

Public Document Pack

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A meeting of **Alcohol and Entertainment Licensing Sub-Committee** will be held in Committee Room 2, East Pallant House on **Wednesday 23 March 2016** to be held on the rising of the General Licensing Committee.

MEMBERS: Mr P Budge, Mr P Jarvis and Mr H Potter

AGENDA

Part 1

- 1 **To elect a Chairman for this Hearing**
- 2 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 3 **The Vestry, 21-23 Southgate, Chichester, West Street, PO19 1ES** (Pages 1 - 39)
Review of a Premises Licence (reconvened hearing from 25 August 2015):
 - (a) Chair opens the Hearing.
 - (b) Items arising from Regulation 6 Notice (Notice of Hearing).
 - (c) Notice of any representations withdrawn.
 - (d) The procedure will then follow the Sub-Committee protocol and procedure note attached (pages 1 to 4).
- 4 **Consideration of any late items as follows:**
 - (a) items added to the agenda papers and made available for public inspection;
 - (b) items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.
- 5 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of

business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972

2. The press and public may view the agenda papers within Part 1 of the agenda on Chichester District Council's website at <http://www.chichester.gov.uk/committees>.
3. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

CHICHESTER DISTRICT COUNCIL

THE LICENSING ACT 2003 (THE 'ACT')

THE LICENSING ACT 2003 HEARING REGULATIONS 2005

SUB-COMMITTEE PROTOCOL AND PROCEDURE NOTE

A. PROTOCOL

1. The Notice of Meeting

- (a) The Notice of Sub-Committee meeting issued by the Council shall be accompanied by the following:
 - (i) A report of the Licensing Officer which shall include:
 - (a) Conditions the Licensing Officer considers relevant in the event that the application is granted;
 - (b) Any matters which in his opinion require clarification; and
 - (c) Observations on the application in relation to the Licensing Objectives, National Guidance and local policy.
 - (ii) Where relevant, the notices which have been given by the applicant and other parties under the Act.
- (b) The Notice of Meeting shall be served upon:
 - (i) The applicant (together with copies of relevant representations under the Act);
 - (ii) Persons who have made relevant representations under the Act; and
 - (iii) Where appropriate the Chief Officer of Police who has given notice under the Act.

2. Appearances and Submissions

(a) Constitution of the Sub Committee

A Member of a Ward in which the premises are located and is the subject of an application shall not be a Member of the Sub-Committee determining such application.

(b) Parties entitled to appear

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005 any person making relevant representations, the applicant and the Licensing Officer may attend the hearing and may be assisted or represented by any person whether or not the person is legally qualified.

(c) **At the Hearing**

Any party shall be entitled to:

- (i) Respond to any point in support of their application or representation which the Licensing Authority (the 'Authority') has given notice that it may require further clarification on;
- (ii) Normally to put questions to any other party; and
- (iii) Address the Sub-Committee.

(d) **Consequences of non-attendance**

- (i) The Sub-Committee will normally proceed with a hearing where a party has informed the Authority that it does not intend to attend or be represented at the hearing.
- (ii) Where a party has not so indicated but fails to attend or to be represented at the hearing the Sub-Committee may, at its discretion, where it is considered necessary in the public interest, adjourn the hearing to a later date or hold the hearing in the party's absence subject to, (in the latter case), the Sub-Committee considering the application or representations made by the absent party.

(e) **Submissions to the Sub Committee**

- (i) Subject to each party being given an equal maximum time the Sub-Committee may, at its discretion, where it considers appropriate in the public interest, advise parties that it will impose a time limit on speeches or submissions to be made to it.
- (ii) The Sub-Committee may, at its discretion, request that where a number of relevant representations repeat or in substance repeat a representation, that a representative of those making such representations make submissions to it on behalf of the other parties.
- (iii) The production of draft conditions by the Licensing Officer shall not be construed as influencing the Sub-Committee in advance of hearing representations and are produced for administrative convenience in the event that, following formal determination of the application, the Sub-Committee considers it appropriate to grant consent but with such conditions as it may consider appropriate.
- (iv) The Sub-Committee shall not have regard to any information first produced by a party at the hearing without first obtaining the consent of other parties present at the hearing.

(f) **Conduct at the Hearing**

- (i) The Sub-Committee may, at its discretion, require a person to leave the hearing and refuse to permit that person to return or to return only on such conditions as the Sub-Committee specifies if, in its opinion, that person is behaving in a disruptive manner, provided that such person may submit written evidence in accordance with the Regulations.

- (ii) Any irregularity arising from any failure to accord with this procedure shall not make the hearing void. If any person has clearly been prejudiced the Authority will take appropriate steps to rectify the irregularity before reaching its determination. Clerical mistakes in a document arising from accidental slip or omission may be corrected by the Authority.
- (iii) The public (including any parties or their representatives) may be excluded from part of the hearing where the public interest in so doing outweighs the public interest in the hearing taking place in public.
- (iv) The Sub-Committee may adjourn the hearing to a specified date where it considers it necessary to obtain further information or to facilitate representations or to assess such representation at or in the vicinity of the premises.

B. Procedure at the Hearing

1. Order of Presentation

- (a) The procedure of the Sub-Committee is as follows:
 - (i) Chair opens the meeting, introducing Members of the Sub-Committee and officers present to the applicant and members of the public, explains the nature of the decision to be taken and the procedure to be followed, and shall consider any request made by a party under the Regulations for permission for another person to appear at the Hearing, such permission not to be unreasonably withheld.
 - (ii) The Licensing Officer outlines the application, any relevant representations and relevancies to the local authority licensing policy statement and statutory guidance (optional).
 - (iii) Members to ask any relevant questions of the officer.
 - (iv) Licensing Officer introduces applicant (if present) and invites him or her, or person representing them, to address the committee or clarify any information arising from the officers' outline, if necessary.
 - (v) Licensing Officer to invite those parties making representations to address the Sub-Committee.
 - (vi) Members to ask any relevant questions of those parties making representations.
 - (vii) Applicant or person representing them to ask any relevant questions of those parties making representations.
 - (viii) Applicant or person representing them addresses the Sub-Committee.
 - (ix) Members may ask any relevant questions of the applicant or person representing them.
 - (x) Parties that made representations to ask any relevant questions of the applicant or person representing them.
 - (xi) Chair to invite applicant or those representing them, and any parties making representations, to briefly summarise their points if they wish.

- (xii) Chair invites Licensing Officer to comment on the effect of any evidence submitted in relation to local Licensing Authority's policies.
- (xiii) Chair asks all parties that they are satisfied they have said all they wish to.
- (xiv) Members of the Sub-Committee retire and discuss and make their decision.
- (xv) Chair relays the decision and the reasons given for the decision and any conditions placed upon the licence (if granted) and the licensing objective that they relate to.

NB (b) Decision

- (i) The Sub-Committee shall assess the application:
 - (a) Against the four Licensing Objectives being
 - The Prevention of Crime and Disorder;
 - Public Safety;
 - The prevention of public nuisance;
 - The protection of children from harm; and
 - (b) Any relevant national guidance and local policy.

(ii) Legal Advice

The Sub-Committee may request the assistance of the Council's legal officer at any time. Where practicable, the legal officer shall ensure that any legal advice given to the Sub-Committee not previously given during the course of hearing, shall be made known to the applicant and those making relevant representations and he shall give them the opportunity of making representations on such advice before the Sub-Committee makes its decision.

(iii) Confirming the Decision

Written confirmation of the decision including any conditions in the event that the application is granted and reasons for the decision and, if relevant conditions, will be given within five working days of the hearing.

