
CENTRAL LICENSING SUB-COMMITTEE, 27.07.12

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Annwen Hughes, Chris Hughes

Also present: Siôn Huws (Propriety Officer), Gwenan M Williams (Licensing Manager), Heilyn Williams (Licensing Officer) and Glynda O'Brien (Members' Support and Scrutiny Officer).

1. APPLICATION FOR A PREMISES LICENCE – THE VENUE, PAVILLION BUILDINGS, BARMOUTH

Others invited to the Meeting:

On behalf of The Venue,

Pavillion Buildings, Barmouth: Mr Charles William Wright (Applicant)
Mr Charles Walter Wright

Representing the Police: Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

PC Richard Hughes

Objector: Mr Bill Pritchard

1.1 DECLARATION OF PERSONAL CONNECTION

Councillor Eryl Jones-Williams, Chairman of the Central Licensing Sub-Committee, stated that his daughter in law lived approximately 200 yards from the property, however she had not objected to the application. He asked the applicant if he had any objection to him serving on this Sub-committee. Mr Charles William Wright confirmed that he had no objection to him serving on this Sub-Committee.

1.2 The Licensing Manager's report was submitted giving details of an application on behalf of The Venue, Pavillion Buildings, Barmouth for a premises licence for the extension of the permitted hours for licensable activities, as well as an extension of the hours the premises is open to the public. It was noted that the licensable activities included the sale of alcohol, live music, performance of dance, disco, facilities for dancing and the provision of late night refreshments. An extension was requested to the licence for live and recorded music, performance of dance, disco, facilities for dancing from 19.00 – 3.00 Monday, Friday and Saturday; 19.00 – 23.00 Wednesday and Thursday together with the sale of alcohol from 19.00 – 3.00 Monday, Friday and Saturday; and not on Wednesday, Thursday and Sunday.

In addition, a request had been made for the extension of the opening hours and hours of licensable activities (including the sale of alcohol) for New Year's Eve, from the normal finishing times until the normal opening and licensable activities hours of the next day.

1.3 It was reported that following the appropriate consultation period the following objections had been received from:

- a nearby resident on the basis of prevention of crime and disorder, prevention of public nuisance and public safety
- Town Council objection in respect of the proposed extension of hours on New Year's Eve on the basis of prevention of crime and disorder, prevention of public nuisance, public safety and protecting children from harm and in relation to the proposed extension of opening hours over the weekend on the grounds of public safety and prevention of public nuisance.
- the Police in relation to the proposed extension to opening hours in terms of the potential increase in incidences of crime and disorder after the hours of 03.00. A request made that the sale of alcohol on a Monday night is restricted to bank holidays only. Should the licence be granted, the Police had requested several additional conditions to the licence.

It was noted that the Fire and Rescue Service did not object to the application, but suggested conditions that should be included in the licence.

1.4 In considering the application, the following procedure was followed:-

- i. The applicant was invited to expand on the application.
- ii. Members of the Sub-committee were invited to ask questions to the applicant.
- iii. The licensee, or his representative, was invited to respond to the observations.
- iv. Members of the Sub-committee were given an opportunity to ask questions to the licensee.
- v. The applicant and licensee, or his representative, were given an opportunity to summarise their case.

1.5 In supporting the application, the applicant noted that he was withdrawing the application for an extension to the opening times on New Year's Eve as it was no longer intended to open at all on New Year's Eve. He was not aware that Barmouth Town Council had objected to the application. The applicant explained that he had been in business for 30 years and the application for an extension of an hour to sell alcohol derived from the licensing legislation which permitted pubs to remain open until 1.00am / 2.00 am. If the application was approved, it was intended to ensure that the building would be empty by 3.00am and a courtesy bus would be provided to transport customers from the Venue, Barmouth to Dolgellau, considering that 55% of the customers came from the Dolgellau area. The applicant confirmed that he agreed with the recommendations of the Public Protection Service Manager as outlined in his letter dated 21 June 2012.

1.6 The consultees were invited to support any observations submitted via e-mail and the Local Member reported that the Town Council had submitted observations to him and the Licensing Manager read the comments to the Committee. Whilst he understood the police concerns and those of the majority of the members of the Town Council regarding the sale of alcohol until 3.00 a.m., the Local Member welcomed the fact that the applicant intended to offer a courtesy bus to transport customers home and he supported the application.

