

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

Alcohol and Entertainment Licensing Sub-committee

Date & Time: Wednesday 24th July 2019 at 10:30am

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

**Application for a PREMISES LICENCE
(Application Number - 19/00992/LAPRE)**

Priory Park
Chichester
West Sussex

1. RECOMMENDATIONS

- 1.1 That the sub-committee consider and determine an application made by Arena Sports Live Ltd for a Premises Licence.**
- 1.2 If the determination is to grant a Premises Licence, to give consideration as to whether it is appropriate to attach conditions to ensure the statutory licensing objectives are promoted.**
- 1.3 The Sub-Committee is to give reasons for its decision.**

2. REASONS FOR HEARING

- 2.1 The Premises Licence application submitted by Arena Sports Live Ltd of Elizabeth House, Queen Street, Abingdon, OX14 3LN has been the subject of 19 (nineteen) relevant representations, all in opposition to the application. The 19 representations were received from, the Friends of Priory Park, the Residents of East Walls Close, Sussex Police and the Environmental Protection Team (in their statutory role of 'Responsible Authorities' under the Licensing Act 2003) with the remaining from local residents.

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 application site and local area in relation to the representations received by the Licensing Authority (**Attachment A**).
- 3.3 Copy of the complete Premises Licence application (**Attachment B**).
- 3.4 Copy of all relevant representations and, where applicable, details of any successful mediation (**Attachment C**).

4 SUMMARY OF THE PREMISES LICENCE APPLICATION

- 4.1 A copy of the complete application is reproduced in full at Attachment B.
- 4.2 Arena Sports Live Ltd submitted a valid application on 30th May 2019. As part of the application process, statutory public notices were displayed by the applicant at the application site during the representation period; this ran between 30th May 2019 and 27th June 2019 inclusive. In addition, a copy of the public notice was also published in the Chichester Observer on 6th June 2019.
- 4.3 The applicant states the following within the application form which provides a general description of the site and the intended use:

‘Park / Green space with mobile catering units, mobile bars and an outdoor cinema screening all within a contained area. Ticketed only family event with stewards and security 24/7 over the course of the event including build and break down. This event would run annually for a maximum 5 consecutive days between the months of May and September inclusive. (Operating days would be 2, event days would be 3)’

- 4.4 The application seeks a permanent Premises Licence which would allow the requested licensable activities to be conducted at the premises on three consecutive days annually. It should also be noted that the applicant does not wish any Premises Licence to have effect until 26th September 2019. For the 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. The applicant has not sought permission to authorise 5,000 or more people to be in attendance at the premises at any one time.
- 4.5 The table below illustrates the standard days and timings for the various forms of licensable activities being applied for:

Licensable activities	Proposed by Application	
Films (<i>outdoors only</i>)	Friday	19:00 to 22:00
	Saturday	10:30 to 22:00
	Sunday	10:30 to 18:00
Recorded Music (<i>outdoors only</i>)	Friday	17:00 to 23:00
	Saturday	10:00 to 23:00
	Sunday	10:00 to 18:30

Supply of Alcohol (<i>for consumption on the premises only</i>)	Friday 17:00 to 22:40 Saturday 10:00 to 22:40 Sunday 10:00 to 18:00
Hours premises are open to the public	Friday 17:00 to 23:00 Saturday 10:00 to 23:00 Sunday 10:00 to 18:30

- 4.6 The applicant provided information within Box M of the application form as to the steps that they intend to take to promote all four of the licensing objectives; the application form is included at Attachment B.
- 4.7 The applicant confirms that no 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 are to be provided.
- 4.8 Arena Sports Live Ltd has nominated Mr Anthony Michael Nash as the proposed Designated Premises Supervisor (DPS) should a Premises Licence be granted. Mr Nash holds a current Personal Licence granted by Test Valley Borough Council (Personal Licence Number: PERS/18/1667). There any no reported incidents known to this Licensing Authority associated with Mr Nash.

5 THE PROCESS AND PROMOTION OF LICENSING OBJECTIVES

- 5.1 The legislation provides a clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. Each objective is of equal importance. 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, statutory guidance published by the Home Office (April 2018) along with relevant matters raised in any representation(s).

6 RELEVANT REPRESENTATION(S)

- 6.1 A representation is “relevant” if it relates to the likely effect of the grant of a 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 stated at paragraph 2.1 above, the application attracted 19 (nineteen) relevant representations, all of which are in opposition. All representations whether in opposition or support, and where applicable, the outcome of successful mediation, are reproduced in full at Attachment C.
- 6.2 As outlined at paragraph 2.1 representations were received from both the Chief Officer of Sussex Police and the Environmental Protection Team in their respective roles as Responsible Authorities. Within the representation submitted by Sussex

Police, a number of conditions were proposed which have in principle all been accepted in full by the applicant. In addition, the Environmental Protection Team suggested a number of conditions within their representation, however at the time of compiling this report their proposed conditions have not yet been accepted by the applicant.

- 6.3 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:

'...Priory Park is not a suitable venue for large scale alcohol-fuelled events with large numbers of drunken people exiting the park into a residential area late at night causing damage and exhibiting anti-social behaviour.' **(Prevention of crime and disorder and the prevention of public nuisance)**

'Priory Park is already a favourite destination for children and families as children can run and play in a safe and dog-free environment. Under the proposed event, alcohol would be served from 1000hrs whilst those juvenile events are in progress so encouraging parents to drink in a public place whilst in charge of children....' **(Protection of children form harm)**

'The various outlets will be playing recorded music until 2300 and, despite the applicant's best intentions over noise control, this will cause disturbance as the park is in the middle of a residential area. Furthermore the necessary electricity is to be obtained from generators rather than the mains which will add to the noise, all creating more public nuisance.' **(Prevention of public nuisance)**

'The expected numbers of visitors are far in excess of what Priory Park and the surrounding area can accommodate.' **(Prevention of public nuisance)**

'One can't imagine that hundreds of people, who have been drinking, will be quiet when leaving the Park;' **(Prevention of public nuisance)**

'Alcohol festivities leads to public nuisance and will add a further strain to our limited police and hospital resources.' **(Prevention of public nuisance, prevention of crime and disorder, public safety)**

'With six outlets purveying alcoholic drink for six hours on the Friday, thirteen on the Saturday and eight on the Sunday, the likelihood of disorder is considerable; and of crime, far from negligible.' **(The prevention of crime and disorder)**

'...the use of generators for power and the consequent sustained disturbance to neighbouring properties;' **(Prevention of public nuisance)**

'Prosecco in the Park' is billed as a 'family event'. It is surely impossible to reconcile this with the overt promotion and sale of alcohol as proposed. The hours of operation, and the inevitable distractions, suggest that constant supervision of young children will be jeopardised.' **(Protection of children form harm)**

'They intend to show films from 10am to 11pm which will be a noise nuisance. It is unreasonable for local residents to have to listen to films being projected for 13 hours. Our experience of the summer film festival is that the sound projection is such

you cannot hear it inside your home. Also “A star is Born” and “Bohemian Rhapsody” are rock films with chunks of the films being very loud rock concerts. There is no way of controlling the sound amplification and local residents will be deprived of peace in their homes.’ (Prevention of public nuisance)

‘The link between alcohol consumption and anti-social behaviour (ASB) is well documented. When additional factors such as large numbers of people within a confined residential area are added to the mix, the potential for crime and disorder increases very significantly.’ (The prevention of crime and disorder)

‘I wish to object to the licensing of this proposed event in Priory Park on the grounds that the large numbers of attendees (up to 4000) leaving the park after 11pm (having been drinking for many hours)) and walking through residential streets will no doubt create a public nuisance.’ (Prevention of public nuisance)

‘The area is a residential one, with homes around three of the four sides of the park. Large vehicles and music are likely to cause nuisance and disturbance to some residents who live there.’ (Prevention of public nuisance)

- 6.4 All parties that submitted a relevant representation to the application were sent the statutory Notice of Hearing as was the applicant and/or their representative. The notice invited the various parties to attend the hearing and specifically asked whether they wished to be represented at the hearing.

7 CONSIDERATION

- 7.1 In reaching its determination, the Sub-Committee must take into consideration the promotion of the four statutory licensing objectives, the Council’s Statement of Licensing Policy, the current Home Office Guidance along with 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 Responsible Authorities and any other person(s).
- 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) Grant the Premises Licence as applied for;
- (b) Grant the Premises Licence as applied for along with any additional conditions considered appropriate to promote one or more of the licensing objectives on which relevant representations have been received. This may include attaching different conditions to different parts of the premises or to different licensable activities.
- (c) Grant the Premises Licence but exclude certain licensable activities from the licence or reduce the hours being sought during which the licensable activities may take place; or
- (d) Reject the whole or part of the Premises Licence application.

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: A plan depicting the application site and local area in relation to the representations received by the Licensing Authority.

Attachment B: Copy of the complete Premises Licence application.

Attachment C: Copy of all relevant representations and, where applicable, details of any successful mediation.

Contact:

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