



**Dinas a Sir Abertawe**

**Hysbysiad o Gyfarfod**

Fe'ch gwahoddir i gyfarfod

## **Pwyllgor Trwyddedu Statudol**

**Lleoliad:** O bell drwy Microsoft Teams

**Dyddiad:** Dydd Gwener, 8 Ebrill 2022

**Amser:** 9.55 am

**Cadeirydd:** Y Cyngorydd Penny Matthews

**Aelodaeth:**

Cynghorwyr: C Anderson, J P Curtice, N J Davies, P Downing, S J Gallagher, P Lloyd, H M Morris, C L Philpott, B J Rowlands, L G Thomas a/ac L V Walton

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### **Agenda**

**Rhif y Dudalen.**

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Derbyn datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)
- 3 Cofnodion.** **1 - 30**  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.

**Huw Evans**

**Pennaeth Gwasanaethau Democraidd**

**Dydd Iau, 31 Mawrth 2022**

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**Cyswllt: Democratic Services - Tel: (01792) 633923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Statutory Licensing Committee**

Remotely via Microsoft Teams

Friday, 26 November 2021 at 9.55 am

**Present:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

J P Curtice  
B J Rowlands

**Councillor(s)**

P Downing  
L V Walton

**Councillor(s)**

C L Philpott

**Officer(s)**

Aled Gruffydd  
Yvonne Lewis  
Samantha Woon

Associate Lawyer  
Team Leader, Licensing  
Democratic Services Officer

**Apologies for Absence**

Councillor(s): N J Davies, S J Gallagher and L G Thomas

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**6 Disclosures of Personal and Prejudicial Interest.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**7 Minutes:**

**Resolved** that the Minutes of the Statutory Licensing Sub Committee held on 23 September, 2021, be approved as a correct record.

The meeting ended at 9.58 am

**Chair**



City and County of Swansea

## Minutes of the **Statutory Licensing Sub Committee**

**Multi-Location Meeting - Council Chamber, Guildhall / MS**

**Teams**

**Friday, 4 February 2022 at 10.00 am**

**Present:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

J P Curtice

**Councillor(s)**

P Lloyd

**Officer(s)**

Charles Gabe

Aled Gruffydd

Rachel Loosemore

Samantha Woon

Licensing Officer

Associate Lawyer

Licensing Officer

Democratic Services Officer

**Also present:**

Mr K H Hoh

Mr Cornwell

Mr Davy

Applicant

Other Persons

Other Persons

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**9 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**10 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Sky-70, 70 Brynymor Road, Swansea SA1 4JJ.**

The Chair welcomed all attendees to the meeting and requested that the Senior Lawyer outline the procedure to be adopted by the Sub Committee in considering the application.

The Associate Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application.

The Licensing Officer reported on the application for a premises licence in respect of Sky 70, 70 Brynymor Road, Swansea, SA1 4JJ.

He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to application for a premises licence at Appendix A and Appendix A1. The location plan of the premises at Appendix B, other premises on Brynymor Road which have on sales of alcohol at Appendix C,

conditions consistent with the operating schedule at Appendix D, the representations made by Other Persons at Appendix E.

Two representation had been received from Other Persons. A copy of their representations were attached at Appendix E. The representations related to the prevention of crime and disorder and public nuisance.

Mr Cornwell, further amplified his written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance. He reiterated the current volume of licensed premises in the area and highlighted his experiences in relation to noise and nuisance.

In response to Member questions, Mr Cornwell stated that a petition was in circulation and would be submitted in due course. He further stated that whilst the pubs could be attributed to the levels of public nuisance other factors contributed including off sale premises.

Mr Davy (representing Mr and Mrs Moran) further amplified the written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance. He reiterated his experiences of life on Brynymor Road since 1988 and the change in dynamic in the last 5 years. He referred to the number of premises able to sell alcohol, and the general decline of the area.

Mr Hoh, Applicant, stated that the proposed premises was previously a beauty salon and he currently owned the Chinese Takeaway. He advised that, as a resident himself, he did understand the issues experienced by other residents and his willingness to respect and work with neighbours to make this work.

In response to Member questions, the Applicant stated that smoking would be permitted in the beer garden at the rear of the premises.

Mr Cornwell stated that there was little room on the pavements for smokers and there were problems in the alleyways at the rear of the properties, specifically vermin.

Mr Davy stated that it would not be easy for patrons to smoke at the front of the premises. He referred to difficulties posed by vermin. He asserted his concerns regarding potential drug dealing within the beer garden and the increased noise nuisance as a result of patrons using the beer garden.

The Associate Lawyer stated that valid points had been raised respect of increased noise, however, concerns regarding drugs would need to be dealt with if they occurred.

Mr Hoh stated that patrons would be encouraged to respect neighbours when leaving the premises. The beer garden was solely for the use of patrons. Issues

with vermin were dealt with on an ongoing basis. He reiterated his respect for all neighbours and his willingness to work with them.

It was **RESOLVED** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

**(CLOSED SESSION)**

Members discussed the issues relating to the application.

**(OPEN SESSION)**

The Associate Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Grant** the application subject to conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, all areas where the public have access and any external areas. Equipment must be maintained in good working order, the system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped and kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to a Police Officer/Local Authority Officer on demand. The Recording equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any CCTV system failings the actions taken are to be recorded, and the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

2. An incident book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents, interventions by staff or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Local Authority.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
4. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2100 hours and 0800 hours.
5. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.
6. Notices shall be clearly displayed in the premises to emphasise to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.
7. A log shall be kept detailing all refused sales of alcohol. The log will include the date and time and reason for the refused sale and a means of identifying the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
8. Premises to keep up to date records of staff training and refresher training in respect of age related sales including proxy sales, sales to persons who are drunk and identifying and preventing drug misuse, in written or electronic format, available for inspection on request by an authorised officer.
9. Door and windows to be closed from 2200 hours unless COVID restrictions supersede this condition.
10. The beer garden contain a designated smoking area.
11. Contact details be provided for the premises.
12. No use of the Beer Garden is to be made after 2200 hours.

