Anthony Horne <[redacted]
Mon 15/03/2021 17:24

To

Amna Abdullatif

Cc:

- Premises Licensing;
- Ashia Maqsood;
- Stephanie Williams <
-

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PYAQuarries.pdf

Good afternoon Councillor – I refer to your e-mail below.

I have attempted a number of calls this afternoon as suggested, but unfortunately to no avail.

Assuming that the matter now needs to proceed to a Hearing, please find attached the following:-

1. Details of Temporary Event Notices issued last summer; and
2. Case Law.

Ashia – please ensure that the attached are added to the Agenda, and let us know when the date for the Hearing has been fixed.

Thanks and regards.

Anthony Horne (Director)

The Progress Centre – Temporary Event Schedule 2020

Date	Times	Comment / Incidents
15.08.2020	14:00 – 23:00	No incidents / complaints
22.08.2020	14:00 – 23:00	No incidents / complaints
29.08.2020	14:00 – 23:00	No incidents / complaints
30.08.2020	14:00 – 23:00	No incidents / complaints
05.09.2020	12:00 – 23:00	No incidents / complaints
12.09.2020	14:00 – 23:00	No incidents / complaints
19.09.2020	14:00 – 23:00	No incidents / complaints
26.09.2020	14:00 – 23:00	No incidents / complaints

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RECEIVER FOR THE METROPOLITAN POLICE DISTRICT v. CROYDON CORPORATION.

MONMOUTHSHIRE COUNTY COUNCIL v. SMITH.

"have abated." Mr. Gardiner cited that as one illustration of the cases that he referred to as the nuisance cases. But again, it does not seem to me that they carry Mr. Gardiner, and for the same reason, that it is not shown that the defendants in this case received a benefit. If an employer makes a contract for a fixed period with a servant, and agrees to pay him a fixed sum, possibly in advance, whether the servant is ill or well, fit or unfit, and if the servant is injured by a wrongdoer and is away for a week, the servant has not then suffered any loss of pay, and the wrongdoer cannot be liable for what the servant has not lost.

For these reasons it seems to me that Mr. Gardiner does not bring himself within the principle upon which he relies.

VAISEY J. Whether the law on the point arising in these two appeals is altogether satisfactory I am not sure and express no opinion, but on the law as it stands, I feel no doubt at all that the appeal from the judgment of Slade J. succeeds, and the appeal from the judgment of Lynskey J. fails. I respectfully agree with the last-mentioned judgment and with all that has fallen from my Lords, and I have nothing to add of my own.

First appeal allowed.
Second appeal dismissed.
Leave to appeal to House of Lords.

Solicitors: *Ponsford & Devenish, Tivendale & Munday; Herbert Smith & Co.; Vernon Lawrence, Newport, Mon.; Rhys Roberts & Co. for Myer, Cohen & Co., Cardiff.*

P. P.

ATTORNEY-GENERAL *v.* P. Y. A. QUARRIES LTD.

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Jan. 30, 31; *Feb.* 1, 6, 7, 8, 11; *Mar.* 15.

Denning, Romer and Parker L.JJ.

[1952 A. No. 667.]

Nuisance—Public—Class of public affected—Whether sufficient number — Question of fact or law — Quarry — Projection of stones by blasting—Dust and vibration—Injunction—"Public nuisance"—Distinction from private nuisance—Injunction.
Fact or law.

In an action in which the Attorney-General, on the relation of the county council and the local rural district council, alleged that

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the defendant quarry owners were committing a public nuisance the trial judge granted injunctions restraining the defendants from carrying on their business of quarrying in such a manner as to cause, by blasting, stones and splinters to be projected from the confines of the quarry, or to cause a nuisance to Her Majesty's subjects by dust and vibration. The defendants, having made certain improvements in their system of blasting, which they claimed complied with the injunction as to the projection of stones, now appealed against the order as to dust and vibration. They contended, inter alia, that the judge had failed to distinguish between a public nuisance, which affected all the subjects of Her Majesty living in the area concerned, or passing through it, and a private nuisance affecting only a limited number of residents and giving rise only to an action for damages. They submitted that the question of dust and vibration should at the worst be treated as a private nuisance:—

Held, that any nuisance which materially affected the reasonable comfort and convenience of life of a class of Her Majesty's subjects was a public nuisance; that the sphere of the nuisance might be described generally as "the neighbourhood," but the question whether the local community within the sphere comprised a sufficient number of persons to constitute a class of the public was a question of fact in every case; and that the judge, having determined that question against the defendants, had rightly granted the injunctions, and the appeal failed.

Attorney-General v. *Keymer Brick and Tile Co. Ltd.* (1903) 67 J.P. 434; *Attorney-General* v. *Stone* (1895) 12 T.L.R. 76; *Attorney-General* v. *Cole & Son* [1901] 1 Ch. 205; and *Attorney-General* v. *Corke* [1933] Ch. 89; 48 T.L.R. 650 followed.

Per Denning L.J. I decline to answer the question how many people are necessary to make up Her Majesty's subjects generally. I prefer to look to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.

APPEAL from Oliver J. (Glamorgan Assizes).

On April 25, 1956, Oliver J. granted an injunction restraining the defendants, P.Y.A. Quarries Ltd., from carrying on their business of quarrying at Penyralltwen, near Pontardawe, in the county of Glamorgan, in such a manner as to cause stones or splinters to be projected from the confines of the quarry, or to occasion a nuisance to Her Majesty's subjects by dust or vibration. The action in which the order was made had been brought by the Attorney-General on the relation of the Glamorgan County Council and the Pontardawe Rural District Council, and it was founded upon an alleged public nuisance under the three broad

headings dealt with by the order of the judge. The nuisances complained of were alleged to have existed since about 1947.

The defendants, having carried out certain developments in their system of blasting, which they claimed remedied the nuisance complained of in the projection of stones, now appealed against the order of the judge in so far as it dealt with the questions of dust and vibration, which, they contended, were at the worst merely private nuisances and only gave rise to actions for damages.

F. W. Beney Q.C., *Dyfan Roberts* and *Ronald Maddocks* for the defendants. The defendants are only concerned in this appeal with the order of the judge so far as it applies to the questions of vibration and dust. The order as to flying stones, it is submitted, has been complied with as far as possible. It is impossible to carry on a quarry without a certain amount of vibration and dust, and if the order of the judge is affirmed it will mean that this quarry, which has been worked for a good many years, will have to be closed down, or it may be sequestrated. Only a limited number of the residents living in the vicinity have complained, but there has been something in the nature of a campaign to close down the quarry. It is not disputed that there may be a private nuisance affecting some of the residents, who may have claims for damages. But here only a public nuisance is alleged, which is in the nature of a criminal offence, and must be found to affect all Her Majesty's liege subjects living in the area concerned. The judge has drawn no distinction between a public and a private nuisance. There appears to be no case decided in which vibration has been regarded as a public nuisance. It is submitted that vibration and dust do not amount to a public nuisance. To throw stones out promiscuously on to a highway is quite a different thing. One is then doing something which is a source of danger and inconvenience to all Her Majesty's subjects in, or coming within, the area, and is a public nuisance.

