

# LICENSING SUB COMMITTEE C''

WEDNESDAY, 31<sup>ST</sup> AUGUST, 2016

**PRESENT:** Councillor T. Davies [Chair]

**Councillors:**

J.M. Charles and I.J. Jackson

Present as an Observer: Councillor D.J.R. Llewellyn

**The following Officers were in attendance:**

Mr R. Edgecombe	-	Legal Services Manager
Mr E. Jones	-	Principal Licensing Officer
Mrs M. Evans Thomas	-	Principal Democratic Services Officer
Mr A. Rees	-	Licensing Officer

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

Mr A. Morgan – Environmental Health Practitioner, Carmarthenshire County Council  
Mr M. Price – Dyfed Dyfed Powys Police Authority

**Chamber, County Hall, Carmarthen : 10.00 a.m. – 11.20 a.m.**

**1. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**2. TEMPORARY EVENT NOTICE - LLANDYSUL PADDLERS FIELD, PONTWELI, LLANDYSUL, SA44 4AA**

The Sub-Committee as advised that objection notices had been submitted by Dyfed Powys Police and the Environmental Health Department of Carmarthenshire County Council in relation to a Temporary Event Notice (TEN) submitted by Mr Geraint Wyn Lee of Melin Llan Stables, Penllergaer, Swansea, SA4 9GU. The TEN related to the sale by retail of alcohol, the provision of regulated entertainment and late night refreshment on the following days and hours:-

Sale by retail of alcohol:-

Friday, 28 <sup>th</sup> October, 2016	14:00 – 03:00
Saturday, 29 <sup>th</sup> October, 2016	09:00 – 03:00
Sunday, 30 <sup>th</sup> October, 2016	09:00 – 16:00

Regulated entertainment:-

Friday, 28 <sup>th</sup> October, 2016	23:00 – 03:00
Saturday, 29 <sup>th</sup> October, 2016	23:00 – 03:00

Late night refreshment:-

Friday, 28 <sup>th</sup> October, 2016	23:00 – 03:30
Saturday, 29 <sup>th</sup> October, 2016	23:00 – 03:30

Dyfed Powys Police and Carmarthenshire County Council's Environmental Health Division had objected to the notice on the grounds that they believed that the

Prevention of Crime and Disorder and the Prevent of Public Nuisance objectives would not be met.

A copy of the objections from the police and the Environmental Health Division were attached to the report as Appendix A and B respectively. Copies of the TEN were circulated to all parties at the meeting.

The Legal Services Manager briefed all present on the procedure for the meeting.

The Divisional Licensing Officer from Dyfed Powys Police thereupon addressed the Sub-Committee, outlining the police's reasons for objecting to the application, namely that they believed that incidents of crime and disorder would take place if the TEN application was granted. All parties were provided with an opportunity to question the police representative on his submission.

The representative from Carmarthenshire County Council's Environmental Health Division thereupon addressed the Sub-Committee, outlining their reasons for objecting to the application, which were on the grounds of potential noise nuisance. All parties were provided with an opportunity to question the representative from the Environmental Health Division on his submission.

The applicant was then provided with an opportunity to address the Sub-Committee and responded to the issues and concerns raised. Whilst conceding that problems were experienced at the event in 2014, changes were made in 2015 to address these problems and consequently no complaints were received last year. The same noise control measures successfully adopted in 2015 would be adopted again at this year's event. A professional DJ and security team had also been employed, instead of using volunteers as in previous years, which would assist with the smooth running of the event.

All parties were provided with an opportunity to question the applicant on his submission.

**UNANIMOUSLY RESOLVED that the Sub-Committee retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A to the Local Government Act 1972.**

Following the adjournment the Sub-Committee reconvened to advise of its decision.

The Sub-Committee, having regard to the Authority's Licensing Policy and National Guidance and having considered all the evidence before it,

**RESOLVED that no counter notice be issued under Section 105 of the Licensing Act 2103 as it was not appropriate to do so for the promotion of the Public Nuisance objective.**

**Reasons:**

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

- (1) The same event had in the past given rise to noise complaints in 2014.

- (2) The event operated to reduced hours in 2015 and no complaints were received, although some noise disturbance was caused.

The Sub-Committee attached weight to the views of the police 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 counter notice was not issued, were unsupported by such evidence, were not matters which they could properly take into account.

The Sub-Committee was satisfied that real evidence of noise problems existed in this case.

Having regard to all the evidence put before it the Sub-Committee was satisfied that it would not be appropriate to issue a counter-notice in this case in order to promote the licensing objectives of preventing crime and disorder and preventing public nuisance as they were satisfied that the proposed control measures were adequate and believed that they would be implemented.

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**CHAIR**

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**DATE**