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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Sub Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd
May, 2017 at 3.00 pm**

PRESENT: County Councillor: J. Higginson (Chair)

County Councillors: J. Higginson, L. Guppy and J. Treharne

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Sam Winn	Licensing Officer
Ioan Gealy	Solicitor
Huw Owen	Principal Environment Health Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declaration of Interests

There were no declarations of Interest made by Members.

2. Temporary Event Notice, Cwm Cayo Farm, Gwehelog, Usk

We received a Temporary Event Notice under the Licensing Act 2003 for a field at Cwm Cayo Farm, Gwehelog, Usk.

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:

A Temporary Event Notice has been submitted for a field at Cwm Cayo Farm, Gwehelog, Usk by George Thompson of Triplicity Ltd. to Monmouthshire County Council on 15th May 2017.

The notice has been made for the event to start on the 1st June 2017 and end on the 5th June 2017 for the following activities:-

Sale of Alcohol

02/06/17 – 12:00hrs – 02:00hrs

03/06/17 – 10:00hrs – 02:00hrs

04/06/17 – 10:00hrs – 00:00hrs

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Performance of Music

02/06/17 – 12:00hrs – 03:00hrs

03/06/17 – 10:00hrs – 03:00hrs

04/06/17 – 10:00hrs – 00:00hrs

The premises is an open field set in a rural location 2.5 miles north of Usk. The event will consist of three small music stages, one bar, art exhibition area, craft workshops, performing arts area, market place, therapy / massage area and food stalls. The general age of attendees to the events is varied and ranges between 18 and 60. Parents are permitted to bring their children. There are policies in place for this and usually child numbers are small.

The applicant states that the event is to be run in accordance with a detailed Event Management Plan (EMP), Event Safety Risk Assessment (ESRA), Triplicity Noise Management Plan (NMP) and Triplicity Noise Survey with sound check map.

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 three 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 on line and as such the Licensing Section forwarded the notice to the statutory consultees.

An objection to the notice was received from the Environmental Health Officer which stated that the event would undermine the prevention of public nuisance. The applicant had responded to the objection stating that he would be willing to comply with the restrictions set. Further correspondence ensued between the Environmental Health Officer and the applicant.

However, it was noted that the crucial factor in this application from an Environmental Health and noise control perspective are the finish times. Also, that the location is extremely rural in nature so the later into the night the event goes, the quieter the background levels will become and therefore the more difficult it would be for the applicant to adhere to the noise levels set in the guidance issued.

The Environmental Health Officer was content for the music to finish at midnight and that there be no amplified music after 11.00pm. The reason for this is because it is considered that the location is not fit for purpose for this sort of event.

The applicant confirmed that he had received a copy of the report and presented his views to the committee, as follows:

- The initial application had fallen in line with management plans that the applicant had used successfully, previously.

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- Initially, a 4.00am finish with low sound levels had been proposed but the Environmental Health Officer had disagreed with this. The applicant had therefore agreed to pull back the finishing time.
- Day times regulations proposed are under the guidelines given in the code of practice on environmental noise control. The night time levels are in accordance with that now.
- The applicant had agreed to adhere to the guidance provided by the Environmental Health Officer. However, an objection had still been made by the Officer after the applicant had agreed to the guidance provided.
- The applicant considers that the Environmental Health Officer's objections are based on issues that had arisen at previous events that had not followed the guidance provided. Therefore, the applicant should not be punished for other people's actions.
- The levels proposed after 11.00pm are inaudible inside the nearest properties. Therefore, the noise levels would not create a detrimental effect to local residents if the event finished at 3.00am.
- Other festivals in the UK go on longer than 3.00am, sometimes for 24 hours, often in very rural locations with neighbours, but with proper sound management, these events continue to be held year on year with minimal complaints.
- The applicant has agreed to comply with all of the regulations initially set by the Environmental Health Officer but an objection has been submitted.
- The applicant has carried out accurate sound readings on site giving a clear indication with regard to the sound levels that can be used.
- The applicant considers that he has done everything that he can do to comply with appropriate noise levels that had been set.
- The applicant stated that he will adhere to the noise management plan.
- An 11.00pm finish would not be appropriate for this type of event.

The Chair invited the Principal Environmental Health Officer to address the Sub Committee and outlined the following points:

- The concerns from Environmental Health are the potential for significant disturbance to be caused from House Dance music proposed played until 3.00am on consecutive nights in the open air in a rural community. This has the potential to cause significant disturbance.
- In a rural area, background levels, particularly late at night, can be extremely low.

