



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in the Committee Rooms, East Pallant House on Monday 30 October 2023 at 9.30 am

**Members Present:** Mrs T Bangert, Mr I Ballantyne and Mr T O'Kelly

**Members not present:**

**In attendance by invitation:**

**Officers present all items:** Mr D Knowles-Ley (Licensing Manager) and Mr N Bennett (Divisional Manager for Democratic Services)

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

Cllr Tim O'Kelly nominated Cllr Iain Ballantyne. This was seconded by Cllr Tracie Bangert.

**2 Declarations of Interests**

There were no declarations of interest.

**3 Licensing Hearings**

Mr Bennett outlined the history of the matter. He explained that there had been a hearing previously where an issue had arisen which meant that Council licensing officers had to investigate relevant allegations and that the previous Sub-Committee had to rise. This hearing is therefore a complete rehearing of the matter. Mr Bennett confirmed that the matter of concern had been the subject of investigation and that a sanction was applied. This was a formal warning under the criminal legislation which had been given in writing by the Licensing Manager.

The Chairman opened the hearing and invited Mr Knowles-Ley, Licensing Manager, to provide his report.

Mr Knowles-Ley presented his report as follows:

With respect to the responses received in connection with the statutory Notice of Hearing, confirmed that a total of eleven responses were received. Of these eight were received within the statutory time. The three late responses received were from Mr Brett Coleborn, Mr Farhad Massoumian and from the applicant. The applicant unfortunately incorrectly assumed that a previous response they had sent to another Notice of Hearing relating to a different date would be carried forward.

Mr Knowles-Ley explained that it would be a matter for the Sub-Committee to determine whether they wish to let Mr Coleborn, Mr Mike Jones on behalf of Mr Farhad Massoumian and representatives of the Little Monster Tap address the Sub-Committee.

Mr Knowles-Ley confirmed that no representations had been withdrawn.

Mr Knowles-Ley introduced those representing Little Monster Brewing Company Limited, Mr Brenden Quinn, Director supported by Ms Jane Fitch, Business Associate. He explained that the application was to determine the variation application submitted by Little Monster Brewing Company Limited seeking to vary the current Premises Licence it holds under the Licensing Act 2003 in respect of their premises located at 23 The Hornet, Chichester, PO19 7JL. 23 The Hornet was first licensed in 2017 and traded as a micro-pub under the name The Hornet Alehouse. In April of this year, Little Monster Brewing Company Limited were successful in transferring the Premises Licence in existence at that time. It is the understanding of this Licensing Authority that since April 2023, the general style and business model of the premises-have not significantly changed.

A copy of the complete Premises Licence variation application is shown at Attachment B, pages 17-35 of today's papers. To assist, within paragraph 4.6 of the officer report, shown at pages 6 and 7, is a table which confirms that the only licensable activity authorised to take place at the premises is the supply of alcohol. The table-shows the current licensed hours as well as the current opening hours, along with the proposed hours being applied for within the variation application. For the avoidance of doubt, the variation application seeks a number of alterations. The first is to extend the existing hours for the supply of alcohol for consumption on the premises by 90 minutes. Currently alcohol may only be sold until 21:30 every day and so should this application be granted; the revised hour would be 23:00. If the Sub-Committee is minded granting the variation application, the current opening hours of the premises would also need extending and the application seeks in that respect an additional 90mins to the existing hours.

Following some minor layout changes undertaken at the premises, the variation application also seeks to update the plan attached to the existing Premises Licence. The current Premises Licence and plan is shown at Attachment D page 117-126 and the proposed revised plan at page 35. I can confirm that the application does not seek to licence any external areas of the premises.

The final aspect of the variation application is the removal of Condition 7 of Annex 2 attached to the current Premises Licence which states that: 'No tapped lagers, or spirits, will be sold for either on or off sales.'

Mr Knowles-Ley confirmed the timeline associated with this application. The application was accepted as having been validly made on the 14 July 2023. The subsequent period during which relevant representations could be submitted ran for twenty-eight consecutive days concluding at the end of the 11 August 2023. Throughout the representation period relevant statutory notices were displayed at the premises and an appropriate advert published in the Chichester Observer on the 20 July 2023.

