

# **Communities Directorate**

Friday 31 October 2014

# **Licensing Committee**

Date: Monday 10 November 2014

Time: 7:00pm

Venue: Council Chamber, Civic Centre, Shoreham-by-Sea

**Committee Membership:** Councillors Carson Albury (Chair), Peter Metcalfe (Vice-Chair), Ann Bridges, Brian Coomber, Emma Evans, Debbie Kennard, David Lambourne, Lynn Phillips, Ben Stride and one vacancy

# Agenda

# Part A

# 1. Declarations of Interest / Substitute Members

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal or Democratic Services Officer prior to the meeting.

Any substitute members should declare their substitution.

# 2. Confirmation of Minutes

To confirm the minutes of the Licensing Committee on the 21 July 2014, and the Licensing Regulatory Sub-Committee that took place on 9 September 2014. Copies of which have been previously circulated.

## 3. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

## 4. Questions and Statements by the Public

Members of the public are invited to ask questions or make statements about any matter for which the Council has a responsibility or which affects the District. The Chairperson has discretion to limit questions and statements to general policy unless in relation to matters on the remainder of this agenda.

## Part B – Licensing Act 2003 Applications

# 5. Licensing Act 2003 – Application for a new Premises Licence at: Shoreham Fort, Fort Haven, Shoreham-by-Sea, BN43 5HY

To consider a report by the Director for Customer Services, copy attached as item 5

## Part C - Not for Publication – Exempt Information Reports

Nil

For Democratic Services enquiries relating to this meeting please contact:

Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk For Legal Services enquiries relating to this meeting please contact:

Michele Wilkinson Solicitor 01903 221030 michele.wilkinson@adur-worthing.gov.uk

**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will require the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

Licensing Committee Date: 10 November 2014 Agenda Item 5



Ward: Marine

# Licensing Act 2003 – Application for a new Premises Licence at: Shoreham Fort, Fort Haven, Shoreham-by-Sea, BN43 5HY

# Report by the Director of Customer Services

# 1.0 Summary

1.1 Members are requested to consider and determine an application made by: The Friends of Shoreham Fort

for the grant of a new Premises Licence to authorise the provision of regulated entertainment.

# 2.0 Background

- 2.1 The application and a location plan are attached at Annex 1. In summary, the application is seeking authorisation for:
  - The provision of regulated entertainment in the form of plays, films, dance, live & recorded music at the site.
    - 10.00hrs to 22.00hrs Monday Saturday
    - 10.00hrs to 21.30hrs Sunday.

The premise is an open air historic site and is open to the public 24 hours a day 365 days a year.

- 2.2 As recommended by the Guidance issued under section 182 of the Licensing Act the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.
- 2.3 The application has been the subject of formal representation by a responsible authority and other persons. It therefore falls to this committee to determine.

# 3.0 Representations & Submissions

- 3.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received.
- 3.2 A representation was received from a 'responsible' authority, Sussex Police, but following mediation, the Friends of Shoreham Fort have agreed to the condition put forward by the Police. This will become an enforceable condition of licence should

members be of a mind to grant a licence. A copy of the representation and the mediated agreement are attached at Annex 2.

- 3.2 Thirteen representations were received from 'other persons' opposing this application and these are shown in Annex 3.
- 3.3 Five representations were received from 'other persons' (including the local resident's association) in favour of this application, and these are shown in Annex 4.
- 3.4 Officers are unaware of any further mediation at the time this report was drafted, and because of the number of representations received and the opinions expressed, consider it unlikely a successful outcome can be reached but will report any developments to members at the hearing.
- 3.5 Notices of Hearing have been served on the applicant and all those persons making representation in accordance with the regulations.

# 4.0 Legislation

- 4.1 Section 4 of the Licensing Act 2003 requires a licensing authority carry out its functions with a view to promoting the licensing objectives.
  - the prevention of crime and disorder;
  - public safety
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 4.2 Licensing authorities are required to disregard any information given by a party or other persons permitted to speak at a hearing which is not relevant to the:
  - application or representation
  - licensing objectives.
- 4.3 The authority must also have regard to its own statement of licensing policy and any guidance issued by the Secretary of State.

# 5.0 Council's Policy Statement

- 5.1 Members are advised that the following sections of the Adur District Council's Licensing Policy may be particularly relevant to the determination of this matter, though the policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the policy itself:
  - 6. <u>Main Principles</u>
  - 6.6 Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act and the terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 6.7 The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises and how these may affect members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission.
- 8. <u>Prevention of Crime and Disorder</u>
- 8.1 The Licensing Authority is committed to further reducing crime and disorder within the Adur District and to helping people feel safe.
- 8.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the District Council, Sussex Police, West Sussex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 complements this duty for licensing authorities.
- 10. <u>Prevention of Public Nuisance</u>
- 10.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the amenity of residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.
- 10.2 The Licensing Authority understands 'public nuisance' to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 10.3 Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance, relevant to the individual style and characteristics of their premises and events.
- 21. <u>Conditions</u>
- 21.1 Where the responsible authorities and other persons do not raise any relevant representations about an application made to the Licensing Authority, it is the duty of the Council to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 21.2 The Council may not impose any additional conditions unless its discretion has been engaged by a relevant representation and it has been satisfied, at a hearing, that it is appropriate to impose conditions due to the representations raised. It may then only impose conditions it considers appropriate to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.

21.3 When considering any conditions, the Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of people attending the premises when beyond the control of premises.....

