



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 4 November 2014

**Committee:
Licensing Act Sub-Committee**

Date: Wednesday, 12 November 2014
Time: 2.00 pm
Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Licensing Act Sub-Committee

Joyce Barrow
Peter Cherrington
Roger Hughes

Your Committee Officer is:

Shelley Davies Committee Officer
Tel: 01743 252719
Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the duration of the meeting.

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Application for a Review of a Premises Licence - Shropshire and West Mid Showground, Berwick Road, Shrewsbury. (Pages 1 - 20)

Report of the Public Protection Officer (Specialist) is attached, marked 3.
Contact Simon Ditton on 0345 6789026



Committee and Date
Licensing Act Sub-Committee
12th November 2014

Item
3
Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a review of a Premises Licence.

Premises: Shropshire & West Mid Showground, Berwick Street, Shrewsbury, Shropshire, SY1 2PF. A location plan is attached to the report as Appendix A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a premises licence.

The application has been accepted as a valid application. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy.

After considering all the relevant issues the licensing authority may grant

- take no further action
- issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
- modify conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months

- revoke the licence

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2. Recommendations

That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant, licence holder and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 7.

That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

The Committee is required to consider the consequences of any action on the licence holder's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a review of the Premises Licence for Shropshire & West Mid Showground, Berwick Street, Shrewsbury, Shropshire, SY1 2PF.

6. Background

- 6.1 Shropshire Council Public Protection, Environmental Health, has made an application for a review of a Premises Licence on the grounds that operations at the premises undermine the Prevention of Public Nuisance and Public Safety Licensing Objectives. The application is supported by evidence of a series of issues with noise from live music events (principally the Shrewsbury Fields Forever Festival) over the last 3 years at the premises.

- 6.2 The current Premises Licence was first granted on 30th March 2010 (Premises Licence Number PL/SC1055). The Premises Licence holder is the Shropshire and West Midlands Agricultural Society and the designated premises supervisor is Mr Richard Neale Sadler.
- 6.3 The Premises Licence permits a maximum of 10 outdoor music events per annum of which no more than 4 can be large events (average daily attendance of more than 5000 people). The principal live music event that takes place under the Licence is the Shrewsbury Fields Forever Festival ('Festival'). This usually occurs over Fri/Sat/Sun of the second weekend in September.
- 6.4 Following noise nuisance issues at the site a noise abatement notice was served under the provisions of Part 3 of the Environmental Protection Act 1990 on 21 May 2013. This sought to impose significant limitations on both licensable activities and non-licensable activities at the site to prevent the recurrence of a noise nuisance.
- 6.5 Despite that notice and the restrictions on the Premises Licence, the 2013 Festival drew considerable noise complaints. Additional measures were put in place to seek to avoid the same issues occurring at this year's Festival. This though did not avoid the same problems at the Festival this September, with a total of 18 complaints being received and a significant number of Council staff deployed to look to ensure there was compliance with the notice, Licence and agreed measures.
- 6.6 The primary issue with the Festival has been the lack of control at the site, with the Festival organiser not being the Licence holder. It is felt by the applicant for the Review that this is the principal issue. (A further festival at the site [the Shrewsbury Folk Festival] operates under a bespoke Premises Licence with the festival organiser also being the Licence holder).
- 6.7 The current application has been submitted to principally seek to exclude the large live music events which take place under the Licence, amongst other things.
- 6.8 During the consultation period, a representation was received from another responsible authority, the Police. There were a further eight representations from interested parties. These all supported the grounds for the Review, with some of the representations from the interested parties suggesting there should be a reduction in the hours which the Licence currently authorises.

7. Options for Consideration

- 7.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- take no further action
 - issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
 - modify conditions of the licence

- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

7.2 Members of the Sub-Committee should be advised that the applicant, licence holder or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

8. Standard of Decision Making

8.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for a review of a Premises Licence have to be determined by this Sub-Committee.

