

Dear Sir,

I would be very much obliged if you would kindly treat this email as part of my submission of 11th. January, 2023, wherein I lodged an objection (with full justification therefore) to any alteration to the existing license held by the applicant, which was granted following a Hearing on 19th. January, 2021.

I refer now to the public safety issues detailed in annex three of that existing License which require Trustees and or members of the Management Committee one of whom is required to be present at the premises for all licensable activities that they **MUST** be first aid trained, and have annual training on fire evacuation procedures.

I would therefore like to ask the applicants the following questions:

- (a) Whom is it in the Community Trust ( the applicants) that has the responsibility for ensuring that the Trustees comply in full with all the terms, conditions and requirements of the existing License. Is it accepted that they have personal responsibility for such compliance.
- (b) Whom of the Trustees and members of the Management Committee (past and present) have actually been on such training courses since the license was granted in January 2021, (in first aid and fire evacuation procedures): when & where did the courses take place, by whom were they organised, at what cost, and please provide documentary evidence in support of all such attendances.
- (c) Which of the three persons mentioned on the current notice board as 'Management' at the Pavilion has attended such courses, and please provide proof thereof.

I am grateful to you for your assistance in this matter.

Yours faithfully,

Michael Tree.

FROM MR. MICHAEL TREE

[REDACTED]

The Licensing Sub-Committee,  
Licensing Department,  
Public Protection,  
Shropshire Council,  
Shire Hall,  
Abbey Foregate,  
Shrewsbury, SY2 6ND

12 JAN 2023

11<sup>th</sup>. January, 2023.

Honourable Members,

Re. The Pavilion, Llanfair Waterdine  
**Your Reference: 22/04102/LFVPRE**

I am pleased to attach hereto my submission for your kind consideration in respect of the above application for alterations to the existing license. You will see that I have tried to include all relevant factors which I believe may be of assistance to you in your deliberations. In essence the applicants wish to broaden the existing licence terms very considerably in order to circumvent the essential provisions which you yourselves thought necessary to safeguard the local residents, only a couple of years ago. Many members of the community consider this application to be unjustified, and probably harmful to them, given the history of very poor management by the applicants resulting in significant disturbance over the past six years or so. Furthermore had the existing license proved to be inadequate or inappropriate on any occasion since it was granted, then the applicants could easily have applied for a Temporary Event Notice at any time. To the best of my knowledge they have never found the need to do so, but of course this option remains available to them at all times.

Thus it is that we live in the hope that you will feel justified in continuing to protect us residents, by refusing this application to remove current safeguards, in its entirety. For our part we believe that we have indeed given you full justification for doing so.

Finally I ask for the matter to be considered at a Public Hearing, which I shall be glad to attend.

I remain yours truly,

[REDACTED]

Michael Tree, FRICS Rtd.

Shropshire Council Ref: 22/04102/LFV PRE

Licensing Act 2003

Responsible authority representation form

Police/fire/environmental health/health and safety/child protection/trading standards/planning authority/Health and Safety Executive/vessels (Please delete as applicable)

Name	MICHAEL TREE
Job title	N/A
Postal and email address	[REDACTED]
Telephone	[REDACTED]

Name and address of premises for which the representation is being made:

The Community Pavilion,  
Llanfair Westdine,  
KNIGHTON LD7 2TU

Which of the four licensing objectives does it relate to?

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	Please see attached submission for full details especially for the protection of children in the playground.
To prevent public nuisance	Please see attached submission regarding many instances of public nuisance
To prevent crime and disorder	Abs to reduce risk of disorder from inebriated customers following alcohol sales.

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.

*It is suggested that the licence alterations be refused in their entirety. The existing licence is seen to be quite adequate.*

nb – if you do make a representation you will be expected to attend the licensing sub-committee and any subsequent appeal proceedings. Unless you and all parties agree that the application can be dealt with, without a hearing.

Signed:



Date:

*11<sup>th</sup> January, 2023.*

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

Licensing Department  
Public Protection  
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 Department on 0345 678 9026

Re; The Pavilion, Llanfair Waterdine

**Objection to Vary Existing Licence** by Mr Michael Tree (Village Resident)

Variation Applicant: Llanfair Waterdine Community Trust Dated: 5/12/22

Shropshire County Council Reference No. SC/21/00844/LMVPRE

### **(1) Introduction**

a. I write as a village resident and as a near neighbour to the Pavilion, in order to object to any variation of the existing Licence that was granted to the applicant Trustees as a result of a Hearing on 19<sup>th</sup>. January, 2021. The application for that licence, generated an unprecedented number of local objections for a small village, so I believe. Thus I request that this matter also be decided at a full Hearing by the Licensing Sub-Committee at a date to be arranged. I make this objection despite the fact that at the time of the last Hearing I and others were informed by the Council that irrespective of our objections a Licence would be granted to the applicants in any event. I presume that the Council's current procedure might follow past precedent, and if so I submit this objection in order to retain the option of referring the matter to the Ombudsman should I feel in due course that there are grounds for my doing so, and indeed to avoid my submission otherwise being a waste of time for all concerned.

