

SHOPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 12 November 2014

**2.00 - 3.38 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Shelley Davies

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Present

Councillors Joyce Barrow, Peter Cherrington and Roger Hughes

19 Election of Chairman

RESOLVED:

That Councillor Peter Cherrington be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

20 Disclosable Pecuniary Interests

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

21 Application for a Review of a Premises Licence - Shropshire and West Mid Showground, Berwick Road, Shrewsbury.

Consideration was given to an application for a Review of a Premises Licence in respect of Shropshire and West Mid Showground, Berwick Road, Shrewsbury.

Ms. Louise Prince (Solicitor – Shropshire Council); Mr Lance Jackson (Showground Chairman); Mr Ian Bebbington (Showground Director); Mr M Key (Applicant – Environmental Health, Shropshire Council); Mr S. Ditton (Public Protection Officer (Specialist) - Shropshire Council); Mrs D Fox (Interested Party); Mr K Williams (Interested Party); Mrs M Clemmey (Interested Party); Mr I Lacey (Interested Party); and PC K Roberts (West Mercia Police) were present.

Mr M Key (Applicant – Environmental Health) addressed the Sub-Committee, stating that the application for a review of the Premises Licence was made on the grounds that operations at the premises undermined the Prevention of Public Nuisance Licensing Objective. He detailed the background to the application and advised that following noise nuisance issues at the site a noise abatement notice was served on 21 May 2013. It was reported that the Showground Committee had been working with Shropshire Council to resolve the issues and the conditions had largely be adhered to, however, the Shrewsbury Fields Forever Music Festival continued to draw considerable complaints. Mr Key explained that the primary issue with the

event was the lack of control at the site, as the organiser was not the Licence Holder and therefore he was recommending that large live music events be excluded from the premises licence.

In response to questions from Members of the Sub-Committee Mr M Key confirmed that;

- Outdoor music should cease at 23:00;
- There was an enforcement process for the Council to use if the Licence Holders did not comply with the conditions of their licence, but the Council would try to find a suitable solution before using this option;
- The trigger to exclude a music event under the premises licence would be 1000+ people, but small music events would still be picked up by the Council;
- The PA System was not included for this application but was covered by the abatement notice;
- The Council preferred to work with event organisers to resolve issues rather than using enforcements powers; and
- The number of people attending events would have an effect on noise levels.

The Public Protection Officer (Specialist) addressed the Sub-Committee confirming that the application for the review had been accepted as a valid application and that representations had been received during the consultation period.

PC K Roberts (West Mercia Police) addressed the Sub-Committee confirming that representations had been submitted by West Mercia Police. He explained that the Police required clarity in relation to security issues and the operation of bars during events held at the Showground.

Mrs Fox (Interested Party) addressed the Sub-Committee explaining that she supported the recommendations outlined by Mr Key and requested that the resident meetings were kept as a condition of the licence. Mrs Fox added that there were events held at the Showground on approximately 30 weekends of the year and Mr Key had worked hard to reduce the problems for residents but issues still arose.

Mr Williams (Interested Party) addressed the Sub-Committee explaining that he supported the application to review the licence and stated that the Showground committee had no control over events and did not reply to residents' complaints.

Mrs M Clemmey (Interested Party) addressed the Sub-Committee explaining that she supported the application to review the licence. She questioned why sanctions had not been applied in the past and suggested that a timescale for the Licence Holder to comply with conditions and sanctions applied if the conditions were breached in order for the new licence to be effective.

Mr I Bebbington (Showground Director) addressed the Sub-Committee. He explained that in order to pay off a historical debt, events held at the Showground had been increased. Mr Bebbington confirmed that the Shrewsbury Fields Forever music festival had caused problems in the past but advised that the Showground Committee had allowed the event to go ahead as they wanted to provide events for

all age groups. He added that the Showground Committee would be agreeable for these type of events to have their own licence.

In response to questions from the Applicant and Members of the Sub-Committee, Mr Bebbington confirmed that;

- He would need to discuss the revised conditions with trustees, but in principle agreed with the recommendations;
- The trustees had concerns in relation to Shrewsbury Fields Forever Festival but wanted to provide events for younger people;
- The Festival had not yet made application to hire showground for 2015;
- The Committee was a Charity and needed to hire out the Showground for financial reasons;
- The PA System was used at 2 events a year, otherwise organisers use their own system;
- The weather can affect noise issues;
- The Showground Committee employed a company to 'man' the phones during events;
- The two large music events do run close together and it was possible that they could try to space these out; and
- The Committee was currently drawing up a 5 year plan which would include improving PA system.

The meeting was adjourned at 15:15 to allow all parties the opportunity to read the revised conditions suggested by Mr Key.

The meeting reconvened at 15:25.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 15:28 and reconvened at 15:36 to announce their decision.

RESOLVED:

That Part 1 of the licence and the licence summary be amended in sections E and F of the times for licensable activities to restrict performance of live music and playing of recorded music outdoors from 10.00 hour to 23.00 hours.

That the conditions attached to Annex 2 and Annex 3 of the licence be replaced with a new Annex 2 – 'Conditions attached after a hearing by the Licensing Authority' to incorporate the following conditions:-

- 1. Events involving Regulated Entertainment where more than 500 persons will be in attendance at any one time (excluding those events taking place within the Members Pavilion and Presidents Pavilion).**

The licence holder shall submit an operating plan to the Licensing Authority at least 21 days (or any shorter period where agreed by the Licensing Authority) before the date of the event for the written approval of the Licensing Authority. The operating plan shall detail the methods to be adopted to meet the four licensing objectives [namely the prevention of crime & disorder, public safety, prevention of public nuisance and the protection of children from harm] and to meet the objectives set out in the Shropshire Council Licensing Policy. The operating plan shall include details of traffic management and parking, security management, noise minimisation, site access and egress, first aid and medical support, electrical safety, lighting and power supply, details of any camping arrangements and a copy of the health & safety plan for the event. The event shall be managed and operated to ensure that all of the controls detailed in the operating plan and any conditions attached to the written approval issued by the Licensing Authority are complied with at all times during the event.

2. Major events where more than 5000 persons will be in attendance at any one time.

The licence holder shall submit an operating plan to the Licensing Authority at least 42 days (or any shorter period where agreed by the Licensing Authority) before the date of the event for the written approval of the Licensing Authority. The operating plan shall detail the methods to be adopted to meet the four licensing objectives [namely the prevention of crime & disorder, public safety, prevention of public nuisance and the protection of children from harm] and to meet the objectives set out in the Shropshire Council Licensing Policy. The operating plan shall include details of traffic management and parking, security management, noise minimisation, site access and egress, first aid and medical support, electrical safety, lighting and power supply, details of any camping arrangements and a copy of the health & safety plan for the event. The event shall be managed and operated to ensure that all of the controls detailed in the operating plan and any conditions attached to the written approval issued by the Licensing Authority are complied with at all times during the event.

3. No event shall be permitted involving regulated entertainment where there is a music-based theme and an average daily attendance in excess of 1000 persons.
4. Performance of live and recorded music outdoors shall cease at 23.00.
5. Any reference in this licence to outdoors includes any marquee, tent, vehicle or temporary structure.
6. No event shall be permitted involving Regulated Entertainment where more than 500 persons will be in attendance at any one time event as detailed in 1 and 2 above without the written approval of the Licensing Authority.
7. There shall be external lighting sufficient for maintaining public safety and preventing crime and disorder. There shall be secure car parking facilities. The lighting shall be located to ensure that it does not cause a nuisance to local residents.

8. Unless otherwise approved in writing by the Licensing Authority each entry gate shall be controlled by 2 SIA registered personnel and there shall be an additional 1 SIA registered person per 500 attendees for events where more than 5000 persons will be in attendance at any one time. Additional specific security arrangements shall be addressed in the operating plans referred to in 1 and 2 above.
9. Noise levels shall be monitored in liaison with Shropshire Council Officials.
10. There shall be a contingency plan in place which covers public safety which is regularly reviewed and approved by the Shropshire Fire & Rescue Service and the West Midland Ambulance Service.
11. A Health & Safety Policy shall be in place which is available for inspection by the Licensing Authority (and submitted to the Licensing Authority).
12. Events at the premises shall be monitored by the licence holder.
13. Noise from any regulated entertainment taking place in the Members' Pavilion and Presidents Pavilion shall be controlled to ensure that no nuisance is caused to local residents.
14. All windows and doors shall be kept closed after 21.00 hours when regulated entertainment is taking place in the Members' Pavilion and Presidents Pavilion other than for access to and egress from the building.
15. During periods of regulated entertainment the public address system at the Showground shall not be operated before 0900 hours or after 1900 hours (public safety announcements excepted).
16. Noise limiters shall be installed and operated at all times there is regulated entertainment taking place in the Members' Pavilion and Presidents Pavilion. They shall be set by an officer appointed by Shropshire Council so as to ensure that there is no noise nuisance caused to local residents.
17. The licence holder or a nominated representative shall be available for contact by mobile phone during all events and shall be on site during major events. The Licensing Authority and any other resident who has advised the licence holder that he/she wishes to be informed of the numbers shall be informed of the contact number.
18. The licence holder shall establish a residents forum which should meet at least 4 times per annum to discuss matters relevant to the licence and activities on the Showground. Any invited to do so.
19. With the exception of events and any other licensed activities for which there is camping on site, the site shall be cleared of members of the public/event attendees by 0130hours
20. There shall be no adult entertainment of any kind.

Reason:

The Sub-Committee had read all of the submitted documents and considered all the representations made by the parties, at the hearing.

The Sub-Committee had also taken into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee were mindful of the fact that the Licence Holder had voiced their support in relation to the revised conditions.

The Sub-Committee considered the revised conditions to be appropriate and proportionate in order to enforce the licensing objective of prevention of public nuisance.

It was noted that the Sub-Committee's decision would be confirmed in writing and that all parties had the right of appeal.

Signed (Chairman)

Date: