

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

**Alcohol and Entertainment Licensing Sub-committee**

**Date & Time:** Thursday 23<sup>rd</sup> January 2020 at 10:00am

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

**Application for a PREMISES LICENCE  
(Application Number - 19/02302/LAPRE)**

Tom Kerridge presents 'Pub in the Park'  
Oakland's Park  
Wellington Road  
Chichester  
West Sussex

**1. RECOMMENDATIONS**

- 1.1 **That the sub-committee consider and determine an application made by Brand Events TM Limited 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 Brand Events TM Limited of 4 Vencourt Place, London, W6 9NU has been the subject of three relevant representations, two in opposition and one in support. The three representations were received from the Environmental Protection Team (in their statutory role of 'Responsible Authority' under the Licensing Act 2003), the Executive Director on behalf of Chichester Festival Theatre and a local resident.

**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 Brand Events TM Limited submitted a valid application on 26<sup>th</sup> November 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 26<sup>th</sup> November 2019 and 24<sup>th</sup> December 2019 inclusive. In addition, a copy of the public notice was also published in the Chichester Observer on 28<sup>th</sup> November 2019.
- 4.3 The applicant states the following within the application form which provides a general description of the site and the intended use:

*‘Tom Kerridge presents Pub in the Park’ is a three-day food and music festival celebrating gastropub dining across the UK. Under an invitation from Tom Kerridge, celebrity chefs will be producing Michelin starred dining, replicating dishes from each of their own pubs, whilst the audience enjoys live music and boutique shopping in a relaxed pub garden atmosphere.*

*The event site is located on Oakland’s Park across from the Rugby Club Pavilion. The space is an open park accessed from both Wellington Road and the A286. The Park is 38,000m2. The proposed event is due to be held on the north section of Oakland’s Park adjacent to the sports facilities.*

*Licensed activity such as the sale of alcohol and music entertainment will take place predominately from temporary demountable structures, within the event site. The sale and consumption of alcohol will take place both within these structures and to outside areas within the event site.*

- 4.4 The application seeks a permanent Premises Licence for an event to take place yearly and on an on-going basis for licensable activities to be conducted at the site on three consecutive days. For the avoidance of doubt the area of Oakland’s 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
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Films ( <i>indoors &amp; outdoors</i> )	<b>Friday</b> <b>Saturday</b> <b>Sunday</b>	<b>17:00 to 22:45</b> <b>11:00 to 22:45</b> <b>11:00 to 22:45</b>
Recorded Music ( <i>indoors &amp; outdoors</i> )	<b>Friday</b> <b>Saturday</b> <b>Sunday</b>	<b>17:00 to 22:45</b> <b>11:00 to 22:45</b> <b>11:00 to 22:45</b>
Live Music ( <i>outdoors only</i> )	<b>Friday</b> <b>Saturday</b> <b>Sunday</b>	<b>17:00 to 22:45</b> <b>11:00 to 22:45</b> <b>11:00 to 22:45</b>
Sale By Retail of Alcohol ( <i>for consumption on &amp; off the premises</i> )	<b>Friday</b> <b>Saturday</b> <b>Sunday</b>	<b>17:00 to 22:30</b> <b>11:00 to 22:30</b> <b>11:00 to 22:30</b>
Hours premises are open to the public	<b>Friday</b> <b>Saturday</b> <b>Sunday</b>	<b>17:00 to 22:45</b> <b>11:00 to 22:45</b> <b>11:00 to 22:45</b>

- 4.6 The applicant provided extensive 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 Katie Caines has been nominated as the proposed Designated Premises Supervisor (DPS) should a Premises Licence be granted. Katie Caines holds a current Personal Licence granted by the London Borough of Hammersmith and Fulham (Personal Licence Number: 2018-00077-LAPER). Having spoken to the issuing authority, they have confirmed that there are no reported incidents that they are aware of associated with the proposed Designated Premises Supervisor.

## **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 three relevant representations. 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 a representation was received from the Environmental Protection Team in their respective role as a Responsible Authority. Within the representation, one condition was proposed which reaffirmed a commitment made by the applicant within the application itself. The applicant has accepted this condition and therefore the representation from the Environmental Protection Team has in principle been resolved. The representation submitted by the Executive Director on behalf of Chichester Festival Theatre remains outstanding although is the subject of current on-going mediation.

6.3 The key points extracted from the representation submitted by the Environmental Protection Team are summarised below along with a reference to the relevant licensing objective:

*‘In order to adequately safeguard against the potential for Public Nuisance the following condition is considered a necessary stipulation on any Premises Licence that may be granted.....*

*‘At least three calendar months in advance of any event taking place, the Premises Licence Holder shall submit to the Environmental Protection Department a “Noise Management Plan” for prior written approval. Thereafter, any approved “Noise Management Plan” shall be observed and complied with in full. Subject to Environmental Protection being satisfied, written approval will be given no later than two months in advance of an event taking place with any modifications only being made with the consent of Environmental Protection’ **(Prevention of public nuisance)***

6.4 It is important to highlight that the Senior Environmental Health Officer acting on behalf of the Environmental Protection Team liaised with the Operations Manager for the event early in the process. This resulted in noise control measures being expressed specifically within the application and the agreement to provide by way of a conditional requirement an approved Noise Management Plan prior to the event taking place. This will require as deemed necessary additional controls agreed with the lead Responsible Authority for noise pollution control in conjunction with the applicants appointed Acoustic Consultant.

6.5 At the time of compiling this report it was the intention for the Environmental Protection Team to liaise with the consultants, on site prior to the submission of any Noise Management Plan and agree adequate controls moving forward.

6.6 In summary, the Environmental Protection Team would not object to a premises license subject to the above stipulation and it was considered the potential for Public Nuisance would be adequately controlled through the above measures.

- 6.7 The representation from Chichester Festival Theatre is included in full at Attachment C however in summary the key points to consider in relation to the Licensing Objectives and provision of licensable activities is below:

*‘.....we welcome and support the idea of an event such as this in Chichester. However.....the noise bleed from the live music into the Theatre auditoriums could be hugely disruptive and is highly likely to lead to complaints from our audience and demands for ticket refunds.....’ (Prevention of public nuisance)*

*‘We note that CDC’s Environmental Protection Team has recommended a necessary stipulation.....It is imperative that CFT is included in, and consulted on, site visits for noise management controls, since once the event is on site, it will be impossible to regulate the noise’ (Prevention of public nuisance)*

*‘...remain sceptical that an outdoor ‘chart-topping music’ festival can be delivered without potentially severe consequences for the plays taking place in the Festival and Minerva Theatres.’ (Prevention of public nuisance)*

- 6.8 The third and final representation to consider is supportive and made by a local food business operator, Mr Daryl Bowen;

*‘I strongly support this application. The previous events have been amazing and I think that it would greatly improve the city, as a destination and a foodie destination. After going to a presentation by the team responsible they are wanting to get highly involved with the community and support local projects. They seem to be active in finding solutions to possible problems, such as parking and noise pollution, and very positive about working with the council. I support this one hundred percent, as a local food business, as a local vintage business and as a citizen and prospective visitor to the event.’*

- 6.9 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 current Statement of Licensing Policy 2016-2021, the current Home Office Guidance (issued April 2018) along with all written and/or oral evidence provided at the hearing.

- 7.2 It is very important to note that the above are the only matters to be considered by the Licensing Authority when hearing and determining 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:** Mr L Foord  
Divisional Manager  
Communications, Licensing & Events  
[lfoord@chichester.gov.uk](mailto:lfoord@chichester.gov.uk)  
01243 534742