

## STATUTORY LICENSING-SUB COMMITTEE

Minutes of a meeting held on 9<sup>th</sup> April, 2019.

Present: Councillors V.P. Driscoll, Mrs. J.M. Norman and J.W. Thomas.

Also present: Licensing Officer (Vale of Glamorgan Council), Legal Officer (Vale of Glamorgan Council), Democratic Services Officer (Vale of Glamorgan Council), Councillor N.P. Hodges, Mr. M. Blumberg, Mr. J. Radford, Mr. R. McIntosh, Mr. D. Shepherd, Mr. B. Harvey, Mr. and Mrs. C. Sanders, Mr. and Mrs. D. Williams and Mrs. M. White.

The Democratic and Scrutiny Services Officer explained the procedure to be used for the hearing and advised that a copy of the procedure was available within the agenda.

(a) Appointment of Chairman –

Councillor J.W. Thomas was elected Chairman for the duration of the hearing.

(b) Declarations of Interest –

No declarations were received.

(c) Licensing Act 2003 – Application for the Grant of a Premises Licence – Romilly Park, Barry, CF62 6RN –

The Chairman welcomed those present to the Sub-Committee hearing and invited each person to introduce themselves.

The Chairman invited the Licensing Officer to present the report, who advised that an application had been made under the Licensing Act 2003 for the grant of a Premises Licence at Romilly Park, Barry and was submitted by Mr. Matthew Blumberg of Mack Events Presents Ltd. An application was submitted on 12<sup>th</sup> February, 2019 which sought permission for the sale of alcohol (on the premises), dance, live and recorded music, provision of films and plays, from 10:00 hours to 23:00 hours seven days a week. The original application also stated that the premises would close at 23:30 hours and that the maximum number of persons expected to attend the premises at any one time was 6,999. The Officer also drew Members' attention to the full operating schedule and plan related to the application that were attached at Appendix A to the report.

Under the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 a Responsible Authority, or any Other Person, may make relevant representations at any time during the 28 day consultation period. Therefore, the application had been referred to the Sub-Committee for determination as officers did not have the delegate authority to determine applications where relevant

representations had been received and not withdrawn. Nine representations were received from Other Persons during the consultation period, a copy of which was attached to the Officer's report at Appendix D.

The Officer added that the period for making representations ended on 13<sup>th</sup> March, 2019 and Members were requested to note that the Applicant had considered the representations received and now sought to amend the application as follows:

Licensable Activities Friday 16:00 hours to 21:00 hours with the site to be cleared by 21:30 hours

Saturday and Sunday 11:30 hours to 21:00 hours with the site to be cleared by 21:30 hours both nights

The Premises Licence shall be limited to one three day period covering a Friday, Saturday and Sunday during the months of July or August of any given year with the three days to run consecutively over a single weekend.

The Applicant was also proposing a condition relating to the capacity of the event with the proposed maximum numbers to attend being:

2019 – to a maximum capacity of 6,000  
2020 – to a maximum capacity of 6,500  
2021 continued – to a capped maximum capacity of 6,999.

The Officer then drew the Sub-Committee's attention to Appendices B and C of the report which set out additional conditions that had been drafted alongside the operating schedule as set out at Section 18 of the original application and following discussions with the Shared Regulatory Services Environmental Health Team, relating to public nuisance and public safety. The Officer confirmed that the Applicant had agreed to all of the conditions contained within Appendices B and C to the report.

The Officer added that the Licensing Authority must have regard to the four licensing objectives when carrying out its functions, which were:

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

In addition to this, once granted, a Premises Licence would generally remain in force indefinitely unless one of the following circumstances would take place:

- The licence was revoked; or
- The Applicant requested the licence for a limited time only; or
- The licence was suspended; or
- The licence lapsed due to some incapacity on the part of the licence holder; or
- The licence was surrendered.

Members were also advised that the Vale of Glamorgan Parks Department held a Premises Licence for Romilly Park which authorised a range of regulated entertainment between the hours of 10:00 hours and 23:00 hours seven days a week, with attendance not exceeding 5,000 people.

In conclusion, the Officer advised that Section 2(3) of the Licensing Act 2003 stated that nothing in the Act prevented two or more authorisations having effect concurrently in respect of the whole or part of the same premises or in respect of the same person.

Following the Licensing Officer's presentation of the report, the Chairman invited Mr. Matthew Blumberg (Applicant) to present his case.

Mr. Blumberg advised that he was the Director of Mack Events Presents Ltd and that the application was made with the expectation that his company would provide one event per year over one weekend. Mr. Blumberg and his colleagues were already in contact with the Safety Advisory Group for the Local Authority and advised that he was happy to continue his liaison with the group for the benefit of the local community. For context, Mr. Blumberg advised that Mack Events was considered a local company and it wished to minimise any negative effects caused by events held by the company at all times. To that end, professional events management had been employed. Mr. Blumberg added that he was a local resident of Romilly Park and was therefore very passionate about the venue and the fact that previous events held at the site had had a positive economic impact for Barry town as a whole.

The Chairman thanked Mr. Blumberg for his representations and asked if any Other Parties had any questions to raise.

A member of the Other Persons advised that during previous events held by Mr. Blumberg, her friends were unable to leave the event once they had entered and therefore wished to seek further clarity on how the event was helping to boost the local economy as individuals were unable to spend outside of the event whilst attending it. Mr. Blumberg advised that 40% of the tickets sold at previous events were purchased by local residents and he was in possession of statements that were received from local businesses advising that the businesses had seen a significant increase in takings and / or service use during the time of previous events being held.

At this point, a member of the Other Persons wished to seek further clarification on a point raised by the Licensing Officer and Mr. Blumberg in that the application before the Sub-Committee mirrored the current licence in place for the venue. In response, the Licensing Officer advised that the current licence in place at Romilly Park permitted the Council to hold events however the licence did not include the sale of alcohol. Therefore, the application under scrutiny was different to the current licence in place as the Applicant had applied for the sale of alcohol and for an increased customer footfall above the current licence maximum number which was 5,000 people.

The Chairman then wished to clarify how many years the event had been previously running and what the recorded customer numbers were, to which, Mr. Blumberg

advised that the event had been running for six years on a Friday, Saturday and Sunday and for the last event in 2018 there were 4,500 people who attended the event. This number reflected a gradual increase since the event had begun.

A Member of the Sub-Committee then wished to confirm that the event was held on only one consecutive weekend that that there was no overnight stay facility as part of the event. Mr. Blumberg advised that over the single three weekend days, there were two events held however for both events the amplified music was stopped by 21:00 hours. For the first time in 2019, a youth event would be held on the Friday with the adult event held on the Saturday and Sunday of the same weekend.

A member of the Other Persons then wished to clarify if the venue would be cleared by 21:00 hours as to his knowledge, historical events had gone on later into the evening. One of the Applicant's Representatives advised that Appendix C to the hearing papers set out conditions that Mr. Blumberg was required to adhere to and if any of the conditions were breached then the Environmental Health Department could take action against the event. However, as Mr. Blumberg did not wish to operate amplified music beyond 21:00 hours, this was not intended to be the case. Mr. Blumberg also then wished to add that the current licence in place at Romilly Park allowed for amplified music up to 23:00 hours, however he had taken the conscious decision to not have amplified music beyond 21:00 hours for the benefit of local residents.

A member of the Other Persons then referred to the point raised by Mr. Blumberg regarding the number of individuals attending the event and referred to the increasing capacity numbers as set out within the report. On this information, the Other Person asked if the event would eventually outgrow the venue and did the Directors have any plans to move to an alternative site. An Applicant Representative advised that at the current time the capacity numbers were at a safe level for the venue with particular emphasis on the number of entrances and exits and traffic routes from the site and therefore consideration had only been given to date up to the 6,999 customer number. Mr. Blumberg added that the 6,999 customer number was deemed safe and the venue was ideal for the event as it could be easily accessed by public transport.

On the matter of individuals travelling to and from the venue, an Other Person asked after the steps that had been considered to pacify the local population. To which, the Applicant's Representative advised that various public transport routes were available and used by customers to access the site.

A member of the Other Persons then wished to confirm that alcohol would not be on sale for the youth event and queried the start of sound testing for the youth event on the Friday, to which, an Applicant Representative advised that the installation of the event would take place on the Thursday into Friday morning and that the sound testing would then commence from 12:00 noon on the Friday. The licence as applied for was for the sale of alcohol on all three days of the event, however alcohol would not be served to any persons under the legal drinking age.

With there being no further questions and / or responsible authorities present, the Chairman invited the Other Persons to make their representations.

Mr. and Mrs. Williams advised that they had attended the hearing with concerns over the ambiguity of the application made, however, had received some comfort following the Applicant's representations during the hearing so far. However, Mrs. Williams wished to add that she was of the opinion that Romilly Park was not a suitable venue for the event irrespective of the previous events' success and that the event generated noise pollution at the time of year when local residents wished to enjoy the outside of their properties.

Mrs. Lloyd then provided her representations and began by raising the point that the event had originally started with a maximum of 500 individuals attending and therefore, given the ever increasing numbers, this was proof that the event had outgrown the venue. It was also a fact that, to her knowledge, the maximum sound level should be 50 decibels for residential properties, however written representations provided stated 98 decibels. During historical events the windows had rattled at the sound levels within Mrs. Lloyd's property. Mrs. Lloyd also wished to advise the Sub-Committee that she was only recently made aware of a direct complaint telephone number that was available to members of the public and the Environmental Health Department during the event and added that the fact that the number was only advertised on the event company's website was not good enough. Mrs. Lloyd also raised her concerns regarding protocols in place if an individual was refused entry to the venue and therefore how they would be removed from the local area. In conclusion, Mrs. Lloyd referred to the fact that the event would hold open air stages and queried if this was the first time that open air stages were included. In response, an Applicant Representative advised that there had always been open air stages included within the event historically and that the event had previously operated three open air stages, however, the event Directors had chosen to lessen the number of open air stages for the next event in 2019. The Representative also reiterated the conditions that were set upon the event as included in Appendix C of the papers and advised that the 98 decibel limit was relevant to the immediate area in front of the stage and not that at neighbouring properties.

At this point, the Chairman also wished to advise that the current licence being applied for should give local residents more protection with regards to noise pollution than the general licence currently in place for the venue.

The next representations were provided by Mr. Sanders who began by advising that during previous events, he had rung the Council to ask who he needed to ring with regards to raising a complaint during the event and he was advised that there was no individual who he was able to contact. Mr. Sanders was sorry to advise that he had concerns regarding the event when it first started to operate and unfortunately his concerns had now become a reality. It was deemed unacceptable that Romilly Park was made unavailable to children and the general public for eight days a year due to the event and local residents were subjected to nine hours of consecutive noise per day meaning that they were unable to relax within their own homes. In referring to the application before the Sub-Committee, Mr. Sanders wished to complain about the ambiguity of the language used in the application and advised that he had received no reassurance over the repeated statement "all reasonable steps". He also referred to the statement included that an experienced Health and Safety Officer was employed and therefore queried the person's qualifications.

Mr. Sanders advised that he had previously received a leaflet posted to his property from the event Directors which stated that consideration would be given to minimise nuisance to local residents, however this was insulting as it had clearly not taken place. Mr. Sanders then wished to reiterate his neighbour's experience of the noise levels from the event, which rattled windows at his property and advised that to his knowledge the external noise pollution from the event should not reach more than 55 decibels and had concerns over whether a noise impact assessment had been carried out and whether noise levels were accurately monitored outside the venue at neighbouring properties. It was also his belief that the 98 decibel limit from the front of house area of the event could be anything up to 75 metres from the front of the stage and according to the event plans, the nearest residential property was only 70 metres away. Mr. Sanders then wished to refer to the Welsh Government Noise and Landscape Action Plan and in particular to Section 5, paragraph 1.54, which stated that Green Flag sites should receive the highest protection from noise pollution and this was relevant as Romilly Park was listed as a Green Flag site. In conclusion, Mrs. Sanders also wished to add that the event encouraged antisocial behaviour and resulted in local residents being unable to park outside of their own properties. Therefore, local residents were having to vacate their own homes during the period the event was held.

With regards to parking outside residential properties, the Legal Officer present wished to advise that parking facilities were not an issue that the Licensing Committee was at liberty to consider and would therefore not be considered as part of the decision-making process on the Application.

The final Other Person to address the Sub-Committee was Mr. Harvey, who advised that the two main issues regarding the event were noise and parking. Mr. Harvey advised that parking was a particular issue for himself personally and that more customers attending the event would result in more traffic. Mr. Harvey concluded by sharing his disappointment that the Environmental Health Department had not decided to attend the hearing and therefore felt that the sound monitoring for the event had been passed to the event organisers.

Following the Other Persons confirming that they had nothing further to add, the Chairman invited all of the parties to raise questions of the representations provided by the Other Persons.

Both the Applicant and Licensing Officer advised that they had no further questions to raise.

With no further questions, the Chairman invited all parties to sum up their representations.