The meeting ended at 11.55 am

**Chair**



City and County of Swansea

## Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 4 February 2022 at 12.00

**Present:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

J P Curtice

**Councillor(s)**

P Lloyd

**Officer(s)**

Aled Gruffydd

Rachel Loosemore

Charles Gabe

Samantha Woon

Associate Lawyer

Licensing Officer

Licensing Officer

Democratic Services Officer

**Also present:**

Mr K H How

Mr Cornwell

Mr Davy

Applicant

Other Persons

Other Persons

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**11 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**12 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Asian Café, 82 Brynymor Road, Swansea SA1 4JE.**

The Chair welcomed all attendees to the meeting and requested that the Associate Lawyer outline the procedure to be adopted by the Sub Committee in considering the application.

The Associate Lawyer outline the procedure to be adopted by the Sub Committee in considering the application.

The Licensing Officer reported on the application for a premises licence in respect of Asian Café, 82 Brynymor Road, Swansea, SA1 4JE.

He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to application for a premises licence



at Appendix A and Appendix A1. The location plan of the premises at Appendix B, other premises on Brynymor Road which have on sales of alcohol at Appendix C, conditions consistent with the operating schedule at Appendix D, the representations made by Other Persons at Appendix E.

Two representation had been received from Other Persons. A copy of their representations were attached at Appendix E. The representations related to the prevention of crime and disorder and public nuisance.

Mr Cornwell, further amplified the written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance.

In response to a question from Mr Cornwell regarding the granting of licences, the Associate Lawyer stated that most applications are granted unless the applicant has a track record of poor management of previous premises or has not satisfied the Committee that the licensing objectives can be promoted. The ability to apply conditions to a licence and the legal remedy in so far as revocation of a licence were detailed. He further stated that any concerns regarding the law surrounding licensing legislation should be directed to the relevant Member of Parliament.

Mr Cornwell advised that he had nothing further to add to his submission over and above those discussed in his comments regarding the application in respect of Sky 70.

Mr Hoh, representing the Applicant, stated that the proposed premises would be a restaurant with the ability to sell alcohol. There would be a maximum of 40 diners and there was no outside area.

In response to Member questions, the Applicant stated that there was no designated smoking area.

It was **RESOLVED** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

#### **(CLOSED SESSION)**

Members discussed the issues relating to the application.

#### **(OPEN SESSION)**

The Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Grant** the application subject to conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, all areas where the public have access and any external areas. Equipment must be maintained in good working order, the system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped and kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to a Police Officer/Local Authority Officer on demand. The Recording equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any CCTV system failings the actions taken are to be recorded, and the Premises Licence holder/DPS must report the failure to the Police/Local Authority.
2. An incident book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents, interventions by staff or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Local Authority.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
4. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.
5. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.
6. Notices shall be clearly displayed in the premises to emphasise to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.

7. A log shall be kept detailing all refused sales of alcohol. The log will include the date and time and reason for the refused sale and a means of identifying the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
8. Premises to keep up to date records of staff training and refresher training in respect of age related sales including proxy sales, sales to persons who are drunk and identifying and preventing drug misuse, in written or electronic format, available for inspection on request by an authorised officer.
9. Door and windows to be closed from 2200hrs unless COVID restrictions supersede this condition.

The meeting ended at 12.35 pm

**Chair**



City and County of Swansea

## Minutes of the **Statutory Licensing Sub Committee**

Remotely via Microsoft Teams

Monday, 14 March 2022 at 10.00 am

### Present:

#### Councillor(s)

P Downing

#### Councillor(s)

B J Rowlands

#### Councillor(s)

L G Thomas

#### Officer(s)

Lynda Anthony

Craig Davies

Charles Gabe

Yvonne Lewis

Samantha Woon

Licensing, Food and Safety Manager

Associate Lawyer

Licensing Officer

Team Leader, Licensing

Democratic Services Officer

#### Other Persons:

John (Lythrd Avenue), Noel (1 Mile from Singleton Park), Ann (Sketty) Peter (Park View Terrace), Councillor N J Davies, Councillor M Sherwood.

#### Applicant:

Matthew Phipps (Applicant's Solicitor), Oliver Bartlam (Applicant), Robert Dudley, Sarah Tew

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### 13 Election of Chair Pro Tem.

**Resolved** that Councillor P Downing be elected Chair Pro Tem.

**Councillor P Downing (Chair) presided.**

### 14 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

### 15 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Singleton Park, Mumbles Road, Swansea SA2 8QJ.

**Adjourned at 10.14 am**

**Reconvened at 10.27 am**

**Adjourned at 10.40 am**

**Reconvened at 10.51 am**

(The meeting was adjourned on numerous occasions due to IT difficulties).

The Chair welcomed all attendees to the meeting and requested that the Associate Lawyer outline the procedure to be adopted by the Sub Committee in considering the application.

The Associate Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application.

The Licensing Officer reported on the application for a premises licence in respect of Singleton Park, Mumbles Road, Swansea, SA2 8QJ.

He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to application for a premises licence at Appendix A, the location plan of the premises at Appendix A1, an approximate location of the homes of those making representations at Appendix B, observations made by South Wales Police, Pollution Division and Other Persons at Appendix C and conditions consistent with the operating schedule at Appendix D.

The Chair asked a question of the Officer who responded accordingly.

An observation had been received from South Wales Police on 13 February, 2022. The observation stated that the application was a follow up to a similar event held within Singleton Park by the same applicant, which used a time limited premises licence. Following the event held on 25 September, 2021, a thorough debrief process had been carried out with the promoter and premises licence holder and any policing issues were identified and challenged. These issues had been addressed within this new premises application and would be scrutinised and enforced through a robust Safety Advisory Group Partnership process, along with a proactive police enforcement process to ensure the promotion of the licensing objectives of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

A representation had been received from the Pollution Division on 17 January, 2022, objecting to the application on the grounds that there would be an unacceptable level of public nuisance to local residents. However, the Pollution Control Officer stated that the Applicant's revised proposal would satisfy concerns.

30 representations had been received from Other Persons. A copy of their representations were attached at Appendix C. The representations related to the prevention of crime and disorder and public nuisance.

John, Lythrid Avenue, further amplified his written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to public nuisance. He raised concerns regarding the revised proposal from the applicant; levels of policing both inside and outside of the premises and the environmental impact of such events within the park.

The Associate Lawyer advised that the application stands alone and must be determined on its merits, historic incidents could not be taken into account. Furthermore, environmental issues associated with the park could not be considered under the licensing regime.

In response to a question, Officer Hancock, South Wales Police, stated that discussions would take place with the promoter, should the licence be granted, regarding the funding of special police services both inside and outside of the venue.

Noel, 1 mile from Singleton Park, further amplified his written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to public nuisance and prevention of crime and disorder. He stated that such large scale events encouraged criminal activity, specifically pick pockets and the Police were not able to deal with such issues appropriately. Furthermore, he referred to unacceptable levels of noise.

In response to a question from the Associate Lawyer, Noel stated that the issue of pick pockets had been confirmed at a PACT meeting following the event.

The Associate Lawyer stated that Dr Sandy Johns was unable to attend and further amplify her written representations due to her ongoing IT difficulties. He referred to her written representations contained with the agenda pack.

Ann, Sketty, further amplified her written representations and spoke on behalf of other residents objecting to the application and highlighted her concerns in relation to undermining the Statutory Licensing Objectives in relation to public nuisance. She referred to the conflict of interest in relation to hosting such events in a residential area. Having analysed the content of objections she stated that the majority of objections were based on public nuisance, crime and disorder, followed by protection of children from harm and damage to the park following such events. She detailed the incidents of anti-social behaviour experienced prior to and following events.

Peter, Park View Terrace, further amplified his written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to public nuisance. He stated that, due to his disability, he relied on friends to collect him so in order that he may leave his property for the duration of the event due to the unbearable levels of noise. He referred to compensation for local residents and detailed the anti-social behaviour witnessed prior to and following the event. He expressed concerns regarding the environmental impact on the park.

Councillor M Sherwood further amplified her written representations objecting to the application and highlighted her concerns in relation to undermining the Statutory Licensing Objectives in relation to public nuisance. She referred to the environmental impact and whilst appreciating that this was not a consideration under the licensing regime, there was a duty upon the Council to protect and enhance biodiversity. She referred to anti-social behaviour prior to and following such events and the impact on local families. She referred to a historic problem which impacted on the local hospital.

The Associate Lawyer advised that historic incidents were not a consideration and the application should be considered on its merits.

Councillor N J Davies further amplified his written representations objecting to the application and highlighted his concerns in relation to undermining the Statutory Licensing Objectives in relation to public nuisance.

The Chair thanked Other Persons for their representations.

**Adjourned at 12 pm**

**Reconvened at 12.10 pm**

Mr Phipps, Solicitor representing the Applicant, referred to the role of the Council as both administrator, adjudicator and premises licence holder of Singleton Parks' 8 licence days a year. He detailed the relationship between the Applicant and Council, as Landlord, to occupy the park.

He stated that the application was made in the name of Climax Productions and Events Ltd who were a leading expert in such events having successfully managed and booked events in other Welsh local authority areas.

He referred to the description of Singleton Park (the Park) and the Objectors' comments in relation to occupation of the Park and loss of amenity. He stated that the proposed event would occupy 7.5% of a 250 acre Park (albeit, he did recognise that some areas of the Park would not be suitable to host such events).

He addressed the issue of difficulties associated with historic events held at the Park and confirmed that the applicant was not responsible for historic events.

The event convened in September 2021 under a licence held by Climax Productions and Events Ltd and not as the report incorrectly stated under paragraph 4.4 as being held under the Council's licence.

He referred to comments regarding damage to the Park following events. The Applicant is fully committed to ensuring the Park is returned to its original pre-event condition and this is subject to a specific clause within the contract. This stands apart from the Licensing regime but nevertheless is a matter that is taken seriously.

He referred to the requirement to consider each application on its own merit, considering individual operators, the proposition, offer and the conditions that they propose. Large scale events would result in some intrusion and impact however, this did not constitute public nuisance. He stated that consideration of applications were not about managing out and away every conceivable risk.

The Park's existing licence allows for 8 event days a year, 4 event days are already planned for this year.

A pre-licence meeting had led to a lack of representations from Responsible Authorities. The hours of operation are precisely in line with the hours previously granted by the Council. There are 88 licence conditions. Only 1 event was planned for this year even though 2 events days were applied for. All events are continually

monitored and are subject to scrutiny by SAG (Safety Advisory Group) and Plans are to be produced 56 days before an event.

Feedback from the Council as Landlord in relation to the previous event was positive and the event was well attended and well managed. However, there was room for some refinements which included the entrance plan, security briefing, control log procedures, lighting towers, toilets, safeguarding and vulnerable people, and staffing of the noise hotline.

The Objectors' comments regarding Police being unable to access the site was not the case and the Police will be fully engaged. He detailed the conditions in place which included refined arrangements in respect of increased security operatives, no glassware, a 'Challenge 25 Scheme', frequent waste collections, searching, event Safety Management Plan, queueing, sanitation, SAG inspections, no amplified music after 11 pm and a noise management plan which will control and suppress noise. Reference was made to the Operating Schedule with all risks assessments, policies and procedures conditioned. A schedule of events would be produced so that residents were aware of type and dates of events taking place in the Park. A noise hotline number would be widely publicised and the management of the hotline would be refined with calls to be logged and by one dedicated person.

The Environment Health representation was directed towards the 8 event days a year limit. The Applicant had proposed an absolute solution in so far as the Council allows the Applicant 2 event days out of the 8 held by the Council. Any events would be subject to written confirmation from the Council as Landlord and the Council has compliance and enforcement powers at their disposal.

With regard to duties under COVID 19 legislation, the Applicant had taken advice from the legal officer and was working hard to ensure obligations were met in line with a global pandemic.

Comments made in regard to protection of children from harm, (drugs exposure/litter/waste/underage drinking) was not the experience of the Applicant. In regard to the event having an adverse effect on those studying for exams, the event planned would take place on 20 August so was outside of any scheduled mainstream examinations.

He stated that a number of comments from Objectors had strayed outside their initial representations (e.g. repetitive beats and compensation to residents) which could not be considered as it would be improper to introduce additional issues. Future environment protection that may impact future licensing was not a consideration at this time. The Applicant was content to include a further condition regarding the publication of a scheme of events 6 months in advance.

He reiterated that risk was something that could not be eradicated and the licensing regime was concerned with proportionality and balance.

He made reference to the specifics of the Licensing Act as detailed in the report and invited the Committee to grant the application.



The Associated Lawyer sought clarification in relation to the Applicant's proposal to use 2 of the event days held by the Council. The Solicitor representing the Applicant stated that it offered a perfect solution as the Council rarely used all 8 days per year.

In response to questions, the Applicant's Solicitor stated that:

- The public would have access to the Park on event days.
- If granted, the licence would be for an indefinite period.
- Circulation of the letter on 11 March, 2022 was intended as a courteous gesture allowing all concerned to have advance notification of what would be discussed at the hearing by the Applicant.
- The application had nothing to do with the Equality and Human Rights Legislation and any suggestion of Event Organisers offering compensation to local residents were wholly inappropriate.
- The maximum number of events to be held at the Park would not exceed 8.

**Adjourned at 1.15 pm**

**Reconvened at 1.45 pm**

The Solicitor representing the Applicant summarised his representation and urged the Committee to grant the Application.

It was **RESOLVED** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

**(Closed Session)**

Members discussed the issues relating to the application.

**(Open Session)**

The Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representations made and the needs and interests of all parties in terms of the Council's Statement of Licensing Policy, Statutory Guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Grant** the application subject to conditions consistent with the operating schedule, those additional conditions offered by the applicant and modified as considered appropriate for the promotion of the licensing objectives as below.

**Conditions.**

**No more than two event days per calendar year are permitted.**

**Capacity : no more than 14,999 persons including all persons on site are permitted.**

**Permitted hours:**

**Films - Friday to Sunday 1100hrs to 2300hrs**

**Live Music - Friday to Sunday 1100hrs to 2300hrs**

**Recorded Music - Friday to Sunday 1100hrs to 2300hrs**

**Performance of Dance - Friday to Sunday 1100hrs to 2300hrs**

**Anything Similar to Live and Recorded Music and the Performance of Dance - Friday to Sunday 1100hrs to 2300hrs**

**Late Night Refreshment - Friday to Sunday 2300hrs to 2330hrs**

**Supply of Alcohol - Friday to Sunday 1100hrs to 2300hrs**

1. This Licence will only permit a maximum of 2 event days per year.
2. The exact days and dates of events taking place under this Licence to be agreed with the Licensing Authority, City & County of Swansea (CCS) Events Team, South Wales Police (SWP) and other members of the Safety Advisory Group (SAG).
3. Any events taking place under this Licence will be presented to, and subject to scrutiny by, SAG
4. A suitable and sufficient, event and site-specific Event Safety Management Plan (ESMP) will be developed and presented to the SAG at least 56 days prior to events taking place
5. The ESMP will include details on the following subjects: Traffic Management Plan, Drugs Policy, Prohibited items, Search Policy, Communications, Major Incident Plan, Waste Management, Security & Crowd Management Plan, Counter Terror Measures, Communicable Disease/Pandemic Procedures, Noise Management Plan, Running Order/Event Operation Times, Alcohol Management Plan, Egress Plan, Risk Assessment, Fire Risk Assessment, Medical Plan, Wind Management Plan, Adverse Weather Plan, Capacity Calculations, Emergency Evacuation Procedures, Lighting Plan, Welfare & Vulnerable Persons Policy / Lost/Found Child Policy.
6. The ESMP and its associated Appendices will be considered 'living' documents and will be updated and amended during the planning phases of the event.
7. The final version of the ESMP will be presented to the SAG no later than 14 days prior to the event.
8. The site layout plan will be presented to SAG at least 56 days prior to the events taking place. The site layout plan will include the number and position

of stages, bars, food traders, entrances/exits, emergency exits, toilet facilities and the like.

9. The final version of the site layout plan will be presented to SAG no later than 14 days prior to events commencing.
10. An Emergency Liaison Room/Cabin will be provided to enable constant monitoring of the event in a command setting for those representatives of the Local Authority and Emergency Services who are present on site.
11. An Event Control Loggist will be provided to ensure that any issues are logged timely, consulted upon and updated throughout the event
12. The Premises Licence Holder (PLH) and their representatives including the Event Safety Advisor will organise and facilitate regular on site briefings to Responsible Authorities and Emergency Services as agreed with SAG
13. The maximum capacity will be 14,999 (inclusive of all persons on site).
14. The actual agreed capacities for each event will be agreed with the SAG during the planning process.
15. The Premises Licence Holder (PLH) shall notify the Licensing Authority on a monthly basis from the date of the first sale/issue of tickets the total number of tickets processed for the event.
16. The PLH, or nominated representative, shall be responsible for and be present at all times during the event, except where such control becomes the responsibility of authorised officers of the Emergency Services and shall not engage in any activities which will prevent the general supervision of the event.
17. The PLH will work with CCS, South Wales Police, the appointed Security Contractor, other key Emergency Service providers and other Key Stakeholders to make suitable arrangements to deter occurrence of crime and disorder.
18. It will be agreed with South Wales Police at the earliest opportunity, whether or not particular events require additional support in the form of Special Police Services (SPS).
19. A reputable and experienced SIA Security & Stewarding company will be appointed to ensure public safety and to prevent crime and disorder.
20. Where applicable following discussion with the Licensing Authority, SAG and Police, an agreed number of door supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur inside or outside of the premises involving customers, prospective customers or any staff member, that impact on any of the four licensing objectives. Data recording shall be made immediately available to an authorised Local Authority Officer or Police

Officer, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. All recordings will be stored for a minimum period of 31 days.

21. The Designated Premises Supervisor (DPS) or their duly appointed representative (who shall also be a Personal Licence Holder) shall be on duty at the premises at all times when the premises are authorised to sell alcohol.
22. The events shall have an adequate system of counting and recording persons in and out of the event site to ensure that the customer levels in all areas do not exceed the limit endorsed in the Risk Assessment and ESMP. This information must be made available to Authorised Officers throughout the event and upon request.
23. The PLH must ensure that all Stewards & Security personnel are suitably trained and capable of carrying out their allocated duties, aged 18 years or over and while on duty, they should concentrate only on their duties and not on the entertainment.
24. The ESMP Security & Crowd Management Plan will outline the number, position and roles of the Security and Stewarding staff working at the events.
25. The PLH must ensure that Stewards & Security personnel understand their roles and the appropriate way in which to deal with, record and report incidents. Such personnel should:
  - Not leave their position without permission;
  - Not consume or be under the influence of intoxicants including alcohol or drugs;
  - Remain calm and courteous towards all members of the audience.
26. All Stewards & Security personnel shall wear distinctive clothing to ensure they are individually identifiable.
27. A register of Stewards & Security personnel to be maintained at all times at the premises. Such register to include the name, SIA registration number, contact details of the member of staff along with the date, time on duty and time off duty.
28. An Incident Register shall be maintained at the premises showing details of the date and time of all incidents, injuries, accidents or ejections, as well as details of the staff member involved the nature of the incident and the action/outcome. The Register must be kept available for inspection by the Police or Authorised Officers.
29. No glass bottles or glass drinking receptacles will be permitted on to the site and the PLH shall take such steps as reasonably practicable to prevent persons bringing any glass items on to the site. Glass will be retained behind bars and drinks decanted into plastic or polycarbonate vessels. Opened cans will also be permitted. Limited amounts of glassware may be present in back stage artist and hospitality areas but the PLH will have in place measures to ensure these are not brought in to the main public entertainment areas.

30. A Challenge 25 Policy will be in force at all bars on site.
31. Suitable signage will be in place to inform customers of the Challenge 25 Policy.
32. Customers will not be permitted to bring their own alcohol on to site. This will be outlined in the ESMP.
33. Frequent waste collections and disposals will take place to prevent the build-up of rubbish and/or combustible material which may present as a hazard.
34. Event running orders and artist provision will be discussed in advance, with relevant Key Stakeholders including South Wales Police. The list of artists will be provided to South Wales Police 31 days prior to the event.
35. Any changes to the running order will be discussed and agreed with the Key Stakeholders, including onsite meetings during and on the day of the event(s).
36. Any changes to the list of artists will be sent to South Wales Police as soon as reasonably practicable.
37. Searching will be conducted in accordance with the Search Policy in the ESMP and must take place on entry to ensure public/staff safety.
38. Searches will be carried out by SIA registered staff of the same sex as those being searched.
39. Details of access and egress to and from the event(s) will be provided to the SAG and agreed for inclusion in the ESMP including the Egress Plan.
40. Amnesty Bins for the confiscation of prohibited items will be provided and secured at the entrance to the premises. The disposal of the contents of the Amnesty Bins will be coordinated with South Wales Police.
41. The Drugs Policy will include Controlled Substances, New Psychoactive Substances (NPS) as well as No2/NOS/Nitrous Oxide. None of these substances will be permitted on site.
42. Anyone found on entry with more than the agreed quantities for personal consumption (as outlined in the drugs policy) of controlled substances or NPS will be refused entry and the police informed immediately.
43. Appropriate signage will be present on site which will inform attendees that a Drugs Policy is in effect and that search is a condition of entry.
44. During the planning phases for each event, it will be agreed between the PLH and South Wales Police, whether or not drug detection dogs are required to assist with enforcing the Drugs Policy.

45. If drug detection dogs are deemed necessary for particular events taking place under this Licence, the number of dogs will be agreed with South Wales Police.
46. Anyone found with an offensive weapon on entry will be refused admittance and the police informed immediately.
47. All aspects of public safety will be discussed in advance with the relevant Key Stakeholders during the SAG process. Full details of which will be outlined in the ESMP.
48. The ESMP will be developed in line with the best practices set out in publications such as: The Purple Guide (2017), The Event Safety Guide (HSG195), Managing Crowds Safely (HSG154), Guide to Safety at Sports Grounds (Green Guide), Fire Safety Risk Assessment (Open Air Events & Venues).
49. Suitable and sufficient Risk Assessments and Fire Risk Assessments will be carried out by a competent person. The events will operate in accordance with the Risk Assessments and ESMP.
50. The appropriate type and number of Fire Fighting Equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP and Fire Risk Assessment.
51. A queueing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety.
52. A competent and experienced Event Safety Advisor (ESA) will be on duty at all times during the events.
53. Suitable access and emergency routes will be maintained at all times.
54. During the live events, there will be no vehicle movement in public areas.
55. Should it be essential for vehicle movement to take place, this will be authorised by the ESA and supervised by Security staff.
56. An acceptable level of illumination will be provided to all entrances/exits, ingress/egress routes and emergency escape routes for the duration of the event.
57. Where tower lights are utilised, these will either be positioned in back of house areas or fenced in to prevent public access.
58. The PLH shall carry out a suitable and sufficient Medical Risk Assessment as well as use HSG195 to determine the appropriate level of First Aid provision for the events, such that there is no undue demand on National Health Service resources. Full details will be provided in the Medical Plan and ESMP.

59. Welfare facilities will be provided as outlined in the ESMP
60. Prohibited items will be discussed and agreed with relevant Key Stakeholders. In all cases, illegal substances, weapons, hazardous substances, fireworks and flares (other than supplied by contractors) will not be permitted in to the events.
61. Sufficient sanitation will be provided in line with current guidance (The Purple Guide 2017) and outlined in the ESMP
62. Suitable signage will be erected to ensure customers can find their way around site (bars, drinking water, toilets, First Aid) and to Emergency Exits.
63. Any pyrotechnics/lasers will be signed off in advance by the relevant authorities and stored so as to minimise any risk to the safety of those using the premises.
64. A Vulnerable Persons Policy will be submitted as part of the ESMP.
65. The PLH shall provide free potable drinking water in accordance with the mandatory conditions and this shall be available throughout the duration of the events.
66. A detailed plan of the final layout of the site shall be submitted to the Licensing Authority and SAG no later than 7 days prior to commencement of the event, with the area within which amplified and organised music is to be played clearly delineated in red. The location of all structures and facilities including roadways and event areas shall be clearly indicated and entry and exit points of all structures and areas shown. The locations of Fire Fighting Equipment, First Aid Points and Information Points shall also be shown. The Site Plan is to be gridded and referenced.
67. Prior to the event site opening to the public, members of the SAG will be invited to carry out an inspection of the site.
68. Stages/Tents/Big Tops/Temporary Demountable Structures - All built structures shall have a completion certificate issued by a competent person from the supplying company and provided to the ESA.
69. All temporary electrical works must have an appropriate electrical sign off certificate issued at the time of works by a competent person to the ESA and be available for inspection if required by Authorised Officers.
70. The PLH shall comply with all reasonable requests of the Licensing Authority and any relevant Key Stakeholders with regard to any deficiencies in the certificates and documents referred to in this licence and ensure that the standards certified are maintained during the event.
71. The PLH shall have in place Public Liability insurance to cover at least £5,000,000.00 (£5m/five million pounds) for any one occurrence. The effective period of the Insurance shall be from 7 days prior to the commencement of

the event build until and including 7 days after the conclusion of the event. The PLH shall provide certified copies of the Policy and Certificates of Insurance, or other acceptable proof of cover, to the Licensing Authority and any relevant Key Stakeholder upon request

72. All parts of the Licensed Premises shall be available for inspection during the occupancy by the PLH, by any named officer of SWP, Mid & West Wales Fire & Rescue, Welsh Ambulance Service and Swansea Council Licensing Authority or any relevant Key Stakeholder duly authorised for the purpose.
73. All public-address systems shall be under the control of the PLH or nominated representative so that broadcast messages can override the musical entertainment and can be delivered clearly and audibly to all parts of the site.
74. The PLH shall make suitable arrangements to enable people with disabilities to attend the events. Particular attention should be given to means of access and egress, means of escape/evacuation in an emergency and the viewing facilities for such persons.
75. Adequate infrastructure (to a satisfactory level agreed with SAG and the Parks Team) will be in place to protect members of the public from water hazards in the wider park.
76. No amplified music will take place after 23:00.
77. An experienced and suitably qualified Noise Management Consultant will be engaged to liaise with Environmental Health Officers (EHO) to develop and implement the ESMP Noise Management Plan (NMP).
78. The Music Noise Level (MNL) at agreed surrounding noise sensitive premises shall not exceed an MNL of up to 65dBA over a 15 minute period.
79. The Noise Management Consultant will carefully monitor noise levels from the event to ensure that noise levels from the event do not exceed these dB levels. All dB readings will be made available to EHO with a full post event report being provided no later than 14 days post event.
80. Local residents will receive prior notification of each event including details of the event timings (including sound checks). The distribution radius for the notification letter will be agreed with the Local Authority. This is to include local businesses that may be affected by attendees to the event during ingress and egress.
81. A noise "hot line" number will also be included to allow residents to contact an event representative should they need to make a complaint during the event
82. All calls to the noise hot line will be logged and recorded and the pertinent information provided to the Noise Management Consultant.
83. Adequate litter collection and disposal procedures will be in place both inside and around the immediate vicinity of the event. The post event clean-up will



be planned and discussed in advance with the relevant Key Stakeholders to be as time effective as possible. The scope of the post event clean will be agreed with the Parks Team in advance of the event.

84. Where deemed necessary by the SAG, adequate advanced warning signage/event access signage will be provided at the site to assist with and attempt to minimise and prevent traffic problems in the area.
85. Where possible, deliveries/collections from site will be undertaken at a reasonable time so as to have minimal impact on local residents.
86. Adequate sanitary provision will be put in place within the event and at agreed areas externally in the immediate vicinity (if deemed necessary by the SAG).
87. Any pyrotechnic displays will follow all current legislation guidance and will only be undertaken by competent suppliers whose standards have been pre-vetted.
88. Signage will be erected that will instruct event attendees to leave quietly so as not to disturb local residents.
89. Where applicable and as agreed by the SAG, suitably qualified/experienced child welfare staff (DBS checked) will be in attendance to assist with the provision of lost children/parents as appropriate.
90. A lost/found child/vulnerable persons policy will be submitted as part of the ESMP
91. Any events featuring Under 18s will have an accreditation system for minors that is agreed with the Licensing Authority.
92. A Challenge 25 Policy will be operated.
93. A register of refusals will be kept detailing all refused sales of alcohol.
94. No adult entertainment will be permitted.
95. Suitably qualified medical personnel will be available to deal with any child related issues as appropriate.
96. The PLH shall ensure that up to date records are available for inspection of staff training in respect of age-related sales as outlined in the ESMP Alcohol Management Plan.

**The application is modified and the following conditions are added:-**

- a. Modify condition 1 on the operating schedule which states:**
  - 1. This licence will only permit a maximum of 2 event days per year**

**To state**

1. This licence will permit a maximum of 2 event days per year.

Prior to agreeing any dates of event days under condition 2 below, the PLH must, in writing, confirm with the City and County of Swansea Events Team, for each calendar year, how many large scale concert type events, with audience members over 5000, where amplified music is the main component and which go on into the evening, are proposed to take place on the premises.

This licence will not permit events of this type to take place where the overall number of such events proposed for the premises will exceed 8 in any calendar year, or would result in such events taking place on 3 consecutive weekends.

**b. Additional condition (offered by applicant during hearing)**

97. Residents to be informed by way of a schedule of events 6 months prior to the event

**Reasons**

The Statutory Licensing Committee considered its decision and reflected the balance required by its duty under s5 of the Licensing Act 2003 to promote the Licensing Objectives, and with the guidance at paragraph 1.5 and the principles set out in the case of R (on the application of Hope & Glory Public House Ltd) v City of Westminster Magistrates Court and Others (2011) EWCA Civ 312) .

When reaching its decision the Statutory Licensing Committee was mindful of the following:

An event had been held in the premises in 2021 for a capacity of 14,999 and the Applicant had been operating a multiple of alternative events since 2005 including events of 38,000 capacity since 2012.

Their 2021 event held at the application premises created very few complaints received according to the Applicant, and confirmed by the Environmental Health Officer. There were also only a small number of representations being made against their event, the majority of representations raised in this committee related to events held by other operators in preceding years and held under a separate licence/licence holder.

The conditions offered afford both local Police and Council officers to continuously challenge the effectiveness and deal with any issues on a regular basis, however the committee were of the view that the residents' representations should also be included in the ongoing consideration and as part of the SAG.

The Members noted that there had been dialogue with all parties prior to the hearing, they also noted that there would be a contractual agreement to comply with the SAG and any conditions granted.

The Statutory Licensing Committee noted there were no oppositional representations made by the SWP. SWP supported the application and confirmed following this operator's 2021 event there was robust dialogue which was accepted and the applicant amended their operating schedule to accommodate the comments raised by SWP and Council Officers.

The Statutory Licensing Committee noted there were no oppositional representations made by Trading standards.

The Statutory Licensing Committee noted there were no oppositional representations made by Mid and West Wales Fire Authority.

The Statutory Licensing Committee noted there were no oppositional representations made by Health and Safety.

The Statutory Licensing Committee noted there were no oppositional representations made by the Planning Authority.

The Statutory Licensing Committee noted there were representations made by the Pollution Division – see below.

The Statutory Licensing Committee noted there were no oppositional representations made by Child Protection.

The Statutory Licensing Committee noted there were no oppositional representations made by the Health and Safety Primary Care Trust / Local Health Board.

The Statutory Licensing Committee noted there were no oppositional representations made by the Licensing Authority.

The Statutory Licensing Committee noted there were no oppositional representations made by Immigration.

The Statutory Licensing Committee noted there were 30 representations from Other Persons received against the grant of this licence and of those 6 attended and spoke on behalf of others.

Although no additional documentation or information was provided in support of the representations, the Other Persons did expand their written representations as allowed.

Various issues were raised in the representations from Other Persons at pages 43 to 68 of the report and the Statutory Licensing Committee found as follows :-

### **Anti-Social Behaviour**

The Statutory Licensing Committee were mindful of the Statutory Guidance at paragraph 2.21 that when dealing with Anti-Social Behaviour the Applicant could only be responsible for those persons over which it could exercise control.

Once past the immediate vicinity of the premises persons are responsible for their own behaviour.

The police did not make any representations or raise any concerns in this respect. However Other Persons raised this point and SWP confirmed that officers would be patrolling the streets around the premises and be inside the event as a special police resource provided by the promoter.

Therefore the Statutory Licensing Committee were satisfied the proposed conditions would manage the position so as to promote the Licensing Objectives.

### **Noise**

The Environmental Health officer gave advice regarding the conditions and how they would be monitored.

The Statutory Licensing Committee noted the representations of the Environmental Health officer regarding the limit of 65dBA over a period of fifteen minutes, however it was noted that the applicant had put forward conditions within its application not to exceed this level.

The Environmental Health officer advised the increase in events as per the initial application would affect the level of disturbance.

However the applicant and EH have since engaged in correspondence and the applicant has offered an alternative condition that would pacify the representation. Therefore EH would be agreeable to the application if such a condition were to be imposed as their representations would be satisfied.

The Statutory Licensing Committee accepted the Environmental Health Officer's remarks regarding the conditions.

The Statutory Licensing Committee gave consideration to the placement of acoustic screening as per the oral comment from the Other Persons, it was considered that while screening could restrict the emulation of noise, the emulation of noise is dependent upon the daily environmental conditions and for that reason the imposition of screening is unsuitable as a licensing condition.

The Statutory Licensing Committee also felt that screening would not be required if the sound levels were to remain within the conditions put forward, which were consistent with the agreeable levels contained in pollution control's representation.

Additionally The Statutory Licensing Committee noted that the event organiser will employ a specific sound technician to consult on the reduction of sound and placement of speakers to minimise emulation of sound.

Additionally the event organiser would employ a specific person to staff the noise Hotline provided to residents prior to the event.

The Statutory Licensing Committee considered this application on its own merits and they noted the limited issues and complaints raised about noise from this operator's 2021 event at the same premises, the Other Persons repeatedly referred to other operators' events from previous years.

The Statutory Licensing Committee also noted that the amplified music would in nearly all cases cease well before 23.00 hours.

The Statutory Licensing Committee was satisfied that if the condition put forward was modified it would ensure noise would be limited and would limit on the number of days per year a large scale event could take place so promoted the Licensing Objectives.

### **Protection of Children from harm**

The Statutory Licensing Committee were satisfied that the safety of children within the aim of the Licensing Objectives would be promoted by the application conditions in Appendix A & D and were appropriate to deal with the issues raised by Other Persons.

The Members fully took into consideration all representations from residents both provided in writing and expanded orally during the committee.

### **Limited Use of Parts of the Park (Premises) During Events**

A number of Other Persons objected to their access to parts of the premises being limited in their representations.

The committee felt this did not strictly fall within any of the Licensing Objectives but accepted parts of the park would be inaccessible. The applicant confirmed that they would use 7.5% of the park therefore the park would not be fully closed to the public. The park is an amenity for all of Swansea and could be used for such events.

The Statutory Licensing Committee noted that they have a duty to balance against the public and business needs as per our own Statement of Licensing Policy, specifically at page 5:

*The Licensing Act 2003 introduces a range of opportunities and among these is the ability to have a wider input into the development of leisure activities. The entertainment industry within the area is a major contributor to the local economy, by attracting tourists and visitors, helping to keep areas and communities vibrant and by providing major employment opportunities.*

*In addition to a well-developed entertainment centre, Swansea also has a substantial residential population whose amenity the Council has a duty to protect. Residents of certain areas could be affected by an increase in the concentration of licensed premises, particularly if longer opening hours are introduced.*

*Operators of other types of business also have a legitimate expectation that the environment in which they operate in is attractive and sustainable to their business.*

*The Council will therefore use its powers under the Licensing Act 2003 to promote best practice and to ensure properly managed licensed premises where licence holders have regard to the impact of their premises on local residents and businesses.*

*The Council will work closely with the statutory authorities, the licensed trade, local businesses and residents, to facilitate a partnership approach in creating a licensing*

*policy which balances the interests of the licensed trade and its customers against the interests of the business and residential communities of the area.*

And in the following specific paragraphs:

*9.4 The Licensing Authority will have regard to the need to encourage and promote live music, dancing and theatre for the benefit of communities generally.*

*9.5 The Council when acting as a Licensing Authority will liaise with the Police and Highway Authority to ensure as far as possible transport arrangements that promote the Council's licensing objectives.*

*9.6 The Council, when acting as a Licensing Authority will have regard to the needs of the local tourist economy and employment situation for the area as appropriate*

### **Damage**

The Statutory Licensing Committee noted comments made by Other Persons that the environment was damaged during previous usage of the park, it was not confirmed if this was via footfall or the use of HGVs during construction and derig of the event.

Additionally the Other Persons point was noted regarding the potential amendments in legislation which the applicant raised is not active legislation currently, and this is not immediately a licensable activity.

Nevertheless it was noted that within the landlord's contract to use the park, a condition will be placed that reparation work is undertaken in the park following the event.

Additionally the offer by the applicant to assist limiting the days, used for such large events at the premises, in conjunction with the landowner, would minimise this issue.

### **Permitted Hours**

The Statutory Licensing Committee heard from the Other Persons that if the amplified music would be played until 11pm and further refreshment until 11.30pm on a Sunday and would have an impact upon places of worship, persons preparation for work and school in forthcoming days.

The Statutory Licensing Committee noted the residents representations regarding the applied for operating hours and members gave full consideration to the representations presented. Although no additional evidence was provided from families with young persons, the curator and no representations were made by the Health and Safety Primary Care Trust / Local Health Board.

The Statutory Licensing Committee noted the comment given by the applicants confirming the reasons why they have requested full hours on the applied for days which were in line with the licence held by the Council for the same premises. The applicant added that last year's event was held for 10,000 people, largely from the Swansea and Cardiff areas and it was well managed

The Statutory Licensing Committee noted the resident's representations regarding the applied for operating days and Members gave full consideration to the representations presented regarding the restriction of Sunday events. Members felt

that if such a restriction would result in events being held on the preceding Friday. Which could impact on the working week rather than weekend days. To further mitigate the point Members noted residents' concerns regarding disruption resulting from the large scale music events and considered it appropriate to condition the licence to prevent such taking place on 3 consecutive weekends.

### **Toilet facilities**

In the oral and written representations Other Persons made reference to members of the public acting in an indecent manner outside of the premises. The Statutory Licensing Committee formed the view that these actions could not be conditioned as part of this licence. Other legislation provides remedies for the issues that might arise from public indecency and it should therefore not duplicate that legislation. The Statutory Licensing Committee noted that toilet facilities will be provided at the entrance points to the venue.

### **Car Parking Issues**

Written representations made reference to parking the Statutory Licensing Committee formed the view that this was not within the aim of the Licensing Objectives. Other legislation provides remedies for the issues that might arise from illegal or indiscriminate parking and it should therefore not duplicate that legislation.

No issues have been raised by the relevant bodies or the police that suggested the current parking legislation was not sufficient.

The Statutory Licensing Committee noted the availability of additional parking facilities in the vicinity to service an event.

### **Conflict**

The Statutory Licensing Committee is responsible for considering and proposing the authority's licensing policy in line with Section 182 of the Licensing Act 2003. Licensing authorities have a duty to have regard to this act and its guidance.

The Licensing Act 2003 introduced clear set of objectives & a democratic accountability to specifically allow local decisions to be made by local authorities, while creating opportunities for everyone affected by the licence to make comments on it. A comment that the authority is in conflict with itself is legally flawed.

### **Conclusion**

On final consideration of all information before The Statutory Licensing Committee, the Members are satisfied that with the proposed ongoing consideration of the SAG, combined with a modification of the offered condition that this licence will not be permitted to be used if proposed events which are of the large scale concert type event, with audience members over 5000, where amplified music is the main component and which go on into the evening of this type are to take place where the overall number of such events proposed for the premises will exceed 8 in any calendar year or would result in such events taking place on 3 consecutive

weekends and the Applicants assurance of compliance with the conditions and the substantial mitigating actions would deal appropriately with the representations put forward.

The reasons for the grant as set out above reflect:-

1. The changes made to the application by the Applicant at the Statutory Licensing Committee; and
2. The representations from the Other Persons (OP) who attended the hearing, the Environmental Health officer and the Applicant.

Overall the Statutory Licensing Committee were satisfied that the comprehensive list of conditions to be attached to the licence and that the Applicant would be a responsible premises licence holder who would ensure compliance with the conditions and deal appropriately with any issues if they arose as a result of the additional capacity for the premises.

Further, the 2003 Act provided remedies for the residents if the conditions were breached and undermined the Licensing Objectives.

The meeting ended at 14:39

**Chair**