

Public Document Pack

JOHN WARD
Head of Finance and Governance Services

Contact:

East Pallant House
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www.chichester.gov.uk



A meeting of **Alcohol and Entertainment Licensing Sub-Committee** will be held in Old Court Room, The Council House (Chichester City Council), North Street, Chichester on **Thursday 27 April 2017 at 2.30 pm**

MEMBERS: Mr P Budge, Mr J Connor 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 Foundary, 1 Southgate, Chichester, West Sussex, PO19 8DH (Pages 1 - 65)**
Application for a Variation of a Premises Licence:
 - (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 - (c) Notice of any representations withdrawn.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.

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]

Public Document Pack Agenda Item 3

JOHN WARD

Head of Finance and Governance Services

Contact: Katherine Jeram, Democratic Services Officer,
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A meeting of **Alcohol and Entertainment Licensing Sub-Committee** will be held in Committee Room 1, East Pallant House on **Wednesday 5 April 2017 at 9.30 am**

MEMBERS: Mr P Budge, Mr J Connor 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 Foundary, 1 Southgate, Chichester, West Sussex, PO19 8DH (Pages 1 - 53)**
Application for a Variation of a Premises Licence:
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- 4 **Consideration of any late items as follows:**
 - (a) items added to the agenda papers and made available for public inspection;
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**Licensing Authority, Chichester District Council, East Pallant House, East Pallant,
Chichester, West Sussex, PO19 1TY**

Alcohol and Entertainment Licensing Sub-Committee

Date and Time: Wednesday 5th April 2017 at 9.30am
Venue: Committee Room 1, Chichester District Council, East Pallant House, East Pallant,
Chichester, West Sussex

Application for VARIATION of a PREMISES LICENCE

The Foundry
1 Southgate
Chichester
West Sussex
PO19 8DH

1. RECOMMENDATIONS

- 1.1 That the Sub-Committee considers and determines an application made by the Spirit Pub Company (Lease) Ltd group for a Premises Licence variation.
- 1.2 If the determination is to grant a varied Premises Licence, to give consideration as to whether it is appropriate to attach conditions to ensure the Licensing Objectives are met.
- 1.3 The Sub-Committee is to give reasons for its decision.

2. REASONS FOR HEARING

- 2.1 The Premises Licence application submitted by the Spirit Pub Company (Lease) Ltd group has been the subject of two relevant representations. The representations were received from two Responsible Authorities under the Licensing Act 2003 (the 'Act') namely Sussex Police and Environment Management Team within Housing and Environment Services at Chichester District Council. However, the applicant has agreed in principle with Sussex Police through successful mediation that certain conditions be added to the Premises Licence if the Sub-Committee are minded to accept these. The representation made by Environment Management Team remains unresolved.

3. BACKGROUND

Included in this report are the following attachments:

- 3.1 Copy of the Alcohol and Entertainment Licensing Sub-Committee Protocol and Procedure.
- 3.2 A plan depicting the local area and application site. (**Attachment A**).

- 3.3 A copy of the Premises Licence application (17/00196/LAPRE2). **(Attachment B)**
- 3.4 Copy of original relevant representations and where applicable successful mediation. **(Attachment C)**
- 3.5 Copy of the existing Premises Licence (16/01560/LAPRE1) for 'The Foundry', Chichester. **(Attachment D)**

4 SUMMARY OF THE PREMISES LICENCE VARIATION APPLICATION

- 4.1 A copy of the application to vary the existing Premises Licence is reproduced in full at Attachment B.
- 4.2 The Spirit Pub Company (Lease) Ltd group submitted a valid application on 6th February 2017. As part of the application process statutory public notices were displayed at the premises during the representation period, which ran until 7th March 2017, and a suitable advert was published in the Observer newspaper series on Thursday 9th February 2017.
- 4.3 The application seeks to change the layout of the premises in accordance with the submitted plan illustrated at Attachment B. The main change, as described by the applicant, is *“the addition of a bar servery to the car park area”*. In effect part of the existing car park area at the rear of the premises is now proposed by the applicant to be incorporated into the existing garden area.
- 4.4 If successful, the application also seeks to remove Condition 9 under Annex 3 of the current Premises Licence which states the following:

“Customers will not be provided with a means of access to the outside beer garden, or the outside bar, other than via the main premises building. There will be no direct means of access/egress to or from the beer garden from the adjacent public car park accept in an emergency.”

- 4.5 The opening times and licensable activities authorised by the current Premises Licence are unaltered as a result of this application. However, below is a summary of the existing licensable activities permitted on the current Premises Licence and whether the activity is authorised to take place indoors, outdoors, or both.

Proposed Licensable Activity	Standard days and timings
<p style="text-align: center;">J 'Supply of alcohol' (consumption 'on' & 'off' the premises)</p>	<p style="text-align: center;">Indoors and Outdoors Friday & Saturday 0800 – 0230 Sunday 0800 – 0000 Monday to Thursday 0800 – 0030</p> <p style="text-align: center;">There are no Non-Standard Timings or Seasonal Variations permitted</p>

<p>L Hours premises are open to the public</p>	<p>Friday and Saturday 0800 – 0230 Sunday 0800 – 0000 Monday to Thursday 0800 - 0030</p> <p>There are no Non-Standard Timings or Seasonal Variations permitted</p>
<p>I 'Provision of late night refreshment'</p>	<p>Indoors Friday & Saturday 2300 – 0200 Sunday 2300 – 0000 Monday to Thursday 2300 – 0030</p> <p>There are no Non-Standard Timings or Seasonal Variations permitted</p>
<p>F 'Recorded Music'</p>	<p>Indoors Friday & Saturday 0900 – 0200 Sunday 0900 - 2300 Monday to Thursday 0900 - 2330</p> <p>There are no Non-Standard Timings or Seasonal Variations permitted</p>
<p>E 'Live Music'</p>	<p>Indoors Friday & Saturday 0900 – 0200 Sunday 0900 - 2300 Monday to Thursday 0900 - 2330</p> <p>There are no Non-Standard Timings or Seasonal Variations permitted</p>
<p>B 'Films'</p>	<p>Indoors Friday & Saturday 0900 – 0200 Sunday 0900 - 2300 Monday to Thursday 0900 - 0200</p> <p>There are no Non-Standard Timings or Seasonal Variations permitted</p>

4.6 The applicant provided no additional information in their Operating Schedule as to how they intend to promote the Licensing Objectives referring to the existing conditions applied to the current Premises Licence as being sufficient. These are shown at Attachment D.

4.7 The application is not seeking to vary the Designated Premises Supervisor ('DPS') which will remain as Mr Austin Whelan, a Personal Licence holder with the London Borough of Croydon and who has been at the premises since February 2016.

5 THE PROCESS AND PROMOTION OF LICENSING OBJECTIVES

5.1 The legislation provides clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

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

5.2 In carrying out its licensing functions, the Licensing Authority must also have regard to its current Statement of Licensing Policy 2016 – 2021 and Guidance published by the Home Office (March 2015) along with the relevant matters raised in the representation(s).

6 RELEVANT REPRESENTATION(S)

6.1 A representation is "relevant" if it relates to the likely effect of the grant of the Licence on the promotion of at least one or more of the licensing objectives. The relevant representations received in respect of this application and where applicable, the outcome of successful mediation, are reproduced in full at Attachment C. It is important to highlight the concerns of Sussex Police were resolved, in principle, following successful mediation with the applicant and their requests being incorporated into appropriate conditions on the Licence if granted.

6.4 It is worthy of note that the current Home Office guidance (March 2015) at Chapter 9 paragraph 9.4 states there is no requirement for a representor (any person or Responsible Authority) to "*produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.*"

6.5 As referred to above Sussex Police entered into successful mediation with the applicant and subject to certain conditions being applied to the varied Premises Licence, if granted, their concerns were addressed. Their representation is included in full at Attachment C along with the outcome of successful mediation which in principle centred around the following two conditions being accepted by the applicant:

On Friday and Saturday customers shall not be admitted or re-admitted to the premises later than 01.30hrs each day (premises includes external drinking areas)

and

A documented risk assessment must be written and agreed with Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the Licensing Objectives. This will include, but not limited to, the need for additional SIA door supervisors and use of Polycarbonate drinking

vessels on occasions when the premises intends to utilise the external bar servery after 00.00 hours. It will also include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.

6.6 The Environment Management Team of Chichester District Council who are responsible for exercising Environmental Health functions and recognised as the Responsible Authority for the control of public nuisance also submitted a relevant representation. This was subject to mediation but unfortunately on this occasion not successfully resolved. Details of their representation are again included at Attachment C but in summary referred to the following points of concern in relation to the 'prevention of public nuisance' Licensing Objective.

- The use of the extended premises will cause noise disturbance to persons working in the vicinity.
- The use of the extended premises will cause cigarette smoke to infiltrate areas where persons are working in the vicinity.
- The use of refuse bins adjacent to neighbouring property will cause malodours to infiltrate areas where persons are working in the vicinity.
- The late evening and night time use of the extended premises will result in noise nuisance to occupants of nearby residential properties.

6.7 All those that made relevant representation(s) were sent the Notice of Hearing, along with the applicant, inviting them to attend or nominate another person to address the Sub-Committee on their behalf.

7 CONSIDERATION

7.1 In reaching its determination the Sub-Committee must take into consideration the four Licensing Objectives, the Council's Statement of Licensing Policy, the current Home Office Guidance and written and/or oral evidence during the hearing

7.2 It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application. The Licensing Objectives are the only grounds on which representations can be made, and the only grounds on which the Licensing Authority will be able to refuse an application or impose appropriate conditions in addition to mandatory conditions and those proposed by the applicant in their Operating Schedule.