The current policy can be found on the following link http://www.adur-worthing.gov.uk/media/media,98560,en.pdf

The current Home Office guidance can be found on the following link - <u>https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance</u>

# 6.0 Decision

- 6.1 Section 18 of the Act requires authorities grant an application as applied for unless relevant representations have been made. If representations have been made, the Act requires the licensing authority have regard to them and take such steps as it considers necessary for the promotion of the licensing objects.
- 6.2 When considering this application for a premises licence the following options are available to the Committee:
  - a. Grant the licence, as requested,
  - b. Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
    - Reject the whole or part of the application.

Members may also:

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- d. Grant the licence but exclude certain licensable activities from the licence,
- e. Approve different parts of the premises for different activities.

# 7.0 Legal Implications

- 7.1 Members must consider each application on its own merits and in accordance with the principles of natural justice, as well as the provision of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 7.2 All applications must be considered against the backdrop of the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 7.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 7.4 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 area.

- 7.5 Under Section 181 and Schedule 5 of the Licensing Act 2003 the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence include:
  - 1. An Applicant may appeal against any decision to modify the conditions of the licence.
  - 2. An Applicant may appeal against a rejection in whole or part of an application
  - 3. A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.
- 7.6 Members are reminded that the Act allows for the licensing authority to undertake a review following the grant of a premises licence when requested to do so by a responsible authority or any other person.

# 8.0 Other Implications

8.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.

# 9.0 Recommendation

9.1 Members are requested to determine the application for a new Premises Licence made by the Friends of Shoreham Fort for the historic site known as Shoreham Fort situated at Fort Haven, Shoreham-by-Sea and give reasons for that determination.

## Jane Eckford Director of Customer Services

# Principal Author & Contact Officer:

Theresa Cuerva, Licensing Officer Licensing Unit, 9 Commerce Way, Lancing, BN15 Telephone number: 01273 263193 e-mail: <u>Theresa.cuerva@adur-worthing.gov.uk</u>

## Local Government Act 1972 Background Papers:

Licensing Act 2003 Adur District Council Licensing Policy Statement – July 2012 <u>www.adur-worthing.gov.uk</u> Home Office Guidance – October 2014 <u>www.gov.uk</u>

## **Appendices:**

Annex 1 – Application & Plan

Annex 2 – Police Representation & Mediation

Annex 3 – Representations opposing application

Annex 4 – Representations supporting application

### **Schedule of Other Matters**

### 1.0 Council Priority

1.1 Licensing of premises for alcohol sales, regulated entertainment and/or late night refreshment is directly related to crime & disorder and public safety issues.

### 2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

### 3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

### 4.0 Equality Issues

4.1 Dealt with in the body of the report.

### 5.0 Community Safety Issues (Section 17)

5.1 The Council is not obliged to issue a licence unless the Council is satisfied that the licence holder will promote the licensing objectives. The holder of a premises licence is expected to comply with all legislative requirements

### 6.0 Human Rights Issues

6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to grant licences that promote the licensing objectives.

### 7.0 Reputation

7.1 The Committee must balance the rights of individuals (applicants and those making representation) against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

### 8.0 Consultations

8.1 Dealt with in the body of the report.

### 9.0 Risk Assessment

9.1 Financial - The only consequences identified are those associated with the defence of an appeal if the applicant or those making representation were to pursue the application through the courts following a decision by this committee that they regarded as unsound.

### 10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

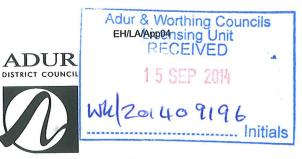
### 11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

### 12.0 Partnership Working

12.1 Matter considered and no issues identified.





Civic Centre, Ham Road, Shoreham-by-Sea, BN43 6PR

#### Licensing Act 2003 -New Premises Licence Application pack including Application Form & Designated Premises Supervisor Consent PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We .... FRIENDS OF SHOREHAM FORT (insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance sur	vey map reference or description
5MW 5 390	
SHOREHAM FORT	
Post town SHOREHAMBY SEA	Code BN43 SHY
Telephone number at premises (if any)	
Non domestic rateable value of premises	SAND A
Part 2 – Applicant Details	
Please state whether you are applying for a Premises Lic	cence as:
<ul> <li>a) an individual or individuals*</li> <li>b) a person other than an individual*</li> <li>i. as a limited company</li> <li>ii. as a partnership</li> <li>iii. as an unincorporated association or</li> <li>iv. Other (for example a statutory corporation)</li> </ul>	Please tick ✓ please complete section (A) please complete section (B) please complete section (B) please complete section (B) please complete section (B)
<ul> <li>c) a recognised club</li> <li>d) a charity</li> <li>e) The proprietor of an educational establishment</li> <li>f) A health service body</li> <li>g) A person who is registered under Part 2 of the Care</li> </ul>	please complete section (B) please complete section (B) please complete section (B) please complete section (B) please complete section (B)

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Standards Act 2000 (c14) in respect of an independent hospital
h) The chief officer of police of a police force in England and

Wales



#### Please tick ✓

\*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
   I am making the application pursuant to a
   Statutory function; or

- A function discharged by virtue of Her Majesty's prerogative •

#### (A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss	Ms Other title (for example, Rev)
	Please tick ✓
I am 18 years old or over	
Current postal address if different from premises address	
Post Town	Postcode
Daytime contact telephone number	
Email address (optional)	
SECOND INDIVIDUAL APPLICANT (if applicable	•)
Mr Mrs Miss	Ms Other title (for example, Rev)
	Please tick ✓
I am 18 years old or over	
Current postal address if different from premises address	
Post Town	Postcode
Daytime contact telephone number	
Email address (optional)	

## (B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name FRIENDS OF SHOREHAM FORT
Address CORRESPONDENCE ADDRESS:
Registered number (where applicable)
1147869
Description of applicant (for example, partnership, company, unincorporated association etc.)
CHARITY
Telephone number (if any)
E-mail address (optional) SECRETARY @ SHOREHAM FORT. CO. UK

# Part 3 Operating Schedule

	Day	Month	Year	
When do you want the premises licence to start?	01	1 1	201	4
	Day	Month	Year	
If you wish the licence to be valid only for a limited period, when do you want it to end?				
If 5000 or more people are expected to attend the premi state the number expected to attend	ises at any	one time,	please	A
Please give a general description of the premises (please r	ead guidan	ce note 1)		
	Ū			
HISTORIC FORT				

Please tick ✓

What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

#### Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

#### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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## Provision of late night refreshment (if ticking yes, fill in box L)

## Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A				Ludeere	
Plays Standard	Plays Standard days and timings (please read guidance note 6)		Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors Outdoors	
		Finish		Both	$\checkmark$
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Mon	10:00	22:00			
Tue	10:00	22:00			
	_		State any seasonal variations for performing plays (plea	se read guidance no	te 4)
Wed	10:00	22:00			
Thur	10:00	22:00			
Fri	10:00	22:00	Non standard timings. Where you intend to use the pre of plays at different times to those listed in the column (please read guidance note 5)	mises for the perfo on the left, please l	rmance ist
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Fri			Non standard timings. Where you intend to use the pre- wrestling entertainment at different times to those lister please list. (please read guidance note 5)	mises for boxing or d in the column on the left,
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Provision of facilities for making music			Please give a description of the facilities for making mus	ic you will be providing
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Provision of facilities for entertainment of a			Please give a description of the type of entertainment facility you will be providing		
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Wed		read guidance note 4)
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Fri		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left,
		please list. (please read guidance note 5)
Sat		
Sun		

I

M				
Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises Off the premises
Day	Start	Finish		Both
Mon			State any seasonal variations for the sale of alcohol (ple	ase read guidance note 4)
Tue				
Wed				
Thur			Non standard timings. Where you intend to use the pre alcohol at different times to those listed in the column of (please read guidance note 5)	mises for the sale of on the left, please list.
Fri				
Sat				
Sun	-/			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

Address

Postcode

Personal licence number (if known)

Issuing licensing authority (if known)

ancill read g IF FC	ary to the use of the guidance note 8)	t entertainment or services, activities, other entertainment or matters premises that may give rise to concern in respect of children (please
FU	k	
FU	may be,	in the future, that if we show
Th	ms they	y could have an age rating.
They will		not be 'adult content' films military style films are have age restrictions which adhered to.
b	ut some	military style films are
L	rili he	have age restrictions which
		dane ea no.
0		
	s premises are	State any seasonal variations (please read guidance note 4)
open to the public Standard days and timings		
Standa	ard days and timings	SHOREHAM FORT IS OPEN TO
Standa (please Day		
(please	ard days and timings e read guidance note 6)	SHOREHAM FORT IS OPEN TO
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(please Day Mon	ard days and timings e read guidance note 6)	SHOREHAM FORT IS OPEN TO THE PUBLIC 2417
(please Day Mon Tue	ard days and timings e read guidance note 6)	SHOREHAM FORT IS OPEN TO THE PUBLIC 2417 Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list.
(please Day Mon Tue	ard days and timings e read guidance note 6)	SHOREHAM FORT IS OPEN TO THE PUBLIC 2417
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Describe the steps you intend to take to promote the four licensing objectives:

a) General-all four licensing objectives (b, c, d, e) (please read guidance note 9) The site is open to the public 24/7 We do not encourage the consumption of alcohol on site and we do not wish to sell it. Our event marshalls are fully brefed before on event and where firearons are concented they all know the safety procedure should those be an incident.

#### b) The prevention of crime and disorder

All events are stewarded key stewards have radio contact via Natkie talkies No alcohol is sold on site The consumption of alcohol is not encourage

c) Public safety

For larger events, such as Military History Neekerd, St John Ambulance or similar are an site. Firing areas are cordoned off and stewarded clouble barriers are in place when cannon on site. Living History Croups [personel are fully certificated if giving demonstrations with firearms] shotguns fire bagade / Ambulance | coast guard informed of d) The prevention of public nuisance

For events involving entertainment covered under event license all neighbowing houses are advised by leaflet through dor of upcoming event.

Many neighbours are supportive of our project and events and regularly attend or help out.