Tests have been made as to the extent of the alleged vibration, and the reports showed that the vibration was very slight and were entirely favourable to the defendants. They gave no support to the damage alleged by complainants to have been done to houses, but the judge, while agreeing that there was some exaggeration, accepted the evidence of the complainants. Chitty's Criminal Law gives no precedent of an indictment either for vibration or dust as being a public nuisance (vol. 3, p. 607 et seq.). The indictment must contain the words " all the liege subjects

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" of our Sovereign Lord the King," or similar words. " Divers " subjects " has been held to be not sufficient. If a private person suffers damage by a nuisance he can recover damages, but unless it affects all the Sovereign's subjects in the area it is not a public nuisance. There have been cases where vibration has been held to be a private nuisance, but public nuisance has always been regarded as an infringement of the Sovereign's right and therefore treated as a criminal indictment. There must be some reason for the inclusion of the words " all the liege subjects " of our Sovereign Lord," etc.

So far as the question of vibration is concerned, the plaintiffs have not shown that at the date of the writ there was any public nuisance arising from that cause. Therefore there should have been no order against the defendants in respect of vibration. If there had been sufficient to amount to a public nuisance at that date, then the judge, in considering whether he should or should not grant an injunction, failed to take into account the extent to which the effect on the residents was due to freak blasts.

[DENNING L.J. Freak explosions may have resulted from the mis-numbering of the detonators.]

Or to some peculiarity in the formation of the rock. What lies at the bottom of this case is that the complainants object to the noise of the blasts. Vibration means vibration and not fear of it, as the judge has found. As to dust, it came ultimately to be rather a complaint that dust was due to leaving a door open, and the evidence fell far short of establishing that all the residents in the area were adversely affected. [Reference was made to *Southport Corporation* v. *Esso Petroleum Co. Ltd.*[1]; *Attorney-General* v. *Sheffield Gas Consumers*[2]; *Soltau and Newall* v. *De Held*[3]; *Rex* v. *Lloyd*[4]; *Attorney-General* v. *Garner*[5]; *Attorney-General* v. *Great Eastern Railway Co.*[6]; *Attorney-General* v. *Shrewsbury (Kingsland) Bridge Co.*[7]; *Attorney-General* v. *Corke*,[8] and *Rex* v. *White and Ward.*[9]]

H. Edmund Davies Q.C., *Morgan Evans* and *Michael Evans* for the plaintiffs. These proceedings arose following vehement complaints made for a number of years by a community living in a small village. It is not the law that in order to establish a public nuisance one must call 30 to 40 people as complainants.

[1] [1954] 2 Q.B. 182, 196; [1954] 2 All E.R. 561.
[2] (1850) 3 De G.M. & G. 304.
[3] (1851) 2 Sim.N.S. 133.
[4] (1800) 170 E.R. 691; 4 Esp. 200.
[5] [1907] 2 K.B. 480.
[6] (1879) 11 Ch.D. 449, 482.
[7] (1889) 21 Ch.D. 752.
[8] [1933] Ch. 89.
[9] (1757) 1 Burr. 333, 337.

It is a matter of degree, and accordingly a matter of fact, and in coming to a conclusion it is impossible to minimize the advantage which a judge has in being on the spot.

It is submitted that: (1) "A common nuisance is an act not "warranted by law or an omission to discharge a legal duty, "which act or omission obstructs or causes inconvenience or "damage to the public in the exercise of rights common to all "Her Majesty's subjects." [Stephen's Digest of Criminal Law, 7th ed., art. 255, p. 178.] (2) A public nuisance may exist even though (*a*) only a limited neighbourhood is affected thereby; (*b*) only some of the public are inconvenienced thereby; provided that a substantial number are inconvenienced. It is not right to regard the propinquity of a highway as essential. [Reference was made to *Reg.* v. *Garland*[10]; *Attorney-General* v. *Keymer Brick and Tile Co. Ltd.*[11]; *Reg.* v. *Price*[12]; *Attorney-General* v. *Plymouth Fish Guano and Oils Co.*[13]; *Attorney-General* v. *Stone*[14]; *Attorney-General* v. *Corke*[15]; *Rex* v. *Byers*[16]; *Rex* v. *Lloyd*,[17] and *Attorney-General* v. *Cole & Son.*[18]] (3) Evidence that a particular person has sustained special damage or discomfort may properly be admitted to prove a public nuisance even though that evidence may also support a claim to damages for a private nuisance: *Reg.* v. *Mutters*[19]; also *Attorney-General* v. *Stone*[20] and *Attorney-General* v. *Corke.*[21] (4) Vibration and dust are each capable in law of constituting a public nuisance. There cannot be any distinction between dust and smell and vibration and noise. There appears to be no reported case of a public nuisance caused by vibration, but there is no reason why dust and vibration should not create a public nuisance. It is a matter of degree depending on its effect on a complainant. (5) The trial judge properly directed his mind to the distinction between a public and a private nuisance.

The only way in which the judgment can be attacked is by saying that the evidence was so inadequate that the judge could not hold that a public nuisance had been established. [*Bolton* v. *Stone*[22] was referred to.] An isolated offence against the order made by the judge would not justify a charge of a breach of the order: see Kerr on Injunctions, 6th ed., pp. 673, 674; also

[10] (1851) 5 Cox C.C. 165.
[11] (1903) 67 J.P. 434.
[12] (1884) 12 Q.B.D. 247, 256.
[13] (1911) 76 J.P. 19.
[14] (1895) 12 T.L.R. 76.
[15] [1933] Ch. 89.
[16] (1907) 71 J.P. 205, 207.
[17] 4 Esp. 200.
[18] [1901] 1 Ch. 205.
[19] (1864) Leigh & Cave 491.
[20] 12 T.L.R. 76.
[21] [1933] Ch. 89.
[22] [1951] A.C. 850; [1951] 1 All E.R. 1078.

