



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

LICENSING COMMITTEE

Date **20th March 2018** Time **6.00pm**
Venue **Meeting Room G3/G4, Ground Floor, Addenbrooke House, Ironmasters Way, Telford TF3 4NT**

Enquiries Regarding this Agenda:

Democratic Services	Jayne Clarke	01952 383205
Media Enquiries	Corporate Communications	01952 382408
Lead Officer	Angie Astley Assistant Director: Customer & Neighbourhood Services	01952 383246

Committee Membership: Councillors C R Turley (Chair), J Pinter (Vice Chair), M Boylan, I T W Fletcher, J A Francis, M B Hosken, C N Mason, L A Murray, J M Seymour, C F Smith and M J Smith

Substitutes: Councillors J Ashford, S P Burrell, G H Cook, K Guy, J Jones, R T Kiernan, N Lowery, R Mehta, A A Meredith, G C W Reynolds and H Rhodes.

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes** Appendix A
To confirm the minutes of the meeting of the Licensing Committee held on 16th January 2017.
4. **The Safety of Sports Grounds Act 1975 and Fire and Places of Sport Act 1987 - Regulated Stands Certificates for AFC Telford Utd Football Stadium** Appendix B
To receive the report of the Development Team Group Manager and Service Delivery Manager Development Management

LICENSING COMMITTEE

A

Minutes of a meeting of the Licensing Committee held on Tuesday 16 January 2018 at 6.00pm at Addenbrooke House, Ironmasters Way, Telford

Present: Councillors C R Turley (Chair), J Pinter (Vice-Chair), I T W Fletcher, J A Francis, M B Hosken, C N Mason, J M Seymour, C F Smith and M J Smith.

In Attendance: A Astley (Assistant Director - Neighbourhood & Customer Services), S Fisher (Principal Licensing Officer), C Girvan (Legal Advisor) and J Clarke (Democratic and Scrutiny Officer).

LC-01 Apologies for Absence

Councillors M Boylan and L A Murray.

LC-02 Declarations of Interest

None.

LC-03 Minutes

Resolved – that the minutes of the meeting of the Licensing Committee held on the 30 March 2017 be signed by the Chair.

LC-04 Review of Licence Fees

The Principal Licensing Officer presented the report which asked Members to consider the proposed level of licence fees and charges affecting Park Homes licences. The licence fees for the Hackney Carriage, Private Hire trades, Gambling and general licences were to remain unchanged for 2018/19 with a review taking place at the end of 2018. Since licence fees for Park Homes were implemented in February 2017, the administration and enforcement of Park Homes had moved from the Environmental Health Team to the Licensing Service. A review of the licence fees had been undertaken and the report put forward the proposed new fees. All other licence fees remain unchanged for the forthcoming financial year as these had only been implemented on 1st June 2017. Changes to driver licences had been implemented on 1st September 2017 and officers were monitoring the impact of the cost of delivering this service. A review of fees would take place in early 2019 with a view to these being implemented on 1st April 2019.

During the ensuing debate some Members asked if Park Homes Council tax was paid by owner of the site or the occupier, if there was an annual inspection undertaken, how many sites were located within the Borough and what percentage increase were the fees and if this was passed onto the tenants?

The Principal Licensing Officer and the Assistant Director: Neighbourhood & Customer Services informed Members that they expected that Council Tax was paid by the Tenants but that this information would be confirmed. Conditions were individual to each site and visits were undertaken to ensure compliance. There were currently between 6

and 10 sites within the Borough which had been visited by the Principal Licensing Officer and the Licensing Team and there were two sites that were currently being looked at and meetings taking place with residents. The increase of fees had been worked out via a formula and there was no flat percentage increase.

Upon being put to the vote it was, unanimously:-

RESOLVED –

- a) that subject to any responses received following the posting of notices, as requested by legislation, the proposed fees for Park Homes to come into force on 1st April 2018 be approved; and
- b) that the fees and charges to all other licences remain unchanged for the forthcoming financial year be noted.

LC -05 Review of Terms of Reference

The Legal Advisor presented the report of the Assistant Director: Governance, Procurement & Commissioning on the Committee's Terms of Reference.

At the Annual Meeting on 25th May 2017, Full Council delegated authority to each Committee to review its own Terms of Reference. The Terms of Reference formed part of the Constitution and was approved by Full Council in that context on 14 July 2016. As this was the first meeting of the Committee of the municipal year it was necessary to review the Terms of Reference. No changes to the Terms of Reference were suggested.

During the ensuing debate, some Members raised at Appendix 1 – Licensing and registration functions if there were any updates needed to the Laws?

The Principal Licensing Officer confirmed that the Licensing Act and Gambling Act were up to date but there may be a need to refer to Scrap Metal Dealers Act 2013.

Other Members confirmed that the Terms of Reference complied with the Council's Constitution with regard to the Gambling Act and Licensing Act.

