

DECISION NOTICE – PREMISES LICENCE APPLICATION

MEMBERS PRESENT:	Councillor Nigel Lumby - Chair of Licensing Act Sub-Committee Councillor Peter Broomhall Councillor Roy Aldcroft
PREMISES:	Ludlow Castle (Events), Castle Square, Ludlow, SY8 1AY
APPLICANT:	Futuresound Events Limited
DATE OF HEARING:	Tuesday 23 January 2024

Decision:

It is the decision of the Licensing Act Sub-Committee, following the hearing held on 23 January 2024 to **grant the premises licence** for the premises Ludlow Castle (Events), Castle Square, Ludlow, SY8 1AY.

Rights of Appeal are set out at the end of this Decision Notice.

Reasons for Decision:

The Sub-Committee has read all the submissions made prior to the Hearing and has listened to the submissions made during the Hearing by the applicant and those who made representations against the application.

In reaching its decision, the Sub-Committee took into account the Council's Statement of Licensing Policy 2019 to 2024 (effective 1 April 2019) in its widest sense. They specifically took into account the sections below which state:

At Part 1 – Introduction

Purpose

- 6.1 The Council's aim is to establish responsibly managed and safe licensed premises. The Policy acts as the primary vehicle for setting out the Council's approach to licensing regulation under the Act. It aims to support the Council's high level outcomes by creating an environment through the promotion of the licensing objectives that encourages people to be healthy, communities to be resilient and to develop a prosperous economy.

Paragraph 27 - Overarching principles relating to licence applications, in particular the bullet

points at paragraph 27.2 and paragraph 28 – Application for a New Premises Licence.

The Sub-Committee has also had regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) in particular, Section 2 - The Licensing Objectives, 9.38, and 9.42 – 9.44.

The hearing arises following an application being submitted for a premises licence in respect of the Ludlow Castle (Events) and representations being received from persons who have concerns regarding the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm

During the consultation period for the application, representations were received from four Responsible Authorities as follows:

Police, who requested the following additional conditions:

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.
25. 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.
26. 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.
27. There will be signage in the premises, clearly visible to members of the public, which states that CCTV is in operation.

Licensing Authority, who requested the following additional conditions:

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.

Environmental Protection, who requested the following additional conditions:

Prevention of Public Nuisance

1. The maximum number of events held per annum to be no more than 8 days
2. Events held on Monday - Friday shall last no more than 6 hours

3. Events held Saturday and Sunday shall last no more than 8 hours.
4. All Regulated Entertainment to cease by 22:30
5. Events shall not be held on more than 4 days consecutively.
6. 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).

Trading Standards, who requested the following additional conditions:

Protection of Children from Harm

1. 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.
2. 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.
3. 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.

Prior to the hearing, the Applicant agreed to amend the application to take account of the representations made by the responsible authorities, who in turn withdrew their objections.

19 representations were received from other persons during the consultation period who had concerns regarding all four of the licensing objectives. Councillor Boddington withdrew his representations prior to the commencement of the Hearing. The remaining representations remained outstanding at the time of the hearing.

4 representations were received in support of the application from members of the public.

6 people who made representations against the application spoke at the hearing, either in relation to their own representation or on behalf of others who made representations.

The Sub-Committee noted that the main concerns of those who made representations were in relation to noise nuisance that would be caused due to the events being held at the premises,

traffic going to and from the premises and the effect the events at the premises would have on the Town Centre and its residents as a whole.

The Sub-Committee read and heard representations which were not related to the promotion of the licensing objectives. The Sub-Committee were mindful of the Statutory Guidance contained within paragraph 9.44 and its duty to consider the promotion of the licensing objectives and nothing outside those parameters.

During the discussion, in order to provide clarity with regard to the “Headline Act,” the Applicant agreed that the following additional condition be included in the operating schedule:

1. At least 14 days prior to each day on which events are to be held, the Licensing Authority will be notified by the Licence Holder of the Headline Act for each relevant day. Following such notification, the Licensing Authority will be notified forthwith of any intended change to the previously notified Headline Act.

The Sub-Committee were mindful of the concerns raised by those who made representations, in relation to noise nuisance, and the effect of the traffic to the premises and noted the Responsible Authorities were satisfied that, following their representations during the consultation period, the measures proposed in the operating schedule were sufficient to promote the licensing objectives.

The Sub-Committee noted that the responsible authorities did not attend the hearing and made no further representations in relation to the application

The Sub-Committee were mindful of the Statutory Guidance contained within paragraph 9.43 which provides that their determination must be appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Having regard to the Statutory Guidance, the Sub-Committee were satisfied that the additional conditions agreed by the Applicant prior to the hearing, and the additional condition agreed at the hearing, would be an appropriate and proportionate response to promote the licensing objectives.

APPEAL: You have a right to appeal this decision to the Magistrates Court within 21 days of receipt of this Notice. There is a court fee payable for that process. You should be aware that Shropshire Council reserves the right to seek a full costs order against you in the event of any unsuccessful appeal by you.

You may wish to seek legal advice in relation to the content of this notice if you wish to appeal the decision.

Dated: 25 January 2024