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Halsbury's Laws of England, vol. 24, p. 24. The words of the judgment clearly show that the judge had under consideration the distinction between a public and a private nuisance. It is not essential even in the case of a private nuisance to prove that the damage is real. It is sufficient that the complainant has fear of damage if the judge finds that the fear is reasonable. Inconvenience and interference being established, it does not matter whether the nuisance is private or public. Public nuisance need not in law be shown to be injurious to health: *Attorney-General* v. *Keymer Brick and Tile Co. Ltd.*[23]

(6) There was ample evidence that a public nuisance by both dust and vibration had been committed. Four questions arise on this submission: Have common rights been invaded? Were they substantially invaded so as to interfere with reasonable comfort? Have the public been inconvenienced thereby? Assuming a public nuisance, did it exist at the date of the writ? (7) Upon the evidence the granting of an injunction, limited as this one was, was a proper exercise of the judge's discretion. This is entirely a matter of fact and the judge's finding ought not to be disturbed. An injunction cannot be enforced by a writ of sequestration unless the order has been deliberately breached: Halsbury's Laws of England, vol. 18, p. 125. In the present case there was clear and satisfactory evidence that the matters complained of need never have arisen if the defendants had followed the advice given to them by their own advisers. [*Wing* v. *London General Omnibus Co.*[24] and *Spokes* v. *Banbury Board of Health*[25] were also referred to.]

Beney Q.C. in reply. The judge has not correctly applied the law. This is an action to stop a public nuisance and not an action to restrain the defendants from annoying their neighbours.

Cur. adv. vult.

DENNING L.J. I will ask Romer L.J. to deliver the first judgment.

ROMER L.J. This is an appeal from an order of Oliver J., dated April 25, 1956, whereby he granted an injunction restraining the defendants from carrying on the business of quarrying at Penyralltwen, near Pontardawe, in the county of Glamorgan, in such a manner as to cause stones or splinters to be projected

[23] 67 J.P. 434.
[24] [1909] 2 K.B. 652.
[25] (1865) L.R. 1 Eq. 42.

from the confines of the quarry or to occasion a nuisance to Her Majesty's subjects by dust or by vibrations. It will be observed that whereas the injunction is unqualified as to the stones and splinters therein mentioned, it is confined, so far as dust and vibration are concerned, to occasioning a nuisance to Her Majesty's subjects. The defendant appellants are only challenging the second part of the order, namely, the injunction with regard to dust and vibration. The action has been brought by the Attorney-General on the relation of the Glamorgan County Council and the Pontardawe Rural District Council, and it is founded upon a public nuisance under the three broad headings which were dealt with by the order of the judge. The statement of claim alleges that the nuisances complained of have existed since about 1947.

The defendant company was incorporated in 1929 but apparently carried on its activities on a somewhat modest scale for some years. In 1947 the Pontardawe Rural District Council granted permission to the company, under the Town and Country Planning Acts, for the further working of the then existing quarry, subject to certain conditions, one of which was that the council should be satisfied that the utmost precautions would be taken to prevent nuisance from dust. In 1949 Bryndley Thomas became a director of the defendant company: there were then three other directors, namely, Wyndham Thomas, Jim Morris and Illtyd Williams, the last named gentleman being also the manager. From 1951 onwards Bryndley Thomas and Wyndham Thomas took over the management of the business, and Illtyd Williams left in the same year.

The defendants' quarry adjoins a highway called the Alltwen–Brynllewellyn highway, which runs roughly east and west. Immediately east of the quarry is a footpath which leads in a northerly direction from the highway. To the east of this footpath are eight dwelling-houses abutting onto the highway and on the north side of it. The nearest of these houses is about 50 yards from the nearest point of the quarry. Close to the quarry on the west side of it, and also abutting onto the highway on the north side, are some 20 houses, of which the nearest is 35 yards from the quarry and the furthest about 260 yards. About 250 yards to the south of the quarry is a farm called Alltwenganol, which is surrounded by fields. To the north-west of the quarry is another highway, called Dyffryn Road, which, at its closest proximity to the quarry (a matter of some 360 yards), is used for residential purposes.

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The locality is shown in detail in a plan which was put in evidence at the trial, and the judge gave the following general description of it. "Round the quarry on both sides of it," he said, "can be seen groups of houses. The quarry, according "to the evidence, is not more than about 25 or 26 years old; that "is to say, it has not been an open quarry for longer than that; "that it has not been worked. But many of these little houses, "I think, have been built much longer than that. They form "a little colony. One does not see any particular reason for "their existence at that place; certainly nothing to do with "the quarry. But one assumes that they were houses for "people who found Pontardawe—which is away to the left of "the plan—not a particularly charming place to live in and "came to move out to these little houses, where they have, "certainly on three sides, some very beautiful Welsh scenery, "with fine hills and valleys. That, I take it, was the reason "these houses were built, and that is the nature of the people "who occupy them; people who are not interested in the quarry "at all, who have other occupations, who follow all sorts of "occupations. Some work in steel; there is a lady, Mrs. Davies, "who is a justice of the peace; there is a schoolmaster or two, "and one with academic distinction, a bachelor of science; and "there are all sorts of mixed people."

Some time before the year 1949 the activities of the defendants in their quarrying operations considerably increased, and some of the householders living in the vicinity of the quarry began to complain to the local authorities. In June of 1949 thirty local residents presented a petition to the Pontardawe Rural District Council in which, after stating that innumerable complaints had been made to the managing director of the defendant company over a long period, they stated: "On a number of occasions "damage by flying stones has been done to houses in the "vicinity of the quarry and recently a pane of a kitchen window "was blown in by blast, littering a breakfast table with jagged "pieces of glass, the wife in the home narrowly escaping injury. "We sincerely believe that your authority cannot fail to realize "the seriousness of the position and the earnestness of our "protest against: 1. The manner in which blasting operations "are carried out regardless of the risk of damage to our homes. "2. The flying pieces of rock on occasions following blasting "operations landing some distance from the quarry constitute a "very serious menace to life inside and outside the home and "to users of the public highway. 3. The dust nuisance caused

" by stone crushing, the dust penetrating the houses and having " injurious effects. The dust on occasions makes the use of the " main road for some distance unpleasant and unhealthy. We " appeal to the members of your authority responsible for the " interests of the ratepayers to take immediately whatever action " may be necessary to remove the causes of our protest."

Following upon the receipt by the council of this petition their public health committee held a number of meetings at which they considered the position, and after a meeting which took place on December 13, 1949, between the committee and representatives of the defendants and a deputation from the residents, a sub-committee of the council, which had been appointed, visited the quarries and watched the defendants' operations and as a result reported that the dust nuisance at the quarries was negligible, and further that no splinters fell outside the perimeter of the quarry during blasting operations. As a result, however, of further complaints from local residents further trials were carried out, and on April 27, 1950, a vibration test was conducted at the quarry. As the result partly of this test the committee still appeared to be of the opinion that no action could be taken against the defendants, as appears from some minutes which were put in evidence.

