

Agenda for meeting of the Licensing and Enforcement Sub Committee
Wednesday, 9th February, 2022, 9.30 am



Members of Licensing and Enforcement Sub Committee

Councillors A Dent, J Whibley (Chair) and T Wright

East Devon District Council
Blackdown House
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Venue: Online via the Zoom app

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(or group number 01395 517546)
Tuesday, 1st February 2022

Important - this meeting will be conducted online and recorded by Zoom only.
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Members are asked to follow the [Protocol for Remote Meetings](#)

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw>

- 1 Minutes of the previous meeting held on 24 November 2021 (Pages 3 - 5)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 6 Determination of an application for the grant of a premises licence to allow the provision of films, live music, recorded music, performance of dance and the supply of alcohol for consumption ON the premises only at Westpoint Centre, Clyst St Mary, Exeter, EX5 1DJ. This is a time limited premises licence application: 10 June 2022 – 12 June 2022. (Pages 6 - 49)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom app on 24 November 2021

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.55 am

21 Minutes of the previous meeting held on 8 September 2021

The minutes of the meeting held on 8 September 2021 were agreed as a correct record.

22 Declarations of interest

There were no declarations of interest.

23 Matters of urgency

There were no matters of urgency.

24 Confidential/exempt items

There were no confidential / exempt items.

25 Determination of an application for the grant of a premises licence to allow the sale of alcohol for consumption OFF the premises at Exmouth Parade Mini Market, 5 Parade, Exmouth EX8 1RS

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol for consumption OFF the premises at Exmouth Parade Mini Market, 5 The Parade, Exmouth EX8 1RS. The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, present and entitled to make representations was Mr Saravanan Thayanathan, accompanied by his agent Mr Patrick Burke of PMB Licensing.

The interested party, present and entitled to make representations, was Cllr Tim Dumper for Exmouth Town Council.

The Licensing Authority had received representations from the Police who had discussed the application with the applicant and had subsequently reached an agreed position, including further conditions, should the licence be approved.

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

The Licensing Officer, Lesley Barber, outlined the application. The Licensing Officer confirmed that, having checked the Licensing Authority's administrative procedures, a response from one objector had not been received at least five working days prior to the hearing as required under regulation 8(5) of the Licensing Act 2003 (Hearings) Regulations 2005. The Licensing Authority had no discretion to accept a late response

and the objector was not entitled to attend the hearing. The objector had been advised of this and had been provided with the link to access the papers and to watch the hearing online.

No updates or amendments had been made since the publication of the report.

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

- The applicant has wide experience of operating sites on a 24 hour basis.
- There would always be a minimum of two staff on site at the premises applied for.
- The Police had been in discussion with the applicant regarding the conditions.
- Objections raised by Exmouth Town Council regarding setting a precedent and the risk of exacerbating public nuisance and crime and disorder were either not relevant to the licensing objectives or there was no evidence to support the objections.
- The Licensing Authority should have regard to the principles laid down in 'the Thwaites case' [Daniel Thwaites plc v. Wirral Magistrates Court & Others] regarding the imposition of restrictions and inclusion of speculative opinions.

Responding to questions from Members, the applicant's agent advised the following:

- All of the 24 hour premises run by the applicant have been licensed.
- The applicant knows the part of Exmouth under discussion well, including the neighbouring nightclub, and is proposing to have door staff in place between the hours of 12 midnight to 5am.
- The applicant anticipates that the clientele between the hours of 12 midnight to 5am would include shift workers going to and from work and online orders via apps such as Uber Eats and Just Eat.
- The applicant would be willing to consider amending the proposed opening hours.
- There is no cumulative impact policy in place in East Devon.
- In his experience of running licensed premises, the applicant has never and would not serve a customer who was drunk.
- There have not previously been any issues regarding safety of staff at premises operated by the applicant.

There was a short break in the proceedings to enable the applicant and his agent to discuss opening hours and staffing levels.

On the resumption of the meeting, the applicant's agent advised that the applicant proposed revised opening hours in that the premises would open at 6am and close at 4am seven days a week and, on Friday and Saturday nights, two SIA security staff would be on duty.

The interested party, Cllr Tim Dumper, on behalf of Exmouth Town Council, addressed the Sub Committee. The Town Council had no concerns regarding daytime hours, but did have concerns with the proposed late night opening hours as there had previously been public disturbance in the area which had led to the imposition of a Public Space Protection Order.

In response to questions from Members, Cllr Dumper advised that he was aware of anecdotal evidence of noise and of confrontation between local residents and late night drinkers in the area.

The Sub Committee's legal advisor, Giles Salter, advised Members of the need to focus on the licensing objectives and whether the applicant had offered sufficient reassurances and conditions that the premises would be operated responsibly.

In their closing statement, the agent for the applicant included the following points:

- The applicant had extensive experience of operating similar premises.
- No objections from responsible authorities had been received.
- The applicant had offered to close the premises between 4am and 6am to allow for time for patrons of the neighbouring night club to disperse, should the nightclub re-open at any time.
- Two SIA security staff would be on the premises on Friday and Saturday nights and at least two members of sales staff would be on the premises at all times.

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:

K Bloxham (Chair)

P Millar

T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Lesley Barber, Licensing Officer

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Stephen Saunders, Licensing Manager

Sarah Helman, Democratic Services Officer

Rebecca Heal, Solicitor

Councillor apologies:

None

Chair

Date:

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 9 February 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Application for the grant of a premises licence under the Licensing Act 2003

Report summary:

The report summarises an application for the grant of a premises licence to be considered by the sub-committee.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That members consider an application for the grant of a premises licence to allow the provision of films, live music, recorded music, performance of dance and the supply of alcohol for consumption ON the premises only at Westpoint Centre, Clyst St Mary, Exeter, EX5 1DJ.

