

Licensing Act 2003 Sub Committee

27 February 2020

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for York Sports Club Fields, Shipton Road, York, YO30 5RE

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-065763
3. Name of applicant: Live Nation (Music) UK Ltd
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities over three events days per calendar year:

Proposed Activity	Timings
Plays (indoors and outdoors)	15:00 – 22:30 Monday to Sunday
Films (indoors and outdoors)	15:00 – 22:30 Monday to Sunday
Live music (indoors and outdoors)	15:00 – 22:30 Monday to Sunday
Recorded music (indoors and outdoors)	15:00 – 22:30 Monday to Sunday
Performance of dance (indoors and outdoors)	15:00 – 22:30 Monday to Sunday
Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors)	15:00 – 22:30 Monday to Sunday

Sale of alcohol (on sales only)	15:00 – 22:30 Monday to Sunday
Opening times	15:00 – 23:00 Monday to Sunday

Background

6. A copy of the application is attached at Annex 1. A copy of the site plans are attached at Annex 2. A Copy of the Draft Event Safety Management Plan (ESMP) is attached at Annex 3.
7. The premises is described in the application as York Sports Club Fields, an outdoor area and event site. The applicant has applied for the provision of entertainment and supply of alcohol and wishes to limit the licence to three event days per calendar year. They expect a maximum occupancy of 19,999 persons at any one time.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

9. General

- a) The licence if granted will be limited to a maximum of 3 event days in any calendar year. The licensed area and perimeter is identified on the plan submitted with the application. Temporary structures inside the event area are shown in indicative positions on the plan.
- b) A detailed Event Safety Management Plan (ESMP) will be prepared and finalised in consultation with the statutory authorities and relevant agencies for any event. The ESMP will include the provision of Health & Safety Risk Assessments; Fire Risk Assessments; Crowd Management Plan; Alcohol Management Plan; Adverse weather Plan and Noise Management Plan known as the Event Management Plans.
- c) Detailed pre-event meetings will be held with the Council and statutory agencies through the Safety Advisory Group (SAG) to ensure that all bodies are satisfied with the planning arrangements.
- d) The Event Management Plans consist of living documents which shall be subject to reasonable amendments and alterations as agreed with the Safety Advisory Group and finalised no later than 28 days before any event.

10. The Prevention of Crime and Disorder

- a) The applicant will contract a professional and competent crowd management company who will work closely with the event managers, Council and the Police to manage the potential for crime and disorder.
- b) A detailed crowd management plan will be prepared and finalised in consultation with the Safety Advisory Group (SAG).
- c) Planning meetings will be held in advance of the event with the Council and other agencies including the Police to ensure that they are satisfied with the planning arrangements for the prevention of crime and disorder.
- d) A suitable entry policy will be formulated which will include procedures for the searching of persons and their belongings upon entry.
- e) If required, ejections or refusal of entry to the event will be carried out by licensed security staff.
- f) The applicant will require the contractor responsible for the bars to operate a strict Challenge 25 policy and all bar staff will be trained to adhere to this policy.
- g) The Event Management Plans consist of living documents which shall be subject to reasonable amendments and alterations as agreed with the Safety Advisory Group and finalised no later than 28 days before any event.

11. Public Safety

- a) Safety and emergency procedures will be detailed through the event planning phase.
- b) Specific event risk assessments will be produced to ensure that all elements of risk are considered so far as reasonably practicable and suitable and sufficient control measures implemented
- c) An agreed and appropriate level of emergency first aid and ambulance provision will be on site throughout the events. This will include mobile FA patrols, the levels of which will be determined by a medical risk assessment and HSG195.
- d) A detailed fire risk assessment will be produced and suitable levels of portable firefighting equipment will be provided on site. Prior approval will be sought for the use of special effects and relevant health and safety information will be provided prior to the event.
- e) The applicant will liaise with the Council's Environmental Health Department prior to the event to ensure that appropriate

information is made available in relation to food handling and hygiene.

- f) A multi-agency Event Control Room, managed by the applicant, will be operational throughout the events.
- g) The Event Management Plans consist of living documents which shall be subject to reasonable amendments and alterations as agreed with the Safety Advisory Group and finalised no later than 28 days before any event.

12. The Prevention of Public Nuisance

- a) The prevention of public nuisance will be managed through pre-event planning arrangements and liaison with statutory agencies. The Event Management Plan will detail the policies and methods to address the prevention of public nuisance.
- b) The applicant will contract a competent acoustic consultant who, in liaison with the Licensing Authority, will produce a Noise Management Plan specific to the event.
- c) The Event Management Plans consist of living documents which shall be subject to reasonable amendments and alterations as agreed with the Safety Advisory Group and finalised no later than 28 days before any event.

13. The Protection of Children from Harm

- a) Measures to address the protection of children will be identified in the Event Management Plan and pre-event information. The Designated Premises Supervisor will ensure that all bar staff are fully aware and compliant of age verification procedures and requirements for alcohol sales, for example, Challenge 25.
- b) Age restricted films indicating nudity or semi nudity will not be shown in the presence of children.
- c) The Event Management Plan will form part of the conditions for the premises licence and are living documents which shall be subject to reasonable amendments and alterations as agrees with the Safety Advisory Group and finalised no later than 28 days before any event.

Consultation

- 14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving

details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.

15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police have agreed conditions with the applicant to be placed on the licence if granted, and therefore make no further representation. Their agreed conditions are attached at Annex 4.
17. City of York Council Public Protection (Environmental Protection) has made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence was to be granted in the terms applied for.
18. The Public Protection representation is attached at Annex 5.

Summary of Representations made by Other Parties

19. There have been 18 relevant representations received from other persons. 13 representations object to the application, 5 support the application. The list of representors can be seen at Annex 6.
20. The representations that object to the application are based on the grounds that all four licensing objectives will be undermined if the application is granted.
21. The representations in support of the application state that the four licensing objectives will not be undermined by the granting of the application.
22. Copies of the representations are attached at Annex 7.
23. A map showing the general area around the venue is attached at Annex 8.

Planning Issues

24. There are no outstanding planning issues.

Options

25. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -

26. Option 1: Grant the licence in the terms applied for.
27. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
28. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
29. Option 4: Reject the application.

Analysis

30. The following could be the result of any decision made this Sub Committee:-
31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

35. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
36. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

- 37.

- **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
- Other** – none

Risk Management

38. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
39. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

40. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

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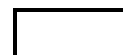
**Report
Approved**



10/02/2020

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Rawcliffe and Clifton without



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Plans of premises
- Annex 3** - Draft Event Mgt Safety Plan
- Annex 4** - North Yorkshire Police Agreed Conditions
- Annex 5** - Public Protection Representation
- Annex 6** - List of Representors (Confidential)
- Annex 7** - Other Persons Representations
- Annex 8** - Map of area
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation and Policy Considerations