Complaints from the residents continued to be made, and on July 8, 1950, the clerk of the Glamorgan County Council wrote to the defendants calling their attention to the fact that stones and splinters were falling upon or being blasted across the highway which adjoined the quarry and asking them for an assurance that adequate steps would be taken forthwith to ensure that such a practice should cease. That letter remained unanswered. The clerk of the county council wrote again on July 20, 1950, and on July 26, 1950, received a letter from the defendants to the effect that they were " taking extraordinary " precautions " during the blasting operations. A meeting took place between the Pontardawe Rural District Council and the defendants, and on March 15, 1951, the clerk to the council wrote to the defendants saying that the nuisance resulting from their quarrying operations had not been abated and was unlikely to be abated for a substantial period if at all, and that the council had decided to take appropriate proceedings to secure the abatement of the nuisance. In fact, however, the writ in this action was not issued until July 4, 1952. In the meantime, however, and indeed from the early summer of 1950, letters of complaint had been arriving in a steady stream at the offices of the relator councils

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from persons who lived in the neighbourhood of the quarry. It will be necessary to refer in greater detail to these complaints later on in this judgment, but it is enough for the moment to say that although most of them related to the projection of stones from the quarry (a natural emphasis, having regard to the potential danger to property and personal safety arising from the bombardment), some of the complaints referred also to vibration and dust.

During the last few years certain changes and developments have taken place in the quarrying plant on the defendants' premises and in their operational methods. Up to 1950 the defendants drilled 12 ft. holes of 1⅛ ins. diameter. The holes, four to six in number, were drilled 3 ft. to 4 ft. back from the face of the quarry and about 6 lb. of explosive were used in each hole. These charges were fired simultaneously and produced a fall of 80 to 100 tons of stone. This material was then lifted by crane from the base of the quarry, put on to skips and taken to a crusher, which was in the open. This crusher was only capable of dealing with stones of about 10 ins. by 6 ins. In order to reduce large stones to the capacity of the crusher they were drilled to about half of their depth, stemmed with 1-oz. or 2-oz. cartridges and detonated. This process was known as "popping," and it was the practice to explode 12 to 15 stones in this manner by simultaneous detonation. At this time there were four or five main explosions every week, and "popping" took place up to three times a day.

In 1950 the defendants obtained planning permission to instal vibratory screens and a new crusher, with a view to reducing the dust which emanated from the plant. In the same year they began on the installation of these units and also on the construction of a new road leading to the quarry base. The object of this road, which came into use towards the end of 1951, and was completed in 1952, was to enable an excavator to be taken to the face of the quarry so as to save men from having to load stone on to the skips. The construction of this road involved a good deal of blasting near the highway. The defendants obtained the new crusher in April, 1951, and it was capable of taking stones up to 20 ins. by 10 ins. At the end of 1952 the defendants bought an additional crusher, known as a "skull "breaker," which could take stones of 4 ft. by 16 ins. thick. The object of this piece of plant was to reduce "popping," and since its acquisition this procedure had been reduced to some three times a month. Bryndley Thomas said in evidence that

the defendants have been able to go for four or five weeks without having to " pop " at all.

The system of major blasting, already referred to, continued up to 1953, when the defendants obtained drills capable of drilling down to 24 ft. These drills had the same bore as the previous ones but the holes were drilled 4 ft. to 6 ft. back from the face and 12 lb. of powder were used in each hole. The charges, usually four to six in number, were fired simultaneously, as before, and a fall of 300 to 400 tons of rock was obtained from each explosion. In June, 1952, the defendants had consulted one F. C. Rosling, who is an associate member of the Institute of British Engineers, a member of the Institute of Quarrying, and is in private practice as a consultant in quarry blasting, etc. This gentleman, who gave evidence at the trial, advised the defendants to procure what is called a " wagon drill," which, in his view, would eliminate all further cause for complaint arising from their operations at the quarry. This apparatus drills to a depth of 40 ft. with a diameter of 2½ ins., and the defendants somewhat belatedly bought one: it was installed in their quarry towards the end of 1953 and the defendants have used it ever since. With it they drill up to 12 holes, 12 ft. to 14 ft. back from the face, and put a charge of 30 to 35 lb. of explosive in each hole. The charges are fired by what are called delayed detonators. This involves an almost infinitesimal time lag between each detonation. The effect of this procedure is that, although a bystander is only conscious of one explosion, each charge is in fact detonated separately. The object of installing the wagon drill was not only to prevent the ejection of stones outside the quarry but also to obviate vibration from the main explosions. As each of these explosions brings down 3,000 to 4,000 tons of stone they only have to be effected once every five or six weeks.

On August 26, 1952, a second vibration test was carried out by one D. Stenhouse. This gentleman, who is a B.Sc. in Mining, furnished the defendants with a report upon this test and also gave evidence about it at the trial. I refer further to this hereafter.

The action came on for hearing before Oliver J. on April 11, 1956, and the trial occupied nine or 10 days. In addition, the judge devoted a day to a view of the premises, and blasting operations were carried out in his presence. In the course of his judgment he arrived (in brief) at the following findings. So far as the flying stones were concerned, he said that there was

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really no defence at all; that the case was "absolutely proved "at the time the writ was issued"; and that, notwithstanding the installation of the wagon drill, he was quite satisfied that the nuisance had not been wholly abated and that he should grant an injunction. As to vibration, he came to the conclusion "that "for some reason—I cannot tell what it is—there is on occasion "such vibration as to frighten people, to shake their houses and "to make them thoroughly uncomfortable, and that such vibra-"tion as that, when it is caused, is a nuisance and must cease." With regard to dust, he said that it would not be right to base an injunction on the explosions, having regard to their comparative rarity since the end of 1953, but that excessive dust emanated from the secondary crusher when the door leading into it was left open, as was frequently the case. Finally he said: "I have no doubt that there is dust nuisance from this place—"of course, only in dry weather. I have no doubt that they "have not done anything to cope with it and I am going to order "them to do so by injunction."

Mr. Beney, in challenging the injunction which the judge granted in relation to vibration and dust, based his criticisms of the judgment on the following general grounds. He first submitted that the judge approached the matter as though it was a private, and not a public, nuisance which was in issue; and that he applied tests and followed lines of inquiry which are apt and relevant in cases of private nuisance but which are to some extent irrelevant, and are certainly indecisive, where a public nuisance is alleged. Mr. Beney's second submission (which is to some extent associated with the first) was that the judge paid insufficient attention to the expert evidence which was called before him. The third criticism of the judgment is that the judge failed to address his mind to the position as it existed at the date of the writ but primarily founded his decision to grant the injunctions now complained of on incidents which had occurred between the writ and the trial.