e) The protection of children from harm

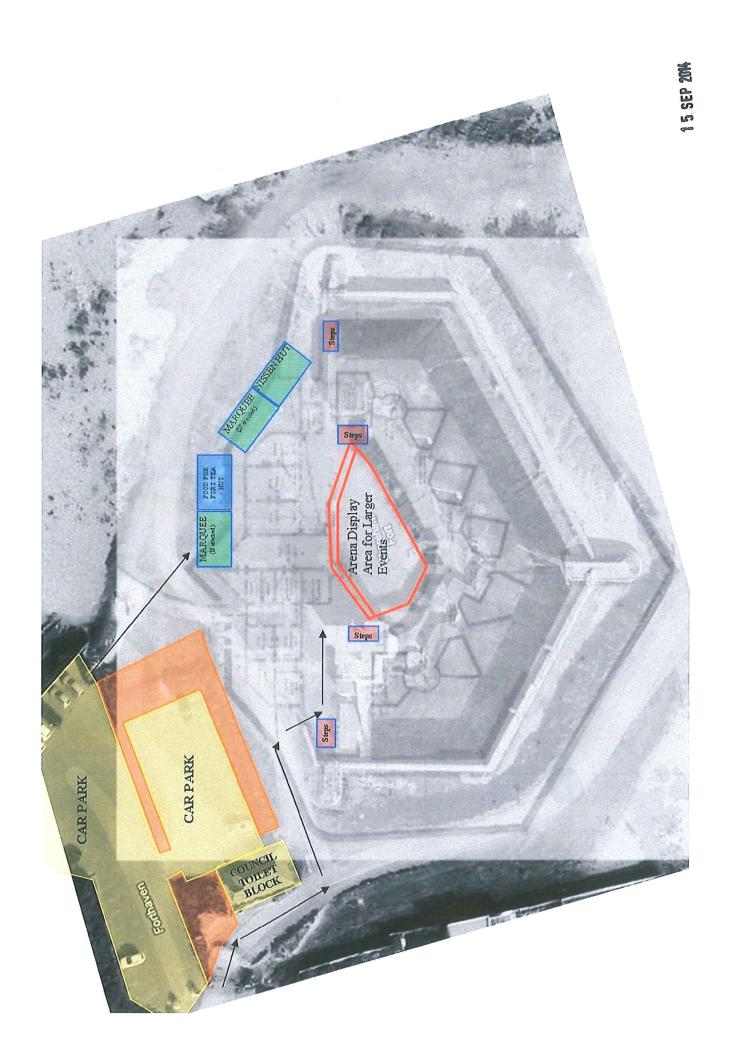
All events are family orientated All Rims will be age appropriate Larger events (NHW) have lost child "Control paints No lost child announcements over PA Kay slewards are DBS/CRB checked

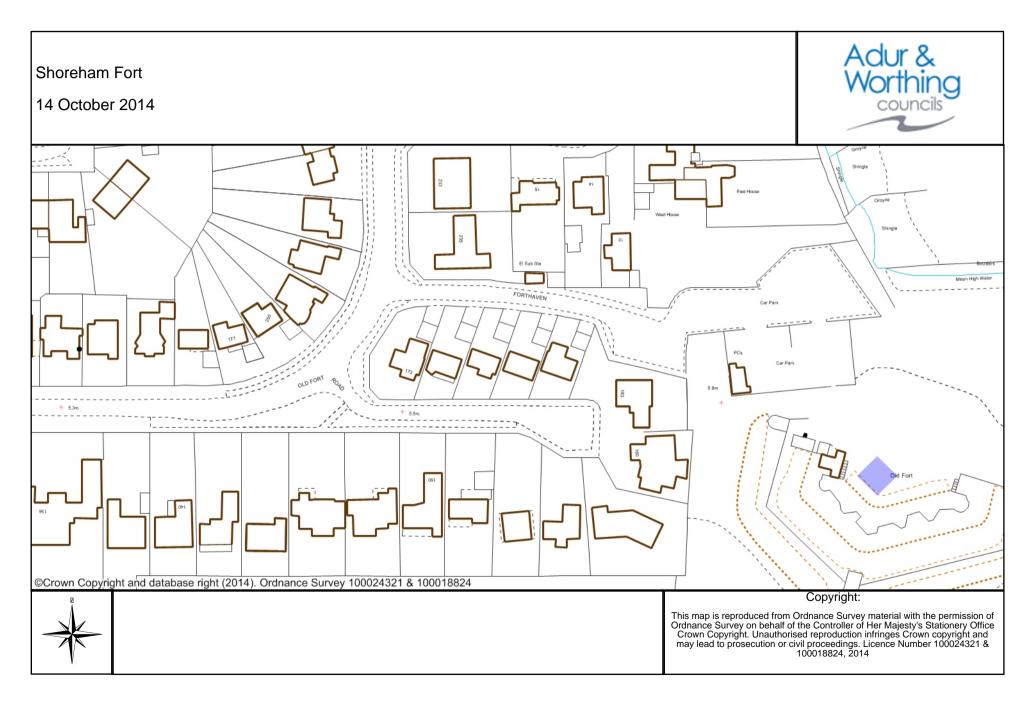
	EH/LA	/App04
	Please	lick 🗸
<ul> <li>I have made or enclosed payment of the fee</li> </ul>		
<ul> <li>I have enclosed a plan of the premises</li> </ul>		~
<ul> <li>I have sent copies of this application and the plan applicable</li> </ul>		/
<ul> <li>I have enclosed the consent form completed by t</li> </ul>	he proposed premises supervisor, if applicable	NIA
<ul> <li>I understand that I must now advertise my applic</li> </ul>		~
<ul> <li>I understand that if I do not comply with the abov</li> </ul>	e requirements my application will be rejected	$\checkmark$
IT IS AN OFFENCE, LIABLE ON CONVIC THE STANDARD SCALE UNDER SECTION TO MAKE A FALSE STATEMENT IN OR IN APPLICATION	ON 158 OF THE LICENSING ACT 20	N 03
Part 4 - Signatures (please read guidance not	e 10)	
Signature of applicant or applicant's solicitor or note 11). If signing on behalf of the applicant ple	other duly authorised agent. (See guidand ease state in what capacity.	æ
Signature		
Date 15th Septembe	z 2014	
Capacity Secretary Fr		
For joint applications signature of 2 <sup>nd</sup> applicant agent. (please read guidance note 12). If signing capacity.	or 2 <sup>nd</sup> applicant's solicitor or other author on behalf of the applicant please state in	ised what
Signature		
Date		
Capacity		
Contact Name (where not previously given) and this application (please read guidance note 19)		with
Post town	Post code	

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

14





#### Good afternoon,

I can confirm that subject to the attached conditions being attached to the premises licence, Sussex Police resolves their respresentations for a premises licence at Shoreham Fort.

