

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

Alcohol and Entertainment Licensing Sub-Committee

Date & Time: Monday 4th October 2021 at 09:30

Venue: Online via 'Zoom' platform

**PREMISES LICENCE VARIATION APPLICATION
(Application Number - 21/01077/LAPRE1)**

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 Ltd to vary an existing Premises Licence.**
- 1.2 If the determination is to grant the Premises Licence variation, 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 variation application submitted by Woodies Chichester Limited of PO Box 9349, Royal Mail Group Bloomsbury Bar and Grill, Verwood, Dorset, BH24 9GF has been the subject of 14 (fourteen) relevant representations, all in opposition to the application. A representation was received from the Environmental Protection Team at Chichester District Council in their role as a statutory responsible authority under the Licensing Act 2003, with all other representations from local residents. The representation received from Phil Johnson is both as a resident and as the Chair of Eastgate Development Residents' Association.

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 variation application (**Attachment B**).
- 3.4 Copy of all relevant representations (**Attachment C**).
- 3.5 Copy of the existing Premises Licence (No. 3815/21/01136/LAPRED) which this application seeks to vary (**Attachment D**).
- 3.6 'Woodies and The Annex' constitutes one complete premises and is operated solely by Woodies Chichester Ltd. The part of the premises known as 'Woodies' is contained within 10 and 11 St Pancras, with 'The Annex' being in 13 St Pancras. There is however an internal connecting door between 10/11 and 13 St Pancras, so access is provided throughout the premises.
- 3.7 With respect to the current Premises Licence (No. 3815/21/01136/LAPRED), and with reference to the various terms and conditions attached to that licence, it is appropriate for the sake of clarity to provide the following information.

The original Premises Licence was applied for on the 17th September 2020 and attracted 18 relevant representations. The application was subsequently presented to and considered by the Alcohol and Entertainment Licensing Sub-Committee at a hearing held on the 12th November 2020. At the conclusion of that hearing, the Sub-Committee determined to grant a Premises Licence, but decided not to grant the application entirely as applied for.

The Sub-Committee determined to reduce the hours that had been applied for in respect of the performance of live music and playing of recorded music as forms of regulated entertainment. The granted days and hours were as follows:

Standard Days and Timings

Friday and Saturday 23:00 - 00:00

Non Standard Timings

New Year's Eve 23:00 - 00:00 (Woodies)

New Year's Eve 23:00 - 00:45 (The Annex)

Woodies Chichester Ltd subsequently appealed the Licensing Authority's decision to the Magistrates' Court.

As the respondent to the appeal, the Sub-Committee met and considered the contents of the appeal and reconsidered their original decision. After very careful consideration, the Sub-Committee determined by way of a Consent Order to agree with Woodies Chichester Ltd a proposed alteration to their original determination. This Consent Order was subsequently presented to the Magistrates' Court for their consideration. The Magistrates' Court agreed and issued a signed Consent Order which was issued to Woodies Chichester Ltd as the appellant and the Licensing Authority as the respondent to the appeal. The Consent Order stated the following amendments to the Premises Licence only in respect of the performance of live music and playing of recorded music:

Standard Days and Timings

Friday and Saturday 23:00 - 00:00 (Woodies)

Friday and Saturday 23:00 - 00:30 (The Annex)

Non Standard Timings

New Year's Eve 23:00 - 00:00 (Woodies)

New Year's Eve 23:00 - 00:45 (The Annex)

An amended Premises Licence was subsequently issued by the Licensing Authority to Woodies Chichester Ltd on the 11th June 2021. The Premises Licence provided at Attachment D includes these amendments although has since been updated to reflect a recent change of Designated Premises Supervisor at the premises.

