

Meeting of the Alcohol & Entertainment Licensing Sub-Committee

Date: Wednesday 23rd March 2016

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

Reconvened hearing from 25 August 2015 to determine application for
REVIEW of the PREMISES LICENCE

'The Vestry'
21 – 23 Southgate
Chichester
West Sussex
PO19 1ES

1. RECOMMENDATION(S)

- 1.1** That the Sub-Committee considers and determines the original application made by Sussex Police on 7 July 2015 to review the Premises Licence granted in respect of 'The Vestry', 21 – 23 Southgate, Chichester, West Sussex, PO19 1ES.
- 1.2** That the Sub-Committee consider the content of this report and any evidence during the hearing in order to make a determination in accordance with the Licensing Act 2003 giving full reasons for its decision.

2. PURPOSE OF REPORT

- 2.1** The purpose of this report is to update the Sub-Committee following the original review hearing held on 25 August 2015. This report provides detail of the subsequent Minor Variation application and confirmation that the conditions suggested by Sussex Police have been satisfied enabling the Sub-Committee to make a final determination.
- 2.2** Attached to this report are the following: -
- Alcohol & Entertainment Licensing Sub-Committee Protocol and Procedure
 - Copy of Minutes from Alcohol & Entertainment Licensing Sub-Committee, 25 August 2015 (Appendix A)
 - Copy of the Minor Variation application and associated comment of Sussex Police dated 17 September 2015 (Appendix B)
 - Plan depicting the local area and location of the licensed premises (Appendix C)

- Copy of current Premises Licence for 'The Vestry' (3815/15/01444/LAPREM) (Appendix D)
- Copy of correspondence from Sussex Police 28 January 2016 (Appendix E)

3. BACKGROUND

- 3.1 As Members are aware at any stage, following the grant of a Premises Licence, a Responsible Authority, or any other person, may ask the Licensing Authority to review a licence because of a matter, or matters, arising at the premises in connection with one or more of the licensing objectives.
- 3.2 In arriving at its decision, the Sub-Committee must have regard to the evidence presented, current Home Office Guidance issued under Section 182 of the Act and Chichester District Council's current Statement of Licensing Policy.

4 HISTORY AND SUMMARY OF THE REVIEW APPLICATION

- 4.1 At the original hearing on 25 August 2015 Members were provided with a detailed description of 'The Vestry' along with a history of the venue in terms of licensing and a full copy of the review application submitted by Sussex Police.
- 4.2 The hearing was adjourned following the Sub-Committee noting the representations given by both parties and in particular having noted the new management structure at the premises.
- 4.3 Following confirmation from the Premises Licence Holder during the hearing that a Minor Variation application, on terms agreeable with Sussex Police, would be submitted and on the understanding that the new management at the premises would work closely with the Police the Sub-Committee resolved to adjourn to a date in early 2016. Attached at **Appendix A** are the Minutes of the original hearing.
- 4.4 Following the Licence holder working closely with the Police a Minor Variation Application was received on 17 September 2015 (**Appendix B**). The proposed variations were as set out below and the application attracted no representation(s) thus resulting in a new Premises Licence being granted as set out at **Appendix D**.
- to add the conditions agreed with Sussex Police (taken from review application) and
 - remove redundant conditions from the Premises Licence
- 4.5 In order to establish the current operations at 'The Vestry' the reporting officer contacted Sussex Police. A formal response was received setting out their position by email dated 28 January 2016 which is reproduced at **Appendix E**.

5. CONSIDERATION

- 5.1 In reaching its decision the Sub-Committee must take into consideration the Licensing Objectives, the Council's Statement of Licensing Policy, current Home Office Guidance and the evidence presented to the Licensing Authority as a result of this application. It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application.
- 5.2 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. Article 1 and Article 8 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.
- 5.3 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 Act. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 5.4 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Race Relations Act 1976 as amended 2000, and the Sex Discrimination Act 1975, and also in accordance with the Council's stated policy on Equal Opportunities.
- 5.5 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.
- 5.6 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..
- 5.7 The Sub-Committee are required to give reasons for their decision.

7. OPTIONS OPEN TO THE SUB-COMMITTEE

- 7.1 When considering an application for a review of a Premises Licence, the Sub-Committee have various options available to them so as to ensure the promotion of

the licensing objectives. These can be a combination of one or more of the following in respect of the Premises Licence;

- To modify the conditions and/or times that licensable activities are permitted to take place (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a 'licensable activity';
- To remove the Designated Premises Supervisor ('DPS');
- To suspend the Premises Licence for a period not exceeding three months; or
- To revoke the Premises Licence.

7.2 The Sub-Committee may also choose not to take any action and a warning may be simply issued. Any steps necessary to promote the licensing objectives should be specified.

8. **BACKGROUND PAPERS**

Licensing Act 2003

Home Office Guidance issued under Section 182 of the Licensing Act 2003

(March 2015)

Chichester District Council's Statement of Licensing Policy

9. **ATTACHMENTS**

- Appendix A Copy Minutes of meeting of Alcohol & Entertainment Licensing Sub-Committee, 25 August 2015
- Appendix B Copy of the Minor Variation Application and comment of Sussex Police dated 17 September 2015
- Appendix C A plan of local area and location of licensed premises
- Appendix D Copy of the existing Premises Licence (3815/15/01444/LAPRED)
- Appendix E Copy of representation(s), mediation correspondence and supporting evidence (where applicable)

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