Thank you.

Regards

Megan Smith Licensing Clerk

#### Centenary House, Durrington Lane, Worthing, West Sussex, BN13 2PQ Neighbourhood Licensing Team, W. Sussex Tel: 01273 404 030 Direct Dial: 101 Ext. 581261, Twitter: @sussex\_police

<The information contained in this communication is intended solely for the person and organisation to whom it is addressed. If you are not the named recipient you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. To do so may be unlawful. Messages sent or received by members of Sussex Police are not private and may be the subject of monitoring. If you have received this message in error, please contact the sender as soon as possible.>

From: Secretary [mailto:secretary@shorehamfort.co.uk]
Sent: Friday 03 October 2014 12:53
To: Whitcombe David AW403
Cc: WS\_Licensing\_WOR; <u>theresa.cuerva@adur-worthing.gov.uk</u>
Subject: Fwd: Application for Premises Licence - Shoreham Fort

Dear all,

After speaking to Helen this morning I can confirm that we, the Friends of Shoreham Fort, are more than happy for the requested condition to be added to our premises licence.

Thank you for your time this morning Helen, if you have any further queries regarding the above then please do not hesitate to contact me.

Kindest regards

Sharon Penfold Secretary Friends of Shoreham Fort Regn No. 1147869 <u>www.shorehamfort.co.uk</u> www.facebook.com/shorehamfort

Begin forwarded message:

From: Secretary <<u>secretary@shorehamfort.co.uk</u>> Date: 3 October 2014 01:49:57 BST To: "<<u>David.Whitcombe@sussex.pnn.police.uk</u>>" <<u>David.Whitcombe@sussex.pnn.police.uk</u>> Cc: "<u>theresa.cuerva@adur-worthing.gov.uk</u>" <<u>theresa.cuerva@adur-worthing.gov.uk</u>> Subject: Re: Application for Premises Licence - Shoreham Fort

Hi Dave,

Thank you for your email.

Apologies for you not being able to contact me but we've been in meetings and doing a presentation on the fort today.

I've read through the proposed condition and certainly don't have an issue with your request.

Realistically our numbers on site at the military history weekend, our one large event of the year, are relatively low compared to say Beach Dreams. It's a completely different venue which attracts a completely different crowd.

As a scheduled ancient monument it isn't a site where we are going to encourage alcohol or large crowds - first and foremost the charity's aims and objectives are to protect the fabric of the fort and having thousands of people on site won't help us achieve those aims.

We probably have about 1500 people passing through the event over the whole weekend - if we're lucky. I can safely say there have never been more than 300~400 on site at any one time though.

My only slight query is the wording about the 'use of door supervisor'. We are an open site, one which is accessible by the public 24/7. If I may, I would like to call you to have a chat about what this would entail.

Thank you in advance.

Kindest regards,

Sharon Penfold Secretary Friends of Shoreham Fort Regn No. 1147869 <u>www.shorehamfort.co.uk</u> <u>www.facebook.com/shorehamfort</u>

On 2 Oct 2014, at 13:20, <<u>David.Whitcombe@sussex.pnn.police.uk</u>> wrote:

Dear Ms Penfold

I refer to the application you have submitted on behalf of the Friends of Shoreham Fort for the grant of a Premises Licence.

Please find attached a copy of the representation Sussex Police have today raised in respect of this matter.

I have tried to contact you to discuss this representation in person but unfortunately I have only been able to get your voicemail.

Legally, once an application has been submitted to the Local Authority the only way that either amendments can be made or additional conditions added is for a formal representation to be raised, hence the need to follow this course of action regarding this matter.

If you are agreeable to accepting the additional condition required by Sussex Police being attached to the premises licence then all you need to do is to respond to this e-mail to that effect. Upon receipt of such a response I will be able to inform the council Licensing Officer that Sussex Police representations have been resolved. Yours

Dave

David Whitcombe Police Constable Neighbourhood Licensing Team Tel: 01273 470101 Ext. 581443 Mobile: 07767 322361

### **Sussex Police – Serving Sussex**

You can report crime and incidents online at <u>www.sussex.police.uk/reportonline</u>

We want to know your views – see what's new and give us your feedback and suggestions at <u>www.sussex.police.uk</u>

If you have received this message in error, please contact the sender as soon as possible – you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

<Shoreham Fort.doc>

### **Sussex Police ? Serving Sussex**

You can report crime and incidents online at www.sussex.police.uk/reportonline



# MEMORANDUM

### To: Theresa Cuerva, Licensing Officer, Worthing & Adur Councils.

From: West Sussex Neighbourhood Licensing Team

Extension: 01273 404030 Date: 2<sup>nd</sup> October 2014

Dear Ms Cuerva

#### Application for a Premises Licence to be granted under the Licensing Act 2003 for Shoreham Fort, Shoreham by Sea, West Sussex, BN43 5HY

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

Although Sussex Police are, in principle, not opposed to this application, the steps proffered in the operating schedule are considered insufficient to fully address the licensing objectives.

These premises are located on the edge of a residential area and as such, although it is not envisaged that the hosting of small scale events will have a detrimental effect on the promotion of the licensing objectives, there is concern that this will not be the case should larger scale events be held.