Meeting of the Alcohol & Entertainment Licensing Sub-Committee

Date: Wednesday 23rd March 2016

Venue: Committee Room 1, Chichester District Council, East Pallant House, Chichester,
West Sussex, PO19 1TY

Reconvened hearing from 25 August 2015 to determine application for
REVIEW of the PREMISES LICENCE

'The Vestry'
21 – 23 Southgate
Chichester
West Sussex
PO19 1ES

1. RECOMMENDATION(S)

- 1.1** That the Sub-Committee considers and determines the original application made by Sussex Police on 7 July 2015 to review the Premises Licence granted in respect of 'The Vestry', 21 – 23 Southgate, Chichester, West Sussex, PO19 1ES.
- 1.2** That the Sub-Committee consider the content of this report and any evidence during the hearing in order to make a determination in accordance with the Licensing Act 2003 giving full reasons for its decision.

2. PURPOSE OF REPORT

- 2.1** The purpose of this report is to update the Sub-Committee following the original review hearing held on 25 August 2015. This report provides detail of the subsequent Minor Variation application and confirmation that the conditions suggested by Sussex Police have been satisfied enabling the Sub-Committee to make a final determination.
- 2.2** Attached to this report are the following: -
- Alcohol & Entertainment Licensing Sub-Committee Protocol and Procedure
 - Copy of Minutes from Alcohol & Entertainment Licensing Sub-Committee, 25 August 2015 (Appendix A)
 - Copy of the Minor Variation application and associated comment of Sussex Police dated 17 September 2015 (Appendix B)

- Copy of current Premises Licence for 'The Vestry' (3815/15/01444/LAPREM) (Appendix D)
- Copy of correspondence from Sussex Police 28 January 2016 (Appendix E)

3. **BACKGROUND**

- 3.1 As Members are aware at any stage, following the grant of a Premises Licence, a Responsible Authority, or any other person, may ask the Licensing Authority to review a licence because of a matter, or matters, arising at the premises in connection with one or more of the licensing objectives.
- 3.2 In arriving at its decision, the Sub-Committee must have regard to the evidence presented, current Home Office Guidance issued under Section 182 of the Act and Chichester District Council's current Statement of Licensing Policy.

4 **HISTORY AND SUMMARY OF THE REVIEW APPLICATION**

- 4.1 At the original hearing on 25 August 2015 Members were provided with a detailed description of 'The Vestry' along with a history of the venue in terms of licensing and a full copy of the review application submitted by Sussex Police.
- 4.2 The hearing was adjourned following the Sub-Committee noting the representations given by both parties and in particular having noted the new management structure at the premises.
- 4.3 Following confirmation from the Premises Licence Holder during the hearing that a Minor Variation application, on terms agreeable with Sussex Police, would be submitted and on the understanding that the new management at the premises would work closely with the Police the Sub-Committee resolved to adjourn to a date in early 2016. Attached at **Appendix A** are the Minutes of the original hearing.
- 4.4 Following the Licence holder working closely with the Police a Minor Variation Application was received on 17 September 2015 (**Appendix B**). The proposed variations were as set out below and the application attracted no representation(s) thus resulting in a new Premises Licence being granted as set out at **Appendix D**.
- to add the conditions agreed with Sussex Police (taken from review application) and
 - remove redundant conditions from the Premises Licence
- 4.5 In order to establish the current operations at 'The Vestry' the reporting officer contacted Sussex Police. A formal response was received setting out their position by email dated 28 January 2016 which is reproduced at **Appendix E**.

5. **CONSIDERATION**

- 5.1 In reaching its decision the Sub-Committee must take into consideration the Licensing Objectives, the Council's Statement of Licensing Policy, current Home Office Guidance and the evidence presented to the Licensing Authority as a result of this application. It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application.
- 5.2 Human Rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. Article 1 and Article 8 are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done: -
- Has its basis in law;
 - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim,
 - Is proportionate to the aims being pursued; and,
 - Is related to the prevention of crime or, the protection of public order or health or the protection of the rights and freedoms of others.
- 5.3 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Act. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 5.4 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Race Relations Act 1976 as amended 2000, and the Sex Discrimination Act 1975, and also in accordance with the Council's stated policy on Equal Opportunities.
- 5.5 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas.
- 5.6 The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from Responsible Authorities and any other person..
- 5.7 The Sub-Committee are required to give reasons for their decision.

7. OPTIONS OPEN TO THE SUB-COMMITTEE

- 7.1 When considering an application for a review of a Premises Licence, the Sub-Committee have various options available to them so as to ensure the promotion of

the licensing objectives. These can be a combination of one or more of the following in respect of the Premises Licence;

- To modify the conditions and/or times that licensable activities are permitted to take place (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a 'licensable activity';
- To remove the Designated Premises Supervisor ('DPS');
- To suspend the Premises Licence for a period not exceeding three months; or
- To revoke the Premises Licence.

7.2 The Sub-Committee may also choose not to take any action and a warning may be simply issued. Any steps necessary to promote the licensing objectives should be specified.

8. **BACKGROUND PAPERS**

Licensing Act 2003

Home Office Guidance issued under Section 182 of the Licensing Act 2003

(March 2015)

Chichester District Council's Statement of Licensing Policy

9. **ATTACHMENTS**

- Appendix A Copy Minutes of meeting of Alcohol & Entertainment Licensing Sub-Committee, 25 August 2015
- Appendix B Copy of the Minor Variation Application and comment of Sussex Police dated 17 September 2015
- Appendix C A plan of local area and location of licensed premises
- Appendix D Copy of the existing Premises Licence (3815/15/01444/LAPRED)
- Appendix E Copy of representation(s), mediation correspondence and supporting evidence (where applicable)

Contact:



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Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Committee Room 1, East Pallant House on Tuesday 25 August 2015 at 9.30 am

Members Present: Mr P Budge, Mr P Jarvis and Mr H Potter

Members not present:

In attendance by invitation:

Officers present all items: Mr N Bennett (Litigation Lawyer), Mr L Foord (Licensing Manager) and Mrs K Jeram (Member Services Officer)

1 To elect a Chairman for this Hearing

RESOLVED

That Mr P Budge be elected Chairman of the Sub-Committee.

2 Declarations of Interests

There were no declarations of interests.

3 The Vestry, 21-23 Southgate, Chichester, West Sussex, PO19 1ES

Applicant

Mr M Balmer, Sergeant, Licensing – Sussex Police
Ms P Giddings, Licensing Officer – Sussex Police
Ms J Irving, Licensing and Public Safety Manager – Sussex Police
Mr P Savill – Counsel for Sussex Police

Premises Licence Holder

Mr R Clark, Barrister
Mr G Cooper, Chapter Three Consulting Limited
Mr N Marshall, Premises Licence Holder
Mr C McFaul, Director of Blayde Security
Mr N Walton, Poppalston Allen Solicitors
Mr C William, Blayde Security

Before the start of the hearing it had been agreed to delay its start by fifteen minutes to enable discussions to take place between the representatives from Sussex Inns (premises licence holder) and Sussex Police.

The Chairman introduced all parties present.

Mr Bennett confirmed to the Chairman that whilst constructive conversations had taken place between both parties they had advised that it would be helpful to the process of the hearing to adjourn the hearing to enable them to continue with their discussions

(the hearing adjourned between 9.50am and 10.30am)

The Chairman referred to the discussions that had taken place during the adjournment between both parties regarding the conditions proposed by Sussex Police. Mr Bennett added that both parties had advised they were in a position to make representations to the Sub-Committee about where they were now and what they hoped to achieve within a five month period.

Mr Savill advised the Sub-Committee that the discussions during the adjournment had been positive and were ongoing. He hoped that they would lead to the Sub-Committee being able to make a resolution at today's hearing. The discussions that had taken place concerned the conditions proposed by Sussex Police, which of those were acceptable and which were to be modified. It was now a case of how the current position would go forward and whether both parties would ask the Sub-Committee to make a formal resolution today or adjourn to allow the new owner of the premises to make changes. He requested a further adjournment during the hearing to allow discussions to continue.

