

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Application for a Premises Licence for Llanvetherine Court, Llanvetherine Court Farm Road, Llanvetherine, Abergavenny, Monmouthshire, NP7 8NL
DIRECTORATE: Social Care and Health
MEETING: Licensing & Regulatory Sub-Committee
Date to be considered: 8 th March 2022
DIVISION/WARDS AFFECTED: Priory Ward, Abergavenny

1. PURPOSE:

To consider an application for a Premises Licence under the Licensing Act 2003 for Llanvetherine Court, Llanvetherine Court Farm Road, Llanvetherine, Abergavenny. Due to a representation received against the licence application, the Local Authority are required to hold a hearing to consider the application. A copy of the application with plans provided by the applicant is attached as Appendix A along with the noise management plan (Appendix B) and a covid risk assessment for the barn (Appendix C).

2. RECOMMENDATION(S):

2.1 It is recommended that members consider and determine the application referred to in 3.1 below, based on the information provided;

2.2 Members of the sub-committee may determine:-

- To grant the licence with the condition specified in the application
- To grant the licence with the conditions the Council considers appropriate for the promotion of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as premises supervisor
- To reject the application

3. KEY ISSUES

3.1 A new application for a premises licence under the Licensing Act 2003 was received from Llanvetherine Court Partnership for Llanvetherine Court, Llanvetherine Court Farm Road, Llanvetherine, Abergavenny for the following:-

**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
- NYE 16:00hrs - 08:00hrs

Late Night Refreshment

- Fridays 11:00hrs – 00:00hrs
- Saturdays 00:00hrs – 00:00hrs
- Sundays 00:00hrs – 21:00hrs
- **Bank Holiday weekends:**
 - Sunday 00:00hrs – 00:00hrs
 - Monday 00:00hrs – 21:00hrs
 - NYE 16:00hrs – 08:00hrs

- 3.2. The applicant has described the premises as a stone barn, located at the southern edge of the central farm building area of Llanvetherine Court Farm. This barn has been used for events over the past 4 years, licensed through Temporary Event Notices (TEN's). The barn is located at the centre of a 141 acre block of farmland. Farmland is being used as a research and demonstration site for regenerative farming and permaculture. A strip of land runs through the centre of the farm which is the area used for associated activities with the premises (Parking, camping, and activities). Licensable events include weddings, music events and some food events. Location is also used for events not requiring a licence such as yoga retreats, work trips and land based activities. The majority of licensable events, particularly larger ones, will occur in the months April through to September.

The applicant within their operating schedule has outlined their arrangement under the four licensing objectives.

General

Events which require the licence can be considered as weddings, music and food events. Weddings are invite only. For music events, we work with carefully selected promoters, who limit the reach of ticket sales; for most part they are invite only. We feel this leads to higher standards of behaviour from guests. Our branding as a business, as environmentally conscious and high quality, further sets the tone for expectations of behaviour. As appropriate for the event, registering guests to attend means they can be held accountable for their actions.

The premises is the barn beside the farmhouse in which the majority of the key members of staff live. We are present throughout the weekend to act as and when required.

The prevention of Crime and Disorder

The closed nature of being able to attend an event is intended to improve standards of behaviour. Through the remote location of the venue, and design of the event areas, it is hoped there is little scope for crime and disorder. Security personnel will be present on site as appropriate for the event

Public Safety

Encouraging guests to sleep on site reduces the likelihood of drunken behaviours impacting the wider public.

Site thoroughly risk assessed.

Security personnel and/or first aiders will be present on site as appropriate for the event.

Encouraging a healthy culture amongst attendees.

Clear routes for communication with staff allow us to react to any circumstances where attendees feel unsafe.

The prevention of public Nuisance

The approach to encourage the majority of attendees to sleep on site reduces the likelihood of poor behaviour when leaving the site.

The inaccessibility by foot, due to our location, limits how attendees will be able to commit nuisance to the public.

A noise management plan is in place with Monmouthshire Environmental Health aided by regular communication with neighbours – we consider this to be our greatest potential issue and so is a priority focus.

The protection of children from harm

Bar staff to check ID at events at which under 18s are admitted.

Clear communication with event organisers as to whether an event is admitted to under 18s.

Site risk assessments – communication to guests of the risks.

Encouraging a healthy culture amongst attendees.

- 3.3 The applicant has a statutory duty to send copies of his/her premises application to the 'Responsible Authorities' namely Heddlu Gwent Police, South Wales Fire Service, The Local Health Board, Immigration. Plus the following departments of Monmouthshire County Council, Environmental Health section, Social Services, Planning, Licensing and Trading Standards departments. To assist applicants the Licensing Section also circulate a copy of the application and plan to the Responsible Authorities by email, and this was completed. A notice also has to be circulated in a local newspaper within the area of the premises by the applicant and this notice was included in the Abergavenny Chronicle on the 19th January 2022.

A public notice was also displayed at the premises to enable businesses and residents to make a representation.

The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.

- 3.4 Representations were received against the application from Heddlu Gwent Police requesting the applicant agree to accept conditions relating to CCTV.
- There shall be CCTV in place which covers the permanent structures within the licensable area.
 - The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
 - The DPS shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the licensing authority and any other authorised person.

- The correct time and date will be generated onto both the recording and the real time image screen.
- If the CCTV equipment (including any mobile units in use at the premises) breaks down, the DPS shall ensure that they verbally inform the licensing authority and the police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing authority and the police shall be informed when faults are rectified.
- The DPS shall be responsible for ensuring that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the licensing authority or a constable.
- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
- The premise shall operate and maintain an up-to-date register of refusals of sale of alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any responsible authority under the Licensing Act 2003.
- The premise shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place. This shall be made available for inspection by any responsible authority under the Licensing Act 2003.
- The premises shall operate a Challenge 25 policy. The age check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
- Fully documented staff training, to include training on the premise licence conditions as well as the premise's Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 12 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any responsible authority under the Licensing Act 2003.
- There shall be a search policy in place at the premise, this policy should detail the expectations placed upon the security staff that are employed. This policy should be retained for inspection by an authorised officer upon request.
- All SIA staff are required to be briefed by the DPS regarding the search policy. There shall be a record kept of this briefing, including the date and should take place every 6 months. The DPS shall demonstrate that they have taken steps to ensure that the policy is being adhered to.
- In any event where controlled substances or prohibited items are found, the DPS shall ensure that the staff inform the police as soon as reasonably practicable and record this in the incident book.
- The DPS shall ensure that documented arrangements are in place at the premise to discourage the use and sale of controlled substances. For example, documented checks of toilet areas/areas not covered by CCTV throughout the evening. This document should be made available to the police and licensing authority on request.
- The DPS shall risk assess events to determine the number of door supervisors required for each event that they hold. Written records should be kept of this risk assessment for inspection by the police and licensing authority if requested. If issues arise at the premise, the police or licensing authority reserve the right to request that additional SIA staff are employed at those times/events identified as problematic. These requests will be reasonable and discussed with the DPS/PLH before being implemented.
- All door supervisors shall wear standard uniform and wear high visibility armbands clearly displaying their SIA Badge to clearly identify their status.

- A list of known planned events shall be provided to the police every 6 months.
- There shall be a customer dispersal policy in place where the capacity exceeds 250 people. This should set out measures to avoid mass exit at closing time, this can include a gradual change in music style, increased lighting for example. There shall be a policy in place to get customers home safely, this may include having a contact with a private hire company.
- All management and security staff shall undertake an Action Counter Terrorism awareness e-learning course and should retain the certificate available at the end of the training for inspection. This training shall be undertaken every 18 months. To log on and register for ACT e-learning, visit <https://ct.highfieldelearning.com>
- A clear risk assessment shall be provided to Gwent police and Monmouthshire environmental health (health & safety) in relation to management of the outside space. This risk assessment must specifically cover measures undertaken by management and security to manage customers who may be intoxicated coming to harm across the site, especially water features at the property.

Heddlu Gwent Police removed their representations after the applicant agreed to accept all of the conditions provided above.

3.5 The Licensing Section submitted the following representation under the ground of Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety:

- Upon Hire of the venue, the persons/business making the booking and all musical performers in attendance must be informed that the sound levels are set by DPS or nominated responsible person. The Designated Premises Supervisor (DPS) or nominated person will have overall control over the volume for all recorded and live music and will reduce the volume accordingly when conducting sound checks following the noise management plan.
- For events whereby more than 250 people attend. The Premises Licence Holder/s or DPS will provide an Event Notification form to Monmouthshire Council's Event Safety Advisory Group (ESAG). The Premises Licence Holder/s or DPS will comply with all reasonable requests made by ESAG to host an approved event.
- The DPS will provide up to date contact number/s to local residents, should local residents complain to the DPS he/she will take action where appropriate to remedy the complaint.
- During events whereby alcohol is sold the Premises Licence Holder/s will take appropriate measures through a risk assessment for the lake. With the aim of reducing the risk of customers/event attendees falling into the lake, extra measures may be required for late night events for example security, fencing, taped off areas or lighting.
- Request the licensable hours are reduced to 6am from 8am each day including for non-standard timing days.
- Clearer plan provided by the licensing officer outlining the relevant licensable areas agreed by applicant.

The applicant requested that the events that are required to go before ESAG be increased to 500 people and the licensing officer agreed.

All conditions then agreed by the applicant.

3.6 A representation was received from Environmental Health as follows;

I have considered the information contained in the New Premises Licence Application - Llanvetherine Court PRM480. I object to the application because there

is insufficient information to confirm licensing objective D the prevention of public nuisance can be complied with.

The application requests a licence for Live and Recorded music for the following hours at a designated stone barn/building at Llanvetherine Court:

- Fri 12:00-00:00;
- Sat 00:00-08:00 11:00-00:00;
- Sun 00:00-08:00 11:00-20:00
- BH weekends Sun 00:00-08:00 11:00-00:00; Mon 00:00-08:00 11:00-20:00
- NYE 16:00-08:00.

There are properties and other accommodation neighbouring or otherwise in the vicinity of the application site. The nearest residential property is approximately 180-190m away.

There are another approximately 6 other properties in closest vicinity of the site up to approximately 700m away. The location of the application site is in an area where the background level of noise will potentially be very low. Windows of properties in the vicinity of the application site will be open at such properties particularly during warmer evenings /nights.

I am aware complaints have been made about a number of, but not all, similar type of events that have been held at Llanvetherine Court, which have proceeded through the TENS (Temporary Event Notice) route. Complaints received have included concern of a repetitive low level bass audible into late evening and early morning hours.

Given the information contained in the application, there is the potential for live and recorded music played in the designated stone barn/building to be audible by residents of properties and occupiers of other accommodation in the area especially during late night and early morning hours which will give rise to complaint. The potential for noise to impact on local residents will be accentuated as guests /customers access and leave, for comfort breaks, the stone barn/ building where live and recorded music is played and when this building is naturally ventilated, for example. There is also the potential for noise to be generated from customer/guest activity outside the stone barn/building where live and recorded music is played. This is in the additional area proposed to be covered by the license, for late night refreshment and the supply of alcohol for example. Other areas outside those that will be licensed will be used by guests/customers at Llanvetherine Court. The additional outside area proposed to be licensed could potentially have up to approximately 180 people present.

There is concern also, about the cumulative impact noise from events held at this location will have on residents in the vicinity of the application site. The applicants intention is to have events (weddings ,birthday parties, small scale festivals etc.) of varying capacity between 50 and 180 of invite only guests/customers on approx. 17 weekends between April and September 2022 which will mainly commence on Friday and continue through until Sunday or bank holiday Monday.

Whilst work has been undertaken to better sound proof the stone barn/building and further works are planned I am of the opinion the application should be supported by an assessment of the noise impact of the proposals, in particular the matters I have identified above, with regard to residential and other accommodation in the area. The report should include measures to be taken to mitigate noise impact and confirm how the prevention of public nuisance licensing objective will be achieved and constantly complied with for the duration of the licence. The information should be prepared by a person with appropriate acoustic qualifications and with regard to relevant guidance.

The applicant responded to the representation with the following:

On the 15th February 2022 the applicant stated that he was having consultants putting together quotes on noise impact assessments this week. Potentially able to produce a report within 2 weeks.

To date no noise impact assessment has been produced and as such the Environmental Health representation still stands.

3.7 Representations made under the Licensing Act 2003 must be made under the four key licensing objectives, namely:-

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm.

3.8 When considering their decision members are asked to consider the licensing objectives guidance. Sections 2.1 – 2.21 of the Home Office revised guidance issued in April 2018 under section 182 of the Licensing Act 2003 are attached as appendix D.

3.9 In accordance with 9.2 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003. A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

4. REASONS:

4.1 The determination of an application is to be considered in accordance with Section 18 of the Licensing Act 2003.

4.2 In section 9.4 of the Guidance issued under section 182 of the Licensing Act 2003, the Secretary of State recommends that, a representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

4.3 In section 9.12 of the Guidance issued under section 182 of the Licensing Act 2003 states each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective.

4.4 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to

which the decision has been made with regard to the licensing authority's statement of policy and this Guidance.

- 4.5 Monmouthshire County Council's Policy sets out its views on the Prevention of public nuisance. The relevant sections 11 – 11.10 of the Policy issued 1st July 2020 are attached to this report as Appendix E.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

Heddlu Gwent Police, South Wales Fire Service, Home Office (Immigration) and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services, Planning, Trading Standards, Licensing and the Local Health Board

7. BACKGROUND PAPERS:

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003 dated April 2018.

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

Live Music Act 2012

8. AUTHOR:

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