Sussex Police therefore require that the following condition be attached to the premises licence. This condition is considered to be clear, concise and enforceable and therefore appropriate to ensure the licensing objectives are promoted.

• For all events held at the premises for which it is either known, or reasonably foreseeable, that the attendance on any given day of the event will exceed 2,000 people, Sussex Police are to be given at least three months prior notification and provided with copies of the Event Management Plan, the Traffic Management Plan and the Risk Assessment. The Risk Assessment will identify the need, and numbers required, for the use of Door Supervisors at the particular event.

If you wish to discuss this further please do not hesitate to contact me.

Yours sincerely

Chief Inspector Banks District Commander Sussex Police.

Fut as we think they are doing a great job in the restruction but tout mosic at a historical monument support the Filends of Shorehour We strangly diject to thes application and hope it will be residential ence, and the Fort is It is also situated in a quiet to the Fourt. We will continue to fail to see the welevance of part 24 the Nature Reserve. yours feith Jully, GEOFFDEY PALMER RAE PALMED . bainfau was unacceptably loud. I politely asked if the cugainsers could formed in our guiden, which is situated dose We are very concerned about Ite volume but were forced togo Kingsten Bay Do Shouehem by tea outdoor music events. During a recent outdoop quent the noise became interencte. We should not Le derived the pleasure of claring Esteuds of Shovehern Fait, to hold the license application from the indears as the incerscrift noice BN LAS SHP West Succes 'Ne: License Application tou Shoreham Fort. Initials Worthing Councils your die,



### **RE: Licensing Application for Shoreham Fort Objection**

Whilst we broadly agree with the aim and activities of the Friends of the Fort we do not feel comfortable with the loud outdoor music concerts that are starting to be held at the Fort.

They use a powerful PA system and lead to very high volume in what is ultimately a residential area.

The Friends of The Fort are already able to apply for occasional permission for music events.

I object to the application for a license that would allow such music events to take place on a regular basis and without special permission. As such I believe that this application should be rejected.

### Yours faithfully

Adur & Worthing Councils Licensing Unit RECEIVED
en de l'Altra Antonio Martine Antonio



Shoreham By Sea

West Sussex

BN 43 5HL

1<sup>st</sup> October 2014



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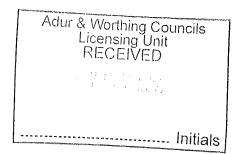
I HARDOUR WAY

Shoreham By Sea

West Sussex

BN 43 5H 野子

1<sup>st</sup> October 2014



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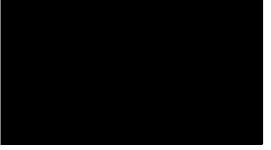
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â.

#### Yours faithfully



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10 Kingston Bay Road Shoreham-by-Sea West Sussex BN43 5HP Tel/Fax 01273 453104 e-mail: rosemary.bouchy@lineone.net

October, 2014

The Licensing Unit Health & Housing Services Adur & Worthing Councils Unit 9, Commerce Way Lancing West Sussex BN15 8TA.

Adur & Worthing Councils Licensing Unit RECEIVED C. Charles Zie .............. ..... Initials

Dear Sirs,

RE: Licensing Application for Shoreham Fort, Fort Haven, Shoreham-by-Sea, BN43 5HY.

Whilst we broadly agree with the aim and activities of the Friends of the Fort we do not feel comfortable with the loud outdoor music concerts that are starting to be held at the Fort.

They use a powerful PA system and this leads to a very high volume in what is ultimately a residential area. We live just four houses away from the Fort and the noise often appears to be taking place in our back garden. We are not young and continued noise of this kind can prove most distressing.

The Friends of the Fort are already able to apply for occasional permission for music events.

We object to the application for a license that would allow such music events to take place on a regular basis and without special permission. As such I believe that this application should be rejected.

Yours faithfully,

 Old Fort Road
 Adur & Worthing Councils Licensing Unit RECEIVED

 Shoreham By Sea
 --1 (007 201)

 West Sussex
 Initials

 BN 43 5HL
 26<sup>th</sup> September 2014

## **RE: Licensing Application for Shoreham Fort Objection**

We live on the perimeter of the Fort and are thus most affected by any activities taking place on the Fort. We believe that this application should be rejected for the following reasons:

- 1. If the intention is to hold events in the open air, as has been done regularly in the past, then the outdoor location is inappropriate given the high levels of volume produced by a powerful PA system in a residential area. When past events have taken place the volume has been unacceptable even when our windows are all closed.
- 2. Beach Green is only used once a year for loud outdoor music events, there seems to be little justification for the Fort to become an outdoor location where loud outdoor events can be held without any need to obtain permission.
- 3. The Friends of the Fort can already apply for permission to hold events with a generous guideline of 12 events a year. If the reason for applying for a license is to hold more events then to do so would be unreasonable to local residents.
- 4. The most recent occasion when loud music was played was not even related to the activities of the Friends of the Fort. It was made available to the Shoreham Allstars to hold a concert. This seems to be signs of the Fort becoming an outdoor music site where festival style events can take place on behalf of anyone. This should not be happening in a residential area.
- 5. The stated aims of the Friends of Shoreham Fort are to "conserve, maintain and restore Shoreham Fort, a Scheduled Ancient Monument, back to her former 1857 glory". Turning the Fort into an outdoor music location is not consistent with these aims.
- 6. The application is for 10:00AM to 22:00PM 6 days a week and until 21:30PM on Sundays. It is hard to envisage why this is necessary for a Heritage site.
- 7. If the intention is to hold events in the Nissan hut then this is a building without planning permission. Nor has permission been applied for. It does not have sound proofing and will cause volumes only slightly lower than outdoor events.

