



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

Item
3
Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

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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