8.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of a Public Nuisance
- The protection of Children from Harm

8.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

8.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Licensing Policy.
Guidance issued under section 182 of the Licensing Act 2003 (October 2014).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.
Copies of the representations.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

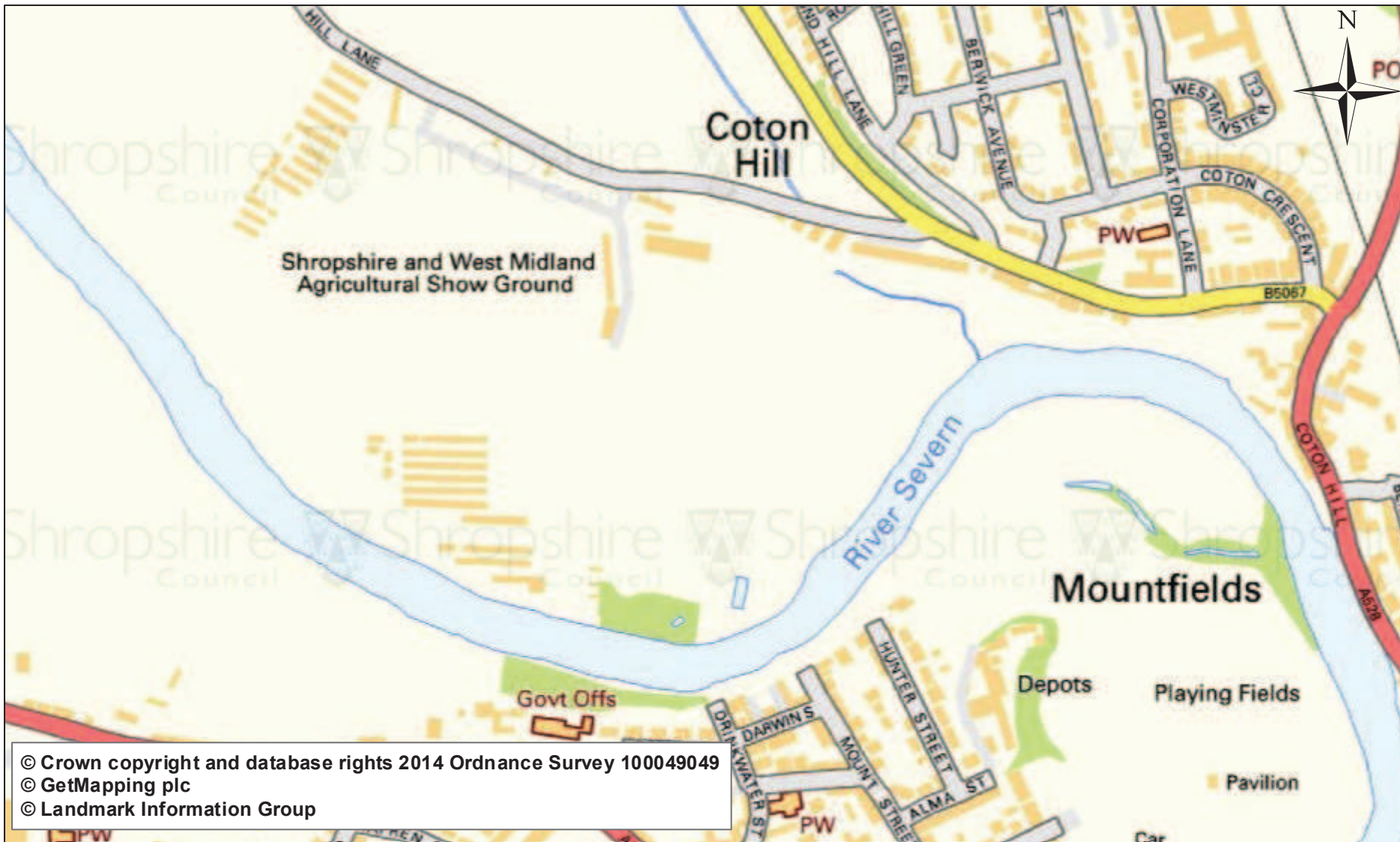
Cllr A Chebsey

Appendices

Appendix A – Location Plan

Appendix B – Current Licence

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Shropshire & West Mid Showground



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Licensing Act 2003

Premises Licence**PL/SC1055**

LOCAL AUTHORITY

**Shropshire Council**

Licensing
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

tel: 0345 6789000

web: www.shropshire.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Shropshire & West Mid Showground

Berwick Road, Shrewsbury, Shropshire, SY1 2PF.