Verme feithfully

Old Fort Road Shoreham By Sea West Sussex BN 43 5HL 27<sup>th</sup> September 2014 Adur & Worthing Councils Licensing Unit RECEIVED - 1 807 2014 Initials

#### **RE: Licensing Application for Shoreham Fort Objection**

We live on the perimeter of the Fort and are thus most affected by any activities taking place on the Fort. We believe that this application should be rejected because the level of noise caused by existing events held at the Fort is already excessive. This is because the events take place outdoors with a powerful PA system. The noise levels in nearby residents homes is excessive.

Whilst occasional events are acceptable this license would enable the Fort to be used for such to be held on a regular basis requiring no permission.

This is not acceptable or reasonable for local residents.

Yours faith



Adur & Worthing Councils Licensing Unit RECEIVED Initials Shoreham by Sea, West Sussex. BN43 5HY gra October 2014 The bicensing thirt Health & Honsing Services Adm , Worthing Comals Unit 9. Commence Way having. BN15 STA Dear Suis. Jean Suis. Junderstand that the Friends of Showsham Fort have applied for a license to play music at the Ord fort at anytime in daylight bours. I strongly oppose this application. Recently, horrifically land misic was played all day & evening on a Sunday. This was dominated by a screeching female voice athe noise was This is a quinet rendenhal area with high unbearable. Connail Jax assessed property, and I suggest that residents should not be subjected to Such a ministance. with repared to the present livinge them hold, I mygest that this shared have a volume Cunitatian placed on the music they play. yours faite Judy.



1 4 OCT 2014

----- Initials

The Licensing Unit Health & Housing Services Adur & Worthing Councils Unit 9 Commerce Way Lancing BN15 8TA Old Fort Road, Shoreham Beach,

12/10/14

Dear Sirs,

Re : Shoreham Fort, Forthaven Shoreham by Sea BN43 5HY

We would like to vigorously oppose the granting of an entertainments licence for Plays, Films, Live Music, and Recorded Music & Dance at the above site.

The site is in very close proximity of residential houses and the noise that such events will produce would be detrimental to the living environment to the residents in these properties.

The Fort is a Heritage site and not an entertainments venue and the nature of the area means that noise travels along way and music would effect a wide area.

The area also is adjacent to a Nature Reserve and these extra activities could jeopardise its well-being from extra footfall.

The way the notice is posted, unless you walk around the Fort and look at the Nissen Hut, which has not got planning permission or as yet even had planning applied for, you would not be aware of the application.

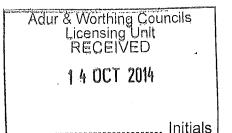
Surely neighbours should be informed in the same way as when a planning application is made.

The events that the Fort already stage cause quite enough noise and extra traffic in the area but we appreciate that they are linked Historic anniversary dates and National Remembrance services.

We all choose Shoreham Beach as a lovely place to live and pay high end prices for property and Council Tax and do not expect a Heritage site to be turned into an events venue that would ruin the living environment at the East end of Old Fort Road and the surrounding areas in Harbour Way & Forthaven.

Please seriously consider this and other objections carefully and we would request that if you have not already done so visit the area to see how close this is to the residents.

Yours faithfully,



OAD FORT ROAD SHOLEHAM BEACH BN435HL

The Licensing Unit Health & Housing Services Adur & Worthing Councils Unit 9 Commerce Way Lancing **BN15 8TA** 

12/10/14

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Adur & Worthing Councils Licensing Unit RECEIVED

.... Initials

1.4 OCT 2014

Old Fort Road Shoreham by Sea BN435HL

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12/10/14

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Voura foithfully

Adur & Worthing Councils Licensing Unit RECEIVED 1 4 OCT 2014

Initials

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Yours faithfully,

From:	Linda Halford on behalf of Licensing Unit
Sent:	14 October 2014 10:19
То:	Theresa Cuerva
Subject:	FW: [Adur & Worthing Councils] Website email enquiry

-----Original Message-----From: Webmaster Sent: 14 October 2014 09:09 To: Licensing Unit Subject: [Adur & Worthing Councils] Website email enquiry

Hello,

nas sent you an enquiry from the Adur & Worthing

Councils website. The page they sent the message from was:

http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/completed-applications/

Account / Reference number (if supplied): Friends of Shoreham Fort Licensing.

Their enquiry was:

Dear Sirs RE: Friends of Shoreham Fort Licence for music and entertainment.

I am writing to oppose the above application for an entertainments licence to be had at the Old Fort that can be used any day of the week from 10 in the morning to 10 at night. The Fort is in close proximity residential housing and such events will have a huge a effect on those living close by.

The fort is a hertiage centre and has been restored for the public to enjoy. This has been a really good thing that the Friends of Shoreham Fort have done but in recent months they now seem to be pulling the Fort in an opposite direction with no clear plan. Over the summer they held some events at the Fort and I don't have a problem with the history day they put on or the Rememberance services which occasionally went into the evening. But they are now putting up buildings without permission and seem to care very little about how their events, which included a charity event completely unconnected with the historical site, will impact on local residents, they have not consulted with local residents or even let us know when events are going on which would be curtesious.

Also such events will close off what is currently an open public site to the public if they are holding paid for events and in makes me very concerned that once they start closing the site then this will become less of a public heritage site and more of a private run buisness and again when i have supported the Friends of Shoreham Fort in the past it was not to restore the Fort so they can run a public events buisness but so the Fort was restored for all to enjoy.

The increase traffic to the area will have an impact on those living close to the Fort as well as the increase noise on what is a residential area with families with small children.

I have a growing mistrust of what the Friends of Shoreham Fort are planning and if you grant a licence that allows them unlimited music and entertainments licence then I feel that this will be implemented on a level that will become unbearable for residents. However a licence that allowed them have an entertainment licence a few times a year for anniversary activities linked with the historical site is acceptable.

Kind Regards

Old Fort Road Shoreham Beach.

Y,

Please reply to this email if required.

Thank you.

Adur & Worthing councils	de la casa d Antes de la casa de la c	
Councillor Liza McKinney		
The Licensing Unit Health & Housing Services Adur & Worthing Councils Unit 9 Commerce Way LANCING BN15 8TA	Adur & Worthing Councils Licensing Unit RECEIVED - 7 Court 2000 Initials	

Sunday, October 5, 2014

Dear Sir,

### REF: SHOREHAM FORT< SHOREHAM BEACH Application for an Entertainment License for period One Year

I wish to state unequivocally that I totally support the above application. They have proven to be extremely precise and professional in all the events they have been able to provide up until the present, I have never received any complaints from any residents who actually overlook the site or visitors. I believe the organisers are totally responsible for all matters concerning the Shoreham Fort and should be granted this license.

Yours sincerely

Councillor, Marine Ward, Shoreham

Liza.mckinney@adur-worthing.gov.uk

01273 462233



Adur & Worthing Councils, Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA web: www.adur.gov.uk www.worthing.gov.uk

Worthing

From: Sent: To: Subject:

08 October 2014 12:47 Theresa Cuerva Re: Shoreham Fort Licence application

Hello Theresa - Yes please. It was discussed under "any other business" at the SBRA committee meeting on Thursday, attended by both our district councillors, and no objection was raised and members were in support.

Best wishes

Joss

From: Theresa Cuerva <<u>Theresa.Cuerva@adur-worthing.gov.uk</u>> To: "joss\_loader@yahoo.co.uk" **Sent:** Wednesday, 8 October 2014, 11:16 Subject: Shoreham Fort Licence application

Hi Joss

Please could you confirm if you wish me to consider your email below as a representation in favour of this licence application.

Regards

Theresa

Theresa Cuerva - Licensing Officer Adur District Council and Worthing Borough Council Location: Commerce Way, Lancing Internal: 63193 | External: 01273 263193 Email: <u>theresa.cuerva@adur-worthing.gov.uk</u>

-----Original Message-----From: Webmaster Sent: 03 October 2014 08:40 To: Licensing Unit Subject: [Adur & Worthing Councils] Website email enquiry

Hello,

Joss Loader ( Control of the second of the s

http://www.adur-worthing.gov.uk/licensing-and-permits/licensing-act-2003/entertainment/

Account / Reference number (if supplied): Shoreham Fort

Their enquiry was:

I am the chairman of Shoreham Beach Residents' Association. My apologies but I am unable to find the annual entertainments licence online, submitted by the Friends of Shoreham Fort to hold events at Shoreham Fort. This application was discussed by the committee last night and we would like to confirm that we have no objections. If this is the incorrect address for submissions, I would be grateful if you could please let me know. Many thanks.

Please reply to this email if required.

Thank you.

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# 1 3 OCT 2014

# Watts Audio Hire



October 12, 2014

Att: Adur & Worthing Council

Dear Sir or Madam:

I am writing to you in regards to an application being made by The Friends of Shoreham Fort for a premises licence. I would like to extend my good words about Shoreham Fort and what they do for the community. I have worked closely with them on many of their events and one thing I have noticed is that the neighbours are always put at first priority. They have made every effort in order to keep neighbours happy with regards to sound and other issues.

Every single event that has been held by Shoreham Fort has been beneficial to both people and families and every event has been a great success.

It is a shame sometimes when one or two people complain about an event at Shoreham Fort. But compared to the amount of people who turn out to an event and gain a huge benefit from it, it surely overrules any objections people may have to the proposal.

I look forward to your decision and hope it is in favour of the fort

Sincerely

James Watts Owner of Watts Audio Hire

From:	Paul Desjarlais (Weatherbeaters) <bertie@weatherbeaters.co.uk></bertie@weatherbeaters.co.uk>
Sent:	13 October 2014 09:13
То:	Theresa Cuerva
Subject:	Shoreham Fort

My Name is **Example 1** Old Fort Road backing on to Forthaven, I fully support the work the Friends of Shoreham Fort.

There events are family orientated and we have never had an issue with any of them.

The work the charity does enhances the area and the dedicated group deserve to be supported in all they do. A premises license will enable the volunteers to continue with their fundraising efforts. Thank you.

Click here to report this email as spam.

From:	LOUGHTON, Timothy <tim.loughton.mp@parliament.uk></tim.loughton.mp@parliament.uk>
Sent:	13 October 2014 19:18
То:	Theresa Cuerva
Subject:	Shoreham Fort premises licence

I am writing formally to register my support for the excellent work being carried out by the Friends of Shoreham Fort and specifically in support of their application for a Premises Licence. A huge amount of work has been undertaken by the Friends at the Fort and it is now benefiting a large cross-section of the local community as part of the local heritage, as a tourist attraction and as an educational centre. It is right that the Fort continues to attract visitors of all ages and for that it is now essential that the Fort has the necessary permissions to carry on its good works and so I very much hope that Adur council will recognise this, as English Heritage and the Port Authority have, and allow the Fort to formalise its role.

Yours sincerely

# *Tim Loughton MP* Member of Parliament for East Worthing & Shoreham

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