

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

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1. Summary

To consider an application for a new Premises Licence.

Premises: Ludlow Rugby Football Club, Linney, Ludlow, SY8 1EE

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

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is therefore 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 2019 - 2024.

After considering all the relevant issues the licensing authority may grant the application in full or in part, subject to such conditions that are deemed necessary and appropriate. Any conditions imposed must be appropriate for the promotion of the licensing objectives.

Alternatively the application can be refused if it is considered appropriate for the promotion of the licensing objectives.

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 with 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 and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 9.

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 refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a new Premises Licence for Ludlow Rugby Football Club, Linney, Ludlow, SY8 1EE (A copy of the location map and location photographs can be found at **Appendix A and B**).

6. Background

- 6.1 Ludlow Rugby Football Club Limited have made an application for a new premises licence at Ludlow Rugby Football Club which is to the West of Ludlow set back off the Linney and bordering the River Teme. The Riverside Playground is to the South of the club with residential properties to the East on the Linney and Upper Linney. (A copy of the application and plan can be found at **Appendix C and D** – *note the attached plan was amended during consultation, reducing the area by removing a pitch, car parks and adding a smoking area – see paragraphs 7.1 and 7.2*).

The applicant is predominantly a sports club, a premise licence would allow public events including the Ludlow Spring / Food Festivals, weddings parties in an external Marquee, car rallies, trade and craft fayres etc. Ludlow Rugby Football Club describe themselves and the Ludlow Festivals as well established and professionally organised.

The premises currently operate on a club certificate which allows sales of alcohol for members and guests within the Clubhouse and consumption within the club boundary. The club certificate also authorises indoor performance of dance, live music and recorded music with alcohol and regulated entertainment times of Monday to Saturday 11:00 till 01:00 the following day and Sunday 11:00 till 00:00. There are no current or historic complaints on the licensing system for the club.

If a premises licence is granted the club certificate will be surrendered.

6.2 The requested licensable activities and opening hours are:

Supply of Alcohol (Consumption on and off the premises)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Plays (Indoors and Outdoors)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Films (Indoors and Outdoors)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Live music (Indoors and outdoors)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Recorded music (Indoors and outdoors)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Performance of dance (Indoors and outdoors)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Anything of a similar description to that falling within live music, recorded music or Dance (Indoors and outdoors)

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Indoor sporting events

Monday to Sunday 08:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Late night refreshments (Indoors and Outdoors)

Monday to Sunday 23:00 till 01:00

Christmas Eve and New Year's Eve finish 02:00 the following day

Opening Hours

Monday to Sunday 07:00 till 02:00

Christmas Eve and New Year's Eve finish 03:00 the following day

- 6.3 For a new application, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated those steps on their application within section M and an additional two pages and attached to the back.

Representations were received off authorities and then withdrawn following agreements between the applicant and Environmental Protection, Trading Standards, Police and the Licensing Authority acting as Responsible Authority to add the conditions as follows –

6.3.2 **Prevention of Crime and Disorder**

1. There will be zero tolerance to weapons and drugs. The Premises Licence Holder shall display notices at the entrances to the site advising attendees that a search policy is in place and that the police will be informed if anyone is found in possession of controlled substances or weapons.

2. Drugs seized or found will be placed in a suitable locked receptacle kept for that purpose. Means for securing and unlocking the receptacle will be held by the premises licence holder or a nominated responsible person. A record shall be made of the date and time of the seizure/ find. The person who made the seizure/find and the person who secured the seized/ found item(s). This

record will be made available to any authorised authority on request. The premises licence holder shall make suitable arrangements with the police for the collection of any seized or found items.

3. Adequate Lighting Systems will be installed and positioned to monitor entrances and exits.

4. Prominent, clear and legible notices warning of potential criminal activity will be displayed within the premises.

5. Any suspicious activity and crimes will be recorded and reported to the police.

In addition to this and for events of 500 persons or more, we would request the following are implemented

6. Security stewards will be on site at all times (during opening hours) with a clear chain of command, designated roles and communication protocol.

7. There will be one SIA qualified staff to guests on a ratio of 1:200 during opening hours who will control the number of guests by an auditable clicker system (record numbers of attendees on site during opening hours) and complete people and bag searches.