The basis on which this Sub-Committee has been convened is because of this Licensing Authority subsequently receiving thirty-two representations. Of the thirty-two representations received, eleven are in opposition to the application and twenty-one in support. A list of those that submitted relevant representations is included at page 11 and 12 of today's papers with full copies of all representations shown at Attachment C, pages 37-116. With respect to the representation in opposition to the application submitted by Mr Simon Ratcliffe, Mr Knowles-Ley drew the Sub-Committee's attention to the fact that Mr Ratcliffe had stated that the representation is submitted 'for and on behalf of The Resident Owners of Bishops Courtyard.' Mr Ratcliffe's representation is shown at pages 51-56 of today's papers.

In the officer report shown at pages 5-10, it is mentioned that the various representations in opposition to the application refer to several matters of concern should the application be granted as applied for. The primary areas of concern relate to the possible negative effect on the promotion of the public nuisance and prevention of crime and disorder licensing objectives.

In contrast, the supporting representations comment on the positive atmosphere of the premises, typical clientele using the venue and a belief that the premises are responsibly managed with an apparent lack of evidence of issues or incidents arising at the premises.

All the relevant representations received were from members of the public and not any of the Responsible Authorities specified under the Licensing Act 2003. At Attachment A, page 15, is a plan which shows the location of the Little Monster Tap in relation to many of those that submitted a relevant representation.

Given the number of representations received, it would assist with today's proceedings if those who address the Sub-Committee could please refer to the specific page number of today's papers at which their representation may be found.

In accordance with Council policy, Mr Knowles-Ley confirmed that a copy of today's papers had been provided to all relevant parties in advance of the hearing.

Mr Knowles-Ley explained that due to statutory deregulation, that neither live or recorded music is licensable at an alcohol on licensed premises where either is provided between the hours of 8am and 11pm and to an audience of less than five hundred people.

He explained that the inclusion or otherwise of any proposed conditions is a matter for this Sub-Committee to determine.

Mr Quinn confirmed that the report detailed Mr Knowles-Ley was completely accurate. The representor asked Mr Knowles-Ley about the production of minutes from the previous meeting.

Mr Knowles-Ley confirmed that Mr Bennett had previously stated the status of the minutes of the previous meeting is that they will not be produced.

Mr Quinn began his address to the Sub-Committee. He introduced his business partner, Ms Fitch. He thanked customers and the community to their support with this application. Mr Quinn specified that his first variation is to implement the sale of tap lager and spirits in his establishments in the hope of increasing the customer demographic of his business. His second variation is the extension of business opening hours by between sixty and ninety minutes on Friday and Saturday evenings, with additional hours being proposed on weekdays if a special occasion were to arise. Mr Quinn confirmed that some neighbouring residents were initially not happy with the proposal of an extension of hours. Mr Quinn planned a meeting with neighbours and residents in the vicinity to discuss the proposal, of which only one resident attended. Mr Quinn stated that The Hornet had established a sense of community in the last few years and believes that an expansion of beverages will only enhance this. Mr Quinn also stated that he believes that authorisation of additional opening hours means that The Little Monster Tap will be granted the same opportunities as other comparable establishments in Chichester. Mr Quinn stated that currently The Little Monster Tap struggles to make profit since competitors are not on a level playing field, and the presence of such disparity will lead to the closure of another small business in Chichester in an already struggling industry. Mr Quinn stated that independent businesses in the hospitality industry are struggling now more than ever, and it is the right thing to do to try all means to help small businesses such as his to thrive and to give back to the community. Mr Quinn stated that he does not believe that the introduction of tap lagers and spirits will affect the four licensing objectives. Mr Quinn informed the Sub-Committee that the bar in The Little Monster Tap has been rotated ninety degrees to allow for better customer assessment when entering the premises. Mr Quinn emphasised that in the history of the business, there has never been any anti-social behaviour or complaints and clarified the four licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. He also stated that the business has a zero-tolerance approach to drug use, and that the business complies with the identification of customers who may be under twenty-five. Mr Quinn said that he keeps a refusal and under twenty-five log. Glassware is not to be taken out after 21.00 and this is clearly signposted throughout the premises. Ashtrays are located at either side of the entrance to mitigate cigarette-butt litter and a cleaner comes to the premises every other day to maintain the cleanliness at the front of the premises. Recycling and waste are not disposed of after 20.00 to minimise disruption to neighbours. Mr Quinn informed the Sub-Committee that he has lived in Chichester for six years and has two businesses in the district. He has plans to bring his brewery business into Chichester as he is keen to invest in the city and create employment opportunities for locals. He stated that the business does a lot for charity by holding charity events and that the business only buys from other local businesses. He said that The Little Monster Tap was selected to hold an upcoming music event to support local performers. He stated that he wants to be involved in the improvements by Chichester District Council to improve the nightlife in the city and that the current closing times of his business will prevent this.