This is a time limited premises licence application: 10 June 2022 – 12 June 2022.

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Lesley Barber, lesley.barber@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

[EDDC Statement of Licensing Policy 2021-2026](#)

[Licensing Act 2003 Guidance issued under Section 182](#)

APPENDIX A – Licensing application

APPENDIX B – Plan of premises

APPENDIX C – Location plan

APPENDIX D – Representations received

APPENDIX E – Responses to Notice of Hearing

APPENDIX F – Operating Schedule

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Description of Application

- 1.1 An application has been received from Starlight Concerts Live (Entertainment) for an outdoor music event at Westpoint, Exeter. This is a time limited premises licence application covering the period 10th June – 12th June 2022.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 The event is to be known as The Legends Festival and is part of a tour of similar events at various locations around the UK. The live entertainment is pop & rock based, being performed by tribute bands. Additional information on the proposed line-up and type of music can be found on the Legends Festival website at www.legendfestival.co.uk/exeter.
- 1.4 It is proposed to hold a TWO day event, on Friday 10th June & Saturday 11th June. However, in order to safeguard a two day festival and in the event of severe weather or other factors the applicant has applied for a THREE day period, to allow for readjustment on the event dates if required.
- 1.5 The proposed timings and licensable activities applied for are as follows:

Regulated entertainment (films, live music, recorded music, dance):
12:00 – 23:00 daily

Sale of alcohol for consumption ON the premises only:
12:00 – 23:00 daily

Premises Opening hours:
11:00 - midnight

- 1.6 The application seeks to licence an outdoor area within the Westpoint site. The licensed area can be identified on the plan at **APPENDIX B**. The proposed licensed area is indicated by a continuous red line.
- 1.7 A location plan, showing the proposed licensed area within the wider surroundings is provided at **APPENDIX C**.
- 1.8 The applicant has provided an Event Management Plan (EMP) in support of the application, along with thirteen additional policy documents. These documents have been provided for the sub-committee, they are not included within this report.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police
No representation. The following has been submitted by the Police Licensing Officer 'I have assessed this application and the attachments and spoken briefly with the applicant, as the application will be run in accordance with the EMP (Event Management Plan) agreed prior to the event and subject to a SAG (Safety Advisory Group) I will not be offering a representation'.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received.
- 2.4 Devon Trading Standards
No representations have been received.
- 2.5 East Devon District Council, Environmental Health Service
Representation submitted – agreed position reached.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received.
- 2.7 Primary Care Trust
No representations have been received.
- 2.8 Home Office
No representations have been received.

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from the Environmental Health Officer along with two local residents. Details of their representations are attached at **APPENDIX D**.
- 3.2 The Environmental Health Officer has raised a representation in relation to the Prevention of Public Nuisance Licensing Objective. Environmental Heath have asked for two specific conditions to be attached to the licence, should it be granted. The applicant has agreed to accept these conditions, written confirmation has been received.
- 3.3 Two representations have been received from local residents (**APPENDIX D**), both of these relate to concerns that excessive noise from the event may lead to public nuisance.
- 3.4 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E**.

4 Proposed Operating Schedule and Mediation

- 4.1 The conditions offered by the applicant in the operating schedule are attached at **APPENDIX F**.
- 4.2 The operating schedule and the Environmental Health Officer's conditions have been sent to those local residents who have raised an objection in order that each may assess if these conditions mitigate their concerns. They have been offered the opportunity to withdraw their representations, if their concerns had been sufficiently address.
- 4.3 As a result of this one representation has now been withdrawn, one remains unresolved. The responses received from both objectors, having viewed the additional information provided, can be viewed at **APPENDIX E**.
- 4.4 Additional comment from the applicant in response to the Notice of Hearing are also included at **APPENDIX E**. The applicant is willing to provide a specific phone number for residents to contact the event control room should issues arise during the event.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 3.1.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.'
These are:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.2 Section 3.1.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate in achieving the licensing objectives.
- 5.3 Section 3.1.3 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

Conditions

- 5.4 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.5 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.

Licensing Hours

- 5.6 Section 10.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of

control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

- 5.7 Section 10.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Nuisance

- 5.8 Section 16.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

- 5.9 Section 17.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

- 5.10 The **Guidance** issued under Section 182 Licensing Act 2003 states:
The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of appropriate, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are appropriate and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties.

- 5.11 The Section 182 Guidance also states at 1.16 that licence conditions 'cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave'.

6. Observations

- 6.1 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the 'test' that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be 'appropriate' and no longer 'necessary'.
- 6.2 One objection remains outstanding, whilst the person making the objection is unable to attend the hearing this representation may still be considered by the sub-committee.
- 6.3 Emma Brayne is nominated as the Designated Premises Supervisor. Mrs Brayne holds a Personal Licence, issued by North Norfolk Council.
- 6.4 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representation to refuse the application or grant it in a different form.

Legal Advice

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the

policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 7(1) —
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Source: Section 19A Licensing Act 2003

(b) Section 20 - Mandatory condition relating to exhibition of films

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

(c) Section 21 - Door Supervision

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one’s possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.
- 6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to

the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates’ Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as designated premises supervisor. The magistrates’ court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates’ court may make any costs order it thinks fit.

8. Review Provisions

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable any person, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9. Police Closure

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

10. Surveillance Camera Code of Guidance-June 2013

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account

the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Legitimate aim and necessity are considered in relation to the four licensing objectives which are set out elsewhere within this report if the Committee is considering conditioning any premises licence with the installation of a CCTV surveillance system.

Financial implications:

The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications:

Legal implications are included within the report.



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

Applicant Details

* First name	<input type="text" value="Nicholas"/>	
* Family name	<input type="text" value="Brayne"/>	
* E-mail	<input type="text" value="[REDACTED]"/>	
Main telephone number	<input type="text" value="[REDACTED]"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		
Are you:		
<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader		A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
<input type="radio"/> Applying as an individual		

Applicant Business

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="1589310"/>	
Business name	<input type="text" value="Starlight Concerts Live (Entertainment) Ltd"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="314590219"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name	Starlight Concerts Live (Entertainment) Ltd
Street	[REDACTED]
District	[REDACTED]
City or town	[REDACTED]
County or administrative area	
Postcode	[REDACTED]
Country	United Kingdom

Contact Details

E-mail	[REDACTED]
Telephone number	[REDACTED]
Other telephone number	
* Date of birth	[REDACTED] / [REDACTED] / [REDACTED] dd mm yyyy
* Nationality	British

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?	[10] / [06] / [2022] dd mm yyyy
---	------------------------------------

If you wish the licence to be valid only for a limited period, when do you want it to end	[12] / [06] / [2022] dd mm yyyy
---	------------------------------------

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

This application is for a two day festival, with amplified music, at the Westpoint Showground. We are applying for a consecutive Friday 10th, Saturday 11th and Sunday 12th of June, 2022. The intention is Fri/Sat, with Sunday as a 'back up' for adverse weather. We have evidence, in support of our application, demonstrating the site is safe and sufficient for up to 4,999 persons to be in attendance. We seek a license to allow food concessions and a licensed bar to serve beverages to the

Continued from previous page...

public, to be present on site throughout the event. Amplified music on site will cease no later than 23:00. Concession service will end 23:00 and the site will be closed by midnight (0:00).

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

To relay live images from the stage to the audience. We may use VT images and graphics, including safety messages.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The artistes may run short sound checks at a reduced volume. All sound is professionally monitored with levels recorded.

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The artistes may run short sound checks at a reduced volume. All sound is professionally monitored with levels recorded.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On stage dancers may be present during soundchecks.

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="North Norfolk District Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

page 29

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) page 30

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Starlight Concerts Live (Entertainment) Ltd will provide a draft ESMP [Event Safety Management Plan] to the licensing authority (LA) prior to proposed event dates. The LA shall cascade to responsible authorities and SAG partners to provide adequate time to convene a SAG meeting to discuss and provide feedback to initial event proposals.

The final ESMP shall include; a drugs policy (zero tolerance of illegal and psychoactive substances), alcohol management policy, noise management policy, stewarding, security resourcing provisions, traffic management plan, crowd management, ejection policy, waste management, medical and first aid plans, major incident and emergency plan, fire and all risk assessments, emergency evacuation procedures, and missing person procedure.

The Final ESMP will be provided to the responsible authorities at least 28 days in advance of the event. It is acknowledged this would remain a live document. Each year's ESMP will form part of the premises licence and conditions for the event which will be run in accordance with the ESMP. A copy of the final ESMP will be kept at the event control point and made immediately available to officers of any responsible authority or members of the SAG upon request.

At least one representation of Starlight Event management will attend SAG meetings and work with SAG partners to enhance and improve plans, consult on emergency arrangements and ensure that information about the event is shared with everybody concerned.

The site will be open throughout the event by the Police and local authority inspection and enforcement officers. Ticket only admission with capacity controls in place to monitor and maintain attendee numbers.

Security and marshalling staff shall be easily identifiable by wearing distinguishable uniform/tabards.

Any reasonable requirements of the SAG will be complied with in order to ensure that the event site is suitable for its intended use. Starlight Concerts Live (Entertainment) Ltd will facilitate a site inspection(s,) upon request, co-ordinated with the SAG Chair before the licensed activity takes place.

We will not permit patrons to bring alcohol onto the site. SIA Security Guards will be employed to undertake bag checks on the gate. The DPS shall provide suitable training to all staff engaged in the sale of alcohol in relation to the prevention of sales to persons under the age of 18 or persons who are drunk. The licence holder shall ensure all members of staff are informed of the Licensing Act 2003 (the Act) objectives and the statutory requirements in order to ensure compliance with provisions under the Act. Training records shall be signed by the trainee and training provider to demonstrate staff understanding of the training content. Training and incident records shall be kept and made available on request to officers from responsible authorities.

b) The prevention of crime and disorder

SIA Licensed Staff and Event Marshals shall control and monitor all areas of the site. This includes providing security, monitoring access and exits points, removing individuals who pose a risk to the public and any reasonable matters to promote the licensing objectives.

Event staff shall remain on site overnight to maintain site security and safety.

SIA security staff shall operate bag search procedures adopted to identify and confiscate drugs, weapons and any prohibited items. There shall be a zero tolerance policy in relation to drugs at the site. Drugs seized shall be stored securely and handed to the Police.

Behaviour on site shall be monitored. Any person behaving inappropriately shall be spoken to and warned about their behaviour. If attendees persistently behave inappropriately, they shall be ejected from the site. A list of evicted people shall be maintained and provided on request to the Police.

There will be no use of glass drinking vessels at the event with alcoholic drinks served in non-glass/safety/polycarbonate vessels. Glass containers shall not be permitted to be brought onto site by event attendees. Drug amnesty bins shall be

Continued from previous page...

provided at the entrance points with any deposited substances securely kept and provided as soon as practicable to the Police.

Staff to be trained to report any suspicious or criminal activities to security team who shall, where justified, report matters to the Police. Any person deemed unfit due to drink or drugs at the event shall be asked to leave the event after organisers have considered it safe for them to leave the site.

No dogs on site except for guide, assistance dogs and passive search dog teams.

DPS to remain on site throughout operation of event.

c) Public safety

Secure fencing shall be erected around the site perimeter to restrict access and create a safe event area.

Internal and external lighting shall illuminate the concert field during fading and dark light times. All powered or electrical apparatus, sanitary units and other installations shall be regularly inspected to ensure it is maintained in good order at all times.

Sufficient number of onsite toilets and facilities shall be provided to accommodate attendee numbers.

A clear method of communication between all key personnel shall be operated on site in the event of minor and major incidents.

A free provision of drinking water will be available from the bar, provided on request, in disposable small cups.

Numbers of SIA staff at entry and exit points shall be based on risk assessment.

- We have developed a full site evacuation procedure.
- Well trained and expert staff to adhere to environmental health requirements
- Training and implementation of underage ID checks.
- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made of all areas of the operation including backstage.
- The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- All powered or electrical apparatus, sanitary units and other installations, will be maintained in good order at all times and regularly inspected.
- The provision of a sufficient number of onsite toilets and facilities to accommodate the number of attendees.
- The Licence Holder will ensure that there is a detailed, fit for purpose written Contingency Plan in place for each event that has been agreed by the Emergency Services and the safety Advisory Group
- A list of restricted items is emailed to customers prior to the event.

d) The prevention of public nuisance

There shall be a named person appointed to monitor and co-ordinate noise issues to the approval of the Environmental Protection Service. The noise co-ordinator shall liaise with the EHO and relevant event staff regarding sound systems relating to noise control prior to and during the event.

The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music most likely to be produced during the event.

The noise co-ordinator shall ensure that prior to the event during any testing of equipment, minimum noise levels are emitted from the sound equipment, to reduce to its lowest level any noise nuisance to local residents. The licensee shall ensure that sound testing is only carried out between the hours of 10:00 and 19:00 and is of the shortest duration practicable.

Facilities shall be provided on the mixing desk(s), or other appropriate position(s), for an EHO to monitor and where

Continued from previous page...

necessary secure a reduction in noise level to a reasonable level.

Monitoring of sound levels will be undertaken at regular intervals both on site and at agreed locations within the community. Records of noise recordings shall be maintained and provided on request to officers from the responsible authorities. Any excessive noise levels identified shall be reported to control and reduced accordingly.

A contact number will be provided to responsible authorities/communities to provide accessible number in the event of needing to be contacted during event. The Premises Licence Holder will comply with any reasonable request made by a nominated officer of the Environmental Health Team (Noise Officer) to reduce the sound emanating from the amplification system if it is deemed a noise nuisance.

To ensure that the speakers face away from the major nearby settlements (where possible). To adopt a full waste management plan to limit any litter waste around the site. The Premises Licence Holder shall ensure that adequate waste receptacles are in place for use by customers at the exit(s) to the site.

The Premises Licence Holder shall ensure that there is no live or recorded music audible at the pre-agreed noise monitoring locations after 23.00 on any day.

e) The protection of children from harm

A Challenge 25 age verification policy shall be in place to prevent sale of alcohol to underage people. This shall detail age verification conditions, ID requirements, staff training and signage conditions wording.

Nobody under the age of 12 shall be permitted on site unless accompanied by an adult. This will be clearly set out within event marketing material.

Security staff with responsibility for the welfare of children shall be satisfactorily DBS checked and carefully selected for the role they will be carrying out.

No under 18s shall work at the licensed site unless a suitable and sufficient risk assessment has been carried out and all control measures effectively implemented.

Any persons believed to be drinking under-age shall be intercepted by security personnel and alcohol disposed of.

Any person under the age of 18 attempting to purchase alcohol, or any adult attempting to purchase alcohol for any person under 18 shall be asked to leave the event after event organisers have considered that it is safe for them to leave site. The Premises Licence Holder will deliver training and implement underage ID checks.

The security & medical teams will be trained and at the events to deal with vulnerable children.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Non domestic Rateable Value Band A No rateable value to £4,300 - Fee £100 B £4,301 to £33,000 - Fee £190 C £33,001 to £87,000 - Fee £315 D £87,001 to £125,000 - Fee £450 E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol - Band D - £ 900 Band E - £1905 Events of 5,000 or more people incur additional fees. Please see our website for details.

* Fee amount (£)

DECLARATION

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)



Exeter Showground

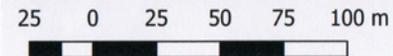
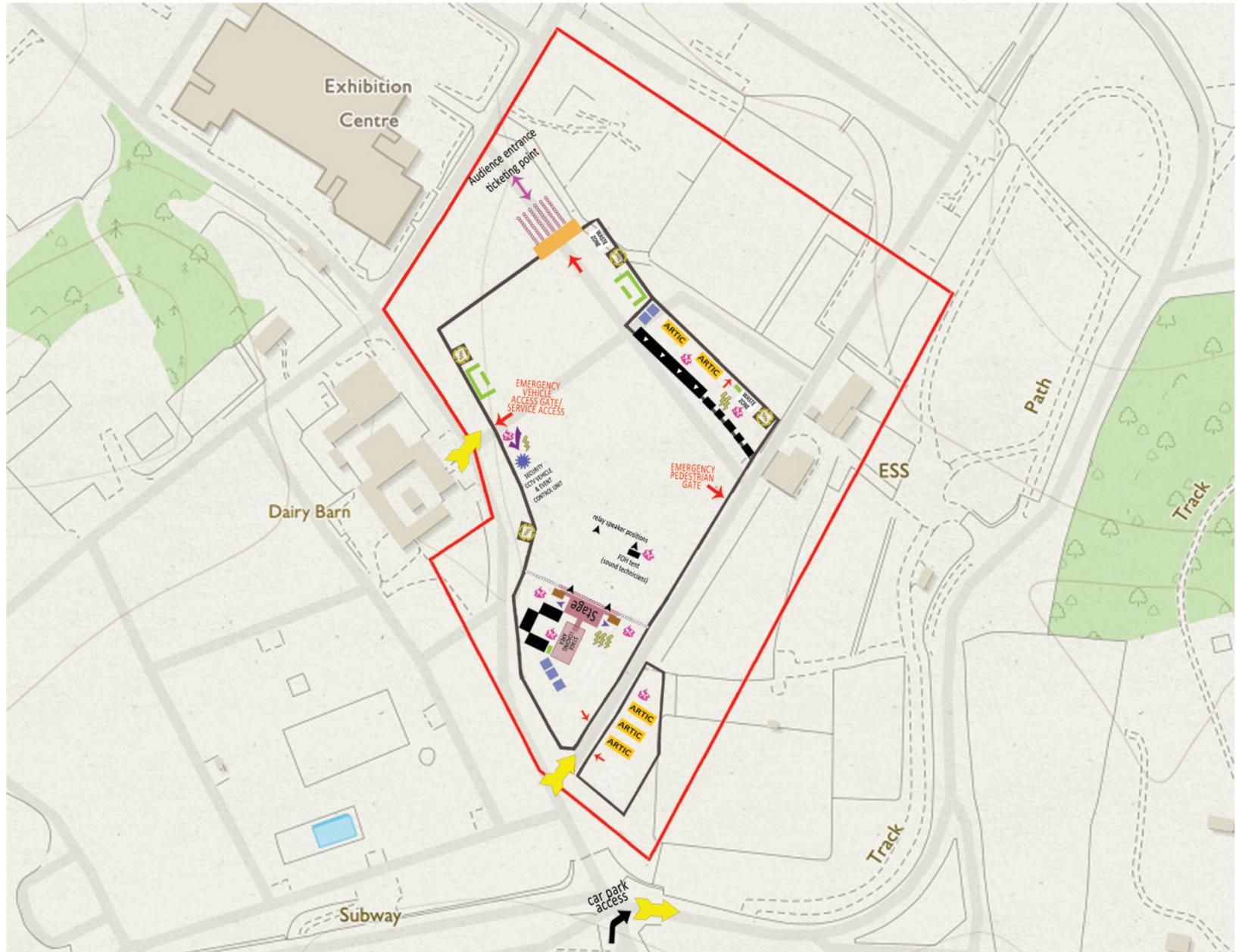
STARLIGHT CONCERTS

Site layout plan
2022 SEASON
DRAWN NOV 2020

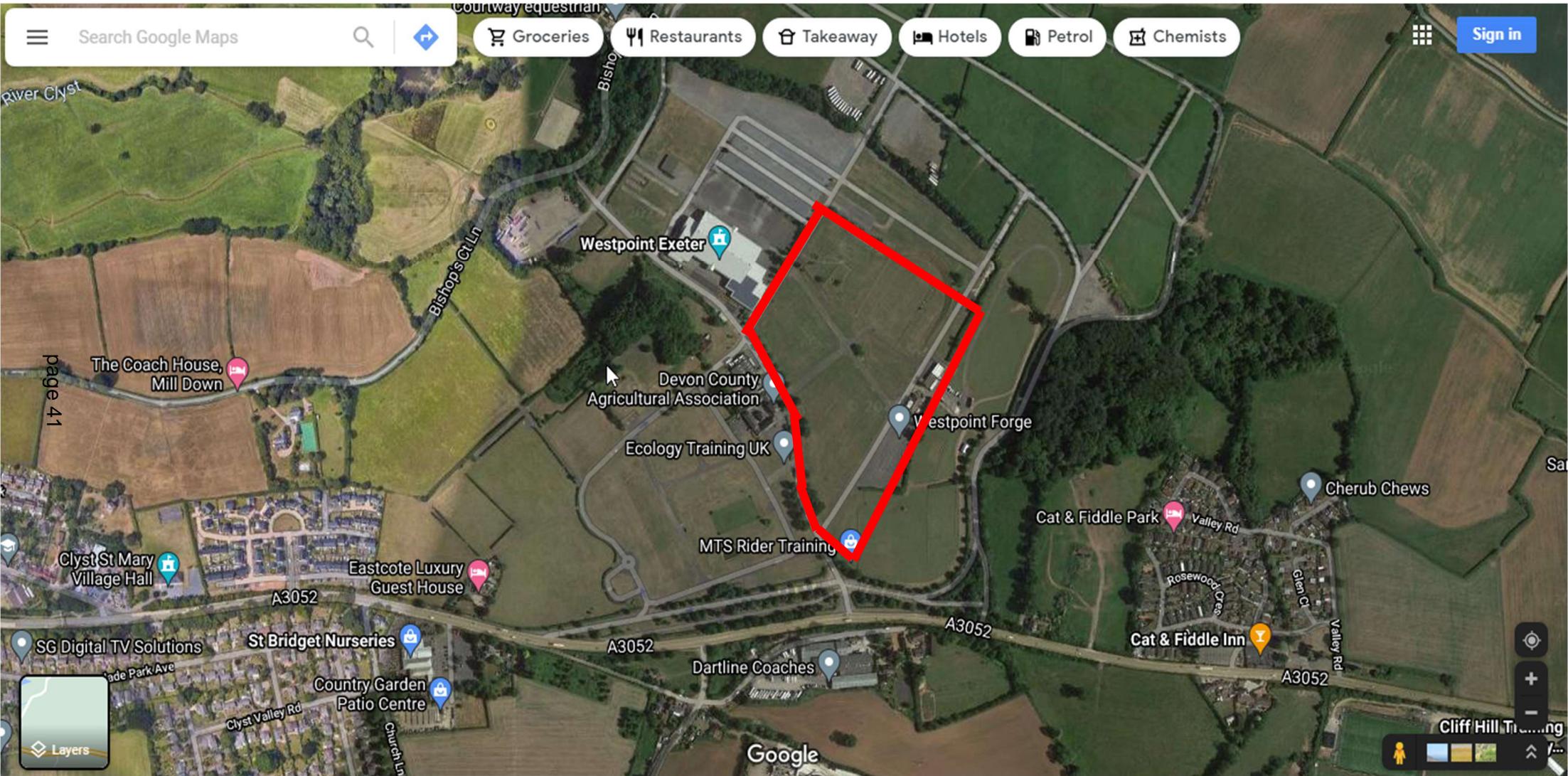
KEY

- 360 degree tower lights (with generator)
- diesel generator
- staff production vehicles/ units
- marquee/cabin (backstage & catering village)
- catering village with cooking facilities within
- bar (within the catering village)
- Identified water point/tap on site (position unknown)
- banks of WC/ urinal trailers
- ticketing point marquee/structure
- main access to concert arena
- emergency exit and evacuation routes
- first aid provision/ marquee point
- Emergency services access
- Lost child / Meeting point
- Fire fighting equipment
- Red outline - licence boundary
- stage - performance level at 1.5m ffl
- steps & ramp access to stage for staff
- stage & relay speakers (positioned forward)
- perimeter fencing approx 2m tall (heras or solid hoarding)
- stage side fencing approx 2m tall (mix of heras & solid hoarding)
- 1m tall pedestrian barriers (in part mojo barrier)
- LED screen

APPENDIX B



APPENDIX C



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Sign in

Search Google Maps

Groceries

Restaurants

Takeaway

Hotels

Petrol

Chemists

Westpoint Exeter

Devon County
Agricultural Association

Ecology Training UK

Westpoint Forge

MTS Rider Training

The Coach House,
Mill Down

Clyst St Mary
Village Hall

Eastcote Luxury
Guest House

St Bridget Nurseries

Country Garden
Patio Centre

Dartline Coaches

Cat & Fiddle Park

Cherub Chews

Cat & Fiddle Inn

Cliff Hill, Tr...

Google

Layers

REPRESENTATIONS LIST

APPENDIX D

Application No: 053075

Application Date: 15 December 2021

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Westpoint (Exhibition Centre)

Westpoint Exhibition Centre, Clyst St Mary, EXETER, Devon, EX5 1DJ.

Applicant: Starlight Concerts Live (Entertainment) Ltd

Person making Representation: Environmental Health Officer

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

Premises: Exeter Westpoint, Clyst St Mary, Exmouth

10 June, 11 June, 12 June 2022

Subject: Time Limited Premises licence application

I have considered the proposal and the associated plans. At present I do not feel that there are adequate safeguards in place to prevent public nuisance. Therefore I would like to make a REPRESENTATION.

I am therefore proposing that additional measures are put in place to promote the prevention of public nuisance from this premises. The necessity of these measures are required due to the premises being located within an area close to residential dwellings.

Our aim is to ensure that the music noise levels from the event should not be deemed to be excessive to local residents whilst still giving event organisers opportunity to run successful well attended events. In addition to the control measures already stated within the application for preventing public nuisance, we would also recommend the following conditions for managing noise levels are attached to the licence:

1. Between 11.00hrs - 23.00hrs, the control limits set at the mixer position shall be adequate to ensure that Music Noise Levels from the event will be managed so that they do not exceed the background noise level by more than 15 dB(A) over any 15 minute period at the boundary of the nearest noise sensitive properties.

2. At a minimum of at least two months prior to the event, a noise assessment will need to be carried out in order to obtain the typical daytime background noise levels for the event location. Once submitted and agreed by Environmental Health, this background level expressed as LA9015min will be used as the general background noise level throughout the duration of the event.

Mrs Alice Gill MSc, MCIEH
Environmental Health Officer (Environmental Protection)
East Devon District Council

Evidence:

Suggestion:

Application No: 053075

Premises: Westpoint (Exhibition Centre)
Westpoint Exhibition Centre, Clyst St Mary, EXETER, Devon, EX5 1DJ.

Person making Representation: Susan Scott

Representation Accepted: Representation has been accepted

Reason:

Details:

Representation - objection

I wish to object due to noise, finish time of the event, number of attendees and traffic.

I understood that when planning permission was granted for Westpoint outdoor concerts were specifically excluded. The noise from such an event will have a detrimental effect on people who live in the vicinity.

If music is played until 23:00 the noise and disruption will continue long past this time. How are the applicants going to ensure that people leave the site quickly and quietly and do not cause to distress to the neighbours? For example, previous events have had people urinating in local gardens.

I note that there is to be a traffic management plan in place, however, given the number of attendees, this needs to involve staffed traffic control at many points to avoid gridlock as happened on the evening of 5th November 2021 when a firework event was permitted in the same place.

Mrs Susan Scott
Address details removed

Evidence:

Suggestion:

Person making Representation: Colette Mary McGarry

Representation Accepted: Representation has been accepted

Reason:

Details:

I wish to make a representation objecting to the following premises application:
Ref No. 053075
Premises: Westpoint Exhibition Centre, Clyst St Mary, Exeter, EX5 1DJ
Ward: Clyst Valley
Name of Applicant: Starlight Concerts Live (Entertainment) Ltd

I am a local resident whose property is one of several that is in a rural location adjacent to the western boundary of the Westpoint site. I object to the above application on the following grounds:

1. Noise nuisance. Westpoint is adjacent to both residential and rural areas - a series of outdoor evening events over a June weekend would be inappropriate and very intrusive to local residents, livestock and wildlife.
2. Traffic disruption and late night vehicle noise.
3. Existing planning conditions / the establishment of an undesirable precedent. Activities that are permitted on the Westpoint site are restricted by existing planning conditions that may be contravened by the proposed event.
4. Insufficient information in the application, particularly regarding the scale & management of the proposed event.

Colette McGarry
Address details removed

Evidence:

Suggestion:

APPENDIX E

Westpoint Exhibition Centre, Clyst St Mary, EX5 1DJ Responses to Notice of Hearing

Applicant

Starlight Concerts Live (Entertainment) Ltd	
Hearing Unnecessary	No
Attending	Yes – Nick Conrad, Managing Director
Supporting documents	None
Additional Information provided	At all our events we operate a resident telephone number, distributed to local residents. This number is a direct line to the event control unit. We can then address concerns and take mitigating actions. The current number is 0333 577 5414 however there is an unlikely chance this might change before summer. We have already distributed leaflets in the area giving notice of the event, and we will follow it up with another number including the confirmed local residents line. Please feel free to give this number to the complainant and my mobile number.

Responsible Authority

1.	Alice Gill – Environmental Health Officer – East Devon District Council Agreed position
Hearing Unnecessary	No
Attending	No – Agreed position reached with applicant.
Additional information provided	We have already submitted a representation with recommended conditions for noise levels which are in compliance with widely accepted criteria stated within the Code of Practice on Environmental Noise Control at Concerts. The applicant has agreed to comply with the conditions for the noise levels and I understand that these conditions have been added to the licence. Based on this, and the other measures to be put in place by the applicant, we are satisfied with the control measures in place to prevent public nuisance. We will therefore not be attending the Hearing on 09 February. However, if the Hearing is to go ahead, Ian Winter will be available in the morning to answer any specific questions that the Licensing Sub-Committee may have.

Interested Parties

1.	Mrs Susan Scott
Hearing Unnecessary	No
Attending	Unable to attend
Additional information provided	As discussed, the involvement of Environmental Health and the additional measures proposed gives me more reassurance on noise.

	<p>The Operating Schedule gives some reassurance but I would ask that</p> <ol style="list-style-type: none"> 1. the proposed traffic management plan ensures that attendees can leave quickly and quietly at 23:00 and not cause a disturbance 2. some provision is made for transport away from the venue for persons ejected from the site for inappropriate behaviour or under the influence of alcohol or drugs 3. the accessible number to provide contact during the event be provided to local residents. <p>I would be grateful if you could discuss the above with the applicant as regrettably, [REDACTED] [REDACTED] I will not be able to attend the hearing myself.</p> <p>If this means I have to withdraw the objection I understand.</p>
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2.	Mrs Colette McGarry	
Hearing Unnecessary		Yes – representation WITHDRAWN
Attending		No
Additional information provided	<p>Subject to the comments below regarding the environmental health officers proposed additional measures, I am prepared to withdraw my representation - I have attached as requested the relevant letter confirming this.</p> <p>The proposed event appears to be in compliance with a planning consent 12/0698/FUL permitting three outdoor music events per calendar year at Westpoint, subject to conditions regarding noise levels, siting and timing.</p> <p>The conditions of the planning consent appear to vary slightly from the measures proposed by the environmental health officer regarding timings and permitted sound levels. Clearly as a local resident, it would be preferable that whichever options result in the least amount of noise nuisance over the shortest timespan are applied to the event.</p> <p>Finally we would ask that this event is monitored by EDDC - and ideally police - while in progress. Clearly agreed measures to control noise & other nuisance are worthless if not complied with / enforced, and the proposed event (“... 11 of the world’s biggest arena tribute acts on a massive outdoor stage over two days...”) certainly sounds like it has the potential to be quite lively!</p>	

OPERATING SCHEDULE – STEPS THE APPLICANT WILL TAKE TO MEET THE LICENSING OBJECTIVES

Starlight Concerts Live (Entertainment) Ltd will provide a draft ESMP [Event Safety Management Plan] to the licensing authority (LA) prior to proposed event dates. The LA shall cascade to responsible authorities and SAG partners to provide adequate time to convene a SAG meeting to discuss and provide feedback to initial event proposals.

The final ESMP shall include; a drugs policy (zero tolerance of illegal and psychoactive substances), alcohol management policy, noise management policy, stewarding, security resourcing provisions, traffic management plan, crowd management, ejection policy, waste management, medical and first aid plans, major incident and emergency plan, fire and all risk assessments, emergency evacuation procedures, and missing person procedure.

The Final ESMP will be provided to the responsible authorities at least 28 days in advance of the event. It is acknowledged this would remain a live document. Each year's ESMP will form part of the premises licence and conditions for the event which will be run in accordance with the ESMP. A copy of the final ESMP will be kept at the event control point and made immediately available to officers of any responsible authority or members of the SAG upon request.

At least one representation of Starlight Event management will attend SAG meetings and work with SAG partners to enhance and improve plans, consult on emergency arrangements and ensure that information about the event is shared with everybody concerned.

The site will be open throughout the event by the Police and local authority inspection and enforcement officers. Ticket only admission with capacity controls in place to monitor and maintain attendee numbers.

Security and marshalling staff shall be easily identifiable by wearing distinguishable uniform/tabards.

Any reasonable requirements of the SAG will be complied with in order to ensure that the event site is suitable for its intended use. Starlight Concerts Live (Entertainment) Ltd will facilitate a site inspection(s,) upon request, co-ordinated with the SAG Chair before the licensed activity takes place.

