

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Wednesday, 11th May, 2016 at 10.00 am

PRESENT: County Councillors: L. Guppy, D. Evans and J. Higginson

OFFICERS IN ATTENDANCE:

David Jones	Head of Regulatory Services
Linda O'Gorman	Principal Licensing Officer
Chris Rann	Senior Licensing Officer
Huw Owen	Principal Environment Health Officer
Ioan Gealy	Solicitor
Richard Williams	Democratic Services Officer

ALSO IN ATTENDANCE:

Steven White	-	Operations Manager Chepstow Racecourse
Caroline Williams	-	Deputy General Manager Chepstow Racecourse
Phillip Bell	-	Executive Director Chepstow Racecourse
Jonathan Smith	-	Solicitor for the applicant
County Councillor D. Dovey	-	Local Member
Councillor G. Davies	-	Forest of Dean District Council

APOLOGIES:

None received.

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Application for a Premises Licence for Chepstow Racecourse, St Arvans, Chepstow NP16 6BE

We received an application for a Premises Licence under the Licensing Act 2003 for the Chepstow Racecourse, St. Arvans, Chepstow, Monmouthshire. NP16 6BE.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present. It was recommended that Members consider and determine the application, on the basis of the information provided.

The Principal Licensing Officer presented the key issues, which summarised:

The application is for the following:

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Supply of Alcohol (On and Off Sales) Monday to Sunday	Start 10.00hrs	Finish 02.00hrs
Recorded Music (Indoors and Outdoors) Monday to Sunday	10.00hrs	02.00hrs
Late Night Refreshments Monday to Sunday	23.00hrs	02.00hrs
Live Music (indoors and Outdoors) Monday to Sunday	10:00hrs	02:00 hrs
Performance of Dance (indoors and outdoors) Monday to Sunday	10.00hrs	02.00hrs
Hours open to the Public Monday to Sunday		24.00hrs

The Legislative Reform (Entertainment Licensing) Order 2014 permits live and recorded music for 500 persons between 08.00hrs – 23.00hrs on licensed premises without the requirement of a licence. The payment received by the Licensing Section for the application referred to above was for a capacity level between 10,000 and 14,999. Therefore, this Order will not be applicable in this instance as the capacity level will exceed 500 people.

It was noted that the applicant and Environmental Health have come to an agreement that the following be placed as a condition of the licence. As such, Environmental Health will withdraw its representation, with this condition being in place.

- Live or recorded music played outdoors at the premises will finish at midnight except on eight event days per calendar year which will permit a finish time after midnight but no later than 2.00a.m.

The Chair invited other representatives to address the Sub Committee:

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County Councillor Dovey, speaking as the local Member, outlined the following points:

- The licence should not be granted in its current form. The terms require amending.
- The race course has changed its business model to include festivals.
- The terms of the licence are broad.
- More sophisticated / powerful equipment is being used.
- Since the licence was established, a number of new housing estates have been built in his ward. There were now an additional 400 houses. The impact of the licence on local residents should be taken into account.
- Concern was expressed that the festivals can become multi day events with excessive alcohol consumption and noise / behaviour issues. Previous festivals had resulted in excessive noise levels being generated.
- The local Member was against the music being generated by festivals exceeding 12.00am.

Councillor G. Davies representing Forest of Dean District Council, outlined the following points:

- Complaints have been received from residents within his ward (Woodcroft-Tutsill), as the distance from the racecourse across the Wye Valley is less than one mile and at night the sound is very audible. The excessive noise goes on until the early hours of the morning.

The Head of Regulatory Services advised the Sub Committee that on event days music should not be audible within residential properties after 11.00pm. However, this was difficult to achieve. Therefore, it was considered that conditioning the Racecourse to a maximum of eight events per annum would be a more appropriate way forward.

The applicant's representative provided the Sub Committee with the following information:

- Approval of the new licence would mean that this licence would be more restrictive, stringent and robust compared to the previous licence.
- A noise management plan has been drafted for festivals. The client pays for an acoustic expert to monitor sound levels. Environmental Health also undertakes noise level checks. Therefore, appropriate noise levels after 11.00pm are trying to be maintained.
- The Noise Management Plan would be shortly be presented to Monmouthshire County Council's Noise Safety Group.

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- The racecourse has to compete with Bristol and Cardiff. Therefore, hosting events is a part of the business.
- Event Management Plans are submitted to Environmental Health 28 days before an event commences. Letters are sent to residents stipulating dates and times of the event and a telephone number for Environmental Health is provided.
- Notices of events are also erected in Tidenham.
- The Racecourse works closely with health and safety officers.
- There has been no evidence of public disorder after events.
- The client has agreed to a maximum of eight events per annum.
- The Safety Advisory Group is key as it has the power to review the licence should any of the conditions be breached.

The Members were invited to ask questions based on the evidence provided.

During discussion we noted:

- There has to be negotiations to agree reasonable noise levels.
- A post event report is produced to assess the event and to identify ways to improve further events.
- Noise readings are entered into the post event report.
- Adequate toilet provision for events is addressed via the Event Management Plan.

Following questioning, Officers, objectors, the applicant and the applicant's representative left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 for a premises licence for Chepstow Racecourse.

We have heard representations from the applicant's solicitor, County Councillor D. Dovey, Councillor G. Davies, the applicant's representative and the Head of Regulatory Services.

We have also taken into account any other written representations and objections received.

In reaching the decision, we have had regard to:

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- The Licensing Act 2003.
- The Licensing objectives.
- The Council's statement of licensing policy.
- The guidance issued by the Home Office.

In taking into account all of the above matters, any other relevant legislation, for example, the Human Rights Act 1998 and all the relevant circumstances of the application, we have decided to:

Grant the licence as applied with the condition that festival type events are restricted to eight days a year.

The applicant and objector may appeal to the Magistrates Court against this decision within 21 days of being notified of the decision.

The applicant and objector will receive written confirmation of this decision within five working days.

We reached our decision on the basis that we are satisfied that the application is well founded.