7.3 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. These 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.

7.4 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 Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

7.5 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.

7.6 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. 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 Persons and the Responsible Authorities.

7.7 The Sub-Committee are required to give reasons for their decision.

8. OPTIONS OPEN TO THE SUB-COMMITTEE

8.1 When considering this application for a Premises Licence the following options are available to the Sub-Committee:

- a. To grant the Premises Licence variation, as requested,
- b. To grant the Premises Licence variation, as requested, with additional conditions appropriate to the promotion of the specific Licensing Objectives on which relevant representations have been received,
- c. Reject the whole or part of the Premises Licence variation application.

8.2 The Sub-Committee may also:

- d. Grant the Premises Licence variation but exclude certain licensable activities from the licence,
- e. Grant different conditions to different parts of the premises or to different Licensable Activities.

9 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 2016 - 2021

10 ATTACHMENTS

- Attachment A** Plan of the local area and application site
Attachment B A copy of the Premises Licence application (17/00196/LAPRE2)
Attachment C Copy of original relevant representations and mediation
Attachment D Copy of the existing Premises Licence (16/01560/LAPRE1)

Contact: Mr L Foord, Licensing Manager
lfoord@chichester.gov.uk
01243 534742

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.

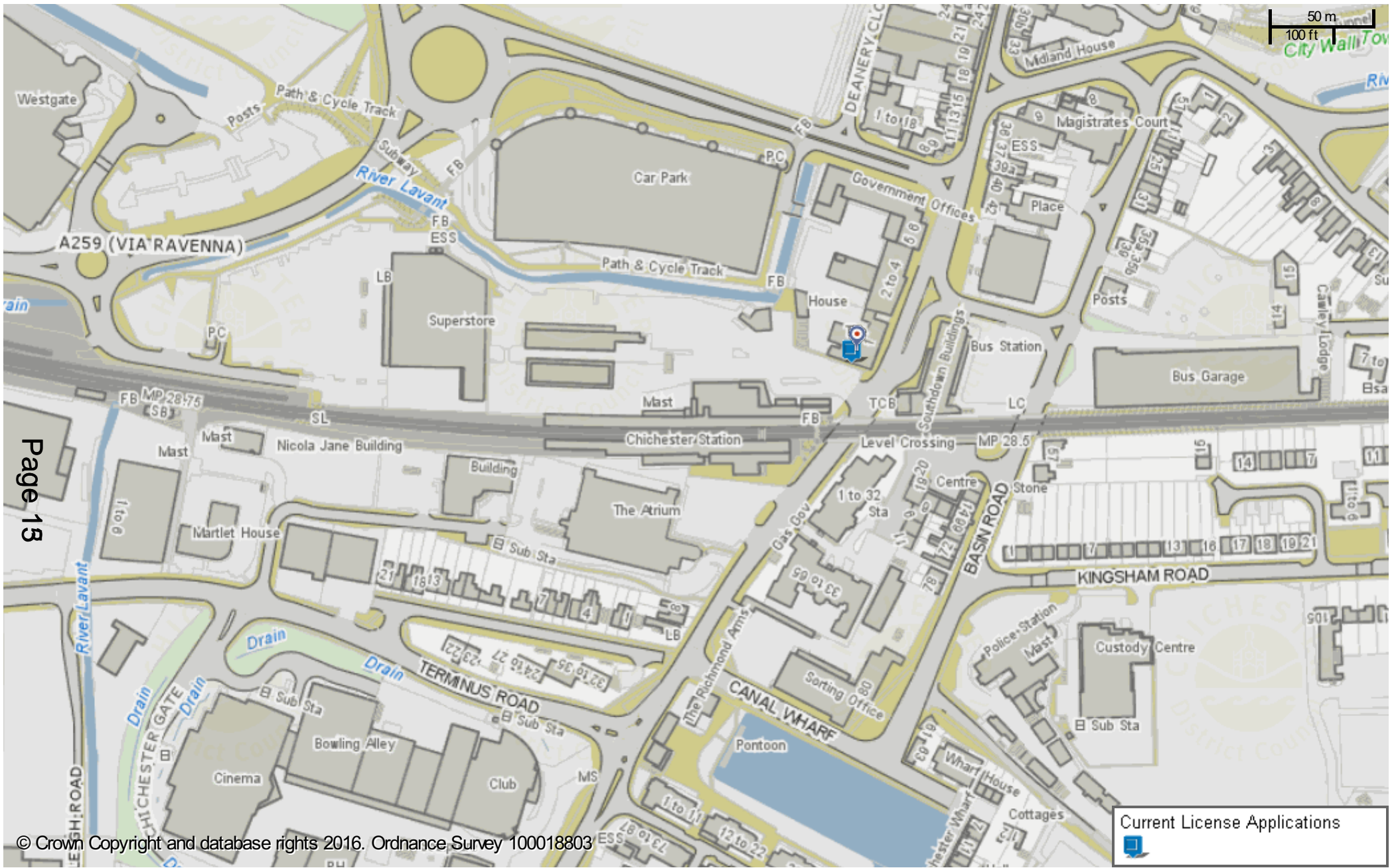
Representation(s)

Application Summary	
Application Reference:	17/00196/LAPRE2
Licence Address:	Foundry 1 Southgate Chichester West Sussex PO19 8DH
Licence Details:	2nd Full Variation

Valid Representations:

1. Representor Details:	
Name:	Chief Officer Of Sussex Police
Address:	C/o Licensing Officer Centenary House Durrington Lane Worthing West Sussex BN13 2QB
Representation Type:	Chief Officer of Sussex Police
Objection Type:	The Prevention of Crime and Disorder
Date of Rep:	06.03.17
Comments:	11.38 email withdrawing representation based on agreed conditions being attached to licence

2. Representor Details:	
Name:	Environmental Management Team
Address:	Housing & Environment Services Chichester District Council East Pallant House 1 East Pallant Chichester West Sussex
Representation Type:	Environmental Management Team AJS/LR
Objection Type:	The Prevention of Public Nuisance
Date of Rep:	06.03.17
Comments:	



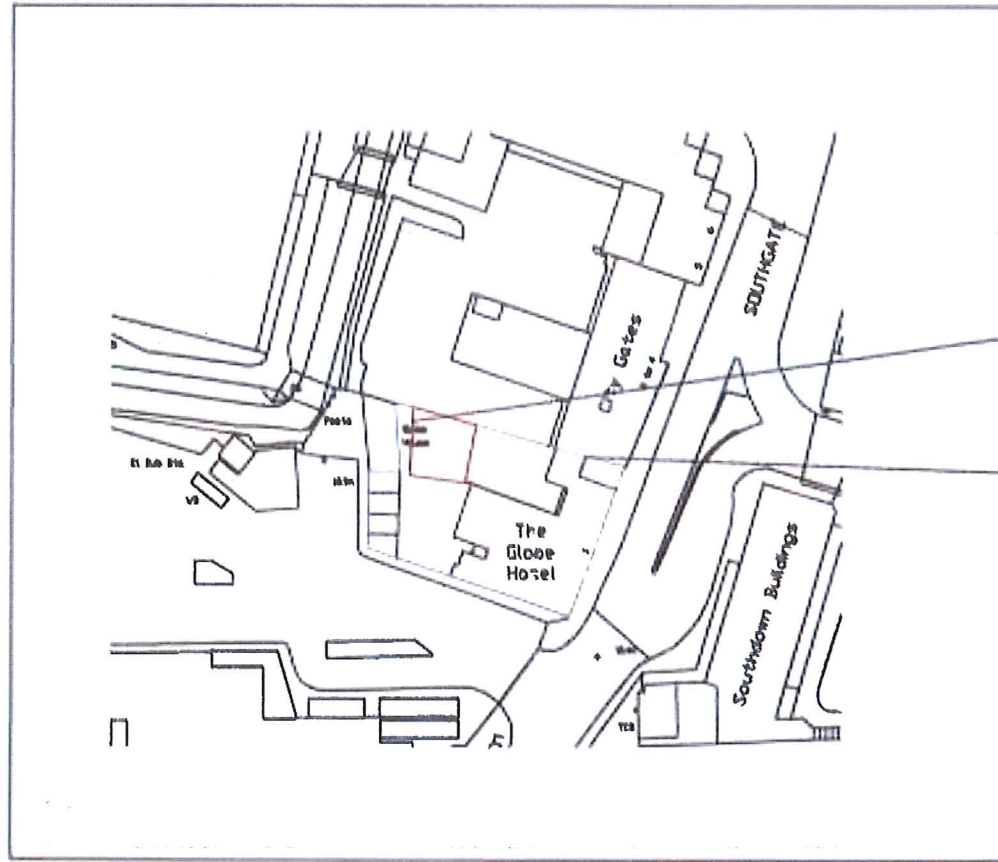
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Foundry, 1 Southgate, Chichester, PO19 8DH

Scale: 1:2501

Printed on: 22/3/2017 at 8:54 AM





SITE LOCATION PLAN
(1:1250)



NEW INCREASED
DRINKING AREA
IN RED

BOUNDARY LINE
MARKED IN BLUE

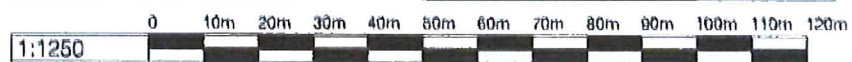
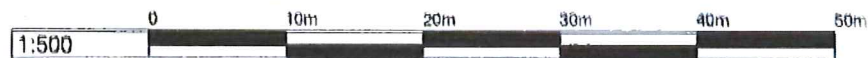


SITE LOCATION PLAN
(1:500)



Scale Bars:

Scale: Length:



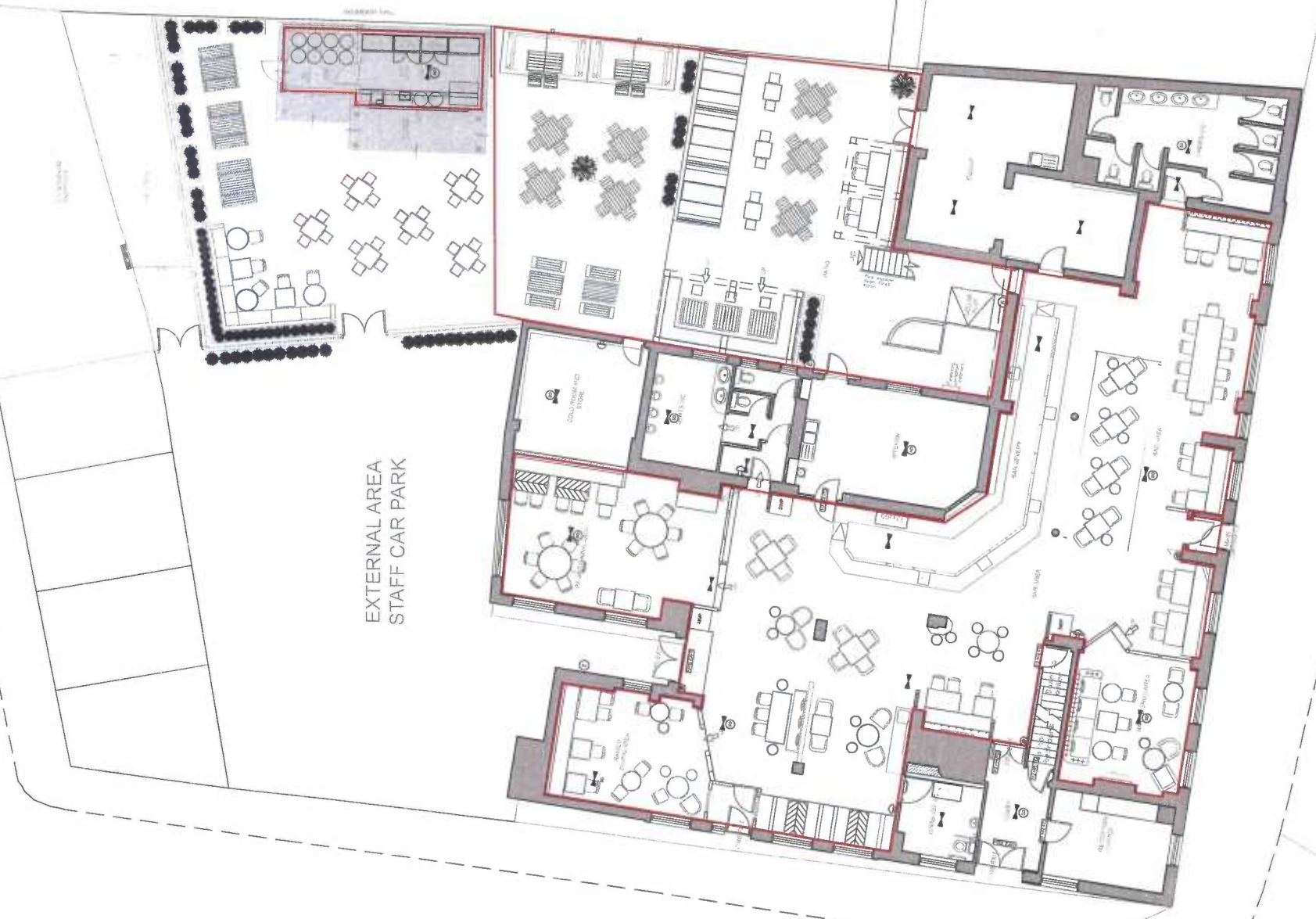
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Project: THE FOUNDRY
 Client: GREENE KING
 Location: WEST SUSSEX, CHESTER
 PO19 8DH

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUE FOR PERMIT	15/02/17	BCF	BCF
2	ISSUE FOR CONSTRUCTION	15/02/17	BCF	BCF
3	ISSUE FOR OCCUPANCY	15/02/17	BCF	BCF
4	ISSUE FOR LICENSING	15/02/17	BCF	BCF
5	ISSUE FOR PLANNING	15/02/17	BCF	BCF
6	ISSUE FOR FIRE	15/02/17	BCF	BCF
7	ISSUE FOR HEALTH & SAFETY	15/02/17	BCF	BCF
8	ISSUE FOR ENVIRONMENTAL	15/02/17	BCF	BCF
9	ISSUE FOR ACoustics	15/02/17	BCF	BCF
10	ISSUE FOR LIGHTING	15/02/17	BCF	BCF
11	ISSUE FOR MECHANICAL	15/02/17	BCF	BCF
12	ISSUE FOR ELECTRICAL	15/02/17	BCF	BCF
13	ISSUE FOR STRUCTURAL	15/02/17	BCF	BCF
14	ISSUE FOR CIVIL	15/02/17	BCF	BCF
15	ISSUE FOR LANDSCAPE	15/02/17	BCF	BCF
16	ISSUE FOR EXTERIOR	15/02/17	BCF	BCF
17	ISSUE FOR INTERIOR	15/02/17	BCF	BCF
18	ISSUE FOR FURNITURE	15/02/17	BCF	BCF
19	ISSUE FOR FITTINGS	15/02/17	BCF	BCF
20	ISSUE FOR FINISHES	15/02/17	BCF	BCF
21	ISSUE FOR SERVICES	15/02/17	BCF	BCF
22	ISSUE FOR UTILITIES	15/02/17	BCF	BCF
23	ISSUE FOR PLUMBING	15/02/17	BCF	BCF
24	ISSUE FOR HEATING	15/02/17	BCF	BCF
25	ISSUE FOR VENTILATION	15/02/17	BCF	BCF
26	ISSUE FOR INSULATION	15/02/17	BCF	BCF
27	ISSUE FOR SOUND	15/02/17	BCF	BCF
28	ISSUE FOR SECURITY	15/02/17	BCF	BCF
29	ISSUE FOR ACCESSIBILITY	15/02/17	BCF	BCF
30	ISSUE FOR COMPLIANCE	15/02/17	BCF	BCF

PROPOSED GROUND FLOOR PLAN

red line denotes licensable area.



FOCUS DESIGN

CLIENT: GREENE KING

PROJECT: THE FOUNDRY
 1 SOUTHBRATE
 WEST SUSSEX, CHESTER
 PO19 8DH

DRAWING TITLE: LICENSING PLAN

SCALE: 1:100 @ A1
 DATE: FEB 17
 DRAWN BY: BCF

SL57.16.L01

A

Application to vary a premises licence 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. 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 written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Spirit Pub Company (Leased) Ltd

(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 3815/16/00142/LAPRE1

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Foundry 1 Southgate Chichester			
Post town	West Sussex	Postcode	PO19 8DH
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£43,500		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Westgate Brewery Bury St Edmunds		
Post town	Suffolk	Postcode	IP33 1QT

Part 3 - Variation

Please tick as appropriate

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

Yes

No

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

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to change the layout of the premises in accordance with the submitted plan.

The main change is the addition of a bar servery to the car park area.

Part of the existing car park is proposed to be incorporated into the existing garden area. The licensable area has only been extended to include the bar servery as the sale of alcohol is the only licensable activity proposed to be carried out in the additional space.

As a result of the above, the application also seeks to remove condition 9 under Annex 3 of the premises licence.

The opening times and licensable activities authorised by the premises licence are to remain unaltered.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of any fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing As per the current licence permission		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur					
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Sat					
Sun			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings: Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 9 under Annex 3 of the premises licence

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

As per the current premises licence conditions

b) The prevention of crime and disorder

As per the current premises licence conditions

c) Public safety

As per the current premises licence conditions

d) The prevention of public nuisance

As per the current premises licence conditions

e) The protection of children from harm

As per the current premises licence conditions

Checklist:

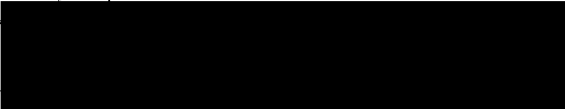
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or 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.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY 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 (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	7/2/17
Capacity	Solicitor to 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 (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) Rachel Kelly TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	0333 00 60283		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Rachel.kelly@tltsolicitors.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

From: Timothy Horne
Sent: Mon, 6 Mar 2017 14:44:31 +0000
To: Licensing
Cc: Tia Menecier
Subject: 17/00196/LAPRE2 - 2nd Variation of Premises Licence 16/00142/LAPRED. The Foundry, 1 Southgate, Chichester, West Sussex PO19 8DH

Dear Sir or Madam

Subject: 17/00196/LAPRE2 - Application for Variation of Premises Licence under the Licensing Act 2003
Premises: The Foundry 1 Southgate Chichester West Sussex PO19 8DH

Having examined the above application and operating schedule, as the responsible authority for the control of public nuisance, I make the following representations with regard to the application as I consider the proposals will not meet the licensing objectives on the following grounds:

Prevention of public nuisance

1. The use of the extended premises will cause noise disturbance to persons working in the vicinity.
2. The use of the extended premises will cause cigarette smoke to infiltrate areas where persons are working in the vicinity.
3. The use of refuse bins adjacent to neighbouring property will cause malodours to infiltrate areas where persons are working in the vicinity.
4. The late evening and night time use of the extended premises will result in noise nuisance to occupants of nearby residential properties.

