

REPRESENTATIONS LIST

APPENDIX D

Application No: 055314

Application Date: 28 February 2023

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Ham Recreational Ground (The)
Port Royal, SIDMOUTH, Devon, EX10 8DB.

Applicant: Sidmouth FolkWeek Productions Ltd
27 Eastwood Close, Hayling Island, Hampshire, PA11 9DY.

Person making Representation: Stephen Pemberton

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

RECEIVED BY EMAIL 27/03/23

This is a Formal Complaint to the license application for Supply of Alcohol until 11.00pm during the 2023 Sidmouth Folk Festival.

Sent March 27th 2023.

This should not be granted.

The supply of Alcohol should end at 10.45pm, and on Sunday at 10.30pm.

This allows closure time for events on The Ham, including the Folk Festival to be 11.00pm, and 10.30pm on a Sunday.

This attempts to give some consideration to local residents.

There is increasing pressure for late night events to take place out of Sidmouth Town.

The Ham is a residential area affecting not only residents around The Ham, but on the cliff and with residents and visitors in the local area.

This includes young children, the elderly and those dying as well as consideration of families.

Recent years have seen a complete disregard and lack of consideration for local resident rights around The Ham with no sanction enacted by STC or EDDC Departments to prevent reoccurrence.

Excesses, and the disregard of licenses by STC, EDDC and Organisers give local residents no confidence that reasonable behaviours will be maintained: EDDC Licensing, the Licensing Committee and EDDC Environmental Health need to ensure these are addressed.

Please confirm receipt of this Formal Complaint, which I hope will be supported by EDDC Licensing and Licensing Committee.

Stephen Pemberton,



March 27th 2023.

LICENSING OFFICER RESPONSE SENT BY EMAIL 27/03/23

Dear Mr Pemberton

Thank you for your email. The Licensing Manager has forwarded your formal complaint to the EDDC complaints team for a resolution. For your information, please see the attached link to our complaints procedure information: <https://eastdevon.gov.uk/customer-services/feedback-and-complaints/complaints/complaints-procedure/our-complaints-procedure/>

With regard to the Sidmouth Folk Week (The Ham) application, a licensing hearing is not required (or even permitted) where an application has been properly made and no responsible authority or other person has made a relevant representation. If no relevant representations are received the licensing authority MUST grant the application as applied for. In these circumstances it is simply an administrative process.

The Licensing Authority's discretion is only engaged if relevant representations are made - either by a responsible authority or by another person. Then and only then will the matter proceed to a hearing before the licensing sub-committee. For a representation to be 'relevant' it must relate to one or more of the

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licensing objectives and must set out the likely effect of the licensable activities on those objectives:

- " Prevention of crime & disorder
- " Public safety
- " Prevention of public nuisance
- " Protection of children from harm

I note your concerns but I cannot accept your email as a formal representation (if indeed this is what you intended) since it does not set out your specific concerns and their relevance to the licensing objectives. In terms of a representation, it is not sufficient to simply state the licence should not be granted or that the event should finish earlier.

Please find attached a link to our website guidance on making a representation:

<https://eastdevon.gov.uk/licensing/alcohol-and-entertainment/premises-licences-and-club-premises-certificates/current-applications-for-premises-licences-and-club-premises-certificates/guidance-on-representations/>

If you do wish to submit a representation then please do so by return of email, setting out what you believe will be the likely effect of the application on the promotion of the licensing objectives. Any representation will not be relevant if we consider it to be frivolous or vexatious.

Please note any representation against this application must be received no later than 28th March 2023.

Regards
Lesley Barber
Licensing Officer

RESPONSE FROM MR PEMBERTON RECEIVED BY EMAIL ON 28/03/23.

Lesley,

thank you for your reply.

This is a Formal Complaint/Representation for EDDC Licensing and the licensing Committee.

Please see the attached which addresses your reply.

The Representation/Formal Complaint is clear of what it is about, and that it is directed to EDDC Licensing and the Licensing Committee, not elsewhere.

There is no mention on the Notification (blue Notification on The Ham) that it requires the matters you mention. Originally rejecting the Formal Complaint/Representation raises concerns about the transparency of the process by EDDC Licensing. The rejection of a genuine concern (by whatever means it is stated) by yourselves, from the community, raises further concerns about EDDC's commitment to representing and supporting community concerns.

I am greatly concerned about your statement that...a licensing hearing is not required (or even permitted) where an application has been properly made and no responsible authority or other person has made a relevant representation.

...this leaves the Community open and vulnerable to the vagaries and excesses of EDDC, STC and Organisers: it is not for the public to monitor and check that excesses by EDDC, STC or Organisers have been allowed.

Equally I am concerned that there should be any consideration that ... Any representation will not be relevant if we consider it to be frivolous or vexatious.

Please confirm receipt of this formal Complaint/Representation to Licensing and the Licensing Committee.

Thank you,
Stephen Pemberton.

RESPONSE FROM MR PEMBERTON RECEIVED BY EMAIL ON 28/03/23 - ADDITIONAL REPRESENTATION DOCUMENT

Formal Complaint/Representation to EDDC Licensing and the Licensing Committee

Sent March 27th 2023 and updated March 28th 2023.

This is a Formal Complaint/Representation to the license application for Supply of Alcohol until 11.00pm during the 2023 Sidmouth Folk Festival.

Sent March 27th 2023. Updated March 8th 2023.

This is based on the Licensing Objective of:

Prevention of Public Nuisance:

This should not be granted.

This is a Public Nuisance to local residents and visitors around The Ham, on the cliff and in the local area

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who have a right to peace and quiet, which will be further exceeded by the extension of the alcohol license, and site clearance of people long beyond 11.00pm.

The supply of Alcohol should end at 10.45pm, and on Sunday at 10.30pm.

This has been the case since events have taken place on The Ham.

This allows closure time for events on The Ham, including the Folk Festival to be 11.00pm, and 10.30pm on a Sunday.

This attempts to give some consideration to local residents in relation to Public Nuisance.

There is increasing pressure for late night events to take place out of Sidmouth Town.

The Ham is a residential area affecting not only residents around The Ham, but on the cliff and with residents and visitors in the local area.

This includes young children, the elderly and those dying as well as consideration of families.

Recent years have seen a complete disregard and lack of consideration for local resident rights around The Ham with no sanction enacted by STC or EDDC Departments to prevent reoccurrence.

Excesses, and the disregard of licenses by STC, EDDC and Organisers give local residents no confidence that reasonable behaviours will be maintained: EDDC Lisencing. the Licensing Committee and EDDC Environmental Health need to ensure these are addressed.

Please confirm receipt of this Formal Complaint/Representation, which I hope will be supported by EDDC Licensing and Licensing Committee.

Stephen Pemberton,



March 27th 2023.

Updated March 28th 2023.

Evidence:

Suggestion:
