

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Ross O'Neil, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a full variation to a Premises Licence.

Premises: Bridgnorth Town F.C, Crown Meadow, Innage Lane, Bridgnorth, Shropshire, WV16 4HS

Shropshire Council being the authorised licensing authority for the above premises has received an application for a full variation. (A location plan and location photographs are attached to the report as **Appendix A and B**).

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 variation at Bridgnorth Town F.C, Crown Meadow, Innage Lane, Bridgnorth, Shropshire, WV16 4HS.

6. Background

6.1 AFC Bridgnorth Limited have made an application for a variation of the premises licence.

The current premises licence was last amended in October 2017 when Jason McComb became the Designated Premises Supervisor, which dated back to pre-2014. The premises is situated outside of the Town centre on Innage Lane, surrounded by residential properties and a playing fields with children's park.

Previous dealings with the premises from a Licensing perspective are low with one complaint showing from 2015 that disco's had run very late into the night on a Saturday in late February and early March that year (no further

information available). This doesn't take into account any complaints that may have been received by other agencies including Environmental Health or the Police.

A site visit was conducted prior to the consultation period by the Public Protection Officer as it is expected that the applicant works with the Council in an open and cooperative way and to disclose anything which the Council would reasonable expect to know (27.1 of Shropshire Council's Licensing Policy 2019 – 2024).

The visit allows the applicant to demonstrate their understanding of each of the licensing objectives, which provides the Public Protection Officer with a better understanding of the application and plan to assist liaising with them, responsible authorities or other persons if necessary.

During consultation, amendments have been made by the applicant due to representations received, off namely Environmental Health and Trading Standards.

6.2 The existing Premises Licence (**Appendix C**) permits the following:

Opening hours

Monday to Thursdays 11:00 – 23:30

Friday and Sundays 11:00 – 00:00

Saturdays 11:00 – 01:00

Supply of Alcohol (On premises only)

Monday to Thursdays 11:00 – 23:00

Friday and Sundays 11:00 – 23:30

Saturdays 11:00 – 00:30

The licence is also showing Live Music and Recorded Music (Indoors), but due to the de- regulation of the Live Music act these are currently not licensable as they finish before 23:00 hours and the premises capacity is under 500.

The existing plan of the premises (**Appendix D**) shows the entire ground floor is licensed, for 'on sales' only, not allowing consumption in external areas.

Due to COVID the 'Business and Planning Bill 2020' was introduced in July 2020 which granted 'off sales' to premises with 'on sales' until 11pm or with the original ending date set at 30 September 2021, amended to March 2022.

6.3 The variation application (**Appendix E**) and proposed Plan (**Appendix F (1 & 2)**) seek to amend the following:

- Extend the licensable area from the building to cover the full grounds of the club
- Add 'off sales' to the licence

Recorded Music (Both Indoors and outdoors)

Monday to Thursdays 11:00 – 23:00

Fridays 11:00 – 00:00

Saturdays 11:00 – 00:30

Sundays 11:00 – 23:30

- Background music is exempt and recorded music, if within the licensed area is not a licensable activity between 08:00 – 23:00 hours for up to an audience of 500 persons.

Live Music (Both Indoors and outdoors)

Sunday to Thursdays 11:00 – 23:30

Fridays 11:00 – 00:00

Saturdays 11:00 – 00:30

- Both amplified (licensed premises or a ‘workplace’) and unamplified music (anywhere) are not licensable activities between 08:00 – 23:00 hours for up to an audience of 500 persons.
The current external area would be classed as a ‘workplace’ within the live music act 2012. Only a ‘review’ of the licence would allow the act to be re-regulated to allow restrictions on a premises licence.

Anything of a similar description to live and recorded music (Both Indoors and outdoors)

Monday to Thursdays 11:00 – 23:00

Fridays 11:00 – 00:00

Saturdays 11:00 – 00:30

Sundays 11:00 – 23:30

Late Night Refreshment (Both Indoors and outdoors)

Fridays 23:00 – 00:30

Saturday and Sundays 23:00 – 00:30

- 6.4 The applicant has also requested to remove the following conditions from its current operating schedule –

General –

1. We will ensure that senior staff are always on site
2. We will be open to input from experienced sources to make sure objectives are met

Prevention of Crime and disorder -

1. We will monitor the number of patrons entering premises.
2. Anyone under the influence of excess alcohol will be refused service and removed from premises. The Police will be called if required.

