

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT THEATR BRYCHEINIOG, BRECON ON 10 DECEMBER, 2012 AND THE RECONVENED MEETING HELD AT COUNTY HALL, LLANDRINDOD WELLS ON 19 DECEMBER, 2012.

PRESENT: County Councillor S. Davies [Chair]
County Councillor D.A. Thomas and G.M. Jones

Officers

Martin Phillips, Licensing Officer
Lynne Coughlan, Solicitor, Clerk to the Sub-Committee

1. APOLOGIES

There were no apologies for absence.

2. PROCEDURAL GUIDELINES

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Head of Legal, Scrutiny and Democratic Services explained the procedures to be followed by the Sub-committee.

3. APPLICATION FOR A PREMISES LICENCE – The Institute of Art and Ideas: Globe at Hay

The Applicant:

Mr T. Davies, solicitor or Bond Pearce LLP representing the applicant
Amanda James Houghton, applicant
Hilary Lawson, Chief Executive
Paul Trew, acoustic consultant

Responsible Authorities:

Nicola Davies, Divisional Licensing Officer, Dyfed-Powys Police
PC F. Thomas, Hay-on-Wye Police Station
Paul Bufton, Environmental Health Officer, Powys County Council
Susan Evans, Senior Licensing Officer, Powys County Council

Interested parties:

Members of the public

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. He advised that the Licensing section was happy with the consultation undertaken by the applicant.

Mr Davies represented the applicant. The Clerk to the Sub-Committee confirmed that the Sub-Committee had received a copy of his letter of 5 December, 2012. Mr Davies advised that he had also provided, at the meeting, additional information regarding the range of events held at the facility and information regarding reduced hours.

Mr Davies explained the background to the application. An indoor licence was granted in June 2008 and since then any outdoor events have been covered by Temporary Event Notices [TENS]. Due to changes in the law, a new licence was required for day to day operations and to cover festivals. He advised that the

venue was not a nightclub and they had reduced the number of DJ nights. He noted the Police objections but commented that these were based on problems during the period 2008-2011 and that there was a clear pattern of the number of problems reducing. A report from Paul Trew, acoustic consultant was handed to the Sub-Committee, in which various conditions were suggested regarding the maximum noise levels at specified hours.

Mr Davies advised that he had sent details of reduced hours the previous Wednesday or Thursday. As the Sub-Committee had only received this information and the acoustic consultant's report prior to the meeting the Chairman adjourned the meeting at 14.50 hrs to consider this new information.

On reconvening at 15.05 hrs the Chairman advised that the Sub-Committee was minded to adjourn the meeting to enable the responsible authorities to consider the new information provided but first sought the views of the applicant and responsible authorities. Mr Davies commented that the further changes to the proposed hours were only recently advised to him by his client and that the acoustic report had been served the previous week so giving the responsible authorities ample time to consider. Nicola Davies, Divisional Licensing Officer, Dyfed-Powys Police indicated that she would need more time to consider the alterations to the proposed hours. Paul Bufton, Environmental Health Officer, Powys County Council advised that the acoustic report was received the previous Thursday but he had been on leave on Friday and had not had time to consider the report.

The Sub-Committee adjourned at 15.15 hrs to consider the above. On reconvening at 15.25 hrs the Chairman announced that due to the lateness of submission of information from the applicant and to allow the Responsible Authorities time to respond to this information the meeting would be adjourned until 19 December 2012. A time and venue would be advised as soon as the latter had been booked.

MINUTES OF A MEETING OF THE RECONVENED LICENSING SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON 19 DECEMBER, 2012.

PRESENT: County Councillor S. Davies [Chair]
County Councillor D.A. Thomas and G.M. Jones

Officers

Martin Phillips, Licensing Officer
Lynne Coughlan, Solicitor, Clerk to the Sub-Committee

1. APOLOGIES

There were no apologies for absence.

2. PROCEDURAL GUIDELINES

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee on behalf of the Head of Legal, Scrutiny and Democratic Services explained the procedures to be followed by the Sub-committee.

3. APPLICATION FOR A PREMISES LICENCE – The Institute of Art and Ideas: Globe at Hay

The Applicant:

Mr T. Davies, solicitor or Bond Pearce LLP representing the applicant
Amanda James Houghton, applicant
Hilary Lawson, Chief Executive
Paul Trew, acoustic consultant

Responsible Authorities:

Nicola Davies, Divisional Licensing Officer, Dyfed-Powys Police
PC F. Thomas, Hay-on-Wye Police Station
Paul Bufton, Environmental Health Officer, Powys County Council
Susan Evans, Senior Licensing Officer, Powys County Council

Interested parties:

Members of the public

The Licensing Officer advised that a further letter had been received from the applicant's solicitor on 12 December, 2012 giving details of the revised hours. On 17 December, 2012 a Noise Management Plan had been received and this had been forwarded to the Environmental Health Officer.

In response to questions from the Sub-Committee the Licensing Officer advised that the Live Music Act only covered events with less than 200 people. If the Globe was looking to hold events with more than this number then a premises licence was required. The Licensing Officer confirmed that the Designated Premises Supervisor was Amanda James Houghton, the applicant.

Mr Davies on behalf of the applicant advised that the scope of the application had reduced since the application was originally submitted and additional conditions were being offered by the applicant. He referred to the paper "Hours Comparison document (for use at 19/12/12 hearing) which gave details of:

- the opening hours, indoor licensable activities and outdoor licensable activities for
- current and proposed application with reductions for standard, non-standard and festival days.
-

Mr Trew, acoustic consultant confirmed that he was asked by the applicant to look at how the outdoor areas could be used for live entertainment. He referred to the Noise Management Plan which was based on the POP code guidelines of best practice. He explained how a maximum noise level would be determined and then monitored during events. He stated he was not suggesting that people would not be annoyed or complain but the Noise Management Plan would minimise the noise levels but still allow the festivals to continue. He confirmed that the levels in the Plan would be a vast improvement on anecdotal evidence regarding noise. In response to questions from the Sub-Committee he confirmed that he was only concerned about amplified music noise levels. He advised that he and another person, both being members of the Institute of Acoustics, would be on site at all events covered by the Noise Management Plan.

Mr Lawson, Chief Executive explained the work of the Institute. He advised the facility was a community resource and they cared for neighbours and the community. The Noise Management Plan was a valuable addition from them to minimise noise disturbance. In response to questions he advised that no more than 300 people would attend outside events. He also advised that they had

offered to install CCTV, have stewards in the street to monitor people leaving events and offered to have SIA door staff in place during festivals.

In response to a question from the Licensing Authority Mr Davies advised that if the applicant could operate under a new licence they would surrender the current licence. He also confirmed that the noise from people would be controlled by having the external CCTV, SIA door staff and by the other staff at the venue managing the customers.

In response to questions from the Environmental Health Officer Mr Lawson confirmed that acoustic music would only be played outside on the two weekends of the festivals. Mr Lawson and Mr Trew advised that if agreed, they would be obliged to deliver the Noise Management Plan and ensure that promoters knew the requirements to meet the licence.

In response to questions from the Police Mr Lawson stated that no more than 1000 people would be on site at any one time. He advised that people that had tickets for the festival could come back later in the evenings and so re-entry was up to 01.00 hrs. Mr Davies advised that the applicant wished to work with neighbours and would work hard by employing staff, having CCTV and SIA door staff to manage customers and the noise levels.

PC F. Thomas welcomed the SIA door staff but was concerned about the footfall from the premises and that popular events would mean more people.

Mr G. Buston-Smith and Ms J. Shaw advised the Sub-Committee that they supported the application.

Mrs S. Evans, Senior Licensing Officer made representations on behalf of the Licensing Authority. She asked that the Noise Management Plan be annexed to the Licence. She advised that things had come a long way since the original application. There had been frustrations with festivals agreed under TENS and multi-agency meetings had been held to address these. She advised that no complaints had been received regarding the normal operation of the Globe.

Ms N. Davies, Divisional Licensing Officer made representations on behalf of Dyfed-Powys Police. She advised that they were not objecting to the general aspects of the licence but to specific events, such as DJ nights and festivals. She raised concerns about the large numbers of people that would leave events during the week at 02.30 hrs, the sale of alcohol up to 01.00 hrs and the number of DJ events. She welcomed the proposal to have SIA door staff for festivals but asked that these also be available on DJ nights.

PC F. Thomas explained the type of complaints received from the public. He advised that he had a good working relationship with the Globe but there were concerns regarding the festivals.

Mr P. Bufton, Environmental Health Officer, Powys County Council advised that there had been no complaints regarding the noise from events held indoors. There had been six complaints regarding events held during the last Hay Festival regarding noise outdoors. He commended the applicant on the Noise Management Plan but still felt that this was work in progress and therefore could not agree to the maximum levels suggested. In light of this he suggested that outdoor events be limited to 18.00 hrs on standard and non-standards days and 20.00 hrs on festival days. In response to a question he advised that the complaints were mainly about the noise from music.

In summing up Mrs Evans, Licensing Authority stated that a robust licence clear to all was required. Mrs Davies, Dyfed-Powys Police stated that this was an arts venue and the number of complaints received were disproportionate to such a venue and therefore issues had to be addressed. Mr Bufton, Environmental Health had nothing further to add.

In summing up Mr Davies stated that this year the number of complaints had fallen. The current licence had no teeth unlike the new licence applied for. The Noise Management Plan gave noise levels that could be managed and properly enforced unlike the TENS licences where there are no controls. The proposed licence had detailed conditions and the hours now applied for had changed little from the current licence. The request from Environmental Health to the cut off time for outdoor events was unreasonable which he felt would kill the festivals.

In response to a question Ms James Houghton advised that the DPS and two licence holders would be present at the venue at Festivals. Mr Davies advised that it was up to the Committee to consider this.

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED that the licence be granted as follows:

Plays, Films, Live Music, Recorded Music and Performance of Dance

Standard Days Indoors

Sundays to Thursdays 10:00 to 23:30

Fridays and Saturdays 10:00 to 00:30 the following morning

Non Standard Days Indoors

10:00 to 01:00 the follow morning

Festival Days Indoors

09:00 to 02:30 the follow morning

Standard and Non Standard Days Outdoors

Friday and Saturdays – 10:00 to 21:00

Festival Days Outdoors

On the first Friday to Sunday and the Second Friday and Saturday of the HowtheLightGetsIn Festival – 10:00 to 23:00

All other Festival Days 10:00 – 22:00

Late Night Refreshment

Standard Days Indoors

Sundays to Thursdays 23:00 to 23:30
Fridays and Saturdays 23:00 to 00:30

Non Standard Days Indoors

23:00 to 01:00 the follow morning

Festival Days Indoors

23:00 to 02:30 the follow morning

Supply of Alcohol

Standard Days Indoors

Sundays to Thursdays 10:00 to 23:00
Fridays and Saturdays 10:00 to 00:00

Non Standard Days Indoors

10:00 to 00:30 the follow morning

Festival Days Indoors

10:00 to 02:00 the follow morning

Standard and Non Standard Days Outdoors

10:00 to 21:00 daily

Festival Days Outdoors

On the first Friday to Sunday and the Second Friday and Saturday of the How the Light Gets In Festival – 10:00 to 23:00

All other Festival Days 10:00 – 22:00

Opening Hours

Standards Days

Sunday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 00:30 the following day

Non Standard Days

09:00 to 01:30

Festival Days

08:00 to 02:30 the following day

The Sub Committee imposed the following conditions that are considered necessary for the prevention of public nuisance.

- 1(a) After 23:00 on Sundays to Thursdays which are standard days and after 00:00 on all other days no audible music to be heard coming from the premises at the boundary of the nearest adjoining premises.

- 1(b) On Festival Days outdoors between 19:30 and 23:00 on the first Friday to Sunday and between 19:30 to 23:00 on the second Friday and Saturday of the How The Light Gets In Festival live or recorded music to be performed in accordance with the Noise Management Plan prepared by Acoustics and Noise Limited. A copy of which is to be annexed to the Licence.**
- 1(c) At all other authorised times on the Festival days set out in 1(b) above and at all authorised times on other Festival Days and on all standard and non-standard days, outdoors live or recorded music (excluding film soundtrack music to a film with a story line for area where film audience located) to be played so that ordinary spoken conversation or Talks or Debates in all parts of the outdoors area can be conducted without interference or interruption by any music being played.**
- 2 The premises and management participate in the local Pub Watch Scheme.**
- 3 No entry (apart from re-entry) after 23:00 on standard days and non-standard days and after midnight on festival days apart from persons holding tickets for an event at that time when entry permitted to 01:00.**
- 4 Dyfed Powys Police to be notified 14 days prior to any youth disco or youth orientated event in which alcohol and/or entertainment is provided.**
- 5 Discussions with Dyfed Powys Police will also take place as to whether SIA registered door persons are required for any youth event.**
- 6 Notices displayed on all public exits asking public to respect the residents in the area and keep noise to a minimum.**
- 7 Windows and doors to be kept closed when the premises is used for entertainment after 23:00 on standard days and after 23:59 on all other days.**
- 8 Litterbins to be provided and cleaned regularly.**
- 9 Management controls and training will be in place to prevent the sale of products to underage purchasers or the sale to others who then supply to those underage.**
- 10 A proof of age policy (such as a validate card) agreed by the Police and Local Authority will be enforced.**
- 11 An age restricted sales policy to be agreed with the Police and Trading Standards, which could include a refusals book, staff training and a recognised proof of age scheme.**
- 12 Management controls will be in place to prevent under age purchasers from accessing products from vending machines.**
- 13 Regular checks to be made to identify and remove any broken glass from the outside area.**
- 14 Suitable lighting to be provided to outdoor areas to assist safe access and egress.**
- 15 A satisfactory NICEIC or ECA periodic electrical installation report will be provided. The inspection will be carried out annually or as otherwise stated**

by a qualified, competent electrician (up to a maximum period of 5 years and a new report on completion of each test will be provided).

- 16 30-millamp residual current device, protection will be provided to electrical sockets used for public entertainment equipment.
- 17 After 23:00 on all Sundays to Thursdays which are standard days and after 00:00 on all other days amplified music shall be played in the Lower Ground Floor; noise attenuation already fitted to all windows on the lower ground floor will be maintained.
- 18 The primary use of the premises should not be as a public house or nightclub but as an art/entertainment complex.
- 19(i) A CCTV camera covering the area immediately outside the entrance to the Globe building will be added to the existing internal CCTV which is installed at Lower Ground, Ground and Gallery. Any additional cameras in external areas will be located in positions agreed with the Police.
- (ii) The above CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of one hour afterwards.
- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days.
- (iv) The correct time and date will be generated onto both the recording and the real time image screen
- (v) If the CCTV equipment breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.
- (vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.
- (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all times that licensable activities take place.
- 20 Not less than two door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, shall be used to vet customers and maintain public order during the HowTheLightGetsIn Festival and the Crunch Festival from 2000 to 30 minutes after the premises closes
- 21 Not less than two personal licence holders shall be present on the premises on Festival Days at all times that alcohol is being served.

The Clerk to the Sub-Committee advised the applicant and the interested parties that she would confirm the decision in writing and reminded them of their right to appeal.

The Chair thanked all for attending.

County Councillor S. Davies
Chairman