

CUSOP PARISH COUNCIL

**Minutes of the Parish Council Extraordinary Meeting held on
Thursday 21st March at 19.00 at Cusop Village Hall**

Present

Councillors: Nick Blayney (in the Chair), Christopher Kemp, John Levers, David Evans, Paul Elkington

In attendance

4 members of the public.

The Chair informed the meeting that it had not proved possible to obtain the services of clerk and that the meeting would be recorded and the minutes presented by support staff HALC on the basis of the recording and the notes taken.

1. Apologies for absence: Apologies were received and accepted from Cllr Julia Whittall.

2. Declarations of interest & written dispensation requests:

2.1 Cllr Elkington declared a pecuniary interest in the matters under discussion.

3. Open Session:

3.1 The Chair reminded the meeting that as per the agenda he reserved the right to limit the open session to 15 minutes. He then presented some introductory remarks with regard to the process by which objections to licences are handled and the manner therefore in which the parish council (PC) would proceed. He drew attention to two draft documents that had been posted with the agenda on the website and also to the information available on the Hereford Council website. The chair drew attention to an extract of the draft minutes of the previous meeting (13/3/24) that had been tabled: this consisted solely of item 3.3, a list of the concerns raised at the previous meeting. He then opened the floor to the public.

3.2 Several concerns were raised by those attending.

3.3 Some previous complaints raised had not been dealt with appropriately, in the opinion of some present. Complaints had been dismissed as not being presented appropriately or not being relevant. Formal complaints about the conduct of council employees had been rejected without investigation.

3.4 The need to present supporting evidence such as photographs.

3.5 The value of involving various relevant departments and council officials and district councillors.

3.6 Agreement that it was essential to use the appropriate forms to submit objections.

3.7 One resident who had submitted a representation had only that morning received notification that she would be invited to attend the hearing. She had attended hearing in previous years via the same process.

3.8 It was reported that in 2023 Hfds Environmental Health Department (EHD) had not been informed of the licence application, had not made a representation and therefore did not receive an invitation to attend the hearing. Others had already contacted Hfds EHD to make them aware of events this year and it was suggested that the PC might choose to do this as well.

3.9 The PC was informed that 4 local residents had attended the hearing in 2023. They had made their representations but then Counsel for the applicant had advised the licensing committee that the representations were out of order because they were not from the appropriate government body. This advice was accepted without challenge. It was observed that the residents had been invited to speak in the first place, which made the subsequent decision to exclude their representations questionable.

3.10 It was agreed by those present that a greater number of complaints would be of strengthen the case, rather than relying on the representation by the PC.

3.11 There was extensive discussion about the finishing time, with particular regard to the impact this had on when the noise levels actually died down. It takes a period of time for the site to clear after entertainment has stopped. The different finish times for HTLGI and the Hay Festival was noted and considered to be a point worth pursuing.

3.12 Reference was made to the meeting in Jul 23 (minutes published on PC website) and some suggestions that had been aired that which have clearly not been actioned. The 24 programme had already been published and included late night amplified music.

3.13 It was observed that the programme has been published in advance of a licence being issued.

3.14 The PC was informed that Powys licencing officers had expressed concern with regard to the safety of some aspects of the festival. This contact would be followed up.

3.15 The meeting was informed about a change in the law with regard to the licencing of campsites which would come into force after the 24 festival. Campsites of over 50 people would no longer be considered to be 'permitted development'. The conflict between this and the issue of the 5 year licence application was considered.

3.16 It was agreed that the campsite and its operation was a significant part of the nuisance problem caused by the festival.

3.17 Positioning of sound monitoring equipment. A resident reported that she had received conflicting information with regard to where the sound monitoring equipment should be installed, with Hfds EH saying that HTLGI chooses the site and HTLGI saying that they are told by Hfds EH where to install it. This needed to be resolved, it was recognised by councillors.

3.18 It was understood that HTLGI had to obtain an independent report and record of the sound levels annually. It was suggested that the PC should obtain a copy.

3.19 There was widespread concern about the application being for a five year licence and about the consequences of such.

At this point the public session was closed (and the residents all left)

4. Councillors addressed the issues as per the agenda but in one block. The following conclusions were agreed:

4.1 It was considered essential to determine exactly who was entitled to make a representation.

4.2 There is clear evidence that they are still exceeding the noise level although improvements had been noted anecdotally. It was important that Hfds EHD honoured their obligations in this regard.

4.3 The importance of unequivocal evidence and data was recognised.

4.4 The PC was firmly of the view that a representation should be made by the PC on behalf of the residents. This had not happened in previous years.

4.5 The car parking and campsites are ancillary and yet are significant contributors to the public nuisance created.

4.6 The festival has a duty of care with regard to the immediate surrounds of the festival site.

4.7 Notwithstanding the results of licencing this year, the collection of evidence would assist in addressing concerns in future years.

4.8 It was accepted that undertakings from HTLGI would not be sufficient on the basis of experience that undertakings are not kept. A change in the licencing requirements would be essential.

4.9 Copies of the relevant parts of the two PC meetings should be submitted as evidence.

4.10 The representation document should contain all relevant points as are in the covering letter, in case the latter be disregarded.

4.11 It was resolved:

4.11.1 that a representation form be submitted to the Licensing Department on behalf of the PC with an accompanying letter with regard to the issue of a five year licence.

4.11.2 that a wide range of other relevant or interested authorities would be contacted

4.11.3 a copy of the noise report be obtained from HTLGI

4.11.4 the question of who is allowed to make a representation is pursued.

5. Items for the next agenda

5.1 Cllr Evans to produce an update on footpath issues

5.2 Neighbourhood Plan review. (More information is expected to arrive with the clerk)

5.3 updating of policies and protocols remains in abeyance until the appointment of a new clerk.

6. Date of the Next Meeting:

6.1 Wednesday 10th April at 7pm at Cusop Village Hall

The meeting closed at 8.05pm.

SIGNED DATE