

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Temporary Event Notice, Field at Old Castle Court Farm, Pandy, Abergavenny, NP7 7PH

DIRECTORATE: Social Care, Safeguarding & Health

MEETING: Licensing & Regulatory Sub-Committee

Date to be considered: 15th January 2025

DIVISION/WARDS AFFECTED: Crucorney, Abergavenny

1. PURPOSE:

- 1.1 To consider a Temporary Event Notice under the Licensing Act 2003 for a field at Old Castle Court Farm, Pandy, Abergavenny, NP7 7PH. This application has been made by Samuel Southan of 70 St Ina Road, Cardiff, CF14 4LT. Registered address is GemFestival Ltd, 78-78a Monnow Street, Monmouth, NP25 3EQ.

2. RECOMMENDATION(S):

- 2.1 It is recommended that members consider and determine the notice, on the basis of the information provided. Members are able to:-
- Approve the notice / or
 - Issue a counter notice which will refuse the notice

3. KEY ISSUES

- 3.1 A valid Temporary Event Notice has been submitted for a field at Old Castle Court Farm, Pandy, Abergavenny, NP7 7PH by Samuel Southan of 70 St Ina Road, Cardiff, CF14 4LT (registered address is GemFestival Ltd, 78-78a Monnow Street, Monmouth, NP25 3EQ) to Monmouthshire County Council on 24th December 2024.

The notice has been made for the event to start on the 13th June 2025 and end on the 16th June 2025 for the following activities:-

Sale of Alcohol

13/06/2025 – 14:00hrs – 04:00hrs
14/06/2025 – 12:00hrs – 04:00hrs
15/06/2025 – 12:00hrs – 00:00hrs

Performance of Music

13/06/2025 – 14:00hrs – 04:00hrs
14/06/2025 – 12:00hrs – 04:00hrs
15/06/2025 – 12:00hrs – 00:00hrs

Provision of Late Night Refreshments

13/06/2025 – 14:00hrs – 04:00hrs
14/06/2025 – 12:00hrs – 04:00hrs

15/06/2025 – 12:00hrs – 00:00hrs

A copy of the notice is attached to this report as **Appendix A**.

3.2 The premises is an open field set in a rural location, Grid Reference: SO 33027 24709 Grid Reference (6 figure): SO330247
GPS co-ordinates of entrance points:
Entrance 1: 51.915116, -2.975994
Entrance 2: 51.917130, -2.976786
What3Words of entrance points:
Entrance 1: ///cashiers.performs.wiggling
Entrance 2: ///flickers.unionists.angel
Address (near): Crucorney, Pandy, Monmouthshire, Wales, NP7 7PH.
Google Maps Search: Type in 'Oldcastle Turn' which will draw a pin on the bus stop adjacent to entrance 2.

3.3 The event is an annual event organised by Samuel Southan, Samuel Morgan, John Lewis and Gemma Curtis, which has operated in 2023 under a Temporary Event Notice arrangement with zero issues reported to the Responsible Authorities and under a premises license in 2024, within the area of Herefordshire. The applicant states they maintained an excellent relationship with local authorities in Herefordshire for the past two years. This is the first time the applicant has applied for the event to take place within the Monmouthshire area. GemFest 2025 will be a three day, ticketed outdoor music and experience-led festival. In terms of licensable activities, this TEN will cover one small, pop-up stage for around 2-300 people, and a bar area, and two or three food traders. The field will also contain a campsite and a car park which will be separated from the licensable activities area by a Heras fence line.

The aim of the event is to provide a safe and fun environment where the participants can enjoy music, food and drinks (alcoholic and non-alcoholic) on offer. Audience type is primarily "18-30" though many middle ages and above have attended in previous years as the festival caters for all music & food fans over the age of 18. Medical services and SIA security will be contracted for the event, and the event will be managed by the above-mentioned organisers, as well as a team of staff and volunteer stewards.

3.4 The applicant has a statutory duty to send copies of the Temporary Event Notice to Heddlu Gwent Police and Environmental Health 10 working days prior to the event. The Police and Environmental Health are able to object to the notice within 3 working days from the following day the notice was received. No other party is able to make a representation on a Temporary Event Notice. The notice was submitted online and as such the Licensing Section forwarded the notice to the statutory consultees.

3.5 An objection to the notice was received from Huw Owen, Principal Environmental Health Officer which states the event would undermine the prevention of public nuisance. The objection is as follows:

Officers of this section consider such TENs applications primarily with regard to the key Licensing objective the 'prevention of public nuisance'. Furthermore, we have the responsibility for meeting the duties of the local authority with regard to the statutory nuisance provisions of Part III of the Environmental Protection Act 1990.

I have carefully considered the information you have provided, which includes:

- Event starts Friday 13th June and finishes Monday 16th June 2025.
- The intended licensable activities, including provision of regulated entertainment, finish 4am on the Friday and Saturday nights and midnight on Sunday (no licensable activities Monday 16th June).

Coordinates have been given for the privately owned field intended to be used and for the entrance points. The address has been provided as Crucorney, Pandy NP7 7PH.