8. Admission to events shall be through approved entrances. The entrances shall be staffed by SIA registered security staff with two SIA security staff to each entrance point and search point area. All event tickets will be checked by door staff on entry.

9. Security, SIA qualified staff, health and safety officer and the events team will communicate via multi-channel 2 way radios.

10. All drinks alcoholic or non-alcoholic to be consumed outside will be served in non-glass receptacles. No alcohol will be served in cans to ensure that there is no risk of any-one under the age of 18 drinking alcohol from cans.

11. All security will be signed in and out of shift with daily briefs and debriefs being carried out and recorded with attendance from site management.

6.3.3 Public Safety

Conditions 1, 2 and 3 under Public Safety apply to any event where attendance levels have the potential to exceed 1,000 people at any one time:

1. The licence holder will complete and submit Shropshire Councils Safety Advisory Group (SAG) Notification of an Event documentation within three calendar months of the first day of the event.

2. The licence holder will fully engage with the SAG process. This will include the attendance of key personnel at any meetings organised by the SAG in relation to the event (virtually, in person or on site), timely and thorough

responses to requests for information or questions asked by any SAG member and complying with instructions given by SAG members in order to ensure the promotion of any or all of the licensing objectives.

3. An event management plan, including the following as a minimum in suitable and sufficient detail to the level required by all Responsible Authorities and other members of the Safety Advisory Group, will be submitted to the Safety Advisory Group by the licence holder no later than two calendar months prior to the first day of the event:

- Detailed event overview
- Event specific layout plan
- Temporary structures and infrastructure
- Highways and traffic management
- Barriers
- Crowd management
- Stewarding
- Organisation and details of contractors
- Health, safety and welfare policy statement and arrangements overview
- Event specific safety management structure
- Event specific risk assessments
- Site rules
- Communication and command control arrangements
- Waste disposal arrangements
- Lost and vulnerable persons policy
- Drugs and alcohol policy
- Medical and first aid provisions
- Fire precautions and equipment
- Sanitary accommodation
- Event specific noise management plan
- Accident reporting and investigations
- Emergency procedures
- Contingency plans

6.3.4 Prevention of Public Nuisance

1. All windows and door are kept closed after 23:00 until the end of trading except for immediate access and egress

2. The outside area must be cleared of patrons by 23:00 and remain clear until the end of trading. Patrons may use the designated smoking area as shown in the plan.

3. No alcohol in open containers will be permitted in external areas after 23:00 unless they are taken to the designated smoking area and only consumed while patrons are engaged in smoking.

4. The number of “large” events where a large event is defined as any event with over 500 persons in attendance (other than Rugby matches) will be limited to no more than 3 per annum.

Two of these events may span 3 days provided the finish time for the public is no later than 21:00.

The other 1 event shall be no longer than 2 days duration with a finish time no later than 23:00

There shall be at least 21 days between events.

5. During periods when Regulated Entertainment is taking place outside, the DPS or authorised staff member will conduct a noise patrol to ensure that the music volume will not give rise to unreasonable noise disturbance affecting nearby residents. The date, time, name of staff member carrying out the monitoring, and the subjective impressions of the volume when stood at the boundary of the nearest property, to be recorded on a log sheet, diary, incident book or similar with a note of any corrective action taken.

Monitoring should be undertaken at least twice during each event, once within one hour of the event start time, and once within 1 hour of the event finish time.

6. The number of “small” events taking place outside i.e. any event with less than 500 persons in attendance in the external area will be limited to 8 per annum where such events include Live and Recorded music. Any event taking place in a structure such as a marquee which has minimal sound attenuation would be considered an outdoor event.

6.3.5 Protection of Children from Harm

Clubhouse Bar:

1. A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.
2. A challenge log for Challenge 25 and refusals will be maintained and made available to any authorised authority on request. The challenge log can be kept either electronically or in a hard backed/bound book.
3. Training on the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol.
4. Refresher training on Challenge 25, proxy sales and their responsibilities under the licensing act 2003 to be provided no less than annually. Training records retained and available at the premises to any authorised authority on request.

Events:

1. A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.
2. For all events organised by the club, a challenge log for Challenge 25 and refusals will be maintained and made available to any authorised authority on request. The challenge log can be kept either electronically or in a hard backed/bound book.

