



**Licensing Sub -
Committee**
23 January 2024
Shrewsbury/ Oswestry
Room

Item

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer:	Ross O'Neil, Public Protection Officer (Specialist)		
email:	Ross.Oneil@shropshire.gov.uk	Tel:	0345 6789026
Cabinet Member (Portfolio Holder):	Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services		

1. Summary

To consider an application for a new Premises Licence.

Premises: Ludlow Castle (Events), Castle Square, Ludlow, SY8 1AY

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 11.

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

Report

3. Risk Assessment and Opportunities Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Climate Change Appraisal

No effect.

6. Purpose of report

To consider an application for a new Premises Licence for Ludlow Castle (Events), Castle Square, Ludlow, SY8 1AY (A copy of the location map and location photographs can be found at **Appendix A and B**).

7. Background

- 7.1 Futuresound Events Limited have made an application for a new premises licence at Ludlow Castle, a historic castle with stone walls to demarcate the licensed area. (A copy of the application and plan can be found at **Appendix C and D**).

The application proposal is to run alongside Ludlow Castle current premises licence, which has no restrictions on events and allows a maximum capacity of 4,999 persons to be in attendance at any one time. This application is to allow the applicant to hold larger events, a maximum of 7,000 persons could be in attendance at any one time.

The application is for 15 individual events days per annum, between 1 May and 30 September annually. Every day of the week has been applied for to allow flexibility for the availability of bands and artists during the specified dates.

The applicant held four separate concerts over four consecutive days in July 2023, utilising the current Ludlow Castle premises licence.

- 7.2 The requested licensable activities and opening hours are:

Supply of Alcohol (Consumption on the premises)

Monday to Saturday 11:00 till 23:00

Sunday 12:00 till 23:00

Live music (Indoors and outdoors)

Monday to Saturday 11:00 till 23:00

Sunday 12:00 till 23:00

Recorded music (Indoors and outdoors)

Monday to Saturday 11:00 till 23:00

Sunday 12:00 till 23:00

Performance of dance (Indoors and outdoors)

Monday to Saturday 11:00 till 23:00

Sunday 12:00 till 23:00

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

Monday to Saturday 11:00 till 23:00

Sunday 12:00 till 23:00

Opening Hours

Monday to Sunday 09:00 till 23:00

- 7.3 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 of the application.

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.

8. Representations received (Responsible Authorities)

- 8.1 Police stated and agreed:

Whilst police are appreciative that the vast majority of events that take place do so without any crime or disorder issues there is always the risk of such incidents occurring.

Police need to ensure that the conditions around the running of event satisfy us that the organisers consider the wide range of issues that could stem from running an event.

Those organising / running the event need to be mindful and plan for a wide range of offences that could occur.

This could range from (but not be limited to) Thefts, Assaults, Sexual Assaults, Drug dealing and related offences as well also include the possibility of terrorist related incidents especially at well publicized events and at locations of significant public interest.

Police need to ensure that those attending the event have their risk of being involved in crime and disorder minimized as much as possible and the main way of doing this is ensuring events are suitably staffed including an agreed minimum number of SIA personal.

Adequate and agreed numbers of SIA personal will ensure the organisers have suitable staffing (in addition to stewards) for dealing with (but not limited to) the successful management of crowds, preventing crime / disorder, searching those attending the event, dealing with any anti-social behaviour, preventing drug use as well as protection of vulnerable adults and children and site evacuation.

Not only are the conditions proposed by the police designed for those inside the event but also to ensure those organising and running events deal with any issues caused by the event operating (such as persons being turned away due to issues with a ticket etc.)

The Police have spent a considerable amount of time working with the applicant who has been fully supportive and accommodating in relation to this application, and working together they have agreed all of the conditions below which are reasonable proportionate and relevant to the application.

Prevention of Crime and Disorder

1. All alcohol sales will be made or authorised by a Personal Licence Holder who will always remain present on the site whilst alcohol is being sold. A contact number will be provided for this person, and they will be always contactable whilst the event is running.
2. There will be an ejection policy formulated that details measures for ensuring duty of care is discharged for any persons ejected from the premises, details and reasons why persons have been ejected or refused entry will be recorded.
3. Outside of a clearly marked “VIP Area” there will be a strict no glass policy. All drinks alcoholic or non-alcoholic will be served in non-glass receptacles. Glass receptacles used within the clearly marked “VIP Area” will be strictly managed and supervised by members of the SIA and no glass will be allowed to leave this area.
4. There will be proactive Challenge 25 system implemented, with SIA patrols looking at underage drinking, welfare and medical issues.
5. 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.
6. Seized or found drugs / other prohibited items 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. Any weapons or knives that are seized or found at the venue will immediately be reported to West Mercia Police.
7. Adequate Lighting Systems will be installed and positioned to monitor entrances and exits.

8. Prominent, clear and legible notices warning of potential criminal activity will be displayed within the premises.
9. Any reported suspicious activity and crime will be recorded and reported to the police at the time. Copies of the records will be provided to any authorised authority on request. Records will contain full details of persons reporting and any victims (including name, date of birth, address and contact number) along with times and circumstances of the incident.
10. A full security plan (which will include numbers of SIA security staff that will be present during the event) will be submitted to West Mercia Police licensing department at least one calendar month prior to the event unless by agreement with Police. A copy of this plan will also be sent to West Mercia Ops Planning.
11. Stewards will be always on site with a clear chain of command, designated roles and communication protocol. Stewards will be suitably trained and competent to carry out their duties effectively and will receive a written statement of their duties and, where appropriate, a checklist and a layout plan showing the key features of the Ludlow Castle site. Stewards will not be used for the supervision of entrances and exits. This will be conducted by members of the SIA.
12. A suitably experienced security provider will be contracted who will have experience of the type of event being held. They should have an understanding of how to deal with victims of crime, scene preservation and witnesses.
13. The minimum ratio of SIA staff will be as follows (figures obtained January 2024 via West Mercia Ops Planning) – 2 per public entrance / exit + 1 per 250 attendees (1:250) and 2 per bar.
14. The exact number and locations of SIA shall be determined by risk assessment. This will reflect the audience numbers, demographic, music type and expected behaviour. This risk assessment must include consultation with West Mercia Ops Planning and Licensing Authority and take note of their advice. There must be a mix of male and female staff. The risk assessment shall also determine the appropriateness of additional facilities such as drug detection dogs, body worn CCTV cameras. Where body worn cameras are assessed as necessary these must include at least one member of each entrance. Body-Worn Camera Devices will be docked at the end of duty and any footage retained for a minimum of 30 days. Footage is to be provided to the Police or authorised council officer free of charge on request. On request means at the time of the request, in a format which is viewable away from the premises and not dependant on the premises CCTV system. Advice will be taken from West Mercia Police Ops Planning and Licensing Authority when formulating the risk assessment and the exact numbers of SIA for the event.
15. All persons attending will be subject to assessment and if required search by SIA staff on entry. Ticket checks will be made by trained personnel. Occupancy figures will be collated and be able to be provided to any authorised authority immediately on request.
16. Tickets will include a message stating that a bag and person search will be a condition of entry and give a list of all prohibited items. This will not only include

articles that are legally unlawful to possess but also “legal highs”, alcohol, flares, fire-based wind lanterns and glass etc.

17. 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. Copies of these briefings / de-briefings will be provided to any authorised authority on request.
18. All staff will be issued with identifying wristband, lanyard, or uniform. Where persons under 16 years of age are admitted, wristbands for parental contacts will be made available.
19. SIA staff will be used to supervise public entrances to the Premises. Stewards will not be used for the supervision of entrances and exits.
20. SIA will carry out regular patrols of the venue to ensure persons do not attempt entry by climbing over walls.
21. SIA Staff and Stewards will wear high visibility vests to make them distinct and easily identifiable to the public.
22. Stewards, SIA staff, health and safety officer and the events team will communicate via multi-channel 2-way radios.
23. West Mercia Police Ops Planning and Licensing Authority will be given at least 4 months’ notice of any planned event at the venue which will give details of the event and proposed numbers of those expected to attend. An initial risk assessment will be sent at this time. This documentation will be sent to West Mercia Police Ops Planning and the Licensing Authority for onward distribution to Shropshire Council’s Safety Advisory Group.
24. The need for CCTV shall be determined by risk assessment to reflect audience numbers, demographic, music type and expected behaviour. Advice will be taken from West Mercia Police Ops Planning and Licensing Authority when formulating the risk assessment.
26. CCTV recordings will be retained for a minimum of 30 days and made available in a viewable format to any authorised authority on request. On request means at the time of the request, in a format which is viewable remotely and not dependent on the premises CCTV system.
27. Whilst the event is ongoing there will always be a member of staff on site who is trained in the operation of the CCTV system and is able to provide recordings in a viewable format to any authorised authority on request. On request means at the time of the request, in a format which is viewable remotely and not dependent on the premises CCTV system.
28. There will be signage in the premises, clearly visible to members of the public, which states that CCTV is in operation.

