
CENTRAL LICENSING SUB COMMITTEE 15/05/18

Present: **Councillors:** Peter Read (Chair), John Brynmor Hughes and Elfed Williams

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), and Lowri H Evans (Member Support Officer).

Others invited: Councillor Edgar Owen, Medwyn Griffiths (Public Health Wales), Hannah Lloyd (Public Health Wales) and Hugh Edwin Jones (Events Manager) - observing

1. APOLOGIES

An apology was received from Moira Duell Parry (Environmental Health Officer)

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note.

4. APPLICATION FOR A PREMISES LICENCE

Parafest, Snowdonia Aerospace Centre, Llanbedr Runway

The panel and the officers were introduced to everyone present and it was announced that all had up to 10 minutes to present their observations on the application.

On behalf of the premises: Mr Mark Meadows (applicant)

Others invited: Councillor Annwen Hughes (Local Member)
Councillor Eryl Jones-Williams (Neighbouring Member)
Mr Ian Williams (Anglesey and Gwynedd Licensing Co-ordinator, North Wales Police)

a) **The report and recommendation of the Licensing Department.**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence to stage a Parafest Festival situated on land of the Snowdonia Aerospace Centre on the Llanbedr Runway. The applicant's intention was to hold an annual paragliding festival together with a social event and other activities relating to paragliding for pilots and their families. It was highlighted that it was intended to offer the sale of alcohol and late night refreshments as part of the provision, together with live and recorded music.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that nine e-mails had been received with four of these objecting to the application based on the four licensing objectives. Attention was drawn to the noise conditions submitted by the Environmental Health Officer. Reference was also made to a previous application submitted by the applicant in January 2018, that had not been submitted in accordance with the legal requirements. It was highlighted that the applicant had responded to the concerns raised during the consultation process on the original application, and had now agreed to stage the licensed activities until 1:00 (Friday and Saturday nights) rather than 3:00 as requested originally. It was added that the applicant had also submitted observations to the Fire Service to try and satisfy their concerns.

- b) In considering the application, the following procedure was followed:
- Members of the Sub-committee and the applicant were given an opportunity to ask questions to the Licensing Manager.
 - The applicant was invited to expand on the application.
 - Consultees were given an opportunity to submit their observations.
 - The licensee, or his representative, was invited to respond to the observations.
 - Members of the Sub-committee were given an opportunity to ask questions to the licensee.
 - Members of the Sub-committee were given an opportunity to ask questions to the consultees.
- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and asked for permission to circulate photographs and further details about the Festival. A decision was made to accept a photograph of the location of the 2017 festival, however, the details and observations of individuals were refused as consent had not been given for these to be shared. He felt dissatisfied that he did not have an opportunity to challenge the response of one of the objectors, who had already included observations from other individuals. In response, the Licensing Manager noted that these observations had received consent to be shared and had been submitted within the consultation period.

He added the following observations:

- The Festival was a small scale event and it should not be compared with Festival No. 6
- No complaints had been received from the Parafest Festival that took place at Caerwys in 2017
- Although they expected less than 500 cars over a period of four days - he had contacted the Environment Department
- He did not have the budget, sponsorship or the support of large companies for the Festival and was dependent on ticket sales.
- The licensing hours had been restricted to 11:00 outside and 01:00 inside, this was in response to the concerns of the objectors
- Measures were in place to control flights

- There was no intention to stage an intrusive festival - it would be a community, family festival for paragliding only
 - The festival was very dependent on the weather
 - That music was only an element of entertainment
 - That he had no intention to cause any disturbance
- ch) Taking advantage of the right to speak, the Local Member made the following comments:
- The event was welcomed for the benefit of the economy of the Llanbedr area
 - Concerns about noise
 - Assurance was required that something would be done to reduce traffic congestion in the area
- d) Taking advantage of the right to speak, the neighbouring Member made the following points;
- He was not content that the photograph had been shared as there was no evidence regarding date or time on the photograph
 - Concern about traffic matters, however, he understood that this would be the applicant's responsibility
 - That the infrastructure of Llanbedr could not cope with traffic problems of this size
 - He had no objection to the festival specifically, only to the date when it had been organised namely the busiest weekend of the year at the start of the school summer holidays
- dd) Taking advantage of the right to speak, an officer from the Police confirmed that this was a new application and there was no evidence to object to the application. He noted that he had made enquiries with Caerwys Police regarding the 2017 Festival, who confirmed that no complaints had been received. He stated that the Police supported the application and that the licensing hours had been reduced. He noted that a site visit had taken place with the local police sergeant. He accepted the concerns regarding noise and traffic, however, he added that the Events Group had discussed the matter and although the situation was not ideal, the applicant could not be held totally responsible.
- e) In summarising his application, the applicant noted that the enterprise was a family Festival and he had no intention to cause a disturbance to local residents or visitors to the Festival. He added that it was a small scale Festival and the intention was to move the music inside to the hangar from 11:00 until 01:00. He highlighted that discussions had taken place with the Fire Service and they were content with the arrangements.
- In response to a question from the Chairman to the applicant regarding his intention to accept the conditions of the Environmental Health Officer, he agreed to ensure that the Sound Managers would keep to the agreed level and would monitor noise levels.
- f) In considering the application, the Licensing Officer's report was considered, in addition to the application form, the written comments that came to hand from the interested parties, and the verbal comments presented by all parties present at the hearing. The Sub-committee was also requested to consider the Council's Licensing Policy, Home Office guidance and the principles of the Licensing Act 2003.

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

RESOLVED - to approve the application subject to proposed conditions agreed upon between the Environmental Health Officer and the applicant in terms of noise impact.

Specific consideration was given to the following comments and concerns:

Noise - in response to the concerns that approving of the application would lead to an increase in noise problems, the Sub-Committee accepted that any noise problem in principle could be tantamount to a public nuisance. However, no evidence was received about the nature, frequency and density of noise that would be generated as a result of approving the licence or the number that would be affected as the Festival only took place on one weekend a year. No evidence had been received that the noise generated by the Festival would reach levels that would be harmful to public health according to the World Health Organisation Guidance. Whilst the Sub-committee sympathised with the concerns regarding noise they had not been persuaded that approving the licence would be likely to lead to such a serious noise problem that could be described as a 'public nuisance'.

It was highlighted that the Council's Environmental Health department had submitted a series of proposed noise conditions. In the opinion of the Sub committee these conditions were reasonable and provided the appropriate protection measures to prevent any noise that would stem from the festival from being a public nuisance. The Sub-committee was satisfied that incorporating the conditions would ensure that the licence would be in accordance with the licensing objectives of preventing public nuisance.

Traffic - in response to concerns that approving of the application would lead to traffic problems, the Sub-Committee accepted that traffic problems in principle could be relevant to the licensing objective of protecting public safety. However, no objective evidence was received regarding the nature of the traffic that the event would generate, and if that traffic would maximise the capacity of the local network. It was noted that observations from the Highways nor the Police did not highlight concerns regarding the level of traffic as a result of approving the licence. The Sub-committee was not convinced that granting the licence was likely to lead to a traffic problem that would undermine public safety.

Drinking Water - in response to concern that approving the application would have a detrimental impact on water pressure in the catchment area, the Sub-committee accepted that a significant fall in water pressure could mean a lack of supply, and consequently cause a public safety problem. However, no objective evidence has come to hand highlighting that staging this festival would cause such a problem. It was added that no observations had been submitted by the Council's Environmental Health Section or from Welsh Water highlighting this concern. Under the circumstances, the Sub-committee had not been persuaded that granting the licence would cause a water supply problem that would undermine public safety.

In reaching their decision the Sub-committee did not consider the further documents submitted by the applicant in the hearing as they were satisfied that permitting the application would not be likely to lead to problems that would

undermine the licencing objectives.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

5. APPLICATION FOR A PREMISES LICENCE - Club DB, 318, High Street, Bangor

The panel and the officers were introduced to everyone present.

On behalf of the premises: Mr Peter Hennessey - applicant

Others invited: Mr Ian Williams (Anglesey and Gwynedd Licensing Coordinator, North Wales Police)

a) The report and recommendation of the Licensing Department.

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Club DB, 318 High Street, Bangor. The applicant's intention was to add to the licensed activities by showing films, plays or hold dance performances at the premises.

- The request was to extend the opening hours of the premises to 02:30 on Friday and Saturday nights;
- stage live music and recorded music for an additional hour, up to 02:30 on Friday and Saturday evenings, with an additional half hour, up to 02:00 for the rest of the week;
- extend the hours for selling alcohol by three quarters of an hour to 02:15 on Friday and Saturday evenings;
- additional half hour on Bank Holiday Sundays, and up to 05:30 on New Year's Eve.

Attention was drawn to the proposed hours in the report. It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period.

It was noted that one letter of objection had been received and one e-mail from North Wales Police recommending conditions to be included on the licence. The observations were made in relation to two of the licensing objectives - Preventing Crime and Disorder and Preventing Public Nuisance.

b) In considering the application, the following procedure was followed:

- Members of the Sub-committee and the applicant were given an opportunity to ask questions to the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to submit their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask

questions to the licensee.

- Members of the Sub-committee were given an opportunity to ask questions to the consultees.

- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and added the following observations:
- That he had cooperated with the Police to ensure that the business ran smoothly
 - That he was ready to cooperate with the local community
 - That he employed local people
 - The premises was a former commercial building
 - There was a need for the additional hours as these hours would make the business viable.

In response to the objection that the 'business was in a residential area' the applicant highlighted that the business was on a commercial street with residents to the rear of the premises. He added that soundproof panels had been installed at the front of the building.

- ch) Taking advantage of the right to speak, the Officer from North Wales Police noted that there had been historic problems with the premises in the past, however, the situation had improved since the new owner had taken over. He highlighted that there was a request for door supervisors to be included on the licence in order to be consistent with the arrangements of similar premises - this would ensure that any problems that occur on the pavement would be monitored. He added that no problems had arisen with incidents with the temporary licence thus far and cooperation had been good. He also noted that that a request had been made for a CCTV condition to be included on the licence. He supported the application subject to the above conditions.
- d) In summarising his application, the applicant noted that his priority was to manage the premises well and to continue with the effective cooperation.
- dd) In considering the application, all of the evidence submitted was considered, giving particular attention to the Council's Licensing Policy, Home Office guidance and the principles of the Licensing Act 2003.
- Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

RESOLVED - to approve the application subject to including door security conditions and CCTV conditions on the licence in keeping with the licensing objectives.

Specific consideration was given to the following comments and concerns:

Preventing crime and disorder - to accept the Police comments that additional conditions were required in terms of door security to ensure that the licence protected the objective of preventing crime and disorder.

Noise - in considering the concerns of local residents that approving the application would lead to an increase in noise problems from the premises, the

Sub-Committee accepted that any noise problem in principle could be tantamount to a public nuisance. However, no evidence was received in terms of the nature, frequency and density of the existing noise produced, the noise produced as a result of amending the licence or the number that would be affected. No evidence had been received that the likely noise generated would reach levels that would be harmful to public health according to the World Health Organisation Guidance.

It was also highlighted that one local resident had submitted an objection on the grounds of noise. No observations had been received from the Council's Environmental Health Department that current noise problems or likely problems stemmed from the premises, and therefore it was suggested that there was no real situation of public nuisance.

Under the circumstances, whilst the Sub-committee sympathised with the concerns regarding noise they had not been persuaded that approving the licence would be likely to lead to such a serious noise problem that could be described as a 'public nuisance'.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

CHAIRMAN