

LICENSING SUB COMMITTEE

13 JANUARY 2017

Present: County Councillor Jackie Parry(Chairperson)
County Councillors Murphy and Goddard

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : PREMISES LICENCE REVIEW - LLANDAFF INSTITUTE

Applicant: Caroline Hickingbottom

Licensee Alan Grove, Club Secretary
Stephen Lomax, Club Treasurer

Responsible Authority: Rhys Morgan

Interested Others: Councillor Paul Mitchell
Madeline Kurmas
Paul Jeffrey

Application

An application for the review of a Club Premises Certificate was received in respect of the Club Premises Certificate held by Llandaff Institute, 10 High Street, Llandaff, Cardiff. Details of the grounds for review were set out in the report. The application relates to the licensing objective the prevention of public nuisance

Applicant Representations

Mrs Caroline Hickingbottom addressed the Sub Committee. Members were advised that the detail of the application was set out in the written representations submitted previously and there was not much further that she wished to add. Mrs Hickingbottom stated that she did not wish to see the Llandaff Institute close but she would like not to be able to hear music from this Institute in her own home.

Mrs Hickingbottom said that she had attempted to engage with the management of the club premises without success. Indeed, she had never personally met any representatives of the club prior to the hearing today. Mrs Hickingbottom had emailed the club via their website, and when no answer was to that email was received, she wrote a letter and telephoned the club and spoke with the club steward.

During a subsequent telephone conversation with Mr Alan Groves assurances were given that the noise nuisance issue would be addressed. Concerns were expressed, however, that these assurances were not followed up by actions.

Mrs Hickingbottom stated that on Saturday evenings when events and parties are held on the premises she is disturbed by loud music and she can clearly hear what songs are being played, the lyrics from songs being played and she can also hear

the DJ speaking when he is using a microphone. Rhys Morgan from the Pollution Control Section has attended her home on Wednesday nights and had heard music from bands, but he had not been present when music was played at the various events held at the premises when the hall is rented out for parties on Saturday evenings.

Ms Hickingbottom considered that it was the Club's responsibility to ensure that events taking place do not create a disturbance and that no mitigation measures have been put in place to stop noise nuisance. She was entitled to the quiet enjoyment of her own home and therefore she wished to see noise from the premises reduced.

Responding to questions from Members of the Sub Committee, Mrs Hickingbottom clarified the precise location of her home in relation to the Club Premises on a map. She stated that bands cause regular disturbance on Wednesday evenings but other events were less predictable. The noise created was considered to be unpleasant, easily avoidable and unacceptable and it often continued beyond 2300 hours.

Mrs Hickingbottom was asked whether her complaint solely related to the 'open mic' events held on Wednesday evenings. She stated that her complaint related to any disturbance. The open mic evening finishes at 2300 hours but other events do not.

Responsible Authority Representations

Rhys Morgan summarised Pollution Control's involvement with the case to date. Following the receipt of a complaint regarding live music events at the premises on Wednesday evenings, visits were made to Mrs Hickingbottom's home. A number of visits were made and there was some cause for concern.

Following correspondence with the Llandaff Institute a staged approach was taken to reduce potential areas of concern. Some improvement was achieved over time. On 14 December 2016 during a visit Rhys Morgan witnessed noise levels that were considerably lower and there was no statutory nuisance occurring. Rhys Morgan considered that a managed way forward needed to be put in place to ensure that noise levels remain at the same level witnessed on 14 December 2016.

Rhys Morgan confirmed that the only complaints received related to Wednesday evenings. He was unable to give a numerical value for the volume level that he considered to be appropriate.

Stephen Lomax advised Members that the club were measuring the level of sound during live music events and they were currently liaising with Pollution Control.

Interested Other Representations

The Sub Committee received representations from Councillor Paul Mitchell. Councillor Mitchell stated that he took on board the concerns expressed by Mrs Hickingbottom. However, he was concerned regarding the effect residents' complaints were having on live music venues across the City. Councillor Mitchell considered that a pattern was emerging whereby residents move into a property near a live music venue, they make complaints and the venue eventually has to close. He felt more research was needed by those purchasing properties.

Councillor Mitchells stated that he has been a musician in Cardiff for 38 years and he had played in bands at the Llandaff Institute for over 5 years. Since the first complaints were received volumes at the premises have been monitored and bands are consistently asked to reduce volume levels. He testified to the Sub Committee that those bands who were not willing to reduce the volume levels are not invited back.

At Wednesday's live music events the patrons are in the 50s, 60s and 70s. The crowd is genteel and not rowdy.

