

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom app on 8 September 2021**

#### **Attendance list at end of document**

The meeting started at 9.30 am and ended at 10.43 am

#### **16 Minutes of the previous meeting held on 11 August 2021**

The minutes of the previous meeting held on 11 August 2021 were agreed as a correct record.

#### **17 Declarations of interest**

Minute 20. All Members of the Sub Committee had received an email from the interested party, Mr Stephen Pemberton, on 9<sup>th</sup> August 2021.

#### **18 Matters of urgency**

There were no matters of urgency.

#### **19 Confidential/exempt items**

There were no confidential / exempt items.

#### **20 Determination of an application for the grant of a premises licence to allow the provision of regulated entertainment and the sale of alcohol for consumption ON the premises at The Ham Recreation Ground and adjoining car park, Sidmouth, EX10 8DB. The application is to cover the period of 1st – 5th June 2022.**

The Sub Committee considered the application for the grant of a premises licence to allow the provision of regulated entertainment and the sale of alcohol for consumption ON the premises at The Ham Recreation Ground and adjoining car park, Sidmouth, EX10 8DB. The application is to cover the period of 1st – 5th June 2022. The meeting was a hearing to consider the application for a premises licence under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, present and entitled to make representations, was Ian Bowden, accompanied by John Radford, agent and Event Production Manager.

The interested parties, present and entitled to make representations were Simon Pemberton and Garland Pickard.

The Licensing Authority had received representations from East Devon District Council Environmental Health who had no objections.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Emily Westlake, outlined the application and advised that three representations had been received, with two being objections from local residents and one positive representation from Sidmouth Town Council. No updates or amendments had been made since the publication of the report.

There were no questions for the Licensing Officer from Members or the applicant. In response to a question from the interested party, the Licensing Officer and the applicant's agent, Mr Radford, advised that the likely set-up would be 4 to 5 days before the festival, with a 2 to 3 day taking down period afterwards.

In making the applicant's case, the agent, Mr Radford, made the following points:

- The applicant had responded to feedback on the initial application and had subsequently submitted a revised application which was now before the Sub Committee
- The festival organisers would engage with all responsible and statutory authorities at the appropriate stages of planning the event and all documentation regarding the safe management of the festival would be produced at the proper time as planning was on-going
- The festival and the facilities to be provided are in line with Health and Safety Executive guidance
- The event organisers had received very positive feedback locally and, although the event was not as big as the Sidmouth Folk Festival, the team had benefitted from guidance from the Folk Festival organisers
- It was hoped to establish a 5 year plan for the Jazz and Blues Festival to be an on-going event

In response to questions from Members to the applicant, the following points were advised:

- The applicant intended to close both the music and the sale of alcohol before the end of the licensable hours at 11pm to allow time for safe egress for the public from the event
- Risk assessments for the festival had not yet been completed but would be available at the appropriate times before the start of the event and would be produced on a holistic basis with full engagement and input from all statutory bodies and blue light emergency services
- Facilities, including the provision of portaloos, would be provided in line with Health and Safety Executive guidance and recommendations, and will be managed in line with best practice

In response to questions from the interested party to the applicant, the following points were made:

- Regarding questions about capacity at the event, the Sub Committee's legal advisor clarified that the remit of the hearing was to consider only licensable activities in relation to capacity
- A safety management plan and risk assessment had not yet been completed and was not required under the Licensing Act for the purposes of the hearing
- Should the licence be granted, conditions could be expected to include that suitable safety management plans and risk assessments are provided

The interested party, Mr Stephen Pemberton, addressed the Sub Committee and the following points were included:

- The objection links to all of the licensing objectives and specifically to public safety and health and safety issues created by closing the access to the Ham Path and cycleway to and from Sidmouth seafront
- There are concerns regarding health and safety issues for members of the public using the unsafe small bridge to the riverside and concerns regarding excessive and unsafe numbers of people attending the event

In response to questions from Members of the Sub Committee, the interested party advised the following:

- Hoardings would be installed on the new Alma bridge and zig zag path to prevent public viewing of the festival from that point and this could result in a safety issue should people try to look over or around the hoardings
- The state of the small bridge renders it unsafe for the volume of people who would be diverted across it as proposed by the festival organisers
- Temporary closure of the Ham Path would result in directing users to other busier routes which would cause a safety hazard
- The proposed footpath to the festival is not lit at night and existing lighting near the small bridge would not be sufficient

The applicant's agent also put questions to the interested party and, in response, the following points were made:

- The interested party had not had any need to communicate concerns regarding the safety of the small bridge and footpath to any authorities as the Ham Path and cycleway had never been closed before
- Alternative routes to the Ham Path and cycleway are used, but by very few people and the majority of pedestrians and cyclists would use the Ham Path, avoiding the small unsafe bridge for the reasons which had been set out by the interested party
- Information that the Ham path had never been closed previously was based on local knowledge from residents of more than 60 years

With the agreement of the Chair, the applicant's agent clarified that the Ham Path had been closed on previous occasions for significant periods of several hours to ensure safe installation of equipment. Regarding capacity at the festival, the capacity for concerts on the Ham is 2,000 seated.

With the agreement of the Chair, the interested party expressed concern that the Ham Path and cycleway would be closed for a period of 14 days.

In their closing statement, the applicant's agent and the applicant advised that documentation relating to event safety and risk assessments would be produced in consultation with the relevant statutory bodies and does not form part of the licensing process. The event organisers would continue to engage with local authorities and the public in order to deliver a safe and successful event.

The Chair thanked all participants for attending the meeting and advised that the decision of the Sub Committee would be notified to all parties in writing within five working days.

**Attendance List**

**Councillors present:**

M Chapman (appointed Vice-Chair for this meeting)

A Dent (appointed Chair for this meeting)

T Woodward

**Councillors also present (for some or all the meeting)**

None

**Officers in attendance:**

Rebecca Heal, Solicitor

Giles Salter, Solicitor

Sarah Jenkins, Democratic Services Officer

Alethea Thompson, Democratic Services Officer

Emily Westlake, Licensing Officer

Louise Bennett, Licensing Support Officer

**Councillor apologies:**

None

Chair .....

Date: .....