In light of the above, and given the design and potential use of the proposed outdoors area I do not see sufficient scope for amendment by mitigation measures before any hearing to determine this application.

Yours faithfully

Timothy Horne

Principal Environmental Health Officer
Health Protection and Environmental Management
Chichester District Council

Tel: 01243 534598 | Fax: 01243 776766 | thorne@chichester.gov.uk | <http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

From: Timothy Horne

Sent: 15 March 2017 19:22

To: 'Rachel Kelly'

Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Rachel

Thank you for outlining the reasons why you disagree with our representation. I will address these in turn, however, I think you should be aware that there is currently no planning permission for the change of use of the car-parking area into an outside bar and seating area. A planning application for such use was submitted and later withdrawn by Mr Hughes of Westgate Brewery, Westgate Street, Bury St Edmunds, Suffolk IP33 1QT. You must have been informed that there were objections raised against the planning proposal by people working adjacent to the area and a resident living 70 metres from the site, who all overlook the application site.

Turning to the specific reasons you outline, I would comment accordingly.

1. The extension to the premises will not cause noise disturbance to persons working in the vicinity as the use of the beer garden tends to be outside of the ordinary working hours (i.e. evenings and weekends). Therefore, this argument is non-existent. The premises currently operates the existing beer garden without any complaint.

The Foundry is a large pub situated on the northern side of the Chichester Railway Station. At the back yard adjoining the pub there is already an area with seating set aside for patrons going to smoke, drink and consume food outdoors. This outdoors area is currently separated from a car park with a low wall and close boarded fencing. The car park provides access for staff vehicles and deliveries and is enclosed on the western side by garages and a 2 storey property known as Globe House designated for office use in conjunction with music and maths tuition. There is a 2.5m high brick wall separating a car park and large office buildings which are set back from the northern boundary. The nearest residential properties are at Brampton Court, sheltered housing apartments, some 70m to the south-east of the proposed development which do not currently have a direct line of sight over the existing outdoors area.

The proposal seeks to extend the current outdoors area by demolishing the existing boundary and creating a new area within half of the existing pub car park to within 2.3m of Globe House. The plan is to provide a more permanent external bar area which can be enjoyed, weather permitting, during opening hours. These are Monday to Thursday 08.00 – 0.30 hrs, Friday/Saturday 08.00 – 2.30 hrs, and Sunday 08.00 – midnight. The plan shows that the area will be enclosed by a low wall to 0.6m and there will be open steel slats above up to 1.65m. Along the western edge of the new garden will be an area for the waste bins to be stored. Seating along the furthest edge shows that there will be approximately 2.5 – 3.5m separation distance between patrons and the 4 windows of Globe House that overlook the area.

The new area will bring patron derived noise and smoking approximately 11 metres closer to the neighbouring property and the new boundary detail is inferior in terms of noise containment due to the open design of the slatted bars. I have concern over the proximity of the development in terms of the noise and smoking emissions generated by its use. With regard to noise emissions, there are several sources which need to be appropriately assessed as they are likely to have an adverse impact on persons living and working in the vicinity. These may include;

- amplified live and recorded music,
- un-amplified live music,
- patron noise in external areas
- other noise – e.g. commercial waste disposal, amongst others.

The current premises licence shows that the existing outdoors area is licensed for alcohol with only 'background' music. However, as a result of amendments to the *Licensing Act 2003* by *The Legislative Reform (Entertainment Licensing) Order 2014*, no premises licence is required for the following activities;

- Unamplified music between 08:00 hrs and 23:00 hrs on any day on any premises.
- Amplified music between 08:00 hrs and 23:00 hrs on premises authorised to sell alcohol for consumption on the premises, subject to a maximum audience of 500.

A beer garden and the like can be used for live and recorded music if shown on the plan of the Premises Licence.

To date, I am not aware of any outdoors performance of music or singing although there is provision for 'background' music through low powered speakers. There has been no recent record of any noise complaints regarding the use of the premises which has been well managed in recent times.

The offices and classrooms in Globe House are understood to be used mainly between midday until 7pm on Monday to Friday, and all day Saturday.

2. Cigarette smoke will not infiltrate the areas where persons are working. This has not been an issued raised to date, and smokers are permitted to use any part of the external areas. Furthermore, the new area screens the nearest properties from cigarette smoke.

The outside area used will be significantly increased in size, be more appealing to patrons, and with a new open design so much closer to the neighbouring property (2.5 – 3.5m of open parts). As you know, patrons still have to go outside to smoke and it is practically impossible to avoid where the smoke drifts. I have not seen details of solid screens only open metal slats.

3. We are unsure as to where the bins you refer to are located. This is not identified on the plan and does not form part of the application. Additionally, we are unsure as to why this would cause a nuisance.

The plan I have seen identifies the unutilised strip of car park between the outside garden and the neighbouring property as a bin store with a gate. I assume that waste will be transferred from the kitchen and bar areas to the bins stored in this area. In my experience it is inevitable that contamination of the bins is likely to occur over time and during warmer weather there is an increased probability that malodours will be caused. If the bins are right up to the adjacent building then bad odours will pervade the air around the window openings. In addition, deposits into the bins and movements on collections may cause noise impacts in the immediate vicinity.

4. We understand that no representations have been received from residents. In our experience, constant supervision of a bar servery tends to promote the objective of public nuisance as a result of the presence of a staff member, reminding customers of causing disturbance and dealing with them effectively.

Objections were raised on public nuisance grounds to the planning application. I note your comment on supervision, however, I hardly think that patrons will be admonished for laughing or talking loudly.

Whilst I appreciate that the Licensing regime is separate from the planning side, it is rather pointless discussing matters further while any planning change of use is still undecided.

In conclusion, there are windows that overlook the area which are between 2.5 – 3.5m from the nearest seating areas. Noise is dependent on the numbers of patrons resorting to the area and their individual voice levels and behaviour. Bursts of sound may cause significant intrusion within the adjacent offices used for music and maths tuition. I believe that this will result in a change of behaviour necessitating the closure of windows at times to prevent noise disturbance and possibly at other times to prevent cigarette smoke drifting in.

As previously mentioned, there is nothing to prevent outdoors performance of music and song in the area licensed for alcohol and although this may not be the intention of the existing management, it cannot be ruled out in future. 'Background' music is often used to create a pleasant environment for patrons that masks other ambient sound like distant road and rail transport. Unfortunately there is little control possible over the level set and sometimes this creeps up to set the mood as more people gather outdoors.

The imposition of shutting windows at times of noise intrusion and additionally to prevent ingress of cigarette smoke means that passive ventilation of rooms will be significantly restricted affecting the comfort of occupants to control internal room temperature.

Should you wish to go ahead with a hearing to determine this licensing application then members of the committee will be open to consider all licensing conditions and hours of use.

Kind regards,

Timothy Horne

Principal Environmental Health Officer
Health Protection and Environmental Management
Chichester District Council

Tel: 01243 534598 | Fax: 01243 776766 | thorne@chichester.gov.uk | <http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

From: Rachel Kelly [<mailto:Rachel.Kelly@TLTsolicitors.com>]

Sent: 15 March 2017 15:27

To: Timothy Horne

Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Tim,

Thank you for your email below.

With respect, we do not agree with the concerns raised in your representation. Our reasons are set out below:

1. The extension to the premises will not cause noise disturbance to persons working in the vicinity as the use of the beer garden tends to be outside of the ordinary working hours (i.e. evenings and weekends). Therefore, this argument is non-existent. The premises currently operates the existing beer garden without any complaint.
2. Cigarette smoke will not infiltrate the areas where persons are working. This has not been an issued raised to date, and smokers are permitted to use any part of the external areas. Furthermore, the new area screens the nearest properties from cigarette smoke.
3. We are unsure as to where the bins you refer to are located. This is not identified on the plan and does not form part of the application. Additionally, we are unsure as to why this would cause a nuisance.
4. We understand that no representations have been received from residents. In our experience, constant supervision of a bar servery tends to promote the objective of public nuisance as a result of the presence of a staff member, reminding customers of causing disturbance and dealing with them effectively.

As you are aware, there are a number of conditions attached to the premises licence which further promote the licensing objective of public nuisance.

In light of the above, we would ask that you re-consider your representation.

I would be delighted to discuss this with you further.

Kind regards,

Rachel

Rachel Kelly
Legal Assistant
for TLT LLP
D: +44 (0)333 006 0283
F: +44 (0)333 006 1492
www.TLTsolicitors.com

From: Timothy Horne

Sent: 06 March 2017 14:45

To: Licensing

Cc: Tia Menecier

Subject: 17/00196/LAPRE2 - 2nd Variation of Premises Licence 16/00142/LAPRED. The Foundry, 1 Southgate, Chichester, West Sussex PO19 8DH

Dear Sir or Madam

Subject: 17/00196/LAPRE2 - Application for Variation of Premises Licence under the Licensing Act 2003

Premises: The Foundry 1 Southgate Chichester West Sussex PO19 8DH

Having examined the above application and operating schedule, as the responsible authority for the control of public nuisance, I make the following representations with regard to the application as I consider the proposals will not meet the licensing objectives on the following grounds:

Prevention of public nuisance

1. The use of the extended premises will cause noise disturbance to persons working in the vicinity.
2. The use of the extended premises will cause cigarette smoke to infiltrate areas where persons are working in the vicinity.
3. The use of refuse bins adjacent to neighbouring property will cause malodours to infiltrate areas where persons are working in the vicinity.
4. The late evening and night time use of the extended premises will result in noise nuisance to occupants of nearby residential properties.

In light of the above, and given the design and potential use of the proposed outdoors area I do not see sufficient scope for amendment by mitigation measures before any hearing to determine this application.

Yours faithfully

Timothy Horne

Principal Environmental Health Officer

Health Protection and Environmental Management

Chichester District Council

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

From:Helena Giudici
Sent:Tue, 7 Mar 2017 08:57:23 +0000
To:Tia Menecier
Subject:FW: The Foundry, PO19 8DH
Attachments:Foundry variation representation document.docx

From: Hannah.Squibb@sussex.pnn.police.uk [Hannah.Squibb@sussex.pnn.police.uk] on behalf of WS_Licensing_WOR@sussex.pnn.police.uk [WS_Licensing_WOR@sussex.pnn.police.uk]
Sent: 06 March 2017 16:21
To: Rachel.Kelly@TLTsolicitors.com
Cc: Licensing
Subject: RE: The Foundry, PO19 8DH

Good afternoon,

As per an email I have received from Chichester Council, they have not accepted the amendment to the application you sent over and require instead for a representation to be formally raised to include these two conditions. Therefore please find attached a representation raised by Sussex Police in relation to the premises licence application for The Foundry, Southgate, Chichester. If the applicant is still agreeable to having the amended conditions attached to the premises licence, Sussex Police can resolve this representation.

Please can the applicant confirm this in writing to this office and to Chichester District Council's licensing team.

Kind Regards,

Hannah Squibb

Assistant Licensing Officer

Neighbourhood Licensing Team

West Sussex

101 x 581533

01273 404030

Sussex Police - Serving Sussex

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LEGAL DISCLAIMER

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Licensing Unit,
Chichester District Council,
East Pallant House
1 East Pallant
Chichester
PO19 1TY

Neighbourhood Licensing Team West Sussex Division

6th March 2017

APPLICATION FOR A FULL VARIATION TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR FOUNDRY, SOUTHGATE, CHICHESTER, PO19 8DH

Dear Mr Foord,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the licensing objective of the Prevention of Crime and Disorder.

Sussex Police have no objection to the principal of the application, however while the operating schedule provided identifies a number steps to address the licensing objectives, it is considered that additional measures are necessary. Sussex Police propose the following additional conditions which should not prove onerous on the day-to-day operation of the premises:

1. On Friday and Saturday customers shall not be admitted or re-admitted to the premises later than 01:30 each day (premises includes external drinking areas).
2. A documented risk assessment must be written and agreed with Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include, but not be limited to, the need for additional SIA door supervisors and use of Polycarbonate drinking vessels on occasions when the premises intends to utilise the external bar servery after 00:00 hours. It will also include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.

If the applicant is agreeable to the proposed conditions, Sussex Police can resolve this representation subject to these conditions being attached to the premises licence.

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation

Yours sincerely



Chief Inspector Howard Hodges
District Commander



Licensing Act 2003 Premises Licence - Part A

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

Premises Licence Number - **3815/16/01560/LAPRE1**
Issued in substitution for licence **3815/16/00142/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

Foundry
1 Southgate
Chichester
West Sussex
PO19 8DH

Telephone number 01243 782 035

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Activity	Location
Exhibition of a Film	Indoors
Performance of Live Music	Indoors
Playing of Recorded Music	Indoors
Late Night Refreshment	Indoors
Sale by Retail of Alcohol	Indoors and Outdoors

The times the licence authorises the carrying out of licensable activities

Exhibition of a Film

Standard Days and Timings

Sunday 09:00 - 23:00
Monday to Thursday 09:00 - 23:30
Friday and Saturday 09:00 - 02:00

Signed:



Page 45

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

No: 3815/16/01560/LAPRE1
Granted: 17th November 2016
By: TIME
Page 1 of 10

Performance of Live Music*Standard Days and Timings*

Sunday 09:00 - 23:00
Monday to Thursday 09:00 - 23:30
Friday and Saturday 09:00 - 02:00

Playing of Recorded Music*Standard Days and Timings*

Sunday 09:00 - 23:00
Monday to Thursday 09:00 - 23:30
Friday and Saturday 09:00 - 02:00

Late Night Refreshment*Standard Days and Timings*

Sunday 23:00 - 00:00
Monday to Thursday 23:00 - 00:30
Friday and Saturday 23:00 - 02:00

Sale by Retail of Alcohol*Standard Days and Timings*

Sunday 09:00 - 23:30
Monday to Thursday 09:00 - 00:00
Friday and Saturday 09:00 - 02:00

The opening hours of the premises*Standard Days and Timings*

Sunday	08:00 - 00:00
Monday to Thursday	08:00 - 00:30
Friday and Saturday	08:00 - 02:30

Non Standard Timings

None

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

Spirit Pub Company (Leased) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
United Kingdom
IP33 1QT

Contact Phone Number 

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

Registered Business Number 05699544

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


Mr Austin Kevin Whelan


Contact Phone Number 

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 – 14/00803/LIPERS
Licensing Authority – London Borough Of Croydon

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.
 - (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.


Signed:

Page 43

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

No: 3815/16/01560/LAPRE1
Granted: 17th November 2016
By: TIME
Page 3 of 10

- 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).

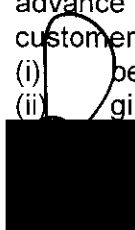
3 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- 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 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

Signed:



Page 48

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

No: 3815/16/01560/LAPRE1
Granted: 17th November 2016

By: TIME
Page 4 of 10

- (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.

(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.

Signed:

Page 40

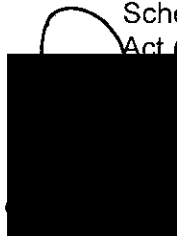
No. 3815/16/01560/LAPRE1
Granted: 17th November 2016

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

By: TIME
Page 5 of 10

- 7 (1) Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
- (a) the film classification body is not specified in the licence, or
- (b) the relevant Licensing Authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that Licensing Authority.
- (4) In this section-
- 'children' means persons aged under 18; and
- 'film classification body' means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).
- 8 (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

Signed:

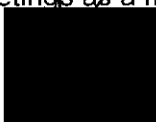


- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

- 1 A thirty (30) minute drinking up time on top of the last permitted sale of alcohol must be implemented to allow customers to use the toilet facilities and disperse from the premises.
- 2 Locations of fire safety and other safety equipment are subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
- 3 Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
- 4 A zero-tolerance drugs policy has been adopted at the premises.
- 5 When employed, door staff will ask customers to leave quietly.
- 6 All staff must be trained in the legislation that is relevant to their job role.
- 7 Free drinking water, soft drinks and non-alcoholic drinks must be made available at all times.
- 8 Open vessels will not be permitted to be taken from the premises (premises includes any outside areas).
- 9 If a Disc Jockey is employed on any night they will be required to ask customers to leave the premises quietly.
- 10 Notices must be displayed at the premises asking members of the public to leave the premises quietly and respect the neighbours.
- 11 No glass materials or bottles will be deposited in any bag, skip or other container, located in the open air outside the premises between 23:00hrs and 07:00hrs, and no such container shall be removed from the premises between these hours.
- 12 As far as is practicable no deliveries will take place between 23:00hrs and 07:00hrs.
- 13 When recorded music is played the Designated Premises Supervisor must take measures to ensure that in the final thirty (30) minutes, prior to cessation, music will not be audible above background level at the nearest noise sensitive property.
- 14 The Premises Licence Holder will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic identification to prove their age. The recommended forms of identification that will be accepted are passports, driving licences with a photograph, photographic military identification or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of identification may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
- 15 After 21:00hrs, all under 18 year olds must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal.
- 16 The Premises Licence Holder will be an active member of a Pubwatch Scheme or similar Group where there is one in operation. The premises shall be represented at 75% of all meetings as a minimum. The premises shall comply with all decisions collectively made by

Signed:



Page 59

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

No: 3815/16/01560/LAPRE1
Granted: 17th November 2016
By: TIME
Page 7 of 10

the group. A radio link, or similar, will be maintained with other group members and used in accordance with the Pubwatch Scheme.

- 17 A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the Designated Premises Supervisor with the date such authorisation commences. Each of these staff members shall receive full training pertinent to the Licensing Act before being permitted to start selling alcohol, specifically with regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to any sale of alcohol being authorised. Refresher training shall be undertaken thereafter at intervals of no more than twelve (12) weeks whereby staff are reminded of their responsibilities. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the Designated Premises Supervisor. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.
- 18 On Friday and Saturday customers shall not be admitted or re-admitted to the premises later than 01:30hrs each day, with the exception of those using the external garden area.
- 19 A Risk Assessment ('the assessment') must be undertaken in relation to all special events or private functions at the premises ('the event'). The assessment must be documented and identify, as a minimum, the following:
- Date and time of the event;
 - Description of the event;
 - Expected numbers of attendees;
 - Description of any additional controls or measures taken during the event to promote the licensing objectives (if any), such as door supervisors, use of polycarbonate drinking vessels, entry restrictions etc. If no additional measures are proposed, the assessment should state this;
 - A 'rating' for the event of 'low', 'medium' or 'high' risk ('the rating');
 - Emergency contact numbers and procedure for managing/escalating any problems encountered.