Telephone 01743 289831

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
B. Exhibition of films (Indoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight



Premises Licence

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors) continued ...			
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	Midnight
J. Provision of facilities for dancing (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	12:30am
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday Outdoor events would cease at 23:30 hours.	11:00pm	12:30am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday Outdoor events would cease at 23:30 hours.	10:00am	12:30am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	1:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/ OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Shropshire and West Midland Agricultural Society
Berwick Road, Shrewsbury, Shropshire, SY1 2PF. Telephone 01743 289831

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Shropshire and West Midland Agricultural Society 2073471

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Richard Neale SADLER [Redacted Address and Telephone Number]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA/NP0425 Issued by North Shropshire



ANNEXES

ANNEX 1**MANDATORY CONDITIONS****Supply of Alcohol**

Where a Premises Licence authorises the supply of alcohol, the following conditions are applicable:

No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision/Supervisors

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Cinemas

For all premises licences and club premises certificates authorising the exhibition of films, access will be restricted only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification.

For the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body so designated.

ANNEX 2**CONDITIONS CONSISTENT WITH OPERATING SCHEDULE****Prevention of Crime and Disorder**

- There will be external lighting and secure car parking facilities.
- Each entry gate will be controlled by 2 SIA registered personnel at major events with an additional 1 SIA registered person per 500 persons attending the event subject to the following paragraph:

At the West Midlands Show and Bonfire Night and any further specified major events with the prior written permission of the Licensing Officer of the Shropshire Council provided he/she is given 4 weeks prior written notice, the requirement will be - for each entry gate to be controlled by one SIA registered person and one marshal and an additional SIA registered person per 1000 persons attending the event. The marshals will be briefed in

Premises Licence

ANNEXES continued...

health and safety and will alert the SIA stewards to any problems.

Public Safety

- Noise levels will be monitored.
- There will be a contingency plan in place approved by the Shropshire Fire Authority and the Shropshire Ambulance Service.
- A Health and Safety Policy will be in place and submitted to the Licensing Authority.

Prevention of Public Nuisance

- Events at the premises will be monitored by Society officials or employees.
- The Highways Authority will be consulted on signage for major events.
- SIA registered stewards will be employed for all major events.
- There will be self-contained parking at the premises.
- Noise from amplified music or other regulated entertainment arising from activities held within the Members' Pavilion and Presidents Pavilion will be restricted and controlled so that the noise is inaudible outside the vicinity of the Showground.
- All the windows and doors will be kept closed during periods when live music is in progress within the Members' Pavilion save for entrance and exit.
- A maximum occupancy figure for the Members' Pavilion of 360 will be observed.
- A maximum of 10 outdoor music events will be held per year.
- No straw bales or loose straw will be allowed into the area used for entertainment within the Members' Pavilion.
- The licence holder will seek advice from the Fire Officer on an annual basis with respect to fire legislation and requirements.
- During periods of regulated entertainment the public address system at the Showground shall not be operated before 09:00 hours or after 19:00 hours. For the West Mid Show (show-days) these time restrictions shall be extended to 07:45 hours and 21:00 hours respectively (Public safety announcements excepted)'.- A member of the West Midlands Show Committee will be available for contact by mobile phone during events and also will be on site during major events. In addition, a representative authorised by the Show Committee will be present on site and contactable by mobile phone for all other events involving licensable activities. The mobile telephone numbers will be provided to the Licensing Officer, the Environmental Health Officer and any resident who has advised the Show Committee that he/she wishes to be informed of the numbers.
- Provision of entertainment facilities (with the exception of events held within the President's Pavilion or the Member's Pavilion) shall finish not later than 23:30 hours.
- All precautions shall be undertaken to ensure that local residents will not be unreasonably disturbed during events. In particular, noise from regulated entertainment held during the 10 'outdoor events' shall be restricted and controlled.
- Noise limiters shall be installed in the President's and the Member's Pavilions. They shall be set by an Environmental Health Officer to a level so as not to cause nuisance to any noise sensitive location.
- Acceptable noise levels shall be determined by an Environmental Health Officer in relation to each noise sensitive location (these locations to be determined by an Environmental