(the hearing adjourned between 10.40am and 11.05am)

Mr Savill explained the current position of Sussex Police. He referred to the very detailed review application submitted by Sussex Police. For some considerable period of time the carrying out of the licensing activities at the premises had caused problems and the four licensing objectives had been undermined. It was noteworthy that in the documentation provided by the premises licence holder there had not been a significant challenge to the review as the new premises licence holder was intent on moving forward. He referred to the recent change of management at the premises and advised that there had not been any challenges to Mr Marshall's running of other premises in Chichester. It was a case of stepping into the unknown as the review was based on a history of the premises being run under a different management. Sussex Police were prepared to proceed having recognised the changes that had been made to the running of the premises and advised that the premises was on probation.

He referred to the conditions proposed by Sussex Police, set out on page 32 of the report, and the agreement reached by both parties. It had been agreed that within three weeks from today's hearing the premises licence holder will submit an amended application for the variation of the premises licence.

The proposed conditions are set out below:

Condition 3 – Second sentence amended as follows: “The system shall be operated at all times from within fifteen minutes of door staff commencing duty and all persons entering the premises will be scanned.”

Condition 4 – Agreed

Condition 6 – Amended as follows:

- Two Security Industry Authority (SIA) door supervisors to be on duty from 20:00 hours
- An additional two SIA door supervisors to be on duty from 21:00 hours
- An additional two SIA door supervisors to be on duty from 22:00 hours

Condition 7 – Agreed

Condition 8 – Agreed

Condition 9 – Agreed

Condition 10 – Agreed

Condition 11 – Agreed

Condition 12 – Agreed

Condition 13 – Agreed

Condition 14 – Agreed

Condition 15 – Agreed

Condition 16 – First sentence amended as follows: “Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas within the premises”

Condition 17 – Second paragraph amended as follows: minimum of 31 days changed to 28 days

Condition 18 – Not agreed: Sussex Police still maintain that it should be a condition on the premises. However the premises licence holder did not agree with this condition

He explained that Sussex Police recognise that a “new broom” was being swept at the premises and that there had been some substantial financial outlay that included the customer ID scanning equipment and additional door staff. He hoped that this would mean that the problems at the premises would cease. As the premises was on probation he advised that Sussex Police was prepared to agree to an adjournment of the hearing for a period of up to five months to allow monitoring how the premises was run under the new management. During the interim period Sussex Police were prepared to accept the current hours of licensing activity that

were on the current premises licence. This agreement by Sussex Police was conditional upon the problems ceasing to occur. If there was a repetition of the problems at the premises or new problems occurred Sussex Police would apply either for the adjournment to be lifted or would make a fresh review application. He confirmed that if any problems occurred at the premises during the adjournment period then Sussex Police would ask for the matter to be considered by the Sub-Committee. It was argued that this was a question of whether or not a suspension of the premises licence would be disproportionate. However, if the premises was managed well then Sussex Police may invite the Sub-Committee to take no further action. He confirmed that conditions 1, 2 and 5 had been put over.

Mr Clark advised that he was grateful for the constructive dialogue with Sussex Police, which had continued from the dialogue that had taken place during the last few weeks. He hoped that Sussex Police would not feel there was a need to come back to the Sub-Committee at all and that the problems had been put behind the parties. He drew attention to the new management at the premises.

Mr Clark agreed that a deferral for five months was the right way forward, subject to the Sub-Committee's agreement. He stated that the premises management would have regular discussions with Sussex Police during the interim period. With regard to condition 18 concerning membership of a Pubwatch Scheme (Chibac) he confirmed that the designated premises supervisor and premises licence holder were committed to Chibac and would be an active member. It was an issue if this was required as a condition on the premises licence. Although historically up and down the country this condition had been included in premises licenses, he questioned if this was the right thing to require a premises to be a member of a voluntary organisation or whether the scheme was best enforced through criminal sanction. If Mr Marshall and the management at the premises were not an active member of Chibac during the interim period the Sub-Committee could take action.

There was no practical difference of requesting this condition on the premises licence. To a certain extent it was a leap in the dark as, to an extent, the future was always unclear. A wide range of conditions had already been agreed and Mr Marshall had already taken a number of measures that included the installation of an ID scanner and these measures had already been put in place by the management.

He referred to the report on page 172 of the evidence submitted by the Vestry, which set out the results of the observations carried out at the premises by Chapter Three Consulting Ltd. The report had been produced by a retired police officer with 32 years' experience who had visited the premises on a Saturday. He hoped that the results had provided a reason to be confident about the future of the premises and that the action taken to resolve the issues that had occurred would allow a period of time to prove itself. He asked the Sub-Committee for the review of the premises to be deferred until after Christmas to enable Sussex Police to decide if they wanted to come back to the Sub-Committee or not.

Mr Savill stated that as the requirement for membership of Pubwatch scheme was already in the existing premises licence (condition 9) Sussex Police would not press for the inclusion of this condition as that condition was already effective.

In response to questions from the Sub-Committee Mr Savill explained that use of the radio link was a requirement of proposed condition 18 and that a requirement for door staff to headsets was not conditioned. Mr Clark advised that a radio link was already in operation, which worked through the Chibac system and confirmed that it would continue to operate. He reiterated his earlier comment questioning whether or not membership of Chibac could be required as a condition as it was a voluntary scheme. The Sub-Committee expressed themselves with this explanation.

Mr Potter commented that restricting the sale of alcohol to 22.30 hours and the opening hours to 23.00 hours would be counterproductive to an attempt to examine whether the management of the premises was suitable to achieve the licensing objective at this location. The Sub-Committee discussed this point further and acknowledged that they were convinced by the representations on the timing issue.

Mr Foord referred to the discussion that had taken place during the hearing. He was mindful that the Sub-Committee ultimately needed to consider and determine the application for a review of the premises licence. Whilst he applauded that constructive discussions had taken place the Sub-Committee still needed to consider all the options available to them. He advised that he was slightly unsure about the proposal to adjourn the hearing for a period of five months, as if the Sub-Committee accepted an adjournment then those changes could be effective with immediate effect and the need for the application may not be needed. It could be applied to the premises licence immediately if agreed.

Mr Savill advised that Sussex Police could review their position in respect of how the premises was being run. The Sub-Committee had the power to adjourn a hearing and he confirmed that this was what Sussex Police were requesting until such time in the new year.

Mr Foord pointed out that although Mr Savill and Mr Clark had requested an adjournment of the hearing, the Sub-Committee could if they wished make a decision based on the options set out in the report.

Mr Bennett confirmed that the Sub-Committee could adjourn the hearing and referred to the rules of Natural Justice, the local policy and the adopted procedure. He advised that the decision was reasonable to achieve the licensing objectives in his view.

Mr Clark agreed that Mr Foord had made very fair points. If the hearing was not deferred today then both parties would have to “roll up their sleeves” which may not lead to constructive discussions. He proposed that there should be a minor variation of the premises licence.

The Chairman sought confirmation that none of the parties or the Sub-Committee had any further questions. The Chairman advised that the Legal Officer would retire with the committee to offer legal advice.

The Members of the Sub-Committee then retired to make their decision.