3. For Events organised on the grounds by outside organisations, the signed agreement between the club and organiser will include a condition that the Organisers will arrange for a challenge log for Challenge 25 and refusals to be maintained and made available to any authorised authority on request. A copy of the challenge log will be provided to the club each day of the event.

4. For all events organised by the club, in the club bar or grounds, training on the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol, and refresher training on Challenge 25, proxy sales and their responsibilities under the licensing act 2003 is to be provided no less than annually. Training records retained and available at the premises to any authorised authority on request.

5. For all events organised on the grounds by outside organisations, the club will include in the signed agreement between the club and any trader(s)/organiser(s) the condition: Training in the previous 12 months will have taken place on the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 for all persons supplying alcohol.

7. Representations received (Responsible Authorities)

- 7.1 Environmental Protection requested a reduction in the licensable area (red line on the plan) is reduced in size to only include the pitch that lies in front of the Clubhouse and land to the left of the clubhouse, as well as the clubhouse itself. This change would move licensable activities further away from the nearest properties with the additional of smoking area to prevent unattended receptacles.

Additional conditions for prevention of public nuisance as they believed with these in place the degree of disturbance would be limited to avoid events giving rise to a public nuisance (Paragraph 6.3.4).

- 7.2 The Licensing Authority acting as Responsible Authority requested a reduction of the licensable area as the car park, overflow and one rugby pitch were planned to be for parking and/ or camping and not licensable activities. Also requested the additional conditions (Paragraph 6.3.3) for large scale events:

The Safety Advisory Group is a group of organisations (Police, Fire & Rescue, Ambulance, SC Health & Safety, SC Emergency Planning, SC Highways and SC Licensing) relevant to the management of large scale events who are able to offer advice and support to ensure event organisers meet the individual legislative requirements of each member, and also deliver a high standard of public safety.

- 7.3 The Police requested conditions for the Clubhouse and additional conditions as per the prevention of crime and disorder mainly to enforce the number of SIA staff per guests at events (Paragraph 6.3.2).

7.4 Trading Standards requested standard conditions for the Clubhouse with different conditions for the events to protect children from harm (Paragraph 6.3.5).

8. Representations received (Other Persons)

8.1 51 representations have been received against the application, with concerns in respect of the four licensing objectives. The representation map displays the location of representations in relation to the premises. (A copy of the 'other persons' against location map can be found at **Appendix E**).

8.2 Principally in relation to the four licensing objectives these relate to the potential noise nuisance from the outdoor regulated entertainment, increased licensable hours and the number of festivals/ events that could be held causing concern to residents. (Representations can be found at **Appendix F** 1 to 51).

8.3 27 supporting representations have also been received off members of the public/ club members who believe the application is positive for the club and community. (Representations in support can be found at **Appendix G** 1 to 27).

8.4 All aspects of representations have been accepted, for consideration, giving the benefit of the doubt to the person/s making the representation to allow them to amplify or clarify at the hearing.

8.5 The Public Protection Officer encouraged and supported parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing (28.18 of Shropshire Council's Licensing Policy 2019 – 2024). The representations have not been withdrawn and the applicant has indicated they wish to continue with the application as submitted and accordingly amended.

9. Options for Consideration

9.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To refuse to grant the licence
- To grant the licence with conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 6.3 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.

9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.

9.4 Members of the Sub-Committee should be advised that the applicant 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.

10. Standard of Decision Making

10.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.

10.2 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

10.3 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.

10.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence 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 2019 – 2024

<https://www.shropshire.gov.uk/media/12345/statement-of-licensing-policy-2019-to-2024.pdf>

Guidance issued under section 182 of the Licensing Act 2003 (December 2022)

[Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](#)

The Licensing Act 2003 (Hearings) Regulations 2005

<https://www.legislation.gov.uk/ukxi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005

<https://www.legislation.gov.uk/uksi/2005/78/made>

Cabinet Member (Portfolio Holder)

Cllr Richard Marshall PFH (Highways and Regulatory Services)

Local Member/s

Cllr A. Boddington

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – Location of ‘other persons’ against representation map

Appendix F (1- 51) – Representations against

Appendix G (1- 27) – Representations in support