



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

Alcohol and Entertainment Licensing Sub-committee

Date & Time: Thursday 12th November 2020 at 14:00

Venue: Online via 'Zoom' platform

**Application for a PREMISES LICENCE
(Application Number - 20/01201/LAPRE)**

Woodies and the Annex, 10-11 and 13 St Pancras, Chichester,
West Sussex, PO19 7SJ

1. RECOMMENDATIONS

- 1.1 That the sub-committee consider and determine an application made by Woodies Chichester 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 Woodies Chichester Limited of PO Box 9349, Royal Mail Group Bloomsbury Bar And Grill, Verwood, Dorset, England, BH24 9GF has been the subject of 18 (eighteen) relevant representations, all in opposition to the application. The representations were predominantly received from local residents, although one representation was received from Phil Johnson both as a resident and as the Chair of Eastgate Development Residents' Association along with another from Anne Scicluna, City Councillor – Chichester Central.

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 (**Attachment C**).
- 3.5 Copy of the two existing Premises Licences granted in respect of the premises subject of this new application (**Attachment D**). These are both held by Woodies Chichester Limited:
- (i) Premises Licence No. 3815/20/00526/LAPRED. This relates to Woodies Brasserie And Bar, 10 St Pancras, Chichester only. This is the licence under which the premises presently operates.
 - (ii) Premises Licence No. 3815/20/01059/LAPRED. This relates to 10, 11 and 13 St Pancras, Chichester. The premises are not presently operated under this licence as the current layout is inconsistent with the plan attached to the licence.

4 SUMMARY OF THE PREMISES LICENCE APPLICATION

- 4.1 A copy of the complete application is reproduced in full at Attachment B.
- 4.2 Woodies Chichester Limited submitted a valid application on 17th September 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 17th September 2020 and 15th October 2020 inclusive. In addition, a copy of the public notice was also published in the Chichester Observer on 24th September 2020.
- 4.3 The applicant states the following within the application form which provides a general description of the site and the intended use:
- 'Restaurant/bar on one floor consisting of "Woodies" to the left and "The Annex" to the right of the property. Rear Patio Area.'*
- 4.4 The application seeks a permanent Premises Licence which would allow regulated entertainment in the form of both live and recorded music to be provided, along with the provision of late night refreshment and the retail sale of alcohol at the premises.
- 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												
Live Music (<i>indoors only</i>)	<p>Woodies:</p> <table> <tr> <td>Friday</td><td>23:00 to 00:00</td></tr> <tr> <td>Saturday</td><td>23:00 to 00:00</td></tr> <tr> <td>New Year's Eve</td><td>23:00 to 00:00</td></tr> </table> <p>The Annex:</p> <table> <tr> <td>Friday</td><td>23:00 to 00:45</td></tr> <tr> <td>Saturday</td><td>23:00 to 00:45</td></tr> <tr> <td>New Year's Eve</td><td>23:00 to 00:45</td></tr> </table>	Friday	23:00 to 00:00	Saturday	23:00 to 00:00	New Year's Eve	23:00 to 00:00	Friday	23:00 to 00:45	Saturday	23:00 to 00:45	New Year's Eve	23:00 to 00:45
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New Year's Eve	23:00 to 00:45												

	Woodies:	
Recorded Music (<i>indoors only</i>)	Friday	23:00 to 00:00
	Saturday	23:00 to 00:00
	New Year's Eve	23:00 to 00:00
	The Annex:	
	Friday	23:00 to 00:45
	Saturday	23:00 to 00:45
	New Year's Eve	23:00 to 00:45
Late Night Refreshment (<i>indoors only</i>)	Sunday to Thursday	23:00 to 00:00
	Friday and Saturday	23:00 to 01:00
	New Year's Eve	23:00 to 01:00
Supply of Alcohol (<i>for consumption on and off the premises</i>)	Sunday to Thursday	10:00 to 23:45
	Friday and Saturday	10:00 to 00:45
	New Year's Eve	10:00 to 00:45
Hours premises are open to the public	Sunday to Thursday	10:00 to 00:00
	Friday and Saturday	10:00 to 01:00
	New Year's Eve	10:00 to 01:00

- 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 Woodies Chichester Limited has nominated Mr Michael O'Neil as the proposed Designated Premises Supervisor (DPS) should a Premises Licence be granted. Mr O'Neil holds a current Personal Licence granted by London Borough of Southwark (Personal Licence Number: 843606). There are currently no reported incidents known to this Licensing Authority associated with Mr O'Neil.

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 18 (eighteen) relevant representations, all of which are in opposition. All representations are reproduced in full at Attachment C.
- 6.2 As outlined at paragraph 2.1 representations were predominantly received from local residents. Representations were not received from any of the statutory Responsible Authorities.
- 6.3 Whilst all representations have been reproduced at Attachment C, extracts from a selection of the representations in opposition to the application are summarised below along with a reference to the relevant licensing objective:

*‘...Eastgate Square is a quiet RESIDENTIAL area, and everyone in it has an absolute right to get a regular and decent night’s sleep. Nightclubs not only produce extremely loud music, but there would also be a great deal of extra noise from those using it – talking or shouting to each other (getting progressively louder, due to increased drink consumption, banging of car doors, and possible drug taking – making the car park a dangerous area to cross at night.’ (**Prevention of crime and disorder and the prevention of public nuisance**)*

*‘This is a busy and fast road at the front of the premises, even late at night, and the pavement is narrow. Crowds of happy people may be unlikely to keep to the pavement and may well cause accidents. At the back of the premises there is a car park which is unlikely to be lit at that time of night.’ (**Public safety**)*

*‘....the high residences at the back will act as a funnel to draw the noise, which will rattle round the relatively enclosed area of the car park. With open windows and at 1.30 in the morning the noise will be considerable with car doors slamming and motors starting up, as well as happy voices (or maybe not so happy!). At that time of night the background noise is much less, so that residents are likely to be disturbed, especially if they have their windows open for fresh air. It may also be that During the evening the live or recorded music could encroach on the peace of the residents.’ (**Prevention of public nuisance**)*

*‘We already suffer from extreme noise from this premise until well after mid-night with raucous, drunken farewells and departing engine noise. The surrounding area is predominantly residential housing with mostly middle aged and elderly people. Not a suitable place for what would ostensibly become a night club.’ (**Prevention of public nuisance**)*

‘My concern is the impact of late-night noise from the later opening of the venue itself and from the subsequent departure of the customers and the musicians/technicians from the venue into the carpark. This is a quiet development and the businesses currently here, including the Nag’s Head and the Indian Restaurants, finish their

business at a reasonable hour and the late night noise is limited. Any noise is magnified by the layout of the development and is likely to result in disturbed sleep for us as residents. The main bedroom in these houses faces onto the carpark so the effect would be pronounced.’ (**Prevention of public nuisance**)

‘The Eastgate Square development surrounding the New Park Road car park is in a conservation area and is a quiet residential area with a high density of town houses, flats and rented rooms. The provision of late-night live and recorded music and drinking with a closing time of 1:00 am in premises with direct access to the car park is totally inappropriate and unacceptable.’ (**Prevention of public nuisance**)

‘The lack of functioning Security Industry Authority door personnel Sunday to Thursday does not support the requirement on the Applicant to fully ensure the prevention of crime and disorder. CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside of the premises at all times. (The Application does not mention “outside”).’ (**Prevention of crime and disorder**)

‘Public safety is potentially threatened by the impact of additional time for alcohol consumption, both on and off the premises. Public safety is at risk from the conduct of persons under the influence of alcohol due to impaired judgement, uninhibited behaviour, and potential aggression. Lack of adequate security measures threatens public safety.’ (**Public safety**)

‘With the aftermath of closing time continuing well into the night beyond 1:00am in the morning, there will be noise and disturbance with crowds of people spreading across the car park and into the nearby residential streets. This will inevitably trouble hotspot. In addition, the Square is a massive amplifier of sound, meaning that any rowdiness or noise at ground level is intensely increased by the time it reaches the top floors of the houses – which of course is where most of us sleep. There is no doubt that it would cause a negative impact on residents’ health and well-being throughout the Square and beyond.’ (**Prevention of public nuisance**)

‘There will be noise outside of Woodies, both before and after 01.00, from people leaving the premises, congregating in the car park and continuing with shouted conversations, arguments, farewells and the sounding of car horns – as they do now, but at much earlier times – if this application is granted. These sounds echo between and are amplified by the surrounding buildings. The promised “door supervisors” will have no authority to control, let alone prevent, this behaviour in the car park.’ (**Prevention of public nuisance**)

‘No child should be allowed into Woodies premises under any circumstances as they will be harmed by observing what adult customers are doing and, being highly impressionable they will think that becoming addicted to alcohol and other drugs is something expected of them because that is what “grown ups” do. Children are programmed to aspire to copy what they see their elders doing.’ (**Protection of children from harm**)

- 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.

Attachment D: Copy of Premises Licence No. 3815/20/00526/LAPRED and Premises Licence No. 3815/20/01059/LAPRED.

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