1.7 Mr Ian Williams, Licensing Co-ordinator, North Wales Police referred to the concerns of the Police noting that in 2006 when the building was under the name "The Sandancer" a licensing review was requested due to historical problems of disorder. During the review, a request was made for additional conditions on the licence and as a result an improvement was

seen in the situation over the recent years noting fewer calls to the building. However, extending the opening times was a cause of concern for the Police as police officers were not available after 3.00am as their shift ends at 2.00am, and only two police officers would be responsible for the whole of Meirionnydd from 2.00am onwards. Nevertheless, very little evidence existed to object to the application with the exception of one incident on 24 June this year when four individuals caused disorder that led to them being arrested and it was noted that that investigation was ongoing. If the application was granted the Committee was requested that the following conditions were added to the Premises Licence.

- That the opening hours for the public on Monday night were restricted to Bank Holidays only.
- That the opening hours for the public on Friday and Saturday night needed to be amended to 0330 hours in order to allow half an hour to empty the premises.
- Digital CCTV system will be installed and working to the satisfaction of the Police and Local Authority. It will monitor both the interior and exterior of the premises.
 - Lighting in the location must be of sufficient brightness and quality to identify persons within the building.
 - The CCTV system will record and retain colour images of all times when members of the public are on the premises, for a minimum of 31 days.
 - Images will be surrendered at the request of the Police or Local Authority at the time the request is made and the premises will ensure they keep sufficient software available to comply with this condition. If unable to comply with a request under this condition the premises must understand they will be liable to have the premises licence reviewed.
 - There must be a minimum of one member of staff trained and available to download evidence at the request of the Police or an authorised officer at all times the premises are open.
 - CCTV warning signs shall be fitted and clearly displayed in public areas of the premises.
 - Recordings of incidents must be kept secure for inspection by the Police. Any incidents where recordings are requested and are not provided will result in a referral to the Licensing Authority.
- The premises will operate a Challenge 21 policy.
- At least two SIA registered supervisors to be on duty at all times when alcohol is sold at the premises, and thereafter a ratio of one SIA registered door supervision for every 60 customers (or part thereof) over and above the first 120 customers.
- No customers will be permitted to take opened alcoholic or soft drinks outside the premises.
- The premises will be a member of the Pubwatch scheme and a representative will attend Pubwatch meetings and take part in all initiatives by the scheme. The premises will adhere to all directives issued by the Pubwatch scheme, including compliance with Banning Orders issued against any individual.

1.8 The Public Protection Manager noted, following correspondence with the applicant and receiving the relevant details, that the Public Protection Department had no objection to the application but it was asked, that should the application be approved that the following conditions regarding noise should be included.

- (a) The internal LAeq 5min sound level and the LAeq 5min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties (measured with windows at the dwellings open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of the condition the LAeq sound level is as defined in BS4142:1997.

- (b) Should Gwynedd Council obtain evidence that condition (a) is not being adhered to the noise control device installed within the premises shall be adjusted so that compliance with the condition is achieved.
- (c) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.

1.9 The objector present, took advantage of the opportunity to endorse the observations noted by two letters and specifically noted his concern regarding drink-driving as so many accidents had happened in the past on the A496 road in the early hours of the morning.

In response, the Chairman noted that the Committee would take note of the observations made in the letters of objection regarding the licensing legislation.

The applicant was given an opportunity to summarise his case when it was noted that the main reason for submitting the application was to extend the opening hours. The premises had been established for 30 years as a night club and amendments to licensing legislation had had a huge impact on the club's business. Therefore, in order to be on the same level as public houses, the application before them had been submitted and an appeal was made for the Committee to grant the change in hours.

To conclude, the applicant noted that he was willing to conform with the conditions attached to the licence except the condition stating "no access granted to the premises after 01.00 hours".

The relevant parties withdrew from the meeting and the application was discussed by the members of the Sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely:

Crime and Disorder Prevention

No evidence had been submitted by the Police that could justify objecting to the application. The Sub-committee considered their concerns about the possibility of difficulties and the problems in terms of police resources. Having considered all the observations made the Sub-committee did not see that there was sufficient evidence to justify saying that approving the application would lead to problems at the premises.

Public Safety

The objector's concerns regarding the danger of drink-driving was noted, but there was no evidence which specifically involved the premises and the possible behaviour of customers away from the premises was a matter that could not be considered. The observations of the Fire Service were also noted.

Prevention of Public Nuisance

Consideration was given to the fact that there was no evidence of any problems at the premises and that the Environmental Health Service had not received any complaints about the premises for the past five years. There was no reason to object to the application under this principle if the proposed noise conditions were included.

Protection of Children from Harm

No relevant evidence was presented in relation to this licensing objective.

