
CENTRAL LICENSING SUB-COMMITTEE, 22.04.13

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Ann Williams, Elfed Williams

Also present: Geraint Edwards (Solicitor), Gwenan M. Williams (Licensing Manager), Alun Evans (Public Protection Manager) and Gwyn Parry Williams (Member Support and Scrutiny Officer).

1. APPLICATION FOR A PREMISES LICENCE – KAYA FESTIVAL, FAENOL ESTATE, BANGOR

Others invited to the Meeting:

On Behalf of Kaya Festival, Faenol Estate, Bangor: Mr Luke Fitzmaurice (Applicant), Mr Dumiso Gambe and Mr Adam Isbell

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

On behalf of the Fire and Rescue Service: Terry Williams

Representing the objectors: Mr Brian and Mrs Jenny Osborne

Submitted – report of the Licensing Manager, providing details of the application on behalf of the Kaya Festival, Faenol Estate, Bangor to hold the festival on the estate annually. The festival had already been held in 2012 using the licence of the Faenol estate at that time. As the festival's organisers intended to hold the festival annually at this location, a decision was made, following advice from the Licensing Authority, to apply for a premises licence specifically for the festival. The main aim of the festival was to introduce live global music to an audience of no more than 5,000 and it would be held this year on 24 May until the morning of 27 May. In addition, it was proposed to hold activities such as cabaret, comedy, oral presentations, performing arts, circus performances and to hold a fair. She provided details of the hours requested to hold licensable activities.

She noted that the Police had discussed the application with the applicant prior to its submission, and as the application was in accordance with those discussions, there was no objection to it.

It was reported that following the appropriate consultation period, no observations had been received from the local member or Pentir Community Council. The Police had no objection to the application. A letter had been received from neighbouring residents expressing concern that music noise from the festival would be likely to affect them in the same manner in which noise from other large events on the Faenol estate have affected them in the past. Concerns were also expressed regarding closing main entrance roads on the Faenol estate and directing pedestrians past dwellings, causing antisocial behaviour late at night. A positive response had been received from the Fire and Rescue Service following the circulation of a draft application which had been submitted to the relevant authorities. The applicant agreed to provide documents, including risk assessments, eight weeks prior to the event and this was a positive step forward to ensure there was an opportunity for a discussion regarding any problems in plenty of time before the start of the festival. The objection to the application by the Council's Public Protection Officer was on the grounds that the applicant had failed to demonstrate that

undermining the licensing objective of preventing public nuisance could be avoided. Should the application be approved, the officer's recommendation was to limit licensable activities to three days in any 12 months. In addition, the sub-committee was requested to include the noise conditions outlined in the Public Protection Officer's report if it was decided to approve the application. Observations had also been received on the draft application for a licence from Officers with regard to Health and Safety and Food Safety issues. The importance of ensuring that relevant documents were received from the organisers in plenty of time before the event was reiterated to ensure there would be an opportunity to resolve any problems that could arise.

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 of 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 of the licensee
- v. The applicant and licensee, or his representative, were given an opportunity to summarise their case.

In support of the application, the applicant noted the following observations –

- The application was submitted to operate within the Faenol Estate as a result of the festival held last year.
- It was a comparatively small festival compared with other similar festivals – up to 5,000 people were permitted to attend.
- Specific fields had been allocated on the estate to hold the festival in order to try to comply with the principles of the Licensing Act.
- The festival was financially supported by the Welsh Government and Gwynedd Council and it was aimed mostly at families and there were cultural benefits stemming from the festival for the whole area.
- There were benefits for the festival to receive its own licence as it provided an opportunity for all relevant parties to submit observations on the application.
- Alcohol would be sold from an area which was far from the area designated for children. Children under 18 years old would not be permitted access unless accompanied by a parent or guardian.
- Camping would be permitted in family groups only to enable parents to keep an eye on children.
- Challenge 21 would be operational and would be monitored in the bar.
- The child protection policy would be operational.
- There were no records of noise problems as a consequence of last year's festival and it was not proposed to create any nuisance.
- It was proposed to hold live music until 00.00 and recorded music until 02.00.
- It was proposed to follow the noise management policy in terms of noise management and respond to any complaints.

The consultees were invited to support any observations submitted by letter and Sergeant Bill Coppack reported that the Radio 1 Festival that had been held on the estate had finished at

22.00. As this festival and other similar festivals which had been held on the estate had finished before midnight, it had affected greatly on towns such as Bangor and Caernarfon after this time as a substantial number of people had descended on the towns and the Police did not have the capacity to deal with any problems. He was of the opinion that this festival should be held until 02.00 as it would be a means of keeping people on the site later and avoid them having to go to clubs etc afterwards in Bangor and Caernarfon. He noted that the recommendation of the Public Protection Manager was that live and recorded music should finish at 23.00 but he objected to that.

The Public Protection Manager informed the sub-committee that discussions had been held with the organisers of the festival and they had amended the application somewhat, namely to hold the festival once a year for a period of not more than five consecutive days. He noted that the applicant had submitted a noise management policy which proposed that -

- a) The music level near the noise control desk would not exceed 98 dB (A) over a period of 15 minutes.
- b) There would be no live entertainment in the main tent after midnight or after 1:00am on smaller stages.
- c) Noise levels after midnight would be at least 3dB (A) lower than previously.
- ch) Levels near the main desk on the main stage had to be monitored and recorded every 30 minutes and at regular intervals near the smaller stages on the site.

The officer referred to the Noise Council's document, namely the "Code of Practice on Environmental Noise at Concerts" which stated that the noise of music at concerts between 9.00 and 23.00 should not be above specific levels, considering the number of concert dates on the site in a year and the nature of the location. Any measurement to establish levels would be done 1 metre away from any property that was sensitive to noise. Background noise would be considered as the mathematical average of the L_{A90} , 1 hour parameter, measured during the last four hours that were applied for the event. The document also stated that no music noise should be heard from concerts between 23:00 and 9:00 in properties that are sensitive to noise with their windows opened as usual for property ventilation purposes. Guidance was also given that the noise measuring pressure dB(A) did not always protect from low frequency noise nuisance that could be generated by amplified musical entertainment.

In relation to the likely noise impact assessment, the officer noted that the applicant intended to install three stages with noise systems installed on them and with all three generally facing the Menai Straits. From the information provided, it was possible to roughly estimate the possible noise levels of entertainment from two stages near neighbouring dwellings. For noise calculation purposes, it was considered that two main noise systems playing at the same time would create a general noise level of 101dB(A) locally near the stages. The impact of any obstruction was not considered (for some properties outside the Faenol) or the possible impact of pointing the speakers of the noise systems towards a specific location when undertaking the calculation.

It was noted that Faenol Events Ltd, were licensed premises holders already on the Faenol site and that licence permitted the use of the site for live and recorded music between 11.00 and 02.00, Monday to Sunday during the year. It has been shown, from the information received, that the application under consideration, as it stood, could not comply with the Noise Council's recommendations because of the requirement for permission to hold five days of entertainment. Prior to 23:00, noise levels would exceed what would be considered acceptable in a number of properties on the estate, namely 15dB(A) above the area's background noise levels over a period of 15 minutes. After 23:00, the noise of the entertainment (in accordance with the levels calculated) would be likely to be heard clearly in a large number of neighbouring dwellings with opened windows for ventilation purposes. Another concern was that the noise levels during evening hours 23:00 – 02:00 would exceed what was considered acceptable by the World Health Organisation in bedrooms of nearby houses with opened windows for ventilation

purposes. It was possible that the noise level of the entertainment would exceed 30dB(A) in a number of houses on the site and surrounding the site.

The officer recommended that the application should be refused because the applicant could not show that it was possible for the proposal to satisfy one of the main aims of the licensing system, namely to prevent public nuisance. If the sub-committee was unwilling to accept this recommendation, then live and recorded entertainment should be held over three days in any period of 12 months, between 9.00 and 23.00 daily. Also, should the recommendation be refused, he asked for the noise conditions to be included on the licence.

In response to the above comments, the applicant informed the sub-committee that a draft version of the application had been submitted for the attention of relevant parties in February 2013 and that application had been for every day of the year. A response had been received from the Public Protection Service, recommending that the number of days proposed to be used to hold the festival should be noted specifically and five consecutive days had been agreed. It was confirmed that the length of the festival would be three days rather than five days. However, during the discussions the service did not mention that the festival should finish at 23.00.

The Public Protection Manager informed the sub-committee further that the observations were based on the Noise Council's document which referred to sites in the countryside where there was one noise level for events up to three days but with further restrictions on noise levels for events lasting over five days. He anticipated that there would be noise problems in the area should the festival be permitted to continue after 23.00.

Mr Terry Williams, Fire and Rescue Service reported that the applicant had prepared documents, including risk assessments, eight weeks prior to the commencement of the event. He acknowledged that there had been a minor misunderstanding regarding the requirements of putting up tents or anything temporary on the site. It was important that the festival's organisers complied with the fire regulations.

The applicant referred to the fact that it was his intention to work together with the Fire and Rescue Service and a safety management plan would be submitted via the ESAG process.

The objectors present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points –

- They did not receive information regarding the various activities held on the estate and the observations in their letter did not refer specifically to this festival.
- They were reasonably satisfied with the proposed noise conditions.

The applicant further informed the sub-committee that finishing the festival at 23.00 would be likely to create a financial loss and finishing the festival at 02.00 would be more acceptable. He was hopeful of fostering a good relationship with the Fire and Rescue Service.

The relevant parties left 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 –

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

As this was a new application for the festival, there was no existing evidence of any problems relating to holding licensed activities. In addition, the application had been discussed beforehand with the Police and they had no objections to it. As so few objections had been

received to the application, members were of the opinion that there was no direct evidence relevant to the festival that would justify refusing the licence that had been requested. It was therefore decided to approve the application with the following conditions:

RESOLVED

- i) To approve a premises licence for Kaya Festival, Faenol Estate, Bangor as follows –**
- a) To permit showing of films (paragraph B) between 00.00 and 23.59, Monday to Sunday.**
 - b) To permit live music (paragraph E), recorded music (paragraph F), performances of dance (paragraph G), any activity of a similar nature to those which fall within paragraphs E, F or G (paragraph H), provision of facilities for making music (paragraph I), provision of facilities for dancing (paragraph J) and facilities for entertainment of a similar description to that falling within paragraphs I or J, (paragraph K) between 9.00 and 02.00, Monday to Sunday.**
 - c) To permit the sale of late night refreshments (paragraph L) between 23.00 and 04.00, Monday to Sunday.**
 - ch) To permit the sale of alcohol (paragraph M) between 11.00 and 2.00, Monday to Sunday.**
 - d) Permit the premises to be open to the public (paragraph O) between 00.00 and 23.59, Monday to Sunday.**
 - dd) That the steps described in paragraph P of the application are to be included as conditions of the licence.**
- (ii) To note the observations of the Public Protection Manager but to include the noise conditions submitted by the applicant in the Noise Management Plan.**
- (iii) The applicant should be encouraged to work together closely with the Fire and Rescue Service.**

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 – POWIS HALL, BANGOR UNIVERSITY

Others invited to the Meeting:

On behalf of Powis Hall, Bangor University: Mrs Cheryl Wright (Applicant) and Mr Ashley James

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

On behalf of the Fire and Rescue Service: Mr Terry Williams

Submitted – the report of the Licensing Manager, providing details of the application on behalf of Powis Hall, Powis Corridor, PJ Hall, the Inner and Outer Quadrant, and the Main Arts Building on College Road, Bangor. The purpose of submitting the application was to secure an extension of the hours of standard licensable activities which existed on the current licence for the locations noted for the Summer Ball which was held once a year during May/June. It was requested to extend the hours for licensable activities until 05.00 for the Summer Ball and it was intended to only play music inside the buildings after 04.00. It was also requested that late night refreshments were provided between 23.00 and 04.00.

She noted that the Police had discussed the application with the applicant prior to its submission, and as the application was in accordance with those discussions, there was no objection to it.

It was reported that following the appropriate consultation period, that no comments had been received from Bangor City Council or residents of the adjoining houses. The Police had no objection to the application. Observations had been received from the Fire and Rescue Service. A recommendation was made by them in terms of the maximum number of people permitted in every location included in the application. A recommendation was also made regarding fire safety guidelines for entertainment tents, as well as a recommendation with regard to keeping doors open during periods of licensable activities. Observations had been received from the Public Protection Officer recommending including conditions on the licence, should the application be approved, regarding the prevention of noise nuisance and nuisance emanating from lights.

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

In support of the application, the applicant noted the following observations –

- The application for a licence was submitted in order to secure the inclusion of all the above locations within the same licence rather than having several different licences.
- Discussions had been held with all the relevant authorities prior to submitting the application.
- Different activities would be held in PJ Hall and Powis Hall during the year and details were submitted regarding some of them.
- The application was specifically for holding the annual Summer Ball and there was a demand for it to be held until 05.00.

The consultees were invited to support any observations submitted by letter and Mr Terry Williams, Fire and Rescue Service, reported that he had no objection to the application. He noted that the maximum number of people permitted to use these locations had already been agreed with the applicant. In response to a question from a member, the officer informed the sub-committee that there was no need for the doors to remain open.

The Public Protection Manager informed the sub-committee that he had no objection to the application but it was recommended that the five conditions contained in his report regarding noise and lighting are imposed on the licence in order to safeguard the interests of local residents. With regard to the doors, there were no concerns regarding the internal doors except for doors opening out of the building.

Mr Ian Williams, the Police Licensing Co-ordinator, reported that fairly regular discussions were held with the university because several different licences existed there and this application had stemmed from one of those meetings. In terms of the Summer Ball, it had been included in the licence since 2005 and it had been agreed at that time that the sale of alcohol would be permitted until 05.00 but music would be played within the buildings only after 04.00. He noted that the application was in accordance with the discussions and, therefore, there was no objection to the application.

The applicant noted further that he was unwilling to accept the condition involving noise level as there had been no problems in the past. In response, the Public Protection Manager confirmed that there had been no complaints from local residents regarding the Summer Ball or other entertainment emanating from this building. He noted that the reason for imposing this condition was to safeguard the interests of local residents should the type of entertainment in the university change in future. It was a relatively common condition which specified that entertainment from the university should not create an unreasonable noise level in nearby residential houses.

The relevant parties left 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 –

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

No evidence existed of any problems with holding licensable activities in the premises in the past. In addition, the application had been discussed with the Police beforehand and there was no objection to the application. Members were of the opinion that there was no direct evidence relating to the premises that could justify refusing the licence requested. Therefore, it was decided to approve the application with the conditions noted below:

RESOLVED to approve the premises licence for Powis Hall, Powis Corridor, PJ Hall, Inner and Outer Quadrant, and the Main Arts Building on College Road, Bangor University LL57 2DG.

a) To permit the performance of plays (paragraph A), showing films (paragraph B), performance of live music (paragraph E), playing of recorded music (paragraph F), performance of dance (paragraph G), provision of facilities for making music (paragraph I), provision of facilities for dancing (paragraph J), the supply of alcohol (paragraph M) and opening and closing hours for the public (paragraph O) between 9.00 and 05.00 for the Summer Ball.

a) To permit the sale of late night refreshments (paragraph L) between 23.00 and 04.00 for the Summer Ball.

c) That the steps described in paragraph P of the application are to be included as conditions of the licence.

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.

The meeting commenced at 11.00am and concluded at 1.10pm