

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

Alcohol and Entertainment Licensing Sub-committee

Date & Time: Wednesday 10th June 2020 at 9:30am

Venue: Remote Hearing hosted by Chichester District Council, East Pallant House, East
Pallant, Chichester, West Sussex, PO19 1TY

**Application for a PREMISES LICENCE
(Application Number - 20/00579/LAPRE)**

Tom Kerridge presents 'Pub in the Park'
Chichester College Fields (Westgate Fields)
Avenue De Chartres
Chichester
West Sussex
PO19 1SB

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 ten relevant representations. Nine relevant representations were received from members of the public with the other being made by the Council's Environmental Protection Team in their statutory role of 'Responsible Authority' under the Licensing Act 2003.

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**).
- 3.5 Copy of issued Premises Licence for Tom Kerridge presents 'Pub in the Park' at Oakland's Park, Chichester (**Attachment D**)

4 SUMMARY OF THE PREMISES LICENCE APPLICATION

- 4.1 A copy of the complete Premises Licence application is reproduced in full at Attachment B.
- 4.2 Brand Events TM Limited submitted a valid application on 15th April 2020. 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 16th April 2020 and 14th May 2020 inclusive. In addition, a copy of the public notice was also published in the Chichester Observer during the week commencing 20th April 2020.
- 4.3 It is important to highlight that Brand Events TM Limited were successful in being issued a Premises Licence following a determination by this Licensing Authority's Alcohol & Entertainment Licensing Sub-Committee on 23 January 2020.
- 4.4 Tom Kerridge presents 'Pub in the Park' was originally proposed to be held at Oakland's Park, Chichester over the late May Bank Holiday weekend. However, with the onset of the Covid-19 global pandemic this was obviously not possible. Combined with the continuing uncertainty surrounding events at the current time and particularly at Oakland's Park, Chichester Brand Events TM Limited therefore made the commercial decision to potentially host 'Tom Kerridge presents 'Pub in the Park' at alternative location hence this latest application which at the time of submission was intending to host the event during August 2020 and potentially subsequent years thereafter, subject to a Premises Licence being granted. For assistance a copy of the issued Premises Licence for the site at Oakland's Park, Chichester is included at Attachment D (Premises Licence number 19/02302/LAPRE). This Licence still remains in effect.
- 4.5 For this latest application the applicant states the following within the application form which provides a general description of the newly proposed 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 Chichester College. The space is an open park on the grounds of the College accessed from A286. The park is 32,000m². The proposed

event is due to be held on the two green spaces in front of the College either side of Swieqi Road.

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.

Such likely activities include bars, wine and craft ale tasting sessions, restaurant style operations and music stages. Note; the premises being applied for proposed a capacity of 4,999 persons on site at any one time. For clarity this includes all public, staff, contractors, chefs, performers and any other persons directly related to and specifically attending the PitP event, within the proposed footprint.

4.6 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 Westgate Fields seeking to be used in connection with the provision of licensable activities under the Premises Licence, if granted, is shown at Attachment B. As stated above the applicant has not sought permission to authorise 5,000 or more people to be in attendance at the premises at any one time and the applicant clarified the nature of the three consecutive dates, namely;

- *The one three day event is to be held per calendar year. Therefore if the event opens on a Friday, it is only allowed to run Friday, Saturday and Sunday. However, if the event opens on a Saturday, it is only allowed to run Saturday, Sunday and Monday. Where the event takes place on a Saturday, Sunday and Monday, the Monday must constitute a statutory Bank Holiday in the United Kingdom.*

4.7 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>indoors & outdoors</i>)	Monday 11:00 to 20:45 Friday 17:00 to 22:45 Saturday 11:00 to 22:45 Sunday 11:00 to 22:45
Recorded Music (<i>indoors & outdoors</i>)	Monday 11:00 to 20:45 Friday 17:00 to 22:45 Saturday 11:00 to 22:45 Sunday 11:00 to 22:45

Live Music (<i>indoors & outdoors</i>)	Monday 11:00 to 20:45 Friday 17:00 to 22:45 Saturday 11:00 to 22:45 Sunday 11:00 to 22:45
Supply of Alcohol (<i>for consumption on & off the premises</i>)	Monday 11:00 to 20:30 Friday 17:00 to 22:30 Saturday 11:00 to 22:30 Sunday 11:00 to 22:30
Hours premises are open to the public	Monday 11:00 to 22:45 Friday 17:00 to 22:45 Saturday 11:00 to 22:45 Sunday 11:00 to 22:45

- 4.8 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.
- 4.9 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.
- 4.10 Brand Events TM Limited has nominated Katie Caines 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). There are no reported incidents known to this Licensing Authority 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. Relevant representations can be in opposition and/or support of an application. As stated at paragraph 2.1 above, the application attracted nine relevant representations from local residents all of which, along with the outcome of successful mediation where applicable, are reproduced in full at Attachment C along with the representation from the Environmental Protection Team in their role as a Responsible Authority.
- 6.2 Within the representation submitted by the Environmental Protection Team, a number of conditions were proposed which have in principle all been accepted in full by the applicant. There is a focus on the development and implementation of a noise management plan associated with the proposed event.
- 6.3 At the time of the application being submitted it was the view of the Environmental Protection Team that it did not contain sufficient assessment of the control of noise to demonstrate that activities will not to give rise to public nuisance and there was inadequate and insufficient information about the measures for prevention of public nuisance with respect to noise at the premises. However, in order to adequately safeguard against the potential for Public Nuisance the following condition is considered a necessary stipulation by the Environmental Protection Team 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”*
- 6.4 It is important to highlight that the Principal Environmental Health Officer acting on behalf of the Environmental Protection Team has liaised with the Operations Manager resulting in noise control measures being expressed specifically and subsequently included in any Noise Management Plan. Additional controls will also be included, as deemed necessary by the lead Responsible Authority for noise pollution control in conjunction with the applicants appointed Acoustic Consultant should a premises licence be granted. There has also been further consideration surrounding the timings associated with the submission of any documents on this matter.
- 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 relevant representations from all local residents are 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:

“.....I am of the opinion that such an event will seriously interfere with our right to a peaceful life. Not to mention the likely damage and possible interference with property.”

“Where there is alcohol for sale there is always a risk of disorder. Recent events in Priory Park have proved this on almost each occasion it has been used for activities where alcohol is for sale.”

“.....there is the question of noise. There will be live music at this event and the persistent thump of the likely programme will be an intolerable infringement of local residents’ rights to enjoy peace and quiet of a weekend.”

“....The list of potential local harm is long: 1) Extra noise. 2) Increased extra traffic 3) increased parking...”

“There is a river nearby and a busy main road. The area is arguably not large enough to accommodate up to 4,999 people.”

“....This event will arguably affect the health of the adjacent Marriott care home who have dementia and frail patients, and the local residents whose homes are in close proximity.three day licenses for alcohol, food and live music and generators which will cause noise, smells from cooking and rubbish and light pollution. The noise will undoubtedly cause distress to the residents of the care home particularly those with dementia who cannot deal with loud noise....”

“Noise does travel. Occasionally students at the College Halls play loud music when it is open which can be heard very clearly. The proposed event will be significantly louder with loud music....”

- 6.8 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.
- Attachment D:** Previously granted Premises Licence for Tom Kerridge presents 'Pub in the Park' at Oakland's Park, Chichester (Premises Licence number: 19/02302/LAPRE)
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