Therefore, following detailed consideration of the application, and taking into account all the evidence outlined in the Licensing Act 2003, the Sub-committee resolved to approve the following changes to the premises licence:-

- (a) To approve the opening hours of the premises until 3.30am on Monday (Bank Holidays only), Friday and Saturday.
- (b) To approve live and recorded music, performances of dance, disco, facilities for dancing in the premises under paragraph E, F, G, H, J and K between 19.00 and 03.00 on Monday (Bank Holidays only) Friday and Saturday, and between 19.00 and 23.00 Wednesday and Thursday.
- (c) To approve the provision of late night refreshments on the premises under paragraph L between 23.00 and 03.00 on Monday (Bank Holidays only) Friday and Saturday.
- (ch) To approve the sale of alcohol on the premises in accordance with paragraph M of the application namely between 19.00 and 03.00 Monday (Bank Holidays only) Friday and Saturday.
- (d) That the steps described in paragraph P of the application are included as conditions on the licence to prevent crime and disorder, public nuisance, public safety and protect children from harm.
- (dd) That the following recommended conditions are included in the licence:

Police's Conditions

CCTV

- Digital CCTV system will be installed and working to the satisfaction of the Police and Local Authority. It will monitor both the interior and exterior of the premises.
- Lighting in the location must be of sufficient brightness and quality to identify persons within the building.
- The CCTV system will record and retain colour images of all times when members of the public are on the premises, for a minimum of 31 days.
- Images will be surrendered at the request of the Police or Local Authority at the time the request is made and the premises will ensure they keep sufficient software available to comply with this condition. If unable to comply with a request under this condition the premises must understand they will be liable to have the premises licence reviewed.
- There must be a minimum of one member of staff trained and available to download evidence at the request of the Police or an authorised officer at all times the premises are open.
- CCTV warning signs shall be fitted and clearly displayed in public areas of the premises.
- Recordings of incidents must be kept secure for inspection by the Police. Any incidents where recordings are requested and are not provided will result in a referral to the Licensing Authority.

Proof of Age

- The premises will operate a Challenge 21 policy.

Door Supervision

- At least two SIA registered supervisors to be on duty at all times when alcohol is sold at the premises, and thereafter a ratio of one SIA registered door supervision for every 60 customers (or part thereof) over and above the first 120 customers.

Bottles and Glasses

- No customers will be permitted to take opened alcoholic or soft drinks outside the premises.

Pubwatch

- The premises will be a member of the Pubwatch scheme and a representative will attend Pubwatch meetings and take part in all initiatives by the scheme. The premises will adhere to all directives issued by the Pubwatch scheme, including compliance with Banning Orders issued against any individual.

Noise Conditions

- (d) The internal LAeq 5min sound level and the LAeq 5min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties (measured with windows at the dwellings open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of the condition the LAeq sound level is as defined in BS4142:1997.
- (e) Should Gwynedd Council obtain evidence that condition (a) is not being adhered to the noise control device installed within the premises shall be adjusted so that compliance with the condition is achieved.
- (f) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.

The Conditions of the Fire Service

- a. The maximum number of people permitted to use the premises at any time will not exceed 300 persons. Or such lesser number of persons as the premises can with ample safety accommodate, having regard to the nature of the entertainment provided.
- b. A log book to be kept and be available for inspection by the Fire Authority. Records of tests whether faulty or satisfactory shall be kept on the following matters:
 - a) Fire alarm system
 - b) Emergency lighting system
 - c) Fire fighting equipment
 - d) Fire drills and instruction

The fire risk assessment will also require updating to reflect the changes in your licence and in particular the youth club or disco for youngsters which need to reflect their lack of awareness to possible fire dangers.

The Solicitor reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and informing them of their right to appeal against the decision within 21 days of receiving that letter.

2. APPLICATION FOR A PREMISES LICENCE – FESTIVAL NUMBER 6, PORTMEIRION

Others invited to the Meeting:

**On behalf of Festival Number 6,
Portmeirion**

Richard Williams, Solicitor
Robin Llywelyn, Portmeirion Director
David Trefor Jones, Festival Number 6

Alex Bennett, Festival Number 6
Hannah Ross-Morris, Festival Number 6

Representing the Police: Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Representing the objectors: Mr John Payne, Solicitor
Mr Paul de Thierry, (Owner of Hafod Cae Maen)

2.1 The Licensing Officer's report was submitted giving details of an application on behalf of FN6 Ltd, for Festival Number 6 which was to take place at Portmeirion between the 14th and 16th September 2012 with the intention of returning to the location annually. It was noted that it was possible to permit a maximum of 14,999 persons onto the site for the first year, however, a maximum capacity of 8,000 related to this application. It was noted that the hours of the licensable activities included the sale of alcohol, live music, recorded music, provision of late night refreshments, performance of dance, activities for making music and dancing, other entertainment as well as activities such as the presentation of films and plays. It was proposed to hold the licensable activities in the open air as well as on stages, in tents or similar temporary structures. Camping facilities would be provided on site for those attending the festival.

2.2 It was reported that following the appropriate consultation period, that the Police had no objection to the application and no observations had been received from the Local Member or the Community Council. Two letters of objection had been received from nearby residents, however one had been withdrawn, and a letter of objection from the Public Protection Service – Environmental Health. The Fire and Rescue Service had no objection, however they had comments on the conditions.

2.3 In considering the application, the following procedure was followed:-

- (i) The applicant was invited to expand on the application.
- (ii) Members of the Sub-committee were given an opportunity to ask questions to the applicant
- (iii) The licensee, or his representative, was invited to respond to the observations
- (iv) Members of the Sub-committee were given an opportunity to ask questions to the licensee.
- (v) The applicant and licensee, or his representative, were given an opportunity to summarise their case.

2.4 In support of the application, Mr Richard Williams, Solicitor representing Festival Number 6, the applicant for the premises licence and the promoter of the Festival, stated that there was a combination of different groups with a vested interest in the project, one of which was Portmeirion Limited, the owner of the site, which have a 10% share in the project. Ear to the Ground Ltd has also part share in the festival, a company which has run approximately 500 successful live events in a period of 9 years. All parties involved had experience in running these events. It was stated that this event would take place over a three day period, not only for this year, but the application was to hold the event for future years. It was envisaged that it would be a successful event and of economic benefit to the area.

Mr Williams referred to the bundle of hard bound copies served on the Council and referred to various sections of the package as follows:

- (a) site layout showing the village of Portmeirion and festival site
- (b) aerial photographs of the site indicating the residential units
- (c) main stage within a large tent
- (d) five event areas within the site such as the sea front / pool arena, the castle, Portmeirion Chinese garden and various garden areas.

The Festival will seek to attract people between 25 and 50 years of age. It is proposed to sell tickets for the whole week-end with facilities such as boutique style and family camping on offer. It is envisaged that there will be no pedestrian movement throughout the event. Complimentary tickets will be offered to residential properties in the vicinity who are slightly inconvenienced by the event. As regards entertainment, New Order, Spiritualized, Primal Scream, Gruff Rhys, will be headlining the event. There will be a very strong Welsh input which will be of benefit to the local economy in terms of contractors, catering, artistes, etc.

In terms of the application and the hours proposed, it is proposed that all of the live acts would be finished by 11.00 p.m. but that entertainment in the form of recorded music would continue until 3.00 a.m. within the two dance tents. Alcohol for sale until 4.00 a.m. both in the festival area and camp sites. Late night refreshments to be made available throughout the night until 5.00 a.m.

However, negotiations had been ongoing between the organisers and officers within the Environmental Health Department to try to reach agreement regarding noise levels but had not to date reached an agreement.

At this point during the Hearing counter proposals were submitted to Panel Members and the objectors.

The counter proposals were as follows:

- (1) Entertainment for one 3 consecutive days within a twelve month period but sought approval to sell alcohol on the Thursday until 4.00 a.m. as applied in the application. Late refreshments throughout the night.
- (2) To reinstate entertainment until 3.00 a.m.
- (3) With regard to noise levels Environmental Health were seeking the following measurements of decibel levels:

Table 1

Measurement Parameter	Permitted Hours	Façade level (dB)	Free field level (dB)
L _{Aeq} , 15 minutes (*)	10:00 – 23:00	65	62
Octave Band 31.5Hz (*)	10:00 – 23:00	70	67
Octave band 63 Hz (*)	10:00 – 23:00	70	67
Octave band 125 Hz (*)	10:00 – 23:00	70	67

Table 2

Measurement Parameter	Permitted Hours	Façade level (dB)	Free field level (dB)
L _{Aeq} , 15 minutes (*)	23:00-1:00	45	42
Octave Band 31.5Hz (*)	23:00-1:00	60	57
Octave band 63 Hz (*)	23:00-1:00	60	57
Octave band 125 Hz (*)	23:00-1:00	60	57

However, the organisers were of the view that in rural areas 75dB is an acceptable level, and similarly in terms of the limit for the night-time, a level of 49dB would be more appropriate limit.

In terms of supervision for this site, it would be securely fenced and people would not be admitted without having the appropriate wrist bands and passes. An agreement had been reached with the North Wales Police whereby police would be on site for the event. The organisers would be engaging an experienced company with regard to security and supervision of the site. In terms of health and safety, meetings had taken place and would be ongoing. There would be restrictions of no glass on site and no glass sold over bars. There would also be blue light traffic route in an event of an emergency.

In terms of traffic, a park and ride scheme would be operated.

Consultation had taken place as the organisers were aware of its rural location and that people may be affected with the event. A letter had been sent out to 300 properties in the area during February / March and a public meeting held on the 29.03.12 where residents were afforded an opportunity to discuss any concerns. Blue notices went on display around the site. It was stressed that there were no objections from the Police or Fire Service and the only two concerns are two objections one of which was submitted from the Environmental Health about potential public nuisance and the other being a residential objection.

With regard to the residential objections, two objections had been received. Portmeiron owns the majority of the properties on the peninsula but there are private individual properties and the Sub-committee were requested to refer to the site plan when it was explained in detail by Mr Williams as to the properties affected by the festival. Mr and Mrs Woods of Plas Canol who would be most affected with the event had raised concerns about noise, nuisance which was understandable but following a very positive meeting had withdrawn their objections. The organisers had given them the option if they would not wish to be at their property during the festival, they had been offered monetary compensation in order to be relocated during the period of the festival.

The other objection had been received by Mr de Thierry who was an interested party in that he owned a rental property known as Hafod Cae Maen in the vicinity. It was stated that Mr de Thierry lived in London. However, he had agreed to rent out his property to the directors of the festival at a very substantial fee and a significant fee in the form of a deposit.

Mr de Thierry also demanded £10,000 in compensation every year this festival takes place because he was of the view that the property would diminish in value. Mr Williams hastened to add that this was not a consideration in terms of licensing and no evidence can be found to substantiate this reason. Mr de Thierry was seeking £2,500 for the time he has spent dealing with this objection, and also wished trees to be cut down so that his property could benefit views of the estuary. He also wanted his private road resurfaced by the festival organisers all

of which are significant amounts but not licensing matters. Mr Williams was of the view that Mr de Thierry had these concerns but if given monetary compensation would withdraw his objection. Mr Williams asked that the Committee disregard Mr de Thierry's objections.

2.5 Representations were made as follows in support of the application:

(a) Mr David Trefor Jones on behalf of Vanguardia Consulting who is an independent acoustic consultancy specialising in the field of sound, noise and acoustics related to entertainment venues. It was stated that the team of consultants have many years experience dealing with some of the largest projects in the UK, including Wembley Stadium, the Millennium Dome, etc. and have produced a noise management plan for the above festival.

The Environmental Health Department had proposed recommended noise limits of 65dB for the regulated entertainment during the day until 11.00 p.m. measured at the façade of the nearest residential property. However, the counter proposal by Vanguardia was 75dB. Mr Jones was given an opportunity to explain why Vanguardia were of the view that 75dB was an acceptable level and would not cause a nuisance. Whilst the Environmental Health Department had specified noise level limits within the Pop Code guidelines, Mr Jones stated that a lot had been learnt since the publication of the code in 1995 and was of the view that there was an assumption within the code that rural venues were more noise sensitive than urban venues. Therefore, the table of recommended noise levels of 75dB were recommended for stadiums and arenas whilst a limit of 65dB was recommended for other urban and rural areas. Mr Jones went on to say that the basis for this was little more than an assumption. It was found that it was not the location that is sensitive to noise but it is the event. Therefore, 65dB should be relieved based on experience since 1995.

In terms of the low frequency limit of 45dB, Vanguardia would request not to have the low frequency limit specified numerically and would rather control the noise level on the day which they can do through consultation, by responding to a complaint, which would be far more effective and would give flexibility on the day.

Mr Jones went on to elaborate on how Vanguardia worked out the dB as part of the noise management plan and was of the view that the predictions were over-estimates and they could comply with the 75dB noise limit during the day.

Plas Penrhyn, one of the properties selected to be tested by the Environmental Health Department, is located over the crest of the hill and which benefits from the barrier effect of say 10dB extra attenuation from the other properties. Two other properties have now signed letters not to be included in the testing. With regard to night-time noise levels, the figure of 49dB came from further research by DEFRA in which the everyday entertaining noise was investigated. People who live near clubs and pubs affected by noise will tolerate a level of 34dB in their bedroom with a differential of 15dB outside the window.

