

Alcohol and Entertainment Licensing Sub-Committee

**Date and Time**

Thursday 11<sup>th</sup> July 2019 at 2pm

Venue: Old Court Room, Chichester City Council, North Street, Chichester, West Sussex,  
PO19 1LQ

**Application for a PREMISES LICENCE**

Priory Park  
Chichester  
West Sussex  
PO19 1BL

**1. RECOMMENDATIONS**

- 1.1 That the Sub-Committee consider and determine an application made by Mr Henry Clark for a Premises Licence.**
- 1.2 If the determination is to grant the 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 Mr Henry Clark of 14 Langdon View, Wembury, Plymouth, PL9 0FA has been the subject of 15 (fifteen) relevant representations. Of the 15 representations received, 13 were in opposition to the application and two in support. No statutory Responsible Authority designated under the Licensing Act 2003 submitted a representation in relation to the application.

**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 in relation to the representations received by the Licensing Authority. **(Attachment A)**
- 3.3 A copy of the Premises Licence application (19/00882/LAPRE) **(Attachment B)**

- 3.4 A copy of the Premises Licence that was granted to Mr Henry Clark and which had effect in relation to 'The Great British Gin Festival' held in Priory Park on Saturday 9<sup>th</sup> June 2018. (3815/18/00458/LAPRE) **(Attachment C)**
- 3.5 Copy of relevant representations and where applicable successful mediation. **(Attachment D)**

#### **4 SUMMARY OF THE PREMISES LICENCE APPLICATION**

- 4.1 A copy of the complete application is reproduced in full at Attachment B.
- 4.2 Mr Henry Clark, the applicant, submitted a valid application on 15<sup>th</sup> May 2019. As part of the application process statutory public notices were displayed at the application site during the representation period, which ran until 12<sup>th</sup> June 2019 and a suitable advert was published in the Chichester Post on 24<sup>th</sup> May 2019.
- 4.3 The nature of the proposed Premises Licence application is described by the applicant as;

*"COUNCIL LAND  
PAID FOR HIRE  
LARGE MARQUEE IN PRIORY PARK*

*GIN EVENT/ GARDEN PARTY/GIN IN THE PARK  
LIVE MUSIC  
DECORATION  
FOOD  
BARS  
GARDEN GAMES  
TALKS / MASTERCLASSES  
TRADE STANDS / EXHIBITORS*

*WE HAVE EXPERIENCED STAFF AND SECURITY*

*ON & OFF SALES LICENSE REQUIRED*

*ALCOHOL SALES FOR CONSUMPTION ON THE PREMISES WILL TERMINATE  
30 MINUTES PRIOR TO THE CLOSING THE PREMISES CLOSING."*

- 4.4 The application is for a Premises Licence of limited duration for two days, Saturday 7<sup>th</sup> September 2019 and on Sunday 8<sup>th</sup> September 2019. For avoidance of doubt the area of Priory Park seeking to be used in connection with the provision of licensable activities under the Premises Licence, if granted, is shown at Attachment B and is commonly referred to as "Event Area 1: South West Quadrant". It is not for the whole of Priory Park. The applicant has not sought permission to authorise 5,000 or more people in attendance at the premises at any one time.
- 4.5 Mr Henry Clark was granted Premises Licence (number: 3815/18/00458/LAPRE) in respect of Priory Park, Chichester in 2018 in order to hold 'The Great British Gin Festival' which took place on Saturday 9<sup>th</sup> June. The Premises Licence authorised the following licensable activities to be conducted: Live Music between 14:00hrs and

21:00hrs along with the retail sale of alcohol between 13:00hrs and 22:30hrs for consumption both on and off of the premises.

The opening hours to the public in order to attend the 2018 event were between 13:00hrs and 22:30hrs.

- 4.6 Licensing Authority records confirm no relevant representations were submitted in relation to the application in 2018 and in addition no complaints appear to have been received in relation to the event. A copy of the Premises Licence issued for 'The Great British Gin Festival' is included at Attachment C.
- 4.7 The table below illustrates the standard days and timings for the two licensable activities applied for in 2019, namely: live music and supply of alcohol.

| Licensable activities  | Proposed by Application  |
|--|--|
| 'Supply of alcohol'<br><br>(for consumption 'on' and 'off' the premises) | <b>Saturday</b><br><b>12.00 – 21.30</b><br><br><b>Sunday</b><br><b>12.00 – 16.30</b> |
| Live Music<br>(Indoors only)   | <b>Saturday</b><br><b>12.00 – 21.00</b><br><br><b>Sunday</b><br><b>12.00 – 16.30</b> |
| Hours premises are open to the public                                    | <b>Saturday</b><br><b>12.00 – 21.30</b><br><br><b>Sunday</b><br><b>12.00 – 16.30</b> |

- 4.8 The applicant provided additional information in their Operating Schedule as to how they intend to promote all four of the Licensing Objectives as a result of the application, these are shown at Attachment B.
- 4.9 The application clearly states at Section K that there will be no permitted adult entertainment or services, activities or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children going on to state the event is *"strictly over 18's only with Challenge 25 in place."*
- 4.10 The applicant, Henry Clark, is the proposed named Designated Premises Supervisor (DPS) on the Premises Licence, if granted. Mr Henry Clark is an existing Personal Licence Holder with Plymouth City Council (Personal Licence Number: PL12436). There are no reported incidents known to this Licensing Authority associated with Mr Clark's Personal Licence with Plymouth City Council.

## **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 (April 2018) 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. Representations can be in opposition and/or support of an application. As said at paragraph 2.1 above the application attracted 15 (fifteen) representations, 13 in opposition and 2 in support. All representations whether in opposition or support, and where applicable, the outcome of successful mediation, are reproduced in full at Attachment D.

6.2 The key points extracted from a number of the representations in opposition to the application are summarised below along with a reference to the relevant licensing objective:

“...I object to this event, being yet another excuse to turn a quartet of our public park into an open air 'drinking hole'. It has been amply established that such events are nothing more than an excuse for drunken behaviour on the part of the undesirable elements that it attracts likely to be rampaging around our residential streets late into the night...” **(The prevention of crime and disorder)**

*“It is impossible to contain live music of any sort within the boundary of the Park. This venue is unsuitable for such events because the Park is ringed by residential housing very close to the boundaries... This is impossible to achieve so the implication is that you would be ignoring a public nuisance if the licence was granted.”* **(Prevention of public nuisance)**

*“This appears to be a drinking festival split into two sessions and is not a garden party as noted in the application...”* **(The prevention of public nuisance and the prevention of crime and disorder)**

*“Priory Park is not an appropriate location for an alcohol based event. It is highly likely that there will be disorder, a risk to public safety and that this event will create a public nuisance.”* **(The prevention of public nuisance and the prevention of crime and disorder)**

*“...This is in the middle of a residential area.” (Prevention of crime and disorder)*

*“...This is a confined residential area. It should be evident to the organisers, the District Council licensing officers, and the local police, that it is totally unsuited for any alcohol-driven...” (Prevention of crime and disorder and the prevention of public nuisance)*

*“...The proposal does not specify its responsibility for the prevention of public nuisance. However, managed internally, participants have to leave through a closely packed residential area...” (Prevention of public nuisance)*

*“...we share the ambition of both Council and the couple of positive comments to this application, that Chichester attract a wide range of leisure opportunities, as in the recent opening of the refurbished “Hole in the Wall” or “Sit and Sip” in North Street (likely to be adversely affected should this proposal go ahead) and the proposed new bar in Crane Street. However, Priory Park is not an appropriate venue for “pop-up” alcohol festivals. We oppose this application.”*

*“...This event is not just alcohol-led but gin i.e. spirits-led. The first session will run from 12noon to 15.45pm on a Saturday when young children will be accessing and playing in the Playground Area. There will also be youngsters present in Park during the Second session. What messages is this type of Event sending to children. A high alcohol spirits- based Event is open to abuse and there is a high risk of public nuisance both in the Park and in the residential areas surrounding it. The Licensing Objectives are not being met by this application...” (The prevention of public nuisance and the protection of children from harm.)*

- 6.3 In addition to the above comments the Licensing Authority received two written submissions in support of the event. These are summarised below and again included at Attachment D.

*“...I have a great passion for the city and for the younger generation and want to see the city thrive and provide something for all (something openly criticised by many public in recent years as Chichester's offering seems to become more and more focused on the older generations, with less and less to do for the 20/30/40 age group.)”*

*“Chichester's High Street and events calendar seems to be dying; events such as this - if managed correctly which is hugely important - bring much benefit to the city centre which sadly seems to be in rapid decline. I really hope this event is granted permission and others too. In the current climate I believe those prepared to attempt to bring something new to our city should be encouraged and nurtured, albeit with conditions in place if necessary, not squashed.”*

*“...Those in positions of influence should be empowered to pave the way for a new era of SUPPORT for activity within our city; a fun and buzzing city that attracts much needed footfall.”*

*“Many, many of us feel intensely frustrated that the nightlife is determined and throttled by the few who wish to keep our City centre a quiet village for those who live in its heart. Chichester is the capital of West Sussex and should have a thriving city*

*centre - that had a bustling and energetic nightlife to boot; with bars offering a wider range of styles & music.”*

*“I support this new venture as it brings a new - yet we hope classy - option to our nightlife scene. It needs all of our support as without such ventures, our City is dying. ..Let's not make the decline inevitable. Support change; support employment; support entertainment & support diversity.”*

- 6.4 As previously stated no statutory Responsible Authority designated under the Licensing Act 2003 submitted a relevant representation in relation to the application.

## **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 including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.

- 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 the following options are available to the Sub-Committee:

- a. To grant the Premises Licence, as requested,
- b. To grant the Premises Licence, 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 application.

8.2 The Sub-Committee may also:

- d. Grant the Premises Licence 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 (April 2018)

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 (19/00882/LAPRE)

**Attachment C:** A copy of the issued Premises Licence for the event in 2018 known as 'The Great British Gin Festival'(3815/18/00458/LAPRE)

**Attachment D:** Copy of original relevant representations and where applicable mediation

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