
CENTRAL LICENSING SUB-COMMITTEE, 23.01.12

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Ieuan Roberts, W.Gareth Roberts

Also present:

Geraint B. Edwards (Solicitor), Amlyn ab Iorwerth (Licensing Manager), Euron Thomas (Senior Environmental Health Officer), Alun Evans (Public Protection Manager), Dorothy Williams (Food Safety Officer) and Gwyn Parry Williams (Committee Officer).

1. APPLICATION TO REVIEW PREMISES LICENCE – CRUGAN FARM FIELDS, LLANBEDROG

Others invited to the meeting:

Applicant: Mr Euron Thomas, Senior Environmental Health Officer, Gwynedd Council

Others Representing the Council: Ms Dorothy Williams, Food Safety Officer, Public Protection

Representing the Police: Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Representing Crugan Farm Fields, Llanbedrog: Mr Mark Durston (Licence Holder), Ms Emma Hartley and Councillor R.H Wyn Williams (the local member for the licence holder)

Llanbedrog Community Council: Councillor W. Penri Jones

Representing the local residents: Mr Anthony Tully and Mr Stuart Wyn-Evans

Submitted – the report of the Licensing Manager providing details of the application from Gwynedd Council's Public Protection Service to review the premises licence for Crugan Farm Fields, Llanbedrog along with the beach in front of the fields. The removal of the consent to have live and recorded music, together with the facility for making music was requested.

It was reported, following the appropriate consultation period, that observations on the application had been received by the Police and the Public Protection's Health and Safety Unit. Llanbedrog Community Council did not object to the application but objections were received by some of the nearby residents.

In considering the application, the following procedure was followed:-

- i. The Applicant was invited to expand on the application.
- ii. Members of the Sub-committee were given an opportunity to ask questions of the applicant.
- iii. The licensee, or his representative, was invited to respond to the observations.
- iv. Members of the Sub-committee were given an opportunity to ask questions of the licensee.

- v. The Applicant and licence holder, or his representative, were given an opportunity to summarise their case.

The Environmental Health Senior Officer informed the sub-committee, on behalf of the Public Protection Department, that this review was undertaken following the Glass Butter Beach Festival which had been held on the fields of Crugan Farm (beach side), and on the beach in front of Crugan Fields on 1-4 September 2011. The festival was described as a family festival which combined music with sports such as surfing, BMX, wakeboarding and skateboarding which gave those attending the opportunity to participate in these sports under professional tuition.

It was noted that the application for a premises licence had been submitted for the festival in March 2011, and included the provision of regulated entertainment including plays, films, live music, recorded music, performances of dance as well as the provision of entertainment facilities for making music and dancing. The application also included provision of late night refreshments and supply of alcohol. Following receipt of the application, discussions were held with the applicant regarding the provision of regulated entertainment when it had been decided not to object to the application provided that specific conditions for the control of noise from regulated entertainment be placed on the premises licence and the applicant had agreed to the noise control conditions. A meeting of the Event Safety Group had been held in August 2011 where the organisers of the festival were present and in that meeting the organisers provided the group with a copy of a Health and Safety Plan for the festival along with a site layout which showed that the festival comprised of two main stages, one open air and one located within a tent with their backs facing the sea and therefore directing their sound inland. He referred to a statement in the health and safety plan regarding the method of reducing noise impact. However, the statement was untrue as no contact had been made with this department prior to the Event Safety Group meeting regarding the site layout and mitigation of noise impact on local residents. Concern had been expressed with regards to the late submission of detailed event information due to the orientation of the main stages on the festival site he believed that the organisers would have difficulty in complying with the noise control conditions of the premises licence. Following the meeting the organisers had been contacted confirming the concerns and strongly recommending that the festival layout be changed so that the main stages threw the noise out to sea rather than inland towards local residents. A response had been received by the organisers apologising for the lack of consultation on the site layout and stating that changing the site layout at this late stage would lead to the potential cancellation of the event. A site meeting had been held with the organisers when it was explained that reorientation of the sound stages was not possible at this late stage due to the festival leaflets having already been printed showing the existing layout. As a result further verbal warning had been given to the organisers that they may have difficulty in complying with the noise control conditions; a warning was also given that Gwynedd Council may be monitoring the compliance of the event with the noise conditions from a noise sensitive property in the vicinity of the festival site. A formal warning had also been issued to the organisers that should evidence come to hand that noise control conditions had been breached; further formal action may be forthcoming in the form of a prosecution or a review of the premises licence.

