

## **LICENSING COMMITTEE**

**Minutes of a meeting of the Licensing Committee held on Wednesday  
14<sup>th</sup> October 2015 at 6.00 pm at Addenbrooke House, Ironmasters Way, Telford**

### **PRESENT**

Councillors H Rhodes (Chair), M Boylan, G Cook, I Fletcher, J Francis, M Hosken, C Mason, S J Reynolds and J Seymour

Officers in attendance: L Noakes (Assistant Director: Health, Wellbeing and Public Protection), N Minshall (Service Delivery Manager: Public Protection), S Fisher (Principal Licensing Officer), A Reah (Building Control Team Leader), E. Griffin (Solicitor), T Street (Solicitor) and P Smith (Democratic Services Team Leader)

### **LC-15      APOLOGIES FOR ABSENCE**

Councillor M Smith

### **LC-16      DECLARATIONS OF INTEREST**

None.

### **LC-17      MINUTES**

**RESOLVED** – that the minutes of the meeting held on 9 June 2015 be confirmed and signed by the Chair.

### **LC-18      REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY**

The Principal Licensing Officer presented the report of the Service Delivery Manager: Public Protection which sought endorsement for the revised Statement of Licensing Policy following a twelve week consultation with affected persons and bodies.

The current Statement of Licensing Policy had been in place since January 2011, and there was a statutory requirement that it must be reviewed every five years. Officers had reviewed the Policy in line with Best Practice guidance, and the revised document was approved, subject to a few minor amendments, by the Committee on 9 June 2015 for consultation. The majority of the revisions within the Statement were due to changes in the law.

The approved consultation period ran from 22 June to 14 September 2015, and a full list of those persons and bodies who were invited to submit comments was appended to the report. No responses were received. Therefore, apart from the incorporation of the minor amendments requested at the last meeting, the Statement of Licensing Policy appended to the report was the same as that put before the Committee at the last meeting. If agreed by the Committee, the Statement then

needed to be approved by Full Council on 26<sup>th</sup> November 2015 prior to implementation with effect from 7 January 2016.

During the ensuing discussion, further concern was expressed about the issuing of personal licences which would have no expiry date, and whether routine checks on licence-holders could be carried out to ensure that they still met the necessary criteria. The Principal Licensing Officer advised that there was no statutory basis to be able to carry out such checks. However, the Licensing Authority was notified by the courts of any convictions of licence-holders for relevant offences, and could take action against a licence-holder if he/she failed to notify the Licensing Authority of such a conviction.

A minor typographical error in the impact assessment section was highlighted, and there was also a request for the document to be page numbered.

**RESOLVED - TO RECOMMEND to COUNCIL that the revised Statement of Licensing Policy be approved.**

**LC-19      REVIEW OF GAMBLING ACT 2005 – STATEMENT OF LICENSING PRINCIPLES**

The Principal Licensing Officer presented the report of the Service Delivery Manager: Public Protection, which sought endorsement for the revised Statement of Licensing Principles following a twelve week consultation with all relevant organisations.

The current Statement of Licensing Principles came into effect in January 2013, and there was a statutory requirement that it must be reviewed every three years. Officers had reviewed the Statement in line with experience of implementing the current document and with Best Practice guidance, and the revised document was approved by the Committee on 9 June 2015 for consultation. The key changes related to a requirement for a local risk assessment to be submitted with any new or variation application, the introduction of 'Bet Watch' schemes and a requirement for gambling premises to notify the licensing authority of any test purchases conducted by the Gambling Commission or their own organisation. Since the last meeting, the Gambling Commission had updated its Guidance to Local Authorities, and this was now reflected within the revised Statement of Licensing Principles. The Commission had also produced a 'Local Gambling Risk Assessment' template, which had been added as an appendix to the Statement.

The approved consultation period ran from 22 June to 14 September 2015, and a full list of those persons and bodies who were invited to submit comments was appended to the report. No responses were received, apart from Newport Town Council who confirmed that they had no comments to make. The Statement of Licensing Principles appended to the report had highlighted changes to reflect the inclusion of the latest Guidance. If agreed by the Committee, the Statement then needed to be approved by Full Council on 26<sup>th</sup> November 2015 prior to implementation with effect from 31 January 2016.

A question was asked regarding the new requirement for a local risk assessment, and whether this could be extended to existing licensees. The Principal Licensing Officer advised that the new requirement only applied to new applications. All premises licence holders had to update their risk assessments when applying for a variation of a premises licence, to take account of significant changes in local circumstances including those identified in a licensing authority's statement of policy and when there were significant changes at a licensee's premises that might affect their mitigation of local risks. If something went wrong with an existing premises licence, there was a mechanism for interested parties and/or Responsible Authorities to request the Council to review the licence. In response to a question about test purchases and other monitoring, the Principal Licensing Officer reported that there was an information sharing protocol with the Gambling Commission, who notified the Council of any problems they had uncovered regarding licence-holders in the Borough. The Council would also work with the Commission on any exercise to make test purchases.

**RESOLVED - TO RECOMMEND to COUNCIL that the amendments made to the Statement of Licensing Principles, following a consultation exercise which ended on 14 September 2015, be approved.**

**LC-20      SAFETY OF SPORTS GROUNDS ACT 1975 AND FIRE SAFETY & PLACES OF SPORT ACT 1987 – REGULATED STAND CERTIFICATES FOR AFC TELFORD UTD FOOTBALL STADIUM**

Mr J Bradbury (Safety Officer - AFC Telford Utd FC) was present for this item.

The Building Control Team Leader presented a report which informed Members about the position of the AFC Telford Utd Football Stadium with regard to the Safety of Sports Grounds Designation Order 2015, and for the Committee to consider an application for Regulated Stand Certificates for the David Hutchinson (north), University of Wolverhampton (west) and Frank Nagington (south) stands.

Until 1 October 2015, the ground had operated under a General Safety Certificate (GSC). However, because it had a capacity of less than 10,000 it had been removed from the designation order under legislation and a GSC was no longer required. Instead, the Club needed to apply for and obtain Regulated Stand Certificates for any covered stands capable of accommodating at least 500 people, of which it had three. Whilst the decision to issue the Certificates rested with the Council, there was a Sports Safety Group (consisting of representatives from a number of agencies including the fire and police services) which could advise the Council and develop a co-ordinated approach to spectator safety. The Council and Safety Group had been working closely together to progress the applications and get the necessary information.

The Safety Group had provided its view on the applications and the supporting information received to date from the Club. It was apparent from the information received that the fire alarm system at the ground needed an overhaul, but that it would take time for a replacement system to be ordered and installed. The Safety Group had therefore recommended that a temporary Certificate be granted for 56 days. This would allow the ground to remain open for matches, subject to additional

safety measure such as loud hailers and extra stewards, and for the new system to be installed. To address other outstanding issues, three proposed conditions of any grant of a temporary Certificate were tabled. These related to a risk assessment on the barriers, the desks on Row K, and the vomitory walls.

Members asked a number of questions to the Officer and to the representative from AFC Telford Utd. Members wanted to know:

- what had happened in the past fortnight since the expiry of the General Safety Certificate?

The Building Control Team Leader and the Solicitor stated that there had been no home matches since 1 October, and that the intention was to bring the application back before Committee prior to the end of the 56 day period.

- what supporting information had still not been received and had a fire alarm certificate been issued?

The Building Control Team Leader stated that as the ground previously had a General Safety Certificate, most of the information was already in existence. All the information requested had now been received. It was believed that the proposed condition regarding the removal of seating to the front of the desks on Row K had been implemented today, although it would need to be checked. The fire alarm certificate had not been issued for the reasons previously outlined, but temporary additional fire safety measures were in place to mitigate that.

- was the ground still insured if it had no fire alarm certificate and who would be liable if something went wrong?

Mr Bradbury advised that as far as he was aware, the ground remained fully insured for public liability. The Solicitor stated that the remedial measures in place were considered to be sufficient by the Fire Safety Officer to facilitate the granting of a 56 day temporary Certificate. New fire assessors had been appointed by the Club, and a letter from them dated 2 October 2015 was read out. This included their recommendations for fire safety based on the 'Green Guide'.

- was the fire alarm still being tested?

Mr Bradbury advised that the current fire alarm system was working and was tested before every game, and this was all logged. He also explained the procedures that were followed in the event of the alarm being activated.

- why were the loudhailers needed, and how many would be in use?

Mr Bradbury stated that while the PA system was working, it did not currently have a battery back-up in the event of a power failure. The loudhailers were a back-up for the PA system. They had two at the moment and would be getting more.

- if a temporary Certificate was granted, what would be the process over the next few weeks to address the safety issues identified?

The Solicitor advised that the Safety Group would be attending a match at the ground on 31 October to check that the temporary measures and conditions had been implemented. The Group would meet again on 3 November, by which time they would expect to see significant progress being made on a permanent solution.

A number of Members expressed significant concerns regarding safety at the AFC Telford Utd stadium and that this situation had been allowed to happen by the Club. They felt that the Committee had not received assurances that the Club had the funding in place to order and install a new fire alarm system, and there were concerns about whether some of the additional safety measures proposed were adequate. Other Members were reassured that the proposal for a temporary Certificate had the support of the Sports Safety Group and that the Fire Safety Officer was satisfied with the additional safety measures that would be in place. However, they would wish to see the application back before the Committee within the 56 days and the expectation would be that the necessary actions had been taken by the Club.

**RESOLVED – (4 for, 3 against, 2 abstentions) that authority be delegated to the Building Control Team Leader to issue Regulated Stand Certificates for the David Hutchinson (north), University of Wolverhampton (west) and Frank Nagington (south) stands for a period of 56 days, subject to the following conditions:**

- 1. A risk assessment on the barriers be carried out within 28 days of the issue of the certificate and carry out any work required by the risk assessment;**
- 2. To remove the seating and access to the front of the desks on Row K or modify the desks so that they are retractable and only over hang the seats that use them;**
- 3. Vomitory walls to be assessed within 28 days of the issue of the certificate and any work to be carried out in accordance with the assessment**

It was agreed that the next meeting be held on Wednesday 9 December at 6pm.

The meeting closed at 6.49pm.

Chairman: .....

Date: .....