

# LICENSING SUB COMMITTEE B

31<sup>ST</sup> JULY 2018

**PRESENT:** Councillor H.I. Jones (Chair)

**Councillors:** P.M. Edwards and J.E. Williams

**Also present as an observer:** Councillors W.T. Evans and E. Williams.

**Present as representatives of a Responsible Authority:-**

A. Morgan, Environmental Health Practitioner.

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;

E. Jones, Principal Licensing Officer;

A. Rees, Licensing Officer;

J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen – 10:15am - 11:05am**

## 1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

## 2. TEMPORARY EVENT NOTICE - DERWYDD MANSION, DERWYDD ROAD, AMMANFORD, CARMARTHENSHIRE, SA18 3LQ

The Sub Committee at its last meeting held on 26<sup>th</sup> June 2018 received the 3 Temporary Event Notices, however in order to gather further evidence, it was resolved to defer the decision of the 3 Temporary Event Notices to this meeting.

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub Committee that an objection notice had been submitted by the Public Health Department of Carmarthenshire County Council in relation to 3 Temporary Event Notices which had been submitted by Mrs Maria Dallavalle of La Scala, 15 Bryn Mawr Avenue, Ammanford, SA18 2DA.

The Temporary Event Notices related to the sale by retail of alcohol, the provision of Regulated Entertainment and Late Night Refreshment, on the premises on the following days and hours:-

Temporary Event Notice 1 –

Saturday 25<sup>th</sup> August 2018 - Upper Lawn, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

Temporary Event Notice 2 –  
Saturday 1<sup>st</sup> September 2018 - Upper Lawn, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

Temporary Event Notice 3 –  
Saturday 3<sup>rd</sup> November 2018 - Great Hall, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

The Legal Services Manager informed the Committee that the Public Health Department had objected to all of the 3 Temporary Event Notices on the grounds of noise nuisance arising from previous events held at the premises.

The Sub Committee considered the documents submitted, and all relevant written representations received before the hearing from the parties.

The Sub Committee received an oral representation from the Environmental Health Practitioner:-

- The Environmental Health Practitioner informed the Sub Committee that he had objected to the Temporary Event Notices due to previous history regarding noise nuisance during events at Derwydd Mansion.
- Since the last meeting, the Environmental Health Practitioner reported that he had met with Mr Ian Matthews, Mrs Dallavalle's Acoustic Consultant who had stated that whilst there no specific noise levels for such events was in existence, it was agreed that a bespoke level for this type of event would be set. It was acknowledged that a degree of trial an error may be required in order to reach an agreed acceptable level.
- The Sub Committee was afforded an opportunity to consider additional evidence, which was circulated at the start of the meeting. The evidence included graphs which exhibited the level of noise captured on the 2<sup>nd</sup> June 2018 at 22:57 and 28<sup>th</sup> July 2018 at 21:11. It was evident that the noise monitoring graph of the 28<sup>th</sup> July demonstrated that there was a significant reduction in beat/bass noise than the level on 2<sup>nd</sup> June.
- The Environmental Health Practitioner highlighted to the Sub Committee that it had been difficult to obtain a 'clean' noise recording due to the adverse weather conditions, however despite this, the noise levels displayed on the graph of the 28<sup>th</sup> July remained notably reduced by 12 decibels.

- In addition, it was understood that Mr Matthews had developed a noise management plan which had been put in place to ensure that noise reductions maintained in future events. It was acknowledged that all the management actions heavily relied upon Mrs Dallavalle to take relatively simple steps to mitigate noise. At these levels, it was satisfied that the events would not cause a public nuisance.

All parties were afforded the opportunity of questioning the Environment Health Officer on his representation and the evidence presented.

The Sub Committee thereupon received evidence from a neighbour of the property who supported the Environmental Health Services objections and stated that:-

- This issue had been ongoing for 2 years;
- the adverse weather conditions on the 28<sup>th</sup> July 2018 may have contributed to a reduction in people noise due the fact that most event participants stayed inside the marquee;
- Worried that Mrs Dallavalle would disregard the noise management plan in the future.

All parties were afforded the opportunity of questioning the witness on his representation.

- Reference was made to the noise monitoring graphs. In response to a query, the Environmental Health Practitioner confirmed that the graphs only captured the music and not the background people noise.
- In response to further a query, the Environmental Health Practitioner stated that he had seen the noise management plan which included the following practical measures:-
  - Overall noise level prescribed;
  - Reduction of access to car park;
  - Customer notices;
  - Deployment of staff in car park;
  - Restrictions on use of parts of car park;
  - Closing windows and doors for inside events;
  - Turning speakers away from properties;
  - No live/uncontrolled music.

The Sub Committee did not receive oral representations from either Mrs Dallavalle or Mr Matthews, noise consultant as they were not in attendance.

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 also had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing policy and of Guidance issued by the DCMS and Home Office identified in the agenda item, and those to which it had been referred by the parties.

**RESOLVED that, having considered all the evidence before it, the sub-committee finds that the Temporary Event Notices should be dealt with as follows:-**

<b>Temporary Event Notice 1 - 25<sup>th</sup> August 2018</b>	<b>No Counter-notice issued</b>
<b>Temporary Event Notice 2 - 1<sup>st</sup> September 2018</b>	<b>No Counter-notice issued</b>
<b>Temporary Event Notice 3 - 3<sup>rd</sup> November 2018</b>	<b>Defer to 26/09/18</b>

**REASONS:-**

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

1. The premises are in close proximity to 2 residential premises;
2. There was a history of the occupants of 1 of those premises being disturbed by late night noise from events at the premises;
3. Noise recordings taken by Public Health Services during past events suggest that events could give rise to a nuisance to the occupants of those premises;
4. There are no other persons in the vicinity of the premises who would be likely to be affected by any events taking place;
5. The occupants of the second nearby property had not made any complaints regarding noise from the premises;
6. The noise management plan appeared to be effective, but was reliant upon Mrs Dallavalle implementing it;
7. In the absence of any assurances from Mrs Dallavalle regarding this, the Sub Committee was concerned whether this would happen.

The Sub Committee had attached weight to the views of the responsible authorities.

The Sub Committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen if these events were to take place where unsupported by such evidence, are not matters which they can properly take into account.

The Sub Committee found the evidence of the local residents credible and accepts that the occupants of one property have been disturbed by events at the premises in the past.

In coming to its decision the Sub Committee was required to take such steps as appropriate to promote the licensing objective of preventing Public Nuisance.

In light of Mr Morgan's evidence, the Sub Committee was satisfied that if the noise management plan was implemented, no public nuisance would occur from these events. However in light of Mrs Dallavelle's non-attendance the Sub Committee required further evidence of the implementation and effectiveness of the plan before making a decision on the Temporary Event Notice for 3<sup>rd</sup> November 2018.

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**CHAIR**

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**DATE**