

No.

STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Remote Meeting held on 14th October 2022.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillors P. Drake, M.J.G. Morgan, and J.M. Norman.

Also present: S. Jones (Applicant – Vale of Glamorgan), P. Hill (Interested Party), S. McCarthy (Responsible Authority; South Wales Police), Licensing Officer (Vale of Glamorgan Council), Legal Officer (Vale of Glamorgan Council) and Democratic and Scrutiny Services Officers (Vale of Glamorgan Council).

(a) Announcement –

Prior to the commencement of the business of the Committee, the Democratic and Scrutiny Services Officer read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

The Officer also advised that a copy of the procedure for the meeting was made available to Elected Members within the agenda papers circulated in advance of the meeting.

(b) Appointment of Chair –

RESOLVED – T H A T Councillor M.J.G. Morgan be elected as the Chair for the duration of the Sub-Committee hearing.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Grant of a Premises Licence – Cosmeston Medieval Village, Lavernock Road, Penarth, CF64 5UY –

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

The Legal Officer confirmed with all parties present that the supplementary information provided by South Wales Police, after publication of the hearing papers but prior to the hearing taking place, had been received and read by all parties. For

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the benefit of Other Persons present, the Legal Officer also advised that the Representations set out in writing at Appendix D of the papers referred only to matters as defined in Section 18 (6) of the Licensing Act 2003 that is:

"representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives:

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

With agreement from all parties, the Chair then invited the Licensing Officer to present the report, who advised that the report was to consider an application under the Licensing Act 2003 ("the Act") for the grant of a Premises Licence at Cosmeston Medieval Village, Lavernock Road, Penarth, CF64 5UY, submitted by The Tourism and Events Department, Vale of Glamorgan Council.

The application sought authorisation for the following licensable activities; the sale by retail of alcohol for consumption on the premises and the provision of regulated entertainment, Monday to Sunday 11:00 – 23:00. The application for the latter activity comprised permission to provide the performance of plays, showing of films, live and recorded music, performances of dance and anything of a similar description.

The hearing papers included a committee report, the application form from the Applicant, an extract from the revised statutory guidance issued under section 182 of the Licensing Act 2003 as it related to regulated entertainment plus representations from a Responsible Authority (South Wales Police) and Other Persons.

The application was advertised in accordance with the regulations and the period for making representations ended on the 19th of September 2022. 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. Representations received during the consultation period had not been withdrawn and therefore a full hearing was required.

Following the Licensing Officer's presentation of the report, the Chair invited Ms. Sarah Jones (the Applicant) to outline the reasons for the application, as well as additional details which were stated as follows:

The application was made by the Council's Tourism and Events team. The team currently held premises licences at multiple locations across The Vale of Glamorgan and had significant experience in organising large-scale events in a variety of settings. This included organising well-established annual outdoor events and festivals, and the team had run a successful trial of the Halloween Festival in 2021 at Cosmeston Medieval Village.

Using premises licences offered the Council the flexibility to run suitable events as needed, with the correct licensing permissions already in place. Temporary Events

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Notices (TEN) as an alternative measure, carried limitations on capacity and duration of events.

All events in relation to the licence were to be run either by the Council or a partner organisation, with any external organisations involved in hiring the space having signed a Hire Agreement and taking over responsibility for relevant regulatory matters.

The Council's Event Safety Advisory Group (ESAG) which included Police, Ambulance and Fire Service representatives, assisted with ensuring that Council events ran safely and afforded the Police an opportunity to raise any issues they had around specific events.

The Applicant stated that whilst they had agreed to a number of conditions, they raised potential issues with two of the five conditions of the licence put forward by South Wales Police, and outlined in Appendix C of the report, regarding the installation of CCTV and the requirement for a Designated Premises Supervisor (DPS) or Personal Licence holder to be present during the sale of alcohol. The Applicant's objections to these conditions were as follows:

- The Tourism and Events team have managed several events including licensed bars successfully and safely to date, without the need to supply CCTV.
- Bars at such events tended to be small-scale 'street food-style' bars, and measures routinely put in place to cover the use of these included the presence of licensed security staff during bar opening times; contained areas for alcohol sale and consumption; and a 'challenge-25' policy.
- There was some existing CCTV on site covering the entrance to the event location which the Applicant could utilise.
- Control measures were in place and the Police had the opportunity to comment on or challenge an event's management through the ESAG.
- A management team was always onsite during Council events, and in most cases, this included a Premises Licence holder. However, to include this as a condition of the licence was restrictive, in anticipation of any potential unforeseen circumstances which meant that the Premises Licence holder could not be present at short notice and therefore the event could not continue.

Following a query from Councillor Norman, the Applicant further clarified their reasons for objecting to the condition regarding additional CCTV, as being around the success of previous events without it; the cost attached and complexity of the process of hiring equipment; the quality of footage recorded; and the appropriate handling of the data collected. The Applicant added that this was restrictive as a condition of the licence, but Police requests for additional CCTV on specific events could be brought to the ESAG under current processes, for consideration. The Applicant also agreed that they could look into Councillor Norman's suggestion of using the Council's mobile CCTV unit, as a temporary option.

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The Chair, referring to the objections to the application being largely around noise concerns, asked whether the Applicant foresaw the granting of a licence causing any greater risk of noise than was already associated with the site, and how any noise issues could be controlled. In response, the Applicant advised there had been no noise complaints relating to the Halloween Festival in 2021, but that there had been one complaint concerning the Outdoor Cinema in Summer 2022. They explained that this was dealt with by the Applicant and the organisers at the time of the complaint, and the issue was resolved by moving equipment and lowering volume levels. Local residents were consulted the following day and were found to have no further problems concerning the event. The Applicant added that the Outdoor Cinema event had run on a TEN, whereas a premises licence would have given the Council greater control over the event, further assisting with the issue of noise.

In response to a subsequent query from Councillor Drake on the availability of defibrillator equipment at the site, the Applicant advised that it was their understanding that these were already available within the public buildings on site if needed, but that they would confirm this with the park's Rangers and Countryside Services. The Applicant added that all events organisers would have to ensure that a first aid provider was on site for the event, including a defibrillator, and that the Council consulted with South Wales Ambulance service on the suitable level of first aid provided.

In response to queries from Councillors Norman and Drake, the Applicant confirmed that the sale of alcohol was only intended during certain events, and that bringing alcohol on to site was not permitted and would be enforced by a large stewarding team.

Following the Councillors' questions, Mr. Hill, as the Other Person in attendance, asked what provisions there were to deal with noise issues efficiently as they occurred, during events. In response, the Legal Officer explained that the Environmental Health Service had been contacted in relation to this application as the appropriate authority on issues relating to noise, and had they had any such concerns, they would have been raised during the relevant consultation period. They added that the nature of certain licensable activities meant that they could not be operated without there being some noise created. They advised that considering whether noise issues amounted to a statutory nuisance was a matter for Environmental Health and would be based on whether there was a serious and material impact on the daily lives of residents. The Officer further added that noise caused as people leave an event was not a licensable activity, but that if a business operated outside of its licenced hours, this would constitute a breach of licence conditions.

Mr. Hill subsequently raised the issue of public disorder being a consideration for licensing applications, to which the Legal Officer advised that this was a matter that the Police may bring forward as the responsible authority, and that they would make their representations later in the proceedings.

In response to Mr. Hill's question regarding the impact of events and noise on the local environment and wildlife, and other applications having been turned down on

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this basis, the Applicant stressed that the application was for occasional events confined to the Medieval Village area of the Country Park, and that the Tourism and Events team worked closely with the Park Rangers and Countryside Management Team, who would advise on events and prevent them from going ahead if they envisaged a negative impact on the environment of the park.

Mr. Hill raised the point that the application was for a permanent licence to run only occasional events, and that this allowed for more frequent events to be run in future. In response, the Applicant advised that this was to offer flexibility of scheduling events and efficiency in the licence application process. They further added that small numbers of annual events were held on the Council's other Premises Licences, and that there was an insufficient budget available to hold a large number of frequent events.

Mr. Hill queried the Medieval Village being licensed for wedding events, to which the Applicant confirmed that the licence application, as applied for, was for Council or partner-run events and did not cover any wedding ceremonies or receptions. Further to this, the Legal Officer added that a review of a licence could be carried out, should the activities be significantly different to those presented in the application, or should the licensing objectives be infringed.

With no further questions or comments for the Applicant, the Chair subsequently invited the South Wales Police to make their representations as the Responsible Authority. The South Wales Police Representative advised that the force reviewed licence applications and collaborated with applicants to discuss the plans for operation of the licence and to formulate a number of appropriate and proportionate conditions. They advised that although South Wales Police did not object to the granting of a licence to the Applicant as a whole, they did object to the licence in its current form. They drew the Committee's attention to page 17, section M of the application, and advised that they would have welcomed more points of justification included here, in respect of the how the Applicant sought to promote the licensing objectives.

The South Wales Police Representative advised that they wanted the conditions of additional CCTV and a Personal Licence Holder or DPS being on site to be included on the licence, for reasons which could be summarised as:

- Having a qualified Personal Licence holder or DPS on site to uphold the licensing objectives, and as a point of contact for Police was key to maintaining the safe running of events, and that if that member of staff were called away in an emergency, this could be dealt with when needed.
- CCTV was a method widely used to assist with the prevention of crime and disorder, with this being one of the licensing objectives. It offered a good source of information for police investigation, as well as acting as a deterrent to criminal behaviour. Forthcoming legislation (Martyn's Law) would place a duty on licensed premises and Local Authorities to provide CCTV coverage of large open spaces such as parks and events bases where the public were likely to gather in number, with a view to mitigating potential security and terrorism-related risks.

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- The additional CCTV coverage requested had been adjusted to be bespoke, appropriate, and proportionate for the licence application. Coverage had been reduced to the areas where the public had access during events.
- Existing on-site CCTV needed to be checked to ensure it was fit for purpose and easily accessible.
- The ESAG forum only offered the opportunity for South Wales Police to query aspects of events and request additional measures to be taken, but not the ability to impose any measures.
- The Licensing Act 2003 made no mention of cost-prohibitions when setting up a licence but prioritised the prevention of crime and disorder.

Following the Police representations, Mr. Hill queried whether the intention was that CCTV would cover the site car park and people leaving the event. In response, the Police Representative advised that from their perspective it would not include the car park, only the licensable areas as a minimum, including the points of entry and exit and on the points of sale of alcohol. However, any reports of crime or disorder in other areas would be investigated accordingly.

With no further questions for the Police Representative, the Chair then invited Mr. Hill as the Other Person in attendance, to make any further representations expanding on those already made. Mr. Hill stated that although the complaint around the Summer 2022 cinema event was dealt with very well, there had been issues experienced relating to the previous year's event, but residents had not known the correct complaints process.

Mr. Hill explained that residents' main issues related to noise issues experienced previously; disturbances after events took place; events finishing later in the evening and the proposed sale of alcohol, whereas they had no objection to the Halloween family event, which was found to be well run in 2021.

The Chair subsequently thanked Mr. Hill for bringing residents' concerns to the attention of the Committee and provided all parties with the opportunity to sum up or add to their representations, and for points of clarification to be raised by the Sub-Committee Members.

In response to a point made by Councillor Norman, the Applicant and the Licensing Officer clarified that a licensed premises could have multiple Personal Licence holders with responsibility, to assist with one being on site at all times during alcohol sales. The South Wales Police Representative added that external suppliers attached to an event could also provide the on-site Personal Licence holder.

The Police Representative then summed up their representations as follows:

- The Police position was not an outright objection, but they would like to see their proposed conditions put forward included on the licence.
- CCTV was imperative to the prevention of crime and disorder as well as investigation following instances of crime.

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- Martyn's Law was scheduled to be introduced in Summer 2023, and this would place a further duty on Local Authorities to provide CCTV coverage of such events.

Following this, the Applicant, the Licensing Officer, the Responsible Authority, and the Other Person in attendance disconnected from the hearing as confirmed by the Democratic and Scrutiny Services Officer, and the Licensing Sub-Committee deliberated the application in private.

RESOLVED – T H A T the application be granted subject to modified conditions that are consistent with the operating schedule in a way that are considered appropriate for the promotion of the licensing objectives.

Reasons for decision

Those conditions are to include:

Conditions 2,3,5,6,7,8 as outlined in the representations from South Wales Police dated 16th September, 2022.

CCTV is to operate on all access and egress points to the premises with CCTV at the point of sale of alcohol. Images are to be kept for a minimum of 31 days and produced to an authorised officer of South Wales Police within a reasonable time.

In reaching its decision today the Sub-Committee had considered the application along with all those who had made both written and oral submissions and had taken into account the Licensing Act 2003 as amended, in particular the licensing objectives and the Home Office Guidance along with the Council's Statement of Licensing Policy.

The Applicant has a 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 Applicant be in any doubt as to their legal rights and or responsibilities they should take independent legal advice.