8.2 Licensing agreed:

Public Safety

1. The licence holder will complete and submit Shropshire Council's Notification of an Event documentation for each event no less than four calendar months prior to the event date.
2. An event specific management plan, including the following as a minimum, will be submitted by the licence holder to the Licensing Authority for onward distribution to Shropshire Council's Safety Advisory Group (or members of the Council's events planning partnership in place at the time of the event) no later than two calendar months prior to the first day of the event:
 - a. Event Management Plan & Event Safety Plan
 - b. Counter Terrorism Plan
 - c. Communication and command control arrangements
 - d. Construction Phase Plan (if required by CDM 2015)
 - e. Emergency Plans
 - f. Event Risk Assessment
 - g. Fire Risk Assessment
 - h. Traffic Management Plan
 - i. Crowd Management / Stewarding / Ejection Plan / Crime Prevention & Intervention Plan
 - j. Medical Plan
 - k. Noise Management Plan
 - l. Adverse Weather Plan
 - m. Details of Welfare provision (sanitation, water, etc.)
 - n. Safeguarding Plan including lost and vulnerable persons policy
 - o. Drugs and alcohol policy
 - p. Scaled & gridded plan of the event area
3. If amendments are made to the event management plan, the amended version, which clearly identifies where changes have been made, will be submitted to the Licensing Authority for onward distribution to Shropshire Council's Safety Advisory Group (or members of the Council's events planning partnership in place at the time of the event).
4. The licence holder will fully engage with Shropshire Council's Safety Advisory Group (or the Council's events planning partnership in place at the time of the event) process. This will include the attendance of key personnel at any meetings, timely and thorough responses to requests for information or questions asked by its members and compliance with instructions given by its members in order to ensure the promotion of any or all of the licensing objectives.

8.3 Environmental Protection stated and agreed:

Prevention of Public Nuisance

Acting as the Responsible Authority for the Licensing Objective The Prevention of Public Nuisance I have considered the application and am of the opinion that 15 large scale pop concerts or similar Live and or Recorded Music events would undermine the above objective and therefore have to formally object to the application.

I would however withdraw my objection with immediate effect if the Licence was modified and the conditions below added, in addition to those conditions volunteered by the applicant

- The maximum number of events held per annum to be no more than 8 days
- Events held on Monday - Friday shall last no more than 6 hours
- Events held Saturday and Sunday shall last no more than 8 hours.
- All Regulated Entertainment to cease by 22:30
- Events shall not be held on more than 4 days consecutively.

The maximum Music Noise Level when measured 1m from the façade of noise sensitive properties on Dinham over a 15 minute period to not exceed 70dB(A). For the Headline artist this limit may be increased to 75dB(A).

8.4 Trading Standards stated and agreed:

Protection of Children from Harm

I am happy with the conditions put forward ref the protection of children from harm, but would ask for further conditions ref staff training and refusals:

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.

Training on Challenge 25 procedures, proxy sales and individuals' responsibilities under the Licensing Act 2003 will be held for all persons involved in the supply of alcohol, prior to engaging in the serving of alcohol and within 14 days of them commencing this role.

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 to any authorised authority on request.

9. Representations received (Other Persons)

- 9.1 19 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**).
- 9.2 Principally in relation to the four licensing objectives these relate to the potential noise nuisance from the outdoor regulated entertainment, before, during and after the event along with concerns in relation to numbers in attendance and the anti-

social behaviour that could be caused. (Representations can be found at **Appendix F** 1 to 19).

- 9.3 Four supporting representations have also been received, who believe the application is positive for community. (Representations in support can be found at **Appendix G** 1 to 4).
- 9.4 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 at the hearing.

10. Options for Consideration

- 10.1 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
- 10.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 7 and subsequent amendments/ additions in paragraph 8 of this report would need to be included in the licence, if deemed necessary and appropriate, with a justified decision.
- 10.3 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.
- 10.4 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.

11. Standard of Decision Making

- 11.1 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.
- 11.2 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

- 11.3 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.
- 11.4 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

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/revise-guidance-issued-under-section-182-of-licensing-act-2003)

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/ukxi/2005/78/made>

Local Member: 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- 19) – Representations against

Appendix G (1- 4) – Representations in support