Before considering these contentions in any detail it would, I think, be convenient to consider the nature of a public nuisance as distinct from nuisances which are customarily described as "private." At page 1392 of the 33rd edition of Archbold's Criminal Pleading there is given a precedent of an indictment for carrying on an offensive trade; so far as material it is in the following form: "A.B. (on such and such a day) in the County "of London, caused a nuisance to the public by allowing offensive "and unwholesome smells to be emitted from furnaces or

" boilers in which tripe was being burnt or boiled by the said " A.B., which nuisance the said A.B. still continues." We were told that that form and the notes which follow it have appeared substantially unchanged in each successive edition since earliest times. It is stated in these notes (inter alia): " prove that the " smoke or smell arising from (the boiler) was either injurious " to health or so offensive as to detract sensibly from the enjoy- " ment of life and property in its neighbourhood . . . It is not " necessary that the smells produced by it should be injurious " to health; it is sufficient if they are offensive to the senses . . . " Prove also that it is in a populous neighbourhood, or near a " highway . . . for its being a nuisance depends in a great " measure upon the number of houses and the concourse of " people in its vicinity, which is a matter of fact to be determined " by the jury."

In Stephen's Digest of the Criminal Law (8th ed.), page 184, it is stated that " A common nuisance is an act not warranted " by law or an omission to discharge a legal duty, which act or " omission obstructs or causes inconvenience or damage to the " public in the exercise of rights common to all His Majesty's " subjects."

The following definition of nuisance appears in Blackstone's Commentaries (Vol. III, Chapter 13, page 216): " Nuisance, nocu- " mentum, or annoyance, signifies anything that worketh hurt, " inconvenience, or damage. And nuisances are of two kinds; " *public* or common nuisances, which affect the public, and are an " annoyance to *all* the King's subjects; for which reason we " must refer them to the class of public wrongs, or crimes and " misdemeanors: and *private* nuisances; which are the objects of " our present consideration, and may be defined, anything done " to the hurt or annoyance of the lands, tenements or heredita- " ments of another." This passage from Blackstone is cited in Pearce & Meston's Law of Nuisances, page 1, and the learned authors point out that " anything that worketh hurt, incon- " venience or damage " is too broad as including many things which are not nuisances, being damna sine injuria.

Finally, in a form of indictment for a public nuisance by smells given in Chitty on Criminal Law (2nd ed.), volume III, pages 652–654, the relevant allegation is that the air was " corrupted and rendered very insalubrious to the great damage " and common nuisance of all the liege subjects of our said " Lord the King, not only there inhabiting and residing, but also

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" going, returning, and passing through the said streets and " highways, and against the peace, etc."

It is difficult to ascertain with any precision from these citations how widely spread the effect of a nuisance must be for it to qualify as a public nuisance and to become the subject of a criminal prosecution or of a relator action by the Attorney-General. It is obvious, nothwithstanding Blackstone's definition, that it is not a prerequisite of a public nuisance that all of Her Majesty's subjects should be affected by it; for otherwise no public nuisance could ever be established at all.

In *Soltau* v. *De Held*[1] Kindersley V.-C. said: " I conceive " that, to constitute a public nuisance, the thing must be such as, " in its nature or its consequences, is a nuisance—an injury or a " damage, to all persons who come within the sphere of its opera- " tion, though it may be so in a greater degree to some than it is " to others."

In *Rex* v. *White and Ward*[2] the defendants had been convicted of a public nuisance on an indictment which charged that " at the parish of Twickenham, etc., near the King's Common " highway there, and near the dwelling-houses, of several of " the inhabitants, the defendants erected twenty buildings for " making noisome, stinking and offensive liquors." Objection was made that the indictment was only laid generally " in the " parish of Twickenham." Lord Mansfield rejected the objection, saying: " It is sufficiently laid, and in the accustomed " manner. The very existence of the nuisance depends upon " the number of houses and concourse of people: and this is a " matter of fact, to be judged by the jury."

In *Rex* v. *Lloyd*[3] an indictment for a nuisance by noise was preferred by the Society of Clifford's Inn. It appeared in evidence that the noise complained of affected only three houses in the Inn. Lord Ellenborough said that upon that evidence the indictment could not be sustained; and that it was, if anything, a private nuisance. It was confined to the inhabitants of three numbers of Clifford's Inn only; it did not extend to the rest of the Society and could be avoided by shutting the windows; It was, therefore, not sufficiently general to support an indictment.

In *Attorney-General* v. *Sheffield Gas Consumers Co.*[4] it was submitted in argument that it was the duty of the Court of

[1] (1851) 2 Sim.N.S. 133, 142.
[2] (1757) 1 Burr. 333, 337.
[3] (1800) 4 Esp. 200.
[4] (1853) 3 De G.M. & G. 304, 320.

Chancery to interfere by way of injunction in all cases of public nuisance, whatever might be the position in the case of private nuisances. In the course of his judgment Turner L.J. said: "It is not on the ground of any criminal offence committed, or "for the purpose of giving a better remedy in the case of a "criminal offence, that this court is or can be called on to "interfere. It is on the ground of injury to property that the "jurisdiction of this court must rest; and taking it to rest upon "that ground, the only distinction which seems to me to exist "between cases of public nuisance and private nuisance is this— "that in cases of private nuisance the injury is to individual "property, and in cases of public nuisance the injury is to the "property of mankind."

In *Reg.* v. *Price* [5] a question arose whether the burning of a dead body, instead of burying it, amounted to a public nuisance. In the course of his charge to the jury Stephen J. said [6]: "The "depositions in this case do not state very distinctly the nature "and situation of the place where this act was done, but if you "think upon inquiry that there is evidence of its having been "done in such a situation and manner as to be offensive to any "considerable number of persons, you should find a true bill."

In *Attorney-General* v. *Keymer Brick and Tile Co. Ltd.* [7] Joyce J. said: "The only question I have to decide is purely "one of fact, namely, whether or not what the defendants have "done has created or occasioned a public nuisance within the "neighbourhood of their brickfields. Now, in law a public "nuisance need not be injurious to health. It is not necessary "to show that people have been made ill by what had been "done. It is sufficient to show that there has been what is called "injury to their comfort, a material interference with the com-"fort and convenience of life of the persons residing in or coming "within the sphere of the influence of that which has been done "by the defendants on their works . . . The conclusion I have "arrived at is that . . . a serious and disgusting public nuisance "has been occasioned by the defendants in the neighbourhood of "their brickworks." The form of injunction granted in that case was (so far as relevant) to restrain the defendants from performing specified acts "so as by noxious or offensive odours "or vapours arising therefrom or otherwise to be or occasion a "nuisance to the annoyance of persons in the neighbourhood of

[5] (1884) 12 Q.B.D. 247.
[6] Ibid. 256.
[7] (1903) 67 J.P. 434.

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" the defendants' brickfields and lands, or so as to be or become " injurious to the public health."

The expression " the neighbourhood " has been regarded as sufficiently defining the area affected by a public nuisance in other cases also. (See, for example, *Attorney-General* v. *Stone*,[8] *Attorney-General* v. *Cole*,[9] and *Attorney-General* v. *Corke*.[10])

I do not propose to attempt a more precise definition of a public nuisance than those which emerge from the textbooks and authorities to which I have referred. It is, however, clear, in my opinion, that any nuisance is " public " which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects. The sphere of the nuisance may be described generally as " the neighbourhood "; but the question whether the local community within that sphere comprises a sufficient number of persons to constitute a class of the public is a question of fact in every case. It is not necessary, in my judgment, to prove that every member of the class has been injuriously affected; it is sufficient to show that a representative cross-section of the class has been so affected for an injunction to issue.

It is convenient now to turn to the evidence which was called before the judge as to the state of affairs with regard to vibration and to dust as it existed in the summer of 1952. The criticisms of the judgment to which I have already referred must, of course, be considered, but it is on the evidence, when related to the legal principles just mentioned, that this appeal falls to be determined.

[His Lordship summarized the evidence, including that of Mr. Ieuan Lewis, senior sanitary inspector of the Pontardawe Rural District Council, and continued:] Upon that evidence the question has to be resolved whether the plaintiffs succeeded in establishing that a public nuisance from (a) vibration and (b) dust was being caused by the defendants' quarrying operations at the date of the writ; and, if so, whether in view of the remedial measures which the defendants have taken since July, 1952, the court should interfere with the injunctions which the judge thought it right to grant.

Mr. Beney's main submission with regard to vibration was that, even on the assumption (which he did not admit) that one or more individuals might have successfully instituted proceedings for private nuisance in 1952, the evidence does not show that a

[8] (1895) 12 T.L.R. 76.
[9] [1901] 1 Ch. 205.
[10] [1933] Ch. 89; 48 T.L.R. 650.

sufficient number of persons were affected by vibration to justify the nuisance (if any) being regarded as a public nuisance. He said that vibration differs fundamentally from such things as noise or the pollution of the atmosphere. In nuisances such as those, he said, the court might well infer from the evidence of some of the affected class an injury to the class as a whole; but that no such inference can fairly be drawn in the case of vibration, which is largely a matter of individual susceptibility. I agree with Mr. Beney that vibration is in some respects to be approached on a different footing from noise and smell; and the fact that one person reasonably suffers discomfort from vibration does not necessarily establish that his neighbour has been similarly affected. I am in the present case satisfied, however, that a nuisance from vibration existed in 1952 and that it was sufficiently widespread to amount to a common, or public, nuisance.

As I have earlier indicated, this question is one of fact, and the judge decided it adversely to the defendants, and it appears to me to be impossible to say that in view of the 1949 petition, the letters of complaint and the oral evidence, the judge arrived at a wrong decision. It is true that the complaints as to vibration (and indeed as to dust) were fewer and less emphatic than the complaints as to flying stones; they came, however, from a number of persons living to the east and south of the quarry; and the judge, who saw the witnesses, was satisfied that the complaints were genuine. Mr. Beney's complaint that the judge paid no or insufficient attention to the vibration tests and to the evidence of Stenhouse (an expert on vibration on the staff of I.C.I.) is, in my opinion, ill-founded. It seems clear to me that he had these matters in mind when he considered in the course of his judgment whether the plaintiffs had established that the vibration had caused structural damage to houses and came to the conclusion that they had not.

By reason of the judge's finding on this point I omitted in my review of the evidence most of the complaints (and they were many) of damage, both structural and otherwise, to the complainants' houses. The principal ground on which the judge gave relief was that "if reasonable people on reasonable grounds do "believe that their houses are being shaken to pieces they will "be just as much harassed and distressed, and just as much "unjustly harassed and distressed, as if the damage was in fact "being so caused." I see no reason to quarrel with that view. Moreover, there was a body of evidence as to personal discomfort,

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apart from fear of damage to houses. It is true, as Mr. Beney pointed out, that the judge was particularly impressed by three incidents which occurred on July 1, 1955, August 30, 1955, and January 3, 1956; and that all of these occurred a considerable time after the issue of the writ. It is clear from the judgment, however, that he was mindful of past history; for example, he said: "The question is, do I accept the evidence of these "witnesses that this vibration has existed for so long and "has recently been intensified in degree, though lessened in "frequency," which shows beyond doubt that he was not confining his attention to the current or recent position.

It is also to be observed that the principal interest at the trial centred not so much on whether the various nuisances which were complained of had existed in 1952, but whether they still continued to exist notwithstanding the efforts which the defendants had made (and successfully made according to them) to stop them. In these circumstances it is not surprising that the emphasis of much of the evidence, as of the judgment also, was rather upon recent than upon former events. But it is clear to me that the judge was intending to find, and did find, that a public nuisance existed before action brought in relation to vibration as well as to flying stones; and there is, in my judgment, no ground for disturbing his decision.

The observations which I have made with reference to vibration apply in the main also to the question of dust. Mr. Beney's submissions as to the local effect of vibration do not, of course, apply to dust, which pollutes the air just as much as smoke or smells pollute it; and subject, of course, to such considerations as the direction of the prevailing wind it is a legitimate inference that if one householder is affected by the emanation and deposits of dust then his neighbour will be affected likewise. On the other hand, a dust nuisance, such as that of which residents complained in the 1949 petition, and in their letters, is seasonal in that, generally speaking, it only exists in the summer. It could hardly be suggested, however, on that score, that a dust nuisance could not be actionable; nor was it suggested in the present case. What was suggested on behalf of the company was that the inconvenience from dust of which witnesses gave evidence at the trial arose from the doors to the crusher being left open and that this causation did not arise until after these proceedings had been commenced. This, however, is not so, as is shown by Lewis's reports on dust in 1952. The evidence of Lewis and the 1949 petition and the complaints of the

residents to which I have earlier referred leave me in no doubt that the judge was amply justified in the view that a nuisance from dust existed in 1952, and that a sufficient number of people were affected by it to constitute, for relevant purposes, a class of Her Majesty's subjects. It is true that the judge does not seem to hold in so many words that the nuisance existed in 1952, but I need not repeat on this subject what I said with regard to it in relation to vibration. It is quite clear that the judge was fully alive to the importance of the position as it existed at the date of the writ notwithstanding that his judgment on this, as well as on the other issues, was directed more to later events.

Before proceeding to the final question which has to be considered, namely, whether, although a nuisance from vibration and dust existed when the action was started, the position has so improved since then that no injunction should issue, I should like to say a word or two on a question which resulted in the amendment of the statement of claim in these proceedings and on which there was some discussion before us. In the statement of claim, as originally delivered, allegations were made to the effect that the nuisances complained of caused damage to the occupiers of the adjacent houses and land; that the vibrations were a source of danger to the houses, and that the dust settled upon them and made them dirty and uncomfortable to live in. The statement of claim was subsequently amended by striking out these allegations, because it was thought that they were irrelevant in an action founded upon public nuisance (though, rather curiously, they substantially reappeared in some very detailed particulars of the statement of claim which were given later). The reasons underlying these amendments were supported before us by counsel for the appellants, and it was suggested, as I followed the argument, that in a public nuisance action evidence of individual experiences should not be received, although such evidence would be highly relevant in cases of alleged private nuisance. I cannot for myself accept this contention. Some public nuisances (for example, the pollution of rivers) can often be established without the necessity of calling a number of individual complainants as witnesses. In general, however, a public nuisance is proved by the cumulative effect which it is shown to have had on the people living within its sphere of influence. In other words, a normal and legitimate way of proving a public nuisance is to prove a sufficiently large collection of private nuisances. I am therefore of opinion that there was nothing improper or irregular in the statement of claim as

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originally delivered or in the reception at the trial of evidence of the local residents' experiences.

