

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee County Hall, Rhadyr, Usk - Remote Attendance on Tuesday, 8th March, 2022 at 2.00 pm

PRESENT: County Councillor J. Treharne (Chair)
County Councillors: J. Higginson and B. Strong

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Samantha Winn	Licensing Officer
Anthony Davies	Specialist Environmental Health Officer
Huw Owen	Principal Environment Health Officer (Public Health)
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declaration of Interests

None received.

2. Application for a New Premises Licence for Llanvetherine Court, Llanvetherine, Abergavenny

The Licensing and Regulatory Committee considered an application for a Premises Licence under the Licensing Act 2003 for Llanvetherine Court, Llanvetherine Court Farm Road, Llanvetherine, Abergavenny.

The Chairman welcomed the applicants, their legal representative and the objector, Monmouthshire County Council's Environmental Health Department's representative, to the meeting and introduced Members of the Committee and the attending officers and explained the protocol for the meeting.

The applicants and the objector confirmed receipt of the report and the Noise Impact assessment. It was noted that the Environmental Health officer had commented on the Noise Impact assessment and that the applicant had subsequently responded to the Environmental Health officer's comments.

The key issues and details were read out to the Committee.

In doing so it was noted that a new application for a premises licence under the Licensing Act 2003 had been received from Llanvetherine Court Partnership for Llanvetherine Court, Llanvetherine Court Farm Road, Llanvetherine, Abergavenny for the following:

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Live Music, Recorded Music – Indoors and Outdoors Alcohol Sales – on and off the premises

- Fridays 12:00hrs - 00:00hrs
- Saturdays 00:00hrs - 08:00hrs, then 11:00hrs - 00:00hrs
- Sundays 00:00hrs - 08:00hrs, then 11:00hrs - 20:00hrs
- **Bank Holiday weekends:**
 - Sunday 00:00hrs - 08:00hrs, then 11:00hrs - 00:00hrs
 - Monday 00:00hrs - 08:00hrs, then 11:00hrs - 20:00hrs
- New Year's Eve 16:00hrs - 08:00hrs

Late Night Refreshment

- Fridays 23:00hrs – 00:00hrs
- Saturdays 00:00hrs – 05:00hrs
- Sundays 23:00hrs – 00:00hrs

Bank Holiday weekends:

Sunday 23:00hrs – 00:00hrs

Monday 00:00hrs – 05:00hrs

New Year's Eve 00:00hrs – 05:00hrs

Following this, the objector, Monmouthshire County Council's Environmental Health Department's representative outlined the following points:

- On 8th February 2022 the Environmental Health Department submitted an objection against the premise license application for Llanvetherine Court as it was considered that there was insufficient information to confirm licensing objective D, the prevention of public nuisance, particularly in terms of noise would be complied with.
- The applicant has provided a Noise Impact Assessment. However, having reviewed the content and further considered the application as a whole, the Environmental Health Department's objection to the application stands.
- Concerns remain that compliance with the prevention of public nuisance licensing objective will not be met. In particular, noise from the application site has the potential to cause disturbance to residents in the area and result in subsequent complaint.

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- This is due to the proposed hours outlined in the report, with a plan to hold multi-day events on most weekends, particularly between the 1st April and mid-September 2022 and the concerns of the cumulative impact on residents in the locality from events both at the Barn, which is subject to this license application, and to the wider Llanvetherine Court site, where five additional larger scale music festivals are planned for 2022 as the site continues to develop.
- The application site is in a rural setting with the nearest dwelling about 190 metres away. There are other dwellings, some with businesses, that surround the site at varying distances up to approximately 700 metres.
- The noise impact assessment has highlighted fundamental concerns. It uses a background level of 27 decibels as a base to set noise limits. The background in this rural location can fall to 20 decibels or even lower, particularly during the core hours of sleep overnight when it is proposed that music will be playing.
- When dance music is played, which is a low repetitive bass beat, on warm summer nights and local residents have their windows open there is the potential for such sound to be perceptible during the hours of sleep, cause disturbance and give rise to complaint.
- The report predicts that an open window is considered to provide a reduction of 10 to 15 decibels. The report uses the 15 decibel reduction. However, Environmental Health would take the more cautionary 10 decibel reduction. Using a 10 decibel reduction the predicted level in the nearest bedroom would be 20 decibels with the potential for a person to tune in throughout the late hours of the night creating a disturbance for the individual.
- The report highlights issues with controlling music at source, particularly at the doors of the barn which will be used by guests and for ventilation purposes.
- The report notes that compliance with relevant technical guidance does not necessarily constitute a zero risk of adverse impact. The report demonstrates the difficulty of setting enforceable noise based conditions for the application in an area where the background level is potentially very low.
- The Environmental Health Department had proposed a 1.00am finish time to the applicant and would recommend this to the Licensing and Regulatory Sub Committee.

Members of the Sub Committee then put questions to the Environmental Health Department's representative and the following information was noted:

- 20 decibels equates to a level of inaudibility. There is the potential for some people to tune into these levels of noise in the core hours of the evening.

The Applicants' representative then put questions to the Environmental Health Department's representative and the following information was noted:

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- The applicants' representative referred to Email correspondence dated 5th March 2022 between the applicant and the Environmental Health officer which referred to a number of events held at Llanvetherine Court in 2019 that had been held successfully without complaint.
- The Environmental Health officer acknowledged that work had been undertaken at the Barn which is the subject of the application for the premises license, to better insulate the property. These works had been undertaken since 2019.
- The background noise levels of 20 decibels is based on the Environmental Health officer's 20 years of noise monitoring in Monmouthshire.
- There is no evidence of decibel readings to present to the Licensing and Regulatory Sub Committee.
- The Environmental Health officer recommends the granting of a license to 1.00am and is content for the applicant to apply for 26 temporary event notices that would permit the applicant to hold events up to 6.00am.
- It was noted that there is no set decibel level of inaudibility. 20 decibels is extremely quiet. However, in the early hours of the morning with a window open in a rural setting and there is no background traffic noise, this could drop to 20 decibels. In these conditions there is the potential to perceive some music levels in the background and could give rise to disturbance and complaint.

The applicants and their representative outlined the following points:

- The application has been modified to seek the hours to 6.00am from the original starting point of 8.00am. This followed consultation with the Licensing Authority which had led to this agreement.
- The hearing is only addressing the issue of public nuisance. Gwent Police accepts that there will not be any issues relating to crime and disorder. There are no concerns regarding children or public safety.
- The applicant has a music industry background.
- The farm was purchased in 2017. It is a working farm. However, the applicant is looking to sustainably diversify into the hospitality sector.
- The planning application has been approved which was supported by Environmental Health.
- Gwent Police is content with the regulated entertainment that is being put on and in the way in which it is being managed by the applicant and his staff.
- This type of entertainment lends itself to the hours being sought.

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- The application is evidenced based. Throughout 2019, successful events had been staged with regulated entertainment which had operated until 2.00am, 4.00am and 6.00am on multiple occasions. No complaints had been received regarding the use of the premises.
- This shows that the applicant is able to promote the licensing objectives and can put on events which do not give rise to the concerns raised by the Environmental Health officer presented today.
- It was noted that one complaint regarding a noise outbreak had been received in respect of an event in 2021. However, this complaint did not refer to the premises that is being discussed today. Instead, the premises was a Dutch barn which was open to the elements and did not have sound proofing.
- Communication with local residents regarding events occurs via the village magazine and the applicants talk to local residents individually and via email.
- The applicants have demonstrated their ability to run regulated entertainment without giving rise to public nuisance.
- The applicants have received advice from an acoustic expert in order to ensure that the building is improved to reduce noise levels. A new floor has been put in place between the ground floor and the first floor containing sound proofing measures. Double glazed windows are to be installed to further reduce the noise levels emanating from the building.
- The complaint received from the past event is not comparable to this application as the noise attenuation works for this application need to be taken into account.
- The acoustic report indicated that the use of a noise limiter set to a level of 100 decibels internally would be suitable whether doors are open or closed. At these levels the noise would be inaudible inside most residential properties with open windows. There is no evidence to challenge this report relating to this site.
- The acoustic report indicated that music is unlikely to be perceived by residents inside dwellings after 23:00 hours.
- The applicant has liaised with the local Authority and the conditions agreed have been with the Licensing Department. The applicant is content for a condition to be imposed on the premises license that no regulated activity would be permitted at the premises until such time as the noise limiting device is installed. Any amplified equipment will be played through that system.
- Any large events would need to go to a Safety Advisory Group (SAG) meeting.
- Local residents will continue to be contacted regarding upcoming events.
- Event hours have been reduced to 6.00am.

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- No local objections have been received in respect of the application.
- The Noise Management Plan has been established.
- The applicants have planted trees with a view to helping to control noise levels.
- Sound checks will be undertaken and documented throughout the evening of an event.
- Contact details have been given to local residents. If the applicant is contacted then this will have to be documented. If a complaint arises then this will have to be documented and retained also with a view to being looked at by the responsible authorities.
- Evidence suggests that the applicants, with expert advice, are able to ensure that the premises license will be successful and not have a negative impact on the local community.
- The license could be conditioned as follows:
 - Between 1st April and 30th September the license be permitted to operate until 6.00am.
 - Between 1st October and 31st March the license be permitted to operate until 1.00am.

Members of the Sub Committee then put questions to the applicants and their representative and the following information was noted:

- A maximum of 200 people would be able to attend an event in the barn at the premises.
- About 600 trees over two hectares have been planted which should mature in 10 to 15 years.
- No noise mitigation measures had been undertaken in 2019. All concerns arising since 2019 have been addressed.
- The double glazed windows will be installed next week completing the sound mitigating works to the building.
- In the next 12 months 20 events are proposed to take place at the premises.

The Environmental Health Department and the Applicants' solicitor were then given the opportunity to sum up.

Following questioning, the Licensing and Regulatory Sub Committee and the Legal representative left the meeting to deliberate and discuss the findings.

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Upon re-commencement, the Chair advised that the Committee had decided to grant a new premises license for Lanvetherine Court, Llanvetherine, Abergavenny subject to the condition as proposed by the applicant as follows:

- Between 1st April and 30th September the license is granted until 6.00am.
- Between 1st October and 31st March the license is granted until 1.00am.

The meeting ended at 4.14 pm.