No site plan has been provided of the intended event layout. There are a number of dwellings within 500m of the event field, potentially within 100/200m depending on the areas of the field used. There is no history of similar events being held in this field in recent years as far as I am aware.

Fundamentally the location is rural and background sound levels will potentially drop to very low levels during late night hours, particularly if there is no significant wind.

The most relevant guidance is the Code of Practice on Environmental Noise Control at Concerts 1995, which includes *'For events continuing or held between the hours 23.00 and 09.00 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation'*.

In my opinion on consideration of the quiet location, nearby dwellings, the very limited information provided in the application (no pertinent information on the intended music type / music noise levels / mitigation measures to ensure there is no significant noise impact on the residents in the area) there is clearly the potential for disturbance from music during late night hours and a breach of Licensing objective the 'prevention of public nuisance'.

In addition, this potential disturbance is exacerbated by the cumulative impact of noise on 3 consecutive days / nights.

I am therefore objecting to this TENs and I have emailed the Monmouthshire County Council Licensing section and Gwent Police Licensing team to inform them accordingly.

3.6 The applicant has responded to the objection with the following:

Thank you for your email and apologies for not picking up. I'm in Australia currently and my sims been playing up for UK calls so that will be why I missed it.

Totally understanding of your points here – we have not provided any of the necessary information to yourself and the council.

I can send over an assessment and more in depth detail of the licensable activities to take place, or we can set up an online meeting early next week to discuss if you'd prefer to have a meeting.

3.7 An objection to the notice was received from Gwent Police Licensing. The objection is as follows:

Gwent Police formally object to your TEN application regarding 'GEM FEST' 2025.

Our reasons concern the 4 licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

In your application, you have not provided sufficient detail to promote the licensing objectives, you have not provided any plans or risk assessments which would be expected for an event of this type over multiple days.

3.8 The applicant has responded to the objection with the following:

Thanks very much for this and understood. We'll return to you with our full Event Management Plan etc.

3.9 At the time of writing this report, no further supporting documentation requested by Huw Owen, Principal Environmental Health Officer and Gwent Police has been submitted by the applicant to support the Temporary Event Notice application.

4. REASONS:

4.1 In making its decision, the Sub Committee is obliged to have regard to:-

- The Licensing Act 2003
- National Guidance
- Council's own Licensing Policy and
- All representations made and evidence presented

4.2 The determination of an application for a Temporary Event Notice under Section 105 (1)-(3) of the Licensing Act 2003 states:-

(1) This section applies where an objection notice is given in respect of a temporary event notice.

(2) The relevant licensing authority must-

(a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and

(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the crime prevention objective to do so.

(3) The relevant licensing authority must-

(a) In a case where it decides not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and

(b) in any other case-

(i) give the premises user the counter notice and a notice stating the reasons for this decision, and

(ii) give the relevant chief officer of police a copy of both of those notices.

4.3 In section 7.28 – 7.40 of the Guidance issued under section 182 of the Licensing

Act 2003, the Secretary of State regarding how the Licensing Authority should deal with objections is attached as **Appendix B**.

- 4.4 Section 7.28 of the Guidance states that Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or Environmental Health unless all parties agree that a hearing is not necessary. The applicant and objector have not come to an agreement and therefore the hearing will go ahead.
- 4.5 Should members determine that the Temporary Event Notice be refused, the applicant has a right of appeal against this decision to the Magistrates. However, should members determine that the notice be allowed to proceed, disregarding the
the Environmental Health Officer (EHO) objection, then the right of appeal is afforded to the EHO.
- 4.6 Section 14.4 of Monmouthshire County Council's (MCC's) Licensing Policy states relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to objection to any application will therefore need to state whether they are doing so on the grounds of:
- The prevention of crime and disorder
 - Public Safety;
 - The prevention of public nuisance
 - The protection of children from harm
- 4.7 Section 21.9 of MCC's policy also states that the Licensing Authority recommends that anyone wishing to submit a Temporary Event Notice, particularly where this involves the provision of regulated entertainment, gives as much notice to the Authority as possible, to ensure that proper advice can be given and any anticipated issues resolved in a planned and timely manner. A period of at least 10 weeks is recommended for this process, and a longer consultation period should be considered for larger events. Whilst notice can legally be submitted with 10 working days or a late notice in 5 working days prior to the event taking place, a period of 10 weeks is recommended for larger events.

However, the policy is a guidance document and is not statutory function. Monmouthshire County Council's Policy further stipulates that each application has to be treated on it's own merit and that the licensing authority should support licensees on a wide range of entertainment activities to promote the cultural benefit of the community.

5. RESOURCE IMPLICATIONS:

5.1 Nil

6. CONSULTEES:

Heddlu Gwent Police
Local Authority Environmental Health

7. BACKGROUND PAPERS:

Licensing Act 2003

Guidance issued under Section 105 of the Licensing Act 2003

Monmouthshire County Council's Statement of Licensing Policy dated 1st July 2020

8. AUTHOR:

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