Mr Jones went on to elaborate how to achieve a 49dB level, how the systems would be tested and monitored at the event. There would be an opportunity to tweak the sound system itself and if need be, turn sound boxes off. There would be a 24 hour manned complaint line and it would be useful if an Environmental Health Officer were to be on site.

(b) The Public Protection Manager was given an opportunity to respond to the above comments when he confirmed that the recommended noise levels were in accordance with the Pop Code and was the relevant document used in rural areas of Gwynedd and which seemed to be working successfully. He disagreed with the view regarding the low frequency limit and would not wish to leave it open ended since it would be far better to conform to guidelines specified.

In response to a question from a Committee Member, the Public Protection Manager stated that Gwyl y Faenol Festival in Gwynedd had its own licence whilst the Wakestock Festival were given a 70dB but local complaints were received from the area during the event regarding public nuisance.

He added that a number of factors may affect the noise levels such as wind direction, buildings, hills, but added that trees would have very little effect to prevent the noise.

(c) Mr Alex Bennett on behalf of Outgoing briefed the meeting on details regarding the concept and design of the Festival which includes the booking of the acts, staging, etc. He stated that the main stage would be running until 11.00 p.m. with the other acts running later until 3.00 a.m. In his experience of having a restriction on a licence, this would create a bit of an issue in that a few thousand people might be noisy in the camp site with nowhere to go and nothing to do. By having a systematic close down of events, he was of the view that this would afford people to wind down, have food, etc, thus preventing them from straying into other locations such as Portmeirion village.

(d) Mr Robin Llywelyn, Director of Portmeirion, stated that his late grandfather, Sir Clough Williams-Ellis' aspiration was that Portmeirion due to its uniqueness became a location for events. There is an opportunity with this festival to realise some of his grandfather's aspirations. Because he was not an expert in organising festivals, Mr Llywelyn formed a partnership with experts in this field thereby building an infrastructure in order to cover safety, organisation, etc. This will be a great opportunity for the area and to put Meirionnydd on the map, so to speak. Mr Llywelyn stressed that he did not wish the festival to impose or blemish the site. To this end, the community were very supportive as well as sport clubs and caravan parks in the area. Mr Llywelyn explained that he did not wish to see people kicking their heels at around 1.00 a.m. and it was important for him that the application is granted since there was a level of support from all, but one, of the private properties within the vicinity. The relationship between Portmeirion and the neighbours was very important to Mr Llywelyn and he had personally visited all of them and the support had been overwhelming. In order to reassure the neighbours he stressed that there would be 24 hour security on site. Mr Llywelyn had worked closely with Mr de Thierry in the past and it was very disappointing to note that he was not supportive of the festival and that there was no justification to his objection. He was of the view that no nuisance would be created since the location does not affect the public and the site residents had accepted complimentary tickets and would be on the site anyway.

2.6 The Public Protection Manager reiterated that he was opposing the application due to not having reached an agreement with Vanguardia regarding satisfactory measures to regulate the proposed noise levels. Therefore, he was seeking the Committee's decision as to the granting of the application.

2.7 Mr John Payne, Solicitor acting for Mr de Thierry, took the opportunity of referring to the letter dated 26 June 2012 within the papers submitted to Mr Heilyn Williams and stated that he wished to correct the assumption that Mr de Thierry was totally opposed to the festival. His client did not oppose the festival but the opposition arose from the way the festival is organised and the impact on Mr de Thierry and his property. If the event can be organised in a manner which does not pose Mr de Thierry any disturbance or that to his property, there would be no objection to the licence application being approved. A letter was sent to the organisers but no counter proposals agreed.

Mr Payne drew attention to the following matters for the Committee's consideration which could alleviate his client's concerns:

- (a) Specifying a higher limit on the levels since the ones proposed seem unrealistic to protect nuisance to the public in the area

- (b) Granting the licence for a period of one year giving the organisers an opportunity of demonstrating that they can organise an event successfully
- (c) Specify another camping location away from his client's property due to the potential of creating a disturbance when returning into the campsite. Mr de Thierry's property abuts the camping area and there was no mention of precautions being taken to prevent people from straying and trespassing onto his property.

Mr Payne was also conscious that amendments to the application had been submitted on the day of the hearing and that no assessment had been carried out of the campsite in terms of these proposals and that they had not been made available to other residential property owners.

2.9 Mr de Thierry gave the Committee a brief outline of his background in terms of his childhood, work and his connections with the area. He went on to say how he obtained and purchase Hafod Cae Maen which he turned into a self-catering business. He emphasised that even though he lived in London, he was not an outsider and his long term aim is to retire to Hafod Cae Maen.

In terms of the business, Mr de Thierry first heard about the festival when he heard an announcement on the radio after the initial consultation had happened. He was under the impression from neighbours that they were going to have camping around their houses. Mr de Thierry was contacted by Meurig Jones, Estate Manager, Portmeirion, when he was alerted to the fact that the camping was in front of his property and to the left of it. This was a huge shock in that part of 7,500 people were going to camp in front of the house and his first thoughts were about his guests – the house had been reserved for a 60th birthday party during the proposed Festival. Mr de Thierry contacted Ear to the Ground which he met in London and he came away from that meeting with two major concerns:

1. The effect that the Festival would have on a tranquil location such as Hafod Cae Maen
2. Were he forced to sell the property, Mr de Thierry imagined a number of people being put off purchasing the property because of the festival due to serious noise disturbance for a full two week period, thereby causing his investment to diminish.

Mr de Thierry stressed that he was not financially driven and wished the local economy every good and he was in favour of initiatives but believed in being a good neighbour. To this end, he holds an annual garden party at his expense in order to apologise to his neighbours for not being at Hafod Cae Maen and to thank them for being good neighbours.

In terms of his business, Mr de Thierry confirmed that the festival had rented the property but the rental was for exactly the same rent as other guests would pay but he had increased the deposit waiver due to the fact that there had been a pattern of things not being done properly with the organisation of the Festival. He was also worried about the state of the land following the Festival due to the huge amount of rainfall experienced of late.

To conclude, Mr de Thierry stated that if the festival were in agreement to relocate the camping, he may consider dropping his objection.

2.11 In response to the above, the applicants stated that there would be double skin fencing with a 10 metre moat to prevent people straying. The campsite in front of Mr de Thierry's property would be allocated for deluxe camping and it was estimated that there would be 100 tents maximum for approximately 400 people. There was no other site which could be used as an alternative camp site and it would not be feasible to relocate these campers. It was assured that there would be enough camping in the fields that had been allocated.

2.10 Ms Hanna Ross-Morris stated that reinstatement of the land is a quick process from her experience working with other festivals such as Glastonbury. The grass does grow back very quickly in a matter of weeks and FN6 had agreed with the farmer to pay to put the land back to its original state.

As far as the camping density was concerned, there would be a need to calculate this and stated that she would be very nervous at this stage of moving the campsite.

The parties left the meeting and the application was discussed by members of the Sub-committee taking into consideration all the evidence submitted, and taking into account the principles of the Act

The Decision

The sub-committee retired to consider its decision. In reaching its decision it considered the four licensing objectives under the Licensing Act 2003 along with the Council's licensing policy and the guidance issued under the Licensing Act.

Prevention of Crime and Disorder

As it was an application for a new kind of event at the premises there was obviously no evidence of any past problems. The Sub-committee did however take into account the implications of holding an event of this kind and on such a scale. It considered the provisions that the applicant stated would be put in place, and considered these to be detailed and comprehensive and adequate in the circumstances. It was also significant that the police had not objected to the arrangements. Consequently there was no reason to refuse the application under this heading.

Public Safety

The Sub-committee considered the provisions that the applicant stated would be put in place, and considered these to be detailed and comprehensive and adequate in the circumstances. There was no evidence that public safety would be endangered. Provisions relating to fire and health and safety aspects were of course matters beyond its remit and dealt with under other legislation.

Prevention of Public Nuisance

This seemed to be the issue of greatest concern and was considered very carefully by the Sub-committee. Faced with a disagreement between professionals on technical grounds in respect of the noise limit levels, the Sub-committee decided that it should agree to the proposals put forward by the EHO based on the current recognised guidance document. However it was of the opinion, taking into account the nature of the premises, that if the noise levels were acceptable at 01:00 then they would remain so later and therefore did not agree to curtail the hours as suggested. It was also of the view that, bearing in mind the nature of the event, a gradual and systematic closing down would provide better control over those attending and their movements around the site. It did take Mr de Thierry's objections seriously and did not want the campsite to create a disturbance. However, as there was no evidence of any problems and could not assume that there would be it considered what safeguards were to be put in place by the applicant, and these appeared adequate in the circumstances. It could not therefore reject the application the basis of his concerns. As far as granting a licence for one occasion in case there were problems was concerned, there was no evidence on which to do this and the Sub-committee was mindful of the availability of the review procedure under the Licensing Act.

Protection of Children from Harm

No relevant evidence was put forward in relation to this licensing objective.

Therefore, following detailed consideration of the application, in accordance with the principles outlined in the Licensing Act 2003, it was resolved to grant the premises licence as follows:-

- The permissions granted by the licence shall apply to one period of four consecutive days (72 hours) in any twelve month period. Alcohol sales and late night refreshment ('LNR') only are permitted on the first day from 10.00 to 04.00 (alcohol) and 23.00 to 05.00 (LNR)
- Entertainment in the form of plays, films, live and recorded music is permitted between 10:00 and 03:00 the following morning on the second, third and fourth days. Alcohol sales and late night refreshment are permitted on the second, third and fourth days from 10.00 to 04.00 (alcohol) and 23.00 to 05.00 (LNR)
- The licence shall include, as conditions, the provisions included in the Operating Schedule (paragraph P) of the application.
- The level of noise produced by entertainment held during the event shall not exceed the levels listed in table 1 below, between 10:00am and 23:00, at the specified premises.

Table 1

Measurement Parameter	Permitted Hours	Façade level (dB)	Free field level (dB)
L _{Aeq, 15} minutes (*)	10:00 – 23:00	65	62
Octave Band 31.5Hz (*)	10:00 – 23:00	70	67
Octave band 63 Hz (*)	10:00 – 23:00	70	67
Octave band 125 Hz (*)	10:00 – 23:00	70	67

- The level of noise produced by entertainment held during the event shall not exceed the levels listed in table 2 below, between 23:00 and 03:00, at the specified premises.

Table 2

Measurement Parameter	Permitted Hours	Façade level (dB)	Free field level (dB)
L _{Aeq, 15 minutes} (*)	23:00 - 3:00	45	42
Octave Band 31.5Hz (*)	23:00 - 3:00	60	57
Octave band 63 Hz (*)	23:00 - 3:00	60	57
Octave band 125 Hz (*)	23:00 - 3:00	60	57

Premises

Borthwen Fawr/Fach	(LL48 6EN)
Hafod Cae Maen	(LL48 6EP)
Plas Penrhyn	(LL48 6HY)
Beudy Gwyn	(LL48 6EN)

- Sound propagation tests will be permitted. Such tests shall not exceed 10 hours duration in total, held between 9:00am and 17:00. The tests shall be used to establish conformance with conditions 3 and 4.
- Local residents shall be informed in writing of the dates and times of a forthcoming event, to include sound propagation tests. This action shall be taken at least 20 days prior. Local residents shall also be provided with a manned telephone number which they can call to complain about noise nuisance during an event. Records of such calls shall be kept and made available to The Licensing Authority when requested.
- The licence holder will employ a suitably qualified and experienced noise control consultant / engineer to ensure compliance with conditions 3 and 4 prior to and during an event. The licensing authority shall agree with the appointment at least 4 weeks before an event.
- The licence holder shall ensure that the event promoter, sound system supplier and all sound engineers on site are aware of the noise conditions and any directions given by the noise control consultant / engineer.
- The noise control consultant / engineer shall arrange for the regular monitoring of noise levels at the locations specified in condition 3 / 4 during periods where entertainment is held. He / She shall advise the sound engineers accordingly of the monitoring results to ensure compliance with the conditions. The results of such monitoring shall be made available upon request to Gwynedd Council during the event.
- The licensing Authority shall be provided with a report within 4 weeks after an event. The report shall detail the locations of noise monitoring undertaken, the

equipment used, weather conditions at the time (including wind speed and direction) and the measure levels.

- **Any sound measurements undertake to establish compliance with the conditions shall follow the guidance contained in British Standard 3142:1997.**

*(*The measurement parameter L_{Aeq} is defined as;*

'The equivalent continuous noise level which at a given location and over a given period of time contains the same A-weighted sound energy as the actual fluctuating noise at the same location over the same period.'

Frequency weightings should not be applied to the octave band measurements. Measurements in the octave band (centre frequencies) 31.5 Hertz, 63 Hertz and 125 Hertz should be linear.)

- **The maximum public capacity of the event (excluding artists and staff) will be 10,000 persons**
- **A tree survey will be commissioned annually at the expense of the Premises Licence holder. The survey will cover all trees within the event site (including trees on private land bordering the event site). Any necessary remedial work will be carried out prior to the event commencing or where this is not possible in the timeframe available; a safe zone will be created to prevent public access to any risk area.**

The Solicitor stated that he would endeavour to send a letter within five working days to notify the applicants and the interested parties of the Sub-committee's decision, and to notify them of their right of appeal against the decision within 21 days of receiving the letter.

The meeting commenced at 1.15 pm and concluded at 6.15 pm.