

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

Alcohol and Entertainment Licensing Sub-committee

Date & Time: Friday 21st May 2021 at 09:30

Venue: Online via 'Zoom' platform

**Application for a PREMISES LICENCE
(Application Number – 21/00294/LAPRE)**

Barn, Blackdown Park, Fernden Lane, Lurgashall, West Sussex, GU27 3DR

1. RECOMMENDATIONS

- 1.1 That the sub-committee consider and determine an application made by Weyborne 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 Weyborne Limited of Finsgate, 5-7 Cranwood Street, London, EC1V 9EE (Company Number 10712596) has been the subject of 26 (twenty six) relevant representations, all in opposition to the application. Of the representations received, 24 were from members of the public, with the remaining representations received from Sussex Police, in their statutory role as a Responsible Authority under the Licensing Act 2003, along with Fernhurst Parish Council.**

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**).

4 SUMMARY OF THE PREMISES LICENCE APPLICATION

4.1 A copy of the complete application is reproduced in full at Attachment B.

4.2 Weyborne Limited submitted a valid application on 25th March 2021. 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 25th March 2021 and 22nd April 2021 inclusive. In addition, a copy of the statutory public notice was published in the Haslemere Herald on 8th April 2021.

4.3 The applicant states the following within the application form which provides a general description of the site and intended use:

'The premises trades as a vineyard, growing grapes which will be sold and processed into wine off of the premises at Hambledon Vineyard and Wiston, Findon. They will store the wine in their bonded warehouse. We will withdraw cases from that storage facility (paying the VAT and duty at that point) for storage at our premises and sale either via online or direct with off sales from the premises.'

4.4 The application seeks a permanent Premises Licence to take effect from the 3rd June 2021, with the only licensable activity being authorised to take place at the premises being the retail sale of alcohol.

4.5 The table below states the standard days and timings being sought for the retail sale of alcohol. Ordinarily an applicant specifies within their application the hours during which the premises will be open to the public. This particular application is unique in that there is no intention that members of the public will visit the premises:

Licensable activities	Proposed by Application
Supply of Alcohol (<i>for consumption off the premises only</i>)	Every Day 11:00 – 23:00
Hours premises are open to the public	It is not proposed to open the premises to the public.

4.6 The applicant has 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 Weyborne Limited has nominated Ms Hayley Joanne Beard as the proposed Designated Premises Supervisor (DPS) and Fareham Borough Council has confirmed that Ms Beard does currently hold a Personal Licence (No. 4407). There are currently no reported incidents known to this Licensing Authority associated with Ms Beard.

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 2020-2022, 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 26 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 received from members of the public, Lurgashall Parish Council and Sussex Police.

6.3 Whilst the various representations make reference to a number of matters, it is evident that the main areas of concern particularly relate to the likely effect on the promotion of the Public Safety and Public Nuisance licensing objectives should the application be granted as originally applied.

7 MEDIATION

7.1 Whilst Sussex Police determined to submit a representation in respect of the application, discussions have been held between the applicant and Sussex Police regarding their concerns. The applicant has confirmed that the intended ‘licensed premises’ is the footprint of the barn only, and they also agreed to the following conditions:

- (i) Customers ordering alcohol for delivery must have their age verified. This process will be documented, the records of which must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.
- (ii) All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18.
- (iii) Orders can only be accepted for, and delivered to, a residential or business address. The person accepting the delivery must be aged 18 years or over.

Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery.

On the basis of the above, Sussex Police confirmed that their concerns had been resolved and consequently in principle they would be prepared to withdraw their representation should it have been possible to grant a Premises Licence. This has not been possible given the significant number of other representations received and which remain outstanding.

A copy of the agreement between the applicant and Sussex Police is shown at Attachment D.

8 CONSIDERATION

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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).

8.7 The Sub-Committee are required to give reasons for their decision.

9. OPTIONS OPEN TO THE SUB-COMMITTEE

9.1 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.
- (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.

10 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 2020-2022

11 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.

Attachment D: Mediation dated 14th April 2021 between the applicant and Sussex Police agreeing to conditions contained within the Sussex Police representation dated 6th April 2021.

Contact: Mr D Knowles-Ley
Licensing Manager
Licensing Team
dknowles-ley@chichester.gov.uk
01243 534743