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- There is a history of complaints regarding festivals at this site in the previous two years in which a number of complaints had been received.
- History suggests that there is potential for noise disturbance from events at this site held in the open air until late at night.
- The music finish time for this application is later than the finish time for the two previous applications.
- There are a number of residential properties located within 400 to 500 metres of the main stage.
- The applicant, in his noise management plan, has indicated that he would adhere to Environmental Health's guidance limits.
- Monmouthshire County Council Guidance is that music should not be in excess of five decibels at the boundary of nearby dwellings after 11.00pm at night in order to comply with the guidance given in the Code of Practice on Environmental Noise Control at Concerts. To meet a post 11.00pm guidance it would mean that music in the audience area could potentially have to be very low and as low as 70 decibels. Officers are concerned that this will not meet the expectations of the customers and renders the site not fit for purpose for this event.
- Residents in the area are already sensitised due to previous events not complying with guidance.
- There will potentially be 46 hours of music over the three days. Nine of these hours will occur after 11.00pm.

The applicant responded by informing the Sub-Committee that the event will be reduced by one night with only six hours of music being played after 11.00pm. The applicant was at the site last night with a decibel meter and stated that the event could be run at 77decidels on stage.

The Principal Environmental Health Officer responded stating that there will be nine hours of music that will be played after 11.00pm. There is the potential for the base-beat of the music to be clearly audible.

In response to questions asked by the Principal Licensing Officer, the applicant confirmed that he had seen the map, which highlighted the distance of dwellings to the event location, that had been brought to the meeting by the Principal Environmental Officer. The applicant also confirmed that he had seen the report containing details of the Licensing Policy of Monmouthshire County Council and legislation.

The Gwent Police representative informed the Sub-Committee that he had no objections to the application.

Having considered the views expressed, the following points were noted:

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- The applicant informed the Sub-Committee that the original site for the event, near Stroud, had fallen through. The current proposed venue was sought eight months ago and a full premises application had been submitted. However, there had been an error in this application so the numbers had been reduced and a Temporary Events Notice had been submitted.
- The applicant has produced a notice for local residents, which has been made available locally containing the contact details of the applicant, should any complaints be made.

The Principal Environmental Health Officer summarised the objections to the application:

- Environmental Health does try to work with event organisers and aims to give the benefit of the doubt.
- In this case, a number of complaints had been received last year regarding an event that had been held at this site.
- Prior to the hearing, officers had indicated that they would be content with the festival proceeding as long as the amplified music finished at 11.00pm.
- Officers are concerned that the late night finishes proposed in a rural community may lead to the potential for significant disturbance to be caused if the guidance had not been adhered to.

In response to a Sub-Committee Member's question, the applicant confirmed that the proposed numbers for the event had been drastically cut to comply with the Temporary Event Notice guidelines. He had sold 350 tickets for the proposed event.

The Principal Licensing Officer informed the Sub-Committee that conditions could not be applied to this Temporary Events Notice as there is no Premises Licence at this venue where conditions can be taken from to put onto the Notice.

The applicant provided the Sub-Committee with the following summary:

- The objection is strongly based on negative experiences from past events in which the applicant was not affiliated to.
- The applicant has a track record of providing decent sound management at its events.
- All appropriate measures have been taken that have been requested by Environmental Health.

Following questioning, the Sub Committee, County Council Solicitor and the Democratic Services Officer left the meeting to deliberate and discuss the findings.

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Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 for a Temporary Event Notice at Cwm Cayo Farm, Gwehelog, Usk.

The sub-committee comprising of County Councillors R.J. Higginson, L.Guppy and J. Treharne met on 23rd May 2017 at 3.00pm to consider the application for a Temporary Event Notice at Cwm Cayo Farm, Gwehelog, Usk from 1st to 5th June 2017.

We have heard representations from the applicant and the objector. We have also taken note of all the written representations before us.

In reaching the decision we have had regard to:

- 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, such as the Human Rights Act 1998 and all the issues raised before us today.

The sub- committee felt that because it has major concerns that the decibel level, as stated in the application, would cause a public nuisance at such a late hour, it has decided to reject the application. The applicant was informed that he will be notified of the application appeals procedure in the counter notice.

The meeting ended at 4.25 pm.