Prevention of Public nuisance -

3. During periods of live entertainment where live music is played ie Karaoke all doors and windows must be kept closed.

4. Recorded and live music must be inaudible (as cited in the Good Practice Guide on the control of noise from pubs and clubs published by the Institute of acoustics 2003) within 1m from façade of the nearest sensitive receptor.

Protection of children from harm -

1. Challenge 25 policy to be enforced.
2. A refusal book to be kept.

6.5 Within the application the applicant has also identified additional conditions for to promote the four licensing objectives. The operating schedule details that the following steps would be taken:

6.5.1 General

1. For events with over 500 persons in attendance (other than football matches) there will be an event management plan available to responsible authorities at the event and on request at least 4 weeks prior to the event, and will include;

- Full risk assessment
- Security plan
- Lost child policy
- Emergency contingency plan
- Noise management plan

2. 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 during opening hours) and complete people and bag searches for events with over 500 people in attendance (other than football matches).

3. A maximum of 2 events shall be held per calendar year (other than football matches) where there are more than 500 persons present.

6.5.2 The prevention of crime and disorder

1. There will be a zero tolerance drugs policy. All persons caught using drugs will be ejected. Any drugs that come in to our possession will be recorded and securely retained. Police will be informed and all items handed to them at the earliest opportunity.

2. A fully functioning CCTV system which is of sufficient standard will be maintained both within and outside the premises. It will be capable of retaining footage for at least 30 days.

3. A challenge 25 policy will be adopted to ensure alcohol is only sold to persons of legal age. Alcohol will not be sold to persons who are deemed to be drunk.

4. A book will be maintained of persons who have been refused service and the reason why. This will be available to examination.

5. A senior member of the committee will be on site during any functions to ensure all objectives are met. A risk assessment will be carried out together with persons who have booked the premises to ensure numbers are manageable and control can be maintained at all time.

6. All efforts will be made to ensure persons using our premises behave in an orderly manner. Signage will be placed to encourage customers to leave quietly to reduce noise inconvenience to our neighbours.

7. We will join any Pub watch or similar initiatives to ensure inappropriate or potentially dangerous customers are denied entry to the premises.

6.5.3 Public Safety

1. Any persons taking drinks outside of the area directly outside the bar (towards football pitch) will have to use a plastic glass.

2. First aid equipment will be available on site and maintained to a high standard. A defibrillator is fitted on site.

3. Exterior lighting is fitted at the premises to cover the patio drinking area. This lighting also covers the entry to the premises. The car park is also covered by lighting enabling easy safe access to taxi's.

4. We are currently in the process of installing disabled access via a ramp to the bar area. This is through a grant from the Football Foundation. Work has currently started on this project.

5. The club has a maximum capacity (both rooms) of 150 people. This will be enforced. Should numbers reach the legal level the front entrance can be secured by padlock to prevent further access.

6. Numbered tickets will be provided for larger functions.

7. The premises is fitted with a fire alarm system. Due to the premises being owned by Bridgnorth Council they carry out regular checks on the fire alarm, Legionella issues and all other safety issues. If issues are identified we will rectify the problem. This is then checked by the Council to ensure compliance.

6.5.4 Prevention of Public Nuisance

1. We are very conscious that we are situated in a residential area. We are committed to causing as little disruption as possible to our neighbours

2. There will be no live music externally after 9:00pm and no regulated entertainment externally after 11pm. **(When over 500 audience in attendance)**

3. All windows and doors will be shut from 23:00 except for access or egress during periods and 21:00 during periods of regulated entertainment. All lighting will be turned off when customers have safely left the premises. Window blinds will also be drawn after 21:00hrs to reduce light/noise pollution.