Upon being put to the vote it was unanimously:-

RESOLVED - that the Terms of Reference be agreed.

The meeting ended at 6.17 pm.

Chairman:

Date:

Telford & Wrekin Council**Licensing Committee - 20th March 2018****The Safety of Sports Grounds Act 1975 and Fire and Places of Sport Act 1987 -
Regulated Stands Certificates for AFC Telford Utd Football Stadium****Report of Development Team Group Manager and Service Delivery Manager
Development Management****1. Purpose**

- 1.1 For Members to consider the application for Regulated Stand Certificates for the David Hutchison (north), University of Wolverhampton (west) and Frank Nagington (south) stands at AFC Telford for the 12 month period 14th April 2018 to 14th April 2019.

2. Recommendation

2.1 That the Service Delivery Manager Development Management be authorised to grant the Safety Certificate applications for the Regulated Stands for a period of 12 months, subject to a condition that the load testing and electrical installation testing is undertaken as soon as possible in April and the programme of structural repairs for 2020 is worked on to the satisfaction of the Council.

3 Summary

- 3.1 The Report to Licensing Committee on the 30th March 2017 is attached at Appendix A and sets out the nature of the application before Committee. Members will recall and note from the Minutes that the Committee was prepared to grant a certificate for a 12 month period expiring on 14th April 2017. This application is now before Members for consideration and decision for the next 12 month period to April 2019.

4 Previous Minutes

14th October 2015
9th December 2015
4th February 2016
11th October 2016
30th March 2017

5. Update since 30th March 2017

- 5.1 Members will recall that individual certificates expire at various times throughout the year. The latest position is summarised on the attached certificate spreadsheet and the key elements are discussed below.

- 5.2 The structural safety assessment, undertaken in March 2017, identified 11 recommendations of work to be undertaken between now and 2020. AFC Telford confirm these works are programmed, and that discussions over some items will be required with TCAT with the West Stand going up for sale.
- 5.3 In respect of load testing, the two barrier sites identified as test sites 6 and 7 that did not accept their full “bedding in load” have been repaired and retested. Similarly the isolated barrier close to the stand tunnel has passed the load test. The upper part of the barrier in front of the corporate box has been replaced with a box section and it now passes the load test, and does not, therefore, require to be cordoned off anymore. Load testing for the current year is due on 14th April.
- 5.4 The fire alarm installation is now complete and was tested with the public address system on 6th March 2018. An update will be provided to the Committee.
- 5.5 A Fire Risk Assessment was undertaken on 6th March 2018 and an update will be provided to the Committee.
- 5.6 The General Safety Certificate includes in paragraph F.7.1. the requirement to inspect and test new electrical installations at least once in every three years. AFC Telford are in the process of arranging for this testing and an update will be provided to the Committee.
- 5.7 While the ground’s CCTV is operational, it now requires a considerable investment in order to replace the obsolete equipment. CCTV supplements the roles of Stewards to observe and monitor crowd activity and the club continues to work with the Safety Advisory Group to look into other ways of recording crowd activity.
- 5.8 Two meetings of the Safety Advisory Group have been held since the last Committee meeting, on 3rd July 2017 and 22nd November 2017. The Group notes progress with the actions and will continue to play an active role in overseeing the certification process and advising the club.
- 5.9 This season’s match day inspection is due to be carried out on Saturday 24th March 2018 by representatives from the Council, Fire and Police.
- 5.10 Since the Regulated Stands Certificate consists of a range of individual certificates that have varying expiry dates, some lasting 6 months and some 12 months, there is a rolling programme of certification. This means there will never be a single point in time when all the certificate dates are aligned. This however is not a problem as the requirements for the individual certificates form part of the conditions of the Regulated Stands Certificate that are monitored by the Safety of Sports Ground Group.
- 5.11 Therefore, as the outstanding issues highlighted are all actively being addressed, and with the continued involvement of the Safety Advisory Group monitoring the conditions regarding the testing of electrical installations, barrier testing, the on-going programme of structural repairs, and more widely the ongoing rolling programme of standard conditions of certification, the recommendation is to grant the Safety Certificate applications for the Regulated Stands for the 12 month period expiring in April 2019.

6. Legal Comment

6.1 Following the deregulation of the sports ground as a whole, from the 1st of October 2015 the Club has to ensure that the appropriate Regulated Stand Certificates are in place prior to any sporting activity taking place. The Council has a duty to consider and, if appropriate, issue Certificates with appropriate conditions having regard to the relevant legislation contained in the Act.

Rights of Appeal

6.2 Section 30 of the Act provides rights of appeal to the magistrate's court including

- An appeal by a person against a determination by the local authority that he /she is not qualified to hold a safety certificate for a regulated stand
- An appeal by any interested party against the inclusion of anything in or omission of anything, from a safety certificate for a regulated stand or the refusal of the local authority to amend or replace it.

