

LICENSING SUB-COMMITTEE
20 APRIL 2016

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 20 April 2016

PRESENT: **Councillor Tony Sharps (Chairman)**
Councillors: Jim Falshaw and Mike Reece

Officers of the Council:

Licensing Team Leader (Gemma Potter), Solicitor (Louise Pedreschi) and Committee Officer (Sharon Thomas)

Applicant:

Mr. Phil Gerrard accompanied by Mr. Darryl Davies

Interested Persons:

Mr. Philip Bridges and Mr. John Robert Gerrard

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

3. HEARING AND DETERMINATION OF THE APPLICATION

The Chairman explained the procedure for hearing and determining the application, and detailed the order in which speakers would be able to address the Panel.

4. APPLICATION FOR A PREMISES LICENCE

The Licensing Team Leader presented the report of the Chief Officer (Planning & Environment) to consider and determine an application under the Licensing Act 2003 for a time limited Premises Licence in respect of private land at Five Acre, Ffordd Plas Ucha, Nercwys, Flintshire CH7 4EN. The licence was sought for a proposed music festival to be held on Saturday, 21 May 2016 between 17.00 and 00.30 hours. Two neighbours of the proposed site had objected to the application and their representations were appended to the report.

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4.1 Representations by the Applicant

Speaking on behalf of the applicant, Mr. Darryl Davies explained that he was a long-standing resident of Nercwys. Although not residing near the proposed site, he said that a number of annual bonfire events had taken place close to his own property over the years and that he had taken the view to accept the levels of noise and disruption in order to support these type of events for the benefit of the community. However, he would not be willing to offer the same support if such events were held nearby on a regular basis.

In support of the application, Mr. Davies pointed out that the festival was a one-day event held every two years and that the applicant sought to improve each event. He questioned the reasons for the objections when the aim of the event was to generate funds for the local community and charities, adding that he would not object if he lived near the site. He was unaware of the planning issues mentioned in the letters of objection. He acknowledged that the proposed venue was close to the complainants' properties but felt that the event should be viewed positively and that the aim to generate money for good causes was of greater importance.

In response to questions from the Chairman, Mr. Davies spoke about the input and contributions by Mr. Phil Gerrard on the music festivals. He added that the community bonfire events previously held, also organised by Mr. Gerrard, had ceased but that this was not due to any complaints.

Mr. Phil Gerrard provided background information on the annual festivals and explained the reasons for moving the event to Five Acre to include the provision of lighting, toilets and seating which were already situated at Five Acre and which would therefore not have to be deducted from the money raised, commenting that the site previously used at Ty Coch had not resulted in any complaints from the nearby resident. He said that sound checks for the event would start between 2-3pm on the day of the festival with gates opening at 5pm and the music starting around 6pm. He also pointed out that no representations had been made by the Police and Fire Service, and confirmed his agreement to the Health and Safety recommendations which would be implemented.

4.2 Representations by Interested Parties

Mr. Philip Bridges wished to clarify that he did not oppose the festival and fully supported charitable causes, however his objection was in relation to the location which he felt would cause a significant public nuisance. He circulated a plan of the area including the proposed site which he said was 45 metres away from his own land. He referred to alleged breaches in planning permission on the site, including the installation of powerful sodium lighting, and questioned the potential for legal implications if the licence was granted. He felt that the field on the site had been specifically developed for future events and disputed the comment made that this was a one-off event as another event had been held at the site in August 2015. A number of public nuisance issues arising from that event - loud music, intrusive lighting, noise from late-night traffic and parking

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problems - had led to concerns about similar disturbances at the forthcoming festival. Whilst Mr. Bridges noted that the applicant had engaged a professional sound management company, this did not alleviate his concerns as no sound levels had been set.

Mr. John Robert Gerrard, who was another neighbour of the proposed site, confirmed that he was the brother of the applicant and stated that this was not a case of sibling rivalry. His objection to the application was based on concerns about the access roads to the site, together with the noise and lighting issues referred to by Mr. Bridges. He was also concerned about the disturbance that could be caused to his horses and particularly to his daughter during her GCSE exam studies. He cited examples of three other potential locations which he felt would be more suitable venues for the festival.

In response to comments about the timing of the application, the Chairman gave assurances that the policy had been adhered to and that the hearing had been convened due to the objections to the application. The Licensing Team Leader referred to the 28 day consultation period and confirmed that the application was valid and in accordance with the Act.

In relation to the planning issues raised, the Licensing Team Leader provided explanation on the procedure for dealing with such applications and stated that the Planning Authority had been informed about the application but had chosen not to make any representations. The Solicitor added that it was outside the remit of the Sub-Committee to comment on planning matters.

4.3 Determination of the Application

In response to the comments made, Mr. Darryl Davies and Phil Gerrard reiterated that the festival was a one-day event lasting around six hours. They said it was difficult to predict the number of vehicles expected as attendees could travel in groups or even walk. Mr. Gerrard provided explanation on the one-way traffic system which would be facilitated by the fixed temporary lighting and went on to dispute Mr. Bridges' assertion that his property was 45 metres away from the boundary. Mr. Bridges disagreed with this view and asked why the event could not be held at the site previously used. Mr. Phil Gerrard explained that this was due to greater capacity and the availability of undercover seating. He would also be able to carry out any maintenance on his own land used for parking.

Following questions raised by the Solicitor, Mr. Phil Gerrard said that he had received no complaints in relation to the event held in August 2015 (a wedding ceremony) and did not have a process in place to deal with any complaints made on the day of the festival. He provided information on the arrangements and rehearsals leading up to the event and explained that lighting on the building was permanent whilst the rest was temporary fixed lighting used only for events. He recalled that Mr. Bridges had contacted him about the lighting used for the 2015 event and that the lighting had not been used since that time, however Mr. Bridges disagreed with this.

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When asked by the Solicitor about lighting used at the 2015 event, Mr. Bridges provided clarification on the complaint he had submitted later in December 2015 to the Planning Enforcement section to which he had received no response. In response to a further question, Mr. John Robert Gerrard noted the information shared on rehearsal times but remained concerned about the impact of disturbance on his family.

The applicant and interested parties all responded to questions raised by the Panel. Councillor Mike Reece suggested the use of cowling on the lights as a gesture of goodwill, however Mr. Phil Gerrard explained that the lights had been turned down as much as possible towards the car parking area. Mr. Bridges shared a photograph showing the effect of the lighting as seen from his property.

Following a query from Councillor Jim Falshaw, Mr. Phil Gerrard detailed the range of support for the festival including security staff monitoring the site and St. John's Ambulance representatives. In terms of access, he pointed out the availability of two areas along the narrow road where vehicles could pull in, if required.

Responding to a query from the Licensing Team Leader, Mr. Phil Gerrard advised that the lighting for the event was expected to be switched off between 12.30am-1.00am.

All those present, with the exception of the Chairman, Committee Members, Solicitor and Committee Officer, left the room to enable the Panel to reach a decision.

4.4 Decision

The Sub-Committee considered all of the representations, both written and verbal, and the weight to be attached to all of the evidence heard. It was noted that there had been no complaints in respect of the previous festivals held by the same organiser and that the applicant had, on this occasion, given assurances that the relevant licensing objectives would not be undermined. It was noted that there had been no representations by North Wales Police, Fire & Rescue and the Planning Authority.

It was also noted that the applicant had previously held one event at his property to which there were no formal objections. In addition, the applicant had confirmed that the lighting of the property was directed downwards and that he had engaged a professional sound company to manage noise levels on the night. The applicant had also put in place arrangements for the car park management and for security personnel to monitor the site. The Sub-Committee considered the human rights of the parties but weighed this up against the benefit to the community at large. The applicant had agreed to accept the Health and Safety recommendations as made.

The Sub-Committee took into consideration the representations made by the interested parties in respect of lighting and noise, and subsequently agreed to

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grant the licence in respect of licensable activities set out in the report, restricting the time limit from 5pm to midnight on Saturday, 21 May 2016. The Health and Safety recommendations were also to be adopted as conditions.

RESOLVED:

That the time limited Premises Licence be granted at Five Acre, Ffordd Plas Ucha, Nercwys to play live and recorded music and anything of a similar description, late night refreshment and the supply of alcohol for consumption on the premises. The licence to be granted with the following conditions:

- That the licensable activities take place between the hours of 5pm and midnight on Saturday, 21 May 2016.
- All drainage ponds, ditches and watercourses on the site require safely fencing off, to prevent access by persons or vehicles, for example with robust 'pedestrian barriers/fencing'. Fencing must be of suitable height and strength to withstand persons falling against it. As several of the ponds are at the edge of the car park, they should be fenced off with the end of the parking area clearly demarcated.
- Open chamber containing water pipes: To prevent persons falling into the chamber, it requires securely fencing off or the fitting of a propriety lockable cover.
- Gravel slope onto the grass field: The slope will cause persons to stumble and fall and therefore requires safely fencing off along its entire length.
- Drinks should be served in non-glass bottles and drinking glasses.

5. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press and six members of the public in attendance.

(The meeting started at 9.35 am and ended at 11.40 am)

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