Finally, then comes the question already mentioned, is the Attorney-General entitled to an injunction or ought some more limited form of relief to be granted in view of the various steps which the defendants have taken since 1952? The defendants contend that these measures have been so effectual that the proper order is to give the plaintiffs liberty to apply for injunctions with regard to vibration and dust; and that the injunctions granted by the judge should accordingly be discharged. Prima facie, if a nuisance, whether public or private, is shown to have existed at the time the writ was issued the plaintiff is entitled to an injunction. If, however, between the writ and the trial the nuisance has been abated the court will usually stay its hand and merely give the plaintiff leave to apply in the action for an injunction if the trouble should recur. It seems to me, however, that it is quite impossible to say that the nuisance from vibration or dust had been wholly abated at the time when this action came to trial. As a result of installing the wagon drill towards the end of 1953 blasting had undoubtedly become far less frequent; on the other hand, its effects had become far more violent.

Dealing with this aspect of the matter the judge said: "There are three main dates complained of, but there are a "number of other occasions when tremendous vibration is com- "plained of. The three main dates, as I call them, are July 1, "1955, August 20, 1955, and January 3, 1956, and there is a "mass of evidence to the effect that, whilst in recent times the "explosions have been far fewer, and therefore the incidents "far fewer . . . they have been far more violent, at least on "occasions, and those three dates I have given are three "occasions. Each of them resulted in a petition signed by "many people in the neighbourhood and presented to the local "authority, complaining of this frightful shattering vibration." The judge then referred to some of the evidence which had been called before him as to these recent explosions and which left him in no doubt as to their violence. There is obviously, therefore, still ground for serious complaint of vibration, and in my judgment the judge was quite right in granting an injunction.

With regard to dust, the judge relied to some extent on what he saw when he visited the quarry premises towards the end of the trial. The main thing which impressed him was the amount of dust which resulted from the crushing operations. He said

that he saw the door into the secondary crusher both open and shut, " and no one who saw it open could avoid seeing the cloud " of stuff that came pouring out from inside into the air." Apart altogether, however, from the judge's own observations there was ample evidence from local residents to show that they were still being troubled at the time of the trial by dust from the quarry during dry weather. There is no ground, therefore, in my opinion, upon which this court should interfere with regard to the injunction which the judge granted to restrain this nuisance.

Apart from the fact that the defendants had not abated (or, at all events, had not wholly abated) the nuisances by vibration and dust when the action came on for hearing, there are certain additional considerations which support the granting of the injunctions. In the first place, there is expert evidence to show that these nuisances are not inevitable; they can be avoided by the exercise of proper care. The second consideration arises from the past conduct of the defendants and their attitude from the outset to the very reasonable complaints which were brought to their attention. This element affords no ground in itself, of course, for any penal order being made; but it seems to me that an attitude of indifference to complaints tends to show irresponsibility and that, I think, is not an irrelevant consideration where the granting of an injunction is concerned. The judge expressed strongly his view that the defendants in the present case paid scant attention to the complaints of the residents or to the representations of the local authorities before (somewhat belatedly) the writ was issued; that they were dilatory in adopting an expert's suggestion as to the wagon drill; and that they never really exerted themselves to ensuring that the door to the crusher was kept shut as they were constantly being pressed to do, or to take other steps by the use of water or otherwise to prevent the escape of dust from the crushing plant. I do not propose to add to this already lengthy judgment by referring further than I have already done to the material upon which the judge based his view as to the defendants' conduct in the past, but it is obvious to me that the view was amply justified.

In my judgment, accordingly, the injunctions against which this appeal has been brought were rightly granted and the appeal fails. Mr. Beney, on behalf of the appellants, expressed some concern as to the future if the injunctions were not discharged. He said that, even though the expert witnesses had expressed views (as to vibration and dust respectively) that the quarry could be operated without occasioning a nuisance, an occasional

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incident might from time to time arise, unpredictable and unavoidable, which would or might lead to applications based upon contempt of court. Mr. Beney had especially in mind the fact that for no apparent reason some particular explosion was far more violent than those which normally occurred. Such an explosion had in fact occurred, for example, on January 3, 1956. Wyndham Thomas (a director of the company), amongst other witnesses, gave evidence as to these particularly heavy explosions and said they may occur when blasting for what he described as a "tight corner." He said: "It is a very unusual "shot, a freak blast which you get sometimes, that might not "happen in another 10 years." The defendants fear that this kind of thing, if and when it happens again, may be regarded by the inhabitants as a breach of the injunction as to vibration and be followed by an application for sequestration or attachment. I would point out, however, that none of the inhabitants could make such an application. The Attorney-General alone could make it, and presumably he would not apply unless, in his view, the circumstances warranted it. It may well be that he would not found an application upon some isolated incident if he were satisfied that no reasonable care on the part of the defendants could have avoided it. The defendants will doubtless adopt such expert advice as may be given to them with somewhat greater energy than they have shown at times in the past.

I would dismiss the appeal.

DENNING L.J. I entirely agree with the judgment of Romer L.J. and have little to add. Mr. Beney raised at the outset this question: what is the difference between a public nuisance and a private nuisance? He is right to raise it because it affects his clients greatly. The order against them restrains them from committing a public nuisance, not a private one. The classic statement of the difference is that a public nuisance affects Her Majesty's subjects generally, whereas a private nuisance only affects particular individuals. But this does not help much. The question, "When do a number of individuals become Her "Majesty's subjects generally?" is as difficult to answer as the question "When does a group of people become a crowd?" Everyone has his own views. Even the answer "Two's com- "pany, three's a crowd" will not command the assent of those present unless they first agree on "which two." So here I decline to answer the question how many people are necessary to make up Her Majesty's subjects generally. I prefer to look

to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.

Take the blocking up of a public highway or the non-repair of it. It may be a footpath very little used except by one or two householders. Nevertheless, the obstruction affects everyone indiscriminately who may wish to walk along it. Take next a landowner who collects pestilential rubbish near a village or permits gypsies with filthy habits to encamp on the edge of a residential neighbourhood. The householders nearest to it suffer the most, but everyone in the neighbourhood suffers too. In such cases the Attorney-General can take proceedings for an injunction to restrain the nuisance: and when he does so he acts in defence of the public right, not for any sectional interest: see *Attorney-General* v. *Bastow*.[11] But when the nuisance is so concentrated that only two or three property owners are affected by it, such as the three attornies in Clifford's Inn, then they ought to take proceedings on their own account to stop it and not expect the community to do it for them: see *Rex* v. *Lloyd*,[12] and the precedent in Chitty's Criminal Law (1826), vol. III, pp. 664–665.

Applying this test, I am clearly of opinion that the nuisance by stones, vibration and dust in this case was at the date of the writ so widespread in its range and so indiscriminate in its effect that it was a public nuisance.

But the defendants have now taken such good remedial measures that objectionable incidents take place only rarely and then by accident. So far as stones are concerned, the injunction is absolute: but so far as dust and vibration are concerned it is dependent on it being a nuisance "to Her Majesty's subjects," that is, a public nuisance. The question then arises whether every rare incident is a public nuisance. Suppose six months went by without any excessive vibration and then there was by some mischance a violent explosion on an isolated occasion terrifying many people. Would that be a public nuisance? Would it subject the defendants to proceedings for contempt? I should have thought that it might, but the punishment would

[11] [1957] 1 Q.B. 514; [1957] 1 All E.R. 497.

[12] 4 Esp. 200.

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be measured according to the degree to which the defendants were at fault.

I quite agree that a private nuisance always involves some degree of repetition or continuance. An isolated act which is over and done with, once and for all, may give rise to an action for negligence or an action under the rule in *Rylands* v. *Fletcher*,[13] but not an action for nuisance. A good example is an explosion in a factory which breaks windows for miles around. It gives rise to an action under *Rylands* v. *Fletcher*,[13] but no other action if there was no negligence: see *Read* v. *J. Lyons & Co.*[14] But an isolated act may amount to a public nuisance if it is done under such circumstances that the public right to condemn it should be vindicated. I referred to some authorities on this point in *Southport Corporation* v. *Esso Petroleum Co.*[15] In the present case, in view of the long history of stones, vibrations and dust, I should think it incumbent on the defendants to see that nothing of the kind happens again such as to be injurious to the neighbourhood at large, even on an isolated occasion.

I, too, would dismiss the appeal.

PARKER L.J. I entirely agree with both judgments.

Appeal dismissed.

Solicitors: *Waterhouse & Co. for T. W. James & Co., Swansea; Lewin, Gregory, Mead & Sons for Richard John, Cardiff.*

A. W. G.

[13] (1868) L.R. 3 H.L. 330.
[14] [1947] A.C. 156; 62 T.L.R. 646; [1946] 2 All E.R. 471.
[15] [1954] 2 Q.B. 182, 197; [1954] 2 All E.R. 561.

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May 2, 10.

Lord Goddard C.J., Hilbery and Donovan JJ.

REGINA *v.* GRIFFITHS AND OTHERS. *Ex parte* ATTORNEY-GENERAL.

Contempt of Court—Mens rea—Newspaper article—Innocent dissemination — Foreign periodical — Article prejudicial to defendant in criminal proceedings—Periodical edited and printed abroad—No

From: Amna Abdullatif [mailto:cllr.amna.abdullatif@manchester.gov.uk]
Sent: 11 March 2021 15:25
To: Anthony Horne <[redacted]
Subject: Re: The Progress Centre, Charlton Place, Manchester M12 6HS

Hi,

My number is: [redacted]

Just to note I am in meetings so I'm only free between 1pm-5pm on Monday.

Have a good day,

Amna

Cllr Amna Abdullatif
Labour Member for Ardwick
[redacted]
cllr.amna.abdullatif@manchester.gov.uk

From: Anthony Horne <[redacted]>
Sent: Thursday, March 11, 2021 2:35 PM
To: Amna Abdullatif <cllr.amna.abdullatif@manchester.gov.uk>
Cc: Stephanie Williams <[redacted]
Subject: RE: The Progress Centre, Charlton Place, Manchester M12 6HS

Good afternoon Councillor – thank you for your e-mail.

If you supply me with contact details, I will call you on Monday.

Regards.

Anthony Horne (Director)

From: Amna Abdullatif [mailto:cllr.amna.abdullatif@manchester.gov.uk]
Sent: 10 March 2021 19:55
To: Stephanie Williams <[redacted]
Cc: Anthony Horne <[redacted]
Subject: Re: The Progress Centre, Charlton Place, Manchester M12 6HS

Hi,

Thank you for your email.

I appreciate your response but it hasn't alleviated my concerns.

I'm happy to discuss over the phone and get a sense of how this proposal won't impact residents. I am busy this week, but happy to discuss on Monday after 11am.

Take care,

Amna

From: Stephanie Williams [redacted]
Sent: Wednesday, March 10, 2021 1:59 PM
To: Amna Abdullatif <cllr.amna.abdullatif@manchester.gov.uk>
Cc: Anthony Horne <[redacted]
Subject: FW: The Progress Centre, Charlton Place, Manchester M12 6HS

Dear Councillor Abdullatif

Further to my e-mail of the 17th February 2021 I would be grateful for a response.

There have been no Representations from any other party, including local residents.

Kind regards,

Stephanie

Stephanie Williams
(Practice Manager)

Stephanie Williams <[redacted]>
Wed 03/03/2021 14:46

To : Premises Licensing

Cc: Anthony Horne <[redacted]
246056 LIC.pdf

Please see below an e-mail sent to Cllr Abdullatif on the 17th February 2021. We would be grateful if this would be filed with the papers regarding this application. We have not had a response to this e-mail.

Kind regards,

Stephanie Williams

(Practice Manager)

From: Stephanie Williams
Sent: 17 February 2021 14:29

To: 'cllr.amna.abdullatif@manchester.gov.uk' <cllr.amna.abdullatif@manchester.gov.uk>
Subject: The Progress Centre, Charlton Place, Manchester M12 6HS
Importance: High

Dear Cllr Abdullatif,

We act on behalf of the Applicant for the above Premises Licence, and have today received a copy of your Representation sent to Manchester City Council.

I have attached a copy of the existing Premises Licence which was granted in June 2020. This application received no residential objections even though later hours were originally applied for. These hours were reduced as part of an agreement reached with the Licensing & Out of Hours Team at the time.

The current application merely seeks to add an external area to the Premises Licence, and this area will trade shorter hours than the rest of the Licence currently permits (12:00 until 23:00 Mondays to Sundays).

I hope this satisfies your concerns in respect of residents in your area, and would be grateful if you could reconsider your Representation in light of the above.

If you wish to discuss this further, then please don't hesitate to contact either Anthony Horne or myself.

Kind regards,
Stephanie