4 SUMMARY OF THE PREMISES LICENCE VARIATION APPLICATION

- 4.1 A copy of the complete application is reproduced in full at Attachment B.
- 4.2 Woodies Chichester Ltd submitted a valid application on 9th August 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 9th August 2021 and 6th September 2021 inclusive. In addition, a copy of the public notice was also published in the Chichester Observer on 19th August 2021.
- 4.3 The applicant states within the application that the nature of the proposed variation is *'To extend the hours for the sale of alcohol, late night refreshment and regulated entertainment on a Thursday'*.
- 4.4 With respect to the forms of 'regulated entertainment' that the applicant wishes to vary, these are the existing forms of regulated entertainment and include both the performance of live music and playing of recorded music.
- 4.5 The table below sets out the standard days and timings that the current Premises Licence authorises licensable activities to take place, along with the proposed changes applied for:

Licensable Activity	Current Days and Timings	Proposed Variation
Performance of Live Music	Friday and Saturday 23:00 - 00:00 (Woodies) Friday and Saturday 23:00 - 00:30 (The Annex) New Year's Eve 23:00 - 00:00 (Woodies) New Year's Eve 23:00 - 00:45 (The Annex) (Permitted indoors only)	Add 'Thursday': 23:00 - 00:00 (Woodies) 23:00 - 00:30 (The Annex) (Permitted indoors only)

Playing of Recorded Music	<p>Friday and Saturday 23:00 - 00:00 (Woodies)</p> <p>Friday and Saturday 23:00 - 00:30 (The Annex)</p> <p>New Year's Eve 23:00 - 00:00 (Woodies)</p> <p>New Year's Eve 23:00 - 00:45 (The Annex)</p> <p><i>(Permitted indoors only)</i></p>	<p>Add 'Thursday':</p> <p>23:00 - 00:00 (Woodies)</p> <p>23:00 - 00:30 (The Annex)</p> <p><i>(Permitted indoors only)</i></p>
Late Night Refreshment	<p>Friday and Saturday 23:00 - 01:00</p> <p>Sunday to Thursday 23:00 - 00:00</p> <p>New Year's Eve 23:00 - 01:00</p> <p><i>(Permitted indoors only and in Woodies and The Annex)</i></p>	<p>Vary 'Thursday' to:</p> <p>23:00 - 01:00</p> <p><i>(Permitted indoors only and in Woodies and The Annex)</i></p>
Retail Sale of Alcohol	<p>Friday and Saturday 10:00 - 00:45</p> <p>Sunday to Thursday 10:00 - 23:45</p> <p>New Year's Eve 10:00 - 00:45</p> <p><i>(Permitted indoors only in Woodies and The Annex and for consumption both 'on and 'off' the premises)</i></p>	<p>Vary 'Thursday' to:</p> <p>10:00 - 00:45</p> <p><i>(Permitted indoors only in Woodies and The Annex and for consumption both 'on and 'off' the premises)</i></p>
The opening hours of the premises	<p>Friday and Saturday 10:00 - 01:00</p> <p>Sunday to Thursday 10:00 - 00:00</p> <p>New Year's Eve - 10:00 - 01:00</p>	<p>Vary 'Thursday' to:</p> <p>10:00 – 01:00</p>

4.6 The applicant states within Box M of the application form that *'The existing conditions on the premises licence are sufficient to promote the licensing objectives during the extended hours on a Thursday'*; the application form is included at Attachment B.

4.7 The Designated Premises Supervisor on the current Premises Licence is Mr Michael O'Neil. Mr O'Neil holds a Personal Licence granted by London Borough of Southwark (Personal Licence Number: 843606) and most recently took on the position of Designated Premises Supervisor at the premises on the 18th August 2021.

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, the revised statutory Guidance published by the Home Office (April 2018) under section 182 of the Licensing Act 2003 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 or in support of an application. As stated at paragraph 2.1 above, the application attracted 14 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 along with the Environmental Protection Team.

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 applied for.

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 MEDIATION

7.1 Whilst the Environmental Protection Team determined to submit a representation in respect of the application, discussions have since been held between the applicant and the Environmental Protection Team regarding their concerns. At the time of writing this report, no position has been agreed between the two parties, however it is understood that mediation is ongoing. Mediation with no other parties has taken place.

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 is 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 variation as applied for;
- (b) Grant the Premises Licence variation 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 variation 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 variation 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 2020-2022

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 variation application.

Attachment C: Copy of all relevant representations.

Attachment D: Copy of Premises Licence No. 3815/21/01136/LAPRED.

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