RESOLVED

- (a) The Sub-Committee note the representation of the parties, written representations and the policies and the licensing objectives in particular prevention of crime and disorder;
- (b) The Sub-Committee considered the strong verbal arguments made by the advocates for both parties. In particular they noted representations about the need to establish a clear history or evidence pattern for the premises under what is a new, though recently changed, management;
- (c) The Sub-Committee notes the Premises acknowledgement that any adjournment is a probation period to assess their management practices and promotion of the licensing objectives;
- (d) The Sub-Committee also noted the Sussex Police representation as to working closely with the premises new management and their representations as to action which will be taken if future problems arise causing concern;
- (e) The Sub-Committee noted the premises outline of the intended application for minor variation and the representations of the advocates as to the new conditions.
- (f) The Sub-Committee noted with concern that the mediation on this matter took place so late. The Sub-Committee considers it a shame that this was not carried out some time ago rather than today;
- (g) On the basis of the above the Sub-Committee adjourn this matter to a date in January 2016.

The meeting ended at 12.05 pm

CHAIRMAN

Date:

Chichester District Council

Application for a minor variation to a premises licence ~~or club premises certificate~~ under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the Guidance Notes at the end of the form, especially Note 1. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary. Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

Sussex Inns Ltd

We being the premises licence holder(s) / ~~club holding a club premises certificate~~, apply to vary a premises licence under section 41A / ~~club premises certificate under section 86A~~ of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description) The Vestry 21-23 Southgate	
Post town Chichester	Post Code PO19 1ES

Telephone number at premises (if any)

Premises licence number/~~club premises certificate~~ number

3815/15/00496/LAPRED

Brief description of premises (Please see Guidance Note 2)

A hotel and bar with trading area to the ground floor and bedrooms to first floor.

Part 2 – Applicant Details

Please tick

We are the premises licence holder/~~club premises certificate holder~~
Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Sussex Inns Limited The Richmond Stockbridge Road West Sussex	
Post town Chichester	Postcode PO19 8DT
Please provide email address if you would prefer us to contact you by email (optional)	

Part 3 – Proposed variation(s)

Please tick ✓ *yes*

Do you want the proposed variation to have effect as soon as possible?

Day Month Year

If not, from what date do you want the variation to take effect?

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

<p>Details of proposed variations (Please see Guidance Note 3)</p> <ol style="list-style-type: none">1. To add conditions agreed with Sussex Police.2. To remove redundant conditions from the Premises Licence.
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<p>Details of proposed variations are as follows:</p> <p>To add the following conditions:</p> <ol style="list-style-type: none">1. The premises shall install a recognised electronic identification scanning system for customers entering the premises.<ul style="list-style-type: none">• The system shall be operated at all times from 15 minutes after the time when door staff are required to be on duty (by condition number 3) at which time all persons entering the premises will be scanned.• The system shall have the ability to share alerts with other venues using similar ID scanning equipment, identified a hologram of an ID and read both passports and ID cards including pass cards.• The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be complied with the Information Commissioner’s Good Practice Guidance for ID scanning in clubs and bars.
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- As an exception to the use of the recognised ID scanning system to scan ALL customers the name and date of birth of customers who appear to be over the age of 30, without ID shall be recorded and a photographic image obtained.
 - This information will be made available to the Police Licensing Officer or Local Authority Licensing Authority Officer upon reasonable request subject to the requirements of the Data Protection Act.
 - Any breakdown or system failure will be notified to the Police immediately and remedied as soon as is practicable.
2. The DPS or a Personal Licence Holder will be on the premises in a working capacity, from 20:00 hours each day until all non-resident members of the public have left the premises and its curtilage.
 3. A minimum of two Security Industry Authority (SIA) trained and Licensed Door Supervisors shall be deployed at the premises from 20:00 hours every Friday and Saturday evening with two additional SIA registered door staff being on duty from 21:00 hours, and a further additional two SIA registered door staff from 22:00 hours until 30 minutes after closing time; they shall be deployed to cover both the main entrance and the inside of the premises.
 4. Those performing the roles of door supervisor will not perform any other role when engaged for the purposes of door supervision duties.
 5. Body worn video shall be worn by at least one of the door supervisors deployed at the front of the premises and by the door supervisor deployed as a "floor walker" these cameras shall be used to record all incidents of disorder and ejection and any other recordable incidents.
 6. Door staff shall be fully briefed prior to commencing work, with clear written instructions regarding their specific duties. Door staff will be made aware of the individuals banned by ChiBAC Pubwatch at these briefings. These records will be made available to the Licensing Authority and/or the Police upon request.
 7. SIA door supervisors shall complete incident logs prior to the end of their shift. These shall include ejections, refusal, and assaults and any other occurrence which involves door supervisor intervention.
 8. All staff members engaged, or to be engaged in selling alcohol on the premises shall receive full training, prior to making the sale of alcohol. This shall be delivered by an external company and shall be pertinent to the Licensing Act 2003, specifically with regard to age restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
 9. Induction training must be completed by all staff involved in the sale of alcohol and refresher training thereafter at intervals of no more than eight (8) weeks. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the Designated Premises Supervisor. All training records shall be retained for a minimum of 24 months and shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or licensing staff.
 10. A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers

and Sussex Police Licensing Officers.

11. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months and made immediately available upon request to Local Authority Licensing Officers and Sussex Police Licensing Officers.
12. No off sales shall be permitted other than to hotel guests.
13. Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas within the premises. Regular patrols to facilitate this are to be conducted at least hourly throughout the premises.
14. Digital CCTV and appropriate recording equipment will be installed in accordance with Home Office Guidelines relating to the UK Police requirements for digital CCTV system (PSDB Publication number 09/05) operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises. The system shall be on and recording at all times the Premises Licence is in operation.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lightening levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 28 days.
 - The management will give full and immediate co-operation and technical assistance to the Police in the event of CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage on to a disk for the Police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to Sussex Police immediately and remedied as soon as is practicable.

In order to tidy up the current licence as agreed in principle between Sussex Police and the management of the Vestry the following conditions shall be removed from the Premises Licence.

Annex 2

Conditions 7, 8, 10, 11, 12, 14, 20.

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment

- | | |
|---|--------------------------|
| | <i>Please tick ✓ yes</i> |
| a. plays | <input type="checkbox"/> |
| b. films | <input type="checkbox"/> |
| c. indoor sporting events | <input type="checkbox"/> |
| d. boxing or wrestling entertainment | <input type="checkbox"/> |
| e. live music | <input type="checkbox"/> |
| f. recorded music | <input type="checkbox"/> |
| g. performances of dance | <input type="checkbox"/> |
| h. anything of a similar description to that falling within (e), (f) or (g) | <input type="checkbox"/> |

Provision of late night refreshment

Sale by retail of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Enclosures

- | | |
|--|--------------------------|
| I have enclosed the premises licence/ club premises certificate | <input type="checkbox"/> |
| I have enclosed the relevant part of the premises licence/ club premises certificate | <input type="checkbox"/> |
| I have included a copy of the plan
(necessary if the proposed variation will affect the layout) | <input type="checkbox"/> |

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have failed to enclose the premises licence/~~club premises certificate~~ or relevant parts.

We do not have the Premises Licence as it is currently with the Licensing Authority for amendments to the Designated Premises Supervisor and also the Premises Licence Holder.

Any further information to support your application. (See Guidance Note 4)

We have considered the proposed impact of the variation and consider that the additional conditions have the effect of promoting the four licensing objectives. No further steps will be necessary to promote the licensing objectives and the existing measures over and above the conditions as recommended in this application will continue.

CHECKLIST:

- | | |
|---|-------------------------------------|
| | <i>Please tick ✓ yes</i> |
| • I have made or enclosed payment of the fee or | <input checked="" type="checkbox"/> |
| • I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. | <input type="checkbox"/> |
| • I have enclosed the plan, if appropriate, of the premises in scale (1mm to 100mm), unless otherwise agreed with the licensing authority | <input type="checkbox"/> |
| • I have enclosed the premises licence/ club premises certificate or relevant part of it or provided an explanation | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected. | <input checked="" type="checkbox"/> |
| • I understand that I am required to advertise my application by posting a white notice at or on the premises for ten consecutive working days commencing on, | |

and including the day after the day when my application is given to the licensing authority.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures and Contact Details
(See Guidance Note 5)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See Guidance Note 6) If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature: *Poppleston Allen*

Date: *17/05/2015*

Capacity: We Poppleston Allen – Licensing Solicitors sign on behalf of and have authority to bind the applicant.