Ms Hickingbottom asked whether Councillor Mitchell was attending as a Councillor or as a private individual. Councillor Mitchell stated that he was attending as a private individual who had advised the Club premises. Ms Hickingbottom was surprised, therefore, that Councillor Mitchell had used his Council email address to submit his representations. Mrs Hickingbottom stated that she has lived in Llandaff Village for over 10 years and local residents were all aware of the noise nuisance emanating from the club premises.

The Sub Committee also heard representations from Paul Jeffries and Marilyn Kurmas. Both were regular attendees at the live music events held on Wednesday evenings. Members were advised that these events provided valuable opportunities for senior citizens to socialise.

Licensee Representations

Mr Alan Grove stated all club communications were his responsibility. He stated that he did not receive Mrs Hickingbottom's original email due to a problem with the Club's website. The letter was received and was responded to, as was all other correspondence received. Mr Grove had also liaised with Rhys Morgan in order to address these issues.

Mr Grove considered that no reference had previously been made to the private parties and events held at the premises on Saturdays. Disturbance caused during live music on Wednesday evenings were addressed being addressed. The Club now employs an 'in house' DJ and those parties with private booking are no longer permitted to bring their own DJ. The in house DJ is aware of the noise issues.

Stephen Lomax stated that there are large windows in the hall where these events are taking place. The club had considered the installation of additional soundproofing measures such as triple glazed windows. However, sound levels were considered to be adequate by Pollution Control at the last visit on 14 December 2016.

Members of the Sub Committee were advised that, upon receiving advice on noise mitigation from a musician who played in one of the bands performing at the premises, the club purchased sound meters which are used by members of staff during performances to monitor sound levels.

Mr Lomax referred the Sub Committee to the detailed representations he had submitted. He was concerned at the suggestion that the Club had not taken action to address the noise nuisance complaints as he considered the Club has 'bent over

backwards'. Representative from the Club have met with the applicant's husband and at that meeting was made clear that the only issue causing a problem was the live music event on Wednesday.

Members were advised that the former open mic evening was held for two hours between 2100 hours and 2300 hours on Wednesdays. However, as part of the effort to address the noise issue, the event now only provides live music from bands that have been invited to play. The Club are controlling the level of the sound at the premises.

Mr Lomax stated that the live music evening was did not provide a great deal of income for the Club. However, private parties and other bookings were a were important to the finances of the club.

Members were asked to note that there were no other complaints received from any other residents. Mr Lomax considered it relevant that the applicant was not in residence in her property for substantial periods.

Mr Lomax felt that the conditions suggested by the applicant were onerous and unrelated to the noise complaints. Professional advice had been sought regarding the installation of a noise limiter device. This was deemed to be impractical and this could be achieved by monitoring the level of noise.

Members asked whether the Club had considered additional soundproofing such as insulation in the roof. Rhys Morgan advised that any insulation works would need to be designed in accordance with the construction of the hall. The associated costs would need to be considered. A professional acoustic consultant would be required to design such a scheme of works.

Summing Up

Mrs Hickingbottom accepted that the Club had taken steps to remedy the problem, but these measures have not worked. That is why an application to review the premises licence was submitted. Mrs Hickingbottom considered that the conditions suggested in her representations would address the noise disturbance problem. She asked the Members of the Sub Committee to allow her to enjoy her home without noise.

Rhys Morgan asked Member to consider how best to ensure that an appropriate sound levels are maintained, the method by which this can be achieved and how this can be made permanent.

Stephen Lomax maintained that the club has taken action to address the noise issue and those actions were reasonable and appropriate. An undertaking was given to ensure that continues.

RESOLVED - That the Sub-Committee, having considered all the information and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy and in the interests of preventing public nuisance the Sub Committee considered it is appropriate to attach the following conditions to the Club Premises Certificate:

1. All external doors and windows to remain shut (other than to allow access/egress from the premises) during performances of live and recorded music.
2. Signage shall be displayed at all exits of the premises reminding members and their guests to leave quietly.
3. To employ a suitably qualified Acoustic Consultant (who is a member of the Institute of Acoustics or similar organisation) to produce an acoustic report to the Council's Pollution Control Section detailing appropriate noise mitigation measures to ensure nearby residents are not disturbed by noise emitted from the premises. The acoustic report must be submitted to the Pollution Control Section by 13th March 2017. In agreement with Officers from Pollution Control, the Club must employ noise mitigation measures suggested in the report. The measures must be implemented within a time period agreed with Pollution Control.

3 : GAMING MACHINE PERMIT APPLICATIONS

RESOLVED – That the Gaming Machine Permits be approved in respect of the following premises:

1. Coyote Ugly – 4 machines
2. The Four Elms – 4 machines

The meeting terminated at Time Not Specified

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