the rear patio of Woodies was closed at 10pm, after that nobody could leave or enter the premises that way; he confirmed that from 10pm the door became a fire exit. He explained that at the front of the premises both entrances would be open, however, on a Friday and Saturday from 11pm the entrance to the Annex would become a fire exit only. Mr Wallsgrove confirmed that there were door supervisors and they would not allow anyone to enter or leave through the wrong doors, other than in an emergency. With regards to the extra 45 minutes that was being applied for people would only be permitted to leave via the front of Woodies, where there is a lobby.

Licensing Manager's Summary

Mr Knowles-Ley referred to the Licensing Act 2003 and supporting regulations that require the council, as the local Licensing Authority, carry out its functions with a view to promoting the four licensing objectives namely:

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

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

Mr Knowles-Ley drew the Sub Committee's attention to a number of matters which are referred to in the current Statement of Licensing Policy:

He stated that within the Policy this Licensing Authority recognises that the entertainment industry in this district is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer.

However, this Licensing Authority also recognises both the needs of residents and visitors for a safe and healthy environment in which to live, work and enjoy their recreation.

This Licensing Authority has within its current policy set out the general approach that it will take when it considers applications under the Act. This Licensing Authority confirms that each application will be considered on its merits.

In addressing licensing issues, the Licensing Authority will have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, crime and disorder and the capacity of the district's infrastructure and resources.

The Licensing Authority does make it clear that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned as other mechanisms outside the licensing regime are available to address such issues. However, the Licensing Authority expects every holder of a licence/certificate to take responsibility to minimise the impact of anti-social behaviour of their patrons within the vicinity of their premises.

Finally it is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore

continue to work with all other parties in order to promote the four licensing objectives.

He continued further to state that according to the Policy, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood the Licensing Authority's consideration of the cultural merits of the application will be balanced against the achievement of the licensing objectives.

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

The Chairman confirmed that all parties were happy for Ms Di Lauro 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.

The Sub-Committee members, and Ms Di Lauro, left the remote meeting and were placed in a virtual breakout room so that a decision could be made. The Sub-Committee returned after 30 minutes in the breakout room and requested a further 10 minutes, all parties agreed.

The Sub-Committee returned from its deliberations to announce its decision in respect to the application. It confirmed that Ms Di Lauro had not been required to provide any legal advice.

Cllr Sutton as the chairman confirmed the following decision as being the determination of the Sub Committee.

Chichester District Council's Licensing and Entertainment Sub-Committee (hereafter 'the Committee), considered an application for a permanent premises licence by Woodies Chichester Limited (hereafter 'the Applicant') for the premises located at 10,11 and 13 St Pancras, Chichester. No 13 is also known as 'the Annexe' and the application is to include the rear patio area. The licensable activities applied for are: retail sale of alcohol; live and recorded music after 23:00 and the provision of late night refreshments. The details of the relevant hours proposed are stated in the Officer's Report in detail.

The Committee considered the following documents: the application with all the paperwork attached and the oral submissions made by the applicant; the Licensing Officer's Report; and all relevant representations submitted on time and in accordance with the legislation. The Committee noted that none of the Responsible Authorities as described under the Licensing Act 2003 had submitted any representations and all those submitted objected to the application.

The Committee, in reaching its decision, considered the promotion of the four Licensing Objectives under section 4 of the Licensing Act: 1) The prevention of crime and disorder; 2) Public Safety; 3) The Prevention of public nuisance and 4) The protection of children from harm. The Committee also took into consideration the Revised Home Office Guidance of April 2018; the Council's Statement of Licensing Policy 2016 – 2021; section 17 of the Crime and Disorder Act 1998, as amended which imposes a duty on

the Licensing Authority to exercise its functions with regard to the likely effect of crime and disorder in its particular areas and do all that it reasonably can to prevent crime and disorder. The Committee took into account Human Rights and Equality Law legislation and focussed its mind on the principles of natural justice, right to a fair trial, assessment of the case on its own merit with objectivity and avoiding pre-determination and to treat all parties with integrity and fairness. The Committee reminded itself of the option to review the Licence, if

granted, at any time as provided by the Licensing Act 2003. The Committee noted all the options available, namely: to grant the Licence as applied for with the conditions as suggested; to grant the licence but impose new conditions as it deemed fit in accordance with the Licensing Objectives; to exclude one or more of the proposed licensable activities; or to refuse the Licence altogether.

DETERMINATION

Having heard the Applicant, the Officer's Report and all relevant representations, both in writing and those made orally at the hearing. The Committee considered all four Licensing Objectives and their promotion and noted that the representations focussed primarily on objections on the ground of Public Nuisance and Public Safety.

The Committee, having considered all of the above, decided to **GRANT** this Licence. This is a summary of the Committee's determination and a comprehensive written decision will be issued in due course. The written decision will be the final determination by this Committee.

In relation to the retail sale of alcohol: With the operating hours as stated in the application

The provision of late night refreshments: With the operating hours as stated in the application

Provision of music (live and recorded): This is granted with a variation to the hours proposed and it is granted with the following hours: both for Woodies and the Annex: from 23:00 to 00:00 on Fridays and Saturdays and from 23:00 to 00:45 on New Year's Eve for the Annex only

50 Consideration of any late items as follows:

There were no late items.

The meeting ended at 5.03 pm

CHAIRMAN

Date: