

APPENDIX E

The Ham Recreational Ground – Responses to Notice of Hearing

Applicant

Sidmouth Folkweek Productions Ltd	
Hearing Unnecessary	Yes
Attending	Yes
Supporting documents	Please see attached: <ol style="list-style-type: none">1. Email from the applicant at 18:44 on 07/04/23 offering observations and clarifications.2. Print outs from EDDC Public Register detailing timings of previous Folk Week licences for this same location (licenses granted since 2015).3. Email provided by the applicant – copy of an email conversation between the objector and Sidmouth Town Council.
Summary of key points	

Other Persons

1.	Mr Stephen Pemberton
Hearing Unnecessary	No response received
Attending	
Supporting documents	
Summary of key points	

Lesley Barber

From: John Braithwaite [REDACTED]
Sent: 07 April 2023 18:44
To: Licensing EDDC
Cc: Beckie Parsons; General Manager - Sidmouth Folk Festival
Subject: Notice of Hearing response- Application Number --055314 Sidmouth FolkWeek Productions Ltd., Re: Ham Recreation Ground, Sidmouth, Devon
Attachments: Licence Applications historic SFF.zip
Categories: Lesley

Strategic Lead- Governance and Licensing
Attn: Licensing Manager: Lesley Barber

Dear Lesley,

Thank you for forwarding the documentation relating to the hearing on the above, scheduled for Monday 24th April 9.30am.

In relation to the sole Representation, there are a number of matters of fact not accurately provided. In response, we offer the Committee the following observations and clarifications:-

Basis of the 2023 License Application:

It is material to clarify the basis of our 2023 Ham license application, when compared to previous years. The Representation seems to be based on a significant misapprehension that the 2023 application differs in some way from previous Ham Licence applications, made over at least the last 8 years.

The objection/representation states that the application seeks 'an extension of the alcohol license... etc. This is absolutely not the case. We refer you to the attachment to this email-- 'Licence Applications historic' covering the period 2015 to 2023. All of these applications, which were granted, refer to the cessation of all activities at 11.00pm. This year is thus no different to previous years and does not seek an extension --(we felt 8 years history was sufficient to demonstrate the point!). When making a representation, which creates considerable disruption and potentially wastes public money, it should be incumbent on the Objector to be accurate.



Disturbance:

The Representation seeks to convey that there is sufficient public nuisance to warrant the licence not being granted, albeit though, the same conditions are being applied for as in previous years. We see nothing in the Representation which justifies or instances the contention that there is public nuisance.


There is also completely contrary evidence to that expressed in the Representation. In particular, we draw your attention to the letter of support for the application from Mr [REDACTED] and family, who live [REDACTED] doors away from the Objector, next to the Ham, on behalf of themselves and, we understand, most of their neighbours. We trust you will

not mind us pasting this emailed letter below so that you can read it without having to refer to another document (the email has also been forwarded to Licensing).

Application Number: 055314


to licensing, , me

I am writing in support of the application by Sidmouth FolkWeek Productions Ltd for a Premises Licence with Alcohol at the Ham Recreational Ground, Port Royal, SIDMOUTH, Devon, EX10 8DB

I understand that there has been an objection, on the grounds of Public Nuisance, submitted by the owner of  who is seeking a minor reduction in the licensing hours applied for.

I have to advise you that on the basis of our experience of Folk Week activities in front of our house over the past 24 years, our family regards this objection as trivial and irrelevant. I believe our view is shared by almost every one of our neighbours.

Local residents not only value the cultural richness of the various festivals and events that the Town Council permits on Sidmouth's community spaces but we are also aware of the reduction in public nuisance on the occasions when festival security staff are present to manage the Ham recreation area during the late evening and night. At other periods we can regularly be disturbed by unsupervised rowdy groups who appear to be unaware of local residents when partying through the night.

I therefore submit that the application for a licence by Sidmouth Folk week productions, far from being a Public Nuisance, is a welcome element to enhance the cultural and social life of the town, and particularly of our neighbourhood, as well as an important contribution to the financial health of Sidmouth's business interests.

You are welcome to contact us if you need further clarification. Yours truly,



The Folk Festival is proud of its strong ethos and reputation for consideration of the various groups that it involves during the event, as evidenced by the support received since this representation was lodged (formally illustrated above, but also verbally expressed). Whilst there is substantially town support for the Festival, we felt that residents living very close to the Objector would best represent the actual and relevant local feeling.

You will also have received a forwarded email to the Objector from Sidmouth Town Council, who have considered and rejected his requests regarding similar limitations on the usage of the Ham area. This has been forwarded to Licensing.

The Ham licensing arrangements for the Festival, which have been in place for a long period have been refined and are proven to work well, due to a combination of experienced Ham venue Festival staff and Production management, Security resources and suitable event programming.

Other Clarifications

We believe that you should also be aware that a number of the other statements in the Representation are, at best, unsubstantiated and and, at worst, inaccurate and misleading, seeking to give a distorted and exaggerated impression. In particular, the more material of which are that:-

- *"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"*: By recent years, we could reasonably take that to mean, say the last 4 years. These have seen activity as follows: 2020- there was no live Festival at all in the town due to Covid: 2021-- the main performance part of a much reduced Celebration Festival was outdoors in Blackmore Gardens; very little at the Ham, some catering, a bar and a small stage for daytime events. In 2022, we returned to the Ham with a normal Festival for the 1st time since 2019, with the usual absence of complaints from townspeople, whose feedback was that they were delighted to have their Festival back. In view of the limited Folk Festival activity since 2019, there would appear to be little scope for the above statement to be an accurate representation, particularly in view of the opposite local opinion. This is an example where the Representation appears to seek to misrepresent the actual climate through unsubstantiated generalities.
- *"increasing pressure for late night events to take place out of Sidmouth"*: the Folk Festival has always had its late night venue out of town, so this comment is irrelevant. New events will inevitably take place in town.
- *"Excesses, and the disregard of licenses by STC, EDDC and Organisers....."*: further unsubstantiated accusations which, in this form, could hardly be considered as grounds for a Representation.

Event Status

The Sidmouth Folk Festival has run for 68 years and is generally regarded as bringing significant benefit to the Town, District, County and the West of England, as well as being an internationally recognised event with visitors from all over the world. Because it involves over 700 scheduled events with 400+ performers, it is run by a professional team with specialists in each area of the event. Its reputation is strong in areas concerning event quality and production values. We communicate with residents before and during the event, for example, giving phone numbers to call in the event of concerns and issues arising with residents nearby to our venues.

This modus operandi has proved effective in controlling a very large event effectively over the event's duration, against a background of an increasingly demanding regulatory environment. We also cooperate with all regulatory bodies to ensure that we meet the standards required.

The Festival operates a completely open Feedback mechanism after each Festival. The results of the Feedback are analysed and acted upon by the Festival Executive team during the Review and Planning session each October.

In view of our policies and procedures, we take notice of well thought through criticism and complaints. Our concern with this Representation is that it is substantially the personal view of the Objector, with ill defined motives and objectives, probably contributing generally to gaining a poor reputation for objectivity and largely a negative approach.

We look forward to meeting the Committee later this month.

John Braithwaite
Festival Director and Chairman and Managing Director, Sidmouth FolkWeek
Productions Ltd.

Lesley Barber

From: John Braithwaite <[REDACTED]>
Sent: 08 April 2023 00:18
To: Licensing EDDC
Subject: Fwd: FW: For The Ham Trustees meeting 6th March 2023.

Categories: Lesley

Dear Lesley,

I guess that you already have received this from STC to Pemberton.

You will have noted that STC now appears to have a policy of not replying to his many objections. Presumably on the grounds that they are vexatious and time wasting. We are close to the same position.

John

From: Chris Lockyear <[REDACTED]>
Sent: 17 March 2023 09:25
To: Stephen Pemberton <[REDACTED]>; Town Clerk <town.clerk@sidmouth.gov.uk>;

[REDACTED]

Sally Webster <SWebster@eastdevon.gov.uk>; Ian Winter <IWinter@eastdevon.gov.uk>; Licensing EDDC <licensing@eastdevon.gov.uk>

Subject: Re: For The Ham Trustees meeting 6th March 2023.

Stephen,

Thank you for your letter. The Council discussed the Folk Festival request and took into account feedback from residents, including yourself, prior to making its decision. It agreed that a 2am finish for de-rigging was unacceptable as it would adversely impact the nearby residents with no benefit to the wider community. With regard to the alcohol licence, it considered that 11:00pm was reasonable as it aligned to pub hours.

We are unable to re-open this discussion as the Council has made its decision.

Regards

Chris

On 16/03/2023 08:28, Stephen Pemberton wrote:

To: Town Clerk, STC Chairman, Deputy Chair, and all STC Councillors as The Ham Trustees

Following The Ham Trustees meeting on the 6th March 2023, as one thing, please Review the 11.00pm agreed closing time.

The Folk Festival have applied for an Alcohol License until 11.00pm.

This will mean that, with drinking up time and dispersal of the crowds, that the site will not be cleared until 11.30pm.

In Reviewing this, please make the Organiser clear that this was not the agreed intention by The Ham Trustees in agreeing the use of The Ham (which I hope was the case) and for STC to ensure that the Organiser makes this clear to EDDC Licensing in their application for an Alcohol License.

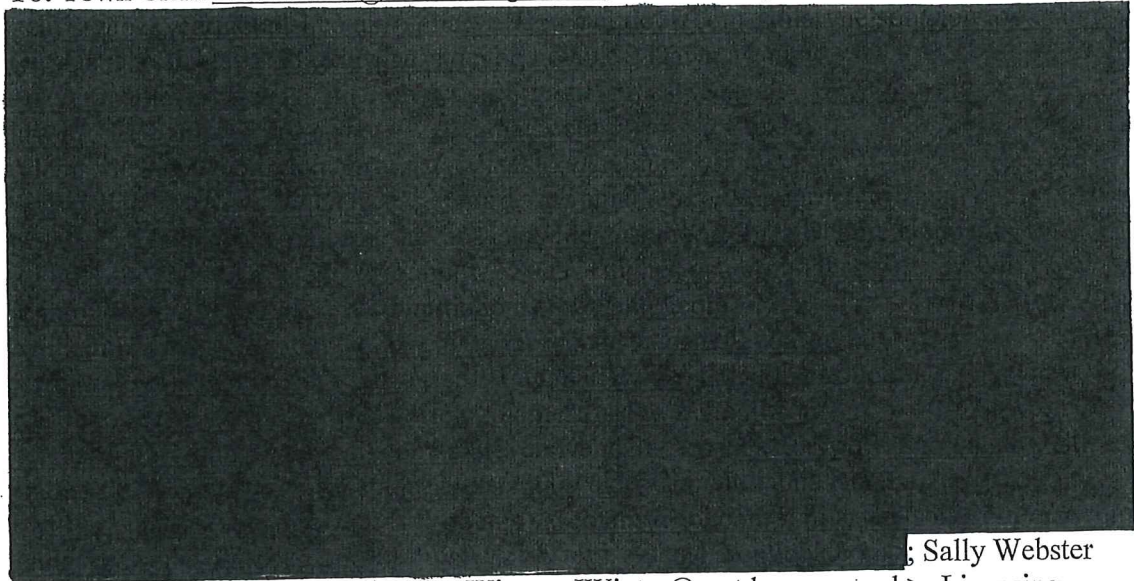
Can you please let me know that this will be done.

Stephen Pemberton,



From: Stephen Pemberton
Sent: 05 March 2023 09:44

To: Town Clerk <town.clerk@sidmouth.gov.uk>; 'Chris Lockyear'



; Sally Webster
<SWebster@eastdevon.gov.uk>; Ian Winter <IWinter@eastdevon.gov.uk>; Licensing
EDDC <licensing@eastdevon.gov.uk>

Subject: For The Ham Trustees meeting 6th March 2023.

To: Town Clerk, STC Chairman, Deputy Chair, and all STC Councillors as The Ham Trustees

For The Ham Trustees meeting 6th March 2023.

For Consideration of all STC Cllrs as The Ham Trustees:

The heavily de-railed Conditions on the Use of The Ham as offered by the STC Chairman and Deputy Chairman would have dealt with these matters.

Again, there has been the complete absence of Cllr Tory-Kendal the Local STC Councillor on this or other matters for local residents despite the Town Clerk, Chairman and Deputy Chair being fully aware of his everlasting lack of representation.

Matters on The Ham Trustees Agenda:

a: The Folk Festival:

1: The Town Clerk, Chairman and Deputy Chairman, and STC Cllrs would continue to be disrespectful to all local residents to agree any works on The Ham past 11.00pm at night.

11.00pm to 2.00am is completely unacceptable on Friday 11th August, as on any other day.

A 'Quiet Close down/de-rig' is impossible with **any amount of work, whatever that may be**; as it would well be if there were 12-18 workers taking out 1200 seats, masses of sound equipment, bar equipment, taking down a Marquee which took a week to put up with heavy machinery; and the complaints last year, of unacceptable practices of the Folk Festival, and including the spectacle of the JB Festival with STC.

It is concerning that following a very much watered-down version of Conditions for the Use of The Ham that STC have put this forward.

This should not be agreed.

2: Closure 11.00pm is not acceptable: 10.45pm, with clearance of attendees by 11.00pm is the practice.

This time needs to be adjusted to 10.45pm.

3: Possible quiet work post 6.00pm on Monday 31st, Tuesday 1st to Wednesday 2nd August is **outside agreed working hours**. They are on the site for 3 weeks, with one week setting things up.

This should not be agreed.

b: **The EXMOUTH event**- what is that doing in Sidmouth. The timings accepted to be put forward by STC look to be trying to set a precedent for further large events on The Ham, when we have reached a limit.

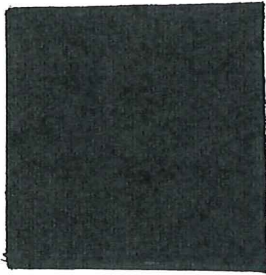
It is **not Fri to Sat** but from Tuesday to Wednesday.

It has Live late night music. Local support needs to be for the local Life Boat.

This should not be agreed.

I very much hope we can see some genuine consideration of local residents needs around The Ham and Eastern Town, and cliff top areas from STC Councillors.

Stephen Pemberton,



March 5th 2023.

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:01
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

**Completed application 038468 which is a New Application for Premises
Licence from 30/07/2015 to 07/08/2015**

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mrs Lyndsay Rebecca FUDGE
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:30	23:00

Activities - Times Requested

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
F. Playing of recorded music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
G. Performance of dance (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:00
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

**Completed application 041077 which is a New Application for Premises
Licence from 28/07/2016 to 05/08/2016**

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mrs Lyndsay Rebecca FUDGE
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:30	23:00

Activities - Times Requested

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
F. Playing of recorded music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
G. Performance of dance (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:01
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

**Completed application 043569 which is a New Application for Premises
Licence from 03/08/2017 to 11/08/2017**

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mrs Lyndsay Rebecca FUDGE
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- the supply of alcohol
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:30	23:00

Activities - Times Requested

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
F. Playing of recorded music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
G. Performance of dance (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:01
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

**Completed application 045874 which is a New Application for Premises
Licence from 02/08/2018 to 11/08/2018**

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mrs Lyndsay Rebecca FUDGE
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music,
any playing of recorded music or a performance of dance
- the supply of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:30	23:00

Activities - Times Requested

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
F. Playing of recorded music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
G. Performance of dance (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:02
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

Completed application 048258 which is a New Application for Premises Licence from 01/08/2019 to 10/08/2019

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mrs Lyndsay Rebecca FUDGE
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	10:00	23:00

Activities - Times Requested

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
F. Playing of recorded music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
G. Performance of dance (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:03
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

**Completed application 051721 which is a New Application for Premises
Licence from 29/07/2021 to 06/08/2021**

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mrs Lyndsay Rebecca FUDGE
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music,
any playing of recorded music or a performance of dance
- the supply of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:30	23:00

Activities - Times Requested

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
F. Playing of recorded music (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
G. Performance of dance (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:02
on 5 April 2023

Ham Recreational Ground (The)

Port Royal, SIDMOUTH, Devon, EX10 8DB

**Completed application 053506 which is a New Application for Premises
Licence from 28/07/2022 to 05/08/2022**

Applicant(s)

Full Name:	Sidmouth FolkWeek Productions Ltd
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Designated Premises Supervisor

Full Name:	Mr Matthew John Fudge
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Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:30	23:00

Activities - Times Requested

	Time From	Time To
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Monday to Sunday	10:00	23:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)		
Monday to Sunday	10:00	23:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00	23:00

Additional Conditions