Transparency

6.3 The decision that the Licensing Committee are being asked to make must include the following in order to ensure fair, transparent decision making :-

- All members of the Licensing Committee taking part in this decision must read this report in its entirety including the recommendations and the appendices.
- If any member of the Committee believes that any aspect of the report or document is ambiguous or requires further explanation then questions should be raised with those officers presenting the report before any decision is made.

7. Financial Comment

7.1 The assessment of Certificate applications is carried out by building control officers within existing resources.

8. Links with Corporate Priorities

8.1 This report has links to the following:

Corporate Priorities

Protect and Create Jobs as a "Business Supporting Winning Council"

8.2 Officers have been advising the club for a long time supporting them on what they need to do to meet the standards required for the certificates to be approved.

8.3 The Lead Officer at AFC Telford in respect of this matter is Andy Pryce, Director.

9. Risks and Opportunities

9.1 The following key risk and opportunity associated with this action has been identified and assessed and arrangements put in place to manage them:

(1) The financial risks to the Council in the event of a legal challenge to any decision.

10. Equal Opportunities

There are no equal opportunity implications arising from this report

11. Environmental Impact

There is no environmental impact arising from this report

12. Ward Implications

There are Borough wide implications

13. Background Papers

Safety at Sports Grounds Act 1975
Fire Safety and Places of Sport Act 1987
Safety at Sport Grounds Designation Order 2015
Guide to Safety as Sports Grounds (Green Guide)

Current General Safety Certificate
Letter received regarding Deregulation

Report prepared by

Keith Harris Development Team Group Manager and David Fletcher Service Delivery Manager Development Management

For further information please telephone 01952 384601 or email keith.harris@telford.gov.uk

AFC Telford – Regulated Stands Certificates

Certificate		Last Received	Next Due Date	28 days of due date	28 days for any remedial works to be done	Comments
Escape lighting battery test	6 month	20/12/17	20/6/18	20/7/18	20/8/18	Completed
Escape lighting generator	12 month	28/2/18	28/2/19	28/3/19	28/4/19	Completed
Structural Safety Assessment	12 month	22/3/17	22/3/18	22/4/18	22/5/18	The Ground Safety Structural Report commissioned by undertaken on 22 nd March 2017 contains 11 recommendations of work to the value of £50,500 to be invested in repairs between now and 2020. AFC Telford confirm that all works are being programmed in over the next year.
Load Testing	12 month	10/4/17	10/4/18	10/5/18	10/6/18	The Test Report for Barrier Testing Report No. R17380-2 carried out on 10 th April 2017 confirms that the barrier W10 outside the sponsor's box that has been changed to a box section and has passed the load test.
Fire Alarm:						
West Stand	12 month	6/3/18	6/3/19	6/4/19	6/5/19	Work to the fire detection system has been completed and tested on 6 th March 2018. AFC Telford are awaiting receipt of certificates
East Stand	12 month	6/3/18	6/3/19	6/4/19	6/5/19	Work to the fire detection system has been completed and tested on 6 th March 2018. AFC Telford are awaiting receipt of certificates

AFC Telford – Regulated Stands Certificates

North Stand	12 month	6/3/18	6/3/19	6/4/19	6/5/19	Work to the fire detection system has been completed and tested on 6 th March 2018. AFC Telford are awaiting receipt of certificates
South Stand	12 month	6/3/18	6/3/19	6/4/19	6/5/19	Work to the fire detection system has been completed and tested on 6 th March 2018. AFC Telford are awaiting receipt of certificates
Public Address system	12 month	6/3/18	6/3/19	6/4/19	6/5/19	Some works were linked to the fire detection system. Work to the fire detection system has been completed and tested on 6 th March 2018. AFC Telford are awaiting receipt of certificates
Fire fighting equipment	12 month	July 17	July 18	Aug 18	Sept 18	Next due July 18
Fire Risk Assessment	12 month	March 18	March 19	April 19	May 19	Undertaken 6 th March, report to follow.
Electrical installation	3 year	20/10/14	20/10/17	20/11/17	20/12/17	Applies to new installations. AFC Telford are arranging for this testing as soon as possible.
CCTV	12 month	See notes	See notes	See notes	See notes	AFC Telford advises that, 'The company that we had out to service it, will not service it, as they say the system is obsolete and needs replacing. This will cost several £000s, which we simply do not have, this requires huge investment.' The SAG agreed that, as the system is currently operational, an investigation should be made to the circumstances around which CCTV is required as part of the certification, and alternative means of providing either CCTV coverage or a different means of observing and recording crowd activity is investigated. This is

AFC Telford – Regulated Stands Certificates

						will be monitored at the next match day inspection. CCTV is not required as part of the club's licence to sell alcohol. Stewards are used in those few areas not covered by CCTV. AFC Telford state CCTV is not a requirement of the FA.
Lightening conductor	12 month	22/2/18	22/2/19	22/3/19	22/4/19	Tested February 2018

Correct as at: 5 March 2018