Premises Licence

ANNEXES continued ...

Health Officer).

- An Environmental Health Officer shall determine where noise testing shall take place; the frequency of testing at each location, the person(s) responsible for testing and the records that shall be kept for each location.
- The West Midlands Show Committee shall establish a representative residents' forum which should meet at least 4 times per annum to discuss matters relevant to the licence and activities on the Showground. Any resident who informs the Show Committee that he/she wishes to attend such meetings will be invited to do so.
- Notification of the 10 'outdoor music events' shall be sent in writing to the Environmental Health Manager at least 6 weeks prior to each event, providing details of the event and the contact details of the event organiser and shall be communicated to the Licensing Authority.
- Of the 10 'outdoor music events', the number of major events (defined as those having an average daily attendance of in excess of 5,000 and up to 14,999) shall be limited to 4 per annum.
- Regulated entertainment and provision of entertainment facilities held within the President's Pavilion or the Member's Pavilion shall finish not later than 00:00 hours.
- All windows and doors (except for access and egress) within the Member's Pavilion and the President's Pavilion shall be restricted and controlled so that the noise is inaudible at those locations determined by an Environmental Health Officer.
- Provision of late night refreshment shall finish not later than 00:30 hours.
- Supply of alcohol shall finish not later than 00:30 hours.
- With the exception of events for which there is camping on site, the site shall be cleared of members of the public/event attendees by 01:30 hours.
- Generators (if any) shall be sited and operated so as to be inaudible at those locations determined by an Environmental Health Officer.
- Artificial lighting shall be sited and operated so as not to cause a statutory nuisance as determined by an Environmental Health Officer.
- Marquees, stages, lighting columns and other structures on site shall either be erected or certified by an appropriate qualified person and the Environmental Health Manager shall determine what is an appropriate qualification to his satisfaction.
- Electrical equipment brought onto site must be tested for electrical safety and a certificate provided to the Licensing Authority.
- All cables should be routed or covered so as not to cause a tripping hazard.
- Health and Safety Risk Assessments shall be undertaken for all major events. The risk assessments (and supporting documentation) (as approved or amended by the relevant Enforcing Authority, Police or Fire Authority) must be adhered to at all times.
- In respect of all outdoor events, the event organiser shall provide first aid cover (to be supplied by a professional company) that shall extend for a period of half an hour past the finishing time of the licensable activity.

Protection of Children from Harm

- Children under the age of 8 years will only be permitted on the premises if accompanied by an adult.
- Additional toilet facilities will be provided for major events.
- A proof of age scheme will be in operation.

Premises Licence

ANNEXES continued...

- There will be no adult entertainment of any kind.
- School children attending a major event will be supervised by suitably qualified personnel.

ANNEX 3

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING
AUTHORITY**

A major event can last for no more than four consecutive days.

ANNEX 4

PLANS

Date stamped 04 February 2010.

Premises Licence Summary

LOCAL AUTHORITY



Shropshire Council

Licensing
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

tel: 0345 6789000

web: www.shropshire.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Shropshire & West Mid Showground

Berwick Road, Shrewsbury, Shropshire, SY1 2PF.

Telephone 01743 289831

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Not applicable

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Premises Licence Summary

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	1:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Shropshire and West Midland Agricultural Society
Berwick Road, Shrewsbury, Shropshire, SY1 2PF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Shropshire and West Midland Agricultural Society 2073471

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Richard Neale SADLER



Licensing Act 2003

Premises Licence Summary

PL/SC1055

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

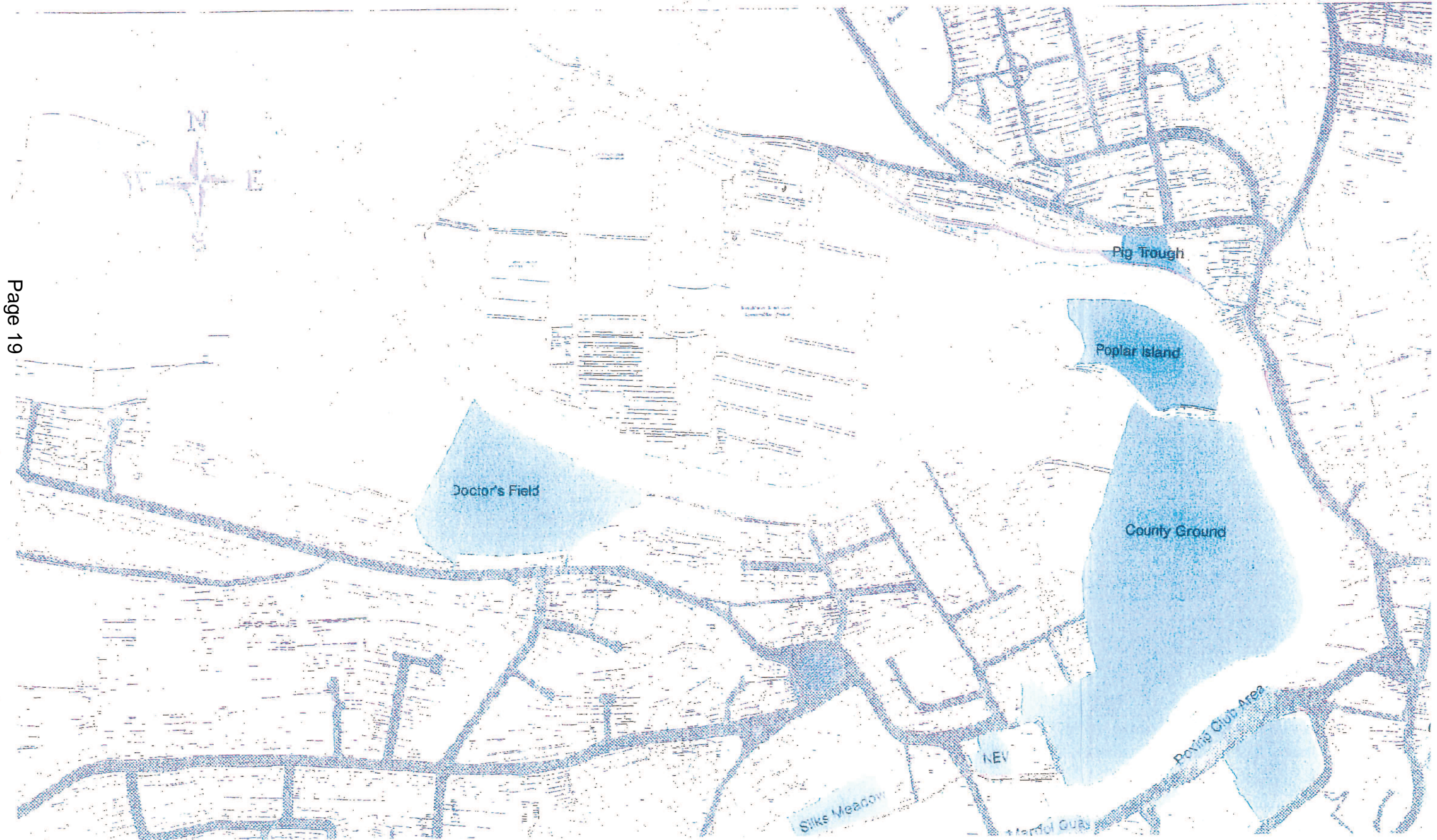
Children under the age of 8 years will only be permitted on the premises if accompanied by an adult.

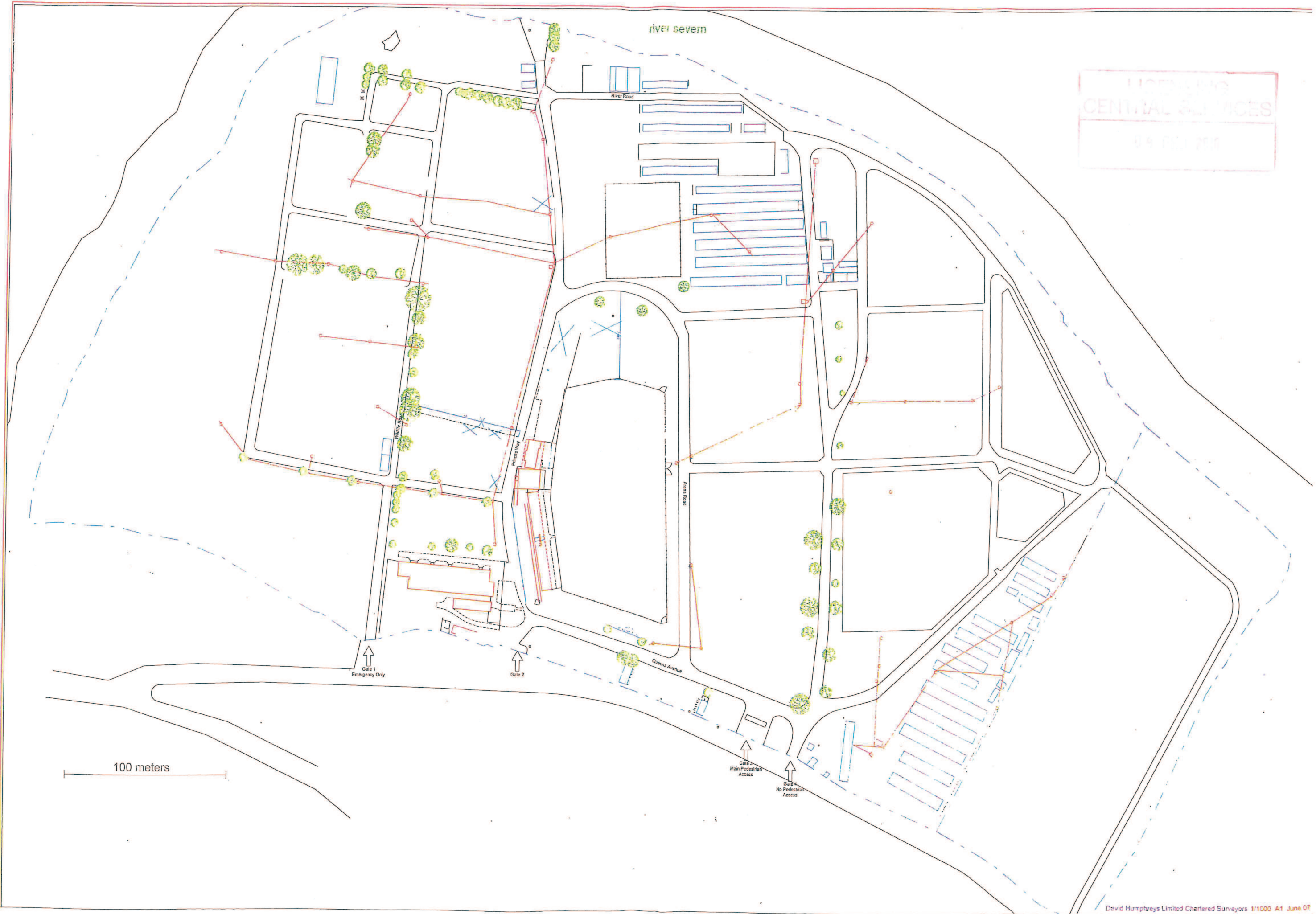


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