If the event receives a rating of 'high', then a minimum of fourteen (14) day's notification must be given to Sussex Police Licensing Team in advance of the event. The police will then have the right to veto the event, or otherwise agree additional measures with the operators, up to seven (7) days prior to the event taking place should they have reasonable grounds to believe that the event will undermine the crime prevention objective. Such reasons must be given in writing.

In addition a Risk Assessment (as above) will be drawn up and reviewed periodically to cover regular Friday and Saturday nights where licensable activities are carried out at the premises after 01:30hrs. All assessments must be kept for a minimum of six (6) months from the date of the event and must be available for immediate inspection by Sussex police, Licensing Officers or the Licensing Authority on request.

- 20 The Premises Licence Holder 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 the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.
- 21 Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally

Signed:



Page 50

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

No: 3815/16/01560/LAPRE1
Granted: 17th November 2016
By: TIME
Page 8 of 10

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 twenty-eight (28) days.
- The management will give full and immediate cooperation and technical assistance to the Police in the event that 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 onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

22 Use of the outside area is permitted until 01:30hrs only.

23 The Manager, Premises Licence Holder or other competent person shall carry out observations outside in the premises periodically from 00:00hrs in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then noise levels will be turned down. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.

24 A contact number shall be made available and in the event of a complaint being made a record kept in a complaint book. Where a complaint is made about noise then the caller's information shall be recorded at the time. The information to be recorded includes the caller's name, address, date, time of call and the nature of the complaint. When a person does not wish to provide their details then an entry shall be made reflecting this. In response to the complaint the applicant shall make timely and appropriate investigations and take action accordingly to ensure compliance with the conditions of the licence. The date, time and description of the action shall be recorded with the details of the complainant. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.

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

- 1 A minimum of two (2) Security Industry Authority registered door supervisors will be on duty at the premises from 21:00hrs until closing time each Friday and Saturday evening.
- 2 A minimum of two (2) Security Industry Authority registered door supervisors will be on duty at the premises from 21:00hrs until closing on all other occasions when the premises is to remain open for the supply of alcohol after midnight.
- 3 Children under the age of 16 years will be required to have vacated the premises by 21:00hrs each evening unless they are attending a pre-booked private function or they are a resident on the premises.
- 4 Polycarbonate drinking vessels will be used instead of glass vessels for drinks dispensed from the outside bar. In the event of any crime and disorder related issue connected with glass bottles, upon written notification from Sussex Police, only plastic bottles may be

Signed:



Page 53

supplied for as long as Sussex Police deem it necessary for the restriction to remain in place.

- 5 There will be at least one (1) Personal Licence Holder on duty at all times between 21:00hrs and the closing time each evening.
- 6 Regular patrols of the premises, including the toilet areas, will be conducted to ensure that all empty glasses and bottles are promptly cleared away. Sufficient glass collectors will be employed at all times for this purpose.
- 7 Toughened glassware will be used throughout the premises.
- 8 The outside bar will not be left unattended at any time when it is open or available for use.
- 9 Customers will not be provided with a means of access to the outside beer garden, or the outside bar, other than via the main premises building. There will be no direct means of access/egress to or from the beer garden from the adjacent public car park except in an emergency.
- 10 Regular monitoring of outdoor areas shall be carried out to ensure that there is no noise arising that would disturb or cause annoyance to nearby residents. If noise is excessive then the sound level must be restricted.
- 11 All windows and all external doors must be kept closed when regulated entertainment is taking place other than for access and egress.
- 12 No music in the rear garden other than background music.
- 13 All windows and all external doors must be kept closed when live entertainment is taking place other than for access and egress.
- 14 No drinks promotions are permitted that may be deemed to be irresponsible.

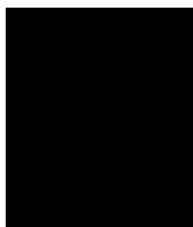
Annex 4 – Plan(s)

The attached plan(s) referenced '**SL57.15.L01**' dated '**NOV 2015**' 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.

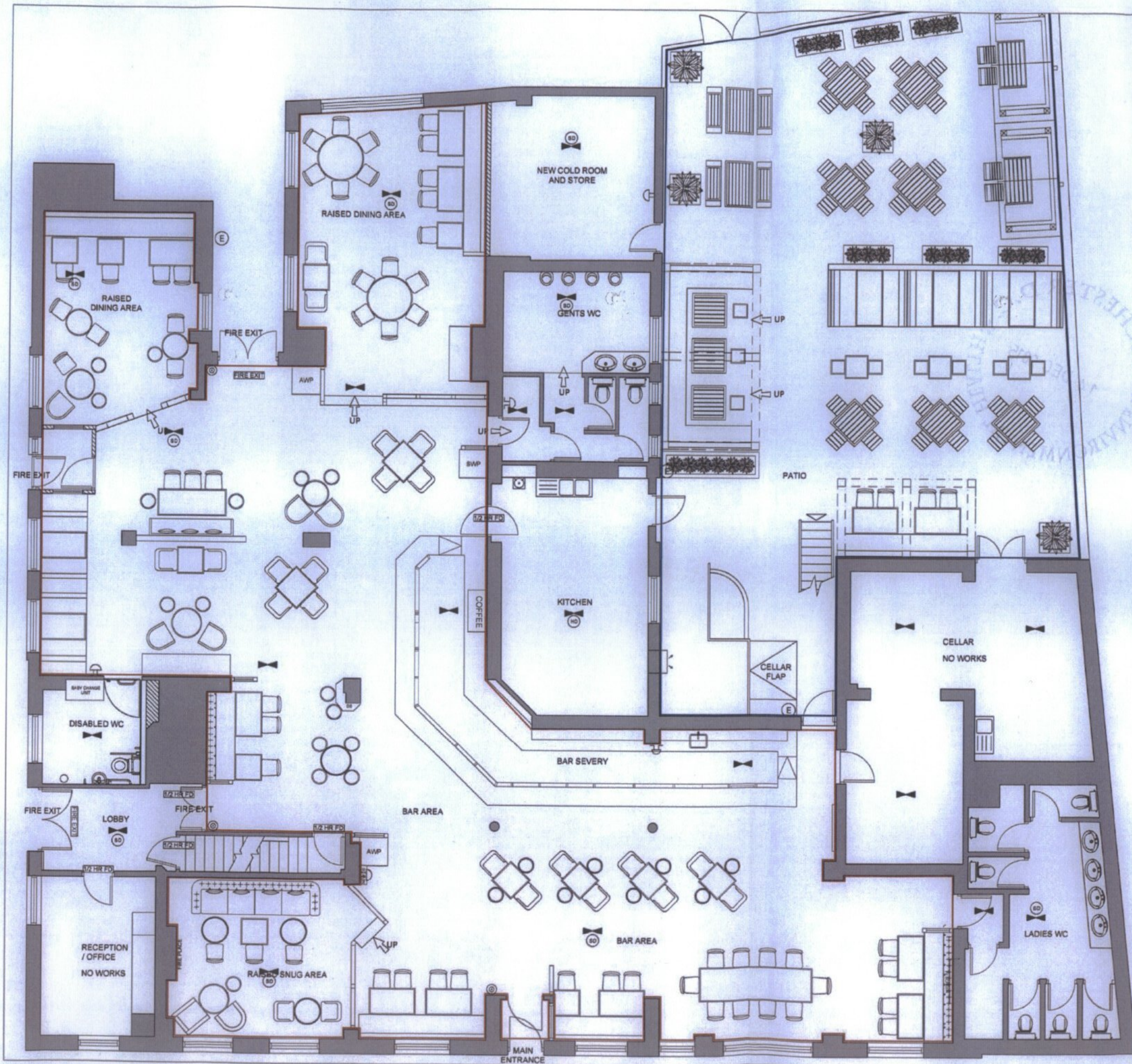
Signed:



Page 52

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

No: 3815/16/01560/LAPRE1
Granted: 17th November 2016
By: TIME
Page 10 of 10



FIRE SAFETY KEY	
	3 HR MAINTAINED ILLUMINATED EMERGENCY EXIT SIGN
	3 HR MAINTAINED ILLUMINATED DIRECTIONAL EXIT SIGN
	FIRE ALARM INDICATOR PANEL - POSITION TO BE APPOINTED
	3 HR NON-MAINTAINED EMERGENCY LIGHT FITTING
	EXTERNAL EMERGENCY LIGHT
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM BREAK GLASS POINT
	FIRE ALARM SOUNDER
	BEACON LIGHT (FLASHING LIGHT TO INDICATE FIRE ALARM)
	DISABLED ALARM
	DISABLED ALARM INDICATOR
	FIRE BLANKET IN CONTAINER
	CARBON DIOXIDE FIRE EXTINGUISHER
	9 LITRE WATER EXTINGUISHER
	WET CHEMICAL EXTINGUISHER
	FOAM FIRE EXTINGUISHER
	EXISTING HALF HOUR FIRE DOOR
	LINE OF LICENSED INTERNAL AREA
	LINE OF EXISTING LICENSED EXTERNAL AREA TO REMAIN THE SAME

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The Old Pumping Station, Wick Road, Littleton, Winchester, Hampshire, SO22 0PA, UK
01423 600000

Drawn: CAD HAND SURVEY
 Check: For Information For Tender For Construction As Built Drawing

08.10.15 A Amendments to hotel layout

DATE	REV	COMMENTS

FOCUS DESIGN

CLIENT
SPIRIT PUB COMPANY

PROJECT
THE GLOBE INN
1 SOUTHGATE
WEST SUSSEX, CHICHESTER
PO19 8DH

DRAWING TITLE
LICENSING PLAN

SCALE: 1:50 @ A1	
DATE: NOV 2015	DRAWN BY: EL

SL57.15.L01 **A**

Public Document Pack

JOHN WARD

Head of Finance and Governance Services

Contact: Katherine Jeram, Democratic Services Officer,
Email: kjeram@chichester.gov.uk, Tel: 01243 534674

East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY
Tel: 01243 785166
www.chichester.gov.uk



A meeting of **Alcohol and Entertainment Licensing Sub-Committee** will be held in Committee Room 1, East Pallant House on **Wednesday 5 April 2017 at 9.30 am**

MEMBERS: Mr P Budge, Mr J Connor and Mr H Potter

SUPPLEMENT TO AGENDA

(a) Attachment D - Environmental Health Mediation - Additional Information (Pages 1 - 9)

From: Timothy Horne
Sent: 27 March 2017 11:58
To: 'Rachel Kelly'
Cc: Alison Stevens; Licensing
Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Rachel,

Thank you for your email below, I would comment again as follows:

1. Noise emissions

The application applied for is for the extension to the beer garden and licensing of the bar servery only. Therefore, concerns of use of deregulated entertainment in the areas currently permitted are not relevant to this application.

The proposal seeks to extend the current outdoors area by demolishing the existing boundary and creating a new area to within 2.3m of Globe House.

I note your comments with regard to deregulated activities in respect of live music being applied in workplaces, and recorded amplified music in existing licensed areas. I note that the proposed beer garden is not included in the licensed area other than the servery.

It is difficult to contain sound outside which will affect the extended area, especially as the existing sound barrier provided by a wall and close boarded fence is to be dismantled. With regard to background music, whilst this is not a licensable activity it is something that is often associated with outdoor bars and something that can result in nuisance. I am not aware of a sound level that determines when it is above 'background' ambient noise. This will vary according to other sounds at different times of the day. Unfortunately when people are in conversation there is a tendency for sound output to be increased to a new 'background' level. I do not believe this type of mood music can be disregarded when it is so concomitant with licensable activity and potentially emitted closer to noise sensitive property.

Whilst I recognise that the existing area used as an outside bar immediately behind the pub has not given rise to complaints and has been managed well to date, it does not necessarily follow that an extended outside area, accommodating many more people and used under new opening hours, will not worsen the situation. I am aware that there are existing conditions in place to control the noise from licensable entertainments performed indoors but this does not mean you can expect patrons to talk and behave quietly when outdoors.

The offices and classrooms in Globe House are understood to be used mainly between midday until 7pm on Monday to Friday, and all day Saturday. The windows of this property are within 3.5m (10 feet) of the new outdoors area.

In summary, I accept that deregulated activities are unlikely to be provided in the new area as the plan does not accommodate this although other unamplified activity can be performed in the working space. For reasons outlined above I still believe there is likelihood of noise spreading into the new area and you suggest that it is unacceptable to control other noise sources like 'background' music although speakers can be much closer to neighbours. You have made no comment on noise from patrons talking loudly near to neighbour's windows or during the night when other ambient noise is very low.

2. Cigarette smoke will not infiltrate the areas where persons are working. This has not been an issue raised to date, and smokers are permitted to use any part of the external areas. Furthermore, the new area screens the nearest properties from cigarette smoke.

The outside area used will be significantly increased in size, be more appealing to patrons, and with a new open design so much closer to the neighbouring property (2.5 – 3.5m of open parts). As you know, patrons still have to go outside to smoke and it is practically impossible to avoid where the smoke drifts. I have not seen details of solid screens only open metal slats.

3. Waste disposal

I have reviewed the plan again and can see the bin store. Our client has confirmed that the bin store identified on the proposed licensing plan has always been in place. There is no proposal to change or relocate this, it has just been shown on the plan for indicative purposes. In light of this, unless there is evidence to the contrary, we don't feel that concerns of malodours are justified or appropriate, considering our client has operated in this way for some time without issue.

You confirm that the plan identifies the unutilised strip of car park between the outside garden and the neighbouring property as a bin store with a gate. I would comment that there is already an existing bin compound provided to the right hand side of the car park entrance from the station yard. I see no evidence of the new area being used as a bin area. It appears that in recent times some redundant equipment – fat fryer and air conditioning units have been dumped in the last parking space in the north-west corner closest to the neighbour. I am surprised that these bits of equipment have not been taken away yet. They certainly do not constitute part of the day to day waste collections from the licensed premises. So for reasons previously given there is an increased probability that malodours and transfer noise will be caused close to neighbours if the bin store is relocated to the area identified.

4. We understand that no representations have been received from residents.

Objections were raised on public nuisance grounds to the planning application. I note your comment on supervision, however, I hardly think that patrons will be admonished for laughing or talking loudly. Whilst I full recognise that the Licensing regime is separate from the planning side, it is rather pointless discussing matters further while any planning change of use is still undecided.

In conclusion, there are windows that overlook the area which are between 2.5 – 3.5m from the nearest seating areas. Noise is dependent on the numbers of patrons resorting to the area and their individual voice levels and behaviour. Bursts of sound may cause significant intrusion within the adjacent offices used for music and maths tuition. I believe that this will result in a change of behaviour necessitating the closure of windows at times to prevent noise disturbance and possibly at other times to prevent cigarette smoke drifting in.

'Background' music is often used to create a pleasant environment for patrons that masks other ambient sound like distant road and rail transport. Unfortunately there is little control possible over the level set and sometimes this creeps up to set the mood as more people gather outdoors. The imposition of shutting windows at times of noise intrusion and additionally to prevent ingress of cigarette smoke means that passive ventilation of rooms will be significantly restricted affecting the comfort of occupants to control internal room temperature.

I am not currently available for comment until next week so I would recommend that you refer additional proposals to my manager Alison Stevens astevens@chichester.gov.uk

Regards

Timothy Horne

Principal Environmental Health Officer
Health Protection and Environmental Management
Chichester District Council

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From: Rachel Kelly [<mailto:Rachel.Kelly@TLTsolicitors.com>]

Sent: 21 March 2017 12:01

To: Timothy Horne

Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Tim,

Further to my email below, I have discussed the below with our client.

With regard to the planning application, I wasn't aware of any objections other than yours. In light of your comments, I have asked for sight of any other objections in order for us to endeavour to mitigate the concerns raised. I understand our client is also considering adopting measures to address your points. However, as noted, the planning application and licensing applications are to be dealt with separately (although one cannot be utilised fully until the other is in place).

I have summarised the concerns you have raised, and put them into 3 categories: noise emissions, cigarette smoke and waste disposal. My comments are as follows:

1. Noise emissions

The application applied for is for the extension to the beer garden and licensing of the bar servery only. Therefore, concerns of use of deregulated entertainment in the areas currently permitted are not relevant to this application. The position with regard to deregulated activities is as follows:

Live Music

If the area where the live music will be performed is shown as licensed on the licensed premises' plan then the site is permitted to provide live music between the hours of 08:00 and 23:00 (subject to other conditions). Conditions attached to the premises licence will be redundant during that period.

However the area where the live music will be performed is not shown as licensed on the licensed premises' plan. Although under the workplace exemption, live music can still be provided between the hours of 08:00 and 23:00 where the audience is less than 500 people, any conditions attached to the licence will still apply. Consequently, we could consider adding a condition to this effect as the area where live music could take place is not shown as licensed as only the bar servery is licensed and this is proposed to be a fixed structure.

Live unamplified music does not need a licence if performed between 08:00 and 23:00, for which there is no audience limit. However, as you have noted, and as confirmed by our client, there is no intention to utilise this.

Recorded Music

Recorded music can be provided in an area which is shown as licensed on the licensed premises' plan benefits from the same exemption as for the Live Music Act, above, with the same restrictions. This would include DJ's and disco's. However, as above, the only area licensed is the fixed bar servery, therefore no recorded music can be provided here. There is also no 'workplace' exemption.

In conclusion, no deregulated activities can be provided in the new area as the plan does not accommodate this. As per the licensing plan, the only area identified as licensed in the new area, is the fixed bar servery. Consequently, there is no possibility of a live band or DJ set being set up in this area, as there is simply not enough space. Furthermore, there is no intention to provide this. Our client simply wants to allow customers to purchase beverages from an external bar.

With regard to background music, this is not a licensable activity and measures should not be sought to attempt to manage this. There have been no noise complaints with regard to the operation of the external area, and as you have mentioned, the area has been managed well to date. The management of this external area will inevitably improve, not worsen in light of the addition of the bar servery and additional staff employed to monitor this area. Furthermore, there are currently conditions in place to manage the external area which will still take effect.

2. Cigarette smoke

In order to address your concerns around this, there is a designated smoking area at the premises. Our client is happy to have a condition to this effect which will then resolve the issue of increased smoke infiltration if customers continue to be encouraged to use the designated smoking area.

3. Waste disposal

I have reviewed the plan again and can see the bin store. Our client has confirmed that the bin store identified on the proposed licensing plan has always been in place. There is no proposal to change or relocate this, it has just been shown on the plan for indicative purposes. In light of this, unless there is evidence to the contrary, we don't feel that concerns of malodours are justified or appropriate, considering our client has operated in this way for some time without issue.

I would be grateful if you could please let me have your comments on the above. I trust we can resolve the issues above by way of an agreement.

If you have any queries, please do not hesitate to get in touch.

Kind regards,

Rachel

Rachel Kelly
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From: Rachel Kelly
Sent: 16 March 2017 15:16
To: 'Timothy Horne'
Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Tim,

Thank you for your prompt response.