~~Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (See Guidance Note 7). If signing on behalf of the applicant please state in what capacity.~~

~~Signature:~~

~~Date:~~

~~Capacity: I / We (insert full name and capacity) sign on behalf of and have authority to bind the applicant.~~

~~Where the premises is a club~~

~~I (insert full name) make this application on behalf of the club and have authority to bind the club~~

~~Signature:~~

~~Date:~~

~~Capacity: I / We (insert full name and capacity) sign on behalf of and have authority to bind the applicant.~~

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 8) Poppleston Allen Solicitors 37 Stoney Street The Lace Market Nottingham NG1 1LS	
Telephone number (if any) 0115 9487410	If you would prefer us to correspond with you by email your email address (optional) n.walton@popall.co.uk

Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence or certificate has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;

- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines, etc.

3. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation).** Relevant information includes:

a) Variations to licensable activities/licensing hours (all timings should be given in 24 hour clock (e.g. 16.00). Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors. Indoors may include a tent;
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) Variations to premises/club layout: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) Revisions, removals and additions of conditions: The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) Variations to opening hours: Details of any changes to hours when the premises or club is open to the public.

4. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

5. Signatures: The application form must be signed.

6. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

7. 2nd Applicant: Where there is more than one applicant both applicants or their respective agents must sign the application form.

8. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.”.

From:Helen.Manley@sussex.pnn.police.uk
Sent:22 Sep 2015 14:14:37 +0100
To:Licensing;Laurence Foord;David Knowles-Ley
Cc:Michael.balmer@sussex.pnn.police.uk;Pauline.Giddings@sussex.pnn.police.uk;Melanie.Humphreys@sussex.pnn.police.uk
Subject:FW: 15/01444/LAPREM - The Vestry 21 - 23 Southgate Chichester West Sussex PO19 1ES
Importance:High

Good Afternoon,

I can confirm Sussex Police have no objection to the minor variation for The Vestry 21 - 23 Southgate Chichester West Sussex PO19 1ES.

Kind Regards
Helen

Helen Manley
Assistant Licensing Officer
Neighbourhood Licensing Team, W. Sussex

Tel: 101 Ext. 581179
Mobile: 07771807982
Direct Dial: 01273 404030

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From: Laurence Foord [mailto:LFoord@chichester.gov.uk]
Sent: 17 September 2015 15:08
To: WS_Licensing_WOR
Cc: Irving Jean 63058; David Knowles-Ley
Subject: 15/01444/LAPREM - The Vestry 21 - 23 Southgate Chichester West Sussex PO19 1ES
Importance: High

Dear Sir/Madam,

Licensing Act 2003 Section 41A

Sussex Inns LTD

The Vestry 21 - 23 Southgate Chichester West Sussex PO19 1ES

Case Reference Number: 15/01444/LAPREM

Consultation - Premises Licence Minor Variation Application

I write to you as a Responsible Authority under the Licensing Act 2003 (the Act) regarding the above application. I can confirm that the application has been accepted as having being validly made, and therefore the period for written representations to be submitted has commenced.

This Licensing Authority (the Authority) believes it appropriate to consult with your organisation/service regarding the application. Therefore, please find below a link to Public Access through which you can view the application form and associated papers.

Application Summary

Case reference number	15/01444/LAPREM
Applicant name	Sussex Inns LTD
Licensed premises address	The Vestry 21 - 23 Southgate Chichester West Sussex PO19 1ES
Application valid	16th September 2015
Closing date for representations	30th September 2015
Hyperlink to case details	https://publicaccess.chichester.gov.uk/online-applications/licencingApplicationDetails.do?activeTab=summary&keyVal=NURMWGER00C0
Hyperlink to case documents	https://publicaccess.chichester.gov.uk/online-applications/licencingApplicationDetails.do?activeTab=documents&keyVal=NURMWGER00C0

We would ask that if you believe that the proposed change(s) may undermine at least one or more of the four licensing objectives, that you submit a formal representation to this Authority. Any such representation must be received by no later than the end of the 30th September 2015.

At the close of the consultation period, this Authority will carefully consider any representations received from Responsible Authorities and/or any other person(s), although please be aware that there is no opportunity for mediation with this type of application.

If representations are submitted and the application is subsequently refused, then should the applicant wish to pursue the matter, then they would have to submit a full Premises Licence variation application under Section 34 of the Act. In the event of no representations being received, then an amended Premises Licence will be prepared and subsequently issued.

Yours faithfully,

Laurence Foord

Licensing Manager

Licensing Team

Chichester District Council

Tel: 01243 53 4742 | Fax: 01243 776766 | lfoord@chichester.gov.uk | <http://www.chichester.gov.uk>

www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

Sussex Police ? Serving Sussex

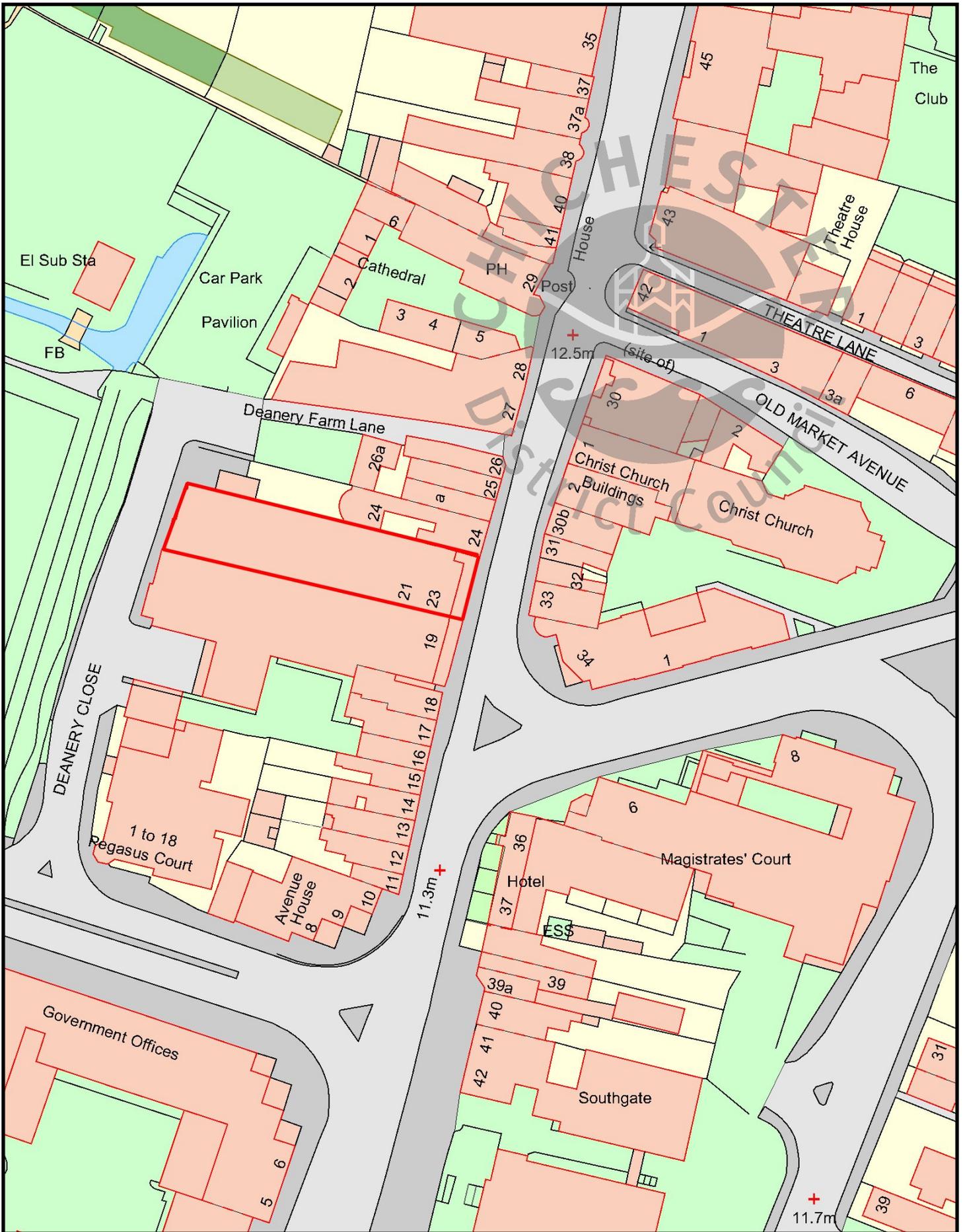
You can report crime and incidents online at www.sussex.police.uk/reportonline

