

LICENSING SUB COMMITTEE A

Wednesday, 26th August 2015

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

J.M. Charles, P.M. Edwards, H.I. Jones, M.K. Thomas and D.E. Williams

Present as Observers:

Councillors J.M. Charles and D.E. Williams

The following Officers were in attendance:

Mr Robert Edgecombe – Legal Services Manager

Mr Andrew Rees – Licensing Officer

Mrs Michelle Evans Thomas – Democratic Services Officer

Present as a representative of a Responsible Authority:-

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

Chamber, County Hall, Carmarthen - 9.15 am - 1.40 pm

Site Inspection – 9.20 a.m. – 11.35 a.m.

Chamber, County Hall, Carmarthen – 11.45 a.m. – 1.40 p.m.

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - GLANRANNELL PARK GROUNDS, CRUGYBAR, LLANWRDA, SA19 8SA

The Sub-Committee adjourned and reconvened on site at Glanrannell Park Grounds, Crugybar, Llanwrda at 10.05 a.m. in order to view the location of the premises in relation to objector's property. The Sub-Committee was afforded the opportunity of touring the grounds and viewing the proposed locations of various elements of the event. Following conclusion of the site visit the Sub-Committee reconvened in the Chamber, County Hall, Carmarthen at 11.45 a.m. in order to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub-Committee that an application had been received from The Big Cwtch Ltd for the grant of a premises licence for an annual event at Glanrannell Park Grounds, Crugybar, Llanwrda as follows: -

To permit:-

Supply of Alcohol: Saturday 11:00-23:30

Regulated Entertainment: Saturday 11:00-23:59

Late Night Refreshment: Saturday 23:00-23:59

Opening Hours: Saturday 10:00 to Sunday 14:00

The Sub-Committee noted that the following documentation was attached to the report:-

- Appendix A – copy of the original application submitted by the applicant;
- Appendix B – representations submitted by the Licensing Authority, which had been agreed by the applicant;
- Appendix C – representations submitted by Dyfed Powys Police, which had been amended and agreed with the applicant;
- Appendix D – representations submitted by Public Health Services, which had been agreed by the applicant.
- Appendix E – representations submitted by other persons.

The remaining Responsible Authorities had not made representations in respect of the application.

The Sub-Committee was circulated with copies of the following additional documentation, with the agreement of all parties:-

- e-mail from Mr David Drinkall dated 18th August, 2015 attaching 2 letters from neighbours and an e-mail detailing agreement between the applicant and Public Health Services to the proposed additional 6 licensing conditions attached to the e-mail at Annex 2;
- Event Management Plan;
- a list of observations made by the objector on the Event Management Plan.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report and stated that the wording set out in the operating schedule was not sufficiently precise to enable it to form clear enforceable licence conditions in accordance with section 18(2)(a) of the Licensing Act. He felt that, if the application was granted, it would be appropriate to replace the statements made in the operating schedule with conditions 1-8 as requested by the police. He informed the Sub-Committee that he had liaised with colleagues in Public Health Services to prepare one set of conditions which were detailed in Annex 2, circulated earlier.

All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Sub-Committee thereupon received a representation from an interested party objecting to the grant of a premises licence on the following grounds:-

- there was no consultation prior to last year's inaugural event;
- it is not a one day event as many days are required for preparation which cause disruption to his home and his holiday cottages;
- the event jeopardises the quiet enjoyment of his property;
- during last year's event trespassers entered onto his land on two occasions.

All parties were afforded the opportunity of questioning the evidence submitted.

The applicants thereupon addressed the concerns and issues raised and advised that:-

- the purpose of the event was to raise money for and awareness of adaptive skiing to help people overcome neurological problems and the event relies heavily on local volunteers and businesses supporting it free of charge;
- they now have charitable status and have been asked to affiliate with Disability Sport Wales;
- Mr Drinkall is an ex-Army Officer with considerable management experience; he holds a personal licence and is the proposed DPS for the premises licence;
- the Event Management Plan sets out in detail how they propose to promote the licensing objectives;
- SIA security staff will be used in addition to volunteers;
- there were no crime and disorder issues at last year's event;
- a full risk assessment and fire risk assessment have been undertaken;
- traffic stewards will be used and vehicle movement in the licensed area will be kept to a minimum;
- all infrastructure will be erected, operated and removed by qualified contractors;
- a St. John's ambulance will be on site;
- the site layout and operating hours have been designed to minimise impact on other properties;
- signage will be erected to try and prevent any trespass;
- there will be a dedicated family area where alcohol and smoking will be prohibited;
- the issues raised by the objector have been taken into account in planning this year's event - there will be far more volunteers to help police the event, areas used last year near the objector's property will not be used this year so as to create a buffer zone, the music will be mainly acoustic with louder acts on the furthest stage, the car park has been moved to offer separate entrance and exit therefore the shared driveway will not be used for public access and the light tower and generator have been moved to the far side of the site;
- a landline telephone will be installed in the box office and the telephone number will be circulated to all neighbours so that they can contact the applicants in the event of any issues arising.

All parties were afforded the opportunity of questioning the evidence submitted.

The Sub-Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local

Government Act.

Following the adjournment, the Sub-Committee reconvened to advise of its decision and, having had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

RESOLVED that, having considered the evidence placed before the Sub-Committee, the application be granted, subject to the licence conditions agreed between the applicant and the Responsible Authorities.

REASONS:-

In coming to its decision, the Sub-Committee made the following findings of fact;

1. The event had previously taken place under Temporary Event Notices;
2. None of the Responsible Authorities objected in principle to the grant of a licence;
3. The Responsible Authorities were satisfied that the event could take place without undermining the licensing objectives if additional conditions were added to the licence;
4. The applicant had agreed to those conditions being added to the licence;
5. Mr Clifford had suffered disruption to his land and personal life when the event took place in 2014.

The Sub-Committee attached weight to the views of the police, Licensing Authority and Public Health Services.

The Sub-Committee recognised that its decision must be based upon real evidence and that concerns and fears about what might happen if a licence was granted, where unsupported by such evidence, were not matters which they could properly take into account.

The Sub-Committee considered the effect of the application on each of the licensing objectives in turn:-

Prevention of Crime and Disorder

On the evidence presented, the Sub-Committee was satisfied that the granting of a licence would not undermine this objective.

Prevention of Public Nuisance

The Sub-Committee acknowledged that two local residents complained of disturbance due to last year's event and that this caused those households a nuisance. However, on the evidence presented only two households were affected and the Sub-Committee was of the view that this was insufficient to amount to a public nuisance, although it may have amounted to a private nuisance.

The Sub-Committee noted that the applicants had made changes to this year's event to alleviate the issues that occurred last year and the Public Health Services

were happy with the arrangements that had been proposed. The Sub-Committee was therefore satisfied on the balance of probabilities that the event was unlikely to cause a public nuisance (i.e. one which affects a class of Her Majesty's subjects) and would not therefore undermine this objective.

The Sub-Committee further noted that Public Health Services already had powers to deal with any statutory nuisance (including private nuisance) that may arise.

Protection of Public Safety

On the evidence presented the Sub-Committee was satisfied that the granting of a licence would not undermine this objective.

Protection of Children from Harm

On the evidence presented the Sub-Committee was satisfied that the granting of a licence would not undermine this objective.

Conclusion

Having regard to all the evidence submitted the Sub-Committee was therefore satisfied that on the balance of probabilities that to grant the licence, subject to the additional agreed conditions, would not undermine any of the licensing objectives. The Sub-Committee further considered that those additional conditions were appropriate for the promotion of those objectives and a proportional response to the issues that had been identified.

SIGNED:

DATE: