



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Statutory Licensing Sub Committee

At: Council Chamber - Guildhall, Swansea

On: Wednesday, 17 July 2019

Time: 10.00 am

Chair: Councillor Penny Matthews

Membership:

Councillors: L G Thomas and L V Walton

Agenda

Page No.

- 1 Apologies for Absence.
- 2 Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests
- 3 Licensing Act 2003 - Section 17 Application for a Premises Licence - Ynystawe Park, Park Road, Ynystawe, Swansea. 1 - 16

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Monday 8 July 2019

Contact: Democratic Services - 01792 636923

Agenda Item 3



Cyngor **Abertawe**
Swansea Council

**Report of the Divisional Licensing Officer
Statutory Licensing Sub Committee
17 July 2019**

Licensing Act 2003 Section 17 Application for a Premises Licence

- 1. Premises: Ynystawe Park, Park Road, Ynystawe, Swansea, SA6 5AP**
- 2. Applicant : Mr Christopher John Hooke**
- 3. Application For A New Premises Licence**
- 3.1 An application for a new premises licence was received by this authority on the 22nd May 2019. The applicant has applied for a premises licence to allow the following licensable activities to take place.

**Plays, Films, Live Music, Recorded Music, Performance of Dance,
Anything Similar to Music/Dance & Supply of Alcohol**

Monday to Sunday 0900-2300

4. Background

The premises is a park located just off Clydach Road on Park Road. The park has many amenities including a bowling green, children's play area, tennis/basketball courts, football pitches and BMX/skate jumps.

A location plan of the premises is attached at **Appendix A**.

A plan of the proposed premises is attached at **Appendix B**.

5. Promotion Of The Licensing Objectives

- 5.1 The Licensing Act 2003 contains four licensing objectives, namely:-
 - (i) Prevention of Crime and Disorder
 - (ii) Public Safety
 - (iii) Prevention of Public Nuisance
 - (iv) Protection of Children from Harm

Each of these objectives is of equal importance and the application must demonstrate how they are to be promoted.

Conditions consistent with the operating schedule that will be attached to the licence if granted are at **Appendix C**.

6. RELEVANT REPRESENTATIONS

6.1 Responsible Authorities

- a) **South Wales Police**
No representations.
- b) **Trading Standards**
No representations.
- c) **Mid and West Wales Fire Authority**
No representations.
- d) **Health and Safety**
No representations.
- e) **Planning Authority**
No representations.
- f) **Pollution Division**
No representations.
- g) **Child Protection**
No representations.
- h) **Primary Care Trust/Local Health Board**
No representations.
- i) **Licensing Authority**
No representations.
- j) **Immigration**
No representations.
- k) **Other Persons**

A representation has been received from local residents. A copy of the representation is attached at **Appendix D**.

Although not a representation a letter of support has been received on behalf of the Ward Members, for an event that is proposed for the park in August 2019, if the licence is granted. A copy of the letter is attached for information at **Appendix E**.

7. Policy Consideration

7.1 In considering this application Members should have regard to the Council's current statement of Licensing Policy adopted in July 2018. Specifically in relation to this application;

(i) Deregulation – Foreword

(d) Certain activities are now no longer required to be licensed due to changes in legislation as a result of deregulation. Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that they take place between 08:00- 23:00 on any day:

Live music, where the live music comprises;

- A performance of unamplified live music
- A performance of live amplified music in a workplace with an audience of no more than 500 people; or
- A performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.

Recorded music, where recorded music comprises;

- Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
- Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
- Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

(ii) Control – Section 4

Paragraph 4.4 The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activities in the area concerned. It will be expected that any representation made by "Other Persons" will indicate how the application will directly affect them in relation to one or more of the licensing objectives.

Paragraph 4.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the persons holding the relevant authorisation.

(iii) Licensing Hours – Section 7

Paragraph 7.1 When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections to those hours raised by responsible authorities or other persons on the basis of the licensing objectives.

Paragraph 7.4 The Licensing Authority will closely examine the hours of business for premises which are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received and it is considered necessary.

(iv) Integrating Strategies – Section 9

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

(v) Conditions – Section 12

Paragraph 12.3 The Licensing Authority will attach conditions to licences or certificates that are tailored to the individual size, style, characteristics and activities taking place at the premises or event concerned.

(vi) Applications for licences, certificates, authorisations and reviews – Section 15

Paragraph 15.1 The Licensing Authority will consider each application received on its merits in the context of the four licensing objectives.

Paragraph 15.4 The Licensing Authority also accepts that Other Persons or responsible authorities, as defined in the Act, have the right to make representations in respect of an application, or to seek a review of a licence or certificate within the provisions of the Act. Such representations will be considered on their merits and how they relate to the likely effect of the grant of the licence or certificate on the promotion of at least one or more of the licensing objectives. Also, how the representations are relevant to the promotion of one or more of the licensing objectives in the case of a review of a licence or certificate. When a petition is

submitted as a representation it will only be considered if it relates to one or more of the four licensing objectives and it is demonstrated that the details of the representation have been made clear to each signatory i.e. that the heading is included on each page of the petition. A relevant representation may be positive or supportive in nature as opposed to being negative but it must still demonstrate that the licensing objectives are being promoted.

7.2 A full copy of the Authority's Policy has previously been circulated to Members.

An up to date copy of the Policy may be found via the following link:
<https://www.swansea.gov.uk/article/4280/Statement-of-licensing-policy>

8. Guidance Issued By The Home Secretary

8.1 Members should also have regard to the relevant parts of the current guidance issued by the Home Secretary in April 2018, in particular;

- (i) Introduction – Chapter 1
- (ii) Licensing Objectives – Chapter 2
- (iii) Applications For Premises Licenses – Chapter 8
- (iv) Determining Applications – Chapter 9
- (v) Conditions attached to Premises Licenses – Chapter 10
- (vi) Promotion of Equality – Chapter 14 paragraphs 14.66 -14.67

Paragraphs 2.7 to 2.9 refer to Public Safety and paragraphs 2.15 to 2.21 refer to Public Nuisance and in particular -

- (i) Public Safety Paragraph 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- (ii) Public Nuisance Paragraph 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in

terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Paragraph 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

Paragraph 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

- 8.2 A copy of the Home Secretary's Guidance has previously been circulated to Members.

An up to date copy of the Guidance may be found via the following link:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

9. Determination Of The Application

- 9.1 The decision must be based on the individual merits of the application and the representations received, with a view to promoting the licensing objectives outlined in paragraph 5 above.
- 9.2 In addition in arriving at the decision Members should have regard to the relevant provisions of the Council's Statement of Licensing Policy and

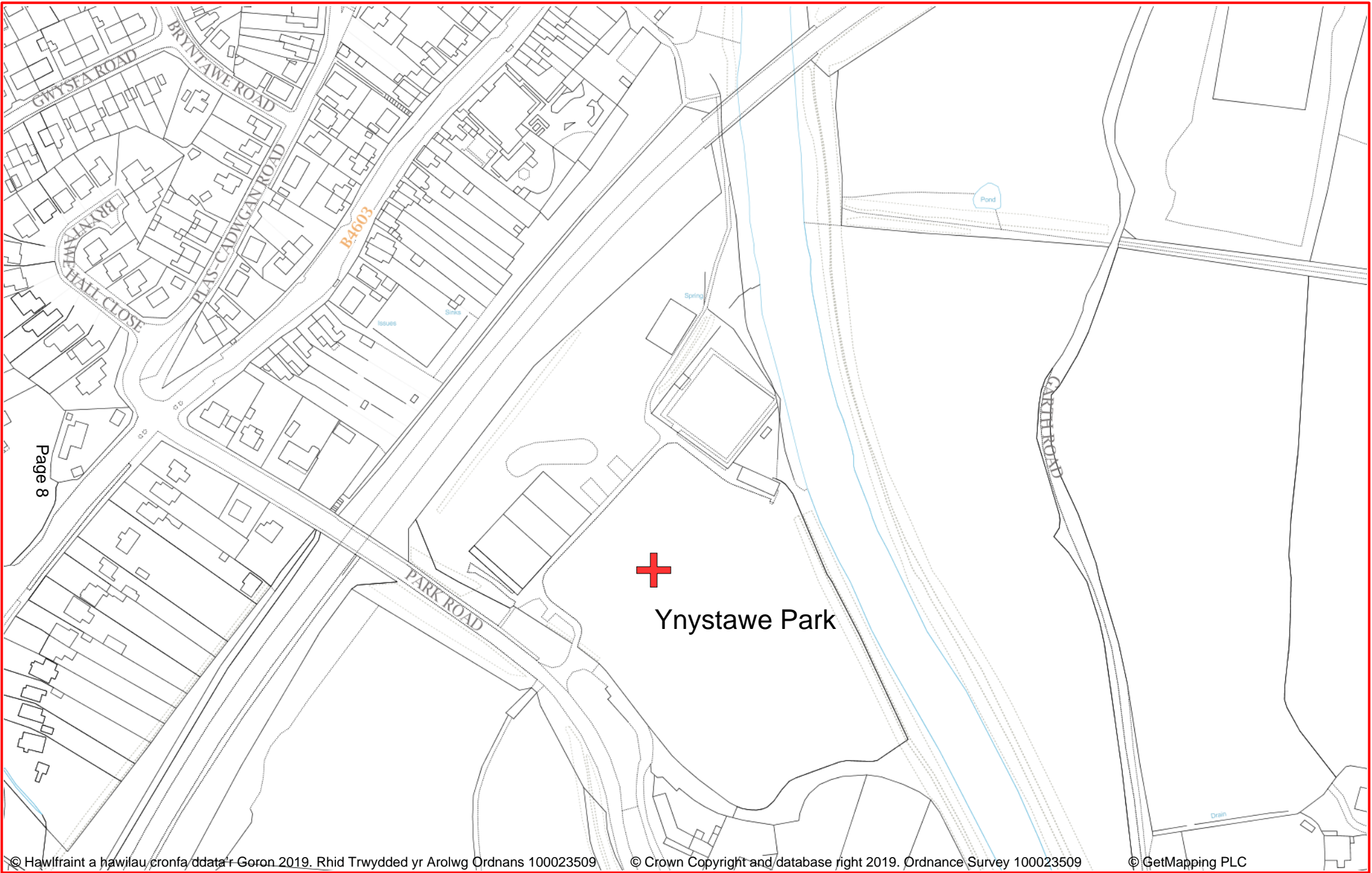
the Secretary of State's Guidance as previously provided. Reasons must be provided for any departures from the Policy or Guidance.

9.3 In reaching the decision the Committee must, having regard to the representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:-

- a. Grant the licence subject to:
 - i) conditions that reflect the operating schedule, modified to such extent as the authority considers appropriate for promotion of the licensing objectives. Certain regulated entertainment under the Licensing Act 2003 (as amended) has been deregulated. Where entertainment is deregulated, but licensable activities continue to take place on any premises, any licence conditions imposed on a grant of a licence in respect of any deregulated entertainment will be suspended.
 - ii) any mandatory conditions relevant to the licence
- b. Exclude any of the licensable activities to which the application relates.
- c. Refuse to specify a person in the licence as the premises supervisor.
- d. Reject the application

The Licensing Sub Committee's instructions are requested.

Background Papers:	Licence Application
Contact Officer:	Rachel Loosemore
Extension:	01792 635600





Conditions consistent with the operating schedule

1. Unless agreed with all the Key Stake Holders of the Safety Advisory Group (SAG) the Premises Licence Holder shall prepare and submit an Event Management Plan (EMP) to the City and County of Swansea (CCS) SAG at least 3 months prior to each event. This must include an overview of the area of the premises to be used, setting out how the event will be managed, the precautions and risk assessments undertaken to cater for all reasonable foreseeable contingencies, and which will demonstrate the procedures, roles and specific responsibilities of the management team, security and associated personnel.
2. The premises licence holder shall ensure that the finalised version of such a plan must be submitted to and approved by SAG no later than 14 days prior to the commencement of the event (or a shorter time with an agreement with all relevant parties of the SAG).
3. The licence shall be limited to 10 events per year (1 event can last up to 2 days)
4. The premises licence holder shall ensure that only reputable security companies will be used at each event Numbers of which will be detailed in the EMP
5. The premises licence holder or nominated person shall ensure that a register of stewards and security personnel to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed and the register to be available for inspection on request by a Police or Authorised Officer.
6. The premises licence holder shall ensure an incident recording system is maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the staff member involved the nature of the incident and the action/outcome. The system must be kept available for inspection by the Police or Authorised Officers.
7. No glass bottles or glass drinking receptacles will be permitted on to the site unless previously agreed with the SAG in line with the specific EMP provided
8. The premises licence holder shall ensure that 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 venue risk assessment and EMP. This information must be made available to authorised officers and key stakeholders throughout the event and upon request
9. The premises licence holder shall ensure that any further information needed or requested and agreed by the relevant key stake holder of the SAG will be detailed in the EMP.

10. The maximum permitted number 4999 persons shall be permitted in the licensed area during the event. This number shall include all ticket sales, guests, artists, staff and any persons associated with the safe running of the event.

11. The premises licence holder shall ensure that a detailed plan of the final layout of the site is submitted to the Licensing Authority 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 Fire Points, Medical and First Aid Points and Information Points shall also be shown. The Site Plan is to be gridded and referenced.

12. The premises licence holder shall ensure that an acceptable level of illumination is provided when required to all entrances/exits and escape routes from the event. Checks with relevant key stakeholders, to agree, lighting levels shall take place during low level lighting and prior to the event commencing.

13. The premises licence holder shall ensure that any all aspects of public safety are discussed in advance with the relevant key stakeholders. Details of which will be outlined in the EMP.

14. No Amplified music will take place before 09:00 and after 23:00

15. Adequate litter collection and disposal procedures will be in place in and around the event premises.

16. Where possible deliveries/collections to/from the site will be undertaken at a reasonable time so as to have minimal impact on local residents.

17. Adequate sanitary provisions will be put in place within the event premises

18. There will be no adult entertainment at the premises

19. A Challenge 25 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.

20. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.

21. Premises to keep up to date records available for inspection of staff training in respect of age related sales.

22. The log shall be available for inspection at the location by the police or an authorised officer of the Council at all times whilst the premises are open.

Appendix D

77 Bryntawe Road
Ynystawe
Swansea
SA6 5AF
17th June 2019

To Whom it may concern,

We would like to make a formal representation to object to the licence applied for by Christopher John Hooke for the premises Ynystawe Park, Park Road, Ynystawe, SA6 5AP.

Firstly we would like to state that we are not opposed to community events being held in the park. It is a generous idea to hold a not for profit event in aid of the local community and we think it will be a great thing to bring residents together in a positive way. We are objecting to the licence to make sure that events are held in a way that benefits the community whilst causing minimal nuisance and disruption to residents.

M a) General

10 events per year (1 event can last up to 2 days)

This is an excessive number of events, and the applicant states in A to J 'Major events are only likely to take place during the summer season', this could mean an event taking place every week or weekend during the summer period. We have spoken to Chris on the phone regarding this point and he has told us that only one event is planned at the moment, and that he would not be putting on 10 events per year as he is too busy with his other work, but in the future, he would like to hold events at Easter and also hold film nights. We propose a compromise on the number of events held each year; that the licence applicant has 5 events per year (1 event lasts 1 day). This would prevent monopolisation of a well-used and loved community amenity.

It is unacceptable for the park to be closed to the community during set up, the event or event take down. This would cause a nuisance and disruption to park users such as families, joggers, dog walkers and cyclists on the new cycle track. We would appreciate information on potential diversions that would be in place during the event and ask that the park remains open for public access during the event.

M c) Public Safety

We are concerned that 4999 event attendees will cause damage to the park, for example damaging the playing fields, shrubs and plants and the children's areas, this causes a threat to public safety as users of the park after the event may injure themselves on damage or uneven ground caused by the event.

Ynystawe is a small village with many young families and elderly residents, the roads and streets are already busy and this significant increase in vehicles represents both a danger and a nuisance to the residents. Having 300 vehicles parking in the field opposite the Park Road entrance will cause significant traffic nuisance before, after and during the event. There is also the possibility of attendees parking on residential streets to avoid a busy car park or parking fees. If there is rainfall

before the event the field may be too wet for cars to park. We ask that measures are put in place to stop attendees from parking on residential streets.

M d) The prevention of public nuisance

Amplified music will cause a public nuisance, regardless of the time of the event. For example the Logic music festival held at the Riverside Caravan Park can be clearly heard from all areas of Ynystawe. An amplified music event in the village will cause a public nuisance and disruption to all residents, as indicated in the application, the events are more likely to take place during the summer when residents will have their windows open and will be using their gardens.

The timings stated in the application are between 09:00 – 23:00, not including set up, sound checks or de-rig. This will cause a public nuisance. We propose that events are held between the times of 09:00 -21:00.

M e) The protection of children from harm

Ynystawe park backs onto Ynystawe Primary School and family homes. If events take place in the week it will disrupt the education of pupils at the primary school along with young families in their homes. There is also an increase risk to children from additional traffic in the area, and the presence of unknown and intoxicated adults in proximity to children in their park, school and homes.

If the park is closed or partially closed due to an event this limits children's access to the park. There is access to the cycle track by the River Tawe through the park, if this is to be shut off for an event the only access to the cycle track is along a single-track road with a blind bend. This would not protect children from harm, but rather put them in harm's way.

To conclude, we would welcome a family-friendly community event in the park and we have only raised the above points to make sure that a community event can be enjoyed whilst causing minimal nuisance and disruption to residents.

Yours faithfully,

Ethan Banfield and Kathryn Borrowdale

77 Bryntawe Road
Ynystawe
Swansea
SA6 5AF
19th June 2019

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We have spoken to Chris on the phone regarding this point and he has told us that only one event is planned at the moment, and that he would not be putting on 10 events per year as he is too busy with his other work, but in the future, he would like to hold events at Easter and also hold film nights, likely 5 to 6 events a year. We discussed this point in detail and we informed him that we would be putting in an objection on this point to formalise his intention not to hold 10 events a year.

Ten events are an excessive number of events, and the applicant states in A to J 'Major events are only likely to take place during the summer season', this could mean an event taking place every week or weekend during the summer period.

We propose a compromise on the number of events held each year; that the licence applicant has 5 events per year (1 event lasts 1 day). This would prevent monopolisation of a well-used and loved community amenity.

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Yours faithfully,

Ethan Banfield and Kathryn Borrowdale

Licensing Committee
Swansea Council

BY EMAIL

Please ask for: Councillor Andrea Lewis
Direct Line: 01792 7442
E-Mail: cllr.david.hopkins@swansea.gov.uk
Our Ref: AL/HS
Your Ref: ref
Date: 19 June 2019

Dear Sirs

We the 5 Morryston Councillors fully endorse the Pobl Music Festival to be held in Ynystawe Park on the 3 August 2019. We will be using some of our Councillor Community Budget to support this community event within the Morryston Ward.

We thank you in advance for your consideration of this event which we feel will be invaluable in bringing the families within the community closer together.

Yours faithfully



COUNCILLOR ANDREA LEWIS
CABINET MEMBER FOR HOMES & ENERGY