4. We have regular two weekly bin collections to remove all refuse from site.

6.5.5 Protection of Children from Harm

1. No unaccompanied children will be allowed on the premises, a parent or guardian must be present at all times.

2. Any entertainment deemed unsuitable for children will only take place in a secured room to which access is monitored.

3. A Challenge 25 Policy is currently in use at the club and will be maintained. All staff have been instructed in this area. A record of any relevant incidents will be kept and available for examination. There is signage up indicating this policy.

4. No persons under 18 years will be allowed to use the Fruit Machine.

5. Any persons found to be legally purchasing alcohol and then supplying to a child will be asked to leave.

7. Representations received (Responsible Authorities)

7.1 Two representations had been received from Responsible Authorities, namely Environmental Health and Trading Standard. Representations have been withdrawn by them both. Trading Standards made comment only.

7.2 Environmental Health were concerned about the noise externally after 23:00 hours at the premises. It has been agreed that as per their operating schedule Live and recorded music outdoors would cease at 23:00 hours. the following conditions will also be included under the prevention of public nuisance on the Licence if granted

- No more than 5 events involving Regulated entertainment shall take place in the outside space per calendar year. *This was mentioned within the application, but as per operating schedule the applicant has confirmed that **only 2 events** with over 500 persons present per annum would take place.*
- All windows and doors with the exception of ingress and egress shall remain closed after 21:00.
- Live and Recorded music from the Premises shall be barely audible at the façade of any noise sensitive receptor after 23:00.

7.3 Trading Standards wanted further wording to be added to some of the proposed conditions in the operating schedule. The following additional conditions for the challenge 25 policy have been agreed and will also be included under The Protection of children from harm if granted

- A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.
- 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 the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol. 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.
- Also, in addition to 'Any persons found to be legally purchasing alcohol and then supplying to a child will be asked to leave' the following will be added "and a record will be made in the challenge log".

7.4 Planning wanted to make the applicant aware of planning permission, dated January 1978 and November 1983 that they have a maximum of twelve ‘dances or discotheques’ (including live and recorded music) per annum – prior approval for more needed via planning. The applicant contacted planning to clarify.

7.5 There are no outstanding representations from Responsible Authorities.

8. Representations received (Other Persons)

8.1 Ten objections have been received from other persons, who have 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’ location map can be found at **Appendix G**).

8.2 Principally the concerns relate to the people and music noise that could potential be caused from the premises in that area, which already has parking issues and anti- social behaviour could increase if ‘off sales’ is granted for consumption within the playing fields and children’s park (Representations can be found at **Appendix H – Q**).

8.3 One objection is impartial off Councillor Julia Buckley, who is keen to suppose the club as a community facility but wants to achieve good neighbouring relations that enable the activities to continue without complaints from increased or additional activities. (**Appendix R**).

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 the applicant 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 application
- To grant the application with (or without) conditions in full (or in part)

9.2 If the application is to be granted in line with the submitted operating schedule as detailed in paragraph 6 and amendments/additions/conditions as agreed with authorities detailed in paragraph 7 of this report would need to be included in the licence, if deemed necessary, 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)

Licensing Act 2003

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The Licensing Act 2003 (Hearings) Regulations 2005
<https://www.legislation.gov.uk/uksi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
<https://www.legislation.gov.uk/uksi/2005/78/made>

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

Application form (and plan)

Copies of representations received

Cabinet Member (Portfolio Holder)

Cllr G. Butler

Local Member/s

Cllr L. Winwood and Cllr J. Buckley

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Current Licence

Appendix D – Current plan

Appendix E – Application (full variation)

Appendix F - Proposed plan (1 & 2)

Appendix G – Location of ‘other persons’ representation map

Appendix H – Representation Beaman

Appendix I – Representation Capenor / Compton

Appendix J - Representation Coward

Appendix K - Representation Fitzpatrick

Appendix L – Representation Glover

Appendix M - Representation Iddles

Appendix N - Representation Jay

Appendix O - Representation Jepson

Appendix P - Representation Jones

Appendix Q - Representation Pearce / Steele

Appendix R - Representation Buckley