I will discuss the below with our client and will be in touch early next week.

Kind regards,

Rachel

Rachel Kelly
Legal Assistant
for TLT LLP
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From: Timothy Horne [<mailto:THorne@chichester.gov.uk>]
Sent: 15 March 2017 19:22
To: Rachel Kelly
Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Rachel

Thank you for outlining the reasons why you disagree with the our representation. I will address these in turn, however, I think you should be aware that there is currently no planning permission for the change of use of the car-parking area into an outside bar and seating area. A planning application for such use was submitted and later withdrawn by Mr Hughes of Westgate Brewery, Westgate Street, Bury St Edmunds, Suffolk IP33 1QT. You must have been informed that there were objections raised against the planning proposal by people working adjacent to the area and a resident living 70 metres from the site, who all overlook the application site.

Turning to the specific reasons you outline, I would comment accordingly.

1. The extension to the premises will not cause noise disturbance to persons working in the vicinity as the use of the beer garden tends to be outside of the ordinary working hours (i.e. evenings and weekends). Therefore, this argument is non-existent. The premises currently operates the existing beer garden without any complaint.

The Foundry is a large pub situated on the northern side of the Chichester Railway Station. At the back yard adjoining the pub there is already an area with seating set aside for patrons going to smoke, drink and consume food outdoors. This outdoors area is currently separated from a car park with a low wall and close boarded fencing. The car park provides access for staff vehicles and deliveries and is enclosed on the western side by garages and a 2 storey property known as Globe House designated for office use in conjunction with music and maths tuition. There is a 2.5m high brick wall separating a car park and large office buildings which are set back from the northern boundary. The nearest residential properties are at Brampton Court, sheltered housing apartments, some 70m to the south-east of the proposed development which do not currently have a direct line of sight over the existing outdoors area.

The proposal seeks to extend the current outdoors area by demolishing the existing boundary and creating a new area within half of the existing pub car park to within 2.3m of Globe House. The plan is to provide a more permanent external bar area which can be enjoyed, weather permitting, during opening hours. These are Monday to Thursday 08.00 – 0.30 hrs, Friday/Saturday 08.00 – 2.30 hrs, and Sunday 08.00 – midnight. The plan shows that the area will be enclosed by a low wall to 0.6m and there will be open steel slats above up to 1.65m. Along the western edge of the new garden will be an area for the waste bins to be stored. Seating along the furthest edge shows that there will be approximately 2.5 – 3.5m separation distance between patrons and the 4 windows of Globe House that overlook the area.

The new area will bring patron derived noise and smoking approximately 11 metres closer to the neighbouring property and the new boundary detail is inferior in terms of noise containment due to

the open design of the slatted bars. I have concern over the proximity of the development in terms of the noise and smoking emissions generated by its use. With regard to noise emissions, there are several sources which need to be appropriately assessed as they are likely to have an adverse impact on persons living and working in the vicinity. These may include;

- amplified live and recorded music,
- un-amplified live music,
- patron noise in external areas
- other noise – e.g. commercial waste disposal, amongst others.

The current premises licence shows that the existing outdoors area is licensed for alcohol with only 'background' music. However, as a result of amendments to the *Licensing Act 2003* by *The Legislative Reform (Entertainment Licensing) Order 2014*, no premises licence is required for the following activities;

- Unamplified music between 08:00 hrs and 23:00 hrs on any day on any premises.
- Amplified music between 08:00 hrs and 23:00 hrs on premises authorised to sell alcohol for consumption on the premises, subject to a maximum audience of 500.

A beer garden and the like can be used for live and recorded music if shown on the plan of the Premises Licence.

To date, I am not aware of any outdoors performance of music or singing although there is provision for 'background' music through low powered speakers. There has been no recent record of any noise complaints regarding the use of the premises which has been well managed in recent times.

The offices and classrooms in Globe House are understood to be used mainly between midday until 7pm on Monday to Friday, and all day Saturday.

2. Cigarette smoke will not infiltrate the areas where persons are working. This has not been an issued raised to date, and smokers are permitted to use any part of the external areas. Furthermore, the new area screens the nearest properties from cigarette smoke.

The outside area used will be significantly increased in size, be more appealing to patrons, and with a new open design so much closer to the neighbouring property (2.5 – 3.5m of open parts). As you know, patrons still have to go outside to smoke and it is practically impossible to avoid where the smoke drifts. I have not seen details of solid screens only open metal slats.

3. We are unsure as to where the bins you refer to are located. This is not identified on the plan and does not form part of the application. Additionally, we are unsure as to why this would cause a nuisance.

The plan I have seen identifies the unutilised strip of car park between the outside garden and the neighbouring property as a bin store with a gate. I assume that waste will be transferred from the kitchen and bar areas to the bins stored in this area. In my experience it is inevitable that contamination of the bins is likely to occur over time and during warmer weather there is an increased probability that malodours will be caused. If the bins are right up to the adjacent building then bad odours will pervade the air around the window openings. In addition, deposits into the bins and movements on collections may cause noise impacts in the immediate vicinity.

4. We understand that no representations have been received from residents. In our experience, constant supervision of a bar server tends to promote the objective of public nuisance as a result of the presence of a staff member, reminding customers of causing disturbance and dealing with them effectively.

Objections were raised on public nuisance grounds to the planning application. I note your comment on supervision, however, I hardly think that patrons will be admonished for laughing or talking loudly.

Whilst I appreciate that the Licensing regime is separate from the planning side, it is rather pointless discussing matters further while any planning change of use is still undecided.

In conclusion, there are windows that overlook the area which are between 2.5 – 3.5m from the nearest seating areas. Noise is dependent on the numbers of patrons resorting to the area and their individual voice levels and behaviour. Bursts of sound may cause significant intrusion within the adjacent offices used for music and maths tuition. I believe that this will result in a change of behaviour necessitating the closure of windows at times to prevent noise disturbance and possibly at other times to prevent cigarette smoke drifting in.

As previously mentioned, there is nothing to prevent outdoors performance of music and song in the area licensed for alcohol and although this may not be the intention of the existing management, it cannot be ruled out in future. 'Background' music is often used to create a pleasant environment for patrons that masks other ambient sound like distant road and rail transport. Unfortunately there is little control possible over the level set and sometimes this creeps up to set the mood as more people gather outdoors.

The imposition of shutting windows at times of noise intrusion and additionally to prevent ingress of cigarette smoke means that passive ventilation of rooms will be significantly restricted affecting the comfort of occupants to control internal room temperature.

Should you wish to go ahead with a hearing to determine this licensing application then members of the committee will be open to consider all licensing conditions and hours of use.

Kind regards,

Timothy Horne

Principal Environmental Health Officer
Health Protection and Environmental Management
Chichester District Council

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From: Rachel Kelly [<mailto:Rachel.Kelly@TLTsolicitors.com>]

Sent: 15 March 2017 15:27

To: Timothy Horne

Subject: RE: 17/00196/LAPRE2 (LI) - Representation from Environmental Management - The Foundry, PO19 8DH

Dear Tim,

Thank you for your email below.

With respect, we do not agree with the concerns raised in your representation. Our reasons are set out below:

1. The extension to the premises will not cause noise disturbance to persons working in the vicinity as the use of the beer garden tends to be outside of the ordinary working hours (i.e. evenings and weekends). Therefore, this argument is non-existent. The premises currently operates the existing beer garden without any complaint.

2. Cigarette smoke will not infiltrate the areas where persons are working. This has not been an issue raised to date, and smokers are permitted to use any part of the external areas. Furthermore, the new area screens the nearest properties from cigarette smoke.

3. We are unsure as to where the bins you refer to are located. This is not identified on the plan and does not form part of the application. Additionally, we are unsure as to why this would cause a nuisance.

4. We understand that no representations have been received from residents. In our experience, constant supervision of a bar servery tends to promote the objective of public nuisance as a result of the presence of a staff member, reminding customers of causing disturbance and dealing with them effectively.

As you are aware, there are a number of conditions attached to the premises licence which further promote the licensing objective of public nuisance.

In light of the above, we would ask that you re-consider your representation.

I would be delighted to discuss this with you further.

Kind regards,

Rachel

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From: Timothy Horne
Sent: 06 March 2017 14:45
To: Licensing
Cc: Tia Menecier
Subject: 17/00196/LAPRE2 - 2nd Variation of Premises Licence 16/00142/LAPRED. The Foundry, 1 Southgate, Chichester, West Sussex PO19 8DH

Dear Sir or Madam

Subject: 17/00196/LAPRE2 - Application for Variation of Premises Licence under the Licensing Act 2003

Premises: The Foundry 1 Southgate Chichester West Sussex PO19 8DH

Having examined the above application and operating schedule, as the responsible authority for the control of public nuisance, I make the following representations with regard to the application as I consider the proposals will not meet the licensing objectives on the following grounds:

Prevention of public nuisance

1. The use of the extended premises will cause noise disturbance to persons working in the vicinity.

2. The use of the extended premises will cause cigarette smoke to infiltrate areas where persons are working in the vicinity.
3. The use of refuse bins adjacent to neighbouring property will cause malodours to infiltrate areas where persons are working in the vicinity.
4. The late evening and night time use of the extended premises will result in noise nuisance to occupants of nearby residential properties.

In light of the above, and given the design and potential use of the proposed outdoors area I do not see sufficient scope for amendment by mitigation measures before any hearing to determine this application.

Yours faithfully

Timothy Horne

Principal Environmental Health Officer
Health Protection and Environmental Management
Chichester District Council

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