We will not permit patrons to bring alcohol onto the site. SIA Security Guards will be employed to undertake bag checks on the gate.

The DPS shall provide suitable training to all staff engaged in the sale of alcohol in relation to the prevention of sales to persons under the age of 18 or persons who are drunk. The licence holder shall ensure all members of staff are informed of the Licensing Act 2003 (the Act) objectives and the statutory requirements in order to ensure compliance with provisions under the Act. Training records shall be signed by the trainee and training provider to demonstrate staff understanding of the training content. Training and incident records shall be kept and made available on request to officers from responsible authorities.

SIA Licensed Staff and Event Marshals shall control and monitor all areas of the site. This includes providing security, monitoring access and exits points, removing individuals who pose a risk to the public and any reasonable matters to promote the licensing objectives.

Event staff shall remain on site overnight to maintain site security and safety.

SIA security staff shall operate bag search procedures adopted to identify and confiscate drugs, weapons and any prohibited items. There shall be a zero tolerance policy in relation to drugs at the site. Drugs seized shall be stored securely and handed to the Police.

Behaviour on site shall be monitored. Any person behaving inappropriately shall be spoken to and warned about their behaviour. If attendees persistently behave inappropriately, they shall be ejected from the site. A list of evicted people shall be maintained and provided on request to the Police.

There will be no use of glass drinking vessels at the event with alcoholic drinks served in non-glass/safety/polycarbonate vessels. Glass containers shall not be permitted to be brought onto site by event attendees. Drug amnesty bins shall be provided at the entrance points with any deposited substances securely kept and provided as soon as practicable to the Police.

Staff to be trained to report any suspicious or criminal activities to security team who shall, where justified, report matters to the Police. Any person deemed unfit due to drink or drugs at the event shall be asked to leave the event after organisers have considered it safe for them to leave the site.

No dogs on site except for guide, assistance dogs and passive search dog teams.

DPS to remain on site throughout operation of event.

Secure fencing shall be erected around the site perimeter to restrict access and create a safe event area.

Internal and external lighting shall illuminate the concert field during fading and dark light times. All powered or electrical apparatus, sanitary units and other installations shall be regularly inspected to ensure it is maintained in good order at all times.

Sufficient number of onsite toilets and facilities shall be provided to accommodate attendee numbers.

A clear method of communication between all key personnel shall be operated on site in the event of minor and major incidents.

A free provision of drinking water will be available from the bar, provided on request, in disposable small cups.

Numbers of SIA staff at entry and exit points shall be based on risk assessment.

- We have developed a full site evacuation procedure.
- Well trained and expert staff to adhere to environmental health requirements
- Training and implementation of underage ID checks.
- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made of all areas of the operation including backstage.
- The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- All powered or electrical apparatus, sanitary units and other installations, will be maintained in good order at all times and regularly inspected.
- The provision of a sufficient number of onsite toilets and facilities to accommodate the number of attendees.

- The Licence Holder will ensure that there is a detailed, fit for purpose written Contingency Plan in place for each event that has been agreed by the Emergency Services and the safety Advisory Group

- A list of restricted items is emailed to customers prior to the event.

There shall be a named person appointed to monitor and co-ordinate noise issues to the approval of the Environmental Protection Service. The noise co-ordinator shall liaise with the EHO and relevant event staff regarding sound systems relating to noise control prior to and during the event.

The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music most likely to be produced during the event.

The noise co-ordinator shall ensure that prior to the event during any testing of equipment, minimum noise levels are emitted from the sound equipment, to reduce to its lowest level any noise nuisance to local residents. The licensee shall ensure that sound testing is only carried out between the hours of 10:00 and 19:00 and is of the shortest duration practicable.

Facilities shall be provided on the mixing desk(s), or other appropriate position(s), for an EHO to monitor and where necessary secure a reduction in noise level to a reasonable level.

Monitoring of sound levels will be undertaken at regular intervals both on site and at agreed locations within the community. Records of noise recordings shall be maintained and provided on request to officers from the responsible authorities. Any excessive noise levels identified shall be reported to control and reduced accordingly.

A contact number will be provided to responsible authorities/communities to provide accessible number in the event of needing to be contacted during event. The Premises Licence Holder will comply with any reasonable request made by a nominated officer of the Environmental Health Team (Noise Officer) to reduce the sound emanating from the amplification system if it is deemed a noise nuisance.

To ensure that the speakers face away from the major nearby settlements (where possible). To adopt a full waste management plan to limit any litter waste around the site. The Premises Licence Holder shall ensure that adequate waste receptacles are in place for use by customers at the exit(s) to the site.

The Premises Licence Holder shall ensure that there is no live or recorded music audible at the pre-agreed noise monitoring locations after 23.00 on any day.

A Challenge 25 age verification policy shall be in place to prevent sale of alcohol to underage people. This shall detail age verification conditions, ID requirements, staff training and signage conditions wording.

Nobody under the age of 12 shall be permitted on site unless accompanied by an adult. This will be clearly set out within event marketing material.

Security staff with responsibility for the welfare of children shall be satisfactorily DBS checked and carefully selected for the role they will be carrying out.

No under 18s shall work at the licensed site unless a suitable and sufficient risk assessment has been carried out and all control measures effectively implemented.

Any persons believed to be drinking under-age shall be intercepted by security personnel and alcohol disposed of.

Any person under the age of 18 attempting to purchase alcohol, or any adult attempting to purchase alcohol for any person under 18 shall be asked to leave the event after event organisers have considered that it is safe for them to leave site. The Premises Licence Holder will deliver training and implement underage ID checks.

The security & medical teams will be trained and at the events to deal with vulnerable children.