We want to know your views ? see what's new and give us your feedback and suggestions at www.sussex.police.uk

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Chichester, West Sussex. PO19 1TY.

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'The Vestry'



Housing & Env Services

Jul 30, 2015 Licensing Team

1:832

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Map center: 486005, 104492

21 - 23 Southgate
Chichester
West Sussex
PO19 1ES



Licensing Act 2003 Premises Licence - Part A

**Chichester District Council, East Pallant House,
1 East Pallant, Chichester, West Sussex, PO19 1TY**

Premises Licence Number - 3815/15/01444/LAPREM
Issued in substitution for licence 3815/15/01269/LAPRED previously granted

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description, including post town, post code

The Vestry
21 - 23 Southgate
Chichester
West Sussex
PO19 1ES

Telephone number 01243 773358

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence	
Activity	Location
Performance of Live Music	Indoors
Playing of Recorded Music	Indoors
Late Night Refreshment	Indoors
Sale by Retail of Alcohol	Indoors

The times the licence authorises the carrying out of licensable activities

Performance of Live Music

Standard Days and Timings
 Sunday 10:00 - 23:30
 Monday to Thursday 10:00 - 00:00
 Friday and Saturday 10:00 - 00:30

Playing of Recorded Music

Standard Days and Timings
 Every Day 00:00 - 00:00

Signed: _____
 On behalf of Mrs Louise Rudziak Head of Housing and Environment Services

No: 3815/15/01444/LAPREM
 Granted: 1st October 2015
 By: DKL
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Late Night Refreshment

Standard Days and Timings
Every Day 23:00 - 01:00

Non Standard Timings
New Year's Eve 23:00 - 05:00

Sale by Retail of Alcohol

Standard Days and Timings
Sunday 10:00 - 23:30
Monday to Thursday 10:00 - 00:00
Friday and Saturday 10:00 - 00:30

Non Standard Timings
Sale to residents - everyday 00:00 - 00:00

On the following nights 10:00 - 00:30

New Year's Day (1st January)

Valentines Day (14th February)

Burns Night

St Davids Day (1st March)

St Patricks Day (17th March)

St Georges Day (23rd April)

Easter Sunday and Monday

Sundays immediately before and including the May Bank Holiday Mondays

Sunday immediately before and including the August Bank Holiday Monday

Halloween (31st October)

Christmas Eve and Boxing Day

27th, 28th and 30th December 10:00 - 00:30

On New Years Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December).

The opening hours of the premises

Standard Days and Timings
Every Day 00:00 - 00:00

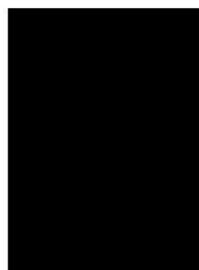
Seasonal variation

None

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on and off the premises.

Signed:



On behalf of Mrs Louise Rudziak Head of Housing and Environment
Services

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence

Sussex Inns Limited
The Richmond
9 Stockbridge Road
Chichester
West Sussex
PO19 8DT

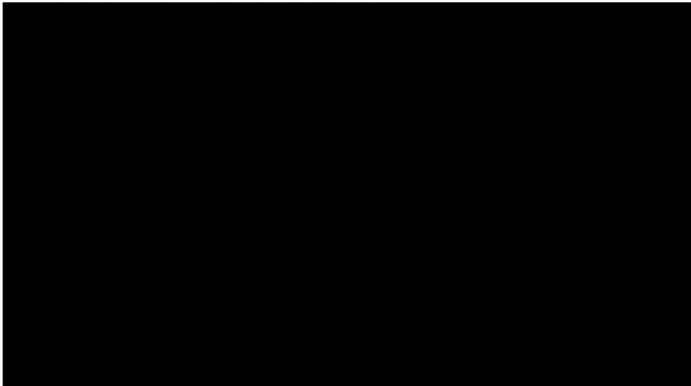
Contact Phone Number 01553 774104

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 07563947

Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Mr Nicholas Marshall



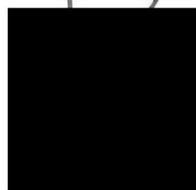
Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Personal Licence Number – 1059
Licensing Authority – Winchester City Council

Annex 1 – Mandatory conditions

- 1 (1) Where a Premises Licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the Premises Licence -
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Signed:



On behalf of Mrs Louise Rudziak Head of Housing and Environment Services

No: 3815/15/01444/LAPREM
Granted: 1st October 2015
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- (3) The second condition is that every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 2 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 3 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 4 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5 The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in

Signed:

On behalf of Mrs Louise Rudziak Head of Housing and Environment Services

No: 3815/15/01444/LAPREM

Granted: 1st October 2015

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advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

Signed:

On behalf of Mrs Louise Rudziak Head of Housing and Environment Services

No: 3815/15/01444/LAPREM

Granted: 1st October 2015

By: DKL

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- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 7 (1) Where a Premises Licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of Section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with Premises Licences authorising plays or films), or
- (b) in respect of premises in relation to-
- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with Club Premises Certificate, under a Temporary Event Notice authorising plays or films or under a gaming licence), or
- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
- (a) 'security activity' means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

- 1 The premises must close to the public, other than residents, 30 minutes after the terminal hour for the supply of alcohol.
- 2 No music is permitted in outside areas.
- 3 The external doors must be closed at 23:30.
- 4 No waste shall be moved between 23:00 and 07:00.
- 5 Deliveries and collections must not be made between 23:00 and 07:00.
- 6 No tables shall remain outside the premises and the opening windows shall be closed by 22:00.
- 7 The operator of the premises must maintain membership of the Pubwatch scheme.