He gave details of the sound equipment used to monitor noise from the festival along with the results. In relation to breaches of noise control conditions, he noted that the level of the entertainment noise as measured at Bwthyn Crugan was substantial. The noise recordings made during 2 and 3 September 2011 clearly showed that the dominant noise source during the recording periods came from the festival. Details were given on the periods when the noise control conditions had been breached.

He also mentioned that premises licence applications required the applicants to describe the steps which they intended to take to ensure that they complied and promoted the four licensing objectives. One objective was to ensure the protection of children from harm. Audio recordings had been made between 22.35pm and 23.05pm on Friday 2 September 2011. This was at a time when children under the age of 16 could have been attending the event as per the event age policy and could therefore have been exposed to the foul and offensive language that had been used and this was not in keeping with the licensing objective to protect children from harm. He drew attention to the fact that one artist had used offensive language with strong sexual and drug related references.

He noted that the department had worked with the licence holder prior to the festival to try and alleviate concerns regarding the anticipated noise of the entertainment. Despite warnings to the licence holder with regards to the potential breach of noise control conditions of the premises licence, significant breaches of the noise control conditions were committed. He was of the opinion that the festival had not been in keeping with two licensing objectives, namely the prevention of public nuisance and the protection of children from harm. He asked the sub-committee to consider removing all elements of regulated entertainment and provision of entertainment facilities with the potential to cause nuisance or offence from the licence, specifically -

- a) Live music
- b) Recorded music
- c) Making music

He further noted should the sub-committee grant the amendments sought it could lead to the cancelation of the festival in the future.

The licence holder responded to some of the observations made as follows-

- That he had began arranging music and sport events in Abersoch in 1998 on a small scale to begin with before undertaking the work of arranging the Wakestock Festival. He confirmed that he collaborated with the relevant departments within the Council when organising these events and sought to comply with the regulations / conditions that had been set.
- Should the decision be made to remove elements of the regulated entertainment etc. from the licence then there would be no future for the festival and he would have to consider his future and perhaps move from the area.
- The festival was mainly for families and there was no relevant age policy.
- As this was the first festival to be held, between 2,000 and 3,000 people were expected to attend but the exact numbers were less than 1,000 compared to the 15,000 who attended the Wakestock Festival.
- The Event Safety Group meeting had been held around three weeks prior to the event when the detailed plan of the site had been submitted and a professional company had been employed to prepare the plan.
- He was eager for the people who attended the festival to look at the main stage facing the sea and that changing the festival layout so that the main stages would direct the noise towards the sea would be more expensive resulting in employing more security staff.
- That a sound engineer had been employed and he referred to the comments received from him. He noted that there had been high winds on Friday and Saturday evenings and therefore it would be difficult to record correct audio readings from the event. There were also audio recording problems due to traffic noise from the nearby highway. However at times when the traffic could not be heard, audio readings had been taken outside a property adjacent to the site and they complied with the noise standard set by the Council.
- He was prepared to collaborate with the Council in the future regarding ways to overcome the noise problems and amend the site plan so that the main stages would

direct the noise out towards the sea rather than towards the land. He confirmed that there was no intention to hold the festival on a Sunday.

- The age policy had been explained to the artists but it was not specifically noted that there was an embargo on using offensive language when performing. An artist liaison team had been employed to look after the artists when they were performing on the stage and they had been advised not to use offensive language when performing. He apologised for this taking place during the festival and confirmed that he would not book the artists for the next festival.

As the local member of the licence holder, Councillor R.H. Wyn Williams informed the Sub-committee that this was the first festival to be held on this site and that he was very supportive for it to continue. He referred to the vast number of complaints he had received following the first Wakestock Festival but following that there had been significantly fewer complaints. The licence holder was willing to compromise and change the festival layout. The festival was a way of promoting the region's economy. He noted that the festival obtained local support and only a small number of objections had been received.

The consultees had been invited to support any observations submitted by letter and Mr Ian Williams, Police's Licensing Co-ordinator reported that complaints were received at 22.08pm, 22.48pm and 22.59pm on 3 September 2011 by the owner of a nearby property regarding excessive noise levels coming from the event. Following the complaints, officers had attended the home of the complainant and Carreg-y-Defaid, located between the event and the complainant's home, and in the opinion of the police officers present they did not think the music was excessive at that location. They had also spoken to the Events Noise monitoring personnel on behalf of the organisers and the owner of the nearest property to the event and it had been confirmed that the noise levels were compliant at that time. It was noted that the police had not been on duty for this event and no application for additional police officers had been made due to low ticket sales. However the police were in the vicinity at 24.00 when the event came to an end and they had confirmed the event concluded promptly at that time. He also noted that other issues needed to be addressed if the event was to continue. Regarding transportation issues raised by one of the objectors, he was of the opinion that as only one festival had been held up to now a further discussion was needed with the Gwynedd Event Safety Group and he referred to a condition in the licence regarding collaborating and complying with the conditions of that group.

The Food Safety Officer drew attention to the following issues -

- a) The steps, gate and footpath access from the field to the beach had to be made safe, and measures had to be put in place to control the rate of footfall up and down the path.
- b) The activity known as "Zorbing/Wowballs" had to be prohibited from operating on the beach and open water.
- c) The activity of tattooing or any other form of cosmetic skin piercing had to be prohibited anywhere on site.
- ch) Event organisers had to agree on camping site density and distances between tents with the Public Protection Department, and adhere to the distances agreed upon.
- d) Organisers had to ensure that all food and drink concessions were registered with their local authority and relevant information on the concessions had to be provided two weeks before the event.
- dd) Food and drink concessions had to be prohibited from the beach.

The licence holder responded to some of the aforementioned points namely:-

- Steps and footpath to the beach – it was understood that the footpath would be registered as a public footpath during the coming months but if this would not take place prior to the next festival therefore a further discussion would need to be held with the Council regarding public safety etc.
- Wowballs/zorbing – he confirmed that there was no intention to hold these activities.

- Tattooing – he confirmed that tattooing was not permitted during the festival.
- Camping – he referred to the problems that arose when families/friends wanted to camp close together. He was eager to hold a further discussion on this with the Event Safety Group.
- Food Safety – he noted that it had been a very windy weekend and that the beach was an important part of the festival. He was willing to have a further discussion with the Council regarding food and drink concessions.

Councillor W.Penri Jones, representing Llanbedrog Community Council, noted that he sympathised with the two complainants regarding the noise from the event. He referred to the evidence given by the police and noted that he had discussed the issue with the owners of the property adjacent to the site and that they did not object to the festival. He had not received any personal complaints and the festival was generally praised. He emphasised that the festival gave a substantial boost to the area's economy. He noted that the licence holder was willing to collaborate with the Council in order to avoid any breach of condition in the future and he was also willing to change the direction on the tents so that the noise from the entertainment turned towards the sea. Regarding the artists' offensive language, this should be monitored closely in the future. He referred to the footpath down to the beach and the possibility of registering it as part of the coastal footpath during the coming months. If elements of the regulated entertainment etc. were to be removed from the licence the festival would be cancelled. He was of the opinion that a further trial period of a year should be implemented for the licence holder to comply with the conditions.

The local residents present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points -

- The first objector lived around 1,000 metres from the site and the same distance from the site of the Wakestock Festival.
- Problems with noise levels from the site and that the licence holder had not complied with the noise conditions. He referred to a report attached to his letter that had been prepared by a sound technician.
- The offensive language that came from the festival especially so on Friday evening.
- The second objector had lived in the area for 20 years.
- It was noted that the festival had not received much local publicity compared with Wakestock festival.
- That the noise levels coming from this festival were much higher than other similar events in the area.
- Traffic speed had not been restricted on this part of the highway during the festival. He noted that pedestrians were walking on the highway from the festival site to the direction of Llanbedrog late at night and that the police were not present.
- Action was not taken to manage traffic entering and leaving the site.
- He also supported the observations made by the first objector regarding lack of compliance with the noise conditions.

The relevant parties left the meeting and the application was discussed by the Sub-committee members, considering all evidence submitted and giving specific attention to the principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

RESOLVED to refuse the application for a review and to adhere to the current licence. However, the hard work of the Environmental Health Department (Public Protection) and the Food Safety Unit is appreciated but as this was the first festival and has the support

of the local community it is felt the licence holder should receive a second chance. It is accepted that the conditions have been breached and that further breach of the conditions would place the future of the festival at stake.

The Solicitor reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and to inform them of the right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 10.30am and concluded at 1.15pm.