



LICENSING ACT 2003
REPRESENTATION FORM

Other Persons

Name/Company Name/Name of Body you represent	DESMOND and GISELE ALLISON
Postal & email address	[REDACTED] [REDACTED] [REDACTED]
Telephone number	[REDACTED]

Name & Address of premises for which the representation is being made

COMMUNITY PAVILION,
LLANFAIR WATERDINE,
KNIGHTON LD7 1TU

Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.

THE PREVENTION OF HARM TO CHILDREN

TO PREVENT PUBLIC NUISANCE

PLEASE SEE ATTACHED (4 PAGES)

13 JAN 2023

TO PREVENT CRIME & DISORDER

PUBLIC SAFETY

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal process. All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence and any other interested parties. If all parties agree, the application can be dealt with without holding a hearing.

Signed:



Date: 12/01/2023

Please return this form along with any additional sheets to the address below:

Licensing Team
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

This form must be returned within the statutory period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the newspaper advert.

For confirmation on this date please contact the Licensing Team on 0345 678 9026

Attachment to Other Persons' Representation (Allison)

Re: "Full variation" application for Community Pavilion licence, submitted by Llanfair Waterdine Community Trust (CT).

Premises licence number: SC/21/00844/LMVPRE; variation application 22/04102/LFVPRE.

Date on application form: 5 December 2022 (copy obtained from Licensing Team 4 January 2023)

Date of public notice: 23 December 2022 (displayed on Pavilion noticeboard).

Focus of our objection: increased risk of public nuisance, especially noise nuisance.

Background: Please refer to extensive documented objections to the original licence application (late 2020) and a minor variation (April 2021). Considerable detail on the risk of public nuisance -- primarily noise nuisance -- was taken seriously by the Licensing Sub-Committee (Decision Notice, January 2021) before the licence was eventually approved:

- The Sub-Committee introduced seven conditions, affording a measure of protection for nearby residents. **It is these very conditions that the CT now seeks to remove.**
- The original licencing decision was reached after **agreed amendments that would no longer hold** if the full variation was approved.
- The Sub-committee were "satisfied that the previous [noise] nuisance had been caused prior to the Pavilion being built and that the field was not being considered as part of the application." **Introducing an off-sales facility for the premises now would both facilitate and actively encourage alcohol consumption across the neighbouring outdoor area, extending to the whole field.**
- The Sub-Committee indicated the desirability of "a robust hire agreement" for the premises. Such an agreement would help to constrain behaviour during (a) licensed hire events and (b) private hires (not covered *directly* by the premises licence). A hire agreement that reflects current licence conditions has since been developed.

Timing and available information: It is unfortunate that the CT has again chosen a start date that has put extra pressure on anyone who might seek to assess and comment on their application (festive season; fewer working days for response to enquiries; postal delays, exacerbated by strikes this time round). There was again no advance consultation with nearby residents.

Assumptions:

- The CT is a non-profit charity aiming to serve the local community, not a business aiming to maximise returns;
- Nearby village residents form part of this community;
- Any agreed changes to licensing hours and other event conditions would be taken up in a revised version of the present hire agreement;
- Licensed events open to extended outdoor space and later timings remain a serious threat of public nuisance, especially noise nuisance, in this situation (type and location of premises; relatively recent past issues with intrusive noise from field. Please refer to relevant representation sections, including ours, in January and April 2021).

The present licensing conditions: why seek to remove them? The licensing conditions, especially conditions 1 – 3, have so far provided a modicum of reassurance to affected residents against possible excesses and duration of noise nuisance as activities take place. **Seeking to remove these safeguards without very compelling reasons suggests a lack of respect for both the original decision-makers and the people that the safeguards were designed to protect.**

We must ask ourselves – and you – what is it that the CT wish to do, or to allow others to do, that cannot already be done under current arrangements? There has been no prior information, consultation or reassurance from the CT about its intentions. The application document itself only asserts that annex 3 conditions “make it difficult to **operate fully**” (our emphasis) but provides no detail. What difficulties arise, for what events, either actual or planned? Is full operation really incompatible with current measures that take the risk of noise nuisance to neighbours into account?

The application alludes to “opposers”, a word that suggests implacable hostility and opposition, irrespective of what is being done. We are not opposers, but objectors: people who raise concerns over particular initiatives that we see as a threat to local peace and quiet.

The claim that “weekly socials and ad hoc events... benefit the entire community” overlooks the absence of any benefit to those community members (actually a majority) who do not participate in these events, and especially fails to acknowledge and address concerns of nearby residents regarding the risks of noise nuisance. We ourselves do not look for any benefit, but do seek a guaranteed absence of likely harm.

We do not understand how (in what sense) the applicant intends to meet the four licensing objectives “as per current licence” while seeking to remove all conditions that form part of the current licence in order to meet these licensing objectives.

We acknowledge occasional welcome developments. User requests are not all granted, and awareness of likely disturbance to neighbours is sometimes cited as a consideration. Some one-off events still remain unannounced, and are therefore disconcerting, but the Pavilion’s Management Committee recently chose to notify local residents in advance of the nature and timing of a firework display on the Community Field. This appears to have been a genuine act of neighbourliness, not just an official necessity, and we responded accordingly.

However, **the proposed full variation appears extremely likely to invite further and more varied activities and user requests, with no guarantee as to future hiring policy or effective control.** Public protection cannot depend solely on assumed goodwill on the part of particular office-holders at one point in time. The composition of the CT and the Management Committee is itself fluid (for example, none of the present Trustees was in place when the original licence was applied for). And plans and circumstances change, sometimes rapidly, over time.

Past and even present assurances of intent alone cannot therefore be binding. **Only explicit conditions can be relied upon over time. Proper licensing safeguards need to be kept in place.**

Possible reasons to try to set aside existing conditions appear likely to include:

- making hiring more attractive to prospective users by providing fewer constraints;
- extending the scope of licensed activities in a series of small steps;
- facilitating off-licence drinking in the immediate vicinity of the premises.

None commends itself.

We now comment specifically on conditions 1-3 (Decision Notice):

- (Hours) Existing activities appear to be more than adequately catered for within the present time allocation. Extending the opening and licensing hours is an unnecessary and undesirable risk to local tranquillity. This is all the more so if other undeclared activities are to be anticipated for later hours.
- (Doors and windows) The Environment Officer had concerns over the original Pavilion licence application plans. **After some negotiation, he did not submit a report, precisely because it had already been agreed that all doors and windows would be closed from 21:30.** This was also accepted by the Licensing Sub-Committee as an adequate means of reducing the risks of excess noise in the latter part of the evening, without having to pursue other possibilities such as effective soundproofing. In any case, soundproofing would hardly be effective if doors and windows were to remain open!
- (Contactable person) The question of who to contact, and where, in the event of a noise or other problem at an event has never been fully clarified or resolved in practice. For a time, a Parish Council member who served on the Pavilion Management Committee was named as a first point of contact, but this is no longer the case. The present application envisages a committee member (or third party licence holder) being onsite for licensed activities but gives no other contact indications.

Possible reasons for adding off-sales: The application says “to enable customers to consume drinks at the boules court **and surrounding lawns**” (emphasis added). Rather differently, the public notice seen at the entrance says “to allow consumption on the boules **and children area** adjacent to the premises” (our emphasis again).

These area definitions are not clearly delimited. The change in wording also has potential to mislead. Enabling (Encouraging?) customers to drink seems difficult to justify as a requirement or an advantage either for participation in a steady-handed boules competition or for careful supervision of a children’s play area which is already observable from the terrace.

As for the “surrounding lawns” suggested by the four-way arrows on the application plan, these appear to extend indefinitely beyond any adjacent space, and potentially encompass the whole field. Drinking across this area becomes a dire prospect for the neighbourhood, even more so if hours are also extended: a recipe for the recurrence of past noise nuisance problems, or worse.

Might the planned full variation even be part of a longer-term aspiration to extend licensed activities formally to part or all of the Community Field? The “boules court” alone could add at least 70m² to the external area. It is already a matter of record (parish council minutes, March 2021) that the CT was considering a new application for the entire field within weeks of the original Decision Notice. So much for assurances suggesting that past noise issues had arisen from open-air events, whereas in future any noise would be containable inside the premises.

The Public Protection Officer confirms that alcohol obtained off-sales may be consumed anywhere. We would add that it may also be consumed by anybody. An off-sales licence provision could very easily act as a magnet for others from outside the local community, such as visitors to nearby tourist facilities, or passers-by on a nearby main road where a noticeboard already proclaims that “all are welcome” to social evenings.

All things considered, **providing a convenient off-sales facility in order to facilitate drinking on a community field adjacent to a quiet residential area appears deeply unwise. All previous concerns remain in force now, as must the present scope and conditions of the licence.**

Other considerations for the Licensing Team and Council

In view of the above considerations relating to risk of public nuisance, the conditions set by the Licensing Sub-Committee in January 2021 with extensively documented reasons must not just be forgotten or brushed aside. It is important to do what is right by affected residents, not just whatever is expedient.

The Licensing Team is asked to consider the following:

- The original Decision Notice indicates that “Following a risk assessment, no alcohol would be stored on the premises” and agrees that no CCTV would be needed “due to no alcohol being stored on the premises and low levels of crime and disorder”. **Alcohol is now stored in a cooler just outside the side door (technically not on the premises). Allowing an off-sales facility that would facilitate outdoor drinking in the area, by anyone, would make this fact more evident and greatly alter the balance of risk.**
- The last two years have been exceptional, with greatly reduced social activities, and so cannot be used as a sufficient demonstration of goodwill and good practice.
- At present, the only regular evening activities are yoga (Wed. 18:30 – 20:00) and social evenings (Fri. from 19:00). These have not created undue disturbance. Occasional noise from one-off activities has so far been light to moderate in our experience. Does an aspiration now to “operate fully” also anticipate new event types?
- Private parties are no longer announced on the noticeboard (also true for some events). This unpredictability already adds to uncertainty and therefore anxiety. Concern would become far greater under more lenient hire arrangements, as an indirect but wholly foreseeable consequence of the proposed full licensing variation.
- The original licence was primarily internal. A minor variation in April 2021 has already extended coverage of the nearby terrace area. The proposed full variation would reduce any need to seek approval for further extension by allowing off-sales on the spot.

The Licensing Team, the Council’s Licensing officers and the present Leader are well aware of concerns that have earlier been raised about current procedures (review to take place in due course). Effective public protection is already very difficult and limited, and the ultimate appeal procedure is usually not a viable option for affected individuals such as resident OAPs. It is therefore incumbent on decision-makers to do their very best to respect the spirit of public protection as they adhere to the letter of the law... and certainly not to acquiesce in bypassing regulatory conditions that they themselves have previously set in place to protect affected residents.

Closing observations on (dis)trust: While local communication issues are not in themselves of **direct** interest to the Licensing Team or the Licensing Subcommittee, they clearly have a major impact on responses to applications of this kind.

Trust can take time to grow, but little time to damage or destroy. **And transparency is key to trust.** Unfortunately, both have been in short supply.

A greater willingness on the CT’s part to operate within existing constraints for the sake of others would show a more genuine and inclusive community spirit.

Accordingly, we respectfully suggest and ask that the CT’s full variation application be withdrawn.

Failing that option, we ask the responsible licensing authorities to reject the application.