Signed:



On behalf of Mrs Louise Rudziak Head of Housing and Environment Services

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- 8 To aid the prevention of public nuisance, customers must be encouraged to leave the premises quietly.
- 9 All persons under 16 must be accompanied by an adult at all times.
- 10 No admission is permitted after 00:00 (Midnight).
- 11 A telephone must be available for customers to call taxis free of charge.
- 12 No glasses shall be removed from the premises after 21:00.
- 13 If any licensable activities are held beyond 01:00, Security Industry Authority licensed staff must be employed for the purpose of door supervision.
- 14 On any occasion live music is to be played, door staff are to be in place from 20:00 until all members of the public have left the venue and it is closed.
- 15 The premises shall install a recognised electronic identification scanning system for customers entering the premises.
- The system shall be operated at all times from 15 minutes after the time when door staff are required to be on duty (by condition number 17) at which time all persons entering the premises will be scanned.
 - The system shall have the ability to share alerts with other venues using similar ID scanning equipment, identify a hologram of an ID and read both passports and ID cards including PASS cards.
 - The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioner's Good Practice Guidance for ID scanning in clubs and bars.
 - As an exception to the use of the recognised ID scanning system to scan ALL customers, the name and date of birth of customers who appear to be over the age of 30 without ID, shall be recorded and a photographic image obtained.
 - This information will be made available to the Police Licensing Officer or Local Authority Licensing Authority Officer upon reasonable request subject to the requirements of the Data Protection Act.
 - Any breakdown or system failure will be notified to the Police immediately and remedied as soon as is practicable.
- 16 The Designated Premises Supervisor or a Personal Licence Holder will be on the premises in a working capacity, from 20:00 hours each day until all non-resident members of the public have left the premises and its curtilage.
- 17 A minimum of two Security Industry Authority (SIA) trained and licensed Door Supervisors shall be deployed at the premises from 20:00 hours every Friday and Saturday evening with two additional SIA registered door staff being on duty from 21:00 hours, and a further additional two SIA registered door staff from 22:00 hours until 30 minutes after closing time; they shall be deployed to cover both the main entrance and the inside of the premises.
- 18 Those performing the roles of Door Supervisor will not perform any other role when engaged for the purposes of door supervision duties.
- 19 Body worn video cameras shall be worn by at least one of the Door Supervisors deployed at the front of the premises and by the Door Supervisor deployed as a "floor walker".

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These cameras shall be used to record all incidents of disorder and ejection and any other recordable incidents.

- 20 Door staff shall be fully briefed prior to commencing work, with clear written instructions regarding their specific duties. Door staff will be made aware of the individuals banned by ChiBAC Pubwatch at these briefings. These records will be made available to the Licensing Authority and/or the Police upon request.
- 21 SIA Door Supervisors shall complete incident logs prior to the end of their shift. These shall include ejections, refusals, and assaults and any other occurrence which involves door supervisor intervention.
- 22 All staff members engaged, or to be engaged in selling alcohol on the premises shall receive full training, prior to making the sale of alcohol. This shall be delivered by an external company and shall be pertinent to the Licensing Act 2003, specifically with regard to age restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
- 23 Induction training must be completed by all staff involved in the sale of alcohol and refresher training thereafter at intervals of no more than eight (8) weeks. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the Designated Premises Supervisor. All training records shall be retained for a minimum of 24 months and shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or licensing staff.
- 24 A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the Designated Premises Supervisor with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- 25 The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months and made immediately available upon request to Local Authority Licensing Officers and Sussex Police Licensing Officers.
- 26 No off sales shall be permitted other than to hotel guests.
- 27 Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas within the premises. Regular patrols to facilitate this are to be conducted at least hourly throughout the premises.
- 28 Digital CCTV and appropriate recording equipment will be installed in accordance with Home Office Guidelines relating to the UK Police requirements for digital CCTV system (PSDB Publication number 09/05) operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises. The system shall be on and recording at all times the Premises Licence is in operation.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 28 days.
 - The management will give full and immediate co-operation and technical assistance to the Police in the event of CCTV footage is required for the prevention and detection of suspected or alleged crime.

Signed:

On behalf of Mrs Louise Rudziak Head of Housing and Environment
Services

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- The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage on to a disk for the Police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to Sussex Police immediately and remedied as soon as is practicable.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

None

Annex 4 – Plan(s)

The attached plan(s) referenced 'JOB NO: 1451 DRAWING NO: L1' dated 'APRIL 2000' shows the area(s) licensed for the purposes of the Licensing Act 2003.

NOTES

Please note that this Premises Licence may have been subject to exclusion of a licensable activity, modification of the conditions, removal of the Designated Premises Supervisor, suspension or revocation and also the name and address of the licence holder may not currently be valid. If you wish to verify the current status of the licence, you should contact Chichester District Council.

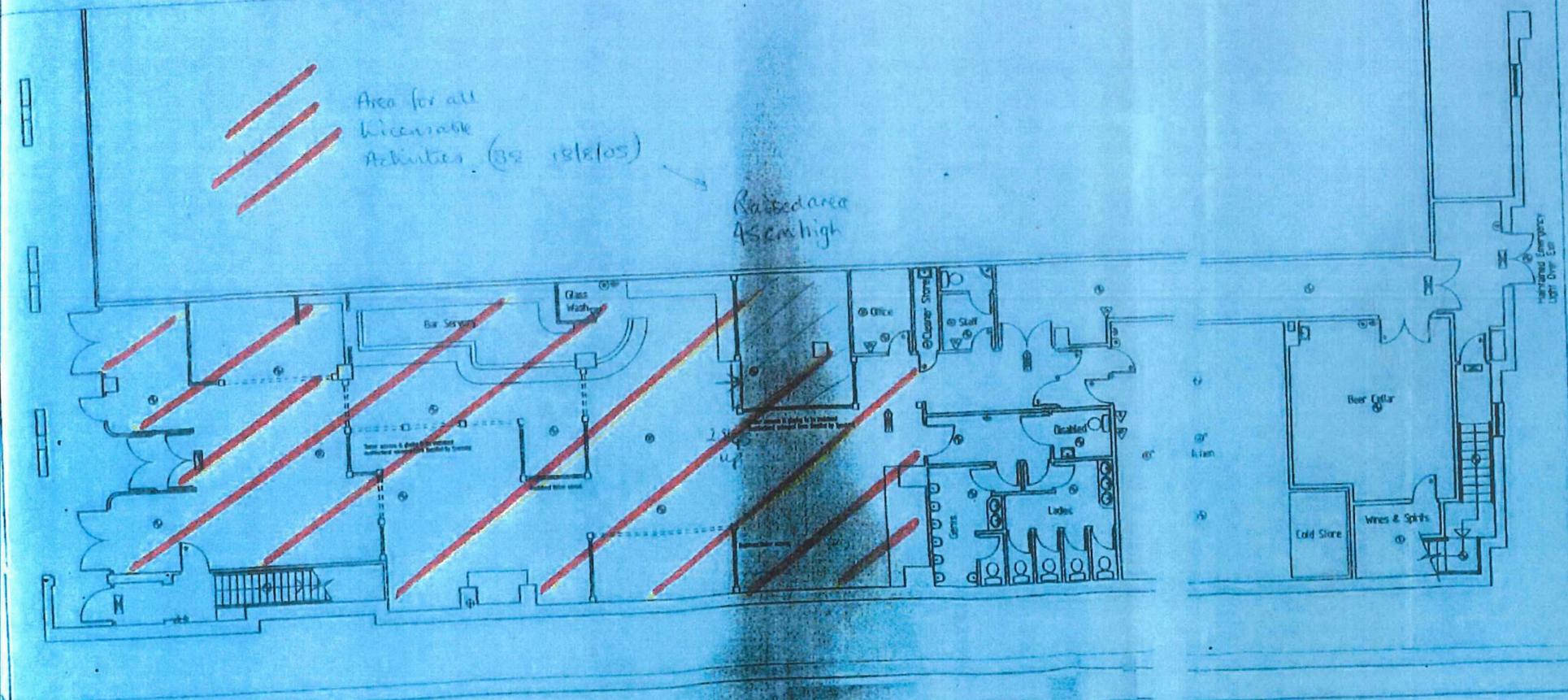
Signed:



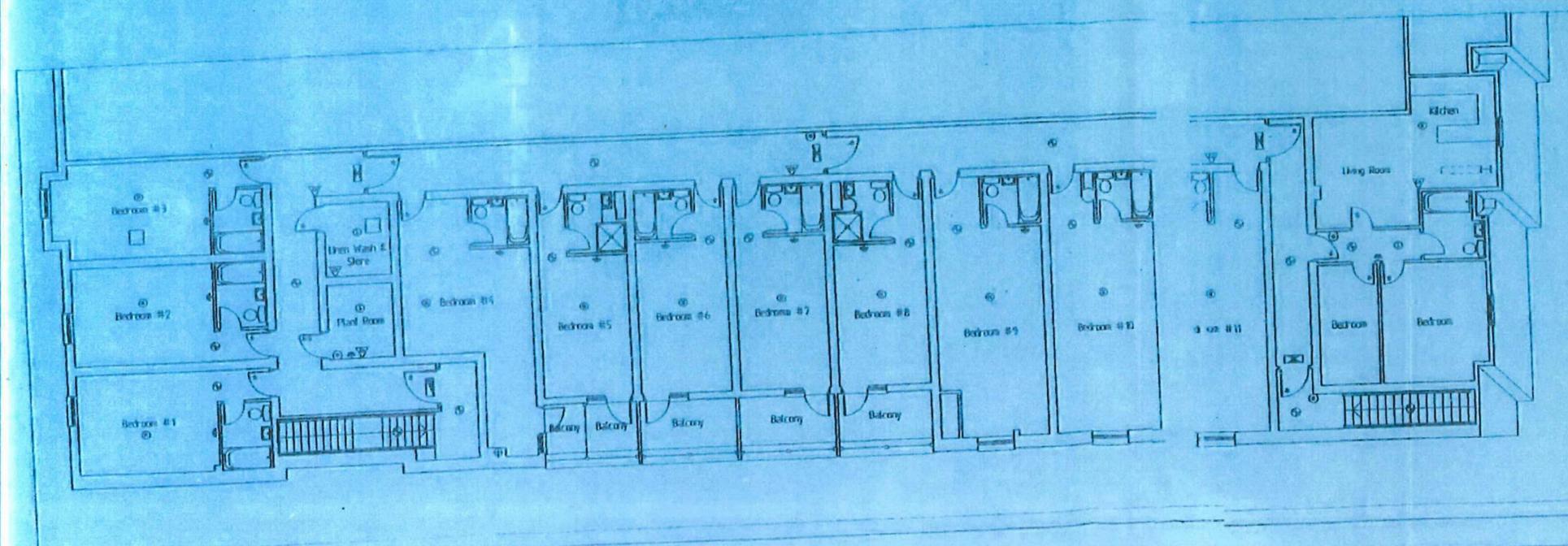
On behalf of Mrs Louise Rudziak Head of Housing and Environment Services

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THE VESTRY CHICHESTER.



GROUND FLOOR PLAN



FIRST FLOOR PLAN

(S)	SMOKE DETECTOR
(H)	HEAT DETECTOR
(H) ²⁵	HEAT DETECTOR ACTIVATED ABOVE 25 °C
(M)	MELL SOUNDER/ALARM
(E)	EMERGENCY LIGHTING
(E)	ILLUMINATED EXIT SIGN
(E)	ILLUMINATED EMERGENCY EXIT SIGN
(B)	BREAK GLASS ALARM CALL POINT
(*)	1/2 HOUR FIRE RESISTANT SELF-CLOSING DOOR
(**)	1 HOUR FIRE RESISTANT SELF-CLOSING DOOR
(P)	45kg DRY POWDER EXCHANGERS
(M)	9L WATER EXTINGUISHER
(C)	CARBON DIOXIDE EXCHANGERS
(F)	FIRE BLANKET

NOTE:
Each symbol with the letter 'E' denotes existing provision. Such units are to be replaced with new items to British Standard but may use existing wiring.

Fire prevention:
Internal finishes to be in accordance with Part B for surface spread of flame.
Walls and ceilings generally Class 1 with escape routes Class 0.
All services passing through fire resisting structure to be protected with fire collar.

All steelwork at ground floor level below two storey element to be protected to 1 hour fire rating.
External escape doors to be heavy duty indicated as such.
Doors to be marked externally "Fire Door Keep Clear".
Push bars to be marked "Push Bar To Open" in 50mm high white letters on green background.
All external fire doors to be fitted with intumescent strips, smoke seals and self-closing devices. Such doors are to be marked "Fire Door Keep Shut".

Emergency lighting to comply with BS 5266 Part 1 with maintained lighting to illuminate emergency exit signs with running main light.
Emergency exit signs to comply with BS 5499.
All emergency lighting to be maintained.
Exit and emergency exit signs to be maintained.
All wiring to BS 7671 to be installed by a competent contractor to ensure emergency lighting achieves a level of 2 lux.

Fire alarm system to comply with BS 5839 Part 1.

Furniture fabrics:
All fabrics on beds & loose seating are to be contract quality and should be other inherently flame proofed, back coated or capable of passing BS 5852 Part 2 (2001) 5 "smouldering cigarette & tobacco flame test" as a minimum.
All materials should comply to the local Fire Officer & Building Control requirements & certification of the flame proof standards to be provided to the client & the relevant statutory authority completion of the project.

THE MADDOCKS SHELLEY PARTNERSHIP

THE MADDOCKS SHELLEY PARTNERSHIP LTD
INCORPORATED IN ENGLAND
REGISTERED OFFICE: 100, SOUTHGATE, CHICHESTER, WEST SUSSEX, PO19 1LQ
DIRECTOR: MR M. MADDOCK
DIRECTOR: MR S. SHELLEY

CLIENT:
ELDRIDGE POPE

FOR:
Vestry PUBLIC HOUSE
UNIT 8, 23 SOUTHGATE
CHICHESTER

TITLE:
Vestry GROUND AND FIRST
FLOOR PLANS
Licensing Drawing

REF NO:	1451	DATE:	L1
SCALE:	1:100	DATE:	APRIL 2000

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Katherine Jeram

From: Jean.Irving@sussex.pnn.police.uk
Sent: 28 January 2016 16:06
To: Laurence Foord; David Knowles-Ley
Cc: Michael.balmer@sussex.pnn.police.uk; N.Walton@popall.co.uk
Subject: The Vestry, Chichester

Dear Mr Foord,

I am writing in relation to the Vestry public House, Chichester and the Review proceedings put on hold on the premises until the end of January.

Since the review hearing of The Vestry, Sussex Police Neighbourhood Licensing Team have carried out 9 licensing visits at the premises. These visits have, on the whole, have been encouraging with only minor matters being raised, which were immediately rectified. I can confirm the venue has not had any incidents of note subsequent to the review hearing.

As we were satisfied with the way in which the premises were being managed, and following discussions and agreement with Nick Marshall, three Temporary Event Notices were given during December 2015 which were not objected to by Sussex Police. The hours were extended until 02.30 by the TENs and there were no problems at the venue.

As you are aware the licensing committee adjourned the licensing hearing to give the new management an opportunity to right the previous wrongs under the previous owner. The new management team under Nick Marshall appears to have had the necessary positive impact on way in which the premises is run.

It is therefore, the view of Sussex Police that now the new conditions have been applied to the licence and the venue is running in a way which promotes the Licensing Objectives, it is no longer necessary for the Committee to reconvene a committee to Review the Premises Licence.

I am unsure how you would wish to continue with this matter, however we are happy to attend any meeting that is deemed necessary and put forward the above comments to the Committee. I can confirm that if a hearing is held, we will not deem it necessary to be represented by an advocate.

If you have any queries, please do not hesitate to contact me.

Regards
Jean

(I have copied Mr Nick Walton in to this email, as he acted on behalf of Mr Marshall during the Review proceedings)

Jean Irving
Head of Licensing & Public Safety
Local Policing

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