b. I summarise below the relevant items of history of the applicant's management of this property, as material factors for the Sub-Committee when considering this application for what amounts to be fundamental changes to the existing Licence. Various conditions were included in the first instance as safeguards for the protection of the environment in the village, in the light of a known history of the Trustees allowing severe noise disturbance from this site, and too in the light of the Sub-Committee's own reservations regarding the applicant's managerial abilities, or lack thereof.

## **(2) Trustee Management History**

- a. The village community suffered severe noise disturbance on a number of occasions prior to the grant of the Licence in 2021; it was so bad as to disturb residents living a quarter of a mile away in Lloyney village, and went on until the early hours of the morning, with loud speakers directed towards the heart of the village. I made complaints to the Trustees at that time, but most unfortunately they were met with contempt, as my minutes (which were never challenged at the time) of a subsequent meeting with Trustees reveal.

Following the grant of the current Licence, there were again several instances of noise disturbance in 2021 i.e. 23<sup>rd</sup>. July, 14<sup>th</sup>. August, 8<sup>th</sup>.September, and 17<sup>th</sup>.September. By far the worst of these was on 23<sup>rd</sup>. July, 2021 when residents experienced obscene language being shouted from the Pavilion car park well into the night. Complaints were made to the Trustees whose response was to operate what amounted to a kangaroo court, in order to label one particular resident as a “Vexatious Complainant” for doing no more than to try to protect his ‘hearth and home’. Since then covid-19 restrictions have doubtless curtailed very many functions at the Pavilion so there has been little cause for complaint of late; to a large extent too we believe this absence of noise disturbance is primarily due to the well-focused conditions contained within the existing license, designed to inhibit anti-social behaviour harming the local community.

- b. At the Hearing on 19<sup>th</sup>. January, 2021 the chief Trustee was asked if he could guarantee that there would be no further repetition of historic severe noise disturbance from the site. He responded in the affirmative, claiming that events were now intended to take place within the new Pavilion building, not outside as happened hitherto. Within weeks of the grant of the licence, the Trustees then submitted an application to vary it so as to include a major part of the external terrace, thus allowing events to take place out in the open, by significantly increasing the approved external licence area. This was granted by officials of the Council not by the Licensing Sub-Committee. The same

chief Trustee at the Hearing was also asked if the Pavilion building would contain a bar for the sale of alcohol, to which he responded in the negative, although he admitted that some of those hiring the building may wish to bring their own “pop up” bar on occasion. Within weeks of the Hearing the Trustees put up a bill board on the main Knighton/Newtown road (B4355) advertising regular Friday ‘Social Evenings with Bar’ intended to attract casual travellers passing by. It is still there to this day.

- c. The Trustees agreed to ensure that one of them would be present at all events at the Pavilion in the interest of good management control and in turn the protection of the amenity of the village community. They also agreed to provide the telephone number of one other Trustee for use in the event of disturbance. Subsequently the Trustees declined to identify which of their number would in fact be in attendance at events and the telephone number given turned out to be that of an ‘answer phone’. It is noteworthy in this regard that the Trustees have consistently avoided personal responsibility for the Trust’s management by declining to appoint Trust officers, thus there is no Chairman, no Secretary, no Treasurer etc. which does not bode well for local residents or indicate an aim by the Trustees to seek the highest ethical standards in running the Pavilion.
- d. The Trustees omitted to consult with the village residents at the time of the original licence application and again have not done so regarding this current application, despite the fact that the resident’s vital interests are at stake. Indeed their meeting minutes (of 1<sup>st</sup>. December 2022, item number 9) simply refer to this application disingenuously as “Licence being updated....” Sadly it is no such thing, as the Trustees themselves know full well, and as detailed herein.
- e. At the inception of the proposals for this pavilion building there was much concern in the village that it might cause disturbance, poach events from the Village (Everest) Hall and perhaps become a rival to it, but the Trustees assured the village community that this would not be their intention. Subsequently two organisations departed the Village Hall for

the Pavilion. Furthermore, on several occasions the village residents were told that the proposal would be for a “Sports Pavilion with showers and changing rooms”, but as built it has neither. In effect the Pavilion most closely resembles a pub in its operation, rather than a sports pavilion; currently it accommodates private parties, regular weekly “Social Evenings with Bar” and other events that could easily be held elsewhere in the local area.

- f. The village community (approx. twenty houses) is predominantly made up of retired people who hold their peace and quiet (especially in their gardens) in high regard, Hence the vital importance of the environment not being harmed by activities in the Pavilion that bring little benefit to the village as a whole. Indeed it needs to be recognised that to date many of the various uses of the pavilion that Trustees have encouraged and allow are of scant direct benefit to the majority of the village community. On the other hand the past history of noise disturbance has caused many families considerable on-going anxiety over the years, and indeed we believe that this contributed in large measure to one family in particular deciding to move away from the village altogether.
- g. At the time of the Hearing the Trustees indicated, in response to questioning, that there would be no storage of alcohol on the premises. Subsequently they circumvented this with a structure erected just off the Licence area within which they do store alcoholic beverages.
- h. I believe that the County Council’s Environmental Health Department advised the Trustees some two years ago of the need to install sound proofing in the Pavilion for the safeguard of local residents well-being, but the Trustees have declined to do so to date. They have also declined to keep a Register of Benefits that they and their families derive from the operation of the Pavilion eg their own private parties etc.etc.

### **(3) Grounds for Objection.**



- a. As can be seen above the Trustees do not have a history of fully respecting the environment of the village residents to any significant extent. Doubtless this was the cause of the Sub-Committee's concern when it imposed the licence conditions which the Trustees now seek variously to have removed, and altered. Yet these are vital conditions that need to be maintained unaltered in order to avoid a repetition of the severe disturbances the Trustees have allowed in the past. There are no other immediate safeguards known upon which our village community can rely for protection of their rights to peace and quiet in their homes.
- b. Time and again the village residents have been encouraged to rely upon informal assurances and undertakings by the Trustee applicants concerning the management of the Pavilion, only ultimately to be disappointed for the many reasons indicated herein. It would be a mistake therefore for us now to rely on the Trustees not repeating their past failures, were any of the existing licence terms to be variously removed and altered, as is now being sought.
- c. Effectively the conditions imposed by the Licensing Sub-Committee in January, 2021 are vital safeguards for the well-being of our village community and have been seen in the main to work as intended to from the grant of the license up to now. Thus they should be maintained at all costs in the absence of truly compelling justifications and safeguards.
- d. In order to justify this application for the removal/alteration of the licence conditions etc. in the light of the above, it is incumbent on the Trustees to put forward compelling reasons for this their application. They have failed to do so. Indeed for them to rely as they do, merely upon the issue of their own managerial convenience is wholly inadequate as a justification for the abandonment of essential community safeguards. Indeed it would appear that the Pavilion has been operating adequately for the Trustees over the last two years or so with these important conditions in place. Thus the alteration of any part of the existing license can hardly be regarded as necessary or essential for the Trustee's Pavilion operation, in a way that these self-same conditions are conversely a vital safeguard for the well-being of our village community. There is no balance of cost/benefit that can be associated with this application, nor has this been claimed by the Trustees
- e. The Trustees have not even attempted to identify a significant/compelling operational need for the alteration of the existing

license which they now seek. Indeed the ability to allow the consumption of strong liquor in a children's playground is shockingly inappropriate, as is the claimed need for similar facilities to be available for a game played by just a handful of participants. This should be rejected as a matter of principle as it would significantly increase the area where alcohol can be consumed, and thus increase the likelihood of severe outdoor noise nuisance comparable to the previous problems generated by the Trustees. On the other hand this may just be covert means whereby alcoholic beverages are to become regularly available over large parts of the adjoining community field as well as in the Pavilion and on its associated terrace. This does not reflect well on assurances we were given at the January 2021 Hearing, which now appear to have been of little worth either to the Licensing Sub-committee, or to our village community. Indeed it may well indicate a deniable policy being run by the Trustees of 'gnawing away' at the License, a little bit at a time, in order to be allowed the widest regulatory freedom to administer the Pavilion just as they see fit, irrespective of the impact that this may have upon the lives of the village community residents to which the Trustees have seemed indifferent on occasion in the past. This would indeed be in line with the history of the Trustees overall conduct of Trust affairs as detailed above.

**(4) Conclusion.**

I believe I have been able to demonstrate that this application (for the removal of vitally important conditions which fundamentally alter the existing license), is flawed and without merit or any credible justification. Further I submit that any such change is not in the public interest generally, nor is it in the interest of the local village community of Llanfair Waterdine. This is especially so when considered in the light of numerous instances of mismanagement by this Trust over the past six years or so, as detailed above. I therefore urge the Council's Sub-Committee to keep faith with their previous decision which granted the existing license on perfectly reasonable terms, and to reject this application in its entirety forthwith at a Public Hearing, to which I will be glad to attend, at the council's convenience.

Signed: Michael Tree (FRICS Rtd.)

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