Mr. Sanders advised that both himself and Mrs. Sanders could not object strongly enough to the Application, to which, Mrs. Williams added that there were better venues within the Barry area that would be more suited to the event and which were not deemed to be in a residential area.

An Applicant's Representative then wished to summarise the Applicant's representations by addressing some of the key points raised by the Other Persons

during their representations and began by confirming that the Local Authority Environmental Health Department had the emergency telephone number which was a direct number to organisers within the event and it was therefore at the discretion of the Local Authority to use that number as they wished. With regards to the park not being accessible to members of the public, the Applicant wished to advise that this was incorrect as only the lower grass area of Romilly Park would be out of use during the event, therefore the children's play area and other facilities such as the tennis courts, would remain accessible throughout. The Representative also confirmed that he held a diploma in safety management and had over 20 years' experience of events and would be present during the entirety of the event and therefore was qualified to act as the Health and Safety Officer during the event. It was also important to note that the sound safety levels with regard to outdoor events and concerts was different to that as set out in Planning Policy and wished to reassure all persons present that consideration had been given to the layout of the event to ensure adequate dispersion of noise levels as supported by the conditions set out in Appendix C of the hearing papers. On behalf of the Applicant, the Representative also added that Local Authority Highways staff had previously input in to the event planning through the Safety Advisory Group which also afforded the Applicant the opportunity to liaise with the South Wales Police and this was a process the Applicant would continue to participate in. The Applicant did not wish to breach any of the conditions as applied for and would be remiss to do so given that the application before the Sub-Committee was for three consecutive years. In conclusion, the Applicant wished to advise that the conditions as set within the Application were raised by the Environmental Health Officers at the Council.

A Member of the Sub-Committee then referred to point 10 of Appendix C which referred to a manned telephone throughout the event with a pre-advertised number to enable the reporting of any noise disturbance resulting from the event at the venue and wished to gain further clarification. The Applicant's Representative advised that the emergency number was introduced at the 2018 event and had been provided to the Environmental Health Department for them to contact the event Directors directly during the event.

A Sub-Committee Member noted that the South Wales Police had not attended the hearing and had therefore not provided any objections, however wished to highlight the fact that further contact could be made with local residents over the consideration of traffic congestion as the current liaison as part of the Safety Advisory Group had not mitigated residents' concerns.

There being no further representations, all parties retired from the Chamber to allow the Sub-Committee to deliberate on the amended application in private.

On returning, the Chairman confirmed that the application was for the grant of a Premises Licence at Romilly Park, Barry, in the Vale of Glamorgan and that the amended application sought the following:

Licensable Activities

Friday 16:00 hours to 21:00 hours

Saturday and Sunday 11:30 hours to 21:00 hours

The Premises Licence shall be limited to one three day period covering a Friday, Saturday and Sunday during the months of July or August of any given year with the three days to run consecutively over a single weekend.

In delivering the decision of the Sub-Committee, the Chairman summarised the verbal and written representations received by all parties and the comments received during the hearing as set out in the minutes above.

The Chairman advised that following consideration of the application, the representations from the Local Authority's Licensing Department, the Applicant and his representatives and Other Persons, and having considered the Home Office Guidance along with Sections 3, 7, 8, 12 and 20 of the Council's Statement of Licensing Policy and also taking into account Section 182 of the Licensing Act 2003 (As Amended), the Licensing Sub-Committee

RESOLVED – T H A T the amended application as set out in paragraph 2.3 to 2.6 and Appendices B and C of the Officer's report be granted.

#### Reason for decision

The Sub-Committee was satisfied with the application subject to the conditions consistent within the operating schedule as included within Appendix B as far as conditions agreed with the Environmental Health Department as included at Appendix C of the officer's report.

The application gave members of the public greater protection than was previously available under the Parks Department licence that the event had historically operated under.

All of the conditions relating to noise were specific to the event and should be better fit for purpose to protect local residents. With such events, there would inevitably be some noise but the Sub-Committee trusted that with the conditions agreed by the Applicant, there would be minimal disturbance caused to those neighbours most directly impacted.

The licence now granted would be subject to review should any of the conditions not be met by the Applicant.

The Chairman advised all persons present for the Sub-Committee's decision that they had the right of appeal against the decision of the Sub-Committee. The appeal must be made in writing and within 21 days to the Cardiff and Vale of Glamorgan Magistrates Court. Should the Appellant be in any doubt as to their legal rights and / or responsibilities they should take independent legal advice.