The Chairman thanked Mr Quinn for his statements and said that members would need to ask questions to fully understand the application.

The Chairman asked Mr Quinn to detail the route to the bins within his premises.

Mr Quinn clarified that the property has both a recycle and regular waste bin that is behind an unlocked gate, where staff can chuck any bagged-up waste. The Chairman asked Mr Quinn if there was alternative access via the back of the premises.

Mr Quinn confirmed that there is no access from the back of the property and that you must go through the front door to access the bins which are situated to the side of the property. The bins are behind a motion-censored gate.

The Chairman thanked Mr Quinn for his clarification and invited members to ask any questions that they may have to the applicant.

Cllr Bangert thanked the Chairman and Mr Quinn for their introduction. She asked Mr Quinn to detail the value of the social aspect of their business and to outline the core demographic of their clientele.

Mr Quinn confirmed that the average customer age is thirty-five years old and above and is male dominated although women and couples do sometimes come in as well. He felt that they can improve on expanding their customer base by introducing the two variables set out in his application as currently they sell beer, wines and ciders, which he worries does not attract a wider female audience. He reiterated the thirty-five year and above demographic that he stated before and emphasised how the social aspect supports the local community.

The Chairman thanked Mr Quinn for his response and invited any questions from the floor.

Mr Ratcliffe, a representor, stated that he and those that he is representing fully support Mr Quinn as he maintains a well-run and professional business. The Chairman asked the Mr Ratcliffe to withhold his words of support until it was his turn to make his representation and emphasised that this is now the time to ask any questions to comply with the procedures adopted for Licensing matters included in the papers for this matter.

No questions were received so the Chairman invited Mr Ratcliffe to make his comments.

The meeting continued in order of representations received.

Mr Harris began his representation. He voiced his concern that the extension of opening hours set out in Mr Quinn's application was going to be detrimental to his quiet lifestyle. He set out the importance of being able to get enough sleep for himself and others including his grandchildren who visit. He suggested that the congregations of people in the courtyard are from the licensed establishments and that his property receives most of the noise, mostly into the bedroom and living room. He felt that noise from The Little Monster Tap customers interrupts his sleep. He maintained that he has always been very tolerable of this noise and only on one occasion asked for music volume to be reduced. He stated that while he can tolerate this noise up to 21.00, he would not tolerate a 23.00 closing time. He also stated concerns regarding the clientele changing from a mature customer base to younger

customers which he felt could lead to more disruption, especially alongside the implementation of spirits sales and whether there would be support to deal with any anti-social behaviour. He emphasised that while he appreciates Mr Quinn's situation, that does not outweigh the risk of disruption to lifestyle for residents, and the likelihood that the results of the license being granted would lead to the depreciation in value of residential properties in the area. His last point made was that the support in granting the variables proposed in the application came from locals who do not live in the vicinity of Bishop's Courtyard.

The Chairman thanked Mr Harris for his representation. He informed Mr Harris that if the application be granted and that the licensing rules were then breached, then Mr Harris would be able to formally complain. He stated that some points in Mr Harris' representation were not relevant to the Licensing Objectives and would not be considered when making the decision to approve or disprove the application.

Mr Bennett confirmed this was legally proper, and that it was right for Committee to focus upon relevant matters for any matter and that only the points made relevant to licensing would be considered. He confirmed that it was appropriate that the Committee was made aware of other matters of significance to the representors, however.

The Chairman invited Mr Quinn to respond to Mr Harris.

Mr Quinn confirmed that the establishment does not allow customers to congregate in the courtyard, and that the noise that Mr Harris discussed in his representation is instead from deliveries and not from The Little Monster Tap. He stated that the premises keeps its doors shut and that no noise can be heard from the courtyard.

Mr Harris stated that in his view noise is not from deliveries but is from customers from The Little Monster Tap.

The Chairman invited Mr Jerram to speak to this matter.

Mr Jerram asked Mr Harris to specify where he has seen people congregating. Mr Harris confirmed that it is on a narrow path outside the courtyard.

Mr Jerram asked Mr Harris to confirm if this was a case of members of the public standing on public property.

Mr Harris confirmed his opinion that they congregate on the driveway into the courtyard.

Mr Quinn stated that there is no proof that congregations are from The Little Monster Tap and that noise comes from delivery drivers.

The Chairman invited Cllr Bangert to speak.

Cllr Bangert stated that there is no way to prove that congregations come from The Little Monster Tap and could be from any number of the establishments that are

open until much later which are close to the premises. She asked Mr Harris if he has ever formally complained to Environmental Health.

Mr Harris confirmed that he has just tried to deal with the noise without contacting the Council but that he has challenged members of the public at times.

Mr Bennett asked the Chairman if he feels that he has heard sufficient evidence for the Sub Committee to form views regarding noise disruption against the Licensing Objectives The Chairman confirmed that he had.

The Chairman clarified that Mr Massoumian was not present to speak and invited Mr Ratcliffe to speak next in accordance with the order set out in the papers.

Mr Knowles-Ley informed the Chairman that Mr Jones would be speaking on behalf of Mr Massoumian.

The Chairman noted this and invited Mr Jones to speak.

Mr Jones stated that before work, Mr Massoumian told him that Mr Massoumian "often" must sweep up cigarette butts left behind by customers at The Little Monster Tap, has found lager canisters and urine in his bins.

The Chairman thanked Mr Jones for his representation.

The Chairman invited Mr Quinn to respond.

Mr Quinn reiterated that there is no way to prove that the waste found in the bins is from his establishment and that the cleaner gets to the property at 08.00 which is after Mr Massoumian leaves for work at 06.00.

Mrs Ratcliffe added that this problem did not occur until The Little Monster Tap went into business though it was not stated whether this was his or Mr Massoumian's evidence.

Mr Jerram added that Mr Massoumian's published representation mentions nothing about urination and suggested that his representative may have added this detail.

The Chairman thanked Mr Jerram and invited Mr Jones to respond.

Mr Jones confirmed that the detail regarding urination in the bins was from Mr Massoumian speaking to Mr Jones.

Mr Jerram reiterated his concern that this detail is not in the submission from Mr Massoumian in the pack.

Mr Jones maintained once again that this information came directly from Mr Massoumian.

The Chairman noted the above and closed discussion on the point, then invited Mrs Ratcliffe to resume her earlier comments.

Mrs Ratcliffe reiterated that the problems outlined did not occur until The Little Monster Tap went into business and that when The Ale House was in business, none of these issues occurred.

The Chairman thanked Mrs Ratcliffe for her comments and invited Mr Ratcliffe to speak.

Mr Ratcliffe reiterated the issue regarding urination in the bins as he himself had to hose bins down but stated that he cannot prove where the urination came from. He stated that he knows who is producing conversation in the evenings and that it does generate noise. He confirmed that he represented sixteen people who wish to make comments on the matter. He stated that he supports The Little Monster Tap establishment with their current licensing conditions and in recent weeks has begun to think that the Council was siding with the applicant. He stated that he believed that the Local Government Miscellaneous Provisions Act, Section 20 recommends a guideline for hospitality establishments of at least two toilets at a minimum. He mentioned the original planning caveats from the Chichester Environmental Officer that there be no music, no amplifications, no television. He also stated that the original floorplan is different. Mr Ratcliffe said that he spoke to Ms Miller regarding the issue of urination in the bins which had been refuted. He also reiterated the number of toilets being an issue in relation to the fact that the property was not designed to be a public house, and reiterated his point that music should not be played. He stated that the property is not fit for purpose and that the Sub-Committee has a duty to grant licenses responsibly. He commented that he had been told how busy the Licensing team are and that he believes that the current license was irresponsibly granted.

The Chairman thanked Mr Ratcliffe for his representation and asked the applicants for clarity on the seating plan.

Ms Fitch thanked Mr Ratcliffe for his comments. She clarified that the seating plan in the property is moveable to make best use of the space and that the business is fully compliant with The Licensing Act.

Mr Knowles-Ley responded to the submissions of Mr Ratcliffe by confirming that the Licensing Team is completely impartial and that it makes decisions purely on individual merit. He confirmed that while Mr Ratcliffe is correct in saying that the Licensing Team is busy, that nothing had been left out of the report for this Sub-Committee for consideration.

Mr Knowles-Ley then went on to state that anyone with a valid premises license has the right to submit an application of their premises, regardless of what type of premises the property was originally used for. Mr Knowles-Ley confirmed that the Health Protection Team has not made a representation and is therefore not concerned regarding the lavatory situation on this premises. He then confirmed that Mr Quinn will still need to go through the planning regulations regarding his application as the two legislations were separate and both needed to be complied with.

Mr Knowles-Ley clarified that the Licensing Act does not go into specific detail regarding the seating plan of a premises, and that up until the 30 September 2024,



alcohol purchased in a licensed venue can be consumed off premises. He then invited Mr Quinn to make any further comments.

Ms Fitch responded to Mr Ratcliffe's earlier comments about the windows being open at the back of the property by confirming that the property does not have any windows at the back.

Mr Ratcliffe did not respond to that statement.

The Chairman clarified that every mandatory party was consulted in this application and noted that no objections were made by any statutory consultees. He invited Cllr O'Kelly to speak.

Cllr O'Kelly asked Mr Knowles-Ley to confirm who is the responsible party in dealing with the case of toilet facilities.

Mr Knowles-Ley confirmed that when the application was initially raised several years ago that all responsible authorities would have been notified, including the Health Protection Team who determined not to submit a representation regarding this point, and that the case of implementing more toilet facilities would be for them to consider if necessary.

Cllr O'Kelly asked Mr Knowles-Ley about Mr Ratcliffe's earlier comment regarding the number of toilets necessary in a drinking establishment.

Mr Knowles-Ley confirmed that this does not fall under Licensing, but rather for the Health Protection team to respond to if required if it was negatively affecting behaviour in the establishment.

Cllr O'Kelly asked Mr Knowles-Ley to confirm whether Health Protection Team had been aware of the toilet facilities.

Mr Knowles-Ley confirmed that they were made aware when the application was first submitted in 2017 and were also notified this year during this variation and made no comments.

The Chairman thanked Mr Knowles-Ley for his comments.

Mr Bennett confirmed that he believed that there are no compulsory toilet facilities number requirement for an establishment of this size under building control requirements, and that the current facilities available are acceptable in licensing terms based on the officer considerations outlined before.

Ms Fitch stated that other establishments of a comparable size also only have one toilet facility.

The Chairman invited Mrs Ratcliffe to speak.

Mrs Ratcliffe stated that she believes that as per the operating schedule relating to the previous planning application, no amplified music is to be played on the

premises. She asked Mr Knowles-Ley if the granting of an alcohol license overrides this clause.

Mr Knowles-Ley clarified that Licensing and Planning departments are separate and that representors must stick to their original representations without the addition of new documents.

Mrs Ratcliffe confirmed that she included said document in her original representation.

Mr Knowles-Ley confirmed that the granting of the original application in 2017 was based on what was presented in said application at the time and was granted with conditions. He then stated that the amendments that the Sub-Committee had gathered to hear at present was to only discuss the new variations submitted by the applicant.

Mrs Ratcliffe asked about the relevance of the original planning conditions in relation to live music.

Mr Knowles-Ley confirmed that this planning restriction is different from the licensing regime as per the deregulations in the Licensing Act 2003 and suggested that this would instead be an issue of a planning breach.

Mrs Ratcliffe asked for confirmation as to whether original noise level conditions are disregarded once a license is granted. She stated that Kate Simons, Environmental Health Officer, had clarified to her in an email that multiple bodies participate in the decision-making and that the more stringent body outweighs the more lenient body.

The Chairman invited Mr Bennett to clarify any legal technicalities in Mrs Ratcliffe's statement.

Mr Bennett confirmed that matters for Planning are irrelevant regarding licensing conditions and encouraged the Chairman to discourage further discussion regarding planning matters and to focus exclusively upon matters of evidence relating to Licensing Objectives. The Chairman acknowledged this advice.

The Chairman invited Mr Ratcliffe to speak.

Mr Ratcliffe confirmed that he gave all the relevant information to Mr Knowles-Ley in previous months regarding planning.

The Chairman asked Mr Ratcliffe to wrap up his statement and advised that Mr Ratcliffe was raising issues that were not relevant to the Licensing Objectives.

Mr Knowles-Ley confirmed that the application made has gone through the statutory process, and that representations have been made and put before the Sub-Committee.

The Chairman thanked Mr Knowles-Ley for his comments and invited Mr and Mrs Barnett to make their representation.

Ms Sarah Barnett made her representation on behalf of Vivian Barnett, stating that she supports the business, but not at those premises.

The Chairman invited Mr Jerram to speak.

Mr Jerram stated that it is important to note that the premises is in a semi-residential/semi-commercial area.

The Chairman invited questions and further comments from the floor.

Mr Ratcliffe began to make comments regarding the status of mortgage applications on properties of this status.

Mr Bennett stated that this is not relevant to licensing and advised the meeting to move on. The Chairman acknowledged that advice.

The Chairman invited Mr Jones to speak.

Mr Jones stated that as a resident, he can hear excess noise from neighbouring establishments. He states that other residents share his concerns regarding noise issues.

The Chairman thanked Mr Jones and invited Ms Fitch to respond.

Ms Fitch commented that the business has no intention to play music beyond 22.00pm and reiterated that The Little Monster Tap is only looking to extend hours on Friday and Saturday evenings. She stated that the East Gate is open until 01.00am.

Mr Jones commented that he does not hear excess noise late at night from the East Gate and that he is worried that excess noise from The Little Monster Tap at extended hours will affect the sleep of him and other residents.

Mr Jerram added that the East Gate is no more than sixty yards away.

The Chairman emphasised that this application is not relevant to the East Gate.

Mr Harris asked for clarity regarding what could happen if The Little Monster Tap was sold after the license for extended hours is granted if new owners wanted to operate under the extended hours more than two days a week.

The Chairman clarified that this would depend on the conditions. He asked the applicants to confirm that if the new variations were granted, if they would find it acceptable to include a condition that music is not played after 22.00pm.

The applicants confirmed this matched their intentions as to music which was that they would not be playing music past 22.00 in any event.

Mr Bennett advised that the Licensing Sub-Committee does not have authority to make a binding condition of a non-licensable act, but rather could make a note to their decision so that the position offered outside licensing conditions was recorded.

The Chairman invited Cllr O'Kelly to speak.

Cllr O’Kelly asked Mr Knowles-Ley to confirm the status of granting a license to applicants and if the said license is transferrable to new owners.

Mr Knowles-Ley confirmed that the extended license can be transferred to new owners. He added further comment that government policy does not deem live and recorded music to be detrimental to the four licensing objectives. However, if an establishment is using and benefitting from this entitlement and undermining one or more licensing objectives, then the license owner can be challenged by the Sub-Committee with a statutory review and evidence.

The Chairman thanked Mr Knowles-Ley and invited Mr Jerram to speak.

Mr Jerram stated that he is regularly a customer at The Little Monster Tap and that he regularly hears road noise, and that any excess noise overheard by residents cannot be directly attributed to customers at The Little Monster Tap. He suggests that it is important to let establishments have the same opportunities regarding licensing and opening hours.

The Chairman invited questions from the floor.

Mrs Ratcliffe offered his opinion that not all licensed properties are equitable. The Chairman having heard that opinion indicated that this issue is not relevant to a licensing application.

Cllr Bangert commented that historically, pubs were often residential homes, and that Chichester District Council has no intention of filling empty units with ale houses.

The Chairman invited final remarks from the floor.

Mr Ratcliffe reiterated that residents have no issues with the establishment, but rather with its proposal of extended hours.

The Chairman reiterated that the Sub-Committee was aware of what it has gathered to decide, and formally closed the representation sessions.

The Chairman invited Mr Knowles-Ley to outline any key points from the Statement of Licensing Policy and/or any other relevant guidance/legislative matters so that the members could ensure they were focussed upon their legal duties in considering the application.

Mr Knowles-Ley provided the following statement:

*The Licensing Act 2003 and regulations require that the Council, as local Licensing Authority, conduct its functions with a view to promoting the four licensing objectives:*

- *Prevention of crime and disorder,*
- *Public safety,*
- *Prevention of public nuisance, and*

- *Protection of children from harm.*

*In reaching their determination the Sub Committee must have regard to recently revised Guidance from the Home Office in August 2023, this Council's current Statement of Licensing Policy (2022 – 2027) and both oral and written evidence associated with this application.*

**Elements of our current Statement of Licensing Policy which were referred to:**

- 2.10 *The Licensing Authority, in adopting this policy, recognises both the needs of residents and visitors for a safe and healthy environment in which to live, work and enjoy their recreation.*
- 2.11 *The Licensing Authority in adopting this policy has set out the general approach that it will take when it considers applications under the Act. The Licensing Authority confirms that each application will be considered on its merits. In view of the wide-ranging variety of premises and applications, the policy necessarily cannot set out all the factors which will result in the licensing objectives being achieved, nor all the necessary and appropriate control measures required for each premises.*
- 2.12 *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.*
- 2.13 *The Licensing Authority wishes to 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 and to reflect the measures that are to be taken to achieve this in their Operating Schedule and to demonstrate that these are applied in practice.*
- 2.15 *The Licensing Authority recognises there is no general presumption in favour of lengthening licensing hours and consideration of the four licensing objectives is precedent, as before each case will be considered on its own individual merits.*
- 3.8 *The Licensing Authority is mindful of all statutes which relate to issues which are relevant to the licensing objectives, particularly the Environmental Protection Act 1990 in relation to statutory nuisance.*

The Chairman informed all parties that the Sub-Committee retire to discuss the matter and asked Mr Bennett as Licensing Lawyer to explain his role in what a private discussion was otherwise.

Mr Bennett confirmed the nature of his role in the decision-making process which was to provide legal advice and if such advice were given additionally to that provided in open hearing that he would report that.

Mr Ratcliffe interjected and asked if he could speak to Mr Bennett in private.

Mr Bennett stated that it is not appropriate as the Licensing Lawyer to convene privately with representors and that his role was set by procedures.

Mr Ratcliffe stated that he has little confidence in the procedure of the Sub-Committee.

The Chairman stated that Mr Ratcliffe's statement was not relevant to discussion.

The Sub-Committee considered the matter in private session. Mr Bennett attended that session and did not need to make a disclosure as to further legal advice when the Sub-Committee returned to open session.

## **NOTICE OF DETERMINATION**

Chichester District Council's ('CDC') Alcohol and Entertainment Licensing Sub-Committee ('the Committee') considered a Premises Licence variation application submitted by the Little Monster Brewing Company Limited.

The application asked for variations to the existing Premises Licence ('the Licence') as set out in the papers in respect of the retail sale of alcohol which is the only form of licensable activity authorised to take place at the premises.

***'The Committee considered the following documents: the application with all the documents and correspondence attached; the Licensing Officer's Report; all relevant representations and in particular the representations by residents. It was noted that no representations were received from any of the relevant statutory consultees (Sussex Police, West Sussex Fire & Rescue Service, Health Protection Team, Environmental Protection Team etc.).'***

The Committee, in reaching its determination, considered the promotion of all four Licensing Objectives as stated in Section 4 of the Licensing Act 2003 ('the 2003 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 August 2023; CDC's Statement of Licensing Policy 2022-2027; 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 area and to 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 and the principles of public life (the Nolan Principles) in assessing the application, namely: right to a fair trial, integrity, fairness, objectivity, openness, right to be heard, assess the matter on its own merits and only to consider relevant facts and disregard irrelevant factors. The

Committee reminded itself of the option, as granted by the 2003 Act, to review the Licence, if granted, at any time in the future.

The Committee noted that a previous hearing had taken place as to the premises, that the matter was adjourned due to an allegation being made as to the proper adherence to the existing Premises Licence conditions. That matter was concluded separately by action of the Council Licensing Team. The hearing today was therefore a complete re-hearing of the matter.

Finally, the Committee noted the options available to it as prescribed by the 2003 Act. These are to grant the application as applied for; to grant it with any other condition as considered appropriate to promote the Licensing Objectives or to reject the whole application altogether.

Having heard the Licensing Officer's Report, the Applicant's written and oral representations and the written and oral relevant representations, the Committee was satisfied that the Licensing Objectives were met by the application.

The Committee considered these objectives against the variations being applied for.

The Committee considered the submissions to them by all parties, written and verbal.

Particular attention was paid to the hours of the premises and representations relating to those hours. Particular attention was also paid to the concerns by close neighbours' representations as to use of rear land by persons unknown. The outline of management practice and the lack of concerns raised by Police was noted. Evidence as to impact of timings from neighbour representors was noted. Evidence as to allegations of anti-social behaviour were noted, along with the location on a throughfare major road and the advice from the Licensing Manager.

The Committee noted a great deal of discussion took place as to historic issues, issues as to other legislation and as to other premises. The Committee took care to focus on the specific relevant matters and took the application on its own relevant evidence and facts.

The Committee's primary focus was upon the licensing objective as to Public Nuisance as to the hours sought, and both Public Nuisance and Crime and Disorder as to anti-social behaviour representations. Public safety and Protection of Children were of lesser weight evidentially.

The Committee noted the application effectively removes one condition which applied to the existing Licence.

The Committee, having considered all the above, concluded the retail sale of alcohol within the hours applied for would be compatible with the licensing objectives.

The Committee determination is as follows:

The application is GRANTED as applied for, although subject to the inclusion of the following specific condition:

‘Glassware and other waste not to be taken to external storage areas between 8pm and 8am.’

### **NOTE WHICH IS NOT PART OF THE FORMAL DECISION**

The Committee noted the concerns of residents as to potential increase in public nuisance and addressed in the meeting the scope for review of Licence where concerns are made out and noted the historic willingness of the Police to raise such reviews.

The Committee also noted the concerns of some representors as to noise. The Committee noted the assurances provided by the Applicant as to proper management of music in the future as to timings and frequency. The Committee also noted the advice of the Licensing Manager as to the position as to enforcement if nuisance is caused within the statutory entitlement going forwards.

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

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

### **MINUTES OF PREVIOUS HEARING**

The first hearing to consider this matter rose part heard and the recording of the meeting was not published to prevent matters outside the evidence permitted under the Licensing Acts to be considered.

The hearing included matters which were the subject of further separate consideration by the Authority under its criminal powers as set out in the legal advice provided by the Solicitor to the Council and which was referred to in the minutes of this meeting.

On that basis no minutes of the first hearing have been published by decision of the Solicitor to the Council in consultation with the Chairman of the Licensing Committee.

#### **4 Consideration of any late items as follows:**

There were no late items.



